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Article:

Stern, R.A. (2012) *A Reply to My Critics*. *Inquiry*, 55 (6). 622 - 54. ISSN 0020-174X

<https://doi.org/10.1080/0020174X.2012.746039>

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A Reply to My Critics

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First of all, I would like to thank my commentators for the generosity of their remarks, and also the trouble they have taken in thinking critically about my work; they all raise significant points, which I will now do my best to address.¹

Reply to Anne Margaret Baxley

Baxley focuses her remarks on my discussion of Kant, and raises two problems for it: First, while the distinction I point to between the human and the holy will has some interest, it is not actually as centrally significant in solving the problem of moral obligation as I suggest, and therefore doesn't hold the real key to Section III of the Groundwork. Second, the textual evidence that I offer in support of my claim that Kant is a value realist is inadequate. I will deal with each criticism in turn.

(a) The problem of moral obligation

Baxley accepts that my account of Kant's distinction between the human and the holy will is useful in relation to one question concerning moral obligation, namely: "What accounts for the fact that moral laws necessarily take the form of obligations or duties (and therefore involve some feeling of constraint) for finite rational beings?", which she takes to be a phenomenological question (Baxley MS: 5-6). However, she thinks there is a second, and rather more pressing, question which I fail to appreciate, perhaps because I confuse it with the first, which concerns not the phenomenology but the authority of morality: "What accounts for the fact that moral laws are obligatory or binding for all rational agents independently of any contingent facts about their particular feelings, desires, and interests?" (Baxley MS: 5); or as she also puts it: "Why [should we] take moral norms to be supremely authoritative laws governing the conduct of all rational agents, norms that outweigh or override all other norms based on our non-moral interests?" (Baxley MS: 3). Baxley holds that my focus on the human/holy will distinction means I haven't dealt properly with this second issue, and have run the two together: "But the distinction [between the holy

and human wills] does not resolve the fundamental issue about the obligatoriness of morality, for this requires providing an account of the authority of moral laws that explains how being obligated by unconditional practical laws does not result in heteronomy, or reduce moral laws to hypothetical imperatives” (Baxley MS: 5).

Moreover, Baxley thinks that because I conflate these two questions, I am mistaken in my understanding of Section III of the Groundwork, and how this is supposed to resolve the worry of whether or not morality is a “phantom” or “chimerical idea”. For, she takes this worry to fundamentally concern whether or not we are autonomous, where the transcendental distinction that Kant draws between the intelligible and empirical self is really meant to resolve this question, not the problem of obligation as I conceive it, with the former aspect of the self as supposedly constraining the latter.

In general, therefore, Baxley’s fundamental objection is that my conception of Kant’s transcendental question that is dealt with in Section III, namely the question “How is a categorical imperative possible?”, is overly narrow: it leaves out the worry about autonomy, and just deals with the phenomenological aspect of such imperatives, but not what makes them authoritative. Having summarized Baxley’s critique on this score, let me now make some points in response.

First of all, I agree with Baxley that Kant is concerned that if we lack autonomy, then morality is a chimera, and that part of the point of his transcendental distinction between our phenomenal and noumenal selves is to help resolve this problem (cf. Stern 2010, esp p. 464); and I also agree that focusing on the holy/human will distinction is not directly relevant to this issue. However, where I differ from Baxley is in the fact that I see the “How is a categorical imperative possible?” question as raised in Section III to be narrower than this issue; for I think that when Kant addresses this question, he is taking it that the problem of autonomy has already been resolved. My reading therefore corresponds to what is sometimes called a “two deductions” account of Groundwork III, the first running from 4:446-53 and the second from 4:453-55, where in the first Kant claims to have already dealt with the “circle” that may have led us to doubt that we can reasonably take ourselves to be autonomous, while the second is where the “How possible?” question comes to be answered, and which therefore arises even after the question of autonomy has been settled. Thus, I think I can reasonably claim to have addressed Kant’s “How

possible?” question, even if I have not addressed the problem of autonomy, as Kant himself seems to keep these issues separate.

However, Baxley might reasonably say that this doesn't really get to the heart of her worry. For, she might argue, even when it come to the narrower “How possible?” question, I have still only shown how Kant deals with one aspect of this question in focusing on the holy/human will distinction – namely, the phenomenological aspect, not the authoritative one.

Now, of course, I certainly do think there is a phenomenological aspect to the problem of moral obligation, and this was one side of the issue I was keen to bring out. But as I tried to make clear when discussing the problem of moral obligation generally (Stern 2012: 45-48), I also take seriously other aspects of the problem too, where these two go hand-in-hand: in feeling constrained, we hereby take it that a legitimate authority is being exercised over us, as otherwise we would dismiss the feeling as merely pathological. The issue is, therefore, whether my emphasis on the holy/human will distinction in Kant illuminates or obscures this issue?

In fact, I would argue, the very question of authority depends on it. For, just as the holy will could not undergo the experience of moral necessitation, so it could not raise the worry of whether it should accept the authority of moral reason over its non-moral interests, as it has no such interests, so in this sense its moral reason exercises no such authority, as there is nothing over which it stands in any authority, as the hierarchical relation this requires does not here apply. Just raising the issue for Kant, therefore, already relies on the distinction. Moreover, as I claim in the book (Stern 2012: 103-4), I think the hybrid account of Kant that I present explains the source of the authority of reason over the subject, based on its capacity to inform us of the moral law, and to hold us to it. This account does more than just explain the felt burdensomeness of the moral law, therefore; it also explains why we take it that the burden it imposes on us is to be accepted as a legitimate one.

The value in this approach can be seen, I think, if we consider the problem that Kant raises at the beginning of the sub-section “Of the Interest that Attaches to the Ideas of Morality” (Kant 1786b 4:448-50). In the third paragraph, Kant says that even if Sections I and II of the Groundwork have achieved their stated aim of successfully identifying the supreme principle of morality, nonetheless “with regard to its validity, and the practical necessity of subjecting oneself to it, we would have got no further”. Why does Kant think this is so? He writes:

[F]or if someone were to ask us why the universal validity of our maxim, as a law, must be the limiting condition of our actions, and on what we found the worth we assign to this way of acting, which is to be so great that there can be no higher interest at all, and how it can be that a human being believes that he feels his person worth in virtue of this alone, compared to which that of an agreeable or disagreeable condition should be taken for nothing, we would not be able to give him a satisfactory answer... [W]e cannot yet come to see...[how we can] find merely in our own person a worth that can make good to us the loss of everything that obtains a worth for our condition – or how this is possible, and hence whence the moral law is binding. (Kant 1786b: 4:449-50)

This, I think, is the narrow “How is a categorical imperative possible?” question that then comes to be addressed in the section with that title. I think the answer to the question there turns on Kant’s use of the holy/human will distinction to show why the moral law takes a binding form for us, where once that is understood, it will also show why that bindingness is something we are willing to acknowledge as legitimate.

Here is part of the relevant discussion that Baxley cites, where Kant concludes his answer to the transcendental “How possible?” question:

And thus categorical imperatives are possible, because the idea of freedom makes me a member of an intelligible world, in virtue of which, if I were that alone [cf. a holy will], all my actions would always conform with the autonomy of the will, but as at the same time I intuit myself as a member of the world of sense [cf. a human will], they ought to conform with it; and this categorical ought represents a synthetic proposition a priori, because to my will affected by sensuous desires there is added the idea of the same will, but belonging to the world of the understanding, pure and practical by itself, which contains the supreme condition of the former according to reason... The practical use of common human reason confirms the correctness of this deduction. There is no one, not even the most hardened scoundrel, if only he is otherwise in the habit of using reason, who...does not wish that he too might be so disposed. But he cannot easily bring this about in himself, just because of his inclinations and impulses; while at the same time he wishes to be free from such inclinations, which he himself finds burdensome...[F]rom that wish he can expect no gratification of his desires...but only a greater inner worth of

his person... The moral ought is thus one's own necessary willing as a member of an intelligible world, and he thinks of it as an ought only in so far as he considers himself at the same time as a member of the world of sense. (Kant 1786b: 4:454-455)

Baxley and I disagree about how best to understand this passage. For Baxley, it is meant to answer the problem of autonomy, and as the holy/human will distinction cannot offer any such answer, it is not central to the passage.ⁱⁱ Now, I agree with Baxley that this distinction is not sufficient to answer the problem of autonomy; but on the other hand, I think (as I said above) that this problem has been answered by this stage in the text, and so is not what is going on here. Rather, I would argue, Kant is here showing that the moral law takes a binding form for us because we are human not holy wills; and that because what binds us is our rational natures in compelling us to follow the moral law, we can see how it comes to be authoritative for us, as in conforming to such authority, we are hereby following our higher selves – as even the “hardened scoundrel” is aware. I therefore think the holy/human will distinction can do more work than Baxley allows, even if it cannot deal with all the problems that Kant is addressing in Section III of the Groundwork.

Finally, however, Baxley may still feel that I have not addressed the real problem that she is raising: namely, as autonomous agents, a law can only be authoritative for us, if we have authored the law itself, not merely bound ourselves to it. But if this is the worry, I do not really see it: for why, in order for reason to be authoritative, must the principle that it binds us to follow be something that it itself lays down or constructs? Behind this concern, of course, may be a worry about autonomy: the concern might be that unless reason also authors the law to which it binds us, we cannot really be free. However, as I argue in the book, it seems to me that from Kant's perspective, we are autonomous as long as we are the source of the law's obligatory and hence binding force; we don't also have to author the law itself in a constructivist manner, to see it as authoritative in a way that is compatible with our autonomy. And in the book, I also point to passages where Kant himself seems to say as much (cf. Stern 2012: 34).

