

The Fact of Sense: Nancy and Kant on the Withdrawn Origin of Moral Experience

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Sense, according to Hegel, “is this wonderful word that is used in two opposite meanings. On the one hand it means the organ of immediate apprehension, but on the other hand we mean by it the sense, the meaning, the thought, the universal underlying the thing.”¹ Hegel is referring here to the German word *Sinn*, which names both the sensible intuition of the given and the universal, the intelligible meaning of the given. This double meaning of the word *Sinn* is not accidental, Hegel thinks, but rather reflects a penetrating metaphysical insight embedded within the German language. *Sinn* names the givenness of the sensible and its intelligible meaning as a unified phenomenon: the yellow, rubbery, sour-smelling object that is given by the senses is the lemon (the universal, the meaning), and conversely, the meaning “lemon” is the meaning of this sensuously given object. The two senses of sense thus refer to and complete each other: as a unified phenomenon, sense is mediation, the relation to self that gives a thing to be what it is.

Throughout his work, Jean-Luc Nancy has drawn our attention to a third sense of sense that is indissociable from sensuous sense and intelligible sense.² This third sense is captured in the everyday meaning of the French *sens*: it is sense as direction, as the being-to (*être-à*) that gives orientation. The sensible is not and cannot be given as a pure immediacy; whenever it is given, it is given *as*. (The sensuously given yellow, sourness, and rubbery texture are given *as* the lemon, for example.) This *as* marks the being-outside-itself of the sensible and its directedness or orientation toward the intelligible sense that is proper to it. As Nancy puts it in *Being Singular Plural*, “sense begins where presence is not pure presence but where presence comes apart [*se disjoint*] in order to be itself

¹ Georg Wilhelm Friedrich Hegel, *Hegel's Aesthetics: Lectures on Fine Art*, Vol. 1, trans. T.M. Knox (Oxford: Oxford University Press, 1975), 128-129.

² See especially Jean-Luc Nancy, *The Sense of the World*, trans. Jeffrey S. Librett (Minneapolis: University of Minnesota Press, 1997), 12-15; 76-80. Hereafter SW.

as such.”³ Without this separation from itself and this orientation toward the intelligible sense that completes it, the given sensible would not make sense in any sense of the term. Likewise, history has a sense because our present is not a pure, self-enclosed immediacy, but is rather divided from itself, oriented toward an end that gives the present whatever significance it has. And again, our community has a sense because we who make it up are not fused together in an unmediated unity, but are rather oriented toward each other and toward a common meaning, in accordance with which we live our lives together.

One of the most persistent themes in Nancy's thought, though, concerns our contemporary experience of this orienting sense as something that was once fully present, but that has since become lost or forgotten.⁴ We have lost the sense of history, of community, of life, and of the world. “There is no longer this ‘to’ of sense: this ‘to’ of the signifying relay or directional sending, the index of this final and/or referential ideality that is at once the signified term and the ultimate goal of an operation of sense.”⁵ Lacking the *to* of sense, we experience ourselves as disoriented. Among the most common responses to this disorientation is the call for a return to modes of thinking that predate the loss of meaning. This call has taken many forms. Some call for a return to the humanism of the Enlightenment and the project of modernity. Others situate history's wrong turn further back, calling for a return to the Counter-Reformation or even to the Fathers of the Church. Still others call for a return to “common sense, an obvious rationality, verifiable by all in the accuracy of its measure and in the limit of its pretensions.”⁶ Nancy is sharply critical of all of these forms of the call for return. There has never been, he insists, a fully present, self-identical sense that has been subsequently lost. Rather, the representation of sense as lost is a function of the way in which sense is given, viz. as something that is deferred, that is unworked always already. More precisely, sense is not even properly given, but rather “pro-posed, *offered*, reached out toward us from afar, from a distance that may be infinite.”⁷ The interruption of the orienting *to* of sense is therefore not an accident that would befall sense from without, one that could be corrected with sufficient care or good will. The *to* of sense makes sense (in both senses of the idiom) all by itself, without reference to any stable signification that would function as its North Star.

I would like in this paper to develop some of the implications of this sense-making interruption of sense for our thinking about ethics. As Nancy notes in “The Free Voice of Man,” one of the signs of our contemporary distress over the loss of sense is the constantly reiterated call for an ethics.⁸ What we lack, it is said, is a sense of an end that would

³ Jean-Luc Nancy, *Being Singular Plural*, trans. Robert D. Richardson and Anne E. O'Byrne (Stanford: Stanford University Press, 2000), 2. Translation modified. Hereafter BSP.

⁴ Jean-Luc Nancy, *The Gravity of Thought*, trans. François Raffoul and Gregory Recco (Amherst, NY: Humanity Books, 1997), 27-30. Hereafter GT.

⁵ Nancy, SW, 7.

⁶ Nancy, GT, 14.

⁷ Nancy, SW, 43-44.

