



EUROPEAN STUDIES IN SOCIAL THEORY

AXEL HÄGERSTRÖM AND MODERN SOCIAL THOUGHT



Axel Hägerström

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Introduction

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Axel Anders Theodor Hägerström (1868–1939) is one of the fairly few, if not the only, Swedish philosophers of international significance—yet, he remains in many ways unknown. A major contribution is his theory on the nature of norms and values, which came to be known as *value-nililism*, celebrated by some and vehemently rejected by others: Hägerström was the first who formulated a noncognitivist moral theory and debate still continues about the exact significance, scope and implications of this theory. Together with Adolf Phalén, he was one of the two founders of the so-called Uppsala School. He was also the inspirational source of Scandinavian legal realism.

Hägerström can be said to be a significant thinker for three reasons: An extraordinary interpreter of his own time, he left his mark on his contemporaries; his thought continues to suggest interesting and contrasting readings, which is indicated by the fact that he is repeatedly re-read by new generations of scholars; finally, he developed general categories that we still use today to understand the world we now live in.

Originally educated in nineteenth-century idealism, and later converting to early twentieth-century neo-Kantianism, Hägerström developed theories in parallel with—yet independently from—some of the

major philosophical currents in Europe. In his work, he was concerned with both practical and theoretical issues. Today, the most important part of his scholarship is considered to be his teachings in the social, moral and legal aspects of philosophy, and his quite controversial studies on the history of legal thought. His scholarship focuses on the nature of norms and value-judgements that are, in his words, "neither true, nor false". It is this approach that came to be labelled *axiological nihilism* or *value-nihilism* (*värdenihilism*)—a nutshell variant of which can be found in the closing sentence of his inaugural lecture, *On the Truth of Moral Ideas* from 1911, of which a new translation by Thomas Mautner can be found in this volume: "there can never be a scientific morals, but only a science of morals".

More generally, it is possible to claim that he developed a comprehensive philosophy, in the sense that he was involved with most fields in philosophy, with the exception perhaps of aesthetics and formal logic. He first directed his attention to theoretical philosophy, more specifically to the neo-Kantian movement quite popular at that time. Holding the chair of practical philosophy in Uppsala from 1911 until 1933, he focused more on moral, political, and legal philosophy, thus the greater part of his later writings leaves in the background the theoretical problems he dealt with in the earlier stages of his scholarship. The thread of Ariadne in his philosophy is his criticism of what he calls metaphysics and its impact of the theory of norms. In his account of his own philosophy in *Die Philosophie der Gegenwart in Selbstdarstellungen* from 1929, he adopted as his motto a modified version of Cato's aphorism, *praeterea censeo metaphysicam esse delendam*. To him, metaphysics is nothing but a compilation of words which happen to be connected with emotions. What distinguishes this assumption from other anti-metaphysical positions—quite recurrent in the history of ideas—is that the "superstitious" web of metaphysical beliefs spreads its mantle not only over the humanities, but over natural science as well; this is a position that has been gaining ground in contemporary debates, namely in those concerned with conditions enabling the production of science and knowledge management more generally.

Whereas some of his early theoretical writings received attention only in academic circles and for a limited time, his practical philosophy, especially his axiological nihilism became a matter of public debate

and has been widely discussed and often harshly criticised. This is the specific point that many later jurists found attractive and which makes him the "father" of Scandinavian legal realism. However, he remains unknown, in two different, yet connected ways.

On the one hand, there is a problem concerning the sources and, on the other hand, there are issues concerning the interpretation of his philosophy. As far as his philosophical theories are concerned, many aspects remain open to debate: If norms are neither true nor false, how can they be adequately understood on the basis of Hägerström's theory of knowledge? How can we understand the nature of judgement and propositional truth? Did the founder of the Uppsala school uphold emotivism in moral philosophy? What consequences does such a standpoint entail in practical philosophy? Is he really the inspiration behind a specifically Scandinavian way of approaching the problem of principled decision-making? Clearly, Hägerström is by no means the object of any simple interpretation. But, then again, which classic author is?

Concerning the sources, there are issues concerning the primary literature, the correspondence, the biographical data, and the secondary literature. Therefore, there is also an overall problem with demonstrating systematically many aspects of his thought and investigating properly the impact of his theories, which calls for greater scholarly attention.

