

## CONTEMPT AND MORAL SUBJECTIVITY IN KANTIAN ETHICS

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To be obligated, according to Immanuel Kant, is to find oneself positioned as the addressee of the moral law. As finite rational beings who find ourselves addressed by the law, but who do not act in accordance with it simply as a matter of course, we experience the law as constraining or necessitating our wills. For beings like us, then, the moral law necessarily takes the form of an imperative. This idea of the obligated moral subject as addressee of an imperatival law lies at the heart of Kantian ethics. But the idea is not entirely original to Kant; something like it had played a central role in voluntarist ethical theories at least since Francisco Suarez. In his *De Legibus, ac Deo Legislatore*, Suarez criticized Aquinas' well-known definition of law as "a certain rule and measure in accordance with which one is induced to act or is restrained from acting."<sup>1</sup> Suarez's criticism is based on a distinction, which came to play an important role in Kant's own ethical thinking, between counsels and commands. Under Aquinas' definition, a mere counsel or piece of advice would count as a law, whereas according to Suarez, it is essential to law that it impose a genuine obligation on its addressee. Only a command, promulgated by a superior and backed by sanctions, can do that.<sup>2</sup> For the whole voluntarist tradition as it was carried forward by Samuel Pufendorf, Jean Barbeyrac, and Richard Cumberland, among others, the moral subject was understood primarily as the addressee of an imperatival law.

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<sup>1</sup> T. AQUINAS, *Summa Theologiae* I-II, q. 90, a. 1.

<sup>2</sup> F. SUAREZ, *De Legibus, Ac Deo Legislatore* in *Selections from Three Works*. Translated by G.L. WILLIAMS, A. BROWN, and J. WALDRON, Oxford, Clarendon Press, 1944, p. 21; p. 127.

Although Kant inherited the conception of the moral subject as addressee of the law from the voluntarist tradition, he was undeniably original in his development of that conception. In the Doctrine of Virtue from the *Metaphysics of Morals*, Kant describes the relation between the subject and obligation as follows: "...I can recognize that I am under obligation to others only insofar as I at the same time put myself under obligation, since the law by virtue of which I regard myself as being under obligation proceeds in every case from my own practical reason; and in being constrained by my own reason, I am also the one constraining myself."<sup>3</sup> Kant argues in this passage that the moral subject cannot be understood adequately merely as the addressee of the law; rather, one's being positioned as the addressee of the moral law presupposes one's being, more fundamentally, the addressor of that law. This, of course, is the doctrine of the autonomy of the will. I think it is fair to say that the characterizations of moral experience that are taken by many as definitive of Kantian ethics are based primarily on his descriptions of the practical subject as autonomous, as addressor of the law. It is essential to Kant's ethics, for example, that the most common human reason has the moral law "always before its eyes and uses [it] as the norm for its appraisals." Relying on this law, which it has as a secure possession, the practical subject "knows very well how to distinguish in every case that comes up what is good and what is evil, what is in conformity with duty or contrary to duty...."<sup>4</sup> *Qua* addressor of the law, in other words, the practical subject determines unilaterally the moral sense of the situations she faces. From this point of view, moral action can appear as a kind of inflexible rule-following, unconcerned with

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<sup>3</sup> AA 6:417. [AA = "Akademie-Ausgabe," i.e. *Kants gesammelte Schriften*. Ed. königliche preussische Akademie der Wissenschaften / deutsche Akademie der Wissenschaften, Berlin, de Gruyter, 1902-.] All translations from Kant's work are taken from the relevant volumes of *The Cambridge Edition of the Works of Immanuel Kant*, under the general editorship of Paul GUYER and Allen WOOD.

<sup>4</sup> AA 4:403-404.

aspects of situations that are not specifically addressed by legislative practical reason. In the notorious case of the murderer at the door, for example, the morally salient aspect, as determined by the law, is truth-telling: to act morally is to tell the truth, irrespective of the grave consequences of doing so.<sup>5</sup> It is this picture of moral life, centered on a conception of the subject as addressor of the moral law, that is typically described as Kantian, and not entirely without justification.

What I want to argue in this paper, though, is that the picture of Kantian ethics that emerges when we emphasize the position of the moral subject as addressor of the law is one sided and misleading. There are moments in Kant's moral philosophy, I hope to show, where the primacy of the addressor position is called into question. Focusing specifically on Kant's discussion of contempt in the Doctrine of Virtue, I hope to bring to light a dynamic relationship at the heart of practical subjectivity—a relationship between the addressor and addressee positions—that will suggest a more adequate description of Kantian ethics, and of moral experience generally. I will begin by tracing the history of the idea, first advanced by Samuel Pufendorf, that there can be no obligation except for a subject who is capable of converting himself into the addressor of the law. I will then describe and offer a defense for Kant's own development of that idea. Finally, by means of a close reading of Kant's discussion of contempt, I will attempt to show how morality demands of us precisely that we maintain ourselves in the position of addressees, resisting the movement of conversion to the addressor position that is, nonetheless, the condition of possibility for the experience of obligation.