⁸ Philippe Lacoue-Labarthe and Jean-Luc Nancy, *Retreating the Political*, ed. Simon Sparks (London: Routledge,

be proper to human beings as such, an end that would give an orientation for our conduct in the world. If it is a proper, determinate end that we experience ourselves as lacking, then it seems that the task of ethical thought would be to make good that lack by providing such an end. But Nancy cautions us against presupposing that we already know what the experience of lack calls for. Perhaps that lack is not an accident that befalls our *praxis* from the outside, one that could in principle be corrected with sufficient care or good will. Perhaps the experienced lack of an ethical North Star is an irreducible, even originary, moment of ethical experience as such. Perhaps it is even our obligation to question “the status of what, prior to the ‘realm of ethics,’ might, on the basis of a non-ethical reserve, withdrawal [*recol*] or drawing back, ‘subsequently authorize all ethical law in general.’”⁹

I believe that Immanuel Kant had hit upon something like this non-ethical reserve that both gives and interrupts ethical sense with his concept of the fact of reason, first articulated in the *Critique of Practical Reason*. Within the confines of Kant’s own moral philosophy, however, the meaning and the full ethical import of the fact of reason remain unclear. I would like to argue that an interpretation of Kant’s fact of reason in terms of the philosophy of sense that Nancy develops throughout his work will bring out the most important ethical implications of the concept. Some of these implications run counter to the letter, though I believe not the spirit, of Kant’s own moral philosophy. Specifically, I will argue that the fact of reason, reinterpreted as the fact of sense, yields some very important insights about the various formulations of the categorical imperative and about the phenomenon of dignity. In what follows, then, I will begin with a description of the role that the fact of reason plays in Kant’s moral philosophy and of the difficulties that have arisen with regard to its correct interpretation. I will then articulate a Nancian reinterpretation, emphasizing the ideas of being-to, exposure, and singularity. Finally, I will develop the implications of this reinterpretation for our thinking about the categorical imperative and dignity.

I. The Fact of Reason in Kant’s Moral Philosophy

In the first two sections of his *Groundwork for the Metaphysics of Morals*, Immanuel Kant develops a determination of the moral law based on what he calls “common rational moral cognition.”¹⁰ Kant believes that there are certain fundamental concepts, such as good will, duty, obligation, and moral worth, that belong to our moral common sense. In order to arrive at an appropriately rigorous, philosophical formulation of the moral law, one need only unpack what is contained in these common sense concepts. Kant therefore characterizes the first two sections of the

1997), 32. Hereafter *RP*.

⁹ Lacoue-Labarthe and Nancy, *RP*, 33. The text that Nancy quotes is from Jacques Derrida, *Writing and Difference*, trans. Alan Bass (Chicago: University of Chicago Press, 1978), 80.

¹⁰ Immanuel Kant, *Groundwork for the Metaphysics of Morals*, trans. Allen W. Wood (New Haven: Yale University Press, 2002), 4:393. Hereafter *GMM*. Page numbers refer to the Akademie edition.

Groundwork as “merely analytical.”¹¹ Throughout these sections, however, Kant holds open the possibility that the concepts of common rational moral cognition are “empty delusion[s]” and “chimerical idea[s] without truth.”¹² It might be the case, for example, that our experience of ourselves as obligated could be traced back to the ways we were educated as children or to the peculiarities of our own cultural traditions. Our experience of ourselves as obligated, in other words, cannot function as sufficient proof that we are in fact obligated. In the third section, then, Kant attempts to complete the argument of the *Groundwork* by showing that the moral law, which is derived from these common sense concepts, really is objectively valid for finite rational beings like us. But for reasons that have been pointed out by numerous Kant scholars, this attempted deduction of the moral law fails. 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 is in fact objectively valid.

Perhaps recognizing the failure of his deduction of the moral law, Kant pursues an entirely different argumentative strategy in his *Critique of Practical Reason*. In an argument that seems to beg the entire question, Kant declares that “the objective reality of the moral law can be proved through no deduction” and that it requires “no justifying grounds.”¹³ The validity of the moral law, Kant thinks, is given a priori as “the sole fact of pure reason.”¹⁴ This fact is absolutely basic: we “cannot ferret it out from antecedent data of reason, such as the consciousness of freedom. . . .”¹⁵ As such, the fact of reason is “apodictically certain;”¹⁶ “it forces itself upon us as a synthetic proposition a priori based on no pure or empirical intuition.”¹⁷ As Henry Allison has noted, this notion of the fact of reason “has been greeted with even less enthusiasm than the ill-fated attempt at a deduction of the moral law in *Groundwork* III.”¹⁸ Hegel, for example, described the supposed fact as “the last undigested lump in our stomach, a revelation given to reason.”¹⁹ Schopenhauer characterized it as “a

¹¹ *Ibid.*, 4:445.

¹² *Ibid.*, 4:402; 4:445

¹³ Immanuel Kant, *Critique of Practical Reason*, trans. Lewis White Beck (Indianapolis: Bobbs-Merrill, 1956), 5:47;

5:48. Hereafter *CPPrR*. Page numbers refer to the Akademie edition.

