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**MATTERS OF CONSCIENCE:  
CONSCIENTIOUS SUBJECTIVITY IN KIERKEGAARD AND LEVINAS**

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Abstract

Brian T. Prosser

**Matters of Conscience:  
Conscientious Subjectivity in Kierkegaard and Levinas**

This dissertation is interested in phenomena of moral conscience. This story of how the idea of conscience has become bound-up with the very idea of human dignity, and the political significance of the latter idea, raises interesting questions about what I will claim is Kierkegaard's and Levinas's rejection of the politics of conscience as they understand it. One reason I am fascinated by the way conscience is invoked in the writings of Kierkegaard and Levinas is that I believe they both treat the concept differently than most of their philosophical predecessors. In the case of the Kierkegaardian writings, I believe Kierkegaard's articulations of the idea of conscience lend themselves to a "phenomenological" interpretation of conscientious subjectivity. Such an understanding of conscience should be more explicitly clear in Levinas's writings, given his patent embrace of the phenomenological method. More specifically, I will suggest that such a phenomenological interpretation of conscientious subjectivity has important consequences for the supposed relationship between conscientiousness and human dignity. It is not the Other's conscientiousness that provokes me to recognize her human dignity, rather it is my own conscientiousness, as a mode of consciousness which "welcomes the Other," that allows the Other to be present for me as worthy of respect. Nevertheless, in spite of the affinities between Levinas and Kierkegaard, in their understanding of

conscientious subjectivity, I will suggest differences between them that may also reinvigorate historically important political questions about conscientiousness.

For Maddie:  
“Arise, *Sir* Jiminy Cricket!”

In memory of  
Dr. Jack D. Julian

Leanna:  
We made it!

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**Matters of Conscience:  
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## Introduction

*Kjerlighed er Samvittighedens Sag* [Love is a matter of conscience]...  
– Søren Kierkegaard <sup>1</sup>

*La conscience morale accueille autrui.* [Conscience welcomes the Other.]  
– Emmanuel Levinas <sup>2</sup>

This project is interested in the phenomena of moral conscience. My interest has been inspired, in part, by a juxtaposition of the two claims cited above. Hence the particular focus here on “conscientious subjectivity” in the writings of 19<sup>th</sup> century Danish thinker Søren Kierkegaard and 20<sup>th</sup> century French phenomenologist Emmanuel Levinas.

I am certainly not the first person to see fertile ground in reading Kierkegaard and Levinas alongside one another.<sup>3</sup> Nor am I the first to detect in their respective writings a similarly “welcoming” attitude toward “the Other.”<sup>4</sup> We get a sense of Kierkegaard’s openness to the Other when we remember that, with his suggestion that “love is a matter of conscience,” Kierkegaard is referring to a specifically non-erotic kind of love. He means the biblical concept of *agapē*, a concern not reserved for the “lovable” or even just the “neighbor,” but also for the stranger and enemy.<sup>5</sup> Such biblical inspiration makes it tempting to focus on theological concepts – such as the relationship between Kierkegaard’s understanding of the idea of God and the philosophi-

cal concept of The Other – when comparing Kierkegaard and Levinas.<sup>6</sup> My concern is more modest and, I believe, more practical. I take seriously the fact that Levinas and Kierkegaard both refer to “conscience” as a kind of human faculty for being open to “Otherness.” I want to consider the way this faculty functions for these two thinkers, particularly in contrast to the way moral conscience has often been talked about in Western philosophical traditions.

Indeed, I believe that much of what both Kierkegaard and Levinas have to say about moral conscience is intended to be instructive about, and a challenge to, the way such matters have tended to be interpreted in the Western traditions. Both thinkers also challenge some of the social-political repercussions of those traditional interpretations of conscientious subjectivity. For example, as we shall see, both are keenly aware of how politicized “matters of conscience” tend to become. It is easy to see that conscience is often invoked in a political context. This is true today, for example, when we find nurses refusing flu vaccinations, against the requirement of their employers, on the claim that the vaccination violates their conscientious convictions.<sup>7</sup> And we have similar examples from ancient times, such as Socrates’ refusal to stop practicing his unique brand of public discourse, against the orders of his state (Athens), citing an apparently irrepressible compulsion from his personal “daimon.” Socrates’ gesture is cited over the centuries as exemplifying the problematic nature of “conscience.”<sup>8</sup> Of course, Socrates was sentenced to death for defying social norms on conscientious grounds. Much of the story about the politics of conscience, from the time of Socrates to now, has been one about the progressive accommodation of

conscience by the State. Especially over the last 400 years, a profound respect for “freedom of conscience” has come to be expected of any people that would presume recognition as a “civilized” nation. In this day and age, we assume that we would never execute Socrates (of course not!). This expectation is institutionalized today, for example, in the UN Declaration of Human Rights, which professes that freedom of conscience is an essential constituent of one’s human dignity and that respect for human dignity therefore demands accommodation of personal conscience.<sup>9</sup>

This story of how the idea of moral conscience has become bound-up with the very idea of human dignity, and the political significance of the latter idea, raises interesting questions about what I will claim is Kierkegaard’s and Levinas’s rejection of the politics of conscience as they understand it. Consequently, it is helpful to spend some time reflecting upon that politics of conscience. This will be the focus in Chapter 1 of the dissertation. What I will focus upon in that chapter is how the accommodation of moral conscience has been historically problematic and, even though the demand for accommodation by civilized peoples has now been with us for centuries, the question of how to accommodate personal conscience remains a live question. That is, even if we accept that “freedom of conscience” should be a human right acknowledged by any state that claims to respect human dignity, there remains the task of sorting out what exactly a state is expected to do (and, more importantly, to allow) to appropriately prove that respect. As we will explore in brief, history has come up with a variety of answers to the question of appropriate accommodation for an individual’s conviction, and is still addressing that question today. I hope our re-

reflections in Chapter 1 will impress upon the reader that it is important for us to continue taking this practical question seriously, and that such consideration requires an equally serious reflection upon the nature of conscience itself. My intention for this dissertation is that it may fruitfully contribute to the latter reflection.<sup>10</sup>

Martha Nussbaum has recently written several works on the history of political accommodation of conscience and on how that history has become bound up with the concept of human dignity.<sup>11</sup> She presents her own account of the relationship between human dignity and moral conscience in a way that, I believe, nicely captures the practical implications of key assumptions that seem to guide the history of the politics of conscience since The Enlightenment (at least). Fundamentally, these accounts boil down to the assumption that a person's capacity for conscientious subjectivity marks them as a being worthy of respect (however this subjectivity is properly understood). That is, because human beings manifest conscientiousness, this among other capacities rightly provokes moral respect from other humans. I will argue that an important implication of the way Kierkegaard and Levinas address the idea of conscientious subjectivity is that the typical account of the relationship between conscience and human dignity is insufficient.

Furthermore, the question of the relationship between conscience and human dignity is more than a political question. The political assumption, that a capacity for conscience marks a being as worthy of respect, also presumes to know how to identify conscientious subjectivity in others. That is, it assumes an understanding of conscience that allows one to recognize when and how conscience is properly manifested

by other people. But, there is ample reason to suspect that such a presumed understanding of “proper” conscientiousness is often ideologically tainted. This may account for Levinas’s and Kierkegaard’s concern over what they characterize as a historical tendency to reduce problems of moral conscience to politics. The justification for this suspicion is borne out by even a brief reflection upon the historically shifting grounds of justification for accounts of personal conviction. In other words, the political question of how to accommodate conscience is intimately linked to a broader philosophical question about the legitimate grounds for “conscientious” belief. This broader question is the focus of Chapter 2 of this dissertation. In that chapter we will reflect upon an historical evolution in the way Western thought has understood the supposedly legitimate grounds for conscientious conviction. I will suggest that this evolution ultimately leads to a suspicion toward conscientious subjectivity that would essentially render personal conscience mute. I believe Kierkegaard’s and Levinas’s writings intersect a history of the idea of conscience at precisely this point. Though it may not have been an explicitly stated priority in their thought, there are articulations of the concept of conscientious subjectivity in the writings of Kierkegaard and Levinas that would give breath to conscience at times otherwise unprepared to recognize its voice.

One reason I am fascinated by the way conscience is invoked in the writings of Kierkegaard and Levinas is that I believe they both treat the concept differently than most of their philosophical predecessors. In the case of the Kierkegaardian writings, I believe Kierkegaard’s articulations of the idea of conscience lend themselves

to a “phenomenological” interpretation of conscientious subjectivity. This understanding of Kierkegaard’s writings will be the topic of Chapter 3 of the dissertation. To be clear: I do not intend to suggest that Kierkegaard is a “phenomenologist” in some methodological sense. It seems to me that Kierkegaard’s writings (i.e., including his pseudonymous writings) purposely resist methodological constraints. This makes interpretation a risky business. However, I do think there is ample grist for the mill when we make an effort to understand his approach to the idea of moral conscience “phenomenologically.”

What I mean by “phenomenology” is captured, for example, by Robert Sokolowski when he explains that phenomenology

...discovers and describes many different structures in intentionality... different kinds of intending, correlated with different kinds of objects. For example, we carry out perceptual intentions when we see an ordinary material object, but we must intend pictorially when we see a photograph or a painting. We must change our intentionality; taking something as a picture is different from taking something as a simple object. Pictures are correlated with pictorial intending, perceptual objects are correlated with perceptual intending.... These and many other kinds of intending need to be described and differentiated one from the other. (Sokolowski 2000, p.12)

Again, it seems to me that Kierkegaard’s use of the idea of “conscience” treats that idea as a mode of intentionality in the sense indicated by Sokolowski’s description of phenomenology. As such, when I claim that Kierkegaard’s writings lend themselves to a “phenomenological” interpretation of conscientious subjectivity I am claiming that he understands conscience to be its own “kind of intending” and that “Otherness-as-welcome” is its correlated objectivity. Likewise, I believe, is the case in Levinas’s

writings. Hence Levinas's claim that "conscience welcomes the Other."

More specifically, with respect to the issues that will be considered in Chapters 1 and 2 of this dissertation, I will suggest that such a phenomenological interpretation of conscientious subjectivity has important consequences for the supposed relationship between conscientiousness and human dignity. It is not the Other's conscientiousness that provokes me to recognize her human dignity, rather it is my own conscientiousness, as a mode of consciousness which "welcomes the Other," that allows the Other to be present for me as worthy of respect. Put another way: the idea of human dignity is not simply the product of something another person does (such as manifesting some special characteristic or capacity) but is also the product of something I do by orienting my consciousness to be open to Otherness. This idea should be more explicitly clear in Levinas's writings, given his patent embrace of the phenomenological method. The thought is perhaps more implicit (than intentional) in Kierkegaard's writings.

For reasons to be explained in Chapter 4, I sense in Kierkegaard's discussion of "matters of conscience" important ambiguities, especially with regard to a conscientious openness to the Other and the political significance of that openness for a concept like "human dignity." In any case, as practical implications go, the key idea I want to suggest is the possibility that "human dignity" is not the product of some manifestation of "conscientiousness" in an Other but, rather, a conscientiously constituted sense of dignity which the subject of conscientiousness brings into the encounter with Otherness. That conscientiously constituted sense of dignity is fulfilled even

by “objects” of consciousness that would otherwise defy such constitution (such as “enemies” and “strangers”). Does such constitution happen? How should we understand such intending? Maybe the “phenomenological” turn I would attribute to thinkers like Kierkegaard and Levinas (in contrast to their philosophical peers) suggest a way. This latter possibility is an idea I will reflect upon in Chapter 5, to conclude our consideration of conscientious subjectivity.

The affinities between Levinas and Kierkegaard (or, at least, my reading of the latter), in their understanding of conscientious subjectivity, will be considered in Chapter 4. However, though I would highlight important similarities between them, there are differences between them that may also reinvigorate historically important political questions raised in Chapter 1. As mentioned above, I feel there are ambiguities in Kierkegaard’s discussion of conscience, with regard to the political implications of a concept like “human dignity.” Specifically, there seems to be a kind of political quiescence in Kierkegaard’s examples of conscientious subjectivity that brings to mind a similar quietism noted by Nussbaum<sup>12</sup> in her discussions of the history of the politics of conscience. Though I believe Kierkegaard’s writings were ahead of the curve in understanding the philosophical implications of “matters of conscience,” I worry whether his thinking adequately accounts for a politically just alternative to those implications. I raise this worry in Chapter 5, but I ultimately leave its resolution as an issue for further research. Thus, I acknowledge that my intention for this dissertation, “that it may fruitfully contribute to serious reflection upon the nature of conscience itself,” invites further important questions. That is, I view this dissertation as



a beginning to the discussion about the nature and significance of moral conscience,  
rather than an end to it.

## Chapter 1 : Reflections on the Politics of Conscience

*Idealism completely carried out reduces all ethics to politics.*

– Emmanuel Levinas <sup>13</sup>

*Here again we see what I have always maintained--that the whole modern trend is a disastrous caricature of religiousness--it is politics...*

– Søren Kierkegaard <sup>14</sup>

### **I.**

On December 3, 2008 the U.S. Department of Health and Human Services issued a rule (hereafter “2008 Final Rule”) ostensibly intended to “ensure that Department funds do not support morally coercive or discriminatory practices or policies in violation of... federal health care conscience statutes.” (U.S. Department of Health and Human Services [hereafter, HHS] 2008, p.78072) The rule was written to go into effect on January 20, 2009, making it one of the last official acts of the outgoing administration of President George W. Bush.<sup>15</sup> Citing concern about “the development of an environment in sectors of the health care field that is intolerant of individual objections to abortion or other individual religious beliefs or moral convictions” (ibid., p.78073); the 2008 Final Rule simply claims to strengthen pre-existing law, on the books for decades<sup>16</sup>, by providing clear penalties against “health service programs” that discriminate against any “health care professional” who follows their personal beliefs. Many took issue with the 2008 Final Rule, however,

claiming that the rule would expand upon established law by assuming that healthcare employees include (beyond the original intent of those laws) not only doctors and nurses but, e.g., pharmacies, technicians, and “mental health workers”. (ibid., p. 78076) Furthermore, some worry that the rule can be interpreted to say that those employees not only can refuse to provide legal medical care to a patient but also can refuse to give information about where else that patient might receive such care. Critics also worry that the rule could be broadly interpreted in such a way that pharmacists, or even pharmacy clerks, could refuse to sell contraceptives, and that nurses and other providers could refuse to give patients information about options for contraception, end-of-life care, or vaccines and blood transfusions. There is anecdotal evidence that such worries are legitimate.<sup>17</sup> Finally, there is also a worry that abortion service providers could be held liable for refusing to hire people who did not believe in abortion.<sup>18</sup> Simply put, the 2008 Final Rule seems designed more for the purpose of undermining a person’s access to certain birth-control options (among other medically-related procedures – such as “assisted suicide”, “transgender-related surgery”, and “assisted reproductive technologies” (ibid.)) than for its stated purpose of protecting an individual’s conscience.

The critics’ concerns appear well-founded by the text of the 2008 Final Rule, which takes pains to prohibit terms such as “health care professional” and “health service program” from being narrowly construed. (ibid.) Though the rule only claims to clarify the intention of pre-existing laws, it employs the power of definition to maximize the scope of those laws. Indeed, in its effort to “define certain key terms”

(*ibid.*, p.78072), the rule's authors spill pages of ink to elaborate upon such "key terms" as "assist in the performance", "health service", "recipient" (i.e., of Department funding), "health care entity", "workforce", and even "individual". Yet, when asked to define the idea of conscience that the rule claims to be so concerned with protecting (i.e., the ideas of "moral conviction" and "religious belief"), "The Department declines to adopt particular definitions of these terms because the common definitions are plainly understood, and the Department intends that common sense interpretations apply." (*ibid.*, p.78077) If someone wishes to interpret the 2008 Final Rule as broadly as possible, such deference to "common sense" may be as convenient as it is disingenuous, insofar as the "common sense" of casual citizens may not be informed by the somewhat tortured history behind the key question at hand: how society should go about accommodating the personal beliefs of individual citizens.

Even if the authors of the 2008 Final Rule were right to claim that "a well-defined body of federal law exists in this general topic, and the U.S. Supreme Court has repeatedly clarified that these terms are to be read broadly..."(*ibid.*); a "broad" understanding of what counts as conscientious conviction does not entail a belief that there are no limits on how we determine a proper (i.e., legal) expression of such conviction. This question of what properly determines the limits of one's expression of their 'conscientious' beliefs has been a question at the heart of the politics of conscience for millennia. At issue is a dilemma that I refer to as the "accommodation question"<sup>19</sup>: if a civil society recognizes a freedom of conscience (in the forms of, e.g.,

freedom of religious belief and practice, or more generally, freedom of thought, freedom of association, “pursuit of happiness”, etc.), what should be the rules for balancing the interests of society, as a whole, with those personal interests that may come into conflict with civil law?

## II.

Nor should we assume that we have a historical anomaly when the accommodation question becomes bound up in questions of “religious belief”, as it does in our example of the 2008 Final Rule. We can recall that even in the case of Socrates’s trial (approx. 400 B.C.E.), where Socrates ultimately defies the judgment of Athens’s established judicial processes by invoking a compulsion of personal conscience<sup>20</sup>, the charges against him are not merely that “he corrupts the youth”, but that he “does not believe in the gods the state believes in, but in other new spiritual beings.” (Plato 1914, p.91) There is a long history of religious norms being supposed as an essential means of social cohesion, and therefore imposed with the understanding that such social cohesion is essential to the existence of civil society itself. There is also a long history of personal conscience being invoked against religious tyranny. That is, those of us inclined toward Socrates’ defense might wonder why it matters whether one “does not believe in the gods the state believes in” and, what’s more, why “the state” needs to profess a belief in any “gods” whatsoever. What role do such beliefs really play in guaranteeing social cohesion? Such questions may seem *de rigueur* today but, historically, they have posed quite a dilemma.

There is an ambiguity within typical examples of conscientious objection to religious tyranny and a state's efforts to accommodate such objection. In particular, once we establish a distinction between the state's interests and the interests of a particular religious perspective, religious sensibility will recognize a potential for there to be a tyranny of the state "over" religious practices. On the other hand, if a state adopts an allegiance to a particular religious proclivity, then we face the problem of that religious proclivity tyrannizing other personal proclivities (religious or otherwise). The latter circumstance would seem to be a tyranny "of" religion, rather than a tyranny "over" religion. Supporters of the 2008 Final Rule issued by President Bush's Department of Health and Human Services seem to be concerned about tyranny (of the state) "over" (personal) religious conviction. On the other hand, those who view Socrates's treatment as an injustice appear more concerned about the tyranny "of" religion (state-sanctioned) over personal conviction. This ambiguity puts The State in a tough spot.... If a state is too concerned with preventing the tyranny "of" religion, then it runs the risk of appearing hostile toward religious sensibility in general. That is, that state runs the risk of tyranny "over" religion. However, if a state is indiscriminately concerned with preventing tyranny "over" religion, then they face the challenge of avoiding such "tyranny" without favoring a particular religious proclivity, or group of religious proclivities, or more to the point, punishing an apparent lack of religious proclivity (whether or not that apparent "lack" is genuinely irreligious, or simply an unfamiliar form of religiousness).

Martha Nussbaum has recently written a book that nicely details ways that this

dilemma has played-out in the political and judicial history of the United States. (Nussbaum 2008) She offers an admirably coherent explanation of how the U.S. as a nation has navigated the dilemma in a way that, more thoroughly than its contemporaries, recognizes both the rights of “freedom of conscience” and “separation of church and state.” Her interpretation of that journey seems to inspire her own theory about the political significance of the idea of conscience. We will return to her theory, below. But, the ultimate resolve of The Constitution’s signers on this point is preserved in James Madison’s speech to The House of Representatives, upon proposing a “Bill of Rights” to the original U.S. Constitution. “The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext infringed.” (Madison 1789) The prospect of founding a state free of a national religion was revolutionary indeed, and went well beyond the assumptions of similar arrangements portending the idea that a “free conscience” might count as a “civil right”. For example, the Edict of Nantes (1598) and the Treaty of Westphalia (1648) assume that a national sovereignty distinct from the will of the Holy Roman Empire would nonetheless entail the establishment of a national religion. Again, the typical presumption tended to be that some shared social (and religious) basis for the exercise of personal conscience was necessary for the preservation of social cohesion. And, this presumption held sway in many of the American colonies, even as Madison delivered his version of a U.S. Bill of Rights (1789).

In the beginning, much of the colonization of North America was carried out

by folks highly sensitive to the tyranny of state “over” religion. Hence, the deliberate migration of religious outsiders – like Huguenots, Puritans, Quakers, Baptists, Menonites, Sephardic Jews, Roman Catholics (from places like England), Presbyterians, Brownists, and even “many atheists and other servants of Baal...” – to North American shores. (Balmer, Groberg, and Mabry 2012, p.3) However, a perhaps easy transition, from sensitivity toward tyranny of state “over” religion into a tyrannical institutionalization “of” religion over the governance of civil society, manifested - especially in the northernmost English colonies. For example, the Massachusetts colony, established by the Puritan congregation of John Winthrop, intended to set up church and state in such a way that the two would be “virtually indistinguishable”. (ibid.) Frustrated by their attempts to “purify” the Church of England of Catholic influence, the Puritans finally determined to start from scratch.<sup>21</sup> Hoping to establish their doctrinally pure “city on a hill” (ibid.) across The Atlantic, they gained charter from a government glad to be rid of them. And yet, upon safe passage, they immediately settled upon the pattern of their Western European forbears: state and religious entities were designed to support and reinforce one another. (ibid.) The pattern is repeated throughout the colonies, right up to the time of the Continental Congress, to whom Madison appeals in his speech.

And yet, American shores also attracted a number of leaders who were aware that their own conscientious sensibilities implied equal respect toward other forms of conscientious sensibility (i.e., sensibilities foreign to their own). Most notably, perhaps, is Roger Williams. Williams came to America to be the Puritan pastor of the



Church at Salem, Massachusetts colony. He dissented with the Winthropian vision that would readily banish countervailing views of religious practice from the presumed pure views of the “city on a hill”. As a result, Williams was himself eventually banished from the Massachusetts colony, convicted of spreading “diverse new and dangerous opinions”.<sup>22</sup> The charges are reminiscent of Socrates’ charges, almost two millennia prior. As Williams put it, his conscience could not condone the “soule rape” (Nussbaum 2008, p.36 ff.) of those who were not conditioned or, else, not inclined to simply submit to the sense of religious purity demanded by their government. Rather than faulting the supposed recalcitrance of the governed, Williams faulted a recalcitrant government. He fled Massachusetts to found what would eventually become the colony of Rhode Island – a bellwether of religious toleration in the U.S. Similarly, William Penn, hoping to establish a “Holy Experiment” in religious “equality, toleration, and pacifism,” (Balmer, et al., 2012, p.12) also gained charter from England. Penn’s religious ambitions reflected his Quaker beliefs. And yet, like Williams’s Rhode Island, Pennsylvania maintained remarkable toleration toward the wholly foreign religious proclivities (or lack thereof) of its Native American inhabitants. (ibid.) The American continent certainly was an experiment in how Western-European sensibilities might deal with Otherness.

It’s no coincidence that the First Amendment of the U.S. Constitution is written to guarantee a separation of church and state and, concomitantly, to guarantee a remarkable amount of individual freedom for religious practice. But, that guarantee of freedom for religious practice incorporates an important question about appropriate

guidelines, beyond an individual's religious proclivities, for determining what "freedom of conscience" entails. As suggested above, religious norms have long been supposed to be an important means of social cohesion. On the other hand, the problem of trying to "normalize" religious belief, or even practice, was a significant motivation for the whole colonizing experiment. That problem ultimately led to the even more revolutionary experiment of considering whether a nation might maintain adequate social cohesion without deep presumptions of any religious doctrine in particular. Thus, the founders of U.S. constitutionalism were willing to ask the question of whether state-sanctioned demands on personal beliefs (i.e., "religion") were necessary to the flourishing of such a state. The debate was heated from the start. The competing positions are well articulated by, on the one hand, Thomas Jefferson, who suggested that: "Reason and free inquiry are the only effectual agents against error. Give a loose to them, they will support the true religion...". (Jefferson 1999, p.165) Jefferson is, in fact, tapping into a rich tradition within Western Philosophy of designating "Reason" the ultimate arbiter of personal belief. On the other hand we have Jefferson's contemporary, Benjamin Rush, objecting that:

I fear all our attempts to produce political happiness by the solitary influence of human reason will be as fruitless as the search for the philosopher's stone.... Reason produces, it is true, great and popular truths, but it affords motives too feeble to induce mankind to act agreeably to them. Christianity unfolds the same truths and accompanies them with motives, agreeable, powerful, and irresistible. (Rush 1951, p.799)

Nevertheless, Madisonian wisdom prevails as the fundamental wisdom of the First

Amendment to the U.S. Constitution.

