

Alison Assiter

Kierkegaard, Metaphysics and Political Theory

Unfinished Selves



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Kierkegaard, Metaphysics and Political Theory

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Contents

<i>Acknowledgements</i>	vi
Introduction	1
1. The Metaphysical Assumptions of the Classical Liberal	5
2. Human Rights and Fundamentalism	22
3. Some Limitations of the Discourse of Human Rights	38
4. Autonomy and 'Evil'	50
5. The Beginnings of an Alternative Metaphysic and Ethics	63
6. Natural Needs	86
7. Metaphysics and Morality	94
8. Love for Family, Friends and Close Associates	119
Conclusion	139
<i>Notes</i>	142
<i>References</i>	145
<i>Index</i>	159

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Introduction

Much contemporary thinking in political theory about justice and morality more generally presupposes that we are all rational, autonomous, self-interested individuals (see, for example, Rawls, 1973, 1993; Kymlica, 1990; Korsgaard, 1992). We are individuals who, in the words of Susan Moller Okin '(become) mature independent human beings . . . without any mention of how (we) got there' (Okin, 1989, p. 9). In much of the tradition, furthermore, we are disembodied.

There is a 'metaphysical picture' of the person underlying this, which is an idealized one. Some of its characteristics are actualized in some thinkers; some in others. It is broadly a liberal picture although some liberals deny some of the characteristics and some non-liberals accept some of them. There are contemporary liberals, I believe, however, who implicitly accept all of the characteristics of the metaphysic. In what follows I will describe what I will call the metaphysic underlying the liberal political tradition although I recognize that it will not apply to all liberal thinkers. I will suggest, specifically and additionally, that the metaphysical assumptions I will outline expose some of the limitations of the discourse of human rights but also of other classical liberal doctrines. Throughout the book, the theoretical and philosophical arguments will be illustrated with empirical material. I will describe the way in which certain forms of fundamentalism offer a threat to human rights thinking and, in the context, stress the importance of human rights discourse in a contemporary political and legal sense.

By 'metaphysic' in the context, I don't mean to suggest a theory of being, but rather a philosophical picture of the person. There are those in the tradition I am about to describe, for example Rawls, and indeed Kierkegaard too, who would deny vehemently that they hold a metaphysic at all. The first chapter will focus on the views of Rawls.

In the book, I will suggest a different metaphysical image of the person as embodied; as essentially connected with others, and as an entity that changes in time. I will outline an approach to ethics that, it seems to me,

connects with or flows from this alternative metaphysic. Importantly, however, this approach to ethics will assume something that seems to me to be tremendously significant about the liberal tradition, and that is a form of universalism. This might appear to some to be an unusual claim to make. Onora O'Neill (1996), for example, has argued that one of the difficulties faced by ethical theories that are founded upon substantive metaphysical assumptions is that those theories will be rejected by those who operate with different metaphysical presuppositions. However, it seems to me that there are very good reasons for accepting at least some of the metaphysical assumptions I will outline in the book.

In certain respects the approach I will offer bears a resemblance to a number of perspectives, including the communitarian philosophy of, for example, Alasdair MacIntyre (1981, 1988), Michael Sandel (1982, 1996) and Waltzer (1983); the approach to ethical thinking known as virtue ethics and care ethics (see, for example, Gilligan, 1982). However, it differs from these various outlooks in at least two respects. First, as I have said above, my perspective will retain a commitment to some version of, in Benhabib's words the 'generalized other' (1987). This other will not, however, be disembodied. Secondly, my approach differs from these other outlooks in so far as it emphasizes (from Kierkegaard 1995), the need to love oneself before one can offer a concern for another. In elaborating on what this might mean, I will draw on some psychoanalytic literature.

Idealization and Abstraction

The above images are ideal, in so far as each assumes something about the self that may not be actualized in practice in any particular human being. This idealization is different from abstraction. The latter is a matter of bracketing but not of denying predicates which are true of something (see, for some useful clarification of this, O'Neill, 1996). Abstraction occurs, for example, when I decide to disregard the fact that two of my acquaintances are each sports people or when I view the members of an orchestra as musicians and, for that moment, as nothing else. Idealization though is a different kind of activity. Idealization assumes that predicates are true of someone that may actually be false of them. Many critics of contemporary theories of justice, deriving from Rawls, deride these theories of justice for being abstract (e.g. Sandel, 1982; MacIntyre, 1988; Taylor, 1991). They suggest that ethical principles must be anchored in real practices or traditions or sensibilities and criticize those who would universalize their ethical

principles for ‘abstraction’ which they suggest renders them inoperable as ethical principles.

Abstraction, however is essential in daily life and it is fundamental in ethical reasoning. If I cannot abstract from all irrelevant features of people, I cannot discuss principles about, for example, euthanasia or abortion. Even ethical particularists, in other words, will need to deploy some abstraction in order to engage in moral discussion.

My point of disagreement with the ‘liberal’ tradition is different. I will suggest not that abstraction is wrong, but that the metaphysical ideal of the person that underlies some of the thinking in the tradition is the wrong one.

In the first chapter, I outline some of the key features of the liberal metaphysic of the self. I focus primarily on Rawls, as the most influential liberal thinker of the twentieth century. I argue that, sometimes despite his intentions to the contrary, his thought is directly derived from the metaphysic of Descartes and Kant. I argue specifically, in relation to Descartes, that there are two categories of person that lie outside the scope of the rational self – those who are mad and those who are evil. I suggest that there is in Rawls’ thinking a similar implication.

In the second chapter, I move to discuss the concept of ‘right’ in more detail. I argue that one common criticism of the notion – the view that it is a western cultural construction that is not appropriate for all cultures – is misguided.

The third chapter outlines some of the limitations of the concept of a right and specifically takes us back to some of the claims of the first chapter, notably Foucault’s reading of Descartes, and his exclusion of the insane from the rational subject who becomes the subject of rights. I note a link between contemporary discussions of terrorism and this Foucauldian theme. In the twenty-first century, as in the seventeenth, a group of people is excluded from the rational self; the liberal autonomous subject, and locked away.

In the fourth chapter, I move to discuss the notion of autonomy specifically in relation to evil. I argue that it is difficult for the classical liberal, with her focus on autonomy, to account for evil.

Chapter 5 traces an alternative metaphysic of the self. I outline my reading of a selection of Kierkegaard’s writings, but I specifically offer what I describe as his ‘response’ to Descartes and Kant. I suggest that, for Kierkegaard, the self is needy, dependent and loving rather than autonomous and self-interested. Kierkegaard also offers an ethical view that is based on the notion of loving oneself and others, these others including strangers.

Chapter 6 makes the notion of an embodied needy self explicit. I suggest that there is a different form of universalism from the liberal type, according to which we are all natural beings with basic needs. I defend this view from some objections. This chapter is based on an article I wrote with Jeff Noonan (Assiter and Noonan, 2007). The form of universalism defended here differs from the liberal version in one crucial respect. It does not invite certain knowledge of some characteristic of the self. Rather it is based on simple facts of embodiment and neediness.