Axel Hägerström was a prolific writer and lecturer. He left a significant amount of manuscript material at his death. Yet the primary published material has not received the attention it deserves. In 1946 *Rector Magnificus* Nils von Hofsten and Gunnar Myrdal gathered to form a committee for the publication of the complete works, but the project was never implemented. Today some of his published writings are quite hard to come across. A catalogue of Hägerström's manuscripts, which are kept in the *Carolina Rediviva* at the Uppsala University Library, was first made by Martin Fries, and later revised and improved by Thomas Mautner. The complete bibliography of Hägerström's writings can be found in Mautner's *Vägledning till Hägerströmstudiet* (Guide to the study of Hägerström, 1994) which also includes listings of lectures, seminars, papers and correspondence; a systematic overview of Hägerström's published work, based on a classification into genres of scientific writings, can be found in the Appendix in Patricia Mindus, *A Real Mind* (2009). Yet, no critical and complete edition of Hägerström's

published and unpublished works has so far been produced. Nor has much been done in order to provide a complete overview of his correspondence. There is a useful listing of letters in Mautner's *Vägleddning till Hågerströmsstudiet* but, since its publication in 1994, more letters have come to light and have been included in the Uppsala University Library archive.

As far as biographical data is concerned, no critical biography has been published. His own autobiographical statement, his *Selbstdarstellung* (1929), details his intellectual development, especially his rejection of neo-Kantianism. The most detailed biographical description can be found in the biography written by his daughter Margit Waller, *Människan som få kände* (The man few knew, 1961), which also includes family portraits and pictures. An account based on this book in English can be found in Jes Bjarup's PhD thesis *Reason, Emotion and the Law* from 1982. Another source in English is C.D. Broad's "Memoir of Axel Hågerström" in *Philosophy and Religion* (Sandin, ed. 1964). A chronology offering a brief synopsis of the major events in his life, both private and intellectual, is included in the Appendix in *Mindus* (Mindus; *op. cit.*). Most other sources in the secondary literature repeat information found in the aforementioned titles. There is thus a need to check biographical data against a broader set of historical sources so as to enable critical assessment before Hågerström's life evaporates into the realm of myth.

In addition to this, the secondary literature on Hågerström is of extremely variable quality: It stretches from old-school literary analysis to short papers that require a wide range of technical skills; it includes voluminous and broadly circulating academic material of the regular kind and narrow biographical sketches, not to mention that the inexperienced reader is unlikely to stumble upon the best studies. Moreover, the secondary sources are written in a variety of languages, including Swedish, English, German, French, Italian, and Spanish, and cover many fields of inquiry from legal science to the history of physics.

In the same way we lack a critical edition of Hågerström's work; the secondary literature offers no general outline or critical review of the studies made. In very general terms, as far as the *status quaestionis* concerned, the different readings can be ordered into two major currents. On one hand, there are those who developed an interest in Hågerström

primarily as the founder of the Uppsala school, and specifically as the founder of modern noncognitivism in ethics; therefore these scholars directed their attention to his role in the history of twentieth-century philosophy, concerning foremost practical but also theoretical philosophy. In this group, names such as Alfred Ayer, Charles L. Stevenson, R.M. Hare, Steven Satris should be listed, along with the translators and editors Robert Sandin, Martin Fries, C.D. Broad, and Thomas Mautner; and more broadly the Swedish intellectuals Ingmar Hedenius, Konrad Marc-Wogau, Anders Wedberg, Herbert Tingsten, Gunnar Myrdal, Manfred Moritz, Svante Nordin, Sven Danielsson, Bo Petersson, and Hans W. Ruin. Many of these authors were themselves philosophers and focused on Hågerström because he was held to be the first thinker to have developed an elaborate version of what was to become one of the most important—and criticized—currents in contemporary meta-ethical theory.

On the other hand, there are those interpreters who discovered a "third way" in Hågerström; a position different from both natural law theories and legal positivism. This position of Hågerström naturally led to criticisms as well as to further the interest for his controversial insertion into the dichotomy of the two traditional schools of thought in jurisprudence and philosophy of law. The alternative that he came to represent as the spiritual father of Scandinavian legal realism, in legal and political theory, may be mentioned as motivation behind the interest of scholars such as Vilhelm Lundstedt, Karl Olivecrona, Alf Ross, H.L.A. Hart, Silvana Castiglione, Enrico Pattaro, Liborio Hierro, Carla Faralli, Jes Bjarup, John Rawls, N.E. Simmonds, Åke Frändberg, Dennis Lloyd, Jacob Sundberg, Stig Strömholm, and many more. This reading has been particularly important outside Scandinavia and most especially in the Romance language-speaking world. The idea was that if Scandinavian realism represented a live option and was often called on to offer new perspectives on some fundamental issues in philosophy of law, Hågerström was seen as the key unlocking the door to an innovative jurisprudential debate. Perhaps, another course to the mainstream readings could be added: Special mention should be made of Ernst Cassirer whose analysis differs from the abovementioned outlooks since his interpretation is both a methodological criticism and a philosophical dialogue against the background of his own thought.

