

The Differend and the Paradox of Contempt Bryan Lueck

I. THE PARADOX OF CONTEMPT

In the literature on the ethics of forgiveness, one finds frequent reference to what is called the paradox of forgiveness. Although the paradox is formulated somewhat differently by different authors, the basic idea is captured well by Aurel Kolnai in his influential 1973 paper “Forgiveness.” According to Kolnai, forgiveness is necessarily directed toward someone who has wronged the forgiver; the idea of forgiving someone who has committed no wrong at all, or who has committed a wrong against some other person, he thinks, is conceptually incoherent. In any case of forgiveness, then, one of the following must be true of the person who is forgiven: either he has had a genuine change of heart, having disavowed the wrong he had done and having done what he could to make amends, or he has not. This gives rise to a paradox, Kolnai thinks, because in neither case can the victim’s gesture be characterized properly as forgiveness. In the former case forgiveness becomes redundant, having lost its *raison d’être*. If the wrongdoer has sincerely changed his ways, such that for practical purposes he is no longer the same person who committed the offense, then there remains nothing for the victim to do except to take note of the change and to begin engaging with the wrongdoer accordingly. Forgiveness in this case would amount to a “mere *registering* of moral value in the place of previous disvalue.”¹ But this is not what we mean by forgiveness. As the etymology of the term suggests, forgiveness is a kind of gift in which the forgiver gratuitously forswears the retributive attitude that she would be justified in maintaining toward the wrongdoer precisely *qua* wrongdoer. In cases where the wrongdoer has had a genuine change of heart, then, “there is no room for [forgiveness], seeing that *there is nothing to be forgiven*.”² On the other hand, in cases where the wrongdoer has not demonstrated any kind of change of heart, the victim’s forswearing of her retributive attitude would be morally unjustifiable. To do so would be merely to condone or to acquiesce in the wrongdoing. And once again, this is not what we mean by forgiveness. If a victim forswears resentment toward a wrongdoer in order to maintain a prudentially beneficial relationship, for example, or because she lacks the sense of self-worth that would be necessary for her to continue to press her rightful claim, her act would amount merely to “a *simulacrum* of forgiveness proper.”³ In short, then, either one has no compelling moral reason to forgive, in which case the purported act of forgiveness would reduce to an act of condonation, or else one does have a compelling moral reason, in which case the purported act of forgiveness would be superfluous.

A very similar paradox seems to apply to the ethics of contempt that Immanuel Kant develops in *The Metaphysics of Morals*. 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.”⁴ What is most remarkable here is Kant’s insistence that expressions of contempt are always morally impermissible, even when they are directed toward persons who truly are contemptible. Other moral philosophers of the early modern period – most notably Nicolas Malebranche – agreed that contemning others was always morally wrong. (Malebranche went so far as to characterize it as “the greatest of injuries.”)⁵ But the wrongness of contempt was

understood primarily epistemically: if we could form judgments of our fellow human beings on the basis of God's infinite understanding, then we would discover that no one is truly worthy of contempt. Because our understanding is finite, though, and because it is unavoidably distorted by considerations of self-love, we often fail to recognize others' good qualities. Judgments of contempt are always wrong, then, because they are always false. Kant disagrees with this. As he makes clear throughout his ethical writings, and especially in his *Lectures on Ethics*, there are many things we can do that would render us objectively contemptible. If we sell parts of our own bodies or allow ourselves to be used for the sexual pleasure of others, for example, then we throw away our own humanity, reducing ourselves to the level of mere things.⁶ If we practice other vices, such as drunkenness and gluttony, we render ourselves contemptible by reducing ourselves to the level of the non-rational animals.⁷ And in the Doctrine of Virtue, Kant argues that the vices of lying, avarice, and servility are contrary to inner freedom and human dignity. To adopt them is to "throw oneself away and make oneself an object of contempt."⁸ Even if we correctly judge others to have done the sorts of things that would render them objectively contemptible, though, we must not condemn them. Because the sense of all of our moral experience is given by the legislative activity of pure practical reason, it may well be impossible for us to avoid "inwardly looking down" on persons who have rendered themselves contemptible, Kant thinks, but "the outward manifestation of this is, nevertheless, an offense."⁹ This gives rise to an apparent paradox similar to the one that applied in the case of forgiveness: it seems that the command never to condemn is either superfluous or unjustified. On the one hand, if the other person has not done anything to render herself contemptible, or if the person had rendered herself contemptible in the past but had since reformed her ways, then the command not to condemn that person would be redundant: it would amount to the command to act in accordance with the moral sense given by legislative pure practical reason. But that is just what we are commanded to do in general; there is no need for a supplementary command that would apply specifically to the case of contempt. On the other hand, if the moral sense given by pure practical reason presents the other person as contemptible, then it seems morally unjustifiable to treat the person as if she were not. Of course we can imagine prudential justifications for treating contemptible people as if they were worthy of respect: we might, for example, want to preserve good relationships with contemptible people from whom we benefit financially. But the command not to condemn is categorical, not hypothetical. On Kant's account, then, we are commanded by pure practical reason to disregard, or perhaps to bracket, the moral sense that it itself legislates. It is not at all clear why such a bracketing of moral sense would be justifiable in the case of contempt, but not in any others.