In Chapter 7, I argue, in an exposition of what I take to be implicit in Kierkegaard, that there are moral obligations that arise from the fact of our neediness. I argue that we have moral obligations towards those who are not necessarily in our immediate friendship or family group. I suggest this as an exposition of the Kierkegaardian notion of ‘loving’ a stranger.

In the final chapter, I consider a fundamental objection to the foregoing, that has been put by Martha Nussbaum: namely that ‘loving’ strangers is not only an implausible idea, it is also ‘strangely lonely and hollow’ (Nussbaum, 1997). I suggest that this criticism implies that relations between those who are close are good. In fact there is evidence that a great deal of violence is perpetrated by husbands, fathers and friends, upon their close relatives and friends. If relations between those who are close to one another were better than they often are, this would provide a model for relations between strangers. Kierkegaard often takes up the perspective of the abused child. Using his work and some psychoanalytic and counselling literature, I suggest a reading of the notion of ‘loving’ oneself and those to whom one is close.

Chapter 1

The Metaphysical Assumptions of the Classical Liberal

I would like, in this opening chapter, to outline some of the central metaphysical features in the sense outlined in the introduction, that underlie the liberal tradition, as they appear in some of its key thinkers. I cannot claim to discuss all liberal thinkers and I recognize that some communitarian liberals, for example, have criticized some of the features of the idealized metaphysic outlined in the introduction. It is also true that the form of liberalism, like that of Sandel, for example, I am assuming, owes more to Rawls than to Mill. It is closer to the 'deontological' liberalism of Rawls than it is to the consequentialism of Mill.

I will suggest that even those who reject some of the central features of the metaphysic retain a commitment to certain other features, which means that their thinking is coloured by the metaphysic in crucial respects. Some radical particularists, who reject, for example, the Rawlsian model of justice, go so far as to deny that there can be ethical principles of any sort; others doubt that there can be ethical principles of universal or cosmopolitan scope. I will suggest that this is because some of them retain, despite themselves, a certain metaphysical vision of the nature of the self. Even if it is only to reject this vision altogether, and to deny that there can be an idealized image of the self, this image will colour their thinking.

The ontological and metaphysical perspective that I have characterized as underlying the liberal political position derives at least in part from Descartes and Kant. I recognize that there are also, importantly, derivations, particularly in relation to the concept of a human right, from Locke and Hobbes. I am aware too that the notion of a right is underpinned by social, economic and cultural assumptions as well as by the bare bones of a metaphysic (see, for example, Shapiro, 1986). However, there is something very important, I believe, in the bare metaphysical assumptions of some key thinkers in the tradition. Although Descartes is not usually seen to be a

liberal thinker, it seems to me that there are significant resonances of his thought in that of Rawls.

Descartes

For Descartes, the ideal self is a pure reasoning being. His self is disembodied and it is a being that deploys a particular conception of reasoning. Descartes applies

certain and simple rules such that if (he) observes them accurately, he shall never assume what is false as true and never spend his mental efforts to no purpose, but will always gradually increase his knowledge and so arrive at a true understanding of all that does not surpass his powers. (Descartes, 1972, in Lloyd, 1984, p. 41)

In Descartes' system of method, as Lloyd has argued (Lloyd, 1984) method ceases to be, as it was in the Aristotelian system, a reasoned way of proceeding and it becomes a precisely ordered mode of abstract thinking. The right order of thought is determined by the natural order of the mind. A single and identical method could be applied to all the sciences, for these sciences, taken together, were nothing but the unity of reason itself.

The Cartesian self, then is a reasoning, a thinking being. But it is more than this. I should like to spend a few moments looking at the way in which, in Foucault's reading of Descartes, Descartes excludes certain groups of people from the scope of this 'reasoning being'. This aspect of Descartes' thought, it seems to me, is implicit in certain components of contemporary liberal political philosophical thinking. Accordingly, unpacking the immanent politics of Cartesian reason will provide critical purchase on that thinking.

In his early work, *Madness and Civilisation*, Foucault (1965) analyses the historical coincidence of the emergence of the Cartesian Cogito, the birth of the Enlightenment, which splits reason and its others, with the beginnings of the interment of the insane. Prior to this, madness was seen to be a moment in reason; in mediaeval Europe, for instance, the 'fool' epitomized the fate of humanity in dreams and illusions. Madness fascinated; madness evoked a certain 'wisdom'; it presaged 'ultimate bliss and supreme punishment, omnipotent on earth and the supreme fall' (Foucault, 1965, p. 19). Up until the Renaissance, mad people were listened to. Renaissance people recognized the limitations of reason.

In the original 1961 edition of *Madness and Civilisation*, (Foucault, 2006) in a section of the second chapter, *The Great Confinement*, which was omitted from later editions of the book, and which Derrida criticized very strongly (Derrida, 1978), Foucault outlines how Descartes split reason and its others, symbolized by madness, within the method of doubt.¹

In the original version of the chapter, Foucault writes: ‘On the methodical path of his doubt, Descartes came across madness beside dreams and all the other forms of error’ (Foucault, 2006, pp. 44–47). For Descartes, all that might threaten reason’s certainty is banished: dreams, errors, the senses, madness. Reason is affirmed over against unreason, and the self-reflective subject is thereby constituted. In the process of doubting, Descartes considers, in order to reject, various possible sources of knowledge: he might, he suggests, gain knowledge through the senses. But his senses sometimes deceive him. Therefore they constitute an unreliable source of knowledge. He considers the possibility that he might be dreaming: it is possible that he is dreaming that he sees the fire in front of his eyes. In all cases except the hypothesis of madness, however, Descartes sets up a hypothesis to refute. He might gain certain knowledge through the senses. But he cannot, because they sometimes deceive. Madness, however, is simply ruled out of account. As Descartes puts it, in the first Meditation:

And how could I deny that these hands and this body belong to me, unless perhaps I were to assimilate myself to those insane persons whose minds are so troubled and clouded by the black vapours of the bile that they constantly assert that they are kings, when they are very poor; that they are wearing gold and purple, when they are quite naked; or who imagine that they are pitchers or that they have a body of glass. (Descartes, 1972, p. 62)

Foucault stresses that whereas dreaming is contained in Descartes’ method, as a possible subject for rational discussion, madness is excluded *a priori*; madness both demarcates the individual’s domains of irresponsibility, and constitutes the banished ‘other’, excluded from the civil community, from the domain of subjecthood. ‘Descartes does not evade the danger of madness in the same way that he sidesteps the possibility of dream or error’ (Foucault, 2006, p. 44). The subject who doubts excludes madness.