¹⁴ *Ibid.*, 5:31.

¹⁵ *Ibid.*

¹⁶ *Ibid.*, 5:47.

¹⁷ *Ibid.*, 5:31.

¹⁸ Henry E. Allison, *Kant’s Theory of Freedom* (Cambridge: Cambridge University Press, 1990), 230. Hereafter *Kant’s Theory of Freedom*.

¹⁹ G.W.F. Hegel, *Lectures on the History of Philosophy*, Vol. 3, trans. E.S. Haldane and Frances H. Simpson (Atlantic Highlands, NJ: Humanities Press, 1974), 461. Cited in Dieter Henrich, *The Unity of Reason: Essays on Kant’s Philosophy*, ed. Richard L. Velkley (Cambridge: Harvard University Press, 1994), 69. Hereafter *The Unity of Reason*.

Delphic temple in the soul.”²⁰ And more recently, Paul Guyer has suggested that the argument “seems to rely on a good deal of foot-stamping.”²¹

Despite the central importance of the fact of reason in the argument of the *Critique of Practical Reason*, Kant never presents an unambiguous account of what the fact consists in or of the relation in which it stands to reason. In the passage where it is first introduced, Kant characterizes the fact of reason as the consciousness of the fundamental law of pure practical reason.²² But as Lewis White Beck has pointed out, this can be understood in two importantly different ways. On the one hand it could be interpreted to mean that the moral law is itself the fact, which is “known by pure reason as its object, modo directo. . . .”²³ On this account, the doctrine of the fact of reason would amount to a kind of intuitionism. On the other hand, one could interpret Kant to mean that our consciousness is itself the fact of reason. On this account, it is simply a fact, irreducible and apodictically certain, that we are conscious of the moral law as authoritative.²⁴ The distinction between these two interpretations can be characterized as a distinction between a consciousness-of and a consciousness-that, respectively.²⁵

For the interpretation of the fact of reason as something of which we are conscious, the facticity of the fact consists in its being given immediately, like an intuition. One sees that the moral law is authoritative, just as one sees that the lemon is yellow. One’s consciousness of the lemon as yellow is basic and irreducible; it is not the conclusion of any chain of reasoning. Likewise, the moral law as authoritative would be given directly, and not as a result of any transcendental deduction. If this were the correct interpretation of the fact of reason, then Guyer would certainly be correct in characterizing the argument as so much foot-stamping. Such an intuition would be at best what Beck calls a putative intuition, i.e., one “which seems to be a real intuition, but which in fact may or may not be.”²⁶ Intuitions in general are not self-guaranteeing; it is always possible that we might

²⁰ Arthur Schopenhauer, *The Basis of Morality*, trans. A.B. Bullock (London: S. Sonnenschein, 1903), 68. Cited in Henrich, *The Unity of Reason*, 69.

²¹ Paul Guyer, “Naturalistic and Transcendental Moments in Kant’s Moral Philosophy,” *Inquiry* 50 (October 2007): 462.

²² Kant, *CPrR*, 5:31. In other passages, Kant presents the fact of reason differently. Some of these characterizations, however, plainly contradict other passages from *CPrR*, so that it is safe to conclude that they do not represent Kant’s position. Other formulations are sufficiently similar to the one I have cited to count, at least for present purposes, as making the same basic point. Cf. John Rawls, *Lectures on the History of Moral Philosophy*, ed. Barbara Herman (Cambridge: Harvard University Press, 2000), 259-261.

²³ Lewis White Beck, *Studies in the Philosophy of Kant* (Indianapolis: Bobbs-Merrill, 1965), 211.

²⁴ This formulation is different from Beck’s. Beck suggests that the fact of reason, on this second interpretation, is the fact that pure reason is practical. But as Henry Allison points out, this interpretation would beg the question that is at issue in *CPrR*, viz. whether pure reason can be practical. The formulation that I have given of the second interpretation of the fact of reason is similar to Allison’s suggested formulation. Allison, *Kant’s Theory of Freedom*, 233.

²⁵ Paweł Łuków, “The Fact of Reason: Kant’s Passage to Ordinary Moral Cognition,” *Kant-Studien* 84 (1993): 210. Hereafter “The Fact of Reason.”

²⁶ Beck, *Studies in the Philosophy of Kant*, 203.

be mistaken about them. If this is true for everyday intuitions like those of color, then it is certainly true for the more dubious intuition of the moral law. Thus if there really is such a phenomenon as the fact of reason, with its characteristic apodicticity and a priority, then this fact cannot take the form of a consciousness-of.