(b) Value realism

I now turn to the second of Baxley's critical concerns, which centres on my claim that Kant was a value realist, and not a constructivist. In the book, I give three pieces of

evidence to suggest that this was the case: One of these is the passage we have just discussed, concerning the special value of moral agency that even the scoundrel can appreciate; but Baxley doesn't deal with this material, noting that this part of Kant's text is "notoriously opaque", so perhaps best avoided (Baxley MS: 12 note 2). I will therefore follow Baxley in passing over it. The other two pieces of evidence which I cite and which she does discuss concern firstly Kant's claim about the value of the good will at the outset of the Groundwork, and his claim about the unconditional value of rational beings which is made during his derivation of the Formula of Humanity in Section II. Following Baxley, I will consider each in turn.

The first place where Kant appears to argue as a value realist on my account, is where he writes: "It is impossible to think of anything at all in the world, or indeed even beyond it, that could be taken to be good without limitation, except a good will" (Kant 1786b: 4:393). But Baxley disagrees: rather, she thinks Kant is merely claiming that as rational agents we attribute a special value to a pure and good will, valuing it above talents, gifts of fortune, happiness and so on – but Kant can be making this claim, without saying that this value is "some objective moral property that resides in it and is not constructed" (Baxley MS: 14). Rather than speaking in favour of moral realism, therefore, Baxley takes this discussion of the good will to be neutral on such meta-ethical matters: it is merely telling us about the kind of value that common moral opinion attaches to a will of this sort, but not whether it possesses that value in a realist or a constructivist manner.

Now, Baxley is of course right that at the outset of the Groundwork, Kant is following what he takes to be "common moral rational cognition" (cf. Kant 1786b: 4:393), as a way of getting to the supreme principle of morality, so to that extent he is merely telling us here what such "moral rational cognition" takes to be unconditionally valuable, namely the good will. And while Kant doesn't seem to here offer a constructivist account of that value, Baxley might perhaps be right to argue that it is too early in the Groundwork to attribute to Kant any commitment one way or the other to realism or constructivism, as he is simply trying to capture what it is that we take to possess such value, not how we should conceive of it in meta-ethical terms.

But, later in the Groundwork, when Kant comes back to talking about the good will, he does offer a more philosophical account of what explains its goodness and thus its value, namely, that it is determined to act by the moral law. Thus, he writes towards the end of Section I: "But what kind of law can that possibly be, the

representation of which – even without regard for the effect to be expected from it – must determine the will for it to be called good absolutely and without limitation?” (Kant 1786b 4:402), while in Section II he returns to the topic: “We can now end where we set out from at the beginning, namely with the concept of an unconditionally good will. A will is absolutely good that cannot be evil, hence whose maxim, if made a universal law, can never conflict with itself” (Kant 1786b 4:437).ⁱⁱⁱ Now here, it seems, we get an account of the value of the good will that does not take a constructivist form, of something we must “confer” on it qua rational agents; rather, its value is said to reside in its conformity with the moral law, which is what makes it good, independent of any such constructivist procedure. It would therefore appear that when Kant comes to give his account of the value of the good will later in the *Groundwork*, his approach is a realist one.

However, of course, the constructivist may well be unconvinced by this suggestion, as they will take it that the moral law is itself something that is constructed, so that ultimately this value of the good will itself rest on a foundation that fits with the constructivist picture. But as I have already mentioned, and as others have emphasized, Kant seems to explicitly reject the idea that the moral law has an author, and thus to repudiate the model on which the constructivist picture is built. If this is right, therefore, it would seem that after all Kant’s treatment of the good will is a reasonable candidate to offer in support of his realism about value.

We may now turn to the second piece of evidence that I discuss and which Baxley questions, which concerns the value of humanity, where I suggest that Kant treats the absolute worth of rational beings as the ground for the Formula of Humanity: “So act that you use humanity, whether in your own person as well as in the person of any other, always at the same time as an end, never merely as a means” (Kant 1786b 4:429). My claim is that Kant argues that rational beings have this value after using an argument from elimination against other possible candidates: (i) objects of inclination, (ii) inclinations themselves, and (iii) non-rational beings produced by nature, such as animals.^{iv} But Baxley is not convinced that this is all that Kant’s position amounts to: she claims that after Kant’s argument from elimination in 4:428.7-428.33, there is a further argument in the next paragraph (428.34-429.14), which tells in favour a more constructivist reading.

Here is the relevant part of that second paragraph:

The ground of this principle is: rational nature exists as an end in itself. The human being [der Mensch] necessarily represents his own existence in this way; to that extent it is thus a subjective principle of human actions. But every other rational being also represents its existence in this way, as a consequence of just the same rational ground that also holds for me [Footnote: Here I put forward this proposition as a postulate. The grounds for it will be found in the final section]; thus it is at the same time an objective principle from which, as a supreme practical ground, it must be possible to derive all laws of the will. (Kant 1786b: 4:429)^y

And here is Baxley's constructivist reading of this paragraph:

[T]he evidence weighs in favor of constructivism, because that humanity has absolute value seems to derive from some fact about how we are constrained to think of ourselves as rational agents... What is most notable about this argument is the way the argument depends on Kant's core premise that a rational being necessarily represents his own existence as an end in itself, which he considers a subjective principle of action... Kant's claim is that thinking of one's existence as a end in itself is necessarily something each of us does. Although he offers no direct explanation for this claim that we must regard ourselves as ends in ourselves possessing absolute value, Kant includes a footnote to this proposition, noting that there are rational grounds for attributing this status to ourselves. Specifically, he claims that those rational grounds give every other rational being the same reason for representing her existence this way, and that those rational grounds are to be found in Groundwork III. In short, Kant himself indicates that the central premise in his official argument for the Formula of Humanity amounts to the claim that a human being necessarily conceives of herself as an end in itself insofar as she is rational, and that the answer as to why we are constrained by our agency to regard ourselves this way can be found in the final section of the Groundwork. (Baxley MS: 17-18)

In taking the paragraph this way, Baxley is broadly following the approach of other constructivist readers, such as Korsgaard and others.

However, I read Kant's position here very differently.^{vi} First of all, I don't think Kant is offering a second, separate argument for the value of humanity, in addition to and separate from the argument from elimination given in the previous paragraph; rather, I think all this second paragraph is doing is summing up where things stand, given that argument – namely, if we are to take there to be a categorical imperative at all, we must allow that human beings qua rational agents have the kind of value that means they should be treated as ends valid for themselves and other rational agents, and thus as ends in themselves. On my account, therefore, from what has already been established in the first paragraph, Kant thinks he is entitled to assert that “human beings necessarily represent their existence” as an end in itself, given the argument above, which has shown that it is in our status as rational creatures (not merely natural ones) in which our value resides. So, I would hold that this necessity claim isn't a claim about “how we are constrained by our agency to regard ourselves” in a constructivist manner, where this constraint is meant to confer value on what is so regarded; rather, it is just a conclusion we must rationally accept about what has value, give the force of the argument from elimination in the previous paragraph.

But still, it might be said, why does Kant call it a “subjective principle of human action”? For Baxley and the constructivist, this shows that Kant is taking it to be the way in which each of us is forced to represent our own existence, as being an end in itself. However, again I take Kant's position here very differently. On my account, Kant calls the principle “subjective” because there is a gap in his argument from elimination, as not all rational creatures (such as God) are produced by nature, so that it may be that in their case, their value may be held to reside in some other feature that differentiates them from persons (for example, in God's case, his omnipotence), where for Kant the worry is that for them they may therefore be held to relate to the moral law in a way that is different from us, thus endangering its necessity and universality and so rendering it subjective rather than objective – namely, something that applies to us, but not all rational creatures. At this point, however, Kant admits in a footnote that he has not blocked this lacuna in his argument, and defers his answer to Section III of the Groundwork, where he will say more about what it is about rational nature that gives us our value (not merely that it is this nature which does so), where once this is clear, it will also be clear why it is this that gives value to other rational beings such as God. For the moment, Kant can therefore only assert as a postulate to be supported later, that “every other rational

being [including God] also represents its existence [as an end] in this way, as a consequence of just the same rational ground [i.e. the value of rational nature] that also holds for me [qua human being]”. Granted this assumption, Kant therefore asserts that this is an objective principle holding for all rational beings, from which the Formula of Humanity therefore follows. I would therefore argue that this discussion relates to Kant’s remarks in his *Conjectural Beginning of Human History*, which parallels this part of the *Groundwork* to a considerable degree. Kant takes as his text here Genesis 3:22, which he interprets as God saying that through his ability to know good and evil, and this his difference from the animals which this rational capacity implies, “Man has become like us”, and so equal in moral status to God himself, no matter how superior such “higher beings” may be in their other abilities (cf. Kant 1786a: 8:114-5).