Thus, as far as the secondary literature is concerned, we still lack a general and critical outline of the studies previously conducted. Such a report would therefore constitute another key undertaking. Svante Nordin, an expert on the history of Scandinavian philosophy, once claimed that the scholar who wants to write on Hågerström has to struggle with a quite vast secondary literature; and that it varies in quality and leaves, notwithstanding its width, many problems unsolved. This remains true.

Besides investigating the reception of Hågerström's ideas within and beyond the scientific community, another key undertaking that awaits future scholars is to map and understand the sources Hågerström himself used. Truly erudite, he drew on a broad range of sources—from Ancient Greek inscriptions to Einstein's theories, from Roman public law to empirical psychology, and so forth. An avid reader with a keen sense for detail he did not always give clear indications of the sources of his ideas. He famously claimed "I have not been significantly influenced by contemporary philosophy, on account of what is, in my opinion, its uncritical point of departure" (1964: 38). Often depicted as the great pioneer whose sources and influences need not be mapped, scholarly work on Hågerström's sources is rather scarce. Yet, he was well anchored both in the past and the present. For example, investigation should be made into his relationship to Hume and Bentham in his radical anti-natural law position; he is also clearly inspired by Austrian and German sources, such as Alexius Meinong and Franz Brentano; his relation to Nietzsche is controversial but better documented (Hans Ruin 2000, and in this volume); he seems to have been influenced also by French radicalism.

It is noteworthy that strands of thought similar to the one Hågerström developed appear roughly simultaneously and, moreover, to a large extent independently of each other. From the general viewpoint, according to which he is a forerunner of "scientific" approaches in ethics, a predecessor of Carnap, Ayer, Stevenson and contemporary meta-ethics, it seems that Hågerström gave expression to something that was really "in the air". In point of fact, the rejection of *Geisteswissenschaften* in Dilthey's sense and the plea for a more scientific philosophy were rather recurrent topics in those days: just to name a few cases, Henri Poincaré claimed that "there can be no scientific morals and no immoral science" (1913: 225); Emile Durkheim, at the international

conference in philosophy in 1911, also distinguished between judgements of value and judgements of reality (Durkheim 1911); the Austrian legal scholar and sociologist Eugen Ehrlich, in his sociological theory on *freie Rechtswissenschaft*, emphasized that the legal norm relies on the intensity of the underlying emotion, in a way that seems reminiscent of Hågerström. In this wider sense, he certainly participated in the "breakthrough of modernism" along with many others in art, literature, and science. This generic approach aside, what should be stressed is the development of his theory of value: Hågerström was the first to formulate the negative value-ontology in a systematic manner in his famous inaugural lecture from 1911.

All these reasons concerning the source material, in combination with the fact that a great part of Hågerström's production is in Swedish, converge with the effect that Hågerström has not really obtained the attention he would deserve. Of course, mention should be made of the fact that his core texts are available in two edited volumes in English (Hågerström 1953 and 1964) as well as his two large volumes on *Der Römische Obligationbegriff* in German—the latter are books so demanding from the technical point of view that it is safe to say that they remain more famous than actually read, even though they were received with a certain interest at the time of publication (Faralli 1982).

As Sven Eklason has pointed out, the suboptimal state in which this voluminous Hågerström material currently lingers is something of a "national scandal", since Hågerström is the only Swedish philosopher of international stature and significance from this very important time in history, who still recurrently provokes rejoinders, including those of the weight of Ernst Cassirer, Theodor Geiger, and John Rawls. From the point of view of scholars working in Sweden, many questions are left open by the observation that while the Finns are proud of Edvard Westermarck and the Danes of Sören Kierkegaard, Hågerström's legacy in Sweden is not celebrated.

Migrants to Sweden during World War II contributed to the diffusion of Hågerström. We have mentioned Ernst Cassirer. Cassirer only spent a short time in Uppsala soon after his arrival to Sweden and then transferred to Gothenburg in 1935 where the provincial governor, also a philosopher (Malte Jacobsson), arranged a personal chair for him. Cassirer learned Swedish in amazingly short time. He left for the USA

in 1941. Sweden was then unsafe for a Jew; after the German invasion of Norway and Denmark, Sweden was militarily "hiding out" behind the German lines, under constant threat of a German invasion. When Cassirer died in New York in April 1945, it was as a Swedish citizen.