If Descartes were to take seriously the hypotheses of mad people that would presuppose that he himself were mad. In the case of potential errors of thinking occurring in dreams or through the senses, the object of thought is analysed. With madness, however, it is the subject of thought himself that

is at issue. The subject as intellect cannot be mad. This Cartesian subject of reason becomes the subject of the post Renaissance world.

This argument stands on its own feet, independently of the status of the rest of Foucault's discussion of madness, which has been much debated (see, for example, Ree, 1974; Gordon, 1992). In addition to Derrida's critique of Foucault, which focuses primarily on the impossibility of writing about something that, on Foucault's own admission, is excluded from reason, Foucault's claim that the eighteenth century inaugurated a radically different form of treatment of the mad has been contested (see, for example, Midelfort, 1980). However, even if there are some historical inaccuracies in Foucault's text, this does not invalidate the claim that there are certain tendencies in the modern treatment of madness that resonate with the Cartesian and post Cartesian view of the self. Even if Derrida were right that Descartes does not treat madness differently from all forms of thought, since, Derrida claims, all forms of thought are exclusionary, that would not invalidate Foucault's central claim that the imposition of a form of rationality with claims to universal status necessarily involves the imposition of power relations based on the exclusion of an other.

Descartes implicitly, then, according to this reading, excludes those who are 'mad' from the scope of the reasoning or thinking being.² In offering this reading of Descartes and madness, derived from Foucault, I have relied, as Foucault does, on one sentence from the *Meditations*. Perhaps some might ask for further textual support from Descartes for my claim. There is not deemed, however, to be a need for further textual support when it comes to discussion of the *Cogito*. That one sentence has been subjected to innumerable interpretations. As Ree puts it: 'these words (*Cogito ergo sum*) have acquired an extraordinary fame . . . ' (Ree, op. cit.). The sentence about madness occurs as part of Descartes' very famous argument leading up to the *Cogito* and has, therefore, a very important role in Descartes' hugely influential outlook.

Rawls

There are aspects of the Cartesian metaphysic, as outlined above, that are assumed in Rawls' thinking and in the thinking of some of his followers (Rawls, 1973). In Rawls' Original Position – the idea he employs to generate the conditions under which a fair agreement on principles of justice can be reached, individuals are free and autonomous. Like

Descartes, in his sceptical mode, Rawls abstracts away, from his hypothesis about the characteristics of individuals in the original position, all contentious religious, political and moral doctrines. The individuals in the original position who operate behind the 'veil of ignorance' possess two moral powers – the ability to develop a sense of justice and the ability to form and revise a conception of the good. Like Cartesian thinking beings, individuals in the original position, and in general, Rawls argues, are rational. For him this means that they follow principles that serve both their short-term interests, and their overall plan of life. Since there is a wide variety of reasonable comprehensive doctrines, reasonable people will not seek to use their political power to impose their own particular doctrine upon others. Therefore reasonable people will endorse a freestanding conception of justice. There are immediate resonances, then, with the Cartesian position, in so far as both seek to abstract away from the reasoning being, features of the self that stem from contingent bodily, emotional or motivational facts, or that flow indeed from any kind of bodily or emotional interaction with others. (There is a brief mention of Descartes and Rawls in Fullbrook, 2004.)

But the similarities run deeper than this. The conception of the person suggested by Rawls here is a notion of the individual as an autonomous, reasoning and yet self-interested being, who, as such a being, is capable of rationally pursuing a model of justice that will work for society as a whole. This individual, importantly, tolerates a plurality of moral positions and he will believe that it is wrong to force people to act in a fashion that is contrary to their reasonable conception of how to live.

Liberal tolerators of moral difference, following Rawls, stress the importance of agreeing principles of justice that would be perceived as fair and impartial by all adherents in a society that is characterized, as one person has put it, following Rawls: 'by a deep and enduring pluralism of views about human excellence' (de Wietz, 1999, p. 85). Most liberals of such a persuasion stress how difficult, if not impossible, it is to agree on what human flourishing should consist in. Yet most liberal pluralists rule out some views as unacceptable. Rawls, when putting the view that there is a plurality of views about human excellence, stresses that these views, to be acceptable, must be 'reasonable' views. Such doctrines:

are not simply the upshot of self and class interests, or of people's understandable tendency to view the political world from a limited standpoint. Instead, they are in part the work of free practical reason within the framework of free institutions. (Rawls, 1993, p. 37)

This conception of the reasonable, indeed, represents, for Rawls, the possibility of a shared point of view, from which citizens who uphold radically different moral outlooks, can deliberate and reach agreement upon the political decisions which affect them. This notion of the reasonable is governed by what Rawls calls the ‘principle of reciprocity’. ‘Our exercise of political power is proper only when we sincerely believe that the reasons we offer for our political action may reasonably be accepted by other citizens as a justification for those actions’ (Rawls, 1993, *Introduction to the Paperback edition*. xvi–xvii).

Liberal pluralists, following Rawls, accept some limitation on the incommensurability of value. Bearing in mind the liberal emphasis upon reason, de Weitz, following Rawls, rules out some categories of moral thought as ‘unreasonable’. De Weitz, indeed, draws on two of the classic notions of reason in the liberal tradition. On the one hand, there is the normative conception of rationality, according to which individual human beings are self defining, autonomous agents, with the ability, in virtue of their rationality, both to recognize the ‘moral law’ and to determine, in accordance with this law, their own ends. This notion of reason can be found in Kant, but also in Rawls’ thought. On the other hand, he draws on an ‘instrumental’ conception of reason, deriving initially from seventeenth century science and from Descartes. According to this latter notion, each individual must be consistent in the pursuit of his or her ends.

Importantly, then, the intrinsic dignity and worth of the individual is grounded in reason. De Weitz stresses that there are two broad categories of moral thought that are ‘unreasonable’ and that should therefore be ruled out of the scope of recognition and toleration. One category, which fits the instrumental notion of reason, is the set of bizarre beliefs about the world – for example a doctrine that insists that the world is made of cream cheese and pink elephants, not human beings. The second, the normative view, is a doctrine that is ‘evil’ – a doctrine that seeks, for example, the unlimited domination or destruction of others. Anyone, therefore, who holds such views, according to de Weitz, should be excluded from the scope of those who need to be tolerated. Unreasonable or ‘mad’ views of the world are ruled out of account for the Rawlsian liberal as are ‘evil’ views of the world.

This perspective, however, rests, as does that of Descartes, on vetoing certain views of the world and presenting them as outside the scope of reason, or as ‘mad’ or ‘evil’. But one difficulty with the outlooks of both Descartes and Rawls, is that the scope of the ‘mad’ and ‘evil’ are not *a priori* defined and they can vary with historical circumstances. Furthermore,

perhaps views that come within the purview of the 'mad' might be discussed and debated rather than ruled out of account.