There is then, clearly, a significant difference between my reading of this account of the value of humanity in the *Groundwork*, and that offered by Baxley and other constructivists. The difference can be highlighted by looking again at these crucial sentences from the second paragraph:

The human being [der Mensch] necessarily represents his own existence in this way; to that extent it is thus a subjective principle of human actions. But every other rational being also represents its existence in this way, as a consequence of just the same rational ground that also holds for me.

On my account, the crucial issue here is that while we as human beings must see our rational natures as constituting our status as ends given that we accept that there is a categorical imperative that holds of the human will, it is not yet clear that any rational being (such as God) must see this as constituting that status for them, or whether they could reasonably take that status to be based on some other feature that we possess but which they do not. The constructivist, however, takes the first of the sentences above to relate to an individual human being, who is said to have to take his or her own particular existence as an end; and then reads the second sentence as claiming that every other individual human being will likewise have to do the same concerning their existence, so making it an objective rather than a subjective principle.

But this fudges what seems to be the crucial contrast drawn in sentences one and two, which is not between how the individual must represent him/herself versus

how all individuals represent themselves, but how human beings as a class [der Mensch] must represent themselves and how rational beings more generally must so represent themselves. Of course, it might be said that “me” at the end of sentence two suggests otherwise: but “me” here can also refer to “me” qua human being, not “me” qua individual. It might also be said that Kant wasn’t that concerned about the distinction between “human being” and “rational being”, so could just have well have written the same term either way in both sentences. But this is to neglect the fact that Kant was deeply concerned about the difference, where his conception of the necessity and universality of morality depended on addressing both constituencies (man and God), conceived as narrower and wider classes.

Another difficulty with the constructivist reading of these sentences, is to see what contrast there is meant to be between them, in a way that fits the text. One way to get a contrast might be to read the first sentence as pointing to how I represent my existence, and the second then saying that this is also how each of us sees ourselves, not just me, then trying to argue on this basis concerning how we must treat others. But the difficulty with this is that the first sentence already makes this point, by saying that this is how human beings in general view themselves, so that the contrast marked by “aber” here seems to be lost. Of course, if the second sentence read “But every other rational being also represents the existence of others in this way consequent on just the same rational ground that also holds for me” then there would be a contrast with the first sentence; but it doesn’t. The advantage of my reading above, however, is that it explains more clearly how Kant might have thought he was drawing a contrast here, between how we represent our existence to ourselves qua human beings, and how other rational but non-human beings represent their existence to themselves, and whether this has the same basis in the value of rational nature.

I therefore do not accept Baxley’s constructivist account of this crucial piece of text, where I would claim that a value realist account fits the evidence much better.

Reply to Dean Moyar

In his critical comments, Moyar focuses on the second part of Understanding Moral Obligation, which deals with Hegel. However, Moyar begins by protesting that in fact I do not say enough about Hegel himself in these chapters, which also include discussion of Schiller and Bradley. Now, it is not often that I get asked to say more about Hegel, so this makes a refreshing change; and I can see Moyar’s point. But the

difficulty in writing about Hegel, is that because of the systematic and interconnected nature of his approach, it can be rather “all or nothing”: either one sticks closely to a limited issue and focuses on that, or one ends up writing about the whole of Hegel’s philosophy. I opted for the former strategy, just to try and bring out what I take to be his account of obligation, while setting it in its relevant context in relation to Kant and Schiller – hence the concentration on a relatively small part of Hegel’s work, rather than the entirety of his ethical system. Of course, there is then a danger that I have somehow distorted Hegel’s position on these matters, and squeezed Hegel into the debate artificially – which is perhaps the real substance of Moyar’s concern; but obviously I hope to have avoided this, as I will now try to suggest in my replies to his more detailed criticisms below.

However, there is also one further preliminary issue which Moyar raises, which deserves comment. This is whether in thinking about these issues, I have changed my mind since publishing an earlier essay on a related theme, entitled “Freedom, Self-Legislation and Morality in Kant and Hegel” (Stern 2007). Though there is a broad continuity between *Understanding Moral Obligation* and this paper, Moyar is right to spot that I did alter my view somewhat when it comes to Hegel. When I wrote the earlier piece, I had thought that perhaps the ultimate upshot of Hegel’s position would be to do away with the notions of obligation and duty altogether – and in some way, I still think something like his position could be developed in that manner.^{vii} However, on looking more closely at Hegel’s own position for the book, I came to think that this view of Hegel was too simplistic, as it seems that Hegel wants to leave room for these notions, where as I point out, they still figure in his treatment of “Ethical Life” in the third part of the *Philosophy of Right*. However, it is clear he wants to retain them without falling back into anything like Kant’s hybrid account, and while also avoiding a divine command theory, and so he needs a different sort of approach – which is why I think he develops instead what I call his social command theory. To this extent, Moyar is therefore right to see a shift in my reading of Hegel here, from the earlier article to the book, but in a way that I hope is unproblematic. At the same time, nonetheless, I still think there is something importantly right about what I said in the article, that for Hegel “in the sphere of *Sittlichkeit*”, while it involves social command, duty no longer has “the feeling of a command imposed on the agent” (Stern 2007: 256; cited at Moyar MS: 4-5): for I take it that there can be duties which involve social enforcement, without the individual

experiencing that as any limitation or constraint, much in the way that the law abiding citizen can relate to their legal obligations. In this way, then, the Hegelian social command model as I conceive it still differs from Kant's conception of self-legislation, for which such a feeling of "necessitation" or binding is central.

But Moyar suggests that perhaps there is a difficulty for me here: for, he seems to think that by taking Hegel to have a social command account of obligation, I may be pushed back into the constructivist view of Pippin and others than I criticised in the article, if we take obligation to be commanded.^{viii} However, I am not sure I see the worry. My position is that Hegel only has a social command view of obligation, whereas Pippin and others also want to have a social legislation view of the right and the good, and so of what is made obligatory by social command; so I take my position to still be an "intermediate" view, not a fully constructivist one that goes "all the way down" to values themselves. Moyar may think that such realism is itself a threat to autonomy, and so must give way to constructivism: but as I argue at length in the book (cf. Stern 2012: 7-40), I do not find such "arguments from autonomy" against realism about value to be convincing, so I do not think there is a "tension" here that can return with "full force" once we move to Hegel's social command view as I conceive it. I therefore do not think that my shift from the article to the book makes things any easier for the constructivist than it was before.

However, Moyar clearly thinks that my earlier "no command" view of Hegel was somehow closer to the mark than my later "social command" account, even while allowing that Hegel "invokes the language of duty and law" in his discussion of ethical life (cf. Moyar MS: 4). He thinks, however, if we view that discussion in a broader context and alongside the dialectical process that has led up to it, a different picture than mine will emerge, where in the next section of his paper he therefore focuses on Hegel's account of "Morality", in a way that I do not.

If I understand this section correctly, Moyar wants to make two main points. First, that my perspective on Hegel's critique of Kant in the "Morality" chapter is somewhat distorted, as it concentrates too much on how Hegel (inspired by Schiller) wanted to move the "form" of obligation from the self-legislating Kantian subject to a more social account, whereas the real focus concerns how "Kant's conception of obligation gets in the way of determining the specific content of the good" (Moyar MS: 9), where this worry is familiar in the guise of the standard "empty formalism" objection.

Moyar thus argues that “[Hegel’s] focus on content does not seem to support Stern’s main narrative, according to which Hegel moves from criticising the duality of the Kantian will on the formal side of obligation to invoking a social story in which that duality is overcome” (Moyar MS: 10). Now, as Moyar anticipates, one response here might be for me to say that in fact while of course the emptiness objection to Kant is a central part of Hegel’s discussion in the “Morality” chapter, and while it may even be the “main” one, it doesn’t have to be the only such concern – and indeed, there is clear textual evidence, in Hegel’s implicit references to Schiller, that his worries about Kant’s hybrid model also plays a significant role here.^{ix} Given this, therefore, I would argue that the move to ethical life is meant to help with both worries, for we now shift how we think both about the content of ethics, and its form, as we no longer think of duty as what is imposed on us by abstract reason and so grasped through a process of testing for universalisability, but as imposed on us by the concrete specifics of social life, and so known about within this context. One concern Moyar then has, however, is that this response may make the content as well as the form of ethical life a constructivist one;^x but in order to see ethical life as answering the emptiness objection, I do not see why this is required. In fact, on the contrary, it is the fact that constructivism faces an emptiness objection of its own that makes a realist account of the value of freedom that underlies ethical life attractive.^{xi}

Another concern Moyar raises, however, is that the appeal to social command as an account of obligation “risks running afoul of the threat to autonomy [Stern] discussed in the earlier article”, as it leads me “to place too much weight on the social and not enough weight on the individual’s role in holding herself to ethical norms” (Moyar MS: 10). This last point relates to a second objection that underlies Moyar’s discussion in this section of the paper, which is that by not dealing with the “Morality” chapter in any detail, I have missed how far Hegel wants to make room for “the role for the individual in holding herself to the morally good” (Moyar MS: 7), where he thinks this gets lost in my account of Hegel as a social command theorist when it comes to ethical life. Thus, while Moyar accepts that I am right that Hegel does not want to see the “holding” that goes on here in Kantian terms, nonetheless my account goes too far in the other direction, in losing a place for the individual altogether – a place that is clearer if we take the “Morality” chapter more seriously, with its emphasis on “the right of subjective freedom” that is highlighted in §124. It is

then this worry that is developed further in Moyar's account of conscience in the following section, to which I will now turn before responding to it.