#### **I. PUFENDORF'S POINT: THE MORAL SUBJECT AS ADDRESSOR AND AS ADDRESSEE**

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<sup>5</sup> AA 8:425-430.

The idea that obligation presupposes a moral subject capable of freely taking up the moral law addressed to her and making use of it as a standard for her own conduct was first advanced by the voluntarist natural law theorist Samuel Pufendorf in *On the Law of Nature and of Nations* and in *On the Duty of Man and Citizen According to Natural Law*. This idea is so important to Pufendorf's ethical project, and to the line of ethical thinking that follows from it, that Stephen Darwall has characterized it simply as "Pufendorf's Point."<sup>6</sup> Pufendorf develops his point in response to a question that becomes especially salient with the advent of the modern scientific understanding of the world: in a mechanistically conceived world composed of beings whose actions can be understood in terms of their natural properties, how can we make sense of the presence of "oughts?"<sup>7</sup> If one billiard ball strikes another, for example, we can understand the velocity and direction of the second ball entirely with reference to the natural properties of the balls and of the surface on which they roll. Introducing moral concepts, such as that the second ball was obligated to move in a certain direction at a certain velocity, adds nothing whatever to our understanding, and in fact detracts from it. Of course we human beings are also natural beings, subject to the same laws of physics that govern the motions of billiard balls; if another human being crashes into me, say in the context of a football game, my change in velocity and direction will undergo alterations that are describable in much the same way the changes in the billiard balls are. How can it happen, then, that I sometimes experience myself as obligated, for example to uphold the terms of a contract that I have agreed to, when I am clearly not necessitated physically to do so? Or to put

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<sup>6</sup> S. DARWALL, *The Second-Person Standpoint: Morality, Respect, and Accountability*, Cambridge, Harvard University Press, 2006, pp. 22-25.

<sup>7</sup> C. M. KORSGAARD, *The Sources of Normativity*, Cambridge, Cambridge University Press, 1996, pp. 21-23.

the question in Pufendorf's own terms, how can we understand the place of moral entities in a world of physical entities?

Pufendorf's answer is straightforward: since moral properties are not in the world naturally, they must have been imposed, or "superadded, at the will of intelligent entities, to things already existent and physically complete, and to their natural effects...."<sup>8</sup> It is this commitment, of course, that makes Pufendorf's theory a voluntarist one. According to the theory, the reason I ought to uphold the terms of my contracts is that an intelligent being has expressed his will that I do so, positioning me as the addressee of a command that he can effectively support by means of sanctions. For Pufendorf, the ultimate source of such commands is God. If I were never the addressee of God's commands, then I would have no experience whatever of any specifically moral necessitation; any good acts that I performed would have been good only in the natural, i.e., non-moral, sense of the term, having been done merely "out of [my] own good pleasure."<sup>9</sup> My action would not be qualitatively different from the actions of non-human animals, which are entirely incapable of moral experience. I can be morally obligated, then, only insofar as I am capable of being the addressee of an authoritative command.

In order to be obligated, though, it is not sufficient that one be the addressee of a command, for it is essential to the concept of obligation that it be distinguishable from coercion. If a mugger points a gun at me and demands that I give him my money, for example, then I am certainly the addressee of a command that is effectively backed by sanctions. But just as certainly, it would be inappropriate to say that I am obligated to him to hand over my money. Obligation has in common with coercion the requirement of a

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<sup>8</sup> S. PUFENDORF, *De Jure Naturae et Gentium Libri Octo*. Translated by C.H. OLDFATHER and W.A. OLDFATHER, London, Wiley & Sons, 1964, p. 6.

<sup>9</sup> *Ibid.*, 94.

threatened evil to motivate its addressee. The difference between the two is that in the case of obligation, a person is forced “to acknowledge of himself that the evil, which has been pointed out to the person who deviates from an announced rule, falls upon him justly, since he might of himself have avoided it, had he followed that rule.”<sup>10</sup> If a command effectively backed by sanctions is to amount to something more than coercion, then it must be the case that the addressee of the command can convert himself into its addressor, freely taking it on as the rule of his own conduct, in effect addressing it to himself.

On Pufendorf’s account, then, there can be no obligation except for a subject who is both the addressee and addressor of the law. But this conception gives rise to a difficult problem: in virtue of what is God’s address something more than mere coercion? That is, in virtue of what does the subject receive God’s address as a legitimate moral demand rather than as an act of brute force? It cannot be the case that one becomes obligated simply by finding oneself positioned as the addressee of a command effectively backed by force. It must be the case, then, that we are somehow obligated in advance to receive God’s commands as morally binding obligations rather than as coercions. This is exactly Pufendorf’s position: he believes that we have an antecedent obligation to accept God’s commands as obligating us, and that the antecedent obligation is grounded in our gratitude to him for his having created us.<sup>11</sup> But this gives rise to a further question: in virtue of what does our gratitude create an obligation to receive God’s commands as morally binding? It seems that any satisfactory answer to this question will require a

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<sup>10</sup> Ibid., 91.