The second interpretation, according to which the fact of reason is the consciousness that the moral law is authoritative, appears to be similarly problematic. What the concept of the fact of reason needs to establish is that the moral law is objectively valid for finite rational beings like us. To show that we are conscious that the moral law is authoritative, however, is only to show that it is subjectively valid. There is, in other words, a vast difference between the claim that we are conscious that the moral law is authoritative and the claim that the moral law is in fact authoritative.²⁷ This problem with the consciousness-that interpretation can be avoided, however, by an account that construes the fact of reason as a constructed fact. The most straightforwardly constructivist account of the fact of reason, I believe, is given by Paweł Łuków in his article “The Fact of Reason: Kant’s Passage to Ordinary Moral Knowledge.” For Łuków, the fact of reason is a consciousness-that, but one that is given only problematically, not as an “indubitable, self-evident datum of reason.”²⁸ It is a fact, in other words, that we experience ourselves as constrained by the moral law. But as rational beings we do not just take this experience at face value. Rather, the fact of this experience “must be provisionally adopted and examined” in order to determine whether it is consistent with our broader account of practical reason.²⁹ By presenting the fact of reason in this way as merely problematic, the constructivist account avoids the previously-mentioned objection to the consciousness-that interpretation. But, I want to argue, in doing so it makes itself vulnerable to a new objection, viz. that the fact of reason seems to be precisely the kind of thing that cannot be adopted merely provisionally. This is suggested by Kant’s insistence that the moral law, as “an apodictically certain fact,” is “firmly established of itself” and that its objective reality “can be proved through no exertion of the theoretical, speculative, or empirically supported reason; . . .”³⁰ But more importantly, it is suggested by Łuków’s own language. Given the experience of moral constraint, we “must” provisionally adopt and examine it. Łuków does not say—and I think it would indeed be inaccurate to say—that the practical subject merely does provisionally adopt and examine the experienced moral constraint. Rather, in reflecting on the experience of obligation, as she “must,” the practical subject shows herself to have been conscious of the authoritativeness of the moral law always already. The very act of reflection, in other words, presupposes the subject’s having already recognized the authoritativeness of the experience on which she reflects. Suppose, for example, that I experience myself as obligated to tell a lie in order to help preserve the good reputation of a friend. Of course I must reflect on this experience, because it may very well be wrong; it

²⁷ Cf. K.-H. Ilting, “The Naturalistic Fallacy in Kant” in Lewis White Beck, ed., *Proceedings of the Third International Kant Congress* (Dordrecht: D. Reidel Publishing Company, 1972), 117.

²⁸ Łuków, “The Fact of Reason,” 210.

²⁹ *Ibid.*, 211.

³⁰ Kant, *CPrR*, 5:47.

might be the case that my obligation is to tell the truth, regardless of the consequences. But that I am obligated to do the right thing is never in doubt. My reflection on my obligation in this case, then, happens as a response to my prior recognition of the authoritativeness of obligation in general. What this shows is that practical reason is irreducibly responsive, and that this responsiveness is enjoined by the fact of reason, which is given in the imperative voice with an authoritativeness that has been recognized always already.

II. Respect as Being-To

Neither the consciousness-of nor the consciousness-that interpretation can account for the fact that the authoritativeness of obligation is given unconditionally, always already. The problem, I would like to argue, is that both interpretations treat the fact of reason as a fact that is *present* to a consciousness. For the consciousness-of interpretation, the authoritativeness of obligation is present to consciousness in the form of an intuition. In the consciousness-that interpretation, the practical subject is immediately conscious *that* she is conscious of the authoritativeness of obligation: the consciousness is present to itself. The problem with both interpretations is that there is simply no way to get from the presence to consciousness of the bindingness of obligation to the unconditionality and the always-already character that are essential to the phenomenon. Presence spaces: what is present gives itself precisely as something presentable from other points of view, some of which might undermine the stability and certainty of the presentation. Optical illusions provide a good illustration of this point. It often happens, for example, that while I am driving during the summer on a country road, I perceive a thin sheet of water some distance further ahead. The sheet of water is present, but not immediately and indubitably so. Rather, I encounter it *as* dubitable, as calling for further presentations from different points of view. I accept the validity of the presentation only conditionally, i.e., only if it is supported by other presentations. Obligation, though, is not present in this conditional, dubitable way. Of course I will not necessarily be certain *what* my obligation is in this or that particular case. Often I will present the situation to myself from different points of view before making a decision about the correct course of action. But I am not in any doubt *that* I am obligated to do what is right. If I look at the situation from different points of view before deciding what to do, this is because I must, because I am obligated even before knowing what I am obligated to do. Unconditional obligation, then, cannot be thought as something present to or within consciousness. The fact of reason, which “forces itself upon us” and which is “based on no pure or empirical intuition,” must rather be understood, returning to Nancy’s language, as a “non-ethical reserve, withdrawal or drawing back” that first opens up the space of ethical experience.