I believe that Kant's view that we ought not to condemn people even when they have done things to render themselves contemptible is plausibly correct. But it also seems that Kant's own argument for that view is incoherent. My goal in this paper, then, will be to support Kant's conclusion by reformulating parts of his argument. More specifically, I will argue that the philosophy of phrases that Jean-François Lyotard develops in *The Differend* – specifically, the ideas of phrase-event, presentation, situation, addressor, and addressee – provides us with the resources to resolve the paradox of contempt. I will begin this argument with a brief overview of Lyotard's philosophy of phrases, emphasizing those aspects that are especially relevant for the problem of contempt. I will then describe how

Kantian critical philosophy, in both its theoretical and practical forms, can be understood in terms of this philosophy of phrases. And finally, I will show why the command never to condemn is neither superfluous nor unjustified.

II. THE PHRASE-EVENT: PRESENTATION AND SITUATION

In outlining the main points of Lyotard's philosophy of phrases, it will be best to begin with the concept of phrase itself. Even though he declares in the preface to *The Differend* that the phrase will be the book's primary object, Lyotard refuses to provide his readers with any straightforward definition of the term.¹⁰ Nonetheless, we can begin to get a sense for what the term means by looking at some of his examples. First, and probably most intuitively, the various kinds of natural language sentences, including declaratives, interrogatives, imperatives, and exclamations, count as phrases. Bodily expressions, such as winking and shrugging one's shoulders, are also phrases in Lyotard's sense, even when the expressions are unintentional, as in the cases of blushing or tachycardia.¹¹ And perhaps less intuitively, even silences and inarticulate feelings can count as phrases. What do all of these have in common, such that it makes sense to treat them all as examples of the same thing? Most basically, Lyotard thinks, all of them present what he calls a phrase universe, which consists of four instances: 1) something that the phrase is about (the referent), 2) the sense of the referent, or what is signified about it, 3) that to which the signification is addressed (the addressee), and 4) that through which or in the name of which the sense is signified (the addressor).¹² Suppose, to take a simple example, that there is a person on the bus who is talking loudly to himself and that another passenger makes eye contact with me and shrugs her shoulders. In this case, the woman shrugging her shoulders would be the addressor, I would be the addressee, the referent would be the person talking loudly to himself, and the sense would be that he is acting strangely.

This account of the phrase as presenting the four instances of the phrase universe is valuable, I believe, as a first approximation, but it also runs the risk of being somewhat misleading. In order to avoid some important misunderstandings, then, it will be important to emphasize two additional points. First, a single phrase never immediately presents its own sense. In any presentation, the four instances and their relations to each other are less than fully determined. This point is obscured somewhat in the example above, where the sense of the situation was described as if it were unequivocal: I was the addressee of a message calling on me to agree with the addressor's assessment of the strangely behaving person and to commiserate with her a little bit about the annoyance he caused. The relation between us and the strangely behaving person also seemed to be given immediately with the shrugging of the addressor's shoulders: there was nothing we could do about the person's behavior other than to acknowledge our mild annoyance with it. But this picture simplifies too much. The sense of the presented phrase universe is not in fact given immediately with the presenting phrase, but is rather deferred to a second phrase that links onto it. Lyotard gives an example in *The Differend* that brings out the indeterminacy of the universe presented by the first phrase: an officer in the military "cries *Avanti!* and leaps up out of the trench; moved, the soldiers cry *Bravo!* but don't budge."¹³ In this case, the phrase *Avanti!* seems at first blush to present a universe in which the instances and their relations