In Descartes' time, as Foucault (Foucault, op. cit.) points out, madness 'ceases to be endowed with moral or eschatological significance, and comes to be viewed solely in terms of deviance and disruption' (McNay, 1992, p. 19). Simultaneously, a major change takes place in the treatment of the mad. Now, instead of being set afloat in the Ship of Fools, mad people come to be 'detained and maintained' in houses of confinement and hospitals. Foucault argues that this confinement was partly a response to the economic crisis affecting Europe in the seventeenth century. But it also represented the taking of a stand against perceived sources of disorder in society. Whole swathes of the population were characterized as falling within the domain of 'unreason' and confined: 'young men who disturbed their families' peace or who squandered their goods, people without profession, and the insane' (Foucault, 1965, p. 41). Confinement represented the 'abusive amalgam of heterogeneous elements' (ibid., p. 41). The Hôpital General set itself the task of 'preventing mendicancy and idleness as the source of all disorders' (op. cit., p. 43).

By detaining 'troublesome' elements of the population, confinement both acted as a means of social control – it protected society against uprisings – and it provided a source of cheap labour. Foucault writes that, in Paris, at a certain point in the seventeenth century – close to the country and at approximately the same time as Descartes is sitting in his room in front of his stove – one in every 100 inhabitants were detained for a certain period (Foucault, op. cit., p. 35). Symbolically, Foucault writes, the mad person represents 'the other' of bourgeois rationality. Descartes purports to be writing about everyone. Foucault suggests that he is not: that the form of rationality he depicts necessarily excludes the mad. The argument is a very strong one: it is not that Descartes' argument does not in fact apply to a certain group despite his best intentions. It is rather that it necessarily excludes a whole segment of the population: that it is set out in such a way that it logically omits a significant number of people, who also happen to be morally and socially excluded from society. They are excluded from the scope of the autonomous person who is deserving of respect. One might argue that a theory that includes 99 per cent of the people is actually pretty successful. However, it is important to see this one per cent in the context of what Descartes was setting out to do: to provide certain and indubitable foundations for knowledge. This section of the argument is not an 'argument' at all. Montaigne, Foucault argues, writing at the time of the Renaissance, could not have spoken as Descartes does about the mad: he

could not have excluded the mad person from the structure of rational thought.

Critics of Foucault (e.g. Habermas, 1981 and 1986; Stone, 1983; Rose, 1984) have argued that he overstates the dark side of Enlightenment thought. But it seems to me, as Beaulier and Fillion (2008) have recently argued, that Foucault is not arguing that there is any kind of simple causal relationship between, for example, Descartes writing and the confinement of the insane. He is rather drawing attention to trends. Beaulier and Fillion suggest that Derrida, in his critique of Foucault, focuses only on Descartes' text and not sufficiently on the context of his writing. They write: 'Foucault is absolutely correct in presenting confinement as a trend that became established during the seventeenth and eighteenth centuries' (ibid., p. 83).

Rawls and Descartes

In our own period, Rawls (1993) requires us to endorse a particular epistemic position. He requires us all to accept, as Brian Barry (1995) has claimed, as a consequence of the principle of tolerance and pluralism, that we are sceptical about our own moral and 'comprehensive' doctrines. Only if we can accept that the foundations of our own moral outlook are, at some level, questionable, can we tolerate the outlook of someone who disagrees radically with each one of us. But those who are strong believers in some religious creed do not accept this level of scepticism. Indeed, such people believe that foundations of their religion represent revealed truths that should be accepted by all. Some strong Christians or strong Muslims, for example, would not accept that they should tolerate other faiths. Indeed, one does not need to deploy this kind of example from religion. Convinced naturalists are unlikely to accept this level of scepticism about their doctrines.

Effectively, then, Rawls' position represents such views as lying outside the scope of the reasonable person and therefore as mad in Descartes' sense. Indeed, Rawls himself writes 'A given society may also contain unreasonable, irrational and even mad comprehensive doctrines. In their case, the problem is to contain them so that they do not undermine the unity and justice of society' (Rawls, 1996, pp. xvi-xvii). It is interesting, indeed, that Rawls uses the word 'contain' here. Foucault talks of confinement, but the motive for the containment referred to by Rawls is the same: the taking of a stand against sources of disorder in society.

Moreover, it has been argued that the scope of the unreasonable or potentially 'mad' doctrine becomes very wide for Rawls and could even include the classical utilitarian. This is because, for him, it is unreasonable to expect the state to uphold one's own comprehensive doctrine. Yet the classical utilitarian would want a just state to decide policy on the ground of the greatest happiness principle (see Talisse, 2005, for example).

There is a different way of suggesting how narrow the conception of reason might be in certain versions of liberal thinking and how correspondingly wide may be what becomes effectively 'mad'. Rawls, alongside other liberals, as has been pointed out, believes that there must be a plurality of conceptions of the good. It is not, for him and for other liberals, the business of the state to legislate about comprehensive doctrines. Rather, the only role held by the state is that of promoting the best possible legislation to encourage each of us to tolerate competing perspectives. But that inevitably means that the area left for individuals to discuss and debate in the public political realm is such that it must exclude debate about comprehensive doctrines. So liberals are allowed to discuss such matters as equality, rights and freedom, but they are not, according to the perspective, at liberty to bring their own comprehensive doctrines into the discussion.

Let us look at an example discussed by Cohen (1998, pp. 195–197) that of the papal position on abortion as expressed in an Encyclical *Evangelium Vitae*. In the Encyclical, the Pope argues, according to Cohen, that the truth of the Catholic position on abortion 'can be known in its essentials by human reason and that the law of God is known by reason itself' (Cohen, *ibid.*). This differs crucially from Catholic claims to base their criticism of abortion on faith and is therefore less easily dismissed by liberals. So it is significant to see Cohen claiming, against the Pope, that the liberal must argue that the conception of reason used by the Pope is sectarian. In other words, it is not only the case that comprehensive doctrines have crept in here: the liberal intuitions about abortion are said to correspond to the appropriate and non-sectarian conception of reason. But this strategy is like Descartes' ruling out of the mad. The Catholic view is represented as beyond discussion because the conception of reason deployed is not recognized by the liberal.

The scope of the 'mad' is undefined in Descartes and in Rawls. It was not difficult for the arguments of early feminists to be represented as those of 'mad' people. Those who challenge received wisdom – Galileo, for example, Wittgenstein, as another – are more easily dismissed if they are characterized as crazy or as expressing the cries of unreason. When reason defines the

scope of what is acceptable, then, madness, as the negation of reason, has to be ruled out without argument. But what if the arguments of the 'mad' person challenge the liberal pluralist tolerator of a range of points of view?

Rawls is aware of this problem and he shifts his concern from the scope of the reasonable person to the reasonableness of the doctrine that the person accepts. But once again, if a comprehensive doctrine challenges the principle that all citizens are free and equal and that the foundations of the position are questionable – if it challenges the liberal position – then it is not acceptable for him; it becomes a mad doctrine.