That is, the fallout from the earliest debates about “freedom of conscience” in the U.S. seems to be a fundamental assumption that conformity of one’s social activities to “good citizenship” is adequate to one’s political recognition within American society. Most importantly, “good citizenship” is construed with adequate breadth to accommodate a novel amount of openly practiced “religious” (or otherwise) beliefs. As President George Washington put things to the General Council of Baptist Churches in Virginia, during the earliest days of the post-Revolutionary republic, “I beg you will be persuaded that no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny, and every species of religious persecution – For you, doubtless, remember that I have often expressed my sentiments, that every man, conducting himself as a good citizen, and being accountable to God alone for his religious opinions, ought to be protected in worshipping the Deity according to the dictates of his own conscience.”<sup>23</sup> A significant point Nussbaum makes in Freedom of Conscience is that this question of how to interpret the idea of “good citizenship” still – i.e., in the 21<sup>st</sup> Century - invites debate about what counts as adequate breadth for openly practiced religious beliefs, even (especially) in secular “Western Civilization.” Accordingly, she asks: “If Washington was prepared to allow Quakers to refuse military service<sup>24</sup>, why are the French so unwilling to allow Muslims and Jews to wear religious articles of dress?”<sup>25</sup>

At this point, let’s note that even the U.S. version of the “freedom of conscience” ideal – arguably still remarkably liberal – nevertheless recognizes that

accommodation of personal conscience has its limits: standards of “good citizenship,” recognizable as such by a broadly pluralistic society. And, we might also follow Jefferson in accepting an ancient cosmopolitan tradition of designating human reason to be a standard of recognition both appropriately rigorous and broadly pluralistic. When considering the 2008 Final Rule, it seems legitimate to wonder whether the right to undermine another person’s access to certain birth-control options, “assisted suicide”, “transgender-related surgery”, and “assisted reproductive technologies,” – as the 2008 Final Rule seems to do - should really be protected by a genuine concern for what counts as “good citizenship...”.

### **III.**

What I’ve suggested so far is that a key question at stake in the politics of conscience is a problem of accommodation; and we have sketched some outlines of the practical implications by considering the way this accommodation question has played out in the U.S., i.e., particularly with regard to a “freedom of religion” (where religion is understood to be an area of life within which individual conscience expresses itself). But this “accommodation question” recognizes something important about what conscience typically involves: a compulsion to express itself in action. That is, there are two key components to the experience of conscience. Conscientiousness involves a faculty for formulating for oneself beliefs about meaningful human existence (e.g., religious beliefs) but, also, conscience often involves a desire to act according to such conscientiously inspired beliefs. Indeed, we

often speak of the willingness to act on the dictates of conscience as indicative of moral virtue. The distinction between conscientiously inspired belief, on the one hand, and action, on the other, broadens the question of how to interpret “freedom of conscience” and how to accommodate it. Is it enough to simply recognize an individual’s ability and right to formulate their own beliefs (freedom of thought), without necessarily presuming a right to act on those beliefs? To what degree is it possible to respect the right to free thought without also allowing one to act on those thoughts? What justifies a person’s desire to act, such that society should be compelled to accept and allow that action? (Surely, “Because my conscience tells me so...”, alone, is inadequate justification for an action....) These are some of the questions involved in the politics of conscience.

With regard to the question of what justifies a conscientiously inspired action, we’ve seen a couple of different answers from the historical debates considered above. It has often been presumed that the standard of justification for acting upon conscience is the conforming of that action to the religious doctrines embraced by society-at-large. But, we have seen how concern about spiritual tyranny inspires a search for a more secularized justification of conscience so that, for example, we may (like Jefferson) require only that conscientiously inspired actions conform to the standards of “reason” alone. As we will consider in the next chapter, this question - about the standards of justification for acting upon conscience - raises broader philosophical questions and, from the history of conscience as a philosophical notion, we can reflect upon a historical trend toward the secularization of conscience (and

some repercussions of that trend). But as a specifically political notion, we can ask why society should feel compelled to accommodate conscientiously inspired action at all. What is it about conscience that provokes us to consider its “free” exercise a political entitlement? It is on this question that I find Nussbaum’s theory to be interesting.

Citing influence from the historical examples of Roger Williams, Aristotle, Kant, and the Stoics,<sup>26</sup> Nussbaum hones in on a meaning of “conscience” as a political notion. This idea of conscience represents:

the faculty in human beings with which they search for life’s ultimate meaning. This faculty was held to be present in all human beings in such a way as to make human beings equal: anyone who has it (and all humans do) is worthy of boundless respect, and that respect should be equally given to high and low, male and female, to members of the religions one likes and also to members of religions one hates. (Nussbaum 2008, p.19)

From this point of view, we accept freedom of conscience as a political entitlement because all human beings are equipped with this faculty for seeking “life’s ultimate meaning,” and we apparently believe that such faculties deserve respect wherever they are found. Nussbaum elaborates by insisting that conscience “is the source of our practical identity” and it is “the dignity of the person; it is, indeed, the person himself.” (ibid., p.51-2)

That is, one way to get at the political significance of the idea of conscience is to consider its relationship to the idea of human dignity. Nussbaum’s theory follows a traditional pattern by suggesting that expressions of conscientiousness function as a signal to others that the conscientious subject is entitled to respect. Conscience

signals human dignity. It's easy to recognize the Kantian influence on Nussbaum's theory if we replace Nussbaum's notion of "conscience" with Kant's notion of "rational autonomy". For example, Kant tells us that:

...rational beings are called persons inasmuch as their nature already marks them out as ends in themselves, i.e., as something which is not to be used merely as a means and hence there is imposed thereby a limit on all arbitrary use of such beings, which are thus objects of respect.... The ground of such a principle is this: rational nature exists as an end in itself. (Kant 1993, p.36)

According to Kant, when we act in a way that expresses rational autonomy, such action "marks" us as worthy of respect. Nussbaum worries that the rational ideal is too narrow to adequately capture the conception of human dignity. "There is dignity not only in rationality," she tells us, "but in human need itself and in the varied forms of striving that emerge from human need." (Nussbaum 2007, p.363) Hence, Nussbaum will expand on the "markers" of human dignity so that they include conscience (i.e., "the faculty in human beings with which they search for life's ultimate meaning...") as being among "the varied forms of striving" that call for respect. It's worth noting that, as far as "conscience" is concerned, for Kant such an expansion is unnecessary insofar as the genuine functioning of conscience (as Kant understands it) will be equivalent to an expression of rational autonomy.<sup>27</sup> Nevertheless, Nussbaum recognizes the virtue of Kant's approach: "Kant, more influentially than any other Enlightenment thinker, defended a politics based upon reason rather than patriotism or group sentiment, a politics that was truly universal rather than communitarian, a politics that was active, reformist, and optimistic, rather

than given to contemplating the horrors, or waiting for the call of Being.” (Nussbaum 1997, p.27) Though Kant’s “rationality” standard may strike Nussbaum’s 21<sup>st</sup> Century sensibilities as being a bit narrow, she agrees that its cosmopolitan orientation sets a true path for the politics of conscience. Conscientiousness expresses itself in behaviors that distinguish beings as possessing a dignity that transcends “patriotism or group sentiment” – a respect that genuinely attaches to all humans.

Nussbaum credits the ancient Stoic thinkers as an important source for this cosmopolitan ideal.<sup>28</sup> However, she recognizes in the Stoic example how the concept of human dignity may be formulated in a way that is insufficient for “an energetic political stance”. Whereas Kant’s cosmopolitan ideal supports a politics that is “active, reformist, and optimistic”, the Stoics understood human dignity to be something truly inalienable, such that active political support for it becomes unnecessary. As Nussbaum puts it, according to the Stoic worldview, “it turns out that dignity, radically secure within, invulnerable to the world’s accidents, doesn’t really need anything that politics can give.” (Nussbaum 2007, p.355) The Stoic concept of human dignity invites a kind of political quiescence by diminishing the vulnerability of those faculties that mark humanity as inherently worthy of respect. In a way, this quiescent tendency makes sense given its cosmopolitan ideal. The whole point was to locate human dignity in something that transcends distinctions of, for example, class, station, nationality, gender, or fortune – i.e., “the world’s accidents.” The problem, as Nussbaum interprets it, is that some strains of Stoicism tend to treat human dignity as not only “higher” than the world’s accidents, but fundamentally unaffected by them.



Indeed, the ability to be so unaffected becomes a moral virtue for the Stoics.<sup>29</sup> But a moral sensibility that remains aloof to political injustices<sup>30</sup> raises questions about its usefulness, and perhaps its veracity. This is an important concern that we will return to in Chapter 5. As we will see, my interpretations of conscientious subjectivity in Kierkegaard and Levinas also link our sense of human dignity to conscientious subjectivity. And, though the structure of the relationship between conscience and human dignity, in Kierkegaard and Levinas, is different from the structure of that relationship in Nussbaum and her philosophical predecessors, the question of political aloofness will need revisiting.

#### IV.

More urgent at this juncture is the structure of the relationship between conscience and human dignity that Nussbaum's theory implies. As noted above, she follows a pattern that is suggested by Kant's discussions of moral respect and is generally representative of Enlightenment theories about human dignity and political entitlement (such as influenced American Founders in their debates about freedom of conscience<sup>31</sup>). Again, that traditional pattern encourages Nussbaum to link human dignity to something like "conscience" by suggesting that expressions of conscientiousness function as a signal to others that the conscientious subject is entitled to respect. In this way, however, theories like Nussbaum's implicate the idea of conscience in a politics of recognition. By "politics of recognition", I mean recognition in the sense defined by Ikäheimo as "always a case of *A taking B as C in*

*the dimension of D, and B taking A as a relevant judge.*” (Ikäheimo 2002, p.450) For example, you (A) may recognize me (B) as (C) being worthy of respect, in light of (D) my being conscientious. McQueen notes<sup>32</sup> that a key aspect of the preceding definition is that it requires not only that someone be recognized by another, but that the recognized person also determines that the recognizer is authorized to confer recognition. It seems to me that this account fails to capture the full political potential of conscientious subjectivity.

When we consider, for example, the great non-violent political movements of the 20<sup>th</sup> century we should understand them as invoking an idea of conscience that challenges the standard structure of a politics of recognition. If we think about Gandhi’s “non-violent”<sup>33</sup> political philosophy, or its application in the U.S. civil rights movements of the 1960s, two things seem to undermine the assumptions of a politics of recognition. First, rather than conferring authority upon an oppressing “recognizer” and, thereby, endeavoring to win recognition by assimilating to some presupposed standard of respect-worthy behavior, these movements instead express human dignity by refusing to accept the presumed authority of a designated recognizer and by challenging standards of behavior that that presumed authority would impose. Second, and most important to our reflections here, the possibility of conscientious subjectivity is essential to non-violence as a political tactic. But, it is the conscience of the presumed “recognizer” that is invoked on behalf of an oppressed “recognizee”, rather than conscientiousness being imposed upon the oppressed, as some prerequisite for their being recognized. The goal of non-violent political movements is

not (simply) recognition. Instead, the tactic intends to arrest unjust behavior by the oppressor. In Kantian terms, the immediate goal of the oppressed is not to be recognized as an end, but to end their being treated as a means.

Non-violence offers special effectiveness for this goal precisely because it intends to invoke the conscience of the oppressor (and those who, more or less actively, enable oppression). One does not elicit conscientiousness by force. By its very nature conscience refuses coercion and violence. This latter point suggests an answer to the accommodation question considered above: one reason a state might want to be sensitive to a freedom of conscience is because conscience is a human faculty that resists coercion and violence. Simply put, a bullied conscience is not easily governed. And so, it may be in society's interest to accommodate conscience to an extent that maintains the governability of its citizens and the advantages that a civilization grounded in the rule of law provides. This is essentially a "social cohesion" argument for the accommodation of conscience. And, as such, it is very different from the entitlement argument based on human dignity, which we've considered above. Furthermore, this social cohesion argument speaks more to the political usefulness of accommodation than to the true political significance of conscience *per se* that is suggested by our analysis of non-violence as a political tactic.

From the perspective of a non-violent political movement, the genuine significance of conscientious subjectivity lies in its potential to arrest unjust behavior by an oppressive authority. Conscientiousness in the oppressor offers a faculty to which the oppressed may appeal in order to break the spell of illegitimate

presumptions of authority and self-assertion. But, as we noted, such an appeal must take non-violent form. Conscience simply is not a faculty that responds positively to violence. Instead, as Levinas puts it, conscience "...is the revelation of a resistance to my powers that does not counter them as a greater force, but calls in question the naïve right of my powers...". (Levinas 1969, p.84)

At this point we can note that Nussbaum's definition of "conscience" is insufficient to the political significance we've just suggested. Her idea of conscience as "the faculty in human beings with which they search for life's ultimate meaning" may be sufficient for her politics of recognition. But the idea of conscience put forward by Levinas (and, I will argue, by Kierkegaard) designates an ability to break free from presumptions of (our own) authority and self-assertion ("the naïve right of my powers"). These two definitions of conscience (Nussbaum's v. Levinas/Kierkegaard) are not necessarily inconsistent. It may very well be that a genuine "search for life's ultimate meaning" entails a willingness "to break free from presumptions of authority and self-assertion." Nevertheless, such willingness does run counter to a politics of recognition that relies upon such presumptions of authority and self-assertion. The sense of human dignity that emerges from a politics of recognition may be a "respect" of sorts – a merely "political" status. The sense of human dignity that conscientious subjectivity makes possible for the likes of Levinas and Kierkegaard runs deeper: it confers a moral status that transcends a mere politics of recognition. I contend that this is what concerns Levinas when he worries about an "idealism" that "reduces all ethics to politics," and concerns Kierkegaard when he

worries about the “modern trend” toward a “politics” that functions as “a disastrous caricature of religiousness.”

## Chapter 2 : Reflections on Some Philosophies of Conscience

*All respect for a person is properly only respect for the law... of which the person provides an example.*

– Kant<sup>34</sup>

*Conscience is therefore subject to the judgment of its truth or falsity, and when it appeals only to itself for a decision, it is directly at variance with what it wishes to be, namely the rule for a mode of conduct which is rational, absolutely valid, and universal.*

– Hegel<sup>35</sup>

### I.

In spite of a centuries-old tradition of linking the right of free conscience to a respect for human dignity, real-world examples (like our 2008 Final Rule example, in Chapter 1) raise the suspicion that, in politics at least, the concept of “conscience” often is invoked on behalf of some favored ideology or doctrine, rather than from a genuine desire to protect human dignity. Of course, it can be argued that the whole Western tradition of “natural rights” and “human dignity” is inherently ideological and dogmatic.<sup>36</sup> We’ll reflect on that possibility below. However, in his Conscience: A Very Short Introduction, Paul Strohm notes how (historically speaking), even in the West this possibility of an ideologically tainted conscience has become problematic only recently - i.e., as a product of the development of the “natural rights” ideal. This fact reflects a number of evolving assumptions about the nature of conscience (not to

mention historical circumstances that became invested in, and therefore eager to influence, that evolution<sup>37</sup>). In fact, even after the Protestant Reformation, it was commonly supposed that conscience was intended to be ideologically motivated.

Strohm explains that

[t]he foundation of Classical conscience was public or social opinion. People at odds with public opinion or social consensus found themselves vulnerable to the accusations of conscience and to conscience's pangs.... A good conscience, [Cicero] suggests, can be the basis for legal acquittal. As for bad conscience, it joins legal sanction to punish those who have offended public standards. (Strohm 2011, p.6)

Similarly, after appropriating the Latin idea of *conscientia*, early Christian theologians (ibid., p.7) still assumed that, in spite of an added layer of complexity to the idea, Christian conscience would nonetheless “serve... the doctrinal or theological views of its ecclesiastical sponsor.” And finally, with the Protestant revolts, conscientious objection to the ecclesiastical powers-that-be was less about a problem of ecclesiastical, doctrinal, or theological “sponsorship”, but more about where to locate such ecclesiastic, doctrinal, and theological authority. Wherever we locate that authority, conscience was still supposed to serve it.

Thus it may be argued that, until the introduction of the idea of “individual” rights (i.e., human dignity as a positive political entitlement<sup>38</sup>) among Enlightenment thinkers, there was scant basis for a real distinction between individual conscience, on the one hand, and social consensus, on the other. The key problem for conscientious subjectivity, to that point, was mainly a question of legitimate foundations for “social consensus”. Nevertheless, in reacting to this problem, the Protestant Reformation

does introduce the more modern problem (suggested by our discussion of the “accommodation question” in Chapter 1). There is an interesting appropriation of personal authority in Luther’s democratization of Christian doctrine, which ultimately places a new burden on conscientious subjectivity. As Strohm describes the historical situation:

Whatever else may be said of the institutionally based conscience of the Roman Church, it was never alone, never lacking in external props and supports, whether historical, institutional, or interpersonal. Once freed of theological and conciliar restraint, and radically personalized in its operations, conscience itself became subject to a variety of cooptations and seductions, now indwelling, the property of the fallible individual to which it was allied, conscience fell under suspicion of self-delusion, insufficient resolution, and something akin to bodily corruption. (ibid., p.27)

There is a phase in the development of “Protestant conscience”<sup>39</sup> that raises the specter of a “radically personalized” conscience. I suggest that this historical situation is the introduction of the modern (and, I believe, contemporary) problem of conscientious subjectivity.

Our story, so far, situates us at the beginning of a “modern” era that culminates with the great Enlightenment thinkers (such as those cited at the top of this chapter). Unfortunately, as we will see, that culmination poses its own problems for conscientious subjectivity. But, this initial situation introduces a sense of moral responsibility that carries with it “the property of the fallible individual to which it was allied”. It seems to me that much of Western moral philosophy (i.e., since Descartes) can be interpreted as grappling with this problem of the “fallible individual”. Nor, I think, is it coincidental that the proposed solutions to the problem



of moral fallibility begin to coincide with solutions to the problems of epistemic skepticism that began to rule the day at about the same time. For example, in his Meditations on First Philosophy (1641) Descartes makes this offhanded remark when contemplating the roots of epistemic error: “as far as natural impulses are concerned, ...I have often judged myself to have been driven by them to make the poorer choice when it is a question of choosing a good; and I fail to see why I should place any greater faith in them [in epistemic matters] than in other matters.” (Descartes 1993, p.27) That is, Descartes’ ruminations suggest a convergence on problems of both epistemic and moral fallibility. This skepticism toward the “natural impulses” will be very familiar to students of Kant’s and Hegel’s metaphysics of morals. And, as “rational autonomy”<sup>40</sup> became increasingly appealing as an antidote to the errors of “natural impulse”, it also became increasingly appealing as a foundation for moral judgment.

## II.

I am suggesting a correlation between the problems of epistemic skepticism, in Modern Western Philosophy, and historically concomitant questions about conscientious subjectivity. There are two important aspects to this correlation: (1) the positing of “rational autonomy” as the ground of genuine conscientiousness (with rational autonomy being a promising solution to the problem of personal fallibility); and (2) the related positing of a tension between private versus public conscience. As we noted above, the Lutheran democratization of Christian doctrine injects a problem

of personal fallibility into judgments of conscientious conviction by conceiving of conscience as the word of God “written on our hearts”<sup>41</sup>. But, religious conviction has an advantage of falling back on established doctrine and assumptions of authoritative interpretation (against which to compare our understanding of what is “written on our hearts”).

As we saw in Chapter 1, it was typical for the rejection of one church, denomination, or congregation, to immediately establish a new church, denomination, or congregation so as to assume the role of protecting doctrinal purity. And, by assuming the role of doctrinal protector, the new establishment assumed the role of guarantor for an individual’s sense of conviction. On the other hand, as Strohm points out:

A loosening of the ties between religious observance and individual conscience created a situation hospitable to the emergence of a more ‘worldly’ conscience.... From the late 17<sup>th</sup> century, an effectively secular conscience would vie with its more explicitly Christian counterparts to influence the regulation of human affairs. (Strohm 2011, p.37)

The move toward “rational autonomy”, as the ground for moral truth, is an example of what Strohm refers to here as “the emergence of a more ‘worldly’ conscience”. The problem for rational autonomy is that it “effectively” rejects a heritage of doctrinal authority to fall back on.<sup>42</sup> This intensifies the problem of personal fallibility in matters of conscience.

As Edward Andrew describes the situation: “Conscience – the subjective conviction of right, and the mark of our ownmost individuality – is inherently lawless and anarchic; it prescribes for oneself rather than for others, and adopts a flexible

measure, adjusted to the particularities of one's situation and character.” (Andrew 2001, p.178) Andrew and Strohm both acknowledge John Locke as a key protagonist in the Enlightenment attempt to solve the problem of “anarchical” personal conscience, without ceding the “favourable ground for expanded intellectual freedom”. Nevertheless, they both also note a certain failure in the Enlightenment attempt to redeem and reground conscientious subjectivity. Andrew describes the issue this way:

The European and Scottish Enlightenment built on Locke's deconstruction of conscience as an innate principle, as God within the mind. [But] Moral conduct was to be regulated by the radar of public opinion, by one's desire for social approval and fear of social censure. The mind is a *tabula rasa* on which the educators of public tastes can write their progressive opinions and have them reinforced or amended by other enlightened writers. Enlightenment intellectuals were as hierarchical as the Catholic church they opposed; they were skeptical, but not of their own authority as educators and tastemakers.... (ibid., p.179)

Thus, Enlightenment conscience, guaranteed by the ideals of rational autonomy, became as tainted by ideology as its classical and Christian predecessors.

What we have here is the tension I refer to above as the tension between private versus public conscience. It reflects a potential conflict between “the subjective conviction of right” and what Hegel will refer to as “the ethical world, [i.e.,] the state, or reason as it actualizes itself”. (Hegel 1991, p.12) Andrew's analysis indicates which side of the conflict the British Enlightenment philosophers tended to favor. As he puts it, “Enlightenment thinkers did not want freedom *for* conscience; ...[f]or them, freedom *of* conscience tended to mean skeptical tolerance, not an immunity or sanctity for conscience.” (Andrew 2001, p.179) We find the same

tendency on the Continent, especially in Hegel. With regard to the justification of conscientious conviction, according to Hegel there is never ample basis, in the moment of conflict, to side with a personal conviction that runs counter to the established ethical order. Thus he tells us:

*Conscience* expresses the absolute entitlement of subjective self-consciousness to know *in itself* and *from itself* what right and duty are, and to recognize only what it thus knows as the good; it also consists in the assertion that what it thus knows and wills is *truly* right and duty.... The conscience is therefore subject to judgment as to its *truth* or falsity, and its appeal solely *to itself* is directly opposed to what it seeks to be – that is the rule for a rational and universal mode of action which is valid in and for itself. Consequently, the state cannot recognize conscience in its distinctive form, i.e. as *subjective knowledge*.... (Hegel 1991, p164-5)

That is, politically speaking, there is never a “rational and universal” basis for accommodation of individual conscience. However, Hegel is subtle on this point. Even though there is never ample basis - in the moment of conflict - to side with the personal conviction that runs counter to the established ethical order, that does not mean that the established ethical order is always right or just. Hegel acknowledges “ages when the actual world is hollow, spiritless, and unsettled”, such that, “the individual [may] be permitted to flee from actuality and retreat to his inner self.” (ibid., p.167) Indeed he cites the case of Socrates as one where (in hindsight) the particular individual, Socrates, was ahead of his time in recognizing that “Athenian democracy had fallen into ruin” (ibid.). The point, as I understand it, is that both perspectives – the “subjective conviction of right” and “the ethical world” – are prone to error. But, from a “rational and universal” point of view (i.e., from the State’s point of view) it is antithetical to suppose, as a matter of course, that the “the ethical world”

is more prone to error than the “subjective conviction of right”.