Theodore Geiger was a refugee in Denmark and Sweden and a founder of *Acta Sociologica*. His controversy with the Uppsala school has a certain affinity with Ingemar Hedenius's "refinement": trying to improve on the basic approach; in reality not adding much and paradoxically promoting "backdoor-normativism" (Eliason 1993). Geiger explicitly adheres to value nihilism and anti-metaphysics but finds several flaws in Hågerström, regarding semantics and sociology.

There are several reasons that can explain the under-estimation of Hågerström's work. Let us start with the contextual and historical reasons. The first and second decades of the twentieth-century witnessed the formation of a new "philosophical" school in Sweden: The so-called School of Uppsala, which should be kept separate from Scandinavian legal realism. It not only had a significant influence on the intellectual life of Scandinavia in the twentieth century, it also presented original features in the history of thought: since some claim that the modern analytical movement, in Europe at least, arose independently in three places: Cambridge, Uppsala, and Vienna, the stake in the fatherhood debate, is largely a question of claiming merit to the European history of ideas.

The Uppsala school was consumed by a dispute over "paternity" between Axel Hågerström and his younger colleague Adolf Phalén and their respective followers (Nordin 1984). They both criticised what they held to be the prevailing and incorrect epistemological paradigm, i.e., "subjectivism". Hågerström was its most prestigious figure and the most important promoter in the field of practical philosophy; Phalén was its advocate in the field of theoretical philosophy. The paternity quarrel was already an issue when Hågerström was alive. Afterwards, the animosity came to be expressed in other ways. Anders Karitz from Lund who was appointed to the chair in practical philosophy had a hard time, a victim of what today might be labelled mobbing, by younger philosophers, involving some amazing incidents. Many young theoreticians who felt close to Phalén, who died prematurely in 1931, were not especially interested in emphasizing Hågerström's legacy. For instance,

Hedenius' memories of Hågerström, published in 1980, were characteristically published under the title "Minnen av Adolf Phalén" (Memories of Adolf Phalén).

A second reason for the underestimation of Hågerström's work is closely linked to his controversial impact on Swedish culture. There was a time when journalists as well as public opinion made use both of the fame and the notoriety of his name. Paul Britten Austin, Ingemar Bergman's brother-in-law, once observed that "moral judgments, every educated Swede knows, 'lack descriptive status'" (1968: 40). This was the claim introduced on the occasion of Hågerström's inaugural lecture as the professor of practical philosophy in Uppsala on 18th March 1911: The hall was full of prominent people, including theologians, jurists and the two philosophers who had nominated Hågerström, Burman, and Sahlin. *Rektor Magnificus* Henrik Schück presented the new member of the faculty and underlined the academic tradition of the chair, the importance of the legacy of Christopher Jacob Boström.

Many left the room in an altered mood, contributing to making this inaugural lecture both celebrated and controversial. In time, Hågerström's name became associated with the label "value nihilism". The formula was coined by the Swedish scholar John Landquist, a legendary adversary of Hågerström, at that time responsible for the political and cultural section of the daily newspaper *Aftonbladet* and only later re-adopted by scholars following Ingemar Hedenius' attempt to rescue it by taking away its negative connotations (*Om rätt och moral* [On law and morality], 1941). This appellation, however, did not make Hågerström's ideas more palatable to conventional opinion.

During the period of social-democratic hegemony from the mid-century, critics associated Hågerström's views with "state absolutism", "social engineering" and the teleological interpretation of statute law. In time, Hågerström's axiological nihilism as well as his account of the metaphysical character of rights and duties even became associated with the infamous slogan that goes back to Thrasymachus of Chalcedon, "might is right". During "The crisis of democracy" in the period between the wars, it was often suggested that axiological nihilism, such as that of Hågerström, was to blame for the collapse of European culture in general and for the rise of totalitarian regimes and antidemocratic movements in particular. It was suggested that axiological nihilism had

left people in a spiritual void, which was easily exploited by anti-democratic, populist and power-focused political movements. This reading fuelled later claims that Hägerström's philosophy was responsible for the rejection of principled decision-making in Swedish courts and more specifically that the fact that Scandinavian legal realism dismissed the possibility of normative arguments about values would ultimately lead to abandonment of normative debate, impoverishing the public sphere.