Perhaps there is nothing wrong with representing certain positions as mad. Early anthropologists characterized the views of 'primitive' peoples as 'irrational'. However, characterizing people as mad provides an excuse for not treating them seriously. So labelling them provides a convenient reason for refusing to engage with their views. Even from the point of view of the white liberal, however, isn't a stronger message given to those who might care to listen if the views of those who have been stigmatized as 'mad' are actually shown to be wrong? Isn't it more likely that the labelling of the people I have described is a way of justifying ignoring them?

Doesn't the same point apply in the case of those whose doctrines are rejected because they are 'evil'? Don't we give them less credence if we show carefully and painstakingly, once again, that they are wrong?

In several crucial respects, then, Rawls' thinking and that of certain liberals on the principle of tolerance, is directly linked with Descartes view of the self.

Another example of a thinker for whom there are resonances of Cartesian thinking, ironically, is Rorty. Rorty, of course, unlike Descartes, is a resolutely anti-foundational thinker. Rorty believes, like Rawls appears to some of the time, that there is no such thing as human nature. Whether or not he has really shown this is certainly debatable. However, we might agree that there is no need to appeal to foundational conceptions of human nature and that we are instead engaging in a kind of conversation about different social practices. But we can still ask what we might make, on this supposition, about a debate between, for example, Hitler and Mahatma Gandhi about the nature of the political and about justice and democracy. Rorty sometimes answers that we have to exclude certain individuals from participating in such debates since their views are (outside)'what we can take seriously' (Rorty, 1988, pp. 187–188). In other words, Rorty sometimes appears, like Rawls, to outlaw certain individuals and positions as effectively 'mad'. They become, like Descartes' 'mad' people, dismissed from the scope of rational discussion.

One might argue that this is not a problem for Rorty: that we have to deploy a working notion of reasonableness in order to begin a conversation. Certainly we would need minimal levels of shared language, minimal levels of consistency, in order to start a conversation. But this is different from ruling some people out because others ‘don’t take them seriously’. This condition might exclude those who are likely to offer the deepest challenge to ‘us’.

Kant Too

But Rawls’ thought as well as that of some other liberals, is also linked in a different sense with that of Kant. Rawls himself admits that his influences include Locke, Rousseau and Kant (Rawls, 1973, p. 11). He specifically, however, wants to ‘detach’ Kant’s account of justice from its backing in transcendental idealism (Rawls, 1973, p. 165). He wants to ‘recast’ Kant’s thought within the context of a ‘reasonable empiricism’ (Rawls, 1996, p. 285). He also sees his position as different from a metaphysical reading of Kant (ibid. pp. 256–270). It seems to me, however, that Rawls also implicitly accepts a deeper Kantian metaphysical thesis about the person. Indeed, his language is sometimes strongly reminiscent of a Kantian metaphysic.

A useful starting point for this discussion is Christine Battersby’s re-reading of Kant. In her chapter on Kant, in her book *The Phenomenal Woman*, Battersby outlines the various notions of the self in Kant. The Kantian ‘person’ is based on ideals of autonomy and closure (Battersby, 1998). The transcendental self, by contrast, exists in relation to bodies. This self is necessary for knowledge in the phenomenal world, governed by the space-time framework, to be possible. The ‘I’ is the precondition for grounding knowledge in the phenomenal realm; for bringing intuitions under concepts.

One difficulty with this latter concept of the self, for Kant, according to Battersby, is that it is established via an oppositional relationship to matter, rather than through a constructive relationship with active matter.

Kant’s ‘transcendent’ self lies outside space and time and therefore cannot be an object of knowledge. We cannot therefore know that such a self exists. Its existence is a matter of ‘faith’ (Battersby, 2008) rather than knowledge. Kant sometimes refers to this self as a ‘person’. The person, in this sense, is involved in moral action and in treating others as if they were ends-in-themselves. This ‘person’ is the self that is rational, autonomous and free.

This person's actions, in Kant, are brought about by his autonomous will. We must all treat ourselves as though we were persons in this sense. This version of the Kantian self is the subject as the subject of rights; the legal person.³

By contrast with the 'transcendent' self or the 'person', the 'transcendental' self is located in the phenomenal world. This conception of the self is presupposed by the knowing subject if concepts are to be brought under intuitions and the whole apparatus of knowledge set in train. The transcendental self is part of the grounding that makes the space-time framework in which knowledge is located, possible. Unlike the Cartesian self, the 'I' in this sense requires objects. Without some 'other', according to Kant, the self would not be possible at all. It would remain unable to think itself. If my experiences are to be ordered and not chaotic, then I require this transcendental self to do the ordering. The 'object' or the 'matter' that grounds this self and that makes coherent experience possible is inert. Kant describes it as 'permanent'.

Battersby makes an interesting and important observation about Kant's writing. She points out that he requires himself as an embodied being in order to be a self at all. The self, as we have seen, requires outer objects in order to be a self at all. On the other hand, knowledge gained through outer sense is knowledge of something other than the self. Thus, as she puts it, 'the body slips between inside and outside'. 'Kant needs a body in order to be a self; but the body he needs is neither self nor not-self' (Battersby, 1998, p. 70). Inner bodily space, she points out, is impossible to conceptualize in Kant's system, because the self that constitutes the space-time framework is a precondition of this framework.

The rights based ethical framework, it seems to me, deploys a combination of the two notions of the Kantian person. On the one hand, the self of classical liberal morality is the autonomous, responsible and free 'transcendent' person; on the other hand it is the subject that grounds the space time framework, in so far as it is effectively both embodied and disembodied. Rights fit with a model of the subject-object relation that 'builds' objects from discontinuous images. Rights are discontinuous properties of subjects that can be bundled together to form a package.

Rawls, as we have seen, suggests that we treat people, when considering matters of justice, purely as rational, autonomous beings who have an interest in liberty. We must be guided not by our comprehensive doctrines, which derive from our engagement in the world as emotional, embodied beings, but solely by our reasoning powers as autonomous beings. Rawls, when he puts this point of view, in his later work, specifically asserts that the citizens who operate from a shared notion of what is 'reasonable' when they

are considering what is just, are doing so from a perspective that makes no metaphysical assumptions. 'the political conception (offers) no specific metaphysical or epistemological doctrine beyond what is implied by the political conception itself' (Rawls, 1993, p. 100).

However, this assertion needs justification. Below I will elaborate the way in which, it seems to me, Rawls requires both senses of the Kantian self. But they are not quite the same selves as the Kantian ones, and this leads Rawls into further difficulties.

Rawls does sometimes accept that some metaphysical claims are made by him. But, he would argue, what is assumed is merely a thin 'abstract' notion of the person; or, in Dworkin's words; 'no special theory of personality' (Dworkin, 1978, p. 142), 'no particular theory of human motivation' (Rawls, 1971, p. 361).