are well defined. The soldiers are the addressees of an imperatival phrase, and as such they are called upon to *do* something. They are presented, then, as obligated subjects. Moreover, the phrase seems to establish a well-defined relationship between the addressees and the enemy soldiers referred to (although not explicitly) in the command: they are called upon to attack them. But Lyotard's point is that even though this sense seems to be given immediately with the presenting phrase, it is not. The sense of the presentation is determined only by means of a second phrase that links onto the first. And importantly, there is always more than one way to link onto a phrase; as Lyotard puts it, "to link is necessary; how to link is contingent."¹⁴ This is precisely why the sense of the presentation is suspended between the two phrases. In linking onto the officer's *Avanti!* with their *Bravo!*, the soldiers situate themselves not as obligated subjects, but rather as something more like aesthetic subjects, taking a distance from the presenting phrase and expressing their approval. The soldiers could also have linked onto the officer's phrase in such a way as to situate themselves as knowing subjects, treating the phrase not as something to be acted upon but rather as something to be known. They could have done this, for example, by saying "*Avanti!* is an example of an imperative." Both of these possibilities bring out the way in which the sense of a presentation is given only as deferred and as calling upon a second phrase to determine it.

A second and closely related point that must be emphasized is that the phrase is to be understood as an event. For Lyotard, an event is the bare "it happens," the fact that there is something and not nothing.¹⁵ This bare "it happens" is presentation itself, as distinct from *what* is presented in the presentation.¹⁶ Presentation itself is never presented as one of the elements within the universe that is presented by the first phrase. The presentation – the "there is" – exceeds *what* there is. What follows from this is that the event necessarily exceeds knowledge, which is always knowledge of what is the case.¹⁷ Now of course one can present the event of presentation, treating it as something to be known. That, indeed, is what I am attempting to do here. But doing so requires a second presenting phrase, and this second phrase unavoidably deprives the first presenting phrase of its currentness and thus of its character as event. In Lyotard's terms, the second phrase *situates* the first. This second phrase, like all phrases, is itself an event, a "there is" that is irreducible to "what there is," but once again its event character is not itself presented in the presentation. Yet another phrase would be necessary to situate its presentation. The event, then, is never present as such: it is never among the things in the presented universe that can be known (this explains why Lyotard refused to provide a definition of the phrase: to say what the phrase is would be to cover over its character as event). Because presentation is not itself presented, we tend not to notice the event of presentation at all. The structure of presentation thus encourages us to treat presentations as if they were reducible to their situations. But this is a mistake, and as I will argue below, it is one that contributes in a major way to the appearance of paradox in the prohibition on treating others with contempt.

III. THE PHILOSOPHY OF PHRASES AND TRANSCENDENTAL IDEALISM

In the section of *The Differend* titled "Kant Notice 1," Lyotard argues that we can understand Kant's transcendental idealism in terms of this philosophy of phrases. He

focuses there almost exclusively on redescribing the theoretical philosophy that Kant developed in the *Critique of Pure Reason*. Later in the book, in the section titled “Kant Notice 2,” Lyotard develops the implications of this analysis for Kant’s ethical philosophy, which is grounded in the same transcendental idealism. He focuses there primarily on the ideas of respect, freedom, and obligation, but his analyses can be extended to the phenomenon of contempt as well. Doing so, I believe, will yield some valuable insights that will help us to resolve what I have called the paradox of contempt.

I believe it will be most helpful to begin here by following Lyotard’s treatment of transcendental idealism as it applies to the theoretical philosophy. One of the most revolutionary innovations of Kant’s transcendental idealism was the idea that the cognizing subject actively contributes to the ordering of experience, giving the laws that govern specified domains. It is precisely this active contribution to the structure of experience that is supposed to explain the possibility of synthetic a priori judgments. But as Kant emphasizes in the Introduction to the B edition of the *Critique of Pure Reason*, “there is no doubt whatever that all our cognition begins with experience; for how else should the cognitive faculty be awakened into exercise if not through objects that stimulate our senses...?”¹⁸ The legislative activity of the cognizing subject, in other words, “takes place only insofar as the object is given to us; but this in turn, is possible only if it affects the mind in a certain way.”¹⁹ According to Kant, this “certain way” is by sensation. In the language of Lyotard’s philosophy of phrases, then, we could say that the cognizing subject is given most originarily as the addressee of a sensation-phrase. The sensible given is a phrase in Lyotard’s sense of the term because it is a presentation, a “there is” that is prior to any determination of what there is. Who or what is the addressor of this sensation-phrase? The answer to that question is not given in the presentation, and so finite rational beings like us simply cannot know. Neither does the sensation-phrase present a referent. We might be inclined to think that the object is the referent, but this is exactly what transcendental idealism denies: reference to an object becomes possible only by means of the synthesizing activity of the cognizing subject. And finally, since the sensation-phrase does not present a referent, neither can it present a sense for the referent.