Yet this popularized version of Hägerström's value nihilism has never ceased to be contested, not only in its meaning and implications but also in relation to the historical evidence of his own political views. Hägerström was a political radical himself and a specialist on Marx, but not Marxist by any measure. But leading social democrats were inspired by Hägerström, such as Arthur Engberg, Vilhelm Lundstedt, and Gunnar Myrdal. Yet this was not the only strand of influence. Among the group of people he inspired were leading conservative politicians and entrepreneurs, such as his disciple Harald Nordensson. The UN secretary general Dag Hammarskjöld and Gunnar Hägglöf both engaged in a dialogue with Hägerström and discussed his theories during walks in Uppsala as young students. Hägglöf, who later became a Catholic, opposed to Hägerström's negative value-ontology, recalled in his memoirs that he once dreamed that Uppsala castle took the shape of Hägerström's head. Many other influential names that were inspired by Hägerström could be enumerated, but this influence often seems to have been rather generic from the contemporary scholar's perspective. What was in common with those who wrestled with his ideas was this: they used him to overcome the limitations of conventional moral orientations, and the dangers of what Popper called moral futurism, the failure to take personal responsibility that follows from acquiescence to what is supposed to be historically inevitable.

Among the philosophical reasons for the relatively low level of interest in Hägerström's work, is the fact that Hägerström's influence has been obliterated through incorporation in later movements of thought. His legal thinking was basic to Scandinavian legal realism, as developed by Karl Olivecrona, Vilhelm Lundstedt, and Alf Ross, and it was assimilated to other movements, such as the sociological jurisprudence of Roscoe Pound, and the legal positivism of H.L.A. Hart, who cited Hägerström extensively in his *The Concept of Law*. A parallel process has

occurred in social science, e.g., through Gunnar Myrdal's methodological writings on values. In politics, Hägerström's legacy is said to reappear in "functional socialism", gradually dismantling property rights, and still inspires debate in Swedish dailies.

As with any major thinker, returning to the texts in the light of changes in the scholarly atmosphere is necessary, because new issues reveal features of their thought that had been ignored or misunderstood in the past. Hägerström requires this, especially with respect to the problem of normativity. Over the last twenty years—i.e., since Saul Kripke's discussion of the problem of rule-following in Wittgenstein, the publication of McDowell's *Mind and World* and Brandom's *Making It Explicit*—the idea that puzzles about the nature of inference, rationality, and mathematics can be solved by appealing to their normative character has become central. The common idea is that naturalism is inadequate to account for how we are bound by reason, or by the normativity of linguistic or mathematical rule-following, and that what is required is a recognition of the irreducibly normative character of these concepts. What has varied among these writers is the notion of the normative itself and the extent to which the relevant notion of the normative character of reason is universal or local. As commentators have noted, this discussion recapitulates the situation and intractable difficulties over "values" of neo-Kantianism at the beginning of the twentieth century (Beiser 2009). Hägerström was a product of this same ambience.

The nature of this challenge may be understood by comparing Hägerström to Hans Kelsen. For Kelsen, the problem of the philosophy of law began with the recognition of the cognitively specific character of the law as a valid form of thought. The problem of philosophical analysis in the face of this form of thought was to identify its constitutive presuppositions that enabled its reasoning to be valid and thus binding. Legal positivism, in Kelsen's hands, began with the fact of legal validity and asked what the conditions of legal validity were. His answer was that legal validity required a basic validating *Grundnorm*. Hart later produced a variant on this reasoning, preserving its starting point, the fact of legal validity, and the idea that this fact was established by a norm-producing constitutive act, which Hart understood on the model of performative utterances. Hägerström was more radical. He rejected the starting point itself, i.e., the fact of legal validity, or, the

binding character of the law; traditional explanations of this binding character were circular and uninformative. And in his other writings (e.g., 1911) he extended this basic approach to values and normative reasoning generally. The implication of this was clear enough: a radical anti-metaphysical philosophy. Yet the meaning of the argument has been contested ever since.

One reason for this is historical. Hägerström's argument was constructed at an early stage of a confusing period in neo-Kantianism, before the linguistic turn of Logical Positivism and the Ontological Turn of the 1920s in Continental Philosophy. So there is a metaphysical question of what kind of theory he is advancing. Is it, as Thomas Mautner took it to be, a species of noncognitivism in ethics, like that of the Logical Positivists, i.e., a claim that values are not objects of knowledge, but something else? One alternative to treating Hägerström as an analytic philosopher is to focus on his anti-metaphysical stance. There is a problem of consistency: does the argument depend on normative usages of the kind he claims to reject, or is it a selective rejection of normative usages, and if so on what is the selection based? Does it amount to its own metaphysics, a kind of naturalism which excludes values?