To conceive the fact of reason as a non-ethical reserve that opens the space of ethical experience is not necessarily to conceive it as presenting the moral law. Kant himself, of course, understood the fact of reason as the consciousness of the fundamental law of pure practical reason: “So act that the maxim of your will could always hold at the same time

as a principle establishing universal law.”³¹ But this was a mistake. In “The Free Voice of Man,” Nancy cautioned us not to be too hasty in interpreting our contemporary distress as a call for an ethics that would provide a stable orientation for our *praxis* in the world. Kant himself, I want to argue, was too hasty in interpreting the experience of unconditional command as calling for a determinate formulation of a moral law that would orient us in response to that command. As a description of our everyday, common-sense moral experience, it is simply false to suggest that the formula of universal law, or for that matter the formula of humanity as end in itself or the formula of autonomy, is given a priori with apodictic certainty. Moreover, it is far from self-evident that our moral consciousness is, or must be, a consciousness of any particular law at all. Here something like Paul Guyer’s criticism of the argument of the second *Critique* is surely correct: Kant has relied on foot-stamping to shore up his presuppositions about the kind of orientation that is proper to moral experience.

In order to achieve a more adequate articulation of the fact of reason, then, what is required is a more minimalist account of the basic and irreducible givens of moral experience. I believe that Nancy offers just such an account in “The *Katagorein* of Excess.” Nancy’s account in that essay places special emphasis on the way in which the imperative is given as addressed to the moral subject. In order to arrive at an adequate articulation of the fact of reason, then, it is necessary to determine the structure of that address as precisely as possible.

Nancy begins by describing forms of address that are superficially similar, but nonetheless importantly different, from that of the imperative. First, he notes that the imperative does not address us in the way that right (*droit*) does. Right “articulates a rule and asks that a particular case be submitted to it.”³² This rule, however, is binding only conditionally: it addresses only those who are included within the scope of its validity. Kosher rules, for example, prohibit the consumption of meat and dairy together. As a rational practical subject, I am able to subsume particular cases under the law. I know, for example, that a cheeseburger would count under the rule as a prohibited food. But my recognition of the rule, along with my recognition that the cheeseburger falls under the rule, is not sufficient by itself to give me the experience that I must not eat the cheeseburger. The rule has its binding force only on the condition that I recognize its validity. In short, if I do not recognize myself as Jewish, then I will not experience the kosher rules as addressing me imperatively. Unlike a rule of this kind, the imperative commands absolutely: its binding force does not depend on my recognizing its validity. To experience myself as the addressee of the imperative is to experience myself as enjoined by it, immediately and unconditionally.

We must also be careful, Nancy insists, not to confuse the imperative address with the

³¹ Kant, *CPrR*, 5:30-31.

³² Jean-Luc Nancy, *A Finite Thinking*, ed. Simon Sparks (Stanford: Stanford University Press, 2003), 140. Hereafter, *FT*.

kind of address proper to an order. An order binds its addressee by means of a threat or a promise. But it is of the essence of the imperative that its binding force not depend on either of these.³³ Once again, the imperative commands obedience absolutely, without reference to the good consequences that obedience promises or to the bad consequences that disobedience threatens. In Kantian terms, threats and promises could only ever provide prudential, i.e., non-moral, reasons for action. If, for example, somebody offered me \$100,000 to respect the kosher laws by refraining from eating the cheeseburger that was on my plate, I would have a good reason not to eat the cheeseburger. But it is not at all difficult to discern the difference between this kind of prudential reason and a genuinely moral one. The promise of money does not give me a duty to refrain from eating the cheeseburger. On the other hand, in cases where I feel called upon to do the morally, and not merely prudentially, right thing, that call is sufficient by itself to bind me. It might be the case that I would be rewarded for doing the morally right thing, for example with a good reputation or with some kind of public recognition. But the reward would not be the source of my obligation. Rather, I must do my duty simply because it is my duty.

The structure of the address that best articulates the most basic and irreducible givens of moral experience is that of respect, which Kant himself characterizes as “the consciousness of the *subjection* of my will to a law without any mediation of other influences on my sense.”³⁴ In the *Groundwork* and in the *Critique of Practical Reason*, Kant examines the feeling of respect from two symmetrical points of view. On the one hand, he describes the feeling of respect as an *effect* of the moral law.³⁵ For Kant, all non-moral practical principles—i.e., all practical principles that “place the ground of the determination of the will in the lower faculty of desire”—are principles that are based on self-love.³⁶ Living beings that are wholly incapable of moral experience are motivated exclusively by self-love: they pursue the objects of their inclinations naturally and as a matter of course. The will of a finite rational being, though, “is at a crossroads, as it were, between its principle *a priori*, which is formal, and its incentive *a posteriori*, which is material...”³⁷ Just like non-human animals, we human beings experience our inclinations as pulling us toward our own happiness. But at the same time we experience those inclinations as standing in need of justification in terms of a higher law. The experience of this check, produced by the pure moral law, on our natural drive toward happiness is an experience of a kind of pain. This pain, which is unique to finite rational beings, is the feeling of respect.

But on the other hand, respect is more than just a feeling, more than just an *effect* of the moral law. Feeling, for Kant, names the “capacity for having pleasure or displeasure in a representation...” As such, it is “*merely subjective*” and contains “no relation at all to

³³ Ibid., 141.