On the Hegelian account, “True conscience” (ibid., p.164) (i.e., the ideal State - “the ethical world... or reason as it actualizes itself”) is also bound by the “rational and universal” point of view. And, as the preceding account suggests, “the actual world” may fall also short of this ideal. Actual states, like actual individuals, may fail to fully represent “true” conscientiousness. Hence, the problem becomes, for Hegel, not conscientious subjectivity *per se*, but what Hegel calls “ethical atheism”: the belief that the actual world is inherently worthy of such suspicion that conscience maintains the belief that “The ethical world..., the state, or reason as it actualizes itself in the element of self-consciousness, is not supposed to be happy in the knowledge that it is reason itself which has in fact gained power and authority within this element, and which asserts itself there and remains inherent within it.” (ibid., p.12-3) That is, in spite of its potential short-comings, an actual state nevertheless is sanctioned (by the nature of statehood) to remain confident “in the knowledge that it is reason itself which has in fact gained power and authority within [it]”. Against a presumption of conscientious subjectivity to deny the state this “happy” confidence, Hegel objects, faulting such presumptuous subjectivity for behaving as if “[the ethical world] is supposed to be at the mercy of contingency and arbitrariness, to be *god-forsaken*, so that, according to the atheism of the ethical world, *truth* lies *outside* it.” (ibid., p.14)

I submit that it is precisely such a presumption that “conscientious subjectivity” in the works of Kierkegaard and Levinas represent. That is, in Hegelian

terms, Kierkegaard is an “ethical atheist” (as is Levinas). This alone, however, does not motivate my view of Kierkegaard and Levinas as compatriots in their understandings of conscientious subjectivity. As I will explain in the pages that follow, what makes them compatriots, in my eyes, are their suggestions that “ethical atheism” – i.e., a conscientious subjectivity that assumes that moral “*truth* lies *outside* of” the world of *realpolitik* – is the proper basis of morally justified action. Most importantly, this “ethical atheism” translates (for them both) into a profound openness to what philosophers (before Kierkegaard, and after Levinas) have referred to as “The Other”. My interest in “Conscientious Subjectivity in Kierkegaard and Levinas” is rooted specifically in this openness.

### III.

Perhaps it would not be un-Kantian to suppose that “rational being” is simply a concept that mature human intelligence is fundamentally equipped with, and that through this concept we become conscious of certain beings as rational (and thereby, on Kant’s account, as having moral status). Whether or not this supposition is un-Kantian, it is certainly un-Hegelian. For Hegel, human intelligence does not come “simply equipped” with its concepts and categories. Rather, concepts (like rational being) are the products of a historical dialectic. Thus, Hegel has a story to tell about the way those concepts came into being through which we become conscious of someone as having moral status. And, that story follows the pattern of a politics of recognition that we considered in Chapter 1.<sup>43</sup>

Hegel's story begins in his Master-Slave dialectic. This story is significant to our present reflections in two ways. First, it explicitly connects our consciousness of "Others" with Self-Consciousness. (Accordingly, the Mater-Slave dialectic kicks off that section of Hegel's Phenomenology of Spirit entitled "Self-Consciousness".) The idea here is that "Self-Consciousness" and "Other-consciousness" essentially mediate one another. Self-consciousness is always provisional insofar as it is susceptible to the mediation of another being which contradicts self-consciousness. This leads to a second and most important significance of Hegel's story: the Mater-Slave dialectic presumes an inherent resistance to that which contradicts self-consciousness. That is, Hegel presumes a primordially antagonistic relationship between the Self and the Other - a belligerence between a confident self-awareness and that non-self which would undermine such confidence. The overcoming of this belligerence is a key task of Hegel's dialectical journey toward Absolute Spirit. This sets up the Master-Slave dialectic: an attempt of self-confident self-awareness to destroy, or at least dominate, that which would call such confidence into question. In contrast to this, Kierkegaard and Levinas would both deny the primordially antagonistic relationship between Self and Other. Instead they raise the possibility of an irreducible intentionality through which the Other is presented without the supposed antagonism. In this non-antagonistic presentation, the Other is presented as having moral status (of the sort we've discussed above).

I have suggested how Hegel explicitly connects our consciousness of Otherness with Self-Consciousness. This is one of the ways that the Idealistic

philosophical tradition (which commands Kierkegaard's focus) will intersect with the Phenomenological tradition (which commands Levinas's focus). Especially in Sartre, the phenomenological tradition incorporates the Hegelian assumption of (a) the inherent mediation of Self-consciousness by consciousness of the non-self (the Other) and (b) a primordially antagonistic relationship between the Self and the Other. Sartre interprets the Master-Slave dialectic as playing out in through an interpersonal tension that arises from the fact that we come across other human beings in the world and we recognize them as such. That is, when the human other enters my consciousness he always carries with him the threat of being something Other than a mere object among other objects in my universe. "I see this man; I apprehend him as an object and at the same time as a man...."(Sartre 1992, p.341) Thus, the Other is recognizable as human, as a subject in-A-world rather than simply an object in-MY-world. This is very different from Heidegger's description of the encounter with another human subject as "the Others' [who] already are there with us in Being-in-the-world...". (Heidegger 1962, p.152) In the latter account, the other human subject is someone with whom I share the world. For Sartre, by contrast, the world within which I locate another person as subject is decidedly not the world within which I have (up until that encounter) attempted to locate myself. This is why for Sartre the initial encounter with an Other, as subject, is essentially a threat: another human subject, recognized as such, always threatens to co-opt my world and locate me within another alien world. This other world is one where I have been displaced from an original centrality:



I see this man; I apprehend him as an object and at the same time as a man.... Perceiving him as a man... is to register an organization *without distance* of the things in my universe around that privileged object.... [I]nstead of a grouping *toward me* of the objects, there is now an orientation *which flees from me*.... I can not put myself at the center of it. (Sartre 1992, p.341-2)

The Master-Slave dialectic, as interpreted by Sartre, becomes a “conflict” (ibid., p.475f.) through which I am struggling to regain my centrality in the world.

A possibility of reconciling the objective and subjective aspects of the Other (and, thereby, reconciling the objective and subjective aspects of myself) is also implicit in Sartre’s account. His discussion of “Love, Language, Masochism” makes it clear that anything less than such reconciliation will fail to relieve the interpersonal tension. More basic to the question of how we may ultimately achieve these reconciliations, however, is the question of how to understand the origin of the tension. That is, why do the interpersonal dualities described above enter the scene as tensions, rather than entering as immediately reconciled? Sartre’s answer to this question begins on the assumption that our original position as human beings entails three basic cravings: craving for freedom (over facticity), craving for subjectivity (over object-ness) and craving for centrality-in-the-world (rather than a Heideggerian shared being-in-the-world). The Other human being enters the scene as a challenge to these cravings and a hindrance to their pursuit. The three cravings in fact go hand in hand. To recognize my own “object-ness” (ibid., p.340), for example, means to give up at least some of my “transcendence” and freedom from being determined as having this or that “nature” (the type of being appropriate of a determined thing).

Similarly, to give up my freedom is to give up my place of centrality in a world where the essence of things is determined by my own projects and values. Thus, the desire to preserve the drive toward one of these aspects of human existence automatically involves an attempt to preserve the other cravings, too.

Implicit in my recognizing the Other as subject is the understanding that she is not just a lifeless object in the world, but an active, conscious being for whom the world exists. Her “look” seeks out the world as it is for her (this is the essence of subjectivity) and insofar as I recognize her subjectivity as being within the world where I also exist (i.e., insofar as she enters my consciousness) then I also recognize the possibility that her gaze may settle on me. But, the gaze of a subject is a gaze directed at objects; thus, her gaze settles on me as object. That is, on Sartre’s account, my recognition of an Other as subject is at the same time a recognition of myself as object. This immediately provokes fear in me. I fear recognizing my object-ness and loss of freedom (transcendence). I also fear recognizing a world that exists for the Other (instead of being simply for me) and, thereby, displaces me from my place of centrality in the world. Consequently, the “fight” for recognition begins here, with my suspicion that an Other has entered my field of consciousness as human subject.

Thus in Sartre’s chapters in Being and Nothingness on “The Look” and on the “First Attitude Toward Others: Love, Language, Masochism”, he suggests that the only way to understand the fact of self-consciousness is in relation to the consciousness of an Other that embarrasses my primordial desire to have my self-confident self-awareness remain unquestioned. This again leads to the assumption of

a Hegelian belligerence between Self and Other. Sartre's *collègue*, Simone de Beauvoir, captures Sartre's point nicely when she suggests: "Things become clear [only] if, following Hegel, we find in consciousness itself a fundamental hostility toward every other consciousness; the subject can be posed only in being opposed - he sets himself up as the essential, as opposed to the other, the inessential, the object." (de Beauvoir 1989, p.xxiii)

In stark contrast to de Beauvoir's accession to Sartre's Hegelian-Phenomenological point of view, Levinas says: "I was extremely interested in Sartre's phenomenological analysis of the other, but I always regretted that he interpreted it as a threat and a degradation...". (in Kearney 1995, p.182) Again, Levinas would have us consider the possibility that Otherness need not present itself immediately as a threat worthy of belligerence. Through conscientious subjectivity, an Other presents itself as "welcome". This is a key point of Levinas's phenomenology of conscience and, I argue, it is a key point of what I would refer to as a "phenomenological" understanding of conscience in Kierkegaard's work. I treat it as an important link between Kierkegaard and Levinas.

Levinas's concern requires a radical reconsideration of the Hegelian Master-Slave dialectic. Hegel himself posits the master/slave relationship as representing a logical transition within a "wider" historical dialectic: a "station"<sup>44</sup> along the way toward a Universal Spirit of mutual recognition. Human self-consciousness will only find satisfaction in reaching that end (of Universal Spirit). On Hegel's account, an individual human consciousness begins in a decidedly un-Universal "animal" state,

wherein it seeks to overcome its alienation from the universal by annihilating otherness. Then, in an apparent epiphany, the strategy of annihilation gives way to strategies of domination. Supposedly, the historical tendency toward domination decreases in degree – proportionally with an increased mediation of Reason – until Universal Spirit finally wins its place at the end of historical progress. On such a story, domination has its justified place in history as a necessary step along the way toward satisfying the urge for Universal Self-consciousness.

Levinas will agree (with Hegel's story) that a key moment in human consciousness rests in an epiphany that makes possible (though not inevitable) a transition, from a mode of consciousness of the type represented by desires for annihilation to a different mode represented by strategies of domination. But, there are two fundamental ways in which Levinas criticizes Hegel's account. First, Levinas's epiphany is a moment in individual consciousnesses – not an historical "Universal Self-consciousness". Second, and most importantly, domination is not a logical outcome (i.e., necessary product) of such epiphany. This moment of human consciousness is more ambiguous for Levinas than the Hegelian account seems to suggest. One way to see this ambiguity is to recognize how Levinas reconceives this moment as being a transition from pre-ontological consciousness to ontological consciousness, rather than maintaining the Hegelian distinction of animal versus human consciousness. That is, the moment when a human consciousness transitions away from desires like the desire to annihilate, it is not raising itself from "animal" to "human" consciousness, it is instead recognizing a new possibility of apprehending

the non-self “ontologically” rather than maintaining a “pre-ontological” attitude toward the Other. For Levinas, this is a transition from a naïvely moral relationship with another person (the “pre-ontological” attitude) to a political relationship with others in general (the “ontological” attitude).<sup>45</sup>

For Levinas, neither side of this moment is “bad” *per se*. “Ontological” consciousness poses a particular danger, but always retains alongside itself a non-ontological, ethical possibility. Similarly, the pre-ontological consciousness represents a naïve phase of a non-totalizing posture toward otherness. The advance represented by the move beyond an annihilating reaction (one “non-totalizing” possibility available to pre-ontological consciousness) lies in the ecstatic recognition that the encounter with another human face represents a critique of my pre-ontological naïveté. “Ontological” consciousness – a rationalizing, totalizing, measuring attitude toward the world – is one possibility opened up by this challenge to my pre-ontological naïveté. But, this critique is not a critique of my non-totalizing posture *per se*. The other resists annihilation without inviting a totalizing “recognition”. The moment of epiphany attacks my egoism, but does not do so by calling me into a politics of recognition. This is an important way our reflections on the “politics of conscience”, in Chapter 1, intersect with our present “philosophical” reflections.

More concretely, Levinas will locate the ambiguousness of the movement beyond desire for annihilation, i.e., “murder”, in the face of the other herself. The phenomenological access to a human face is initially revealed as “precariousness”, and Levinas says of this phenomenon:

[T]he face of the other in its precariousness and defenselessness, is for me at once the temptation to kill and the call to peace, the “You shall not kill.” The face which already accuses me makes me suspicious but already claims me and demands me. (Levinas 1996a, p.167)

This is to say, in contrast to the story Hegel would tell, the movement beyond strategies of annihilation does not flow immediately into dominating alternatives. Rather, the critique of my self-centered, egoistic, naïveté that another’s face represents, poses a starker dilemma (than mere annihilation v. domination): it presents the choice of either annihilation (“murder”) or peace (“Thou shall not kill.”). Thus, the question is: how does this more primordial dilemma become one that gets transformed (both historically and theoretically) into a choice between annihilation versus domination? The answer, from a Levinasian perspective, is that domination becomes a mere compromise in the face of the original dilemma. Through domination one assuages the guilt of murder without meeting the challenge of peace. Genuine conscience, however – the conscience that Levinas says “welcomes the Other” (or, in Kierkegaard, the conscience for which “love is a matter...”) – is never adequately satisfied by anything short of peace.

### Chapter 3: Kierkegaard's Ethics of Revelation

*But politics is egotism dressed up as love, is the most frightful egotism, is Satan himself in the form of an angel of light.*

– Søren Kierkegaard <sup>46</sup>

*Love is a matter of conscience.*

– Søren Kierkegaard <sup>47</sup>

#### I.

Appearances of the word ‘conscience’ [Danish: *Samvittighed*] throughout Kierkegaard’s published works are relatively sparse. For example, it appears only once each in The Sickness Unto Death and in Concluding Unscientific Postscript, and not at all in Fear and Trembling, Stages on Life’s Way, or Philosophical Fragments.<sup>48</sup> This may tempt us to conclude that conscience is a relatively minor idea in Kierkegaard’s thought. If one bothers to track down Kierkegaard’s use of the word, however, the findings are revealing. To take some examples: “[We] were and are continually single individuals... in [our] transparency before God. This is the relationship of conscience.” (Kierkegaard 1980 [Hereafter SUD], p.124) “What does it mean to be and to will to be the single individual? It means to have and to will to have a conscience.” (Kierkegaard 1990 [Hereafter FSE], p.91) “[T]o relate oneself to God is precisely to have a conscience.” (Kierkegaard 1995 [Hereafter WoL], p.143) And, “Christianity transforms every relationship between person and person into a

relationship of conscience...” (WoL, p.137). Such claims about conscience – which are typical of how Kierkegaard makes use of the term – suggest that the idea is significant for Kierkegaard’s thinking about ‘God-relation’, ‘the single individual’ and Christianity. That is, the phenomena of conscientious subjectivity are operative within ideas most central to Kierkegaard’s works. Indeed, one or more of these ideas is the subject of nearly every one of Kierkegaard’s major works – including those mentioned above, in which the word ‘conscience’ never appears. Thus, because the idea of conscience is important to a full understanding of ‘God-relation’, ‘the single individual’ and Christianity - as possible modes of human existence - even the aforementioned works are concerned to an important extent with conscientious subjectivity.<sup>49</sup> I am suggesting that, in spite of appearances to the contrary, nearly all of Kierkegaard’s works refer, more or less obliquely, to phenomena of human conscientiousness - what Kierkegaard refers to as “matters of conscience” (*Samvittighedens Sag*).

In this chapter, I want to look at Kierkegaard’s more extended considerations of the meaning of ‘conscience’ and its relationship to the “religious” modes of existing that are so prevalent throughout his works. As suggested above, these religious ways of existing tend to have a strong reciprocal relationship to ethical conscientiousness. Insofar as many people may not share Kierkegaard’s religious proclivities, I hope that it is perhaps helpful to access the religious ideas through their relationship to more universally accessible phenomena of conscientious subjectivity. With this in mind, I want to also consider the extent to which we can approach



Kierkegaardian references to conscience “phenomenologically,” without necessarily adhering to his specifically Christian presuppositions about what constitutes a “religious” existence. I do not mean to suggest Kierkegaard himself intends for his matters of conscience to be dissociated from his doctrinal presuppositions. But, I believe an exploration of the extents to which it may be possible to do so can be instructive for considering new ideas about how to understand conscientious subjectivity.

## II.

An idea of Christianity does pervade Kierkegaard’s works. There are many reasons, besides his personal faith, that this is so. But, what does Christianity mean for Kierkegaard’s thought? One important indication is expressed by Kierkegaard in Works of Love:

If one were to state and describe in a single sentence the victory Christianity has won... I know of nothing shorter but also nothing more decisive than this: it has made every human relationship between person and person a relationship of conscience.... [Thus] does Christianity want to breathe the eternal life, the divine, into the human race. (WoL, p.135)

Kierkegaard’s Christianity intends to understand our ethical relations with one another as a “matter of conscience”. He goes on to suggest that “Christianity transforms every relationship between person and person into a relationship of conscience [and thereby] also into a relationship of love” (ibid., p.137). “Love as a matter of conscience” ((ibid., p.135ff.) becomes, for Kierkegaard, the expression of a “Christian” ethics that contrasts with a metaphysics of morals that he saw dominating

the Christendom of his day. Christianity becomes Kierkegaard's alternative to such metaphysics of morals. It also confronts a problem within The Enlightenment's conception of conscience that we discussed in Chapter 2. Specifically, as Paul Strohm describes the issue, "[w]ith secular morality filling the void created by the diminishing role of God and religion in the sponsorship of conscience, the possibility arises that ethical choice might be engulfed by a tide of unquestioned external opinion." (Strohm 2011, p.50) This possibility was very real in Kierkegaard's eyes when he considered the Danish Christendom of his day; and it is what he is referring to in the quotation at the top of this chapter, when he frets over a "politics [that] is egotism dressed up as love."

Kierkegaard scholar Alastair Hannay (among others) stresses that, when Kierkegaard's writings attempt to serve as a foil to the "ethical", as they do in Fear and Trembling for example, Hegel's "Social Ethics" (*Die Sittlichkeit*) is his main target.<sup>50</sup> Kierkegaard challenges us to think of a more genuine sense of ethics (than "Social Ethics") rather than encouraging us think of something altogether other than ethics (in its more genuine sense). Thus, in Concluding Scientific Postscript a "true ethical enthusiasm" (Kierkegaard 1992 [hereafter CUP], p.135) becomes a concern for genuine faith. Again, the "true" ethical is drawn most specifically in contrast to Kierkegaard's understanding of Hegel's social ethics. But, we can see how Kant's ethics also falls under scrutiny. Kierkegaard's worry stems from a Hegelian tendency to locate the genuine ethical where "...subjective freedom exists as the covertly and overtly universal rational will, which is sensible of itself... as moral usage, manner

and custom...” (Hegel 1971, pp.253-4). Kierkegaard will challenge this idea of ethics in-full. Accordingly, he will deny that the “overtly universal rational will” is a necessary condition of ethical “earnestness”.<sup>51</sup> Consequently Kant’s ethics, which explicitly establishes this ideal of rational universality as the basis of that which is the “good in itself”, also is implicated in Kierkegaard’s attack on Hegel. Kant’s ethics is implicated as an aspect of Kierkegaard’s understanding of Hegelian social ethics.

However, there seems to be a crucial move beyond Kant when Hegel suggests that genuine ethical sensibility becomes immanent “as moral usage, manner and custom...” It is this idea that falls under the most sustained attack in Concluding Unscientific Postscript, for example, when Kierkegaard’s pseudonym argues against the presumed propriety of that which is “world-historical”. Further, in the way that Kierkegaard attacks this idea, one can detect some reconciliation of Kierkegaardian ethics with Kant’s ethics. Ultimately we should describe Kierkegaard’s ethics as “deontological”. In this regard it shares two important similarities with Kant’s ethics. First, it is concerned with “the absolute good” in contrast to merely “relative” goods. Thus, when Kierkegaard’s works refer to this distinction by explaining that “all relative willing is distinguished by willing something for something else, [while] the highest *telos* must be willed for its own sake...,” he calls to mind Kant’s distinction between hypothetical versus categorical imperatives<sup>52</sup>, and Kant’s idea of “good will” as the only “good in itself” (Kant 1993, p.7ff.).

As Kierkegaard saw it, the greatest disingenuousness in the ethical theorizing of his day was its tendency to conflate relative ends with the absolute. The “social

ethics” described above is particularly guilty of this when it permits one to assume that ethical concern may be adequately fulfilled through mere “moral usage, manner and custom”. To Kierkegaard, this seems to undermine the idea of an ethical duty that genuinely transcends such mores. This is the problem Kierkegaard detects when he claims that Hegelian presumptions about the relation between ethics and civil society are “a revolt of the relative ends against the majesty of the absolute, which is drawn down to the level of everything else, and of the dignity of the human being, who is made a servant solely of the relative ends” (CUP, p.419). This is also the problem that concerns him when he insists that “It is not true, either, that the absolute *telos* becomes concrete in the relative ends...” (ibid., p.401).

This last claim suggests an even deeper concern. By raising the possibility that the genuine source of ethical sensibility can become fully immanent through one’s social mores, social ethics also tends to turn one’s conformity to those mores into an ethical criterion. On such accounts, one’s becoming “a husband, a father, and captain of the popinjay shooting club” (ibid., p.386) comes to be an external expression of one’s supposed virtue (i.e., the “world-historical” confirmation of one’s ethical virtue). In contrast, Kierkegaard will insist upon “willing the ethical [even though] your effort will have no importance to any other human being” (ibid., p.137). That is, Kierkegaard wants to argue for a sense of ethical duty that is essentially unrelated to any worldly benefits that may accrue to the person concerned with “the Good”. Not only is such benefit merely incidental, but the expectation of worldly benefit ignores the possibility that the opposite may ensue; i.e., that sometimes one may expect to

have to suffer for the True and the Good.

Simply put, throughout history virtuous people sometimes have faced persecution because of their supposed virtuousness. More to the point, as Kierkegaard sees it, people often use their fear of such persecution and, more problematically, the permission of social mores as justification for not acting responsibly. In his idea of Christianity, Kierkegaard conceives of an ethical sensibility such that “If a man shall will the Good in truth, then he must be willing to do all for the Good or be willing to suffer all for the Good.” (Kierkegaard 1956 [hereafter PoH], p.121) Kierkegaard does not deny the rarity of such heroic conscientiousness, willing to suffer all for the Good. Its rarity is, in fact, a testament to why it is more honest to understand genuine conscientiousness as a burden to worldly desire, rather than as a means to worldly satisfactions or rewards. Rather than hoping to make such heroism an everyday fact, Kierkegaard is concerned more with the sense that ethics in his own day had made such heroism impossible. He sees no criterion in Christendom that would justify sacrificing so much for “the Good”.

This is the deontological essence of Kierkegaard’s idea of an ethics that adheres to an “absolute *telos*” and transcends the relative ends that constitute social mores. “Externally, the lack of this conception [i.e., of the absolute good] does not harm one;” Kierkegaard explains, “one can very well become ``a husband, a father, and captain of the popinjay shooting club`` without it, and if he craves something like that, this idea will only disturb him” (CUP, p.386). In Concluding Unscientific Postscript, Kierkegaard’s pseudonym warns us that “The person who does not

comprehend the infinite validity of the ethical, even if it pertained to him alone in the world, does not really comprehend the ethical...” (ibid, p.143). This is the heart of Kierkegaard’s reason for suggesting that genuine ethical truth is a “subjective” truth. The point is not that ethical truth is whatever the single individual wants it to be. The point is that each individual is alone in being responsible for recognizing the ethical. That is, even though I might be the only one around me who recognizes right from wrong, even if my social milieu condones what I recognize to be wrong, a genuine concern for ethics binds me to my recognition. I must act in spite of what everyone else says, does, or condones. Thus Kierkegaard will go on to say, when one does comprehend the ethical, “that it pertains to all human beings is in a certain sense none of his business, except as a shadow that accompanies the ethical clarity in which he lives”. (ibid.)

At the core of any ethical imperative that binds all of humanity there must lie the clarity of individual conscience. The relationship of conscience to the social mores that generally describe what everyone else says, does, or condones becomes notoriously ambiguous for Kierkegaard. He suggests that, more often than not in the present day, social ethics serves to supplant individual conscience rather than reinforce it. The “shadow” of social ethics obscures the “clarity” of ethical truth to such extent that the shadow is confused for the truth. Accordingly, the social milieu, “the world-historical”, comes to mediate all ethical awareness such that “the ethical is supposed to find its concretion first in the world-historical, and only then in its concretion is it a task for the living” (ibid, p.144).