The central issue here is this: does Hägerström commit the error of producing a metaphysical rejection of metaphysics, or a value against values? If so, it seems to contradict his anti-metaphysical metaphilosophy. To interpret Hägerström as a consistent thinker seems to require making his negative value metaphysics into a different kind of claim, which would require constructing a more complete consideration of his implicit metaphilosophy. There are good grounds for thinking this can be done. Hägerström's treatment of values does not reduce them to social facts so much as show that there are no evaluative facts and thus no facts in the relevant domain other than the social facts about which participants form expectations. That they also form folk theories about these facts that appeal to what for Hägerström are quasi-magical notions such as duty does not make these theories true, and therefore the existence of these theories or this language does not mean that we must supply a truth-preserving analysis of it. We can simply treat these terms as erroneous. An approach to Hägerström along these lines is implied by Stephen Turner's use of Hägerström (2002), based to a large extent upon Hägerström's investigations into legal history. This approach parallels

similar naturalistic arguments in present philosophy, such as eliminative materialism in the philosophy of mind, which might form a model for the reconstruction of Hägerström's meta-philosophy as well.

The current philosophical discussion of normativity focuses on versions of these kinds of questions, so it is a resource for understanding Hägerström's own difficulties in formulating his position, and our difficulties in interpreting him. The potential significance of Hägerström for these current debates is in the possibility that he does provide an alternative to the normativity problematic itself, and thus to the Kantian tradition of understanding the world within the space of reason, understood normatively (Rickett). Even understanding Hägerström as a failed attempt at escaping this problematic would reveal something novel about both Hägerström and the problem itself. This is one possible answer to the question of the meaning of Hägerström's argument, which would show its relevance to present issues in philosophy, with the virtue of allowing for a discussion of such neglected issues as Hägerström's epistemology, which might be discussed in terms of such current notions as "direct realism".

This approach would place Hägerström and the interpretation of his thought at the centre of contemporary philosophy. Values and normativity are also issues in social science, and Hägerström's legal philosophy is often said to be akin to a form of sociological research, both because it presents an account of the nature of law as a social phenomenon and because it has usually been interpreted to imply that the point of law is social utility rather than the fulfilment of explicitly normative concepts, such as the preservation of rights. As an account of the sociology or anthropology of law, Hägerström's position is similar to accounts, such as Weber's, which treat normative ideas as originating in magical beliefs.

In the standard account, Hägerström and some of his followers, such as Vilhelm Lundstedt, rejected the concept of rights and duties *tout court*. This might be taken as a form of sociological reductionism, especially as this led to the suggestion that social utility was the purpose of legal arrangements and could be used as a standard for legal reform. "Sociological reductionism" would be an answer to the question of the meaning of Hägerström's argument, but one which would place it into a problematic category of naturalism. There are, however, good reasons

for thinking that Hågerström's position avoids this result: treating moral theories as false folk theories is not reductionism in the problematic sense of a claim that the original moral ideas are explained in non-moral terms. It is an account of these terms as themselves erroneous.

Any discussion of Hågerström's "sociology" would raise questions about what sort of social science is consistent with Hågerström's views. Talcott Parsons, for example, advanced a theory of the irreducibility of the normative that conflicts with Hågerström's view of the normative as mythical. Does Hågerström provide us with a serious starting point for a conception of social science? Or does it depend on a deeply problematic social theory of values? In this case, the textual and analytic problems need to be approached in a different way, since Hågerström himself made no attempt to answer them directly. Gunnar Myrdal's uses of Hågerström provide a natural point of departure for a discussion of these questions; same with Theodor Geiger. Among Hågerström's followers were the earliest Swedish sociologists, including Torngny Segerstedt Jr, and their thought provides another source of relevant textual material. Moreover, Hågerström's version of value incommensurability (Blegvad 1991), which can be said to be more radical than Kelsen's legal positivism, Max Weber's scientific value relativism (Arnold Brecht 1959) and Edvard Westermarck's anthropological relativism, also indicates a significant rupture in the development of social thought, when the methodological consequences of the radical is/ought-distinction was being institutionalized into research praxis.

The conclusion is that what is needed today is a scholarly reassessment of Hågerström in terms of present issues. Hågerström needs to be rescued as a distinctive voice. This requires a reassessment and reconstruction of his views in current terms. This edited volume, based on a symposium organized at Uppsala University September 23–24, 2011 on the occasion of the centennial of Axel Hågerström's inaugural lecture, is a step in that direction—making a case for a revival of interest.