The presentation of the sensation-phrase is situated only when a second phrase links onto it. To situate the presentation is to establish the familiar world of experience with its determinate objects standing in regular, law-governed relations with each other. The addressor of this second phrase is the cognizing subject who had previously been presented in the addressee position. What Kant attempts to show in the Transcendental Aesthetic, translated into Lyotard’s language, is that the subject addresses a form-phrase – the a priori forms of space and time – to the undetermined matter given in the sensation-phrase. Only as situated within space and time does the matter of sensation become an object that can be referred to. From our natural, everyday point of view, which Kant characterizes as transcendental realism, the determinate world of experience seems to exist in itself, independent of the activity of the cognizing subject.²⁰ Such a view overlooks the event of presentation, treating the presentation as if it were already situated. The key insight of transcendental idealism, on the other hand, is that the world of experience is a combined product that requires the linking of two very different kinds of phrases. The first phrase – the event of presentation that is given in sensation – exceeds the situation that determines

its sense. The failure to recognize this excess of presentation over situation is the source of metaphysical illusion.²¹

Moral experience, on Kant's account, is a combined product in much the same way as theoretical experience.²² In describing the production of moral experience, I will follow Kant's own order of exposition and begin with the subject's role as addressor of the law that situates the sense of moral experience. According to Kant, all specifically moral sense is given by the subject's legislative faculty of pure practical reason. Any practical sense that does not have its origin in the activity of pure practical reason – for example the sense that presents *x* as good for bringing about *y*, where *y* is an object of the inclinations – is not moral sense properly speaking. I do not give myself any specifically moral credit, for example, when I have the presence of mind to purchase a ticket that will enable me to see the opera that had gotten such good reviews. The goodness of buying the ticket is not a moral kind of goodness; it is good only in the prudential sense of the term. But when I deliberate about whether or not to keep a burdensome promise, I recognize that the goodness at issue is qualitatively different. Keeping the promise is good in the specifically moral sense of the term, as it falls under the moral law that commands me unconditionally to “act only in accordance with that maxim through which [I] can at the same time will that it become a universal law.”²³ The moral law performs a function within moral experience analogous to the function performed by the a priori forms of space and time within theoretical experience. In Lyotard's terms, it situates the sense of an event of presentation that cannot present its own sense. The addressor of the law-phrase that situates all moral sense is the practical subject herself. The practical subject is also the addressee of this phrase. The referent of the phrase in our example is the keeping of a promise and the sense of that referent is its obligatoriness. Without the practical subject's functioning as addressor of the law-phrase, there would be no experience of unconditional obligation or prohibition (or by extension, of permission), and so there would be no specifically moral experience at all.

Kant has much less to say about the presentation whose sense comes to be situated by the moral law. In the *Groundwork*, his descriptions of the moral subject focus almost exclusively on her position as addressor. This privileging of the addressor position is reflected in many of the commitments that are most closely associated with Kantian ethics. It is reflected, for example, in the quintessentially Kantian idea that “the most common understanding” can always determine what is morally required “quite easily and without hesitation.”²⁴ 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....”²⁵ It seems as if there is no room at all in this picture for a moral subject understood as the addressee of any kind of obligating phrase. Indeed Kant states explicitly in the *Critique of Practical Reason* that “autonomy of the will is the sole principle of all moral laws and of duties in keeping with them; heteronomy of choice, on the other hand, not only does not ground any obligation at all but is instead opposed to the principle of obligation and to the morality of the will.”²⁶ This is because if the subject allows herself to be positioned as the addressee of practical laws that originate in the objects of experience, then the imperatives that result will only be hypothetical.²⁷ The practical force of these imperatives will depend entirely on the subject's preferences. But the force

of obligation never depends on what the subject happens to want; to be obligated is to be practically necessitated, unconditionally. To be an addressee of the law without being more fundamentally its addressor, then, seems utterly incompatible with genuinely moral experience.