³⁴ Kant, *GMM*, 4:401.

³⁵ Ibid.

³⁶ Kant, *CPPrR*, 5:22.

³⁷ Kant, *GMM*, 4:400.

an object for possible cognition of it.”³⁸ Respect, though, is unique among the feelings in that it does have an object, viz. the moral law. It is, in other words, not merely the passive registration of the law’s effect on our bodily organisms, but also that which constitutes our mode of access to the law as an object to be known. In respect, then, the law is given *as* addressing me, as having obligated me always already. There is thus no space for the question whether the law “really” obligates me or not, as the law is never given independently of its imperative force. The law is given only as obligating me immediately and unconditionally.

But it is important to pay close attention to *how* the law is given in the feeling of respect. The givenness of the law is not at all analogous to the givenness of an object of intuition. Drawing on the etymology of the term, Nancy explains in “Abandoned Being” that respect (*respectus*, regard) “is not an optical regard, and still less a speculative regard, which would stare at the law.”³⁹ If I stare at a sheet of water on the road, for example, then I am the subject of my regard and the sheet of water is the object. If I were to turn my eyes away from the sheet of water, it would cease to be my object, while I would persist as the same subject. But I am not the subject of the feeling of respect. Indeed, “respect is the very alteration of the position and structure of the subject; that is, the latter faces up to (but without being able to look upon) or responds to (but without *responding*) the alterity of the law.”⁴⁰ I am a practical subject only as interpellated by and thus subjected to the law. There is thus no subject that would pre-exist this interpellation and that could take as the object of its gaze the law that interpellates it. To be a practical subject, then, is to have been obligated unconditionally, always already by a law that is absolutely incommensurable with anything that could be given as an object of experience. In respect, then, the practical subject looks *back* (*re-spicere*) “not to perceive itself, but to receive itself.”⁴¹

Respect, then, is a mode of being-to. But this being-to is interrupted: that toward which I constitutively *am* is not given, and indeed, cannot be given. The *to*, in other words, does not open onto a fixed, determinate formulation of the law that would tell me definitively and unambiguously what I must do. Rather, the *to* makes moral sense all by itself. In being to the law, I experience myself as obligated by it immediately and unconditionally. Nothing, then, could be closer to me than the being-to that constitutes me as a practical subject. And yet in giving me to myself, the *to* imposes an unovercomable separation at the heart of my practical subjectivity. The law that interpellates me, that singles me out as its addressee, is given at a distance that cannot be traversed, even in principle. As such, it is utterly inappropriate. I do not give myself the law, but rather receive myself in looking back to it. This singularization as a practical subject through being oriented to the most

³⁸ Immanuel Kant, *The Metaphysics of Morals*, trans. and ed. Mary Gregor (Cambridge: Cambridge University Press, 1996), 6:211. Page numbers refer to the Akademie edition.

³⁹ Jean-Luc Nancy, *The Birth to Presence*, trans. Brian Holmes and others (Stanford: Stanford University Press, 1993), 44. Hereafter *BP*.

⁴⁰ Nancy, *FT*, 147.

⁴¹ Nancy, *BP*, 45.

extreme, unassignable and inappropriable alterity is the phenomenon that Kant names respect. It is the most basic and irreducible given of moral experience. It is, in sum, a *fact* which “forces itself upon us” a priori, which cannot be ferreted out “from antecedent data of reason,” and which is “based on no pure or empirical intuition”⁴²

III. The Fact of Reason as Fact of Sense

This most basic given of moral experience is best understood, I would like to argue, in terms of Nancy’s broader philosophy of sense. Sense is itself a fact: it requires no deduction to establish its reality, but is rather “firmly established of itself.”⁴³ Nancy expresses this point in classically phenomenological language when he writes in *The Sense of the World* that “there is no *epokhe* of sense, no ‘suspension’ of a ‘naïve thesis’ of sense, no ‘placing in parentheses.’”⁴⁴ Sense, in other words, cannot be reduced to an object present to a consciousness. We cannot treat it as a dubious hypothesis about which we must suspend our judgment. This is because “the *epokhe* itself is already caught up in sense and in the world.”⁴⁵ The methodological strategy of the epoché makes sense, in other words; one pursues that strategy as a response to certain epistemological or metaphysical problems that are meaningful. To attempt to reduce sense to an object for consciousness and to set aside any presuppositions about its existence, then, is already to presuppose sense. The attempt to perform an epoché of sense reveals that we are *in* sense always already.