<sup>11</sup> Ibid., 101. Darwall argues for this interpretation of Pufendorf’s position in S. DARWALL, ‘Pufendorf on Morality, Sociability, and Moral Powers’, *Journal of the History of Philosophy* 50/2012, pp. 230-232. Cf. J.B. SCHNEEWIND, *The Invention of Autonomy: A History of Modern Moral Philosophy*, Cambridge, Cambridge University Press, 1998, pp. 135-136.

retreat from the voluntarist position on obligation, for it cannot be the case that God has commanded us to take gratitude to him as obligating us to accept his commands as obligating. Such an account would initiate an infinite regress, as it would raise once again the question of why we should take God's meta-command as obligating us in the first place. If this is correct, then it must be the case that we have at least one obligation that is not grounded in a command. Why, then, should we not consider the possibility that none of our obligations are grounded in commands, and that we somehow already possess the moral rules that obligate us? Perhaps, contrary to the voluntarist thesis, we are not first and foremost addressees of the moral law who must convert ourselves into its addressors, but are rather most fundamentally its addressors.

This, broadly speaking, is the position of Pufendorf's rationalist critics, most notably G.W. Leibniz and Samuel Clarke. In his *Discourse on Metaphysics*, Leibniz argues that if the theological voluntarist thesis were true, then praising God for his justice would be senseless, for "why praise [God] for what he has done if he would be equally praiseworthy in doing the exact contrary?"<sup>12</sup> If moral goodness is defined with reference to God's commands, in other words, then his commands could not even in principle be morally wrong. If it makes sense to call God good, then it must be the case that God issues commands not arbitrarily, but rather in accordance with his understanding of what is good independently of his will. As beings with reason, we too can have knowledge of the nature of good and bad. As Samuel Clarke put it, "some things are in their own nature *Good and Reasonable* and *Fit* to be done...; and these receive not their obligatory power from any Law or Authority; but are declared, confirmed, and enforced by penalties, upon

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<sup>12</sup> G.W. LEIBNIZ, *Discourse on Metaphysics and Other Essays*. Translated by D. GARBER and R. ARIEW, Indianapolis, Hackett Publishing Company, 1991, p. 2.

such as would not perhaps be governed by right Reason only.”<sup>13</sup> We know, for example, that upholding the terms of our contracts is good in something like the way we know that  $2 + 2 = 4$ . It is our knowledge that is the source of the obligation; sanctions are only necessary in moral matters because, left to our own devices, we sometimes act contrary to right reason. Our being positioned as addressees of commands is not the ground of obligation, then, but merely a supplement.

Voluntarists are unconvinced by this rationalist account, though, arguing that it cannot make sense of the necessitation or binding of the will that is essential to the phenomenon of obligation. As Jean Barbeyrac argued, if we discover by means of our own intellects that a particular act has the objective property of goodness, then nothing follows except that we must *recognize* that truth. We cannot get from mere recognition of a truth to the characteristic “must” of obligation.<sup>14</sup> It is this same insight that had motivated Suarez’s criticism of Aquinas’ naturalism: although our own right reason might be sufficient to reveal what is truly best for us, and thereby to give us good reason to act accordingly, it cannot impose on us any necessity to do so. Only commands can necessitate in the moral sense of the term.

## II. THE PRIVILEGING OF THE ADDRESSOR POSITION IN KANT’S MORAL PHILOSOPHY

The problem that emerges from debates between voluntarists and their rationalist critics can be summarized as follows: obligation seems to be possible only for a practical subject who is positioned both as the addressee and the addressor of the law. On the one hand, if the subject did not in some way occupy the addressee position, then the

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<sup>13</sup> S. CLARKE, *A Discourse Concerning the Unchangeable Obligations of Natural Religion and The Truth and Certainty of the Christian Revelation in The Works of Samuel Clarke, Vol. II*, London, John and Paul Knapton, 1738, p. 611.

<sup>14</sup> J. BARBEYRAC, ‘Jugement d’un Anonyme sur L’Original de cet Abregé, avec des Réflexions du Traducteur’, in: S. PUFENDORF, *Les Devoirs de L’Homme et du Citoyen, Tel Qu’ils lui sont Prescrits par la Loi Naturelle*. Translated by J. BARBEYRAC, London, Jean Nourse, 1741, p. 250.



necessitation that is essential to obligation would be impossible. But on the other hand, if the subject did not occupy the addressor position, then obligation would be indistinguishable from coercion. The position of the moral subject who was only an addressee, and not an addressor, would be something like the position of a domestic animal that responds to commands backed by force.<sup>15</sup> But if occupying the position of addressor seems to be a condition of possibility for obligation, it seems just as much to be a condition of impossibility, for occupying the addressor position seems to effectively neutralize the imperatival force of the law.