In the *Critique of Practical Reason*, however, Kant does provide the sketch of an account of the phrase-event whose sense will be situated by the moral law. This phrase-event is called the fact of reason. Kant arrived at this notion only as a last resort, after having failed in the *Groundwork* to provide a deduction of the objective validity of the moral law that would be analogous to the transcendental deduction of the categories in the *Critique of Pure Reason*. The primary task of the *Groundwork*, which is carried out primarily in Sections One and Two, is to discover the supreme principle of morality.²⁸ Importantly, both of these sections take for granted the idea, well established in our common sense, that morality does impose genuine obligations on us, i.e., that it does bind our wills completely irrespective of our preferences. But Kant also recognizes the possibility that morality might be an “empty delusion” and “a chimerical idea without any truth.”²⁹ In Section Three, then, Kant attempts to provide a deduction of the moral law, demonstrating that we truly are obligated by it. But for reasons that have been pointed out by numerous Kant scholars, this attempted deduction of the moral law fails.³⁰ At the end of the *Groundwork*, then, we are left only with the knowledge of what the supreme moral law would be, supposing it were objectively valid; we do not yet know what is apparently the most important thing, namely whether the law truly does obligate us. The doctrine of the fact of reason is Kant’s response to this problem. In the second *Critique*, he abandons the project of providing a deduction of the moral law, arguing instead that its validity “has no need of justifying grounds.”³¹ The objective bindingness of the moral law is given as a fact that “forces itself upon us of itself as a synthetic a priori proposition that is not based on any intuition, either pure or empirical.”³² This fact, Kant insists, is absolutely basic: “one cannot reason it out from antecedent data of reason, for example from consciousness of freedom....”³³ As such, the fact of reason is importantly different from any of the other facts we are familiar with from everyday experience, such as the fact that water boils at 212° Fahrenheit at sea level or that Lisbon is the capital of Portugal.³⁴ These are facts in the sense that their place within the coherent, law-governed totality of experience can be verified by established cognitive procedures. The fact of reason, turning back once again to Lyotard’s language, is not situated in this way. It is rather an event, the bare presentation of an undetermined *You ought to*.³⁵ This event is an obligation-phrase, which presents the practical subject as its addressee. As Lyotard so memorably expressed this idea in *The Differend*, “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.”³⁶ It is in response to the obligating phrase, to the undetermined *You ought to*, that the subject *qua* addressee converts herself into an addressor, situating the sense of the obligation in terms of the moral law.

Having undertaken the conversion from the addressee to the addressor position, though, the subject neutralizes the event-character of the obligation-phrase, treating the

presentation as if it were always already a situation. Or perhaps more precisely, in situating himself as addressor of the moral law, the practical subject tends to lose sight entirely of his having ever been situated as the addressee of an obligating presentation. The subject loses sight, in other words, of the fact that moral experience requires the linking of at least two phrases. Indeed from the point of view of someone who has established himself in the addressor position, moral subjectivity appears utterly incompatible with occupying the addressee position. This is exactly the point of view that is reflected in Kant's insistence that autonomy is the supreme principle of morality and that heteronomy is "the source of all spurious principles of morality."³⁷ It is also the point of view that is reflected in Kant's claim in *The Doctrine of Virtue* that we cannot help inwardly looking down on others who act contemptibly: as rational practical subjects, we simply cannot help actively forming judgments about the moral sense of others' acts on the basis of the law that we ourselves give, any more than we can refrain from judging theoretically that an event we have observed in experience must have a cause.