On the other hand, references to Kant and the noumenal are scattered throughout *A Theory of Justice*. In this, his founding work, Rawls describes the selves in the original position as 'moral persons' (Rawls, 1971, p. 12). In the *Theory of Justice*, indeed, Rawls is happy to refer to a noumenal self. For example, he writes: 'my suggestion is that we think of the original position as the point of view from which noumenal selves see the world' (Rawls, 1971, p. 255).

One can legitimately ask the question, however: what notion of the person is implied when these rational beings are considering the political conceptions' view of the nature of the person as citizen? What does Rawls mean by the notion of a 'moral person'? Reasoning beings, who have strictly abstracted away, when thinking about justice, from their comprehensive doctrines, appear to be nothing other than 'persons' in Kant's sense. Indeed, Rawls writes: 'The principles of justice are also categorical imperatives in Kant's sense. For by a categorical imperative Kant understands a principle of conduct that applies to a person in virtue of his nature as a free and equal rational being' (Rawls, 1971, p. 253).

If the self behind the veil of ignorance is a Kantian 'person', what kind of self is the 'thinker' that upholds a comprehensive moral doctrine? In a sense it is a Kantian transcendental self, because it must be embodied in order to interact with others in the way it is required to. But it is also disembodied because it must not consider its own comprehensive doctrine when thinking about ethical or political questions. Thus, the theory faces, it seems to me, Kant's dilemma – the Rawlsian self, when it is encumbered and acting 'beyond' the veil of ignorance, is both embodied and disembodied.

Rawls' reasonable beings need to consider the relationship between their views on justice and their comprehensive doctrines. In the latter case, Rawls

is operating with a much 'thicker' conception of the person than he is in the former instance, and, just as Kant has difficulties considering how the two views of the person connect together, so too, it seems to me, does Rawls. In *Political Liberalism*, Rawls accepts that persons conceived politically as free and equal citizens with their two moral powers – persons as reasonable beings – connect also with themselves as beings who uphold comprehensive doctrines, because: 'merely rational agents lack a sense of justice and fail to recognize the independent validity of the claims of others' (Rawls, 1993, p. 52).

In his *Lectures on the History of Moral Philosophy*, Rawls makes a claim about Kant. He writes that it is wrong to think of Kant as a Manichean. It is wrong to think that 'we have two selves, one is the good self belonging to the intelligible world and the other is the bad self we have as natural beings belonging to the sensible world' (Rawls, 2000, p. 303). It is indeed wrong to think of Kantian selves in this way, but it is not wrong to suppose that Kant conceived of at least two selves – the transcendental and the transcendent.

Rawls wants to distance himself from both of these two notions, but it is difficult to see how he can do this. He may therefore be saddled with some of the other Kantian difficulties.

There is a specific difficulty, additionally, for Rawls, although not for Kant; the selves who consider their comprehensive doctrines are debating 'the good'. In other words, the 'thick' Rawlsian selves are in some sense moral agents, whilst, for Kant, it is only the noumenal autonomous 'persons' who operate as moral beings. But Rawls must then explain how the two types of moral self interact.

There is a different argument that can be put that suggests that Rawls does indeed require a broadly Kantian metaphysic. According to one recent and forceful exponent of the view that there are two ways of reading Rawls, Robert Talisse, (Talisse, op. cit.). Rawls holds on the one hand a substantive Kantian conception of the person; whilst on the other he holds no metaphysical position at all. These two positions emerge from considering two, mutually incompatible answers one can find in Rawls, to the question, what is the relation between the choices made by agents in the original position and justice?

One might hold, according to Talisse, either of the following positions on the relation between choice and justice:

1. The fact that a principle would be chosen in the original position is constitutive of its justice.
2. The fact that a position would be chosen in the original position is evidence of its justice (Talisse, p. 47).

On the first interpretation, the connection between the choice worthiness of a principle and its moral status is an essential one. When principles are chosen, in the original position, that confers moral status upon them.

On the second interpretation, however, the fact that a position would be chosen is not itself constitutive of its justice, rather it serves as evidence of its moral worth. There is support in Rawls' text, Talisse argues, for each interpretation. The first is supported, for example, by the claim that 'justice as fairness' is based upon 'pure procedural justice' (Talisse, p. 48, quoting Rawls, p. 118). The second interpretation is supported by claims to the effect, that, for example, the original position is an 'intuitive' device that collects together principles we already recognize as reasonable.

If one holds, according to Talisse, that the choices made in the original position are constitutive of justice, then one is committed to some substantive metaphysic. The argument runs as follows: the constitutive view prompts the question – what is distinctive about the original position such that any position chosen will be *ipso facto* just? According to Talisse, traditional contract theorists had an answer to this question. The contract models some notion of people's essential nature. People in the natural state are motivated by the desire to preserve their natural freedoms. Rawls does not want to accept such a theory but he requires some account of the supposedly essential connection between choice and justice. In other words he requires a substantive metaphysic of human nature. A Kantian metaphysic would supply the necessary connection because, according to him, justice would be whatever is autonomously chosen, since people are by nature (at least as moral beings) autonomous.

On the other hand, one finds evidence in Rawls of the view that the fact that a position is chosen by people in the original position is evidence of its justice. On the second view, justice as fairness becomes an empirical theory of moral sentiments. The evidential interpretation is an heuristic device embodying the sense of justice people instinctively possess. But Talisse argues that the evidential interpretation leaves Rawls without a justification for liberalism at all. It provides an acceptable account only for those who are already well disposed to liberalism. It is not strictly a 'theory of justice' at all; rather it is a 'theory of our moral sentiments' (Rawls, 1971, p. 104). But on this interpretation, Rawls simply presupposes the validity of his liberal conception of justice (Talisse, *op. cit.*, p. 50). Liberal intuitions, on this interpretation, are left unsupported, and do not provide a ground for liberalism that is different from utilitarianism.

If Rawls is to attempt to provide some sort of justification for liberalism therefore, which he sets out to do, in order to counter the utilitarian

interpretation, then, it seems to me to be clear that he requires a broadly Kantian metaphysic. If, as he often claims, his account rests on no metaphysic at all, then he cannot claim to provide a justification for liberal principles. In so far as his theory is proposed as an alternative to that of Mill, he requires some sort of Kantian metaphysic.

There are, implicit in Rawls' reasoning, then, claims that derive directly from the metaphysic both of Descartes and of Kant.

The specific notion of being an autonomous chooser of ends is a crucial feature of most liberal thinking. Take for example Isaiah Berlin. According to him 'the necessity of choosing between absolute claims is . . . an inescapable characteristic of the human condition' (Berlin, 1969, p. 169). For him, the fact of being able to choose is an essential feature of being human. Mill, too, despite his utilitarian reading of liberal principles, has a similar view of human nature. For him, 'the only freedom which deserves the name is that of pursuing our own good in our own way . . .' (Mill, 1978, p. 17).