Immanuel Kant attempts to solve this problem by internalizing the duality between the addressor and addressee positions. Unlike the voluntarists, he does not treat the command that positions the moral subject as its addressee as originating from another subject. Such an external command could never give rise to a genuinely unconditional obligation, according to Kant, because the practical subject who receives the command would need to submit it to her own judgment. In doing so, the subject might conclude that it is in her best interest to act in accordance with the command, for example because she would prefer to avoid the sanction. But in that case, she acts on prudential reasons, which can never obligate. A second possibility is that the subject might recognize that she is in fact obligated to perform the act she was commanded to perform. But in that case, it would be the subject's own reason that grounds the obligation, and not the will of the one who issued the command. The moral subject, then, cannot be understood as the voluntarist account understands her, as an addressee of a command who then converts

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<sup>15</sup> C. WOLFF, *Vernünfftige Gedanken von der Menschen Thun und Lassen, zu Beförderung ihrer Glückseeligkeit* in *Gesammelte Werke, Band 4*, Hildesheim, Georg Olms Verlage, 1976, Vorrede zu der andern Auflage.

herself into its addressor. The subject must rather be understood as the addressee of the law of which she is herself the original addressor.

At first blush, this Kantian account seems even less promising than the voluntarist and rationalist accounts that it is meant to correct. Specifically, it appears to fail completely to account for the phenomenon of necessitation, for if I bind my will by addressing the law to myself, then I can just as easily unbind my will by suspending or revoking the law. I cannot just forget the fact that it was I who imposed the rule. If I command myself to practice the piano for half an hour every day, for example, I do not create any genuine obligation to do so; I cannot experience myself as necessitated by my self-imposed rule because I know I can change my mind if I am not in the mood to practice on any particular day. In other words, I am necessitated to maintain my practice schedule for only as long as I decide I want to be necessitated. And that is just to say that I am not necessitated at all. On the Kantian account, then, it seems as if the practical subject does nothing but act according to her own good pleasure.<sup>16</sup>

Kant's internalization of the addressor/addressee relation is saved from this obvious objection by the fact that the subject *qua* addressee is not taken in the same sense as the subject *qua* addressor. For finite rational beings, practical subjectivity is divided between higher and lower faculties of desire.<sup>17</sup> The lower faculty of desire is determined pathologically, i.e., by the feelings of pleasure and pain, and thus a posteriori. The higher faculty of desire is determined a priori by the pure moral law. If we had only a higher faculty of desire, then we would do as we ought with the same kind of certainty and regularity as we observe in natural objects acting in accordance with the laws of nature.

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<sup>16</sup> AA 6:417.

<sup>17</sup> AA 5:23-25.

We would have no experience of necessitation because we would do the morally right thing simply as a matter of course. The phenomenon of necessitation is possible for us only because we have a lower faculty of desire that pulls in a different direction: we are inclined to act on the basis of the feelings of pleasure and pain even when doing so conflicts with the a priori law. Importantly, we do not experience the two faculties of desire as making the same kind of claim on us, such that we would be able to choose between them only on the basis of the relative strengths of the desires. We do not, for example, decide whether or not we should commit an act of fraud by determining whether or not our desire for financial gain outweighs our desire to act in accordance with the a priori moral law. The moral law, rather, is given to us in the feeling of respect, which at once strikes down the natural claims of the inclinations to legislate in the practical sphere and presents the law as authoritative and absolutely sovereign.<sup>18</sup> We do not, therefore, experience the law merely as counseling us, but rather as commanding us. And since it is we ourselves as autonomous, transcendently free beings who give the law, we as natural beings find ourselves necessitated unconditionally, without any possibility of escape.

In the *Groundwork*, then, Kant characterizes the principle of autonomy as “the sole principle of morals.”<sup>19</sup> To act in accordance with the principle of autonomy is just to act in accordance with our position as addressors of the moral law; we must not seek the law that determines our wills in anything other than our own legislative reason. This privileging of the addressor position in moral experience is reflected in many of the most foundational and well known commitments of Kantian ethics. It is reflected, for example,

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<sup>18</sup> AA 5:74-76.

<sup>19</sup> AA 4:440.

in the quintessentially Kantian idea that “the most common understanding” can always determine what is morally required “quite easily and without hesitation.”<sup>20</sup> As addressors of the moral law, each of us “knows very well how to distinguish in every case that comes up what is good and what is evil, what is in conformity with duty or contrary to duty....”<sup>21</sup> Of course this is not to deny that we find ourselves addressees of claims that purport to give us reasons for action. It is to deny, though, that these claims can ever present us with genuine moral uncertainty, calling into question the moral meaning that we bring to every situation as autonomous addressors of the law. In the *Critique of Practical Reason*, Kant gives the example of a prince who commands his subject to provide false testimony against an honorable man, hoping thereby to create a pretext to destroy him.<sup>22</sup> The prince threatens to have the subject executed if he does not comply with the order. Here the subject is the addressee of a command, credibly backed by a sanction, that purports to give him a good reason to provide the false testimony. And yet the moral sense of the situation is never seriously in question; the subject understands perfectly well that he must not give the false testimony, even if that means certain death. His position as addressee, then, is only a vanishing moment; he converts himself immediately to the addressor position, from which he can determine unambiguously the correct course of action.

Kant’s privileging of the addressor position in his ethical philosophy can also be seen in his account of moral education, developed in the “Doctrine of the Method of Pure Practical Reason” in the Second *Critique*. To help develop the moral judgment of children, we ought to take advantage of the fact that we all tend to enjoy sitting in the

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<sup>20</sup> AA 5:36.