References

- Beiser, Frederick C. (2009) "Normativity in Neo-Kantianism: Its rise and fall", *International Journal of Philosophical Studies* 17(1): 9–27.
 Byarup, Jes (1983[1982]) *Reason, Emotion and the Law. Studies in the Philosophy of Axel Hågerström*. Aarhus: Acad. diss.

Björk, Ragnar (1996) "Social change, scholarship, and Gunnar Myrdal. Reflections on the 1920s". In: Ragnar Björk & Karl Molin (eds), *Societies Made up of History. Essays in Historiography, Intellectual History, Professionalisation, Historical Theory and Proto-Industrialisation*. Akademityck AB: Edsbruk.
 Blegvad, Mogens (1991) "Value in turn-of-the-century philosophy and sociology". *The Danish Yearbook of Philosophy* 26: 51–96.

Brandt, Robert (1994) *Making it Explicit*. Cambridge, MA: Harvard University Press.
 Brecht, Arnold (1959) *Political Theory. The Foundations of Twentieth-Century Political Thought*. Princeton, NJ: Princeton University Press.

Broad, C.D. (1964) "Memoir of Axel Hågerström". In: Axel Hågerström, *Philosophy and Religion*, R.T. Sandin (trans.). London: George Allen & Unwin, 15–29.

Britten Austin, Paul (1968) *On Being Swedish. Reflections Towards a Better Understanding of The Swedish Character*. Coral Gables, FL: University of Miami Press & London: Secker and Warburg.

Cassirer, Ernst (1939) *Axel Hågerström: eine Studie zur schwedischen Philosophie der Gegenwart*. Gothenburg: Elanders. Göteborgs högskolas årskrift, 99-016(311-6): 451

Durkheim, Emile (1971) *Jugements de valeur et jugements de réalité*. In *Atti del congresso internazionale di filosofia* (Bologna), Formigginis, Genova, vol. I: 99–114.

Eliasson, Sven (1993) "Geiger, the Uppsala-School of Value-Nihilism—and Weber". In: Urs Fazio & Jochen C. Neitt (eds), *Gesellschaftstheorie und Normtheorie. Theodor Geiger Symposium*. Basel (= *Monographien zur Soziologie und Gesellschaftspolitik*, vol. 25: 225–34).

— (2000) "Axel Hågerström and Modern Social Thought". *Norduropforum* 1: 19–30.
 Fanali, Carla (1982) *Diritto e magia. Saggio su Axel Hågerström*. Milan: Giuffrè. A second edition of this work was published by Bologna: CLUEB 1987 (ristampa 1992).

Fries, Martin (1944) *Verklighetsbegreppet enligt Hågerström* (The concept of reality according to Hågerström). Uppsala Universitets årskrift 3.

Geiger, Theodor (1946) *Debat med Uppsala om moral og Ret*. (Debate with Uppsala about morals and law). Lund/Copenhagen: Gleerup & Munksgaard.

Hagshof, Gunnar (1971) *Diplomat. Memoirs of a Swedish Envoy in London, Paris, Berlin, Moscow & Washington*. Foreword by Graham Greene. London, Sydney & Toronto: The Bodley Head.

Hansson, Jonas & Nordin, Svante (2006) *Ernst Cassirer. The Swedish Years*. Bern: Peter Lang.
 Hart, H.L.A. (1961) *The Concept of Law*. Oxford, UK: Oxford University Press.

Hedenius, Ingemar (1980) "Minnen av Adolf Phalén" (Memories of Adolf Phalén). *Filosofisk Tidskrift* 1(1): 24–34.

Hågerström, Axel (1957) *Moralfilosofins grundläggning* (The foundations of moral philosophy) Thomas Mautner (ed.), *Humanistiska Vetenskapssamfundet i Uppsala*. Uppsala, distr. Almqvist & Wiksell.

— (1964) *Philosophy and Religion*. Robert T. Sandin (ed.). London: Allen & Unwin.
 — (1953) *Inquiries into the Nature of Law and Morals*, K. Olivecrona (ed.) and C.D. Broad (trans.). Stockholm: Almqvist & Wiksell.

Källström, Staffan (1984) *Värdenihilism och vetenskap* (Value nihilism and science). Acta Universitatis Gothoburgensis.