In this third section, Moyar moves on to a topic in Hegel which he thinks I have wrongly neglected, and which he thinks sheds a different light on the issues, namely Hegel's view of conscience; where Moyar has of course recently written an important book dealing with this overlooked aspect of Hegel's ethical thought (Moyar 2011). Moyar thinks Hegel's appeal to conscience helps him resolve the problem of empty formalism, which he thinks is his pre-eminent concern; but he also thinks Hegel's treatment of conscience tells against my social command reading of Hegel on duty and obligation, as in conscience the individual holds herself to the ethical norms, and is not just held to them by the community of which she is part, thus retaining the important "right of subjective freedom" that Moyar thinks has been lost on my social command reading, with its emphasis on the authority of others. Moyar seems to struggle a little to explain what this "holding to" amounts to, rejecting talk of "self-imposition" as too close to the Kantian model, and opting instead for talk of "self-incorporation", which I confess I am not sure I fully understand.

Now, notwithstanding the interest of Moyar's work on conscience in relation to Hegel, various worries might be raised concerning his appeal to conscience to solve the problem of obligation: First, isn't Hegel ultimately wary of the role of conscience in ethics? Second, isn't conscience's role primarily epistemic for Hegel? Third, is there any textual evidence that Hegel actually appeals to his conception of conscience to solve the problem of moral obligation? And finally, at a philosophical level, could Hegel's notion of conscience as Moyar conceives it offer a plausible alternative to the social command account? Let me briefly consider each in turn.

On the first point, the traditional view might be that while Hegel sees the Fichtean appeal to conscience as an advance on Kant's empty formalism of universalising reason, he is also deeply concerned by it as an ethical notion, as possibly leading us into a purely individual self-certainty about where the right course of action lies, so that it therefore has an emptiness problem of its own. Thus, Hegel famously writes of conscience in the *Phenomenology*: "But even so, conscience is free from any content whatever; it absolves itself from any specific duty which is supposed to have the validity of law. In the strength of its own self-assurance it possesses the majesty of absolute autarky, to bind and to loose" (Hegel 1807: 393).

However, Moyar might well respond that Hegel distinguishes between subjective conscience of this sort, and true conscience – where the latter will not be this kind of contentless self-assertion, but will precisely get its content through its place within ethical life. And I would agree with Moyar that this distinction is one we should take seriously, and so would not raise this first objection to his use of conscience in this context, where it is clear that Hegel thought that suitably understood, it conscience can have a positive role to play, as Moyar brings out.

However, I am more sympathetic to the second worry, namely that for Hegel conscience is fundamentally an epistemic notion, thought of as a possible source of moral knowledge, rather than designed to play a role in explaining the nature of moral obligation. Hegel seems to emphasise this epistemic aspect as central when he speaks about conscience, for example in the following passage: “Conscience expresses the absolute entitlement of subjective self-consciousness to **know** in itself and from itself what right and duty are, and to recognize only what it thus **knows** as the good; it also consists in the assertion that what it thus **knows** and wills is truly right and duty” (Hegel 1821a: §137R, p. 164 (my bold emphasis)). Likewise, it is on conscience as a power of judgement that Hegel lays emphasis in a passage Moyar himself cites, while also emphasising that conscience sees itself as the power whereby what ought to be is brought about (Hegel 1821a: §138, p. 166; cf. Moyar MS: 13). Primarily, therefore, conscience is introduced by Hegel as a way to reconceive the problem of moral knowledge that Kant’s test of universalisability could not solve; the discussion is consequently focused on epistemic issues, not on the problem of explaining how moral obligation is possible, where the “right of subjective freedom” seems to mainly concern our right to claim an understanding for ourselves of the right and the good, not our capacity to hold ourselves to it.^{xii}

The third worry is the lack of textual evidence for Moyar’s claim that Hegel uses conscience to resolve this problem of obligation. Moyar’s most direct support would seem to come from the following passage: “Earlier and more sensuous ages have before them something external and given, whether this be religion or right; but [my] conscience knows itself as thought, and that this thought of mine is my sole source of obligation” (Hegel 1821a: §136A, p. 164). However, it seems to me that to read this as Hegel’s final word is to fail to appreciate the dialectical structure of the *Philosophy of Right*: conscience itself is here presented as having this view of obligation, where to some extent Hegel is presenting this as an improvement on

thinking that obligation just comes externally from God or natural law; but it still seems to me to be a mistake to take this to be Hegel's final word on obligation, when in fact this is immediately qualified by what he writes in the subsequent paragraphs.^{xiii} For, Hegel goes on to suggest that if conscience is to avoid becoming merely subjective, it must see obligation as prior to itself, and will only see itself alone as the source of obligation when the social ground for such obligations has been undermined. Hegel therefore writes that "the true conscience is that which determines itself to will what is in and for itself the good and duty" (Hegel 1821a: §137A, p. 165, my emphasis), and so what is obligatory already, not what it itself makes obligatory by a process of self-imposition or self-incorporation. So, while there are cases and situations in which individuals can take themselves to be the source of obligations and duties, Hegel seems to treat these cases as "pathological" and non-ideal:^{xiv} the better way to conceive of obligation is when this operates in a rational state, and where then conscience seeks to determine what those duties are, rather treating itself as their "source". I would argue, therefore, that conscience forms the transition to ethical life, not just because the latter provides it with content (as on Moyar's view), but also because it provides us with a better account of duty and obligation, as a social command model.

So, I confess that I am not convinced by Moyar's interpretative claim, that the role of conscience in Hegel's discussion is to solve the problem of moral obligation. But, suppose this case could in fact be made; even if it were accepted, would it count against the social command model at a philosophical level, and somehow undermine it? In fact, I think, it is quite possible to allow that Hegel wants conscience to play a significant part in how we think of obligation in a way that does not compete with my social command view of Hegel, but rather complements it. Moreover, making this clear may forestall some of the earlier worries we have noted that Moyar has, concerning the way my view apparently neglects Hegel's emphasis on "the right of subjective freedom", in the way that it seems to give primacy to the social over the individual.

To see how this link between conscience and the social command view might work, it is useful to return to the passage from John Stuart Mill's *Utilitarianism*^{xv} which provides the inspiration for many social command theorists, including Baier. For, in this passage, it is notable that when Mill introduces the account of sanctions that forms part of this view, he doesn't just talk about the punishment of the

individual that comes from law and from “the opinion of his fellow-creatures”, but also about that which comes from “the reproaches of his own conscience”. Thus, on this view, if an obligatory act is one to which blame may be legitimately attached as a form of sanction, then that may come as much from the conscience of the individual as from the “reproaches” of the community, where it is no part of the social command view as I understand it, that the latter somehow excludes or renders redundant the former. On the contrary, when “we” feel moral blame of the individual would be appropriate and hence that an act is obligatory, we will also take it that the individual would be able to view the situation likewise and so also blame themselves, thus imposing the same standards on themselves as we do on them.^{xvi} Of course, the converse is also true: namely, that the individual will not hold that they alone have the authority to blame, as in self-blame they will take it that they also speak for the “we” and not just the “I”, and so must judge their attitude accordingly – from the fact that I would blame myself, it does not follow directly that I am under an obligation because others may question my reactive attitude; and from the fact that I would not blame myself, it does not follow directly that I am not under an obligation, for others may again question my reactive attitude, so that blame is something we share as individuals within the moral community. But again, this should sound quite Hegelian, as relating naturally to his distinction between the “subjective” conscience, which thinks that only what its conscience would criticise or allow us to do is what counts, and the “true” conscience which does not, and so treats blameworthiness as a more social and objective matter, to be checked against what it is that the ethical community demands of us, not just the individual’s own attitude of self-blame.

This, then, shows how the social command theorist can allow a place for conscience in their theory, just as Mill himself does, without undermining the basic account that they offer of obligation. Thus, while the label I have used for this position may suggest that the social somehow has primacy over the individual, this impression is a mistake – which Moyar’s emphasis on conscience has ironically made it possible to bring out.

In the next section of his comments, Moyar turns from the account of duty in “Morality” to the account in “Ethical Life”, where I claim that this social command account is located; his main aim here, therefore, is to question the textual evidence that I offer in support of my reading.

Moyar in fact starts with the passage with which “Ethical Life” begins, and which he thinks immediately refutes my view, where Hegel writes that “Ethical Life is the Idea of Freedom as the living good which has its knowledge and volition in self-consciousness, and its actuality through self-conscious action” (Hegel 1821a: §142, p. 189). From this rather gnomic utterance, Moyar concludes that “Hegel identifies Ethical Life as a whole with the living good, that is, with value”, where he claims that “[t]his runs counter to Stern’s intuition that something additional is needed to convert the good into the obligatory” (Moyar MS: 18). I am not sure how he can be so confident of this, however, as at this very early stage in the chapter, the question of obligation and duty has not even come up; in fact, to introduce it, Hegel in the next paragraph introduces the suggestion that “consciousness of the difference between these moments of the Idea is present” (Hegel 1821a: §143, p. 189, my emphasis), albeit of course in what will turn out to be a difference that also involves identity, in the traditional dialectical manner. Again, given the sheer abstractness of Hegel’s comments here, I wouldn’t want to put too much interpretative weight on this paragraph either: but in so far as Moyar takes the first of them to be indicative of some sort of immediate unity between the good and our consciousness of its obligatory force in a way that is akin to the natural law theorist’s view (cf. Moyar MS: 19), it is arguable perhaps that this immediacy is put into question by the second of these paragraphs. This impression is reinforced by the next paragraph (§144), where Hegel writes that with this difference in the moments of the Idea, “[t]he objective sphere of ethics...takes the place of the abstract good” (Hegel 1821a: §144, p. 189, my emphasis), where it is only at this point that talk of laws, duty and obligation is then introduced. Far from telling against my reading as Moyar suggests, therefore, I would argue that these opening paragraphs of “Ethical Life” actually conform to my account whereby the good and the obligatory are not to be related to one another immediately.