<sup>21</sup> AA 4:404.

<sup>22</sup> AA 5:30.

judge's seat, issuing verdicts about the moral worth of actions that are presented to us for evaluation. Developing in children this habit of taking up the addressor position, submitting to their judgment historical examples of blameworthy and praiseworthy conduct, "would make a good foundation for uprightness in the future conduct of life."<sup>23</sup> The conception of moral uprightness that Kant advances here seems to minimize the importance of the subject's maintaining herself in the addressee position, open to the possibility that an historical example or the claim of another might call seriously into question the moral sense that she gives as the addressor of the law. If the child views the praiseworthiness or blameworthiness of an act as a genuinely open question, that is only because she is not yet a fully developed moral subject. Once again, we occupy the addressee position only provisionally.

The primacy of the addressor position is also manifest, according to Kant, in the conduct of those who fail for the most part to act in accordance with the law. When presented with "examples of honesty of purpose, of steadfastness in following good maxims, of sympathy and general benevolence (even combined with great sacrifices of advantage and comfort)," even "the most hardened scoundrel" will recognize that he ought to act likewise.<sup>24</sup> Owing to the strength of his inclinations, though, the scoundrel finds it extraordinarily difficult to act as he ought.<sup>25</sup> Nonetheless, he does not experience himself merely as the addressee of the forceful claims made on him by the inclinations; rather, he "wishes to be free from such inclinations, which are burdensome to himself."<sup>26</sup>

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<sup>23</sup> AA 5:155.

<sup>24</sup> AA 4:454.

<sup>25</sup> I follow Jens TIMMERMANN in interpreting this passage to mean that it is difficult for the scoundrel to do as he ought and not, as all of the best known English translations have it, that he *cannot* do it. J. TIMMERMANN, *Kant's Groundwork of the Metaphysics of Morals: A Commentary*, Cambridge, Cambridge University Press, 2007, p. 143.

<sup>26</sup> AA 4:454.

Transferring himself to the world of understanding, he recognizes himself as the source of the moral law he wishes he could live up to. In wishing he were better, the scoundrel reveals that even he is the addressor of the moral law.

Of course there are also many passages in which Kant puts greater emphasis on the addressee position in his descriptions of moral experience. In the *Groundwork*, for example, Kant describes our “propensity to rationalize against those strict laws of duty and to cast doubt on their validity,” and thus “to corrupt them at their basis.”<sup>27</sup> The one who rationalizes in this way is clearly the subject *qua* addressee of the moral law, whose claims are experienced as too demanding. And in the Doctrine of Virtue, Kant describes the experience of conscience from the perspective of the addressee. After performing an act, we are called to appear before a kind of court where we will be acquitted or condemned.<sup>28</sup> But in both of these cases, the moral subject can occupy the addressee position only because she is more basically the addressor. In the first case, the characterization of the subject’s acts as rationalizing (*vernünfteln*) and as attempts to corrupt the law presuppose that the law is genuinely binding. And the law can only be genuinely binding for the subject who addresses it to herself. Likewise, the subject can be rightfully condemned or acquitted in the court of conscience only if she is herself the addressor of the verdict. This point is brought out explicitly in the Collins lectures, where Kant describes conscience as an “inner tribunal” which “must have the power to compel us to judge our actions involuntarily, and to pass sentence on them, and be able to acquit and condemn us internally.”<sup>29</sup> What all of these passages show is that we occupy the

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<sup>27</sup> AA 4:405.

<sup>28</sup> AA 6:440.

<sup>29</sup> AA 27:297.

addressee and addressor positions simultaneously, but that our occupying the former position presupposes our occupying the latter.<sup>30</sup>

### III. CONTEMPT AND THE ADDRESSEE POSITION

While Kantian ethics on the whole certainly tends to privilege the addressor position in its accounts of moral subjectivity, I would like in what follows to develop some Kantian insights that call that privilege into question. In doing so, I hope to present a more nuanced, less one-sided picture of Kantian moral subjectivity. Specifically, I want to focus on Kant's remarkable insights about contempt. I will propose an interpretation of the duty not to treat others with contempt, for which Kant argued most explicitly in the *Metaphysics of Morals*, as a command to maintain ourselves in the position of addressees of the moral law, resisting the movement by which we would convert ourselves fully into its addressors. Then, in order to flesh out a broader conception of moral subjectivity, I will turn to Kant's *Religion within the Boundaries of Mere Reason* and *Anthropology from a Pragmatic Point of View* to show that the temptation to convert ourselves fully into addressors of the law can be understood as precisely the kind of inclination against which morality requires us to struggle.