IV. RESOLUTION OF THE PARADOX OF CONTEMPT

This redescription of transcendental idealism, and specifically of Kantian ethics, in terms of Lyotard's philosophy of phrases helps point the way toward a resolution of the paradox of contempt. To show how it does so, I would like to begin by drawing attention to a feature of contempt that has remained in the background up until now: when we form judgments of contempt, the intentional objects of those judgments are persons rather than acts. As Michelle Mason notes in her paper "Contempt as a Moral Attitude," "one typically *holds _____ in contempt, regards _____ with contempt, or expresses contempt for _____*, where what fills the blanks are particular persons or groups of persons."³⁸ We do not typically say that we hold a person's having defrauded his business partners in contempt or that we regard breaking promises with contempt. We would say that we *resent* these things, but not that we *contemn* them. We *contemn* the authors of these acts, and more specifically, we do so when we judge that the actions are reflective of the general badness of the persons who performed them. As Macalester Bell puts it, "contempt is a response to perceived *badbeing* whereas hard feelings like resentment and guilt are responses to perceived *wrongdoing*."³⁹ It is helpful to understand this kind of person-focused judgment in terms of what Margaret R. Holmgren has called the "performance-judgment paradigm:" when we make judgments about others' moral worth, we tend to judge them *qua* possessors of moral records that include all the acts for which they can be held responsible. On this account, "if an agent develops a poor moral record, she might improve her standing by doing better in the future, in much the same way that a student who has performed poorly in the past might attempt to get A's to improve her GPA. But the previous moral failures remain on the record, and if they are serious or extensive enough, it may be impossible for the agent to bring her moral GPA above the failing level."⁴⁰ At that point, the judgment of contempt seems to be justified, and from the point of view of the moral subject *qua* addressor, there seems to be no reason to refrain from making it.

One of the most common arguments against the moral permissibility of contemning others is based precisely on the person-focus of contempt. We can understand a person's moral

GPA as the situation, in Lyotard's terms, of his moral worth. The argument is that this GPA does not situate the sense of the whole person correctly, or at least that we cannot be sure that it does. Jean Hampton suggests an argument of this sort when she writes that "the inner moral state of a person is notoriously difficult to determine, not only that of others, but also (as Kant reminds us) our own. Evidence garnered from the moral quality of actions isn't decisive proof either way."⁴¹ Nicolas Malebranche advances a similar argument, emphasizing the ways in which our finite intellects inevitably fail to notice qualities that should contribute to raising others' GPAs above the passing level. Both of these arguments suggest, in different ways, that there is more to the whole person than is captured in the moral GPA, and thus both conceive the wrongness of contempt primarily as an epistemic wrong. If this argument were right, then the paradox of contempt would dissolve, as the command not to condemn would never be unjustified (the command would be justified by the fact that no one truly falls below the failing level, or at least by the fact that we cannot be sure). But I do not believe the argument is right. Granted that we cannot form judgments about the moral worth of whole persons with perfect accuracy, surely there are cases in which we can judge whole persons at least as well as we can judge the rightness or wrongness of individual acts. Our lack of perfect certainty does not entail the moral impermissibility of the latter kind of judgment, and so there is no compelling reason to think it ought to entail the impermissibility of the former.

What I want to argue instead, based on Lyotard's philosophy of phrases, is that there is more to the person than the whole person. By "whole person" I mean the referent of the judgment, the person whose moral sense is situated by a law-phrase. Arguments in favor of the moral permissibility of contempt, including those advanced by Mason and Bell, as well as the arguments against contempt described above, all agree that the appropriate object of the judgment of contempt is this "whole person." All of these arguments are given from the point of view of the moral subject *qua* addressor and all of them fail to take into account that the moral sense of the situation is not exhausted by that point of view. What Lyotard's philosophy of phrases brings to light is the event of presentation whose sense exceeds that of situated moral sense. As we have seen, moral sense only happens for a subject who is first situated as the addressee of an obligating phrase and who then converts herself to the addressor position. *Qua* addressee, the subject is presented with a minimum of moral sense, a *You ought to* whose addressor, referent, and sense are unspecified. In this regard, the moral subject is in a situation analogous to that of the theoretical subject who is presented with a sensation-phrase but who has not yet converted herself into the addressor of the space and time phrases that will situate the sense of the presentation. Just as the theoretical subject *qua* addressee of the sensation-phrase is not oriented toward objects, properly speaking, so the moral subject *qua* addressee is not oriented toward whole persons conceived as bearers of moral records. Rather, as addressee of a current obligating phrase, the moral subject finds herself responsive to a singularity, an undetermined *this*. It is precisely this orientation toward singularity that is lost in the conversion to the addressor position, where the given is manifest as bearing a determinate sense.