Moyar then moves on to consider the three main passages which I cite in support of my social command view, beginning with §146: “In relation to the subject, the ethical substance and its laws and powers are on the one hand an object, in as much as they are, in the supreme sense of self-sufficiency. They are thus an absolute authority and power, infinitely more firmly based than the being of nature”. Moyar seems to want to make two points here. On the one hand, while he accepts that Hegel talks about “laws and powers”, which may imply some element of sanction, Moyar

thinks he is “in part talking about actual positive laws and powers such as the police and judiciary”, and so not about moral obligation at all, but only legal obligation, so that this passage can’t count in favour of my view (Moyar MS: 19). On the other hand, he argues that such laws and powers must be assessed as expressive of the good, where it is because of this that we are under an obligation to comply with them, not because they involve sanctions (Moyar MS: 20).

My response to the first point is that while Hegel may indeed “in part” be talking about legal obligations here, it is clear that it is not all he is talking about, as what is said to have these laws and powers is “the ethical order” in general, not merely the juridical structures of the state. In fact, it is by making the latter assumption that Moyar creates difficulties for the social command view that are merely apparent, by assuming that on that account, sanctions must involve legal sanctions such as judicial punishment and constraint. But as we saw already in the previous discussion of blame, this is not essential to the view, where the kind of sanction involved need not be of this type, where the example of the duty of charity can be handled precisely in this way. And my response to the second point is that again it involves an element of caricature with respect to the social command view: for, while the sanction may be required to make an act into a duty, part of the intermediate view is that this sanction can only legitimately apply to what is right and good, so to that extent our duties “express” such values rather than being unrelated to them as Moyar implies. Of course, it is true that on this view there is a difference between what is morally good and what is a moral duty; but even so, while the sanction is said to be what explains this difference, it still doesn’t follow that we act on this duty because of the sanction, in any motivational or reason-giving sense: we act because it is our duty, where the sanction is just part of what makes it so.

Moyar then moves to a second passage, which is §148: “All these substantial determinations are duties which are binding on the will of the individual; for the individual, as subjective and inherently undetermined – or determined in a particular way – is distinct from them and consequently stands in a relationship to them as to his own substantial being”. Far from supporting my account of duty as involving a social command, Moyar argues that this passage supports a more Kantian position, whereby duty does not involve attraction but rather constraint, in so far as the individual stands over against the good that makes up ethical life and distinguishes himself from them.

Here, where I disagree with Moyar is in his suggestion that Hegel's talk of "substantial determinations" should be "read as a claim about value configurations" and hence the good; it seems pretty clear to me that the "substantial determinations" in question are the laws and powers of ethical life that are first introduced in §146. However, to some extent I agree with him that there is something Kantian about §148, but where the "gap" is not between the individual and the good, but the individual and these laws and powers – so that we may come to feel that in doing our duty we are hereby being constrained, in a Kantian manner. However, I do not think this is the end of the story: for in the next section, Hegel precisely tries to get away from this Kantian model, while not giving up on all talk of duty as a result. For, in §149 he goes on to argue that while such laws and powers have the capacity to bind us,^{xvii} here we do not find real constraint but in fact liberation, so that in the end the "gap" can be overcome and so cannot be used to explain our ethical duties. Thus, the bindingness of the duty cannot be traced back to the Kantian difference between the good and the individual, but to the fact that they come from the laws and powers of ethical substance, as my social command account suggests.

Finally, Moyar considers a third passage, which is §150R: "In an ethical community, it is easy to say what someone must do and what the duties are which he has to fulfil in order to be virtuous. He must simply do what is prescribed, expressly stated, and known to him within his situation. Rectitude is the universal quality which may be required of him, partly by right and partly by ethics". Reading this on its own, Moyar argues that it does not support the social command view, as there is no mention here of any social subject as doing the requiring, as this simply comes about "partly by right and partly by ethics" – or "partly by law and partly by custom", as it could also be translated.^{xviii} I agree that taken in isolation, this is perhaps so: but given the broader context, and what we have already learned (I claim) about the laws and powers of the ethical substance, and how that substance involves the exercise of authority over the individual, I find it hard not to read this as the background to this paragraph, and thus as implying the social context in which such requirements are laid down. I therefore cannot accept Moyar's suggestion that the final sentence "sounds like a view in which the right and the good are doing the obligating/requiring, rather than a view in which the social command must be added to the good" (Moyar MS: 23). For, I think by this time we have already learnt to associate what is "right"

[rechtlich] and “ethical” [sittlich] with the laws and institutions of the community and its “ethical powers”, not with what may be right and good on its own.

At the end of this section of his paper, Moyer brings two further passages to bear against my account. The first is §148, where Hegel contrasts his position in Part Three of the *Philosophy of Right* with that of Kant and Fichte, where Hegel claims to show that “ethical determinations are necessary relations”. Moyer takes this talk of necessary relations to mean “a certain kind of obligating fact is operative in an ethical world”, without “the exercise of overt social pressure” (Moyer MS: 24). However, it seems to me that the necessity here is not that of the “moral must”, but a kind of systematic necessity, where Hegel is making his familiar claim that he can provide a more properly structured account than his rivals were able to do of the specific types or determinations of ethical life. I therefore do not think that this passage is directly relevant to the issue at hand.

The second passage Moyer cites against me is §147, where Hegel argues that the laws and powers of the ethical substance are not to be seen as alien to the individual, where I argue that this is to be understood as meaning that the individual is herself part of the moral community that issues the command, and so is not subordinated to it as by an alien will. Moyer argues, however, that this account is too close to a social contract theory of ethical norms of the sort Hegel rejects, while the identity in question concerns the individual’s good and that of the institutions of ethical life. In response, I would claim that there is no need to see the social command position in contractual terms, according to which it is “my consent to join with others [that] eliminates the alienness” (Moyer MS: 24); on the contrary, that alienness is overcome by the sense that the individual has of possessing their identity as part of this community, so that these laws and powers operate from a perspective that one shares with others, whereas the contractual model would keep the individual and community at odds.

Moyer concludes this section by making what seems to me to be a significant step in my direction, where he writes: “Having argued against the social command view, I should say that I do agree that our holding each other to the community’s norms is a crucial part of Hegel’s ethics. Elsewhere I have argued that the social bindingness is the objective side of the rational identity, while conscience is the subjective side, and both are necessary in Hegel’s overall view” (Moyer MS: 26). In recognizing the way in which we hold each other to account, and perhaps in coming

to recognize that the social command view can also allow that we hold ourselves to account in self-blame, it would seem that in the end there is not such a difference between us after all.

In the next section, however, Moyar continues to argue in favour of thinking of Hegel's position as a "conscience-based view", as against a social command view, because he continues to see them as fundamentally at odds with each other. Thus, he points to passages in the *Phenomenology* where Hegel recognizes the significance of conscience within modernity, and to his discussion of the relation between the ethical and religious conscience in the treatment of world history in the *Encyclopedia*, while he also emphasizes the balance between self-interest and conscience within Hegel's treatment of civil society. Given what I have said previously, however, it should by now be clear that Moyar is working with a false dichotomy:^{xix} the social command view does not have to set aside the role of conscience, in so far as it sees self-blame as one of the important sanctions within ethical life that give rise to obligation, albeit a self-blame that is not given some priority over the blame of the community of which one is also part, where it is through this process that (on this account) duty and obligation are to be understood.

Finally, Moyar turns to the dispute between Hegel and Kierkegaard, as I present it. This concerns the issue of the demandingness of the ethical, and whether on Hegel's account, the bar is set too low. Moyar thinks that while this objection may be plausible on the social command account, he thinks a conscience-based view will put Hegel in a better position, as on this view one is required to engage in moral deliberation, to aim at substantial ends, and negotiate between conflicting norms. Moreover, he suggests that even the institutional norms of modern ethical life are more problematic than the Kierkegaardian might think, as one can see by thinking of how difficult it is for us to be a good father or husband, given the pressures and conflicts involved in these sorts of roles.

Now, it seems to me that both of these responses to the Kierkegaardian could be made as much on the social command view as on a view like Moyar's that seeks to highlight the role for conscience – or to put it another way, that if (as I suggest) the portrait of Judge William in *Either/Or* is meant to be an attack on the smug complacency of Hegelian ethical life, then it is something of a caricature. Thus, there

may well be some merit in Moyar's response here, though I think the sensible points he makes can be put forward without thinking they tell decisively against the social command view, as if this implied that "[it] leaves little for the subject to do but respond appropriately the modest demands of the State".^{xx} For example, in §150, while claiming that "[i]n an ethical community, it is easy to say what someone must do and what the duties are which he has to fulfil in order to be virtuous", as "[h]e must simply do what is prescribed, expressly stated, and known to him within his situation", Hegel nonetheless still recognizes the possibility of tensions or "collisions" within ethical life "in extraordinary circumstances", which may then involve the kind of demands that Moyar speaks about.