In Section 39 of the Doctrine of Virtue, Kant asserts that “to be *contemptuous* of others (*contemnere*), that is, to deny them the respect owed to human beings in general, is in every case contrary to duty.”<sup>31</sup> To hold someone in contempt, on Kant's account, is not merely to think badly of him in some respect. If I judge that a student of mine has

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<sup>30</sup> For an example of an ethical theory that treats the addressee position as not presupposing the addressor position, see *The Differend* by Jean-François LYOTARD. “A phrase is obligatory if its addressee is obligated. Why he or she is obligated is something he or she can perhaps think to explain. In any case, the explanation requires further phrases, in which he or she is no longer situated as the addressee but as the addressor, and whose stakes are no longer those of obeying, but those of convincing a third party of the reasons one has for obeying.” J-F LYOTARD, *The Differend*. Trans. Georges Van Den Abbeele, Minneapolis, University of Minnesota Press, 1988, p. 108.

<sup>31</sup> AA 6:463.

performed very poorly, for example, and if I therefore give him a failing grade for the course, I do not thereby treat him with contempt. To condemn someone is rather to judge that person to be worthless.<sup>32</sup> I can certainly believe that a person has fallen short of doing his duty, or even that a person regularly falls short of doing his duty, without thereby committing myself to the belief that the person is utterly worthless. It is only the judgment of worthlessness, and more specifically, the actions that express that judgment, that Kant has in mind in Section 39.

What is most remarkable in the passage quoted above is Kant's insistence that expressions of contempt are *always* contrary to duty, even when others act in ways that render them unworthy of the respect that we owe them. We must be careful not to interpret Kant as advancing here the somewhat clichéd argument that everyone has some good in them, even if it is deeply hidden, and that it is this hidden goodness that commands our respect.<sup>33</sup> Kant is committed rather to the much stronger claim that even if people give us no evidence whatever of any kind of moral goodness, we violate our duty to them if we treat them with contempt. In many cases, according to Kant, we cannot "help *looking down* on some in comparison with others (*despicatui habere*)."<sup>34</sup> This is because we are addressors of the moral law; since we necessarily use the law as the standard for our moral judgments, we cannot help judging the habitual liar to be contemptible, any more than we can help judging that an observed event has a cause. But we must not give expression to that judgment; we must not treat the person as if his whole moral being were reducible to the verdict that we have pronounced on his conduct.

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<sup>32</sup> AA 6:462.

<sup>33</sup> O. SENSEN, *Kant on Human Dignity*, Berlin, de Gruyter, 2011, p. 201.

<sup>34</sup> AA 6:463.



No matter how badly the person acts, we must never treat him as if he were a moral non-entity.

To get a sense for what this means more concretely, it will be helpful to examine the two examples that Kant gives in Section 39 of treating others with contempt. What is most striking about these examples is how very different they are; indeed it might seem at first blush that they could not possibly serve as examples of the same phenomenon. The first example of treating others with contempt is excessively cruel punishment, “such as quartering a man, having him torn by dogs, [or] cutting off his nose and ears.”<sup>35</sup> The second example involves judging others’ errors too harshly, “calling them absurdities, poor judgment, and so forth.”<sup>36</sup> I want to argue that these cases, as different as they are, have two morally relevant points in common. First, in both cases, the subject who expresses contempt for the other identifies himself wholly with right reason, setting himself up as addressor of the evaluative judgments. And second, he does this in such a way as to close off the possibility of being situated in turn in the addressee position. He treats his judgments about others as verdicts without the possibility of appeal. In the case of cruel punishments, the subject identifies himself completely with the law, here the juridical law. The other is treated as nothing but an object falling under the law. The subject forecloses the possibility of being addressed by the other, of experiencing the other’s dignity as a constraint on his own determination of the moral sense of the situation. Indeed, the more cruelly the subject punishes, the greater the moral distance he establishes between himself and the other. In the second example, the subject sets himself up as the representative of sound understanding. By censuring the other’s errors so

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<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*

severely, the subject treats the other as so lacking in reason that the latter could not possibly provide a defense of his position that would be worthy of being taken seriously. Again, the subject positions himself as having the right to pronounce verdicts without appeal.

This conception of what it means to treat others with contempt is supported by numerous passages in the *Lectures on Ethics*, where contempt is a persistent theme. Whenever Kant describes an act that renders a person worthy of contempt, he emphasizes the way in which it degrades the humanity, and thus the inner worth, of the one who performs it.<sup>37</sup> Humanity, in Kant's specific sense of the term, refers to the rationality of the will, and thus to the capacity we have to set ends for ourselves.<sup>38</sup> It is distinguished from animality, which refers to the non-rational impulses of self-love, devoted primarily to self-preservation and to the propagation of the species.<sup>39</sup> Thus, the so-called bestial vices make the one who is guilty of them contemptible "in that partly they make him equal to the beast, e.g. drunkenness and gluttony, so that he becomes incapable of using his reason; and partly they bring him even lower than the beast, e.g., the *crimina carnis contra naturam*, which are called unmentionable vices, because they so demean humanity that even to name them already produces horror...."<sup>40</sup> In other passages, Kant emphasizes the way in which contemptible acts reduce people to the level of mere things. If a person disposes of himself as if he were a being without freedom—for example by selling parts of his own body or by allowing himself to be used as an object of another's sexual enjoyment—he thereby disposes of his humanity. Having become for practical purposes a

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<sup>37</sup> AA 27:341.

<sup>38</sup> AA 6:392. Cf. AA 6:26.