— (1986) *Deri gode nihilisten. Axel Hågerström och striderna kring uppsalafilosofin* (The Good Nihilist. Axel Hågerström and the controversies around Uppsala Philosophy). Stockholm: Rabén & Sjögren.

Krapke, Saul (1982) *Wittgenstein on Rules and Private Language*. Oxford: Blackwell.

Lane, Jan-Erik & Stenlund, Hans (1989) *Politisk Teori* (Political theory). Lund: Studentlitteratur.

Lyles, Max (2006) *A Call for Scientific Purity: Axel Hågerström's Critique of Legal Science*. Stockholm: Rättshistoriskt Bibliotek.

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- McCormack, Geoffrey (1969) "Hägerström's magical interpretation of Roman law", *The Irish Jurist*: 153–167.
- Mautner, Thomas (1994) *Vägledning till Hägerströmsläsningen* (A Guide to the Study of Hägerström). Acta Societatis Litterarum Humaniorum Regiæ Upsalensis 49. Stockholm: Almqvist & Wiksell.
- McDowell, John (1994) *Mind and World*. Cambridge, MA: Harvard University Press.
- Mindus, Patricia (2009) *A Real Mind. The Life and Work of Axel Hägerström*. Dordrecht/Heidelberg: Springer.
- Myrdal, Gunnar (1958) *Value in Social Theory. A Selection of Essays on Methodology*. Paul Streeten (ed.). London & New York: Routledge & Kegan Paul; Harper & Row.
- Nordin, Svante (1988) "Hägerström och samhällsvetenskapen" (Hägerström and social science). In: Bertilsson, Margareta and Hansson, Björn (eds), *Samhällsvetenskapens klassiker* (The classics in social science). Lund: Studentlitteratur.
- Olivcrona, Karl (1971) *Law as Fact*. London. Stevens & Sons (1st edn. 1939. Copenhagen: Munksgaard; London: Milford. Oxford University Press).
- (1947) "Viljan bakom rätten" (The will behind the law). *Statsvetenskaplig Tidskrift* (Swedish political science journal): 1–32.
- Passmore, John (1966) "Hägerström's philosophy of law", *Philosophy*: 143–62.
- Pétersson, Bo (1973) *Axel Hägerströms värde teori*. Acad. diss. Uppsala 1973.
- Poincaré, Henri (1912), *Dernières pensées*. Paris: Flammarion.
- Pound, Roscoe (1924) *Law and Morals: The McNeil Lectures, 1923*, delivered at the University of North Carolina. Chapel Hill.
- Sandin, Robert T. (1962) "The founding of the Uppsala school", *The Journal of the History of Ideas*: 496–512.
- Slagstad, Rune (1987) *Rett og Politikk* (Law and politics). Oslo: Universitetsforlaget, esp. chaps 3 and 4. "liberalismen og dens machiavelliske kritikere: Schmitt, Weber, Olivcrona" (Liberalism and its machiavellian critics: Schmitt, Weber, Olivcrona) and "Retten legitimeret" (The legitimacy of law).
- Trentman, John (1967) "The Uppsala school and the new logic", *The Journal of the History of Ideas*: 445–50.
- Turner, Stephen P. (2010) *Explaining the Normative*. Oxford: Polity Press.
- (2002) *Brains/Practices/Relativism: Social Theory after Cognitive Science*. Chicago: University of Chicago Press.
- Uppsalaskolan och efteråt* (The Uppsala School and beyond) (1978) *Rättsfilosofiskt symposium. Åttiofemteårsminnet 1977*. Acta Universitatis Upsalensis. Symposia Universitatis Upsalensis Annum Quingentesimum Celebrantis. 6. Stig Strömholm (ed.). Uppsala.
- Westermarck, Edvard (1948) *Ettik Relativism* (Ethical relativism). Helsingfors: Söderströms.

Part I

Knowledge, Language and Morals

It is mostly for his contributions to meta-ethics that Hägerström is more widely known. He is particularly known for claiming that moral judgements cannot be true. In modern meta-ethics, this denial has two main versions. One view is that moral judgements cannot be true simply because they do not belong to the type of commitments that can have such properties. On this view, moral judgements consist of conative attitudes of some sort (such as emotions or desires) rather than of beliefs about the way the world is. They can therefore neither be true nor false. Another view of his is that moral judgements are false because there are no facts that they can be true of. This is at least supposed to hold for positive moral judgements, judgements that actually do attribute moral properties. Even if Hägerström is most often associated with the first view, both views can be traced in his writings. In this section, Hägerström's meta-ethical ideas will be considered in relation to the modern meta-ethical discussion.