The moral sense that is presented to the subject *qua* addressee is different from the sense presented to the subject *qua* addressor, and indeed from within the moral universe situated by the law-phrase, these two senses are impossible. But neither of these impossible

senses is eliminable. On the one hand, there could be no determinate moral sense at all without moral subjects acting as addressors of situating phrases. But on the other hand, these situating phrases presuppose presenting phrases with their undetermined yet obligating *You ought to*'s. Moral experience thus requires the linking of two heterogeneous phrases, from which it follows that moral sense exceeds what can be captured by the law. From the addressor's point of view, the whole person can indeed be given as contemptible. When the moral subject makes such a judgment, he is not necessarily mistaken. But what Lyotard's philosophy of phrases allows us to see is that the "whole person," conceived from the addressor's point of view as the bearer of a moral record, is not the whole person. The dimension that exceeds the purportedly whole person who is the referent of the judgment of contempt is not present to the subject *qua* addressor, but only to the addressee of a current obligating phrase. This excessive dimension, which is that of singularity, is not another part of the whole person which is typically hidden from our view and which a more adequate moral judgment would have to take into account. This excessive dimension is not given as a subject of moral predicates at all, but it is nonetheless inseparable from the moral sense of the person. In no case, then, is the command not to condemn either superfluous or unjustified. In cases where the whole person, the referent whose sense is situated by the moral law, truly is very bad, the command not to condemn is justified by the fact that the person is more than that situated sense and that being a moral subject at all requires us to maintain ourselves in the position of addressees. The command not to condemn only appears unjustifiable to a subject who has established himself in the addressor position and who has failed to recognize that he is more basically the addressee of obligating phrases. To refrain from condemning others on this account would be to continue to regard them as full members of the moral community, no matter how badly they may have acted. In John Rawls's memorable formulation, it is to continue to engage with others as "self-originating sources of valid claims."⁴² And it is for a very similar reason that the command not to condemn others is never superfluous: it calls upon us to take note of an excessive dimension of moral sense that the very structure of presentation encourages us to overlook. Even if the referent of our moral judgments is a good person, as measured against the law, we remain under an obligation to maintain ourselves in the position of addressees, engaging with him not only in terms of his situated moral record but also as a singularity.

¹ Aurel Kolnai, "Forgiveness." *Proceedings of the Aristotelian Society* 74 (1973, 98).

² *Ibid.*

³ *Ibid.*, 96.

⁴ Immanuel Kant, *The Metaphysics of Morals* in Immanuel Kant, *Practical Philosophy*, The Cambridge Edition of the Works of Immanuel Kant. Trans. and ed. Mary J. Gregor. Cambridge: Cambridge University Press, 1996, 579 [6:463]. Page numbers in brackets refer to those of the Akademie Edition. Hereafter *MM*.

⁵ Nicolas Malebranche, *Traité de Morale*, Tome 11 of *Oeuvres Complètes de Malebranche*. Ed. Michel Adam. Paris: J. Vrin, 1966, 201. Translation mine.

⁶ Immanuel Kant, *Lectures on Ethics*, The Cambridge Edition of the Works of Immanuel Kant. Eds. Peter Heath and J.B. Schneewind. Trans. Peter Heath. Cambridge: Cambridge University Press, 1997, 157 [27:386]. Page numbers in brackets refer to those of the Akademie Edition.