<sup>39</sup> AA 6:26.

<sup>40</sup> AA 27:692-693.

mere thing, he has put himself into a position in which “anyone may treat him as they please.”<sup>41</sup> Whether Kant describes the contemptible person as being like an animal or like a thing, the ethical point remains the same: we who hold the person in contempt do not experience ourselves as being situated in the addressee position in our relations with them. Or to use the well known Rawlsian formulation, we do not typically encounter animals or things as “self-originating sources of valid claims.”<sup>42</sup> In our dealings with them, we securely occupy the addressor position.

The duty not to condemn, then, can be understood as the duty to resist converting ourselves completely to the addressor position in our dealings with others. We must hold back in our judgments of others’ worth, maintaining ourselves in the addressee position, even after our own legislative practical reason has shown their actions to be contemptible. But this is extraordinarily difficult for finite rational beings like us. We do not like being positioned as addressees of the moral law. In a well known passage from the *Critique of Practical Reason*, Kant describes how our spirits bow before a common man in whom we recognize an uprightness of character greater than our own. Even in cases where the other’s degree of uprightness is roughly equal to our own, Kant suggests that we cannot help viewing him with respect; we are all morally imperfect, and so the example of lawfulness in the other’s conduct necessarily strikes down our own pride. All of us would prefer not to be subjected to this experience: “*So little* is respect a feeling of *pleasure* that we give way to it only reluctantly with regard to a human being. We try to discover something that could lighten the burden of it for us, some fault in him to compensate us

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<sup>41</sup> AA 27:346. Cf. AA 6:429.

<sup>42</sup> J. RAWLS, ‘Kantian Constructivism in Moral Theory’, *Journal of Philosophy* 77/1980, p. 543.

for the humiliation that comes upon us through such an example.”<sup>43</sup> If it is difficult for us to give our respect to people whom we judge to be better than or equal to us from a moral point of view, how much more difficult must it be to give our respect to those whom we judge to be not only worse than us, but much worse? We are better than those people, and we ought, it seems, to be able to comport ourselves toward them on that basis. But that is precisely what the prohibition on treating others with contempt means to deny. The necessitation we experience to yield in our judgments of those we find contemptible, then, must be extremely burdensome.

I believe we can begin to articulate a compelling, Kantian vision of moral subjectivity by investigating why this is the case. I would like to begin here with Kant’s brief description of self-consciousness in his *Anthropology from a Pragmatic Point of View*. In Section 2, “On Egoism,” Kant writes that “from the day that the human being begins to speak by means of ‘I,’ he brings his beloved self to light wherever he is permitted to, and egoism progresses unchecked.”<sup>44</sup> As beings who are self-conscious, we cannot help judging and acting in ways that refer back to our own egos. The logical egoist, for example, resists testing the correctness of her own judgments against those of others; the fact that the judgments are her own provides her with a compelling reason to believe in their correctness. This tendency is even more pronounced in the realm of aesthetic judgments, where one can insist on the goodness of one’s taste with less fear of being convincingly refuted. In both of these cases, the subject judges from an explicitly egocentric position: the putatively correct judgment is the one that corresponds with the subject’s own preferences. The form that this takes in moral practice, Kant believes, is

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<sup>43</sup> AA 5:77.

<sup>44</sup> AA 7:128.

eudaimonism: the moral egoist “puts the supreme determining ground of his will simply in utility and his own happiness, not in the thought of duty.”<sup>45</sup> The fact that a course of action contributes to the egoist’s well being provides him with a sufficient reason to pursue it; there is no non-ego-centered consideration that he experiences as constraining his will at all. His judgment, from his own point of view, is the only one that matters.

The temptation to hold others in contempt, I want to argue, can be traced back to one specific form of utility that the moral egoist tends to pursue. In his *Religion within the Boundaries of Mere Reason*, Kant describes this form of utility in his account of what he calls the predisposition to humanity. As rational beings, we have the capacity to evaluate ourselves in comparison with others. This fact about us gives rise to an inclination that is qualitatively different from anything in the experience of non-human animals. In our actions and in our judgments, we give great weight to our own happiness, one of the most important sources of which is our representation of ourselves as comparing favorably to others. This means that we stand unavoidably in relations of rivalry and conflict with others. Not only do we want to be better off than they are, but we also want to make sure that they acknowledge and accept this. Insofar as others continue to strive to compare favorably to us, our own well being is at risk. For this reason, we are constantly tempted by such vices as envy, ingratitude, and joy in the misfortune of others.<sup>46</sup>

There are, of course, many different ways that one can be better off than another: one can be richer, better looking, physically stronger, have a more successful career or family life, etc. But we can also conceive of ourselves as morally better than others. And

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<sup>45</sup> AA 7:130.

<sup>46</sup> AA 6:27.

we are able to preserve this conception of ourselves by the simple expedient of holding others in contempt. By positioning ourselves as addressors and not addressees of the moral law, we both present ourselves as having greater moral worth and attempt to undercut our rivals' ability to contest that presentation. As long as it is possible that I may be compelled to respect another human being against my will, my sense of moral superiority is at risk. As a rational being, that risk is what I am unwilling to accept. As a morally responsible being, however, that is precisely the risk I must accept.