But there is also a particular moral claim that is explicit in the metaphysical idealized assumption of Rawls. People in the Original Position are not impartial, they are egoists (at least when choosing principles of justice). Their aim in choosing principles is to do as well for themselves as they can. What restricts their egoism is their ignorance: they are not allowed to know what arrangement favours them over others. So they play safe – they are not only egotistical, and in some respects ignorant, but also super-cautious. The best a super-cautious person can do to safeguard his own self-interest behind the veil of ignorance is to adopt the Difference Principle (Rawls, 1973). Society, for Rawls, is a form of social co-operation for mutual advantage.

This assumption that people are primarily self-interested is often described as endemic to the liberal outlook. According to Alison Jagger, political liberalism is often characterized in such a way that 'each human being has desires and interests that can be fulfilled quite independently of those interests and desires of others' (Jagger, 1983, pp. 47–48; also see, for related views, Pateman, 1979; Hartstock, 1983). Nussbaum, indeed, characterizes liberalism as so conceived as resting upon egoism and normative self-sufficiency (Nussbaum, 1999). She herself rejects as exaggerated and inaccurate this description of the liberal position. She argues particularly against Jagger, that the liberal is not an egoist (Nussbaum, *ibid.*). However, many conceptions of the liberal position see it as at least implicitly an egoist view.

Some feminists have described the classical liberal position as an 'individualistic' one. The individual, according to some critical accounts of classical

liberalism, is taken to be prior to society; as being capable of existing outside all social ties (Jagger, op. cit.).

This characterization may be an exaggerated version of the theory; nonetheless I wish to argue that the assumptions of individualism (in some form) and a certain form of self-interest underlie a certain way of thinking about contemporary liberal morality and theories of rights and justice. Although, as Nussbaum, argues, there may be room for the emotion of sympathy in liberal accounts, this is certainly not a central focus in the tradition.

Some thinkers, when they consider the question 'why be ethical' take as an assumption that individuals are basically self-interested. For example, Korsgaard puts what she describes as the 'normative question' in the following way:

When we seek a philosophical foundation for morality we are not looking merely for an explanation of moral practices. We are asking what *justifies* the claims that morality makes on us. This is what I am calling the 'normative question'. (Korsgaard, 1996, pp. 9–10)

One question underlying her normative one is: 'why should I do something that disadvantages my own interests?'

One of the central arguments of this book will be that the very notion of a right, as conceived by liberal political theorists and others, presupposes a certain metaphysic of the person. It presupposes a way of thinking about this person – that it is a substance, or a subject, with certain properties. According to Kant, people, as moral 'persons' are autonomous self-directed agents. A certain legal notion of personhood builds on this. But much contemporary writing on justice and ethics, that is broadly liberal in orientation, over-emphasizes the entitlement side of the person, as against the idea of the person having responsibilities (see, for some arguments along these lines, O'Neill, 1996). This recent tradition, I will argue, attenuates the idealized image of the person even more than Kant did, in so far as it is seen more like a substance with attributes than like an agent with responsibilities.

In the next two chapters, I will outline some central points pertaining to this human rights tradition. I will suggest how important the concept is for certain political and legal purposes. Indeed, I will discuss a case where there appears to be a conflict between the concept of human rights and cultural values and suggest that, in the case in question, there is no question about the fact that human rights should take priority. However, in these chapters, I will begin to discuss some limitations of the concept.

Chapter 2

Human Rights and Fundamentalism

In the first chapter, I outlined a picture that I described as a 'liberal' perspective. It is difficult to give a clear-cut and definitive characterization of liberalism, since there are many adherents of the outlook, each of whom will emphasize a slightly different aspect of the position. Broadly, however, liberalism arose and still stands in opposition to religious orthodoxy, to the divine right of kings and to dictatorship in any shape or form. Liberalism stands for reason, enlightenment and toleration (see, for example, Freedman, 1978; Gray, 1986; Waldron, 1987 and Conway, 1995).

One important liberal claim is that the purpose of government is to protect the life, liberty and (in some versions) the property of individual human beings. Individuals, according to the perspective, have rights, at the very least, to life and liberty. 'Individuals have rights and there are things no person or group may do to them (without violating their rights)' (Nozick, 1974). For recent cosmopolitan liberals, (see, for example, Held, 2003, 2004) underlying the demand for new global democratic institutions capable of harnessing the forces of capitalism, is the notion of a right. A further significant characteristic of the liberal position is a commitment to pluralism. As Rawls has put it; 'How is it possible that there exists over time a stable and just society of free and equal citizens profoundly divided by reasonable religious, philosophical and moral doctrines' (Rawls, 1993, p. 25). William Galston, who offers a different version of liberalism from that of Rawls, states this particular problem in similar fashion: 'The liberal conception of the good . . . allows for a wide . . . pluralism among ways of life' (Galston, 1991). (For other defences of value pluralism, see also Berlin, 1969; Gray, 2000 and Crowder, 2002.) Gray indeed describes pluralism as a 'fact of ethical life' (Gray, *ibid.*, p. 34). (Although he does not see liberalism as the only political philosophy that is capable of accommodating the fact of pluralism.)

This commitment to pluralism is part and parcel of the liberal focus on the freedom of the individual. It assumes that individuals themselves are

best placed to determine their moral doctrines. For Berlin, for example, pluralism is the view that ‘there are many different ends that men may seek and still be fully rational, fully men’ (Berlin, 1996, p. 9). The notion of a right is fundamental for the liberal and is grounded in the autonomy of the individual, which in turn entitles each one of us to equal respect as a person. Encapsulated in the broad concept of a right to life are a number of different notions, ranging, for example, from the right not to be tortured, to the right expressed in Article 25.1 of the *UN Declaration of Human Rights*, to the effect that ‘everyone has a right to a standard of living adequate for the health and well being of himself and his family, including food, clothing, housing, medical and social services’ Following from this, there is also a commitment amongst some liberals, to some notion of equality, although there are deep disagreements over the extent of this and about what exactly such a commitment might mean (see, for example, Dworkin, 1977).

In this chapter I would like to illustrate how the concept of a human right serves an important political and legal purpose. The concept is often evoked to criticize policies, regimes and institutions that engage in practices that are, in fundamental ways, degrading to human beings. I would like specifically to argue that one form of criticism of the concept of a right – the criticism that suggests that it is an attempt by western governments to impose their thinking upon others, is misguided. I will move, in the following chapter, to outline some of the ways in which the concept is limited in its scope and depends upon the metaphysics of the person outlined in Chapter 1.

Human Rights

After the Second World War, in 1948, the General Assembly of the United Nations proclaimed the Universal Declaration of Human Rights (UN Declaration, 1948). The immediate reason for this declaration was a desire on the part of the signatories to the document to provide a clear means for offering a legal and statutory condemnation of the atrocities committed by the Nazis prior to the Second World War (Freeman, 2002, p. 35). The document represents an attempt to codify some form of international law, and many countries in the world are signatories to it (*ibid.*, pp. 34–38).