Nonetheless, it seems to me that what Moyar says here about the demandingness of ethical life for Hegel will still not really address the core of Kierkegaard's complaint, or show how Hegel can escape the dialectical bind that the Kierkegaardian thinks he is in: namely, that if Hegel makes our ethical requirements too strong, then Kant's account of obligation will become increasingly plausible, because it will again look as if obligation comes about through self-constraint, as we struggle with ourselves to do what is called for. Indeed, it is arguably precisely this dialectic that is work in §150 that we have just discussed, where Hegel contrasts the rectitude that just consists in following the duties laid down by the ethical community, with the virtue of Kantian morality, which consists in a battle with oneself to do what is right, where "such talk, with its reasons and expositions is directed at the individual as an arbitrary will and subjective caprice" (Hegel 1821: §150, p. 193). Thus, if the Hegelian sets the bar of ethical life too high, what will again be required of us is virtue rather than rectitude, and thus just the kind of self-constraint that fits the Kantian model of obligation which Hegel had wanted to escape. Nothing Moyar says, I think, shows how Hegel can avoid the structural difficulty that Kierkegaard's discussion brings out. Of course, the Hegelian can respond (as I discuss in the book) by claiming that the Kierkegaardian is simply wrong to claim that ethics has the kind of demandingness that they attribute to it – but that is to opt for a strategy that is not suggested by Moyar's remarks, and to which his claims on behalf of conscience do not seem to contribute.

Reply to William Bristow

The focus of Bristow's comments are my treatment of Kierkegaard, where I read him as an "intermediate" divine command theorist, who on the one hand is critical of Hegel's social command account of obligation, and who on the other leads us back to a position which (I claim) Kant rejects, and so completes the dialectical circle of positions that I discuss.

Bristow raises two kinds of worries for my account of Kierkegaard: first, he thinks I am wrong on interpretative grounds; and second, he thinks even if I was right, the result would not be of much interest philosophically, as the position I attribute to Kierkegaard is too obviously weak to play a role in the dialectic that I set out, and so does not represent a serious competitor to the views represented by Kant and Hegel – so that interpretative charity should lead us to read his position differently. In what follows, I will try to respond to both sets of concerns.

(a) Interpretative objections

Bristow's interpretative concern might be summed up in the splendid title of Ronald Green's paper: "Enough is Enough! Fear and Trembling is Not About Ethics!" (Green 1993). On this sort of view, Kierkegaard's treatment of the Abraham story is meant to show that ethical obligations may be suspended in favour of religious obligations, and therefore that the highest practical demands upon us cannot be made rationally comprehensible, but are matters of faith. Thus, it is argued, Kierkegaard's discussion of the Akedah in *Fear and Trembling* cannot be cited as grounds for thinking Kierkegaard held a divine command theory of ethics, notwithstanding the role of God's command in the story, as for Kierkegaard the story is not really about ethics at all. Likewise, Bristow thinks, the Works of Love are also debarred from being treated in this way, as this would be to attribute to this text some sort of moral argument for God's existence, whereas in fact it is one of Kierkegaard's "Christian deliberations" that is not aimed at any such philosophical goal, but rather to "recall wayward Christians to the fundamentals of their faith" (Bristow MS: 17). For Bristow, therefore, my way of approaching Kierkegaard is deeply mistaken, and misses the whole point of his authorship.

Now, strongly "anti-philosophical" readings of this sort of course have a highly respectable pedigree when it comes to thinking about Kierkegaard, where the concern is that by failing to put Kierkegaard in a distinctively "religious" tradition of some sort, we water down his thinking and reduce his radicalism, somehow

“domesticating” and taming him thereby. I would like to suggest, however, that the approach I adopt can also make good sense of the kind of challenge Kierkegaard thinks the Abraham story offers to philosophy in general and philosophical ethics in particular. For, while I claim that Kierkegaard is not a voluntarist concerning God’s commands, I argue that he takes the more moderate intermediate view to still carry the implication that what God can legitimately ask of us may outstrip the reach of our grasp of the right and the good – in a way that a more traditional Enlightenment ethicist such as Kant rejects as inconceivable.^{xxi} Even on my account, therefore, Kierkegaard may be read as operating outside the ambit of what many rationalist philosophers would find acceptable and thus as challenging the position they adopt; but he does so on the philosophical grounds that it is an implication of any position which allows God into the picture of ethics at all, where it will follow that God’s grasp of the right and the good must then be accepted to be beyond ours, given the differences in wisdom and perspective between us – where insofar as Kant also allows God a role in his ethics (cf. Stern 2012: 57-67), this is equally an implication he too should find hard to resist, at least from Kierkegaard’s point of view. On my approach, therefore, Kierkegaard does indeed “suspend” ethics, but not by stepping outside the realm of the ethical altogether and so into some realm of the religious that is wholly distinct from it, but rather by stepping outside an ethics which takes it for granted that what ethics demands is always known to us from the human perspective, where from a religious point of view that is nonetheless still ethical in a broader sense, this assumption can be challenged and in fact makes little sense.

Thus, where Bristow points to many distinctive features of Kierkegaard’s discussion in *Fear and Trembling*, I would claim that my approach fits with these features and is perfectly capable of accommodating them, even while taking a more “philosophical” approach than Bristow and no doubt others would like. While this is discussed in further detail in the book, let me briefly mention the features I have in mind, as Bristow lays them out in his challenge to me.

First, he emphasizes that *Fear and Trembling* is written against those (Hegelians) who think that faith and so belief in God is mere child’s play; thus for Bristow, “[a]s a rebuke to this common understanding of faith and of its relation to philosophy, Johannes means to show the faith of father Abraham to be extremely spiritually demanding, exactly because this faith consists in staking oneself to “the absurd”, beyond a point where reason can provide sense or assurance” (Bristow MS:

7). But I would claim that my reading of Kierkegaard fits this characterisation, where precisely by accepting that the ethical does not conform to our powers of reasoning, we may find in it no “sense or assurance”, and thus be faced with a demand that looks “absurd”. Moreover, the “leap of faith” that this requires stems from the same feature: for, if we knew that we were being asked to do is certainly wrong, then we could know that it is not God who is asking us to do it (as Kant insists); or if we knew that God is asking us to do it, we would know that it is somehow the right thing to do, even if we can’t see why – but here our grounds for thinking it is God comes from what it is he asks us to do. So again, reason cannot help us find a way out here, if the right is indeed transcendent in the way that the intermediate divine command theory I am attributing to Kierkegaard suggests.

In his account, Bristow also emphasises the difference between the “knight of faith” (such as Abraham), and the “tragic hero” (such as Agamemnon). However, again, I think that my account can also accommodate this difference: For the tragic hero, the ethical grounds on which he is operating are transparent (the good of one vs the good of many, for example), and so explicable to all; but for the knight of faith, they are opaque, so not communicable or rationally defensible in this way, which is why (on my view) de Silentio precisely emphasises the way in which Abraham is forced to remain silent, as he cannot point to any generally accepted basis on which to justify his actions, unlike the tragic hero.

It may seem, however, that where Bristow’s account is at a great advantage compared to mine, is over Kierkegaard’s insistence that what the Abraham story shows is the “teleological suspension of the ethical”. Bristow rightly emphasises this crucial feature of Kierkegaard’s position, and takes it to be decisive in moving us from the ethical to the religious as something wholly “other”, where he writes: “insofar as we praise Abraham for his faith, we must recognize that ethical duties can be appropriately suspended in favour of higher demands” (Bristow MS: 9). For Bristow, therefore, the way in which God’s command to Abraham suspends the ethical is to take him into the realm of the unethical in every sense, by imposing on him instead an entirely religious obligation, to which the ethical is entirely foreign.

I would suggest, however, that we do not have to see the “teleological suspension of the ethical” in such a black-and-white way. Thus, on my account, in one sense we can certainly say that God’s command is unethical, namely in going against what we take to be one of the fundamental principles of ethics as we

understand it, and that in following God's command, this is the ethical outlook that has to be "suspended", with all the attendant anxieties and tensions which Kierkegaard describes. However, on the sort of view I am attributing to Kierkegaard, what is commanded need not be taken to be unethical from *God's* perspective, not because he can make anything ethical (as on a radically voluntarist view), but because his conception of what it is right to do, and so of what can be legitimately commanded, may well differ from ours, given the standpoint from which he operates.^{xxii} On this account, therefore, Kierkegaard can perfectly well talk about a "suspension of the ethical" here, where that means a suspension of our normal sense of right and wrong, without meaning that we must take God's command to be wholly unethical in Bristow's sense. If we read Kierkegaard as an intermediate divine command theorist of this kind, there is therefore a way of capturing the sense in which Kierkegaard thinks belief in God can commit the Christian to the possibility that the ethical can be "suspended", which thus remains central to my account.

