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**F.A. Hayek's Objection to Constructivist Rationalism  
and its Relevance for the Theory of Legislation**

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**Abstract**

The notion that man can control his destiny in society was labeled constructivist rationalism by F. A. Hayek. Hayek claimed that this view was mistaken, not due to any difference concerning values, but due to “fact and logic”. His objection to constructivist rationalism is founded on what is generally regarded as his most profound contribution to social science, viz. his theory of knowledge in society. This is the view that the sum total of the knowledge determining people’s actions is distributed among many agents and is not available in its entirety to any one mind or organization, and that the properties of society are determined by this distribution of knowledge. Hayek’s line of argumentation is not as clear as it might be, however. So in this paper, I aim to clarify it by distinguishing two distinct interpretations of the theory of knowledge in society, viz. the ‘epistemological’ and the ‘economics’ interpretations,’ and discuss these alternative interpretations critically. I am going to argue that even though the ‘economics’ interpretation is not without its difficulties, it is nevertheless to be preferred to the epistemological interpretation.

Hayek’s objection to constructivist rationalism should be of considerable interest to legal scholars, since it has a potentially large impact on the view that welfare state legislation is a feasible undertaking. Since welfare measures, in the standard view, are implemented through acts of legislation, it is my hope that this framework can be put to good use for the applied science of the theory of legislation (Gesetzgebungslehre).

Keywords: Hayek, constructivist rationalism, knowledge, theory of legislation, welfare state legislation.