While social mores thus allow a human being to become “a servant solely of the relative ends”, the idea of an absolute *telos* as the source of genuine conscience is meant to disturb one’s contentment with such ends, and thereby reveal one’s freedom from them. But, this is a Kantian notion as well. Kant’s “good will”, which is “the good in itself” without essential reference to specific personal ends, constitutes one’s freedom from the heteronomy of will that personal inclinations and impulses represent. It is such “heteronomy” over the will that causes “all spurious principles of morality” (Kant 1993, p.45). Freedom from this heteronomy represents for Kant “the dignity of humanity” (ibid, p.44). But, for Kant this freedom is possible for humanity only “inasmuch as reason has been imparted to us as a practical faculty, i.e., as one which is to have influence on the will...” (ibid, p.9). Here Kierkegaardian and Kantian ethics part ways.

The “absolute *telos*” in Kant’s ethics is pure practical reason. By contrast, the Kierkegaardian relationship to the absolute would be pathos - “*existential pathos*” (CUP, p.387ff.). From a Kantian perspective, unless and until such pathos has been subjected to Reason it can support only “spurious principles of morality”. Correctness of action, for Kant, is fully recognizable in a motive’s conforming to a sense of categorical imperative. This sense of categorical imperative is what indicates that one’s action has been conceived under universalizing categories of Reason. Feeling, impulse and inclination, by contrast, appeal to merely personal aspects of moral experience. Insofar as such pathos overflows the bounds of pure practical reason it remains, for Kant, a danger to morality and never its legitimate source. In Kantian

terms, Kierkegaard's pathos would be a kind of heteronomy (for reasons explained below).

Kierkegaard's Christian ethics also wants to reject the merely personal pathos that Kant's ethics intends to overcome. Accordingly, Kierkegaard will affirm "the Christian objection to the self-willfulness of drives and inclination" (WoL, p.140). This is part of what motivates a distinction in Concluding Unscientific Postscript between "esthetic pathos", on the one hand, and "existential pathos", on the other. "In relation to... the absolute good, pathos [means] that this idea transforms the whole existence of the existing person" (CUP, p.386). Kierkegaard's pseudonym calls this a "sharpened pathos" which, "more closely defined, is: *the consciousness of sin...* the expression for the paradoxical transformation of existence..." (ibid., p.583). In this context, it is adequate to understand "sin" to mean a sense of alienation from the absolute good. That is, the transforming power of "the consciousness of sin" rests in positing the absolute good as something that is absent from my existence, but toward which I am drawn. The key question for Kierkegaard is how one comes to have such an idea of alienation.

Kierkegaard's pseudonym insists that this idea of alienation from the "absolute good" can only come to the individual through "revelation". The individual does not have the power within herself to generate such an idea<sup>53</sup> nor, Kierkegaard argues, can it ever become fully immanent through her social milieu. Thus we read that "The individual is therefore unable to gain the consciousness of sin by himself, which... shows that *outside the individual* there must be the power that makes clear to



him that he has become... a sinner. This power *is the god in time.*”<sup>54</sup> For now, I want to bracket the question of who or what this “god in time” is. What is important at this point is the idea that Self and Society always fall short of the “absolute good” that is posited in the transformative power of existential pathos. Indeed, the power of this sharpened pathos rests precisely in conceiving my personal and social alienation from the absolute good and, in spite of that alienation, still having faith in the possibility of changing myself for the better. To be clear: this kind of pathos inspires me to better my self (spiritually speaking), not my worldly conditions (world-historically speaking).<sup>55</sup>

Kierkegaard is striving here for an ethics of “revelation” over Reason; and it is this form of ethical sensibility, more than the content of such revelation, that most offends philosophical ethics. Accordingly, Kierkegaard’s pseudonym in The Sickness Unto Death will insist: “The possibility of offense lies in this: there must be a revelation from God to teach man what sin is and how deeply rooted it is” (SUD, p.96). Kierkegaard’s “existential pathos” (what I refer to as conscientious subjectivity) reflects an individual’s attitude of openness to such revelation. It is the kind of pathos that is capable of moving Abraham to act as he does in Fear and Trembling, for example, where he understands himself to be called by God to do the otherwise unthinkable: i.e., to sacrifice the life of his son. Of course it is difficult to understand how Abraham’s willingness to kill Isaac can represent a genuine conscientiousness.<sup>56</sup> The point we want to elucidate, however, is that an ethics like Kant’s becomes implicated in Kierkegaard’s critiques of philosophical ethics because it precludes such

pathos.

Kierkegaard's "existential pathos" transforms the individual's existence from beyond Reason and not through it. Existential pathos is "heteronomous" in the Kantian sense of the word. But, what makes existential pathos more legitimate, by Kierkegaard's account, than the heteronomy of mere feeling, impulse or inclination is that it is a faculty that is "higher" than Reason. Existential pathos is a "transcendent" heteronomy, whereas the "autonomy of impulse and inclination" inhibits rational existence from "below" (e.g., via the immanence of the "world-historical"). Conscientious subjectivity opens up existence possibilities that transcend the powers of merely rational existence. Existential pathos becomes an ethical heteronomy represented by a sense of "God-relation" and of an "absolute *telos*" that lies beyond all finite means – including the means of finite Reason. It calls from a height that may disturb even Reason, and moves one to act upon "an objective uncertainty held fast through appropriation with the most passionate inwardness" (CUP, p.203). In many of Kierkegaard's writings, this "transcendent" sensibility is the epitome of religious faith.

Social ethics tends to invert what Kierkegaard believes to be this truer sense of the ethical. In truth, the human individual is directly assigned her ethical demand as "a task for the living" (ibid., p.144) that comes before any "concretions" in the world-historical. By placing her "task" above the concerns of the world-historical, genuine ethics places the individual herself above the social milieu. This is why Kierkegaard stresses the importance of understanding oneself as a "single individual". In the single individual real ethical responsibility is manifested. So, The Sickness

Unto Death insists that “the first thing to keep in mind is that every human being is an individual human being and is to become conscious of being an individual human being” (SUD, pp.117-8). This just demands that every human being must first and foremost embrace a conscientious subjectivity (an openness to the “existential pathos” described above). Accordingly, Kierkegaard insists that being a single individual just “means to have and to will to have a conscience” (FSE, p.91). The alternative, as Kierkegaard sees it, is to have one’s ethical sensibility absorbed into a mob rule mentality. Thus, “If men are first permitted to run together in... the crowd – then this abstraction, instead of being less than nothing, even less than the most insignificant individual human being, comes to be regarded as being something – then it does not take long before this abstraction becomes God” (SUD, p.118). This is true even if the mob’s rule takes the refined form of “categorical imperative”. Here lies the real problem with the ethical inversion that Kierkegaard saw in his age. The problem is not so much that we have forgotten the Judeo-Christian God. Rather, the problem is that we have replaced that God with “the mob” (ibid.). Mob morality supplants a direct relationship with a higher, absolute *telos* (i.e., “higher” than both me and my society). This lack of transcendent sensibility is what worries Kierkegaard when he says “that the whole modern trend is a disastrous caricature of religiousness--it is politics.” (Kierkegaard 1975, p.181 [entry # X4 A 83].)

But, what is this “direct relationship with a higher, absolute *telos*”? Kierkegaard describes it as follows: “before God [we] were and are continually single individuals.... This is the relationship of conscience” (SUD, p.124). Kierkegaard

relies upon Christian categories to animate a conception of human conscience. Genuine conscience, essentially unmediated by social ethics, relates to “the infinite validity of the ethical” in much the same way that Kierkegaard’s Christianity (as opposed to “Christendom’s” Christianity) might describe a relationship to God. Thus, though Kierkegaard may not presume to convert his readers to Christianity, he does hope to inspire the possibility of conscientiousness for each single individual. This is why he rails against “the crowd” and “the world-historical”. When our “enlightened age” (ibid., p.123) effects the kind of ethical inversion described in the preceding paragraph, it pulls the individual in the opposite direction from conscientious subjectivity: “In this way the ethical does not become the original, the most original, element in every human being but rather an abstraction from the world-historical experience” (CUP, p.144). Kierkegaard’s writings would rediscover an ethical consciousness that is “the most original element in every human being”. That is, Kierkegaard seeks an idea of conscience which speaks directly to individual consciousness – perhaps against the mores of one’s social milieu – rather than always speaking through, and on behalf of, social mores and their “universal” categories of thought.

With this line of analysis we can locate Kierkegaard’s account of conscientious subjectivity within the philosophical history of the grounds for conscientious conviction that we surveyed in Chapter 2. As noted above, with Enlightenment thought the concept of conscience seems to reach a crisis point of “leaving the conscientious individual at the mercy of uninterrogated public

prejudice.” (Strohm 2011, p.50) By contrast, Strohm goes on to suggest that “The very foundation of more modern respect for conscience has been its availability as an ally for the solitary individual at odds with established and coercive opinion, and so one can hardly be content with a view of conscience as a simple rendition of what ‘everybody thinks’.” (ibid.) Strohm never refers to Kierkegaard in his brief history of conscience, but it is difficult to think of a better way to describe Kierkegaard’s discontent with the Christendom of his day. It is appropriate to recognize Kierkegaard’s Christian ethics as a fairly early expression of the “modern” sensibility that Strohm describes. We should read Kierkegaard’s ethics of “revelation” as representing the “more modern respect for conscience” that arises in response to Enlightenment thought.

### III.

What Kierkegaard’s pseudonym calls “existential pathos” in Concluding Unscientific Postscript has all the phenomenological characteristics of what Kierkegaard refers to as “conscience” in works like Purity of Heart is to Will One Thing and Works of Love. That is, the way Kierkegaard’s writings describe the experience of “existential pathos” looks a lot like the way he describes the experience of “conscience”. This is why I suggest that, even though the word ‘conscience’ appears only once in Concluding Unscientific Postscript, that work is still very much about conscientious subjectivity. Indeed, one could very well translate Kierkegaard’s often misunderstood idea of “Truth as Subjectivity” (CUP, p.189ff.) to mean “Truth as

a matter of conscience.” We see this clearly when we remember that Kierkegaard’s pseudonym poses the controversial idea out of concern over the nature of “the subjective individual’s relation to the truth of Christianity” (eg. CUP, p.59). This reflects the same concern that Kierkegaard raises in a later non-pseudonymous work, For Self-Examination, when he worries about Christendom’s “slyness and cunning” through which:

One makes God’s Word into something impersonal, objective, a doctrine – instead of its being the voice of God that you shall hear.... This impersonality (objectivity) in relation to God’s Word is... actually a congenital genius we all have, something we obtain gratis – by way of hereditary sin – since this praised *impersonality (objectivity) is neither more nor less than a lack of conscience.* (FSE, p.39-40, italics added)

Here one sees that conscience represents the means by which one resists a tendency to relate to the “truth of Christianity” as “something impersonal, objective, a [mere] doctrine.” Conversely, we can also say that the subjective individual’s relation to the “truth of Christianity” just is conscientiousness. Kierkegaard suggests as much in Works of Love when he insists that “the relationship between the individual and God, the God-relationship, is the conscience” (WoL, p.143). It is precisely this form of relationship, as a relationship to Truth, which concerns Kierkegaard’s pseudonym as he ponders “truth as subjectivity” in Concluding Unscientific Postscript.

This analysis suggests that, for Kierkegaard, conscientiousness establishes a relationship to Christianity (and all other presumed truths) as something other than mere doctrine. How, then, does one relate to “Christianity” when one relates to it as something other than doctrine? As we noticed in our discussion of existential pathos,

when Kierkegaard's Christianity appeals to the individual as more than a religious doctrine, it does so by effecting a "transformation of existence" (CUP, p.583). Christian doctrine, by this understanding, is meant to hone conscientious subjectivity (i.e., the existential pathos through which one is able to relate to Christianity as something other than mere doctrine). Kierkegaard describes a key aspect of this transformation in Works of Love when he tells us that "Christianity transforms every relationship between person and person into a relationship of conscience, [and thereby] into a relationship of love" (WoL, p.137). He goes on to suggest that "This is infinity's change that in Christianity takes place in erotic love" (ibid., p.138).

That is to say, the sense of interhuman relationship that is occasioned through Christianity's appeal to conscience represents a transformation away from the erotic drives which tend to otherwise dominate those relationships. Kierkegaard explains:

The merely human point of view conceives of love *either* solely in terms of immediacy, as drives and inclination (erotic love), as inclination (friendship), as feeling and inclination, with one or another differentiating alloy of duty, natural relations, prescriptive rights, etc., *or* as something to be aspired to and attained because the understanding perceives that to be loved and favored, just like having persons one loves and favors, is an earthly good. Christianity is not really concerned with all this.... (ibid., p.143-4)

This "merely human" view of love is of no concern to Kierkegaard's brand of Christianity because, in place of all such motives for relating to others, Christianity calls upon the individual to "love your neighbor as yourself" (ibid., p.17). The effect of this is that "Love [becomes] a matter of conscience and thus is not a matter of drives and inclination, or a matter of feeling, or a matter of intellectual calculation" (ibid., p.143). That conscientious love goes beyond impulse, inclination and feeling

shows its consonance with Kant's ethics. That it goes beyond reason, or "intellectual calculation", shows that it also intends to move beyond Kant's ethics (and philosophical ethics in general).

Kierkegaard is trying to get at an interhuman bond that transcends egoistic desire. He explains that "...the neighbor' is what thinkers call 'the other,' that by which the selfishness in self-love is to be tested" (ibid., p.21). Kierkegaard makes this point understanding that, in his time, the philosopher's "other" was understood as an unwelcome problem, a foreign consciousness to be overcome (e.g., by the universalizing concepts of Reason). All the motives described above, as a "merely human view" of love, are really just various forms of self-love. They constantly subordinate my concern for the genuine "other" to a more basic concern for my own impulses, inclinations or powers of intellectual calculation. "Neighbor-love", by contrast, is a commanded love that is distinct from all forms of erotic love simply by virtue of its being commanded.<sup>57</sup> As such, neighbor-love is a love for which desirability of the other is absolutely inessential. Regardless of such desirability, or lack thereof, "You *shall* love" (ibid., p.17). This commanding of love, Kierkegaard suggests, "changed love as a whole... by making all love a matter of conscience" (ibid., p.147). Conscientious subjectivity is a mode of consciousness, overlooked by the "merely human view" of love, that represents openness to the non-erotic concern for another. Whereas the ideal of an "overtly universal rational will"<sup>58</sup> would seek to overcome a sense of otherness in thought and action, Kierkegaard's conscientious subjectivity feels compelled to embrace otherness. It also signals openness to the kind



of “revelation” that makes Kierkegaard’s ethics possible.

It is on this point that I want to recommend that we interpret Kierkegaard’s discussion of conscientious subjectivity as making a “phenomenological” observation (in the sense of “phenomenology” described in my introduction to this dissertation). Again, I stress that I am not claiming that Kierkegaard is a “phenomenologist” *per se*. Kierkegaard’s writings seem to me to rely upon presuppositions of Christian doctrine as a tool for honing the existential pathos that makes his version of conscientious subjectivity possible. However, I do insist that he is approaching conscientious experience phenomenologically insofar as he treats conscience as a distinct form of intentionality that discloses the world in its own way. What his analyses of conscientious subjectivity reject is the idea that conscientiousness is simply a deformation of rational intentionality. Conscience, from a Kierkegaardian perspective, is not a failure to disclose the world rationally; it is its own mode of disclosure that makes present its own “objectivities.” It makes present the genuinely ethical/religious world. This idea is an affinity shared with Emmanuel Levinas’s phenomenology. Levinas similarly complains, for example, against Husserl and Heidegger that their phenomenologies remain too “intellectual” – too radically grounded in intentionalities of intellection and the objects of intellection – to appropriately understand ethical experience.<sup>59</sup> The problem with such failure to understand ethical/religious experience is that it distorts the true “objects” of ethical experience: the Other. And, it undermines the ethical relationship between self and Other by replacing a “welcoming” of Otherness with suspicion and antagonism.

For Kierkegaard “neighbor-love”, the attitude toward the human Other that we assume when “love is a matter of conscience”, is one representation of the welcoming of Otherness. We have also seen him refer to the “God-relation” as a fulfillment of this Other-welcoming consciousness; likewise with “the god in time.” There are important questions that still need to be answered about these different fulfillments of conscientious intentionality, in order to have a robust understanding of the conscientious experience. However, it is important to recognize that Kierkegaard’s writings always refer to conscience as a relational consciousness – whether that is a “God-relation” or a love of neighbor. This is one of the reasons it makes sense to me to think of Kierkegaard’s conscientious subjectivity as a form of intentionality. His description of that subjectivity always seems to involve the fulfillment of a structured expectation of consciousness by some “object” in the correspondingly structured world. Specifically, Kierkegaard’s conscientious subjectivity structures consciousness for a welcome appearance of Otherness, and the “neighbor” enters consciousness as a fulfillment of that expectation. Later I will suggest that such fulfillment in the form of human Otherness is the essence of “human dignity”.

This account suggests distinctions between the “objectivities” that fulfill conscientious subjectivity and the characteristics of subjective experience that signify such fulfillment. Specifically, Kierkegaard’s writings speak of the “God-relation” and “the god in time” as not only a fulfillment of the conscientious attitude but an essential occasioning of it.<sup>60</sup> As we will see in the following chapter, Kierkegaard seems to suggest this about the “God-relation” in contrast to the human other, “the

neighbor” who also acts as a fulfillment of conscientious intentionality, but whose welcome appearance as “Other” seems only to presuppose conscientious subjectivity, rather than occasioning it.

Nevertheless, Kierkegaard’s analysis of conscientious concern for the human other points to key characteristics of the experience of conscientious subjectivity. He explains that “Only then, when it is a matter of conscience, is love out of a pure heart and out of a sincere faith.” (WoL, p.153) That is, the phenomena that signify conscientious subjectivity are “purity of heart” and “sincere faith”. Understanding the nature of these phenomena, and their relationship to Kierkegaard’s “Christianity”, provides the insight needed to recognize important phenomenological characteristics of the conscientious subjectivity that is operative throughout Kierkegaard’s works.<sup>61</sup>

To this end, Kierkegaard provides the following elaboration on the meaning of purity of heart:

...a pure heart is first and last *a bound heart*.... [T]he heart, if it is to be pure, must without limit be committed to God.... Let us say: Christianity teaches that God has first priority.... God has first priority, and everything, everything a person owns is pledged as collateral to this claim. (WoL, p.148-9)

Here we find that Kierkegaard presupposes a relationship between “purity of heart” and Christianity. Christianity’s teaching – that the heart must be “limitlessly committed” – provides existential access to the kind of experience that makes conscientious subjectivity real to the individual: the experience of “a bound heart”. This is one of the reasons I suggest, above, that Christian doctrine is meant to hone conscientious subjectivity. When one relates to Christianity’s teaching with

“existential pathos” (see discussion in section II, above), this occasions the possibility of a “pure” heart, which is first and foremost a bound heart.

The experience of feeling “bound” in this way is the phenomenological essence of the conscientiousness occasioned by Kierkegaard’s Christianity. One thing this purity of heart does is strip away the erotic “self-willfulness of drives and inclination” to which Christian love is opposed (ibid., p.140). Beyond this, the significance of a bounded heart to the meaning of conscience is explained in Purity of Heart is to Will One Thing.

Here in temporality the conscience already wants to make each one separately into the single individual, but here in temporality, in the restlessness, in the noise, in the crush, in the crowd, in the jungle of evasions, alas, yes, here even the terrible thing happens that someone completely deafens his conscience.... (PoH, p.141)

Conscience speaks on behalf of the human being who, as a single individual, is distinct from the “crowd” or the “mob” that tends to dominate one’s everyday “temporal” existence. And, so long as it is able to resist the powers that would “deafen” it, conscience clears space within temporality for a sense of the “eternal”.

What else, indeed, is the accounting of eternity than that the voice of conscience is installed eternally in its eternal right to be the only voice! What else is it than that in eternity there is an infinite silence in which conscience speaks only with the single individual about whether he as an individual has done good or evil, and about his not wanting to be an individual while he lived! (ibid.)

These passages provide one of the more striking explanations in Kierkegaard’s works of both the nature of conscience and its relatedness to “Christianity”. Throughout Kierkegaard’s works, a religious/”Christian” existence represents the possibility of

resisting the “jungle of evasions” that lock the individual into an obsession with “temporality”, “the world-historical”, and the “egoistic”. Resistance to such obsession, however, posits an eternity beyond and in contrast to temporality’s concerns. From this “eternity” springs the “voice of conscience”.

What does one hear in the voice of eternity? One hears that “you can deliberate on alternatives with your wife and your friends, but ultimately the *action and responsibility are yours alone* as the single individual; and if you refrain from acting, if you hide from yourself and from others in the thicket of deliberation, then you alone as the single individual have the responsibility you have thereby taken upon yourself...” (PoH, p.131). Eternity represents to humanness a sense of complete responsibility. The responsibility is “complete” insofar as it rests wholly upon me, alone as a single individual. I cannot escape this responsibility without escaping myself, i.e., my “true” self as a single individual. This is the essence of what it means to have a bound heart.

This last idea, about conscience’s prohibition against one’s attempt to escape one’s true self, reminds us of the concerns addressed in The Sickness Unto Death. There “despair” is defined in terms of various possibilities for how one evades true selfhood and the “transparency before God” (SUD, p.30) wherein one strives after a genuine relation to one’s self.<sup>62</sup> Kierkegaard’s pseudonyms will describe the latter striving as “the road to faith” (ibid., p.65). This uncovers the nature of the second key aspect of conscientious subjectivity: a “sincere faith”. When recalling the example of “love as a matter of conscience”, Kierkegaard explains that in “sincere faith”:

...it is impossible to join the slightest lack of honesty with loving. As soon as there is any lack of honesty, there is also something concealed, but selfish self-love hides itself in this concealment, and insofar as this is present in a person, he does not love.... But if two people can in honesty become transparent to each other..., [i]f two people are to love each other in sincere faith, is it not simply necessary that honesty before God must first be present in each individual? (WoL, p.151)

In addition to the boundedness of a pure heart, conscience requires a sense of honesty with respect to a genuine, individual self-hood. Notice, however, that this honesty is necessary as much for love's sake, as it is for one's own sake, or for "God's" sake. Kierkegaard's "faith" intends manifestation through a genuine concern for "the other". This is sometimes overlooked in more individualistic interpretations of Kierkegaard's thought.

In the passage just noted, we should recognize the question with which it ends: "is it not simply necessary that honesty before God must *first* be present in each individual?" (italics added) This again presents an important indication of the relationship between phenomenological aspects of Kierkegaard's descriptions of conscientious subjectivity, on the one hand, and his understanding of the "teaching of Christianity", on the other. For Kierkegaard, this question just noted is a rhetorical one. He seems to assume that some "God-relation" is a necessary condition for the possibility of honesty which is required by conscience. Indeed, we saw the same assumption in the discussion about purity of heart. There it was assumed that a Christian teaching, about "the priority of God", was the surest existential access to conscience's requiring the sense of a "bound heart". Thus it appears that, for Kierkegaard, Christianity serves as a kind of precondition for the possibility of

conscientious subjectivity. In Kierkegaard's works, the possibility of religious existence provides the most primordial access to the phenomena of conscientiousness. As we saw in both Chapter 1 and Chapter 2 of this dissertation, such questions about the appropriate grounds for conscientious subjectivity have dominated discussions about when and if appeals to "conscience" are ever legitimate (and, therefore worthy of respect as some kind of moral "right").