Nonetheless, Bristow might respond, if we do interpret Kierkegaard as an intermediate divine command theorist, this is just to put him back within the philosophical tradition of Suarez and Scotus, whereas his whole purpose as a Christian thinker was to challenge any such tradition (cf. Bristow MS: 18). However, while I do indeed locate Kierkegaard within this tradition, what I think makes Kierkegaard distinctive is the way in which he exploits the radical and disturbing potential latent within it, namely the way in which it would seem to allow for the possibility that the ethical lies outside our comprehension. While still operating in philosophical terms, therefore, I do not think that the position I attribute to Kierkegaard should lose any of its tendency to unsettle us, as I am sure Kant (for one) would have fully recognized.

At this point, however, Bristow tries to impose a kind of redundancy objection on my account: If my interpretation of Kierkegaard's position shows it to be disturbing in the way I have suggested, why prefer it to the radically voluntarist approach that I reject as "rebarbative", where this now seems no more disturbing from an ethical point of view, as both accounts leave the ethical beyond our rational insight, albeit in different ways – one by positing it as coming from the rationally unconstrained will of God, the other from a moral order that transcends our understanding?^{xxiii} However, I think this objection fails, as there is still a significant difference in the way that these theories put the ethical beyond our rational insight,

one by emphasising our cognitive limitations, the other by locating the ethical in what to many is then only a kind of arbitrary willing; but while cognitive humility and fallibilism can be made compatible with thinking of ethics as comprehensible in itself, albeit not necessarily to us, the latter view arguably cannot.

Turning finally to the Works of Love, Bristow dislikes the way in which I find some kind of “argument” in the text, from the demandingness of morality to the role of God as lawgiver. His main reason for this is the principle of charity: if we do interpret Kierkegaard along the lines I suggest, then it means saddling him with a philosophically feeble position.^{xxiv} This is therefore a good point to move from discussing Bristow’s interpretative objections to my view, to his philosophical concerns about the sort of position that I attribute to Kierkegaard.

(b) Philosophical objections

Bristow’s main philosophical worry about the way I read Kierkegaard’s account of obligation, is that his position cannot really compete on philosophical grounds against the alternatives I offer on behalf of Kant and Hegel, and so that if we are to give his position some dialectical force, we would do better to see him as not engaging in this debate at all – and so as operating “outside the circle” of Kant, Hegel and divine command theory altogether. But I am not as convinced as Bristow that the position I take Kierkegaard to adopt is really as hopeless as he suggests – though of course, like all the positions I discuss in the book, that doesn’t mean I think it is flawless.

One worry Bristow has, which we have just discussed, is that the sort of intermediate divine command theory I attribute to Kierkegaard is no better off than a radical divine command theory, as both allow for the possibility that ethics is beyond our rational insight; so insofar as the latter is not a serious competitor to Kant and Hegel, so neither is the former. However, as I have already mentioned, I think Bristow underestimates the differences between the two views here, where for many reasons discussed in the book, the intermediate divine command seems at an advantage, even in the transcendent form given it by Kierkegaard. So, leaving this to one side, what are the other philosophical flaws that Bristow thinks apply to Kierkegaard’s position as I understand it?

As I discuss in the book, and as Bristow notes, Kierkegaard at least seems to offer philosophical arguments in favour of his view by criticising the alternatives of a broadly Kantian and Hegelian kind: namely that self-legislation is not really

legislation, and that a social command view cannot give content to the “we” that does the commanding. However, Bristow thinks that at a philosophical level, Kierkegaard cannot really be understood as doing any better, because just like these other accounts, a divine command theory cannot really explain what gives God his authority to command the law, and hence make it genuinely obligatory (and not merely coercive):

How is appeal to God supposed to help, philosophically? Neither Stern nor Kierkegaard explains this. Granted the difficulty of rationally validating or explaining the authority of moral norms by appeals to self-relations [cf. Kant] or social relations [cf. Hegel], the proposal that appeal to God supplies the missing rational intelligibility of such authority remains unsatisfying until God’s alleged authority is itself rationally explained. But what explains or justifies God’s alleged authority? Again, one does not find (either in Stern or in Kierkegaard) discussion of this question. Without such discussion, how can this alleged divine command theory compete with philosophical accounts provided by Kant and by Hegel? The absence of any discussion of the grounding or legitimacy of God’s authority makes the position, judged from a philosophical point of view, weak and undefended. (Bristow MS: 15-16)

Bristow canvasses one possible response to this worry, which he rejects as unsatisfactory: namely, that maybe because it is God we are talking about, then his authority requires no defense or rational explanation, because none could be given that would make sense to us. He responds, however, by arguing that this would leave Kierkegaard’s position no better off than the ones he rejects, as all now turn out to have various gaps and lacunae.^{xxv}

I agree that this latter strategy would be unsatisfactory. But I think that Bristow underestimates the resources available to the intermediate divine command theorist in thinking about God’s authority, where this theorist is arguably in a stronger position than the radical divine command theorist on this issue. For the latter, the question of God’s legitimacy is famously hard to resolve, as Leibniz argued in claiming that Pufendorf’s position is stuck in a circle: for, unless there is some normative framework prior to God, how can we claim that he has any legitimate authority over us, as to do so we need to be able to say what it is that makes it

legitimate and hence wrong to disobey – but where the radical divine command theorist precisely rejects any such framework prior to the exercise of God’s command.^{xxvi} However, the intermediate divine command theorist is in a different position on these issues, for he does allow there to be such a prior framework of the right and the good, where the role for God is not to bring such a framework into being out of a normative void, but to make it obligatory to do what is right and good, because he has so commanded. Not only does this make it easier for such a theorist to escape the traditional objections to radical voluntarism; it also makes it easier for him to give an account of the legitimate authority of God, and so makes his position a more viable alternative to the options represented by Kant and Hegel.

In order to see how this could be so, we might take as our account of legitimate authority the one offered by Joseph Raz, and his so called “service conception”, according to which authorities are genuine which better enable agents to abide by the reasons that they have to act insofar as they exercise that authority and agents are led by it. This gives rise to Raz’s “normal justification thesis”:

The normal justification thesis...claims that the normal way to establish that a person has authority over another person involves showing that the alleged subject is likely to better comply with reasons which apply to him (other than the alleged authoritative directives) if he accepts the directives of the alleged authority as authoritatively binding and tries to follow them, rather than by trying to follow the reasons which apply to him directly. (Raz 1986: 53)

Now, if something like this view is accepted, then in fact it can be made pretty plausible with respect to God, given his omniscience, infinite goodness and so on – for, if not God, which authority is more likely to meet this criterion for legitimacy in the moral case, as able to help us do the things that are right to do in a way that we might fail to do if left to our own devices, due to our ignorance of what is for the best, to co-ordination problems, our faulty reasoning powers, and the like? If Raz’s thesis applies plausibly to the authority of the state, surely it can be made to apply perhaps even more plausibly to God? Of course, such an account will not work for the divine command theorist who is a radical voluntarist, as this theorist will not have room for any such prior reasons to which the person is being assisted in complying through the exercise of God’s authority; but the intermediate divine command theorist’s position

is different in precisely allowing for this possibility, and thus being able to work with something like Raz's account. Needless to say, this is not to claim that this account is perfect, or that there are no difficulties for the intermediate divine command theorist in adopting it – but it is to suggest that the position is by no means hopeless, and perhaps has a good deal more going for it than Bristow seems to envisage.

However, aside from this issue of legitimating God's authority, Bristow also thinks Kierkegaard's position as I characterise it is also weak in a second way, because I take it that he is arguing from the strenuousness of the love command, to the role of God as its author; but Bristow thinks that Kierkegaard's Hegelian opponent can just deny this strenuousness, and so reject the argument by rejecting this premise (cf. Bristow MS: 13-14). Again, however, it seems to me that Bristow may underestimate Kierkegaard's resources here. For, as Kierkegaard is of course very fond of emphasising, Hegel at least claims to be operating within the context of a Christian ethics and representing its "content" in a more philosophical "form"; but if then Kierkegaard is right to insist that in fact what makes this ethics distinctive, as opposed to that of the "honest pagan", is that it precisely sees the love command in this demanding way, then Hegel's claim is undermined. Moreover, even if the contemporary Hegelian disavows this connection to the Christian tradition for his philosophy, the fact remains that this tradition remains embedded within our secular ethical thinking to a significant degree, whereby concerns about the demandingness of ethics continue to arise^{xxvii} – where for many secular ethicists, it still makes sense to claim that what is morally asked of us outstrips what we can easily supply. It would seem, therefore, that while of course not all will accept Kierkegaard's premise, there are still sufficient grounds on which to give it some plausibility, and thus use it as a starting point for Kierkegaard's argument as I envisage it.

Finally, Bristow also points to a third weakness with a divine command theory, and thus to Kierkegaard's position seen from this perspective: namely, that while this theory may claim that it makes morality more objective and universal, as obligation is not then based on variable social factors, nonetheless in fact an ethics grounded in God's command is no better off, as we then have a variety of religious claims and creeds to adjudicate, in trying to determine exactly what the content of ethics is supposed to be (cf. Bristow MS: 17). Now, I agree with Bristow that this is certainly a worry for the divine command theorist, while of course the proponents of the view have made various efforts to respond to it – with varying degrees of success,

perhaps.^{xxviii} But when it comes to Kierkegaard, at least, he does seem to have thought that non-relativism was a feature of the divine command position, and that this difficulty of their being different gods with different demands wasn't really a serious issue. Thus, as he puts it in *Works of Love*: “all of us, each one separately, receives our orders at one place, if I may put it in this way, and then each one unconditionally obeys the same orders” (Kierkegaard 1847: 9:114 (p. 177)). Bristow may be right to see this as a philosophical blind-spot in Kierkegaard's approach, but it does seem to be a philosophical claim that he was disposed to make, as are contemporary theists such as Adams, Evans and others.