Claude Lévi-Strauss expressed a similar point when he wrote that “the universe signified long before people began to know what it signified.”⁴⁶ As soon as the world is given, in other words, it is given as pro-posing a sense that is, returning to Nancy’s language, “*offered*, reached out toward us from afar, from a distance that may be infinite.”⁴⁷ When we strive to fix the sense of the world in determinate significations, we do so in response to this sense that offers itself to us from a distance. When I set out to express myself in writing, for example, I experience this pro-posed sense very keenly. There is *something* that I want to express. As I struggle to find the right words, I am constantly guided by that *something* whose sense I have not yet determined. Likewise, when I read the first pages of a novel, I experience a kind of latent sense that has not yet crystallized into a fixed signification. And of course as a practical subject, I am guided by a sense of duty, even though I do not always have a determinate conception of what my duty is. Sense, in sum, necessarily precedes and exceeds signification.⁴⁸ The determinate significations that are present to us as

⁴² Kant, *CPrR*, 5:31.

⁴³ *Ibid.*, 5:47.

⁴⁴ Nancy, *SW*, 18.

⁴⁵ *Ibid.*

⁴⁶ Claude Lévi-Strauss, *Introduction to the Work of Marcel Mauss*, trans. Felicity Baker (London: Routledge, 1987), 61.

⁴⁷ See note 7.

⁴⁸ Nancy, *BP*, 172; *GT*, 59.

objects of consciousness—the signification of a triangle, for example, or of a social role that I may occupy, or of the formula of universal law that tells me what I must do—presuppose this reserve of sense that is withdrawn from presence.

This withdrawn sense must not be understood as a signification so elevated that the finite human intellect could not adequately conceive it, or as one that we could only approach asymptotically through the course of history. “Sense in this sense is not *a* sense; it is not a signification, whether determinate or indeterminate, completed or still in progress, already present or yet to be won.”⁴⁹ Sense is not something present or presentable, but rather the very coming to presence of significations. To be *in* sense, then, is not to be in an element, like a fish in water. Rather, to be in sense is to be ex-posed, put outside oneself, opened out toward what comes to presence. Again, “sense begins where presence is not pure presence but where presence comes apart [*se disjoint*] in order to be itself *as* such Pure unshared presence—presence to nothing, of nothing, for nothing—is neither present nor absent.”⁵⁰ The lemon can only be what it is, can only be given *as* a lemon, on the condition that it be present *to* those who are present *to* it. And likewise, I can be who I am—for example, a professor of philosophy, an American, a baseball fan, etc.—only on the condition that I be present *to* others and *to* myself in these ways. This *to* is not itself a signification; it makes sense prior to and in excess of any determinate sense.

The *to* with which sense begins is given right at (*à même*) the subject. That is to say, on the one hand, that the *to* is not only inappropriable, but utterly incommensurate with anything that the subject could appropriate. It marks the ineliminable finitude of the subject, whose sense necessarily remains open, exposed to the world and thus precarious. The subject’s being, then, is never equal to its sense; rather, “to exist means: to lack sense.”⁵¹ But on the other hand, this lack of sense is closer to us than any of the particular senses that we would like to appropriate. The subject *is*—i.e., is present to itself as such—only through the lack of sense that the subject strives in vain to fill.⁵² The *to* of sense, its interruption, is thus prior to the sense that is experienced as interrupted. Not coincidentally, the description that Nancy gives in “The *Katagorein* of Excess” of the relation between the imperative and the subject serves equally well as a description of the relation between the *to* of sense and the subject: it is a proximity that “may well be closer than everything that, under the guise of proximity, we think of in terms of familiarity or intimacy. It would be the proximity of that with which we are obsessed but that is lost to us, the proximity of that whose loss haunts us.”⁵³ To be in sense, then, is to find ourselves unovercomably exposed, responsive always already to an incommensurability that gives us to ourselves by opening us out onto a world of offered meaning.

⁴⁹ Nancy, *GT*, 59. Translation modified.

⁵⁰ See note 3.

⁵¹ Nancy, *FT*, 12.

⁵² Nancy, *GT*, 31-36.

⁵³ Nancy, *FT*, 135-136.

IV. Dignity

The fact of sense, as a withdrawal that interrupts always already the accomplishment of moral sense, does not authorize any determinate law with reference to which we could orient our conduct in the world. Its importance for moral thought, I would like to argue, consists rather in its exposing us to dignity, which obligates us immediately and unconditionally. In this final section of the paper, then, I will attempt to show how thinking about dignity in terms of the Nancian fact of sense helps to bring out aspects of the phenomenon that are de-emphasized by, or even invisible to, the more common Kantian conception.