#### IV.

Need Kierkegaard's question above, about whether "prior requirements" in the teachings of Christianity are necessary to the possibility of conscientious interhuman relation, be read as rhetorically as it is written? That is, might we genuinely consider the possibility of preserving Kierkegaard's sense of conscientiousness without necessarily adhering to his religious presuppositions? Even more to the point, are there other accounts that can bear the weight of Kierkegaard's phenomenology of conscience? On this question Merold Westphal makes an interesting suggestion:

Kierkegaard's authorship is a sustained attempt... to open the essentially relational self... to the thoroughgoing otherness of God and neighbor. If he focuses especially on the God relationship, it is because God is better able than my neighbor to resist the variety of strategies by which I or We might try to reduce the other to the same, thereby retaining my Cartesian or our Hegelian self-sufficiency. (Westphal 1996, pp.145-6)

If Westphal is correct to suggest that Kierkegaard's focus on the God-relation is motivated more by what "God" is "better" able to do – as opposed to what God "alone", in distinction from the neighbor, is able to do – then there is room to wonder

whether the neighbor alone, without the presupposition of God-relation, may be able to provide sufficient resistance to the “jungle of evasions” that would undermine conscientious subjectivity. That is, the neighbor alone may be “less” able than God to guarantee the possibility of genuine conscientiousness. Nonetheless, that does not mean the neighbor alone is “unable” to do so.<sup>63</sup>

In fact, Kierkegaard hints at the open-endedness of this question in Works of Love when he says that

Thus one can say that it is the doctrine about the human being’s God-relationship that has made erotic love a matter of conscience just as well as one can say that it is the doctrine of love for the neighbor. *Both are equally the Christian objection to the self-willfulness of drives and inclination.* (WoL, p.140, italics added.)

Kierkegaard’s point here, of course, is to suggest that the concern for one’s “God-relation” can do the same work that genuine concern for the human other does for making love into a “matter of conscience”. However, if we want to explore the possibilities for dissociating Kierkegaard’s religious presuppositions from the phenomenological implications of his descriptions of conscientious subjectivity, we may just as well be interested in the converse implication (even if Kierkegaard is not): genuine concern for the neighbor is “equal”, in that regard, to the concern for God-relation. The crux of the matter will hinge on whether the “genuine” concern for neighbor will be possible without a genuine God-relation.

This matter gains its urgency from the point we focused upon earlier: that Kierkegaard’s conscientious subjectivity represents an ethics of “revealed” ethical sensibility. In this regard, it may be natural for a religiously-minded person to



conceive of “God” as the source of this revelation. It is interesting to recall, however, that Kierkegaard’s authorship does not always go so far. In Concluding Unscientific Postscript, for example, this revelatory power is referred to simply as “the god in time” (CUP, p.584). Must this be read as a Christological reference? One assumes that this is Kierkegaard’s intention. But, phenomenologically speaking, this “god in time” can be anything that provokes the sense of “bound heart”, “complete responsibility” and “transparent honesty before the other” which constitutes the Kierkegaardian experience of conscientious subjectivity.

For comparison’s sake, we can note that Emmanuel Levinas attributes a similarly “revelatory” power to the human “Face”. As Levinas would have it, interhuman relations alone have the power to present the pure “otherness” of another human being to me. In so doing, the particular “Other” herself establishes in me a sense of “obsession”, “infinite” responsibility, and a genuinely ethical “individuality” that correlate nicely to Kierkegaard’s phenomena of conscientiousness. That is to say, a good case can be made that Levinas and Kierkegaard share very similar phenomenological descriptions of conscientiousness. Nonetheless, they seem to have very different assumptions as to the need for Kierkegaard’s “religious” presuppositions for the possibility of conscientious subjectivity. While Kierkegaard seems at times to imply that a “religious” existence, akin to his Christianity, is somehow prior to and necessary for the possibility of neighbor-love, Levinas often seems to suggest just the opposite. “It is our relations with men,” Levinas contends, “that give to theological concepts the sole signification they admit of...” (Levinas

1969, p.77) We will pursue this comparison of Kierkegaard and Levinas in Chapter 4.

Ultimately, I believe the comparison between Levinas and Kierkegaard breaks down on this point. A “God-relation” distinct from “our relations with men” is essential to Kierkegaard’s understanding of temporal existence in a way that Levinas feels no need to account for. We can recall from our discussion above that one danger Kierkegaard sees in temporal existence is the possibility that “here even the terrible thing happens that someone completely deafens his conscience...” (PoH, p.129). This worry provokes a need to place the source of ethical revelation – that which most primordially calls us into conscientious subjectivity – essentially beyond the temporal order (though still capable of breaking through that order). That is, this worry causes someone like Kierkegaard to need something akin to the “God” and/or “God-man” (Christ) who figure so prominently in his authorship. Someone like Levinas, by contrast, seems much more content to place their faith in finite humanity’s ability to preserve conscience. That is, for Levinas interhuman relationship by itself holds the power to preclude a complete deafening of conscience.

This apparent disagreement between Levinas and Kierkegaard speaks to a metaphysical and, perhaps, theological difference between the two. As we’ve seen in Chapter 1 and Chapter 2 of this dissertation, the political question of how to accommodate conscientious subjectivity (once we accept that it is something worth accommodating) almost always becomes bound up with similar metaphysical/theological questions. Our interest in this Chapter has been to uncover the phenomenological essence of such presumptions in Kierkegaard’s thought. As a

Kierkegaardian, one's debt to Levinas may be two fold. First, Levinas allows us to consider alternative accounts for a similar phenomenology of conscience. Second, he provides means to a more focused understanding of the role that this phenomenology of conscience plays in Kierkegaard's authorship. That role has been the focus of this essay. I have intended to suggest that Kierkegaard's analyses of "matters of conscience" provide the basis for understanding a Kierkegaardian "ethics of revelation" that is distinct from, and in key respects opposed to, the perspectives of philosophical ethics that dominated his day. I have also indicated how we may think about possibilities for dissociating the phenomenological aspects of conscientious subjectivity from Kierkegaard's "Christian" presuppositions – a possibility that may clarify the relevance of Kierkegaard's "phenomenological" observations for those of us who may not share Kierkegaard's religious proclivities. Further, the suggestion that Levinas's late-20<sup>th</sup> century phenomenology shares an important affinity with Kierkegaard's early-19<sup>th</sup> century analyses may signal that, as a critique of philosophical ethics, the idea of an "ethics of revelation" is as important today as it was in Kierkegaard's time.<sup>64</sup>

## Chapter 4 : Conscientious Subjectivity in Kierkegaard and Levinas

*The “I think,” thought in the first person, the soul conversing with itself, or, qua reminiscence, rediscovering the teachings it receives, ...is fundamentally opposed to a God that reveals.*

– Emmanuel Levinas <sup>65</sup>

*Revelation is discourse [and] in order to welcome revelation a being apt for [the] role of interlocutor, a separated being, is required.*

– Emmanuel Levinas <sup>66</sup>

### I.

There are aspects of Kierkegaard’s “ethics of revelation” and Levinas’s analyses of ethical subjectivity that reveal remarkable consonance between the two. We could draw out specific expressions of such consonance.<sup>67</sup> Most of them, however, appear rooted in a similar attitude toward what Kierkegaard refers to as “modern speculative thought” and its unchecked striving after an “abstract identity between thinking and being.” (CUP, p.197) Levinas likewise describes a concern over “the traditional teaching of idealism”<sup>68</sup> which when “completely carried out reduces all ethics to politics” (Levinas 1969 [hereafter, T&I], p.216) and would subordinate human experience to “the immanent essence of consciousness, the coinciding of being with its manifestation.” (Levinas 1998b [hereafter, OtB], p.63) They are both concerned that this prevailing “idealistic” picture of human experience places human being in a world increasingly devoid of the possibilities that Kierkegaard and Levinas

will try to describe as a legitimate sense of “transcendence”.<sup>69</sup> Their consonant desires to undermine the hegemony of the idealist picture of subjectivity - a picture dominating Western Philosophy (and, on both accounts, a theology that increasingly panders to that tradition<sup>70</sup>) - leads Kierkegaard and Levinas to present alternative accounts of subjectivity. Their respective presentations often provoke expectations that Levinas’s appreciation for Kierkegaard’s thought should run deeply. So, we are surprised when Levinas’s discussions of Kierkegaard generally revolve around what Levinas seems to believe are deep disagreements between them.<sup>71</sup>

For example, early in Totality and Infinity, Levinas tries to distance himself from Kierkegaardian analyses by suggesting that “It is not I who resist the system, as Kierkegaard thought; it is the other.” (T&I, p.40.) On the face of it, this appears to be an obvious misreading of Kierkegaard. As we saw last chapter, Kierkegaard’s conscientious subjectivity is essentially relational. Resistance to “the system”, for Kierkegaard, never legitimately arises from the “I” (i.e., from the self-enclosed “self”). Such “resistance” always arises from a “God-relationship”<sup>72</sup> that breaks through the “sphere of immanence”<sup>73</sup> and disturbs the system, thereby, interrupting any absorption into “totality”<sup>74</sup>. Simply put, contra Levinas’s apparent reading, for Kierkegaard it is an Otherness, not “I”, that determines the possibility of transcendence within human experience. But, to defer to a “God-relationship” as the source of our awareness of transcendence - that is, as a source of “revelation” (T&I, p.77) - is to make a move that Levinas will be uncomfortable with. In Totality and Infinity he tells us that “Revelation is discourse [and] in order to welcome revelation

a being apt for [the] role of interlocutor, a separated being, is required.” However, in the same work, Levinas seems to imply that ‘God’ is not the kind of being that is “apt for the role of interlocutor”: “The absolutely foreign alone can instruct us,” he will explain, “[a]nd it is only man who could be absolutely foreign to me.” (ibid., p.73) That is, the legitimate other that “resists the system” and ruptures the sphere of immanence is not only an Other in contrast to “I”, but is necessarily a human other. Thus it is problematic to talk about the “God-relationship” as distinct from the interhuman relationship. “It is our relations with men,” Levinas contends, “that give to theological concepts the sole signification they admit of.” (ibid., p.79) For Levinas, our sense of divinity arises only through the interhuman relation.<sup>75</sup>

Whereas Levinas will insist that “Everything that cannot be reduced to an interhuman relation represents... the forever primitive form of religion” (ibid.), Kierkegaard, by contrast, appears quite unwilling to allow the “God-relationship” to be so “reduced.” In Kierkegaard’s works, God’s revelations are distinct from “our relations with men” in a way that the God-relation is not distinct in Levinas’s account.<sup>76</sup> Specifically, Kierkegaard is comfortable admitting the possibility of an immediate relationship to God, and God, distinct from the human other, can serve as a legitimate interlocutor for Kierkegaard in a way Levinas appears to preclude.

At this point, however, we seem to be in a position to write-off the main differences between Kierkegaard and Levinas as being rooted mostly in theological differences. Levinas simply does not believe in the same kind of “God” that Kierkegaard does. But, if this is the extent of Levinas’s objection to Kierkegaard, or

even the root of it, we may just as well be tempted to suggest, as a recent commentator does, that “the appropriation of the Kierkegaardian framework by Levinas is problematic insofar as it is misapplied to inter-human relationships....” (Treanor 2001) That is, might we be able to extrapolate, from Levinas and Kierkegaard, the same basic “framework” for relating subjectivity to the possibility of “transcendence”, and then assume that the only substantial difference between them is over who the legitimate other is that gives the subject “the necessary condition for understanding”<sup>77</sup> the truths that transcend the “idealistic” picture of human experience? I want to resist this understanding of the problem. I do not mean to trivialize the theological differences – they are complex and we will need to consider them more below (though not in the detail they deserve). Nonetheless, it seems to me that Levinas’s concern is not simply with the fact that Kierkegaard’s “God” enters into an immediate relationship with the individual, but also with how this immediacy manifests itself. That is to say, Levinas’s objection is not only oriented toward denying the interlocutor in Kierkegaard’s description of “revelation” (i.e., God); his objection also calls into question the nature of interlocution implied by Kierkegaard’s description. Simply put, I think most of Kierkegaard’s works, including those often cited to refute Levinas’s criticisms of Kierkegaard (Philosophical Fragments and Works of Love, for example), fail to clearly express the same “framework” for understanding the encounter with transcendent Otherness that Levinas’s works do.

## II.

The difference between Kierkegaard and Levinas that I want to eventually hone in on is intimately related to the fundamental agreements between them with respect to “Western philosophy”. I want to consider this agreement a little more closely in order to suggest interesting ways that their disagreements arise out of it. We have noted how the tradition of Western philosophy is represented by them in terms of an “idealist” subjectivity (Levinas) and the “modern speculative thought” (Kierkegaard) for which “knowledge is objectively related to something existent as its object...”. (CUP, p.197) In light of my discussion in Chapter 3, I want to note the possessive pronoun that qualifies the “objects” referred to in the preceding quotation. In my suggestion that we think of Kierkegaard’s conscientious subjectivity “as a distinct form of intentionality that discloses the world in its own way”, I chose speak of the corresponding *termini* of this conscientious intentionality as “the true ‘objects’ of ethical experience”. Kierkegaard’s and Levinas’s writings often speak in a way that resists thinking of being in terms of “objects”. So, it may seem awkward (if not contradictory) for me to speak of their alternative ideas of subjectivity as also ceasing upon an “object”.<sup>78</sup> But, as the possessive pronoun above indicates, it is problematic to understand being only in terms of “objects”, insofar as we tend to think of objects specifically as the kind of being that is related to a “knowledge [that] is objectively related to something” in the sense intended by “speculative thought”. But my claim is that, for Kierkegaard and Levinas, conscientious subjectivity discloses its own unique “objects” that cannot be properly (i.e., ethically) disclosed by other forms of intentionality. That is, “idealistic” intentionality corresponds to its



own idealistic objectivities and the mistake of idealism's tendency to "reduce all ethics to politics" is that it treats uniquely ethical objectivities as though they were idealistic "objects".

Levinas and Kierkegaard both want to resist this idealization of subjectivity as a term of subject-object relations that would relegate, as superfluous to truth, all the other types of subjective activities which do not relate to the other as idealism's "object". What unites their concern is a shared perception of what they believe to be the real motivation behind the "idealistic" picture of subjectivity. The subject-object relation is obsessed with the freedom of cognitive subjectivity. Such freedom is bound only by the ideas that would constitute idealistic objective realities out of what would otherwise remain mere phenomena. Accordingly, Levinas will insist that "Philosophy itself is identified with the substitution of ideas for persons, ...a whole philosophical tradition that sought the foundations of the self in the self, outside of heteronomous opinions." (T&I, p.88) Levinas wants to counter this concept of freedom with the suggestion that "The presence of the Other, a privileged heteronomy, does not clash with freedom but invests it." (ibid.) Ethical responsibility arises for Levinas through this sense of privileged heteronomy and, accordingly, his claim that such heteronomy "invests" freedom can be understood as a formulation of his idea that "idealist" subjectivity is, in fact, founded upon a more fundamental ethical subjectivity.

As we saw in Chapter 3, Kierkegaard is also concerned with protecting a sense of legitimate heteronomy from theories of subjectivity that would remain averse to all

heteronomy. In Works of Love he explains:

...nowadays attempts are made in so many ways to emancipate people from all bonds, also beneficial ones, so also attempts are made to emancipate the emotional relationships between people from the bond that binds one to God.... The abominable era of bond service is past, and so there is the aim to go further – by means of the abomination of abolishing the person's bond service in relation to God, to whom every human being, not by birth but by creation from nothing, belongs as a bond servant.... Yet this bond service is found to be a burdensome encumbrance and therefore there is more or less open intent to depose God in order to install human beings.... As a reward for such presumption, all existence will in that way probably come closer and closer to being transformed into doubt or into a vortex.<sup>79</sup>

Kierkegaard's suggestion that we are bound "by creation from nothing" intends to direct our attention to the fact that human beings are both subjects for the world and, at the same time, objects in the world.<sup>80</sup> That is, an unrestrained desire to turn the world into mere objects for subjective revelry finds itself confronted by the realization that such presumption is answerable to, at least, the inter-subjective community within which our individual consciousness locates itself. We are naturally bound by the possibility of having our own subjective representations called into question. This possibility provokes a sense that the world is, in some important way, prior to those subjective presentations. Thus, Kierkegaard locates an essential sense of heteronomy in the concept of God as creator and the idea of self as beginning with "creation from nothing".

Like Kierkegaard, Levinas also links our sense of legitimate heteronomy to the concept of our being created: "In the conjuncture of creation the I is for itself, without being *causa sui*. The will of the I affirms itself as infinite (that is, free), and

as limited, as subordinated.” (T&I, p.294) And yet, even here we run up against the theological question dividing Kierkegaard and Levinas. It seems from the above passage that Kierkegaard locates our most legitimate source of heteronomy in the relationship to “God”. As indicated in the previous section of this chapter, however, Levinas’s analyses of ethical responsibility want to locate such heteronomy in an interhuman relationship. Nevertheless, it is important to notice that both accounts of human subjectivity want to free the subject from “idealist” subjectivity in order to access a legitimate concept of heteronomy. Moreover, they both also are motivated to clear space for heteronomy in order to locate the truest sense of human responsibility.

If, however, Levinas and Kierkegaard want to incorporate into an account of subjectivity the concept of “legitimate” heteronomy, it becomes incumbent upon them to explain the criteria of legitimacy that would make such heteronomy possible. Both authors will defer to our sense of conscience to get at how we may understand the legitimacy of heteronomy. That is, both Kierkegaard and Levinas invoke the experience of conscience as a concrete correlate to the idea of legitimate heteronomy. “Conscience welcomes the Other,” Levinas tells us, “It is the revelation of a resistance to my powers that does not counter them as a greater force, but calls in question the naïve right of my powers...”. (ibid., p.84) This “welcoming of the Other” represents, for Levinas, one’s very openness to responsibility for an Other. Thus, the bond with transcendent Otherness which binds me to the Other in responsibility represents, for Levinas, a matter of conscience. Furthermore, Levinas will claim that “Conscience and desire are not modalities of consciousness among others, but its

condition.” (ibid., p.101) That is to say, at the fundament of consciousness lies either the impetus of conscience or the impetus of desire. “Idealism’s” allergic reactions to heteronomy indicate to Levinas that idealism ultimately represents a subjectivity of desire, or “egoism”<sup>81</sup>. “Kantianism is the basis of philosophy, if philosophy is ontology,” (OtB, p.179) Levinas suggests. But, as long as ontology remains “first philosophy,” then “[t]he `egoism` of ontology is maintained.” (T&I, p.46) The subjectivity that Levinas is arguing for (i.e., against the idealist interpretation), is grounded in conscience as opposed to this egoistic desire.

As we saw in Chapter 3, Kierkegaard describes a bond with the human other that is similarly “transcendent” with regard to egoistic desire. “Neighbor-love” is a commanded love that runs counter to erotic love. Thus, through the experience of command, erotic love is “transformed”. And, Kierkegaard explains, “This it has done by making all love a matter of conscience... Love is a matter of conscience and therefore must be out of a pure heart and out of a sincere faith.” (WoL, p.147) When Kierkegaard qualifies conscience as coming from “a pure heart”, this indicates another significant consonance between Kierkegaard and Levinas on the nature of the experience of conscience: conscience is a terribly uncomfortable experience.

A pure heart is not a free heart in this sense, or [freedom] is not what is under consideration here, since a pure heart is first and last a *bound heart*. For this reason it is not as delightful to speak about this as to speak about freedom’s blissful self-esteem and self-esteem’s blissful delight in the boldness of giving oneself. (ibid., p.148)

In this passage, we find not only another expression of heteronomy, but an important qualification that indicates its legitimacy. As we saw in Chapter 3, the “not so

delightful” sense of the bound heart refers to the “offense” that is essential to Kierkegaard’s ideal God-relationship, i.e., to Christianity. “The way to the essentially Christian goes through offense,” he tells us, “the offense guards the approach to the essentially Christian. Blessed is he who is not offended at it.” (ibid., p.59) He continues: “Therefore, take away from the essentially Christian the possibility of offense, or take away from the forgiveness of sins the battle of the anguished conscience... , then close the churches... or turn them into places of amusement that stand open all day!” (ibid., p.201) Conscience is represented by an “offended” consciousness, and we become familiar with the idea through many of Kierkegaard’s works.

We see a similar sense of “anguished” conscience in Levinas’s work with the idea of a “persecuted” consciousness. The Other who becomes a proper concern for the ethical subject, the Other for whom I am willing to assume a responsibility, is one who, on Levinas’s account, has called me into this responsibility by resisting my tendencies to want to “thematize” her and subsume her under some category of thought. She demands my complete attention to her particularity. Thus, she “accuses” the consciousness whose nature is to “thematize” its objects. To acknowledge this “accusation” is, in Levinas’s terminology, to “obsess” over the Other (as opposed to objectivizing her). “In obsession the accusation effected by categories turns into an absolute accusative in which the ego proper to free consciousness is caught up.” (OtB, p.110) Furthermore, Levinas goes on to explain that “[t]his accusation can be reduced to the passivity of the self only as a persecution...”. (ibid., p.112) With this line of

thought Levinas is describing a transformation of consciousness. The idealistic subject encounters a being in the world, an Otherness that “accuses” its idealistic orientation, but that also effects an “obsession” to relate to that Other in a way appropriate to her true being. This is a transformation from idealistic subject into conscientious subject. After this transformation, consciousness is now open to the Other-as-welcome (the true “object” of conscientious subjectivity). With this transformed consciousness one enters the genuinely ethical world where ethics cannot be “reduced to politics”.

The experience of conscience demands a new account of subjectivity precisely because it “offends” and “persecutes” the striving of the “free consciousness” for whom the categories of thought provide a haven and ideal (i.e., a haven and ideal, in contrast to an “accusation”) and for whom the “unbound heart” provides “self-esteem’s blissful delight.” That is to say, conscience offends and persecutes the subjectivity that Levinas and Kierkegaard have both described as the ideal of “idealism”, or “modern speculative thought.”

In describing the kind of subjectivity that could, in opposition to the “idealist” picture, account for the essential aspects of ethical sensibility, Kierkegaard and Levinas end up offering a kind of phenomenology of conscience that overlaps in important ways. Levinas’s description of ethical subjectivity as born from the “persecuted” consciousness that provokes an “obsession” for the Other (rather than a power over, or an egoistic desire for, the Other) should be understood as resonating with Kierkegaard’s ideas of an “offended” consciousness that gives rise to a religious

subjectivity and that is provoked to “passion” for an Otherness (again, as opposed to freedom over, or an egoistic desire for, the Other). Thus, their respective “phenomenological” descriptions of conscience once again reveal important consonance between Kierkegaard’s concept of religious subjectivity and Levinas’s concept of ethical subjectivity. And yet, there is another aspect of their respective accounts of conscience that reveal an equally important dissonance.

### III.

Kierkegaard’s description of conscience is of an experience that is heavily mediated by the “God-relationship”. For example, in Works of Love, Kierkegaard tells us:

When we speak about conscientiously loving wife and friend, ...[we] also perceive that as a consequence it is the wife and friend who are to determine whether the love shown is conscientious. Herein lies the falsehood, because *it is God who by himself* and by means of the middle term “neighbor” *checks on whether the love for wife and friend is conscientious*. [O]nly then is your love a matter of conscience. (WoL, p.142)

This kind of account, where the authenticity of an experience arises from allowing God to “check” it, is typical of Kierkegaard. It is natural to expect that Levinas would, once again, be disturbed by the idea of this mediation of the God-concept constantly holding sway in Kierkegaard’s thought. We must be fair to Kierkegaard, however. Recalling the precise context within which the above claim was made, we read that “[w]hen we speak about conscientiously loving wife and friend, we usually mean loving in a divisive way or, what amounts to the same thing, loving them

preferentially in the sense of an alliance that one has nothing at all to do with other human beings.” (ibid.) That is, Kierkegaard intends to preclude the idea “it is the wife and friend who are to determine whether the love shown is conscientious” in order to undermine the sense of collusion that may obtain between two people bound by an exclusive form of love.

Indeed, Levinas emphasizes the same point, as well as the importance of avoiding such collusion, when he insists that the Other with whom I become bound in a genuinely conscientious relationship is not another whom I address as an intimate (as “Thou”, or by the French pronoun, *tu*). Rather, the genuine Other is she who provokes my sense of conscience as “You” (*Vous*).<sup>82</sup> The Other as “You” commands my respect by virtue of her human dignity (i.e., as a form of being that transcends objectivization and, consequently, “persecutes” the subjectivity that would reduce all experience to subject-object relationships).

“The neighbor assigns me before I designate him,” Levinas explains. “I am as it were ordered from the outside, traumatically commanded, without interiorizing, by representation and concepts, the authority that commands me.... Obsession is not consciousness.” (OtB, p.87) Furthermore, obsession, the affection whereby I become conscientiously bound to one who strikes me as legitimately heteronomous, is not a preferential love.