So, while I appreciate Bristow's concerns, and while I therefore accept that there is a continual temptation to treat Kierkegaard as an “outsider” to philosophy, and so as a “sceptic”, an irrationalist, or a cultural critic, I hope here to have made some sort of case for my approach in the book, and the claim I make there: namely, that Kierkegaard's radicalism can be preserved, even while we understand his contribution in philosophical terms, and so place him within the dialectical circle that I trace, rather than put him outside it as Bristow recommends.

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ⁱ I am also extremely grateful to Wayne Martin for putting this symposium together – and indeed for publishing the book in the first place. Thanks are also due to Karen Ng and her team for hosting us at the New York German Idealism Workshop, and to the excellent audience at that occasion.

ⁱⁱ “The problem with Stern’s argument, as I see it, is that it changes the terms of what Kant has in mind when he poses the fundamental problem of the bindingness of morality. In the passage from Groundwork III just cited, Kant invokes the distinction between the two realms as part of an argument intended to show that we have (reasonable) grounds (based on the spontaneity of thought tied up with cognition) for taking ourselves to have the requisite freedom required by autonomy, which itself is required if action in accordance with the categorical imperative is even possible. If we recall the structure of Kant’s extended argument culminating in his appeal to transcendental idealism in the final section of the Groundwork, it is apparent that the distinction between the holy and finite imperfect will could not resolve the fundamental issue of moral obligation that Kant is attempting to answer, because the distinction is not intended (or adequate) as a reply to the exact “how possible” question with which Kant is concerned” (Baxley MS: 7-8).

ⁱⁱⁱ I am grateful to Jens Timmermann for discussion of these passages.

^{iv} Actually, I think the argument is a little more complex than that, but will stick to this more standard way of presenting it for now. For my somewhat different account of the argument of elimination, see Stern forthcoming b.

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- ^v The translation of the first clause of the second sentence is modified.
- ^{vi} The interpretation sketched here is elaborated further in Stern forthcoming b.
- ^{vii} This is an option that I do briefly discuss in *Understanding Moral Obligation*, though not directly in relation to Hegel: see Stern 2012: 155. As Wayne Martin has suggested to me, if the thesis of my book is right, that none of the theories of obligation canvassed there are satisfactory, and that these exhaust the options, then dropping the notion of moral obligation may be the logical next step. Of course, for different reasons (because we live in a secular culture, and so can no longer treat God as a lawgiver), Anscombe thought something similar, and suggested Greek virtue ethics as an alternative approach; but whether the Greeks themselves managed without some notion of duty is itself a contested matter (cf. Stern 2012: 151), so what ethics would look like that had no such concept remains unclear.
- ^{viii} Cf. Moyar MS: 5: “This does raise the question of whether the tension [between realism and autonomy], and thus the constructivist argument, reappears in full force if Hegel is seen as retaining a legalistic command account of legislation”.
- ^{ix} See, for example, Hegel 1821: §124R, p. 152: “The right of the subject’s particularity to find satisfaction, or – to put it differently – the right of subjective freedom, is the pivotal and focal point in the difference between antiquity and the modern age... But abstract reflection fixes this moment in its difference from and opposition to the universal, and so produces a view of morality as a perennial and hostile struggle against one’s own satisfactions, as in the injunction: ‘Do with repugnance what duty commands’”
- ^x Cf. Moyar MS: note 9: “If we move from Kantian self-command to social command, and from the moral law to positive law, then there is the pressure to go constructivist that Pippin exploits”.
- ^{xi} For the emptiness objection to constructivism, see Stern 2012: 13.
- ^{xii} At one point, Moyar mentions this issue in relation to Fichte, commenting that “[c]onscience is the absolute certainty that an action is my duty, but conscience itself is not an epistemic capacity” (Moyar MS: 12). But I am not sure I understand the distinction being drawn here; and anyway, I would argue that Hegel’s focus seems to be epistemic, even if Fichte’s wasn’t?
- ^{xiii} Moyar himself admits this passage is problematic, noting that “This is... the kind of comment that Hegel makes to indicate the typical thought about a certain concept, a thought that later turns out to be one-sided” (Moyar MS: 11).
- ^{xiv} Cf. Hegel 1821: §138R and §138A, pp. 166-7: “When the existing world of freedom has become unfaithful to the better will, this will no longer finds itself in the duties recognized in this world and must seek to recover in ideal inwardness alone that harmony which it has lost in actuality.... Only in ages when the actual world is hollow, spiritless, and unsettled existence [Existenz] may the individual be permitted to flee from actuality and retreat into his inner life. Socrates made his appearance at the time when Athenian democracy had fallen into ruin. He evaporated the existing world and retreated into himself in search of the right and the good”.

^{xv} Mill 1863: 246.

^{xvi} Note that judging an action is blameworthy is not the same as judging that I am to blame, and hence need not involve “the kind of self-accusing judgement that is often associated with conscience” (Moyar MS: 13), as is obvious when I judge that I am obliged not to ϕ insofar ϕ -ing is blameworthy and don’t do so as a result, where then no self-accusation would be appropriate. So, to that extent, the fact that Hegel doesn’t talk much of the “bad conscience” in this sense of actual self-accusation hardly shows that he didn’t think of conscience as relating to considerations of reproach by self and others (cf. Moyar MS: note 11).

^{xvii} Cf. PR §145, p. 190: “the ethical sphere is...a circle of necessity whose moments are the ethical powers which govern the lives of individuals”.

^{xviii} This is how Knox translates it, for example. See Hegel 1821b: 157. The relevant German terms are “rechtlich” and “sittlich”.

^{xix} Moyar seems to be working with the same false-dichotomy when he writes: “Hegel lamented the modern sickness of thinking that you yourself are the exclusive source of obligation. Hegel’s cure was not to cede the authority to the State, but to argue for co-responsibility of the subject and others” (Moyar MS: 33). From what I have said, I hope it clear that this idea of “co-responsibility” can actually be a feature of the social command model.

^{xx} MS, p. 31.

^{xxi} Cf. Kant 1793: 6:99 note: “[I]f an alleged divine statutory law is opposed to a positive civil law not in itself immoral, then is there cause to consider the alleged divine law as spurious, for it contradicts a clear duty, whereas that it is itself a divine command can never be certified sufficiently on empirical evidence to warrant violating on its account an otherwise established duty”.

^{xxii} Cf. the passage from Works of Love that I cite in the book (Stern 2012: 223, note 6): “But you shall love God in unconditional obedience, even if what he requires of you might seem to you to be your own harm, indeed, harmful to his cause; for God’s wisdom is beyond all comparison with yours, and God’s governance has no obligation of responsibility to your sagacity” (Kierkegaard 1847 9:24 (p. 20)).

^{xxiii} Cf. Bristow MS: 10-11, and 4.

^{xxiv} “If we read Kierkegaard’s discussion of authority in Works of Love as advancing philosophical arguments in a philosophical dialectic, then the position is weak and undefended. If, instead, we read Kierkegaard in these passages, not as engaged with a philosophical dialectic with Kant and Hegel, offering a divine command theory as making the most rational sense of our moral obligations, but instead, as addressing professing Christians upon the ground of Christian presuppositions, the force of Kierkegaard’s passages is restored” (Bristow MS: 17).

^{xxv} In a footnote (Bristow MS: 16, note 5) he also raises the suggestion that the legitimacy of God’s authority comes simply from his coercive power, where he wonders if perhaps this is what I meant in saying that Kierkegaard foreshadows Anscombe’s view, that legislation requires “superior power in the legislator”. But I

take it here that Anscombe and Kierkegaard are claiming that such superior power is a necessary condition for legislation, not a sufficient one – a condition which they think that Kantian self-legislation does not meet, as the self cannot exercise genuine power over itself. So again, I would agree with Bristow that on its own, this cannot amount to an answer to the request for legitimation of that power.

^{xxvi} Cf. Leibniz 1706: §V, pp. 73-4:

Nor do I see how the author [Pufendorf], acute as he is, could easily be absolved of the contradiction into which he falls, when he makes all juridical obligations derivative from the command of a superior...while...he [also] states that in order that one have a superior it is necessary that they [superiors] possess not only the force [necessary] to exercise coercion, but also that they have a just cause to justify their power over my person. Consequently the justice of the cause is antecedent to this same superior, contrary to what had been asserted. Well, then, if the source of law is the will of a superior and, inversely, a justifying cause of law is necessary in order to have a superior, a circle is created, than which none was ever more manifest. For what will the justice of the cause derive, if there is not yet a superior, from whom, supposedly, the law may emanate?

These issues are discussed further in Stern forthcoming a.

^{xxvii} See, for example, debates about the demandingness of utilitarianism; cf. Mulgan 2001.

^{xxviii} See, for example, Adams 1999: 262-70.