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- ⁷ Ibid., 420 [27: 692-693].
- ⁸ Kant, *MM*, 545 [6:420].
- ⁹ Ibid., 580 [6:463].
- ¹⁰ Jean-François Lyotard, *The Differend: Phrases in Dispute*. Trans. Georges Van Den Abbeele. Minneapolis: University of Minnesota Press, 1988, xi. Hereafter *D*.
- ¹¹ Ibid., 70.
- ¹² Ibid., 14.
- ¹³ Ibid., 30.
- ¹⁴ Ibid., 29.
- ¹⁵ Ibid., 68.
- ¹⁶ Ibid., 79. “But *It happens* is not what happens, in the sense that *quod* is not *quid* (in the sense that the presentation is not the situation).”
- ¹⁷ Cf. Jean-François Lyotard, *Discourse, Figure*. Trans. Antony Hudek and Mary Lydon. Minneapolis: University of Minnesota Press, 2011, 18: An event is “always what defies knowledge, either by challenging knowledge articulated in discourse or, just as well, by shattering the quasi-comprehension of the body itself, putting it out of tune with itself and with things, as in emotion.”
- ¹⁸ Immanuel Kant, *Critique of Pure Reason*, The Cambridge Edition of the Works of Immanuel Kant. Trans. and eds. Paul Guyer and Allen W. Wood. Cambridge: Cambridge University Press, 1998, 136 [B1]. Page numbers in brackets refer to those of the Akademie Edition.
- ¹⁹ Ibid., 155 [A19/B33].
- ²⁰ Ibid., 426 [A369].
- ²¹ Lyotard, *D*, 61.
- ²² I am using “experience” here in a sense broader than the one Kant typically gives to the term. For Kant, experience “consists in the synthetic connection of appearances (perceptions) in a consciousness, insofar as this connection is necessary.” The judgment that the sun warms the stone, to take Kant’s own example, is a judgment of experience in that it links together two appearances (the sun and the stone) by means of a category that has its origin in the legislative faculty of understanding (causality). Moral judgments, such as the judgment that it is wrong to break promises, are not judgments of experience in this sense because wrongness is not an appearance given in perception. Immanuel Kant, *Prolegomena to any future metaphysics that will be able to come forward as a science* in Immanuel Kant, *Theoretical Philosophy after 1781*, The Cambridge Edition of the Works of Immanuel Kant. Eds. Henry Allison and Peter Heath. Cambridge: Cambridge University Press, 2002, 98 [4:305]; 95 [4:301]. Page numbers in brackets refer to those of the Akademie Edition.
- ²³ Immanuel Kant, *Groundwork of the Metaphysics of Morals* in Immanuel Kant, *Practical Philosophy*, The Cambridge Edition of the Works of Immanuel Kant, trans. and ed., Mary J. Gregor (Cambridge: Cambridge University Press, 1996), 73 [4:421]. Hereafter *GMM*. Page numbers in brackets refer to those of the Akademie Edition.
- ²⁴ Immanuel Kant, *Critique of Practical Reason* in Immanuel Kant, *Practical Philosophy*, The Cambridge Edition of the Works of Immanuel Kant. Trans. and ed., Mary J. Gregor. Cambridge: Cambridge University Press, 1996, 169 [5:36]. Hereafter *CPrR*. Page numbers in brackets refer to those of the Akademie Edition.
- ²⁵ Kant, *GMM*, 58 [4:404].
- ²⁶ Kant, *CPrR*, 166 [5:33].
- ²⁷ Kant, *GMM*, 89 [4:441].
- ²⁸ Ibid., 47 [4:392].
- ²⁹ Ibid., 57 [4:402]; 93 [4:445].
- ³⁰ Karl Leonhard Reinhold, *Briefe über die Kantische Philosophie, Zweyter Band*. Leipzig: Georg Joachim Göschen, 1792, 267-268; Henry Sidgwick, *The Methods of Ethics*, 7th edn. Indianapolis: Hackett, 1981, 511-516; Paul Guyer, “Naturalistic and Transcendental Moments in Kant’s Moral Philosophy.” *Inquiry* 50:5 (2007), 260-262.
- ³¹ Kant, *CPrR*, 178 [5:47].
- ³² Ibid., 164 [5:31].
- ³³ Ibid.
- ³⁴ Perhaps recognizing the strangeness of fact of reason, Kant characterizes it in certain passages as a fact “as it were” (*gleichsam als ein Factum*). Ibid., 177 [5:47].
- ³⁵ Lyotard, *D*, 120.
- ³⁶ Lyotard, *D*, 108.

³⁷ Kant, *GMM*, 89 [4:441].

³⁸ Michelle Mason, "Contempt as a Moral Attitude." *Ethics* 113 (2003, 246).

³⁹ Macalester Bell, *Hard Feelings: The Moral Psychology of Contempt*. Oxford: Oxford University Press, 2013, 39.

⁴⁰ Margaret R. Holmgren, "Self-Forgiveness and Responsible Moral Agency." *The Journal of Value Inquiry* 32 (1998, 88).

⁴¹ Jeffrie G. Murphy and Jean Hampton, *Forgiveness and Mercy*. Cambridge: Cambridge University Press, 1988, 152.

⁴² John Rawls, "Kantian Constructivism in Moral Theory." *Journal of Philosophy* 77 (1980, 543).