The metaphysical event of transcendence – the welcome of the Other, hospitality - ...is not accomplished as love.... The person [loved] enjoys a privilege – the loving intention goes unto the Other, unto the friend, the child, the brother, the beloved, the parents. But a thing, an abstraction, a book can likewise be objects of love.... [As an] enjoyment of the tran-



scendental almost contradictory in terms, love is stated with truth neither in erotic talk where it is interpreted as sensation nor in spiritual language which elevates it to being a desire of the transcendent. (T&I, pp.254-255)

As with Kierkegaard, Levinas insists that the “transcendent” bond with an Other must not collapse under erotic categories like preference. But, Levinas is also careful to insist that the bond not become rarefied into a desire for transcendence *per se*. That is to say, the sense of transcendence that I detect through the Other, and which strikes me in the conscience that binds me in responsibility for her, must not distract me from the concrete Otherness, “the face”, of the neighbor. To subordinate the face to the “trace” of transcendence that marks the Other as legitimately commanding my responsibility is just another way to “thematize” the Other and undermine the resistance to thematization that provokes my conscience in the first place. “A face... does not signify an indeterminate phenomena; its ambiguity is not an indetermination of a noema, but an invitation to the fine risk of an approach qua approach, to the exposure of one to another...” (OtB, p.94) That is to say, losing oneself in some quality of the command - to obsess over the transcendent quality of the experience of the Other, for example - rather than to obsess over the Other herself, diminishes the true signification of conscience: “invitation” or “the exposure of me to another.” The experience of transcendence may thereby become an escape from honest responsibility rather than an occasion for it. Such a response to the other would transform erotic love into a “spiritual” love which “elevates it to being a desire of the transcendent.”

Such “spiritualizing” of conscience is, I think, what Levinas most suspects of

Kierkegaard's work. In fact, this suspicion is at the heart of their "theological" disagreement. Levinas believes that Kierkegaard's insistence upon an essentially mediating "God-relation" is really just an extreme form of this spiritualizing tendency. The proper contrast to erotic desire is what Levinas refers to as "proximity". But he warns us:

*A face does not function in proximity as a sign of a hidden God who would impose the neighbor on me. It is a trace of itself... The thematization of a face undoes the face and undoes the approach. The mode in which a face indicates its own absence in my responsibility requires a description that can be formulated only in ethical language. (ibid. - italics added)*

It is the face itself, the Other herself, that on Levinas's account provokes and fulfills my conscientiousness. In apparent contrast to Levinas's suggestion here, however, Kierkegaard will advise us that: "Love is a passion of the emotions, but in this emotion a person, even before he relates to the object of love, should first relate to God and thereby learn the requirement, that love is the fulfilling of the Law." (WoL, p.112) Thus, Kierkegaard expresses the mediation of conscience by the God-relationship. The demand that transforms erotic passion into conscientious love must come to the lover before the relationship with the "object of love"; but Kierkegaard's writings the demand seems to come "before" the relationship with the other without coming "from" the other. It comes instead from "God". And here is a key point of divergence in their respective accounts of conscience. Kierkegaard seems to insist that, to avoid preferential love, "the wife and friend" are absolutely precluded from determining "whether the manifested love is conscientious"<sup>83</sup> (and, therefore, this determination must be attributed to something else – God). Levinas, by contrast, will

insist that conscience is absolutely determined by “the wife and friend” insofar as they, by their own resistance to my preferential thematization of them, determine my responsibility. Simply put, on Levinas’s account the neighbor speaks for herself and does not, essentially, refer to a demand coming from elsewhere, that is, from “God”.

On the other hand, there is a point that should be made here in defense of Kierkegaard. Even if we concede that the neighbor need not essentially refer to a demand made by another on her behalf, is it not still the case that, due to an improper sense of self, the Other may fail to speak on her own behalf and, thereby, encourage eroticism and thematization rather than resist it? In the face of such a possibility, Kierkegaard’s tendency to qualify the immediate interhuman relationship may serve an important function. In fact, the God-relationship often functions in Kierkegaard’s works to condition the proper self-love of the parties engaged in an interhuman relationship so that, accordingly, the prior God-relationship guarantees the authenticity of the interhuman relationship.<sup>84</sup> One would expect, however, that such a primary concern with self-love (even with a “proper” sense of self) would raise deep concerns for Levinas - if for no other reason than his aversion to the influence of some desire for “salvation” upon the movement of conscience. “The relation with infinity,” he insists, “...does not oppose to the experience of totality the protestation of a person in the name of his personal egoisms or even of his salvation.” (T&I, p.25) That this aversion is operative in Levinas’s rejections of Kierkegaard is made explicit when he says that “The I is conserved then in goodness, without its resistance to system manifesting itself as the egoistic cry of the subjectivity, still concerned for

happiness or salvation, as in Kierkegaard.” (ibid., p.305)

Yet, and this is particularly important, Levinas does not deny the inevitability of a concern for “salvation”. He simply rejects the possibility of giving it any primacy since it is, in his account, derivative from the conscientious relationship with another human being. “My lot is important,” Levinas concedes. “But it is still out of my responsibility that my salvation has meaning, despite the danger in which it puts this responsibility, which it may encompass and swallow up....” (OtB, 161) Thus, “my own lot”, my salvation, inevitably becomes a legitimate concern; but, this is the case only when conscientious subjectivity finds the face-to-face engagement with another human being confronted by a third person. In the presence of another face, another for whom both I and my Other may be responsible, the primary experience of conscience becomes transformed again.

In proximity the other obsesses me according to the absolute asymmetry of signification, of the one-for-the-other: I substitute myself for him, whereas no one can replace me [in my responsibility for that Other.] The relationship with the third party is an incessant correction of the asymmetry of proximity.... There is a weighing, thought, objectification, and thus a decree in which my anarchic relationship with [the Other] is betrayed, but in which [there] is also a new relationship with [the Other]: it is only thanks to God that, as a subject incomparable with the other, I am approached as an other by the others, that is, “for myself”. (ibid., p.158)

Thus, a true sense of “for myself”, a proper sense of self-relation, does arise in Levinas’s account. However, the primary experience of conscience arises only between me and the individual Other by virtue of the asymmetrical demand that the Other places upon me. That is, conscientious subjectivity does not arise in a symmetrical or reciprocal relationship: in the beginning, I am not yet “one like the

other,” nor is she “one like myself”. Only when a third person enters the scene of my conscientious “obsession” for a particular Other, questioning that obsession by presenting himself as also worthy of my respect as Other - only then is the asymmetry of the primary experience challenged such that we begin down a path of generalizing, for the sake of justification, our conscientious experience of Otherness. But, in this way, the idea of “one like the Other”, which also includes me, becomes derivative from the asymmetrical relationship.

In stark contrast, Kierkegaard’s ethics would begin with the commands “You shall love your neighbor as yourself,” (WoL, p.17) but “You shall love the Lord your God with all your heart and all your soul and all your mind.” (ibid., p.19) To be clear, Kierkegaard’s schema does not compromise Levinas’s concept of asymmetrical relation by establishing between human individuals a merely symmetrical relationship. That is, Kierkegaard’s command to love the Other “as yourself” does not suggest that, in doing so, you love the neighbor “as the neighbor loves” you. Rather, in his beginning with another “as yourself”, Kierkegaard seems to suggest that instead of being merely concomitant with the conscientious relationship between human individuals, a proper sense of self is somehow prior to that relationship. Indeed in Kierkegaard’s account, as described above, the proper self-relation is concomitant with the proper God-relation so that the conscientious interhuman relation becomes derivative from these more fundamental relations. But, it is just in this beginning with an “as yourself” that Kierkegaard assumes the primacy of the question about proper self-love. “[T]his is implied in loving oneself; but if one is to love the neighbor *as*

*oneself*, then the commandment, as with a pick, wrenches open the lock of self-love and wrests it away from a person.”(ibid., p.17) It is in this way that “Christianity” would, for Kierkegaard, “transform” erotic love and give birth to conscientious subjectivity – i.e., by “wrenching” away my self-love.

On Kierkegaard’s account, however, conscientious subjectivity becomes unavoidable only insofar as one does not choose to avoid a proper understanding of “Christianity’s demand” and, accordingly, does not shrink away from a genuine “God-relation”. Thus, Kierkegaard will tell us that

...if any deceiver has deceived himself throughout his whole life by all sorts of prolixities on this subject, eternity will simply confront him with the Law’s brief phrase, “as yourself”. Veritably no one is going to be able to escape the commandment; if its “as yourself” presses as hard as possible upon self-love, then in its impertinence *the neighbor* is in turn a stipulation that is as perilous to self-love as possible. Self-love itself perceives the impossibility of wriggling out of it. (ibid., p.20)

With this, however, Kierkegaard suggests another possibility that Levinas never seems to entertain: that a person could have “deceived himself throughout his whole life” in a way such that he had need for God to command neighbor-love. That is, Kierkegaard presumes that I may become completely deaf to the command by the other person, the command - issuing from her - that my relationship with her be “a matter of conscience”. In the face of this danger I may consequently require a power higher than both I and the Other to guarantee the possibility of conscientious subjectivity. This difference in presuppositions, I would suggest, is a non-theological divergence underlying the theological difference between Levinas and Kierkegaard (i.e., with regard to whether “God” may serve as a genuine interlocutor). The

possibility that merely interhuman relationship may become thoroughly devoid of the demand for conscientious subjectivity makes God essential for Kierkegaard's account of conscientious subjectivity. By contrast, the absence of this possibility in Levinas's account makes the God-relation an unnecessary mediation of conscience (though something akin to a "God-relation" does appear to be an essential by-product of conscientious human subjectivity<sup>85</sup>). The net result of this divergence is that Kierkegaard's ethics demonstrates fundamental suspicion about an inherently conscientious human nature. And, this suspicion leads to his effectively collapsing the experience of conscience into the God-relation.<sup>86</sup> By contrast, Levinas rests his confidence in conscientious subjectivity as the foundation of all other consciousness such that he becomes suspicious of any mediating relationships (including a mediating God-relationship). In effect, Levinas seems to collapse the essence of the God-relation into conscientious subjectivity (insofar as the God-relation is only derivative from a primary asymmetrical relation to another human being).

#### IV.

I have been suggesting that, insofar as we want to ascribe analogous "frameworks" to Kierkegaard's and Levinas's works, we should recognize that their respective accounts of subjectivity attempt to uncover a genuine sense of "transcendence". This experience of transcendence for both of them refers to an experience of legitimate heteronomy that, in concrete terms, takes on the various forms of conscientious experience.<sup>87</sup> Thus, we might think of Levinas and

Kierkegaard as sharing a mutual concern about the uniqueness of conscientious subjectivity (relative to the “idealist” picture of subjectivity). The “idealist” picture of subjectivity, which both see prevailing in modern Western philosophy, tends to undermine the experiences of conscientious subjectivity and, consequently, much of the consonance between Kierkegaard and Levinas appears rooted in their similar desires to reject key presumptions of “idealistic” philosophy. Beyond that, they are both concerned with describing fundamental aspects of what it means for an experience to be a “matter of conscience”. In analyzing their accounts of conscience, however, we notice the divergent tendencies where, on the one hand, Kierkegaard effectively collapses the essential features of conscientious experience into the idea of a “God-relation”; on the other hand, Levinas tends to want to collapse the essential features of what one may be tempted to call a “God-relation” into conscientious experience as it arises through interhuman encounters. But, now I want to suggest that these divergent tendencies in Levinas and Kierkegaard represent more than a simple difference in priorities. We are unable to reduce the differences between them to a matter of Kierkegaard wanting to give God priority in conscientious experience, while Levinas wants to give the human Other priority.

The repercussion of Kierkegaard’s willingness to admit God’s mediation into the interhuman occasioning of conscience tends to go beyond a mere willingness to allow God to speak on behalf of the human Other who is either unwilling or unable to demand, for herself, my conscientious love. Instead, God’s mediation often seems to preclude the human Other from speaking for herself. That is, in Kierkegaard’s thought



the God-relation comes to have a special authority that creates problematic possibilities within interhuman relationships. These problematic possibilities will become the focus of Levinas particular concern over Kierkegaard's account of the God-relation.<sup>88</sup>

Perhaps the most striking example, where Kierkegaard's God-relation silences the influence of interhuman relations, is the argument in Fear and Trembling claiming that "Abraham cannot speak." (F&T, pp.113-116) Abraham's calling "by God" binds Abraham in such a way that it cannot be appropriately expressed to everyone most affected by what Abraham's conscientious relation to God demands: the sacrifice of his son Isaac. Accordingly, "Abraham did not speak." (ibid., p.115) He did not allow his wife and son to participate in the drama playing out, for Abraham alone, as a matter of conscience. Of course, Kierkegaard has introduced a caveat within the story. His pseudonym will tell us that Abraham "did not pray *for himself*, trying to influence the Lord; it was only when righteous punishment fell upon Sodom and Gomorrah that Abraham came forward with prayers." (ibid., p.21) Levinas complains in two different places that "Kierkegaard never speaks of the situation in which Abraham enters into dialogue with God to intercede in favor of Sodom and Gomorrah, in the name of the just who may be present there."<sup>89</sup> Clearly, Levinas is wrong when he claims this oversight in Fear and Trembling. Kierkegaard's pseudonym speaks specifically of this "situation" in order to indicate a qualitative distinction between it and the situation within which Abraham finds himself in the call to sacrifice Isaac. Whereas Sodom and Gomorrah are at issue in the first case, and therefore conscience

operates on their behalf, in the latter case, Abraham is at issue – thus “he did not pray *for himself*”. This matter of conscience is Abraham’s ordeal, it is between him and God alone. Consequently, Kierkegaard interprets conscience as operating here on Abraham’s own behalf. Therefore, “he did not speak.”

But, Levinas will insist that, through this analysis from Fear and Trembling, conscientious subjectivity has become too permissive in what it allows one to do to other people based on what the subject and God alone determine to be appropriate. That is, Kierkegaard’s claim in Works of Love that it is not “the wife and friend who shall determine whether the manifested love is conscientious” admits of seemingly nefarious possibilities in Fear and Trembling. By excluding other persons from questioning the legitimacy of what he perceived to be conscientious obedience to God, by “concealing his undertaking from Sarah, Eliezer, and from Isaac”<sup>90</sup>, Abraham assumes that the ordeal is properly intended to be his alone. Most troubling from Levinas’s perspective is that Kierkegaard’s reduction of conscientious subjectivity into the “God-relation” prevents Kierkegaard’s pseudonyms from entertaining other, perhaps less nefarious, interpretations of Abraham’s “ordeal”. Levinas will again complain:

[Kierkegaard] describes the encounter with God at the point where subjectivity rises to the level of the religious, that is to say, above ethics. But one could think the opposite: Abraham’s attentiveness to the voice that led him back to the ethical order, in forbidding him to perform a human sacrifice, is the highest point of the drama. That he obeyed the first voice is astonishing: that he had sufficient distance *with respect to obedience* to hear the second voice – that is the essential. (Levinas (1996b), p.77 – italics added.)

Thus, Levinas favors an interpretation of the Abraham story that refuses to make it a merely personal ordeal for Abraham. Kierkegaard's interpretation, he insists, is not the only legitimate interpretation, nor does Levinas believe it is the most humane.

Kierkegaard's failure to locate the "highest point" of Abraham's ordeal at Abraham's turning "back to the ethical order" – the point where Abraham finds his willingness to sacrifice an Other trumped by a responsibility for the suffering of the Other – represents, on Levinas's account, an abortion of the true intention of conscientious subjectivity. Levinas explains that in genuine fulfillment of conscientiousness the Other:

...imposes himself because he is other, because this alterity is incumbent on me with the charge of indigence and weakness.... The intention *toward another*, when it reaches its peak, turns out to belie intentionality. *Toward another* culminates in a *for another*, a suffering for his suffering.... (OtB, p.18)

Certainly, Levinas cannot accuse Kierkegaard's Abraham of indulging in the subjectivity of self-interest that marks "idealism" (or, what Levinas sometimes refers to as *connatus essendi*).<sup>91</sup> Kierkegaard's pseudonym for Fear and Trembling emphasizes that Abraham's ordeal is essentially grounded in profound self-denial. Abraham's is a faith that, though it remains ever hopeful and trusting in the "God" that ordains it, nonetheless "drains the deep sadness of life in infinite resignation... [and] has felt the pain of renouncing everything, the most precious thing in the world, [even though] the finite tastes just as good to him as one who never knew anything higher...." (F&T, p.40) And yet, because Fear and Trembling does not culminate in Abraham's suffering for the Other, i.e., his conscience does not represent "a suffering

for [the Other's] suffering", Levinas cannot recognize Kierkegaard's version of Abraham as a legitimate example of conscientious subjectivity.

By falling short in this way, the Abraham of Fear and Trembling absolves himself from what Levinas would call the "most lucid humanity of our time":

The least intoxicated and most lucid humanity of our time, at the moments most free from the concern "that existence takes for its very existence" has in its clarity no other shadow, in its rest no other disquietude or insomnia than what comes from the destitution of the others. Its insomnia is but the absolute impossibility to slip away and distract oneself. (OtB, p.93)

In Fear and Trembling, Abraham's self-denial may be a "disquietude" of a sort, and his concern is thus distinct from the "*Esse is interesse*" (ibid., p.4) that Levinas – and Kierkegaard, for that matter – would transcend in their respective accounts of conscientious subjectivity. And yet, in Fear and Trembling Abraham's disquietude is decidedly not an "insomnia" issuing from "the destitution of the others". This is a root of Levinas's concern over allowing "personal egoisms or even... salvation" to ever usurp the primacy of "what comes from the destitution of the others". That Kierkegaard's account recognizes no repentance of Abraham's (initial) willingness to place unconditional obedience to God above the suffering of Isaac (and Sarah) is something that makes Abraham's action, as interpreted by Kierkegaard, "inhuman" on Levinas's understanding. Kierkegaard's interpretation of Abraham's drama becomes, for Levinas, an example of how one's own "salvation" and private "God-relations" too easily permit one "to slip away and distract oneself" from the most essential experiences of conscientious subjectivity.

Of course, Kierkegaard would likely question the assumption that to deny God

an independent voice, as Levinas tends to do, is to take a more “humane” path. However, Levinas’s concerns reveal a deeper counterargument to Kierkegaard than this merely “ideological” difference over what constitutes a “most lucid humanity”.<sup>92</sup> What seems to me a radical difference in their accounts of conscientious subjectivity is made clear by Levinas’s alternative account of the Abraham story: “sufficient distance with respect to obedience ...*that* is the essential.” (Levinas (1996b), p.77 - italics added.) Kierkegaard seems to go out of his way to preclude the legitimacy of such “distance with respect to obedience” when it comes to the God-relation. Thus, in Fear and Trembling his pseudonym will claim an “absolute duty to God” that distinguishes the God-relationship from merely interhuman relationship. Similarly, in Works of Love the ground of conscientious subjectivity includes not only loving the neighbor “as yourself”, but in contrast to this love of other persons – a contrast of absolute significance - we also find that “Thou shalt love the Lord thy God with all thy heart, with all thy soul, and all thy mind.” That is to say that, by making the God-relation primary to conscientious subjectivity, Kierkegaard not only gives God the “highest” place among the Others to whom my conscience must answer. Rather, he grounds conscientious subjectivity in a single relationship that is uniquely without legitimate “distance with respect to obedience”. The conscientious subject must obey God.

This kind of ground is not only absent in Levinas’s account of conscientious subjectivity but the constant possibility in all relationships, of such distance with respect to obedience, is essential to the nature of conscience as Levinas understands it.

That distance refers to the “ambiguity” and “anachronicity” of conscience.

It is through its ambivalence which always remains an enigma that infinity or the transcendent does not let itself be assembled.... [I]t leaves a trace of its impossible incarnation and its inordinateness in my proximity with the neighbor, where I state, in the autonomy of the voice of conscience, a responsibility, which could not have begun in me, for freedom, which is not my freedom. The fleeting trace effacing itself a reappearing is like a question mark put before the scintillation of the ambiguity: an infinite responsibility of the one for the other, or the signification of the Infinite in responsibility. (OtB, p.161-162)

By claiming that “God’s governance is not, in duty bound, answerable to your prudence,” and that “*All* you have to do is obey in love,” Kierkegaard would remove Levinas’s “question mark put before the scintillation of the ambiguity” of conscience. But, for Levinas, this “question mark” constitutes my openness to “infinite responsibility of the one for the other” (i.e., responsibility for the human Other). Responsibility for the human Other does not reside only in obedience to her; rather, it resides in an openness to her questioning me, challenging my conscience. “For the ethical relationship which subtends discourse is not a species of consciousness whose ray emanates from the I; it puts the I in question. This putting in question emanates from the other.” (T&I, p.195)

Nonetheless, though it “emanates from” the other, the question does not end with the other. Rather, the “scintillating ambiguity” before which the “question mark [is] put” lays responsibility upon the individual who is called into question – thus demanding a response, though not necessarily an uncritical submission to the Other. Accordingly, Levinas explains:

The being that expresses itself imposes itself, but does so precisely by appealing to me with its destitution and nudity – its hunger – without my being able to be deaf to that appeal. Thus in expression the being that imposes itself does not limit but promotes my freedom.... The order of responsibility... is also the order where freedom is ineluctably invoked.... Thus I cannot evade by silence the discourse which the epiphany that occurs as a face opens[:] “To leave men without food is a fault that no circumstance attenuates; the distinction between voluntary and involuntary does not apply here,” says Rabbi Yochanan. Before the hunger of men responsibility is measured only “objectively”; it is irrecusable. (ibid., p.200-1)

It is in this way that Levinas describes a new form of subjectivity, subjectivity “transformed” by the demand for ethical responsibility invoked by conscientiousness. But, he stresses, “This mutation can occur only by the opening of a new dimension. For the resistance to the grasp is not produced as an insurmountable resistance... [but, rather] invites me to a relation incommensurate with a power exercised, be it enjoyment or knowledge.” (ibid., p.197-8) It is only by invoking my responsibility in this questioning (and not bullying) manner that I am called into the “transcendent” realm beyond “*esse as interesse*”.

By putting the God-relation beyond question, Kierkegaard seems to absolve the conscience founded in that relation from being fundamentally bound within Levinas’s concept of the ethical relation that “puts the I in question”. This is why Levinas will insist that a genuine sense of God-relation should always imply “a God subject to repudiation” and should always recognize its “permanent danger of turning into a protector of all egoisms.” (OtB, p.160) It is because Kierkegaard’s God appears completely beyond repudiation that Levinas suspects that Kierkegaard’s God-relation is just such a “protector of all egoisms”. Thus, he will accuse Kierkegaard of repre-

senting a “resistance to system manifesting itself as the egoistic cry of subjectivity, still concerned for happiness or personal salvation.” (T&I, p.305)

To answer Levinas, Kierkegaard need not, perhaps, deny the special authority he wants to attribute to God. But, it is at the very least incumbent upon Kierkegaard to explain precisely how it is that the ambiguity of conscience is removed with respect to God. That is, he must explain how it is that one is able to hear the voice of God as one who is absolutely beyond question. And, if this voice is never absolutely beyond question, Kierkegaard must explain why there should be attributed to it a validity that overwhelms the voice of other human beings, i.e., that “teleologically suspends the ethical.”

There are works where, it seems to me, Kierkegaard shows significantly more concern for these problematics and qualifies this aspect of his concept of God-relation. For example, in striking contrast to the suggestion in Fear and Trembling that Abraham “cannot speak”, we find in Kierkegaard’s later work The Book on Adler the suggestion that, in a similar case of presumed “revelation” from God,

...after all, this extraordinary thing *must be communicated*. Silence must not mean the abortion of truth.... So the extraordinary must be communicated, it must be introduced into the context of the established order; and, the elect, the special individual, must receive the shock....<sup>93</sup>

We should recognize that the “established order” referred to in this passage just is what Kierkegaard’s pseudonym in Fear and Trembling means by “the ethical”. That is to say, we find here the suggestion that one’s presumption of having experienced “the extraordinary” demand that would place one beyond “the established order” -



i.e., a demand that would “teleologically suspend the ethical” – should in fact face the “shock” of having that presumption subjected to the scrutiny of the ethical. Thus, “it must be introduced into the context of the established order”.