Before concluding, I would like briefly to address an important objection that could be made against the argument I have advanced in this paper. It is undeniable that Section 39 of the Doctrine of Virtue, which I have treated as Kant's definitive statement on contempt, is sharply at odds with the position he expresses almost everywhere else in his ethical writings. As Krista K. Thomason notes, Kant very often suggests that liars, drunkards, gluttons, and the like are "*rightly* contemptible."<sup>47</sup> Not only does Kant suggest that it is sometimes appropriate to treat them with contempt, but in certain passages he goes further, arguing that the interests of morality are actually promoted by treating them with contempt. In his *Lectures on Pedagogy*, for example, he argues that "if a child lies, a look of contempt is punishment enough and is the most appropriate punishment."<sup>48</sup> If these passages accurately represent Kant's view, then he cannot really have meant to argue that it is "in every case contrary to duty" to be contemptuous of others.

I believe there are two appropriate responses to this objection, one of which eliminates a tension in Kant's ethical thought and one of which brings a tension into relief. First, I think it is clear that when Kant endorses contempt as a valuable tool in

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<sup>47</sup> K. THOMASON, 'Shame and Contempt in Kant's Moral Theory', *Kantian Review* 18/ 2013, p. 224.

<sup>48</sup> AA 9:482.

moral pedagogy, he does not have in mind the definition he put forward in the Doctrine of Virtue, viz. the judgment that something is worthless. The teacher obviously still recognizes the lying child as part of the moral community; if he really believed the student was morally worthless, then the attempt to provide him with a moral education would be pointless. The context of these passages suggests that Kant means something closer to “strong disapproval” when he endorses contempt. But in other passages, especially in the *Lectures*, Kant clearly does mean to characterize certain persons as contemptible in the strong sense of the term. Thomason attempts to eliminate the apparent tension between these passages and Section 39 by arguing that the latter is not really intended as a complete condemnation of the attitude of contempt, but rather as an account of how we ought to conceptualize vice. Specifically, she argues that the point of Section 39 is to show that we ought not to treat vicious persons generally as if they were “automatically beyond hope of reform.”<sup>49</sup> Thus on Thomason’s account, it is permissible to express contempt for individual persons, as long as we do not express contempt for humanity or for vicious persons in general. Although this reading eliminates the tension between Kant’s various remarks about contempt, it raises another, equally serious, exegetical problem. In Sections 37-39, Kant provides what seems to be the most direct and straightforward account of contempt in his entire ethical oeuvre: he gives us a clear definition of the term, connects it with the phenomenon of respect, and then states unambiguously that being contemptuous of others “is in every case contrary to duty.” It seems, then, that any argument for the position that Section 39 is not really about contempt, but rather about the correct conceptualization of vice, should have to meet a

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<sup>49</sup> K. THOMASON, ‘Shame and Contempt in Kant’s Moral Theory’, p. 225.

high burden of proof. I think our default assumption ought to be that Kant meant what he straightforwardly wrote.

But of course this reading of Kant leaves in place precisely the tension that Thomason meant to eliminate. What I would like to argue in conclusion is that Kant's various remarks on contempt really are in tension, and that that tension reveals something important about moral subjectivity. On the one hand, our being addressees of the command never to treat others with contempt presupposes our being the addressors of that command. This idea is based on Pufendorf's Point, which Kant develops as the doctrine of the autonomy of the will. If the subject were merely the addressee of the command, and not more basically its addressor, then the command could not properly obligate. But on the other hand—and this is what the phenomenon of contempt brings out especially clearly—our being addressors of the moral law also presupposes our being addressees. To be a moral subject at all is to find oneself responsive to an obligating force whose sense is not legislated in advance by the subject *qua* addressor. This is the idea that Kant expresses in the second *Critique* as the fact of reason, which “forces itself upon us” and which requires no deduction to establish its legitimacy.<sup>50</sup> And so as autonomous addressors of the moral law, we command ourselves not to identify exclusively with the addressor position, to remain sensitive to the excess of moral sense that we have not legislated, and that is the condition of possibility for our being legislating subjects in the first place. The self-restraint that the command not to contemn imposes on us is extraordinarily difficult for us to exercise. When we adopt the position of addressors, as we cannot help doing, we put ourselves at risk of falling into a trap: the moral selves that we become in identifying ourselves with the law are selves that we value comparatively,

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<sup>50</sup> AA 5:31; 5:47.



and thus competitively. We do not want to compare badly to others from a moral point of view, and so we experience a strong inclination to hold them in contempt. The struggle against this inclination, I want to argue, is at least as important a part of the moral life as struggles against the more familiar egoistic inclinations that Kant focuses on in the *Groundwork* and in the second *Critique*. To identify ourselves too one-sidedly with our position as addressors of the moral law is to render ourselves insensible to the excess of moral sense that is the *sine qua non* of moral experience. Whether it takes the form of physical cruelty, unduly harsh criticism of others' judgments, or the attempted neutralization of others' moral agency, this insensibility is always contrary to duty.