One of the most salient features of dignity in Kant's account is the unexchangeability of the person who has it. In the *Groundwork*, Kant approaches the sense of dignity by contrasting it with price: "What has a price is such that something else can also be put in its place as its *equivalent*; by contrast, that which is elevated above all price, and admits of no equivalent, has a dignity."⁵⁴ Price for Kant names the value that something has as a means to an end. If two or more things serve the same end equally well, then from the point of view of the acting subject, they are interchangeable. My red Pilot EasyTouch Retractable ballpoint pen, for example, is useful as a means to grading my students' examinations. But for my purposes, it does not matter at all which particular red Pilot EasyTouch Retractable ballpoint pen I use. If one of them runs out of ink, then I can throw it away and replace it with another that will serve my ends just as well. Persons, who have dignity, are not interchangeable in this way. To recognize a person as having dignity is to recognize her as having "an unconditioned, incomparable worth."⁵⁵

The incommensurability and absolute worth that become manifest in the phenomenon of dignity can be understood with reference to Nancy's conception of singularity. Singularity names the excess of sense that is given in our exposure to others. In *Being Singular Plural*, Nancy describes this in connection with the idiomatic locution "people are strange" (*les gens sont bizarres*). Sense, as we have seen, is not an element in which we are all immersed: it is not a *mi-lieu*, a between-place of common sense that would function as a condition for the possibility of communication.⁵⁶ Rather sense happens, each time new and each time precariously, in the *to* of presentation, so that the other is given as irreducibly strange. "The other origin is incomparable or inassimilable, not because it is simply "other" but because it is an origin and touch of meaning.... You are absolutely strange because the world begins *its turn with you*."⁵⁷ Of course I do encounter the other as instantiating a number of fixed significations, which I do not find strange at all: I relate to her, for example, as a lawyer, a Republican, a mother, etc. But for reasons that we have already seen, the sense of the other necessarily exceeds these significations. This excess is

⁵⁴ Kant, *GMM*, 4:434.

⁵⁵ *Ibid.*, 4:436.

⁵⁶ Nancy, *BSP*, 5.

⁵⁷ *Ibid.*, 6.

not another, hidden signification, but rather the inappropriable *to* that is inseparable from the happening of sense. It is the *to* that singularizes us, that makes us something more than interchangeable tokens of our types.

Singularity, then, is not the same as uniqueness. To be unique is to instantiate a set of qualities that nothing or nobody else instantiates. For example, I was born in the state of Wisconsin, I own a cat named Wheatie, I am currently a professor of philosophy at Southern Illinois University Edwardsville, and my favorite fragrance is Eau d'Hermès. I am the only person in the world who instantiates that particular set of qualities. But my singularity does not consist in the fact that I am different in this determinate way from everyone and everything else in existence. This fact is especially salient when I feel that my dignity has been disrespected: it is not I *qua* native Wisconsinite, admirer of Eau d'Hermès, etc., who has been disrespected. Rather the one whose dignity has been disrespected is me *simpliciter*. And likewise, when I feel compelled to respect the dignity of another, I certainly do not feel that I respect him *qua* instantiator of his own unique set of qualities. I respect *him*, singularly.

Dignity, then, is importantly different from other kinds of properties that we might have. Conceiving dignity in terms of Nancy's philosophy of sense helps to articulate that difference more precisely. On the one hand, dignity seems to be more intimately connected to the person who has it than any of her other properties. There is no dignity in general. If I am visiting a nursing home, for example, and I witness the staff treating a particular resident as an irritating burden rather than as a human being, I do not perceive an offense to dignity in general; I perceive an offense to *her*, to that singular person. Whenever I experience dignity, either as something that I must respect or as something that is being violated, I experience it as absolutely inseparable from the person whose dignity it is. But on the other hand, dignity also seems to be less one's own than any other property. Our hold on dignity is extremely tenuous: we are ceaselessly at risk of being deprived of it, whether it be by other persons who do not respect it, or by the natural decline of our bodily capacities, or even by our own failures to live up to it. Dignity, then, is right at (*à même*) the subject. It is never a property that belongs to a subject taken in isolation. Rather, like sense, dignity begins where presence comes apart, where the subject is exposed to an exteriority that it cannot appropriate. This intimate connection between dignity and exposure ensures that our dignity is at risk in all of our relations, both with others and with ourselves.

Finally, Nancy's philosophy of sense helps us to understand both why dignity obligates us and why we can never be certain that we have fulfilled that obligation. There is no experience of dignity that is not also the experience of being obligated; if we were to abstract the sense of being obligated from the experience of dignity, we would find that the phenomenon would simply vanish. This unmediated unity of dignity and obligation can be explained by the fact that there can be no *epoché* of sense. The fact of sense is the fact of our responsiveness and our responsibility, always already, to a withdrawn sense

that is irreducibly other, that exceeds determinate and appropriable sense. It “designates a factuality heterogeneous to and incommensurable with the reason from the heart of which, nonetheless, it emerges. This incommensurability measures us; it obliges us.”⁵⁸ Modifying the formulation of Claude Lévi-Strauss, we might say that in our exposure to sense, we find ourselves obligated even before we know *what* our obligation is. To find ourselves in sense just is to find ourselves obligated to a *something* that we can never render fully determinate. And what follows from this is that we can never know with certainty whether we have fulfilled our responsibility to dignity. There is not and can never be a protocol that would tell us precisely what dignity demands of us. Like sense, dignity is always a surprise, something for which we can never have prepared ourselves in advance. It is never a universal, in other words, that gives itself as the same in all of its instantiations. It befalls us as a *fact*, each time new and incommensurable.

⁵⁸ Nancy, *FT*, 145.