In works like The Book on Adler Kierkegaard seems to pass much closer to Levinas’s sense of legitimate “distance with respect to obedience” insofar as one believes oneself to be called by “God”. Nonetheless, I do not see this concern communicated in works like Fear and Trembling, Philosophical Fragments, Concluding Unscientific Postscript, Works of Love, etc. – that is, the concern is not adequately addressed in the works that seem to be most referred to in refutation of Levinas’s complaints about Kierkegaard. Levinas sets an important agenda for the study of Kierkegaard by demanding that one address the wide range of problems that the “problematics of hearing”<sup>94</sup> raise for Kierkegaard’s account of conscientious subjectivity. His challenge should lead us to consider more closely points in Kierkegaard’s work that may serve as an important qualification of the “exclusive” sense of God-relation that pervades much of Kierkegaard’s most studied writings. Such qualification could profoundly affect the Kierkegaardian account of conscientious subjectivity.

## Chapter 5 : On Conscientious Subjectivity and Human Dignity

*The alterity of the Other does not depend on any quality that would distinguish him from me, for a distinction of this nature would precisely imply between us that community of genus which already nullifies alterity.*

– Emmanuel Levinas <sup>95</sup>

*Before the hunger of men, responsibility is... irrecusable.*

– Emmanuel Levinas <sup>96</sup>

### I.

My questions about the nature of conscience can be understood as a question about how ethical consciousness is possible. An often unanalyzed presupposition of moral theory is that there exists a special type of being – beings who have a moral status that must be respected. Kant recognizes this presupposition of morality when he instructs us in Grounding for the Metaphysics of Morals:

...let us suppose that there were something whose existence has in itself an absolute worth, something which as an end in itself could be the ground of determinate laws. In it, and in it alone, would there be the ground of a possible categorical imperative, i.e., of practical law... (Kant 1983, p.135)

We must suppose that there is such a being, “something whose existence has absolute worth”, before consciousness of moral obligation (“i.e., of practical law”) is possible.

Of course, this still leaves open questions about (1) the nature of this moral status, i.e. of “absolute worth”; and (2) how we come to realize that a particular being has this status. As we have suggested in the preceding chapters of this dissertation, the Kierkegaardian and Levinasian stories about conscience can be understood, in part, as a reaction to the ways that their “idealist”/Enlightenment predecessors have answered (or left unanswered) these questions.

Kant gives a fairly clear answer to question (1): “Now I say man, and in general every rational being, exists as an end in himself and not merely as a means to be arbitrarily used by this or that will.” (ibid.) The moral status of “man” - human dignity – resides in that being’s rationality, and our respect for such rational being constitutes ethical consciousness, which is the idea that there exists something that precludes the arbitrary exercise of my will. However, it seems to me that Kant is less clear on question (2) – how we come to realize the existence of such beings. Perhaps it would not be un-Kantian to suppose that “rational being” is simply a concept that mature human intelligence is fundamentally equipped with, and that through this concept we become conscious of certain beings as rational (and thereby, on Kant’s account, as having moral status).

Whether or not this answer to question (2) is un-Kantian, it invites certain problems that provoke suspicion toward the Enlightenment’s account of human dignity. Specifically, if we assume that we are equipped with certain concepts, one (or more) of which signals to human intelligence that a being manifests some characteristic that marks that being as “an end in himself”, it is appropriate to

recognize that human intelligence offers many candidates for such signification. That is, of all the concepts through which we might attribute moral status to a being, why must we assume that “rationality” is what marks a being as something to be treated “not merely as a means to be arbitrarily used by this or that will”? It is questions like this that lead to the suspicion we recognized in preceding chapters, that conscientious subjectivity is too ideologically tainted to be a reliable ground for understanding such morally significant phenomena as the experience of human dignity.

Martha Nussbaum understands the problem differently when she says that “the ground of political entitlements lay in a set of “basic capabilities,” undeveloped powers of the person that were basic conditions for living a life worthy of human dignity.” (Nussbaum 2007, p.362) As we saw in Chapter 1, Nussbaum still believes that this practical approach is the correct way to go, but she worries about basing the ascription of human dignity on any single “basic capability” like rationality, for example, because “this excludes from human dignity many human beings with severe mental disabilities.”(ibid.) But, to indicate the significance of her approach, Nussbaum goes on to explain:

On the one hand, then, we want an account of the basis of human dignity that is respectful of the many different varieties of humanity and that doesn't rank and order human beings. On the other hand, however, the intuition I have tried to articulate, concerning the dynamic nature of human capacities and the harm done by penning them up or failing to develop them, seems to me quite central and part of what we must retain, if we want to have an account of why we have political obligations to human beings and not to rocks. (ibid., pp.362-3)

But, by simply tweaking the Enlightenment strategy for articulating “the intuition” of

dignity that marks humans (for example) as morally special, Nussbaum seems to create a new problem: a somewhat haphazard proliferation of “basic capabilities” that we pick up on when we “intuit” human dignity. For example, one of Nussbaum’s lists of “The Central Human Capabilities” numbers ten such capabilities (with two of them being sub-divided)... As we noted in Chapter 1, one of those “central” capabilities includes a capacity for displaying conscientiousness. That is, on Nussbaum’s account a being’s ability to indicate a capacity for conscientiousness marks that being as having a moral status that must be politically protected by a morally just society.

It seems to me that a mere proliferation of morally significant capabilities fails to avoid the suspicions of ideological taint that we cast upon the original Enlightenment account of human dignity. It is as easy to wonder “Why are these ten (or twelve) capabilities the key to human dignity?” as it is to question, as Nussbaum does, the choice of rationality as the single “basic condition for living a life worthy of human dignity”. Supposed “intuitions” about which capabilities a being is obligated to manifest in order to earn moral status seem too bound-up with historical, cultural, and other ideological factors. That said, Enlightenment thinkers (and their heirs) do not purposely indulge in mere ideology. In fact, as we saw in Chapter 1, their concept of human dignity is rooted in a “cosmopolitan ideal” that would raise human essence above such localized distinctions as nationality, culture, or even time. “Reason” would seem a good candidate for the kind of human capacity that transcends such distinctions. My ability to act rationally is not characteristic of my being a white,

middle-class, American male, it is characteristic of my being human (or so the assumption goes). Indeed, many throughout Western history have considered such rational ability to be a supremely human characteristic.

The point is that any skepticism toward the Enlightenment project should not amount to an accusation of petty ideology. There is a noble cosmopolitan ideal underpinning the efforts of such projects, and if we suspect that those projects ultimately “reduce all ethics to politics”, we are doubting their ability to live up to their otherwise noble ideal, rather than doubting the nobility of the ideal itself. The “nobility” of cosmopolitanism is that it provides at least conceptual distance between historical, cultural, and ideological circumstances, on the one hand, and the essential dignity of human being, on the other. By placing human dignity above merely ideological circumstances (like politics, culture, history) and merely personal circumstances (like class, gender, lineage) the cosmopolitan ideal introduces a radical sense of egalitarianism into interhuman relations – a sense of inalienable dignity attributable to all humanity, and an inalienable right to have that dignity respected. Certainly by Kant’s time world history had shown the revolutionary political potential in this presupposition of inalienable human rights.

## **II.**

Nussbaum notes, however, that the political possibility is not assured by the concept of inalienable, radically egalitarian, human dignity (see Nussbaum 2007). As

we saw in Chapter 1, a key historical source for the cosmopolitan ideal is the Stoic view of human dignity that “[urges] us to ignore the attributes that come to people through heredity and luck and to base our dealings with them on something more fundamental, something that is the inalienable property of every human being.” (Nussbaum 2007, p.353) Nussbaum goes on to tell us that this Stoic view includes the idea that “If one properly appreciates the worth of human moral and rational capacities, one will see that they must always be treated as ends, rather than merely as means; and one will also see that they require equal respect, rather than the exploitive attitude that is willing to make an exception to favor one’s own case.” (ibid.) Understood in this way, we can see why Nussbaum would say that the Stoic view had “enormous influence” (ibid., p.354) on the history of Western philosophy and, particularly, on Kant. On the other hand, when one claims an obligation to “respect” something like human dignity, we still need to ask what such “respect” would entail. What does such respect require of me (or of a society)? This last question suggests to Nussbaum “large problems” with the Stoic account; problems that make that account “a bad basis for contemporary thought about political obligation.” (ibid.)

There is a “quietism” in the Stoic account of human dignity that stunts that account’s political potential. The quietism stems from the Stoic attitude toward “external goods”, and the significance of those types of goods for human dignity. Nussbaum explains: “Money, honor, status – but also health, friendship, the lives of one’s children and spouse – all these things, according to the Stoics, have no true worth, nor should they ever be the objects of attachment.” (ibid., p.355) Unfortunately,

this attitude toward “external goods” profoundly affects an understanding of what respect for human dignity requires of us. As Nussbaum puts it, “This doctrine does not look like a good basis for an energetic political stance that aims at securing to people important goods such as food, health, and education.” (ibid.) Since human dignity only attaches to those things that are essential to human worth, and external goods are assumed to have “no true worth” and to be unworthy “objects of attachment”, our respect for human dignity imposes no obligation to be concerned for another human being’s access to such goods.

In preceding chapters of this dissertation we have spent much time reflecting on a concern about politics and moral sensibility intersecting in ways that diminish a true understanding of the latter. But a moral sensibility that remains aloof to political injustices raises questions about its usefulness, and perhaps its veracity. With regard to the Stoic quietism, Nussbaum states the concern this way:

Respect human dignity, the Stoics say. But it turns out that dignity, radically secure within, invulnerable to the world’s accidents, doesn’t really need anything that politics can give. So the appeal to dignity grounds a practical attitude that is either inconsistent or quietistic. The Stoics are quietistic when they make no objection to the institution of slavery, on the grounds that the soul is always free within. They are inconsistent... when they argue, in the same breath, that respect for human dignity requires the master to refrain from beating slaves or using them as sexual tools: for what is the harm of these things, if they do not affect what is most precious, and merely touch the body’s morally irrelevant surface? (ibid.)

The problematic effects, referred to here, of focusing too much on “the soul within” recalls my claim, in Chapter 4 (§ III.), of a Levinasian resistance to what he suspects



is a “spiritualizing of conscience” in Kierkegaard’s writings. We may access another aspect of this worry when we recognize how often Kierkegaard talks about “neighbor-love” in a way that sounds very similar to Stoic quietism.

As we saw in Chapter 3, conscientious subjectivity in Kierkegaard’s writings functions differently than the sense of “conscience” that might be invoked by the Stoics or Kant, or even Nussbaum. However, one thing gained for Kierkegaard, when the conscientious attitude is effected, is a new possibility of relationship with other human beings (i.e., “neighbor-love”). That relationship carries with it a new sense of human dignity that attaches to the “neighbor”. In Chapter 3, we explained how Kierkegaard understands the neighbor to be “what philosophers call the *other*” and how conscientious subjectivity represents a “transformation” of consciousness, out of our typically allergic attitude toward Otherness, into an openness toward the Other that Kierkegaard thinks of as a “Christian” love. Generally speaking, it is this openness to the human Other – her Otherness-as-welcome – that represents her dignity to the conscientious subject.

We’ve already seen how this sense of “human dignity” conditions a Christian ethics that understands the “neighbor”, as Other, to be an end in herself – an absolute resistance to erotic “drives and inclinations”. What is more, as we read on in Works of Love we find that Kierkegaard’s sense of human dignity is similar to his Stoic and Enlightenment predecessors’s in being radically egalitarian, a sense of inalienable worth attributable to all humanity. Kierkegaard tells us:

Only by loving God above all else can one love his neighbor in the

other human being. The other human being, this is the neighbor who is the other human being in the sense that the other human being is every other human being. Understood in that way, ...if a person loves the neighbor in one single other human being, he then loves all people.... *Love for the neighbor is therefore the eternal equality in loving*, but the eternal equality is the opposite of preference. (WoL, p.58)

Furthermore, this sense of inalienable human equality that characterizes the Kierkegaardian sense of human dignity also resembles his predecessors's in serving to erase all worldly distinctions. He is interested in doing so because it is such distinctions that serve as marks of preferential, erotic love. As neighbor, the Other is understood to be above such distinction:

In being king, beggar, rich man, poor man, male, female, etc., we are not like each other – therein we are indeed different. But in being the neighbor we are all unconditionally like each other. Dissimilarity is temporality's method of confusing that marks every human being differently, but the neighbor is eternity's mark – on every human being. (ibid., p.89)

We should note that, even though Kierkegaard says that “in being the neighbor we are all unconditionally like each other”, the neighbor remains an Otherness in the sense indicated above. Conscientiousness, in Works of Love, does not remove the neighbor's Otherness but relates to the Other in a non-allergic way. Accordingly, Kierkegaard tells us that “the one who truly loves the neighbor loves also his enemy...” because “the distinction *friend or enemy* is a difference in the object of love, but love for the neighbor has the object that is without difference.” (ibid., pp.67-8) That is, the Otherness (e.g., of being an “enemy” or a “stranger”) remains in the object of love even though my attitude toward that sense of alterity is changed.

However, there is this final similarity between the way Kierkegaard chooses to talk about human dignity and the way Stoicism talks about it: Kierkegaard's Christian ethics suggests a troubling aloofness toward the real-world significance of worldly distinctions. He tells us:

Christianity... allows all the dissimilarities to stand but teaches the equality of eternity. It teaches that everyone is to *lift himself up above* earthly dissimilarity.... It does not say that it is the lowly person who is to lift himself up while the powerful person should perhaps climb down from his loftiness – ah, no, that kind talk is not equable; and the similarity that is brought about by the powerful person's climbing down and the lowly person's climbing up is not Christian equality - it is worldly similarity. No, ...Christianity allows all the dissimilarities of earthly life to stand, but this equality in lifting oneself up above the dissimilarities of earthly life is contained in the love commandment, in loving the neighbor. (WoL, p.72)

When he says that “Christianity lets all the distinctions of earthly existence stand”, Kierkegaard's ethics raises the same specter of quietism that we get from the Stoic's account of human dignity. On the other hand, in these more quietistic sounding passages, Kierkegaard specifically says it is “Christianity” that allows worldly distinctions to stand. That is, Kierkegaard's understanding of “Christianity” appears not to require a political activism, but need we assume that it precludes such activism? Again Kierkegaard uses Christian concepts to animate a sense of human dignity, but what we do in response to that sense of inalienable human equality – how we show our respect for that human dignity – may remain an open question.

Nussbaum, in further reflections on the Stoic account of human dignity, ultimately suggests the following: “For both Kant and the Stoics, there is sometimes

and in some ways a tendency to treat moral imperative as displacing the political imperative, respect for dignity at times taking the place of rather than motivating changes in the external circumstances of human lives....” But, she cautions, “one should not exaggerate the indifference of either the Stoics or Kant to political change”, since both “hold that we have a duty to promote the happiness of others, and both hold that this entails constructive engagement with the political life.” (Nussbaum 1997, p.39) I wish I could offer clearer examples from Kierkegaard (or his pseudonyms) of how his ethics entails constructive political engagement. I cannot. Nevertheless, I believe we should maintain a similarly cautious understanding of the more quietistic elements of Kierkegaard’s writings. We can assume, at least, that there is nothing about the structure of the ethical consciousness he describes which precludes “an energetic political stance.” As suggested above, in spite of the various problems we might detect in the Stoic, Enlightenment, or Nussbaumian accounts of human dignity, we can still appreciate their cosmopolitan ideal that raises the possibility of a radical sense of egalitarian human dignity. I think we can have the same appreciation for Kierkegaard’s egalitarian ideals too, in spite of problematic questions about his quietism.

### III.

I believe that the real advantage of the Kierkegaardian and Levinasian

accounts lies in the structure of conscientious subjectivity that they suggest. Specifically, it seems to me that typical philosophical accounts of conscience misrepresent the way conscience functions to constitute a sense of moral duty. As we saw in our historical surveys of Chapter 1 and Chapter 2, and in the discussion at the beginning of this Chapter, moral conviction is usually assumed to rest upon some “extra-moral” ground that marks it as legitimate. For example, ethical theory has often assumed that moral conviction must be grounded in rational principle in order to be valid. At other times throughout history we’ve seen that something like conformity to religious doctrine was assumed to legitimate conscientious conviction. One of the problems with requiring such grounding of moral conviction in such “extra moral” principles is that it reduces moral experience to being a mere species of some other experience or doctrine. For example, moral law is assumed to be merely a species of rational law or God’s Law – likewise assuming we adequately understand these extra-moral laws. In either case, for Levinas and Kierkegaard such reductions amount to a reduction of morality to “politics”. It’s easy to understand such an interpretation of the reduction to religious doctrine, but as we saw in Chapter 4 Levinas and Kierkegaard offer similar explanations for why the “idealist” reduction is equally ideological.

The Levinasian and Kierkegaardian accounts that I give here resist such reductions of moral experience. Instead, they understand conscientious subjectivity to be a “transformation” of one’s consciousness to be receptive to experiences that one cannot access from other modes of consciousness (like rational subjectivity). This

precludes an interpretation of conscientiousness as being some kind of deformed rational intentionality. Instead, conscientious subjectivity is its own form of intentionality that discloses its own specifically moral objectivities. Moral experience is the real experience of the fulfillment of this conscientious intentionality by “something” in the world. I have recognized various differences between the way the two described key aspects of conscientious subjectivity and acknowledge that these differences raise questions about the extent to which their respective “phenomenological” structures overlap. For example, Kierkegaard’s use of Christian concepts to explain how the “transformation” of consciousness - from a non-conscientious subjectivity into a conscientious mode of intentionality – makes it difficult to determine whether this part of his account is adequate to Levinas’s understanding of how conscientious subjectivity is effected. However, it does seem clear to me that they share a similar understanding of the resulting possibilities for moral experience that arise from this transformation. Most importantly, they both recognize that conscience is a mode of consciousness that encounters Otherness-as-welcome. Furthermore, such encounters are the real matter of genuine, irreducible, moral experience (Kierkegaard’s “matters of conscience”).

Levinas’s and Kierkegaard’s writings are also similar in recognizing that this experience of Otherness-as-welcome often enters into consciousness in human form. This is Kierkegaard’s “neighbor” and Levinas’s “Face”. It is this aspect of welcome Otherness that marks the dignity of another being. That is, I experience another being as worthy of moral status when I understand them as “neighbor” or “Face”. This

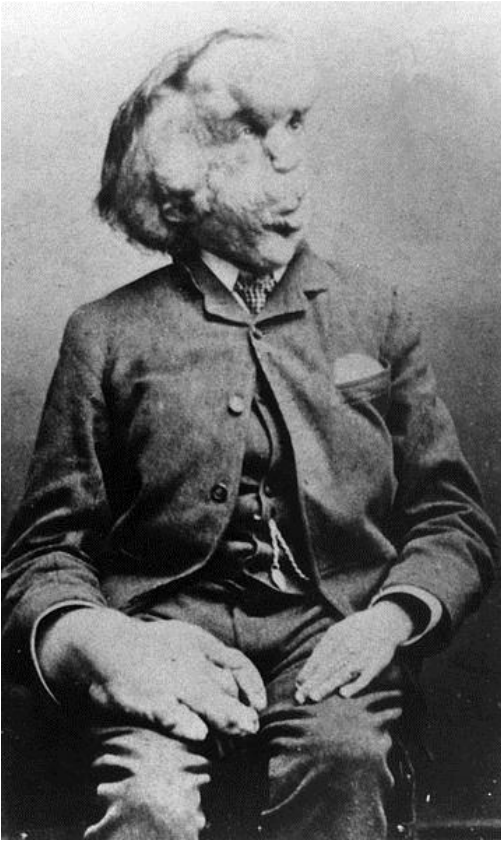
suggests to me an important correction to the way the relationship between conscientiousness and human dignity is often described. As we saw in Chapter 1, we often talk of conscientiousness (or its presumed ground: e.g., rationality) as something “in” another human being that I recognize as demanding my respect – mainly because it is what I believe makes me worthy of respect. Thus, for example, I value the being that manifests conscientious (or reason, or some other “basic capability”) because I value that same “basic capability” in myself. This is diametrically opposed to the Levinasian and Kierkegaardian picture. For them, in the ethical experience human dignity comes through a conscientiousness that resides solely in me and that simply opens my mind to a duty toward another being that may do nothing but demand my respect .

I am reminded of David Lynch’s film<sup>97</sup> depicting the life of Joseph Merrick, the so-called “Elephant Man”. Merrick was an English man with severe deformities who was exhibited throughout Europe as a curiosity.<sup>98</sup> Among the many tragic circumstances of his life was an occasion where Merrick was robbed by his road manager and abandoned, while being “displayed” in Brussels. Lynch’s film captures this episode with a scene that has the abandoned Merrick being chased through the streets by an abusive, mocking crowd until he is trapped in the dead-end of an alleyway, being pelted by rotten fruit and insults. With no way out, he faces the mob and declares: “I AM NOT AN ANIMAL!” In the film, this declaration halts the abuse. Analogous declarations, in analogous situations, seem to me to capture the fundamental essence of how a sense of human dignity is occasioned for one by an

Other. I submit that, in Merrick's case, the moral respect needed to halt the abuse of a being who is difficult for the average person to recognize as the "same" as her, is not a respect that appeals to the abuser's intuition of "The Elephant Man's" conscience (or any other "morally worthy" capability) but is, instead, a direct appeal to the abuser's own conscience. That is, the fundamental mistake in analyses like Nussbaum's, and the philosophical tradition that inspires her, involves an inversion of the relationship between conscientiousness and human dignity. Specifically, human dignity does not represent an appeal "of" conscientiousness (by the Other) but, rather, it represents an appeal "to" my own conscientiousness.

I am drawn to the way people like Kierkegaard and Levinas invoke the idea of "conscience" because their "phenomenological" approach understands "conscientiousness" to be a distinct form of consciousness that apprehends how the attribution of "human dignity" is neither the simple function of an Other's behavior, nor a function of my ideological expectations of what that behavior should look like. Instead, conscientiousness puts me in a mindset that brackets my expectations of what that behavior should look like, so that I am open to – indeed welcoming of – Otherness (i.e., everything that belies my "expectations"). I join Levinas and Kierkegaard in believing that this understanding is the best way to avoid reducing justifications of conscientious conviction to mere politics, and is perhaps the best hope we have for believing we can genuinely overcome our inbred tendencies to react inhumanely to the foreigner, the enemy, the stranger, and yes, even The Elephant Man.





Joseph Merrick photographed, c. 1889<sup>99</sup>

Notes:

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<sup>1</sup> See Kierkegaard, S. (1962a) p.135; also Kierkegaard, S. (1995) pp.135-53 .

<sup>2</sup> See Levinas, E. (1965) p.56; also Levinas, E. (1969) p.84.

<sup>3</sup> See, e.g, Westphal (2008), Simmons et al. (2008), Derrida (1995), Dooley (2000).

<sup>4</sup> I am particularly reminded of claims such as: “It is [the] will first to permit and eventually to welcome the other into one’s life that makes Kierkegaard seem to me more radically postmodern than Nietzsche.” (Westphal 2001, p.146)

<sup>5</sup> Thus it is reported in Matthew 5:43-44 (New International Version) that Jesus uses the term when he says: “You have heard that it was said, ‘Love your neighbor and hate your enemy.’ But I tell you: Love your enemies and pray for those who persecute you...”

<sup>6</sup> See e.g., Westphal (2008) ch.3-4, or Derrida (1995) ch.4.

<sup>7</sup> See Lupkin (2013). Interestingly, Paul Strohm notes that “the issue of ‘conscientious objection’ first arose under that name in England, in 1914, not in relation to military service at all, but in describing organized and vehement objection to mandatory vaccination.” (Strohm 2011, p.78)

<sup>8</sup> See, e.g., Hegel (1991), pp.166-7.

<sup>9</sup> See, e.g., United Nations (1948), Article 1.

<sup>10</sup> Nor, it seems, am I the only one to feel a need for such reflection on the nature of conscience. In the time since I began researching the topic, notable studies of it have been published. I have found Nussbaum (2008) and Strohm (2011) especially helpful for my reflections in Chapters 1 and 2 of this work.

<sup>11</sup> See, e.g., Nussbaum (2008), Nussbaum (2007), and Nussbaum (1997).

<sup>12</sup> See, e.g., Nussbaum (2008), p.53 and Nussbaum (1997), p.355.

<sup>13</sup> Levinas (1969), p.216.

<sup>14</sup> Kierkegaard (1975), p.181 [entry # X4 A 83].

<sup>15</sup> On March 10, 2009, the newly elected administration of Barack Obama began a

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laborious process to rescind the 2008 Final Rule, making its overturn one of the first official proposals of the Obama presidency. That process culminated, after two years of legislatively mandated public debate, with a partial rescinding of the Bush rule. See HHS (2011), p.9971.

<sup>16</sup> Specifically, the “Church Amendments” enacted by Congress throughout the 1970s, the “Public Health Service Act” of 1996, and the “Weldon Amendment” first adopted in 2004 (and since readopted several times in subsequent HHS appropriations acts). See HHS (2008), pp.78072-3.

<sup>17</sup> See, e.g., Davey and Belluck (2005), Stein (2006), and Domrose (2009).

<sup>18</sup> See Dumrose (2008)

<sup>19</sup> With the choice of the word “accommodation” here, I am borrowing from Martha Nussbaum’s concept of “The Accommodation Principle” – which she counts among several key guiding principles that may function within a society’s determination of how to balance the interests of society-at-large with the conscientious concerns of individual citizens. See Nussbaum (2008), p.21.

<sup>20</sup> i.e., his “daimon” (see Plato 1914, p.115) and sense of having “been commanded... by the God through oracles and dreams and in every way in which any man was commanded by divine power to do anything whatsoever.” (ibid., p.121). One explanation for why I am inclined to interpret this “daimonic” concept as a representation of “personal conscience” comes from Hegel’s analysis of Socrates’s example (see Hegel (1975), p.62; and Hegel (1991), pp.166-7).

<sup>21</sup> This was after the group first tried to escape British persecution during the reign of Mary by fleeing to Holland and then, after a presumably more sympathetic monarch (Elizabeth I) assumed the British throne, returning to England with hopes of reforming the home church. (See Balmer, et al. 2012)

<sup>22</sup> Balmer, et al. (2012), p.7. See also Nussbaum (2008) and Gaustad (1999).

<sup>23</sup> See Stokes (1950), p.495. And, similarly: “I assure you very explicitly, that in my opinion the conscientious scruples of all men should be treated with the greatest delicacy and tenderness: and it is my wish and desire, that the laws may always be as extensively accommodated to them, as a due regard for the protection and essential interests of the nation may justify and permit.” (McConnell, et al., 2002, p.54.)

<sup>24</sup> See McConnell, et al. (2002), p.54.

<sup>25</sup> See Nussbaum (2008), p.14, and related discussion on p.348 ff.

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<sup>26</sup> See Nussbaum (2008), Nussbaum (2007), and Nussbaum (1997).

<sup>27</sup> See, for example, Kant (1996): “every human being, as a moral being, *has* a conscience within him originally....For, conscience is practical reason holding the human being’s duty before him for his acquittal or condemnation in every case that comes under a law.” (pp.160-1)

<sup>28</sup> E.g., Nussbaum tells us that “My aim ... will be to trace the debt Kant owed to ancient Stoic cosmopolitanism.” (Nussbaum 1997, p.27) And, even for the American inspiration in her thought (Roger Williams) she suggests: “Here it is sufficient to note that Williams, writing a century and a half before James Madison, nonetheless shared an intellectual heritage with him through the debt of both men to Stoic ideas.” (Nussbaum 2008, p.44.)

<sup>29</sup> See especially, Nussbaum (1997), pp.44-46 for Nussbaum’s justifications for this interpretation.

<sup>30</sup> Nussbaum cites a Stoic tolerance toward slavery as an example. (Nussbaum 2007, p.355)

<sup>31</sup> See, for example, Nussbaum (2008), p.83: “From Smith and other thinkers of the Scottish Enlightenment Americans drew the idea that good world citizenship required the cultivation of a sympathetic imagination, so that we could see the humanity in one another across sharp divisions, prominently including religious divisions. Something like this is what Roger Williams had already called for.... But Americans who drew on Smith, with his extensive investigations of sympathy, absorbed a distinctive set of attitudes that shaped the developing nation’s sense of itself.” And, on the relationship between Smith and Kant, see Strohm (2011), pp.46-9.

<sup>32</sup> See McQueen (2011).

<sup>33</sup> I feel compelled to recognize the violence of the political struggles that arise from these “non-violent” movements: those who resist without acting violently nevertheless end up suffering violent repercussions at the hands of those they are resisting. It’s just that the violence tends to be relatively one-sided. Indeed, I think it is the juxtaposition of non-violent tactics of one side against the typically violent reactionary tactics of the other that unveils the revolutionary power of a genuine appeal to “conscience.”

<sup>34</sup> Kant (1993), p.14 (nt.#14).

<sup>35</sup> Hegel (1991), p.165 (§137).

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<sup>36</sup> Consider, for example Andrew (2001), esp. p.179. I concur with Strohm's (2011) recommendation, that Andrew's analyses are a valuable read for any student of conscientious subjectivity (though I would quibble with certain of his claims about Kierkegaard's concept of conscience).

<sup>37</sup> An easy example being the personal advantage Henry VIII, King of England, gained from the Protestant-leaning idea of loosening the Papal hold upon the doctrinal reigns of England's ecclesiastical infrastructure. See Strohm (2011), pp.17-21.

<sup>38</sup> And, as suggested by our discussion of Stoicism's "political quiescence", in our preceding chapter, the idea of "human dignity" pre-dates any robust assumption that it may represent a "positive political entitlement".

<sup>39</sup> As Andrew terms it. See Andrew (2001), e.g., p.179.

<sup>40</sup> On the Cartesian roots of this idea see, e.g., Descartes (2000), pp.240 (principle #35) , 242 (#43, #45), and 253 (#76).

<sup>41</sup> See Strohm (2011) p.25.

<sup>42</sup> Indeed, if we take Descartes' "method" of philosophy as an example, such rejection is a necessary starting point for pure reason.

<sup>43</sup> Indeed, McQueen (2011) refers to the politics of recognition as an "Hegelian Legacy".

<sup>44</sup> See Hegel (1977), p.49: "Now, because it has only phenomenal knowledge for its object, this exposition... [can be regarded] as the way of the Soul which journeys through the series of its own configurations as though they were the stations appointed for it by its own nature, so that it may purify itself for the life of the Spirit...."

<sup>45</sup> See the editor's introduction to Levinas's essay "Peace and Proximity" in Levinas (1996a), p.161.

<sup>46</sup> Kierkegaard (1975), p.181. [entry # X4 A 83].

<sup>47</sup> Kierkegaard (1995), p.135.

<sup>48</sup> This determination is made with the help of: Hong (2000) pp.58-9.

<sup>49</sup> For the sake of clarity: there is a general distinction between my use of the terms

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“conscience” and “conscientiousness”. I think of “conscience” as a kind of faculty that human beings have that allows them to “receive” the kind of ethical “revelations” Kierkegaard describes (see below). “Conscientiousness” is a more active attitude of reception. It is an active openness to the exercise of “conscience”.

<sup>50</sup> See, for example, Hegel (1971), pp. 253-4. Alastair Hannay stresses this connection in his translation of Fear and Trembling (Kierkegaard 1985b, p.153 [nt.54], p.154 [nt.64]).

<sup>51</sup> See CUP, p.137: “with utmost strenuousness [to] will the ethical; this is earnestness.”

<sup>52</sup> See Kant (1981), p.25ff.

<sup>53</sup> This is a focus of consideration in Kierkegaard’s Philosophical Fragments. See, for example, Kierkegaard (1985a), pp.11-21.

<sup>54</sup> CUP, p.584. One can note here a similarity to what Emmanuel Levinas describes as the “metaphysical” basis of ethical relationship, wherein the “transcendence” of the Other comes to me as “revelation”: “But this relationship... is to be in relation with a substance overflowing its own idea in me, overflowing what Descartes calls its ‘objective existence’.” See Levinas (1969), p.77.

<sup>55</sup> In this regard, consider WoL, pp.136-138.

<sup>56</sup> To Kierkegaard’s credit, the pseudonym through whom Kierkegaard pens *Fear and Trembling* admits his own inability to understand Abraham and, consequently, we may assume limitations in his ability to explain him as well. That is, Fear and Trembling intends to reinforce this mystery, not solve it.

<sup>57</sup> see WoL, p.17ff.

<sup>58</sup> Hegel (1971), pp.253-4, cited above.

<sup>59</sup> See, e.g., Levinas, (1994), pp.36-7.

<sup>60</sup> I’m thinking here, especially, of Philosophical Fragments, the prequel to Concluding Unscientific Postscript penned under the same pseudonym. In the former, Kierkegaard’s pseudonym considers “the god, who gives the condition and gives the truth.” (Kierkegaard 1985a, p.15; cf. pp.14-18.)

<sup>61</sup> The fact that these phenomena – especially “sincere faith” – are the focus of so many of Kierkegaard’s writings indicates that conscientiousness itself is a more or

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less explicitly operative idea throughout most of Kierkegaard's writings.

<sup>62</sup> see especially SUD, pp.14-17.

<sup>63</sup> In brief conversations I have had with Westphal, I am left with the impression that he would be uncomfortable with this spinning of his observation... Nevertheless, Westphal's elucidation strikes me as a sound interpretation of Kierkegaard's work and, therefore, we may pursue the valid implications of Westphal's claim.

<sup>64</sup> In this regard, we may remark on the affinities between Jacques Derrida's later works and the Levinasian and Kierkegaardian ethics of revelation. See, for example, Derrida's The Gift of Death on the relation of religion to ethics. If, as I would want to argue, there is a Derridaean ethics that implicitly mirrors a Levinasian and/or Kierkegaardian critique of philosophical ethics, then this might suggest that the idea maintains its relevance into the 21<sup>st</sup> century.

<sup>65</sup> Levinas (1998a), p. 47.

<sup>66</sup> Levinas (1998a), p.73.

<sup>67</sup> For example, we find an excellent expression of the essence of Kierkegaard's idea of a "teleological suspension of the ethical" in Levinas's concept of "justice" when the latter suggests that justice "is the necessary interruption of the Infinite being fixed in structures, community and totality." (Levinas 1998b [hereafter, OtB], p.160) Elsewhere Levinas will refer to this "detachment of the Infinite from the thought that seeks to bind it" as a "plot [that] connects to... the Absolute;" and he tells us that "the ethical is the field outlined" by this sense of absoluteness. (OtB, p.147) When Levinas claims to be outlining "the ethical" he has, in this way, discovered an "ethical" that is diametrically opposed to "the ethical" that Kierkegaard's Fear and Trembling would have "teleologically suspended". Kierkegaard's pseudonym in Fear and Trembling qualifies his meaning of "the ethical" as referring to "social morality". (Kierkegaard 1983 [hereafter, F&T],p.55) Levinas, however, has described his "ethical" field as overflowing the bounds established by "structures, community and totality". That is, Levinas wants to describe justice as accessing a sense of absolute duty in a way that preserves the possibility that Kierkegaard's pseudonym suggests when he claims that for Abraham, having "emptied himself in the infinite"(F&T, p.69), "the ethical is the temptation"(F&T, p.115). To say that the ethical may serve as a temptation – that structures of "social morality" may divert one from a higher sense of duty – is to admit that recognition of the "higher" duty may require "suspension" of the "lower", merely socially determined morality. The "necessary interruption" that Levinas ascribes to justice echoes Kierkegaard's idea of "suspension": a refusal of the highest sense of responsibility to be subsumed into the structures of political discourse. Levinas goes on to explain that this interruption "does not so much signify the

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possible breakup of structures as the fact that *they are not the ultimate framework of meaning*, that for their accord repression can already be necessary. It reminds us of the... political character of all logical rationalism, the alliance of logic with politics...”(OtB, p.171) Levinas and Kierkegaard are both accessing an idea of ethical subjectivity that refuses to be absorbed in the social institutions (i.e., the “structures, community and totality” Levinas refers to above, as well as the modes of discourse that envelop them) within which ethical sensibility is operative and, to a certain extent, necessarily congealed. Their point is that a properly ethical relationship to social mores preserves the relative nature of those structures and precludes their claiming an absolute authority. All of this reflects the “teleological” nature of the interruption that would deny ultimate meaning to “social morality” and its politically-oriented discourse. There is a higher sense of responsibility that both relativizes and grounds the legitimacy of the latter discourse.

<sup>68</sup> OtB, p.103; see also, Levinas (1969) [hereafter, T&I], pp.216-219.

<sup>69</sup> Thus, see for example, Kierkegaard’s “Of the Difference Between a Genius and an Apostle” where he claims that “A genius and an Apostle are qualitatively different, they are definitions which belong in their own spheres: *the sphere of immanence, and the sphere of transcendence.*” (Kierkegaard 1962b, pp. 90-91) Accordingly, one way of expressing Kierkegaard’s concern with regard to our discussion above is to suggest that he sees the concept of subjectivity prevailing in Western Philosophy as precluding the possibilities of “Apostleship”. Similarly, in Totality and Infinity Levinas wants to describe “Transcendence as the Idea of Infinity” such that the prevailing concept of subjectivity “excludes the implantation of the knowing being in the known being, the entering into the Beyond by ecstasy.” (T&I, p.48)... We will give this idea of a “transcendence” of the “idealist” picture of subjectivity more consideration, below.

<sup>70</sup> A point Kierkegaard’s pseudonym will express with keen irony when, in Fear and Trembling, he suggests that “It is supposed to be difficult to understand Hegel, but to understand Abraham is a small matter. To go beyond Hegel is a miraculous achievement, but to go beyond Abraham is the easiest of all...” Thus, “not a word is heard about faith... Philosophy goes further. Theology sits all rouged and powdered in the window and courts favor, offers its charms to philosophy.” (F&T, pp.32-33).

Levinas expresses a similar view of theology’s impropriety when he suggests that “The philosophical discourse of the West... compels every other discourse to justify itself before philosophy. [And.] Rational theology accepts this vassalage... If the intellection of the biblical God – theology – does not reach the level of philosophical thought, it is... because in thematizing God, theology has brought him into the course of being, while the God of the Bible signifies in an unlikely manner the beyond of being, or transcendence.... And it is not by accident that the history of Western philosophy has been a destruction of transcendence.” (Levinas 1998c,



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pp.55-56.)

<sup>71</sup> As one Kierkegaard scholar would suggest: “Indeed, isn’t it an irony that it was Levinas of all people who reprimanded Kierkegaard...” (Dooley 2000, p.16.)

<sup>72</sup> This “God-relationship” finds a variety of expressions in Kierkegaard’s works: whether it is as the source of a duty that transcends, and thereby suspends, “the ethical” in Fear and Trembling; or as “the God” in Philosophical Fragments who would provide both the occasion and the “condition” for the possibility of ideas that transcend our powers of *maieutically* inspired reminiscence; or as the source of the sense of “absolute obedience” which grounds the possibility of recognizing “the neighbor” (as “neighbor”) in Works of Love; or the “power that established” the created self (i.e., God as Creator) and to which, in The Sickness Unto Death, the authentic self becomes the self “that relates itself to itself and, in relating itself to itself, relates itself to another” which is its Creator; or, the God by whom the Apostle, in “Of the Difference Between a Genius and an Apostle”, is “called and appointed”; the list could continue to include nearly every one of Kierkegaard’s works.

<sup>73</sup> See Kierkegaard’s “Of the Difference Between a Genius and an Apostle”, p.90-91. See also nt.#7 above.

<sup>74</sup> “Totality” in the Levinasian sense of the word: “The visage of being [which dominates Western philosophy] is fixed in the concept of totality.... Individuals are reduced to being bearers of forces that command them unbeknown to themselves. The meaning of individuals (invisible outside of this totality) is derived from the totality. The unicity of each present is incessantly sacrificed to a future appealed to to bring forth its objective meaning.... They are what they will appear to be in the already plastic forms of the epic.” (T&I, pp.21-22.) And, Levinas continues: “The void that breaks the totality can be maintained against an inevitably totalizing and synoptic thought only if thought finds itself *faced* with an other refractory to categories. Rather than constituting a total with this other as with an object, *thought consists in speaking*. We propose to call “religion” the bond that is established between the same and the other without constituting a totality.” (ibid., p 40)

<sup>75</sup> This is not to say that for Levinas the concept “God” fails to signify something truly different than the human other with whom I enter in relation. “The Other is not the incarnation of God,” he insists, “but precisely the face, in which he is disincarnate, is the manifestation of the height in which God is revealed.” (T&I, p.79)

<sup>76</sup> Accordingly, Kierkegaard will frequently describe the God-relation specifically in terms of its distinctness from the relation “between one human being and another.” Thus, for example, whereas “the God” in Philosophical Fragments must “teach” us in a way that Socratic *maieutic* is an inadequate account for, nonetheless “Between one

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human being and another, to be of assistance is supreme, but to beget is reserved for the god, whose love is *procreative*, but not that procreative love of which Socrates knew how to speak so beautifully...” (Kierkegaard 1985a [hereafter, PF], p. 31) Similarly, in “Of the Difference Between a Genius and an Apostle”, whereas it is only “divine authority” that introduces the Apostle into the “sphere of transcendence”, “between man and man, *qua* man, all differences are immanent” (Kierkegaard 1962b, p.91), and “no *established* or continuous authority [is] *conceivable*...” (ibid., p.99). And again, in Works of Love, “There is only one whom a person can with the truth of eternity love more than himself – that is God...” (WoL, p.19); and, it is because this possibility is exclusive to God that “A person should love God unconditionally *in obedience* and love him *in adoration*,” whereas “It is ungodliness if any human being dares to love himself in this way, or dares to love another person in this way....” (ibid.)

<sup>77</sup> See PF, pp.12-19 (especially, p.17). Compare Levinas’s discussion of “teaching” in Totality and Infinity (T&I, pp.98-100).

<sup>78</sup> Thus, for example, Levinas wonders aloud: “I wonder if one can speak of a look turned toward the face, for the look is knowledge, perception.... You turn yourself toward the Other as toward an object when you see a nose, eyes, a forehead, a chin.... The best way of encountering the Other is not even to notice the color of his eyes! When one observes the color of the eyes one is not in social relationship with the Other.” (Levinas & Nemo 1985, p.85)

<sup>79</sup> WoL, pp.114-5. The implication of philosophy here may be made more obvious when we recall that, in Fear and Trembling, Hegelian philosophy is made exemplary of this “intention to go further” than “the bond which binds [one] to God” (see especially, F&T, pp.32-33). Note, as well, that Kierkegaard’s reference to “Serfdom’s abominable era” is probably intended to be placed within the context of Hegel’s analyses of the “Independence and Dependence of Self-Consciousness” in Phenomenology of Spirit (see especially Hegel 1977, §IV: The truth of self-certainty, and §VI: Spirit, pts. A & B). Furthermore, the link of “doubt or confusion” to philosophy is indicated in “Of the Difference Between a Genius and an Apostle”, when it is claimed that such confusion arises from judgments made “on purely aesthetic and philosophical grounds according to the value of the form and the content [of statements].” (Kierkegaard 1962b, pp.96-97)

<sup>80</sup> This is part of the problematic “synthesis” Kierkegaard’s pseudonym explores in The Sickness Unto Death, from which arises a variety of forms of despair. In that work, he explains that “The misrelation of despair is not a simple misrelation but a misrelation in a relation that relates itself to itself *and has been established by another*, so that the misrelation in that relation which is for itself also reflects itself infinitely in the *relation to the power that established [the self]*.” (SUD, p.14)

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<sup>81</sup> We must distinguish here between “desire” as self-absorption and the “Desire” Levinas often refers to as “Metaphysical”. The latter represents an openness to and welcoming of the absolutely other - the non-self - and, so, it is diametrically opposed to the egoistic “desire”.

<sup>82</sup> see T&I, p.75. The translator notes: “`Vous` - the `you` of majesty, in contrast with the `thou` of intimacy. (cf. pp.87-88).”

<sup>83</sup> see WoL, p.142 and refer to the discussion at the opening paragraph of this section.

<sup>84</sup> This question of a proper sense of self is fundamental to Kierkegaard in a way that is foreign to Levinas’s account. Levinas seems simply to presume a proper sense of self-love; or else, he assumes an improper sense of self-love is insignificant to the possibility of conscientious love for the neighbor. By contrast, in Works of Love Kierkegaard establishes an essential connection between a proper self-love and a genuine love of neighbor (see especially WoL, p.22-3). Furthermore, the God-relationship – how one relates to God, in contrast to how one relates to other persons - determines a proper self-love (ibid., pp. 20-1, especially). Only this proper self-love, with respect to the God-relation, saves love from being a “despairing” love and, thereby, guarantees the possibility of proper neighbor-love (see, ibid., p.40). One should consider Sickness Unto Death for deeper reflection upon the connections between “despair”, a proper sense of “self”, and the “God-relation”.

<sup>85</sup> That is, the concept of God appears to be a natural occurrence once the “third person” appears alongside of the primal, asymmetrical, face-to-face relationship that gives birth to conscientious subjectivity. See T&I, pp.242-247. Consider, especially, p.244: “The idea of a judgment of God represents the limit idea that, on the one hand, takes into account the invisible and essential offense to a singularity that results from judgment and, on the other hand, is fundamentally discreet, and does not silence by its majesty the voice and the revolt of the apology.” One should remember here that “judgment” in this concept presupposes the asymmetrical relationship and is thereby derivative from it (as, consequently, is this “idea of the judgment of God” that is extrapolated as a “limit concept”). These ‘derivative’ phenomena are what Levinas will talk about in Otherwise than Being in terms of “justice”. In the proximity of the other, all the others than the other obsesses me, and already this obsession cries out for justice, demands measure and knowing, is consciousness.... In proximity the other obsesses me according to the absolute asymmetry of signification, of the one-for-the-other.... The relationship with the third party is an incessant correction of the asymmetry of porximity in which the face is looked at.” (OtB, p.158). See, also, OtB pp.157-161.

<sup>86</sup> That is, Kierkegaard is suspicious of the essential inherence of conscientious

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subjectivity though he insists that everyone, as human beings, are capable of being called into the fundamental God-relationship and thereby attaining to conscientious subjectivity. Thus, it seems from Kierkegaard's account that not everyone is inherently conscientious but that no one is precluded from becoming conscientious (because all are included in the possibility of proper God-relation).

<sup>87</sup> That is, "conscientious subjectivity" makes possible a variety of ethico-religious experiences that may not appear to be straight-forward ethical demands. This is especially true of Kierkegaard for whom this conscientious subjectivity represents the possibility of genuine faith.

<sup>88</sup> I am thinking here of Levinas's complaints about Kierkegaard as they are expressed in essays like "Kierkegaard: Existence and Ethics" (Levinas 1996b, pp.66-74) and "A Propos of 'Kierkegaard vivant'" [ibid., pp.75-79]; as well as the two passing references in *Totality and Infinity* (T&I, p.40 and p.305).

<sup>89</sup> Levinas (1996b), p.74. See also ibid., p.77.

<sup>90</sup> F&T, p.82. See also ibid.,p.114 for the full implications of Abraham's silence.

<sup>91</sup> see OtB, pp.4-18; p. 118.

<sup>92</sup> see OtB, p.93: "Perhaps," Levinas concedes, "all our discussion [is] suspect of being 'ideology'."

<sup>93</sup> Kierkegaard, "Book on Adler" (Kierkegaard 1994, pp.154-155). What is more, with this suggestion we find an interesting hero in "Book on Adler": the Bishop Mynster, "a man who, without being cruel or narrow-minded, by his own obedience has sternly disciplined himself with the strong emphasis or gravity of seriousness to dare to require of the others the universal..." (ibid., p.145) Simply put, Bishop Mynster is the anti-Abraham. Rather than being one called to "offend" and transcend "the ethical", Mynster's vocation is to "defend" the ethical, i.e., "to dare to require of the others the universal". In contrast to Mynster, the central figure of "Book on Adler" is a Bishop Adler, a man who believes himself to have experienced "revelation" from God but who Kierkegaard determines is, unlike Abraham, mistaken in this belief. Kierkegaard describes the example of Mynster's defense of the ethical as the "shock" that must be faced by a mistake like Adler's. For our consideration, the key to the story is that it is the ethical that "shocks", questions and corrects the false presumption that Adler is called to "suspend" the ethical.

<sup>94</sup> I borrow this phrase from Martin Buber's critique of the Abraham story offered in Fear and Trembling. See Buber (1952). Buber refers to the "problematics of hearing" at pp.117-8.

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<sup>95</sup>Levinas (1969), p.194.

<sup>96</sup>Levinas (1969), p.201.

<sup>97</sup> The Elephant Man; Dir. David Lynch; Paramount Pictures, 1980.

<sup>98</sup> See Montagu (1971).

<sup>99</sup> This photograph is in the public domain.

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