Underlying the notion of a right is the view that individuals are entitled to respect as moral agents capable of making choices. To use people for collective ends as some maintained utilitarianism does, is to deny a basic right of equal liberty. In deploying the concept of a right, some refer back to the notion of natural law. John Locke (1970), whom many regard as the

earliest exponent of human rights, relates the concept to this notion. Some argue (although this is disputed) that the concept was employed by Roman jurists (see, for example, Zuckert, 1989, pp. 74–75). Indeed, Locke himself, in his *Essay on Toleration*, connected this belief to religion. Each individual, he argued, had a responsibility to God, to observe the law of nature.

Believers, like Locke, in the notion of natural law argue that there is a moral order against which political laws can be tested for their validity. One can move from this to the view that individuals have rights against political authorities, which are sanctioned by natural law. Some people indeed distinguish ‘human rights’ from the rights of citizenship. Whilst the former are claimed to be universal, the latter purport to relate to the legal constitution of a particular nation-state. In a procedural sense, this distinction clearly makes sense. If universal human rights are codified in international law, citizenship rights will be expressed in the legal system of a particular nation-state.

In the next section of the chapter, I would like to outline the view of one critic – Bikhu Parekh, who argues against the concept of a right in a specific context, that of cultural relativism.

Parekh

In his book *Rethinking Multiculturalism*, Parekh (Parekh, op. cit. 2000) develops an argument against Rawls. He points out that Rawls, in his early work, had proposed a set of principles that every ‘rational man’ would want to follow, irrespective of his conception of the good life. Parekh suggests that, for Rawls, the democratic public culture is ‘neutral and capable of providing the foundation for a society that supports a range of moral outlooks’ (Parekh, op. cit.). For Rawls, the notion of the free and equal person and the idea of society as a system of voluntary co-operation between such persons are central to the political culture of democratic societies. Rawls argues that people will continue to subscribe to such a polity because all citizens possess a sense of justice and the capacity to form and to revise a conception of the good (Rawls, 1971).

Rawls emphasizes the fact that societies today uphold a variety of conceptions of the good. However, Parekh points out, Rawls’ commitment to plurality does not extend to conceptions of justice (Parekh, op. cit.). Parekh argues further that although most democratic societies are committed to freedom and equality, they are not necessarily committed to Rawls’ difference principle. Many fail to share Rawls’ view that all social and economic

inequalities should be judged on the basis of what they do to the worst off. Indeed the view that one's undeserved natural talents should not be the basis for reward is questionable and questioned by many. For Hindus, Buddhists and others, these talents are the products of the agent's meritorious deeds in his or her past life. The central claim that Parekh makes against Rawls is that the latter is advancing an overall liberal conception of human nature – that Rawls' claim that his political liberalism does not presuppose comprehensive liberalism is not in fact true. The two powers that Rawls emphasizes, Parekh argues, are distinctly liberal powers, and involve treating those who reject them with less than respect.

Parekh is making the important point that the principles upon which Rawls relies presuppose comprehensive liberalism and treat those who reject those liberal principles with less than respect. However, Parekh must surely show more than this. He must also argue that these liberal principles are actually wrong. To say that many reject them – that, for example, Hindus do not accept them, is not sufficient, because the Hindu might be wrong. I happen to agree with Parekh about Rawls. I also happen to believe both that there are important gaps in comprehensive liberalism and in Rawls' view about political principles and their effects upon the worst off. Indeed it seems to me to be significant that political principles must ensure that the worst off are better off than many of them now happen to be. Furthermore, like Parekh, I have strong reservations about comprehensive liberalism. But my reservations are grounded differently from those of Parekh.

Parekh offers a defence of something he calls 'pluralist universalism' at the same time as criticizing both what he calls 'monism' and 'culturalism'. I'd like to begin with his critique of monism. He writes that moral monism is the view that only one way of life is 'fully human', true, or the best and that all others are defective in so far as they fall short of that' (Parekh, *ibid.*, p. 16). The moral monist, he argues, grounds her morality in something that all human beings necessarily share. This something is common human nature. This common human nature defines a person's humanity, whilst differences between human beings shape their particularity. There are further assumptions, he suggests, made by moral monists. Each of them assumes the moral and ontological primacy of similarities over differences; each claims that human beings are basically the same in all times and places, and, furthermore, the monist assumes the 'total knowability of human nature' (Parekh, *ibid.*, p. 17). Parekh takes Plato, Aristotle, Augustine, Locke and Mill to be moral monists.

There are a number of difficulties with this. First, each thinker is, I think, more complex than the characterization allows. Interestingly, Aristotle, for

example, is often read in contemporary political theory circles as a particularist and not as any kind of universalist. Both Taylor and Alasdair MacIntyre, for example, describe their particularist forms of communitarian thinking, which seek to anchor ethical claims by appeal to particular practices and patterns of judgement in local communities, as Aristotelian (MacIntyre, 1988; Taylor, 1991). The man of practical wisdom, for MacIntyre and Taylor and for other recent communitarians and also for Gadamer (1975) lives a life of virtue, and this is not at all historically invariant. Rather the 'phronimos' inhabits a particular period and a localized place. Traditional readings of Aristotle, on the other hand, suggest that he is committed to a historically invariant account of proper human functioning or of 'the Good for "Man"'.

Maybe one group is right about the actual Aristotle and the other is wrong. On the other hand, the truth may be that he was neither, that the contemporary categorizations involve reading into his thought the presuppositions of a later epoch. I wish to use some of the universal elements in Aristotle's thinking in developing my own argument, but I accept that there are particularist themes there as well. For example, there is his claim that 'in the end practical wisdom is concerned with the ultimate particular, which is the object . . . of perception' (Aristotle, *Nicomachean Ethics*, cited in O'Neill, 1996, p. 15. O'Neill refers to David Wiggins' radical particularist reading of Aristotle. She also discusses other particularist readings, but emphasizes that he was traditionally read as a universalist).

One point about Parekh's argument then, is that it gives rather a stark reading of at least one of the historical figures he cites. But there is a second reservation I have about this section of Parekh's argument. This occurs partly in his discussion of Locke. Parekh argues that Locke's British colonial justification of Indian colonialism shows the limitation of universal theories of human nature (Parekh, 2000). Locke believed that, since Indians did not enclose their land, but roamed freely over it, the land was free, empty and wild and could be taken over without their consent. Locke did not discuss with Indian people their view that their gods and dead spirits inhabited it; that they had lived on it for generations. Indians, according to Locke, were unable to raise themselves to the level of the 'civilised part of mankind' (Parekh, quoting Locke) and colonialism was therefore justified. Locke was certainly wrong about Indians as were US citizens who argued a similar point in relation to American Indians (see Tariq Ali, 2002, for evidence on this). However, Parekh draws a general 'critique of monism' from this. He argues that none of the thinkers he has mentioned was able to realize his vision that there is one and only one way of leading the good

life. This is because (Parekh, *ibid.*, p. 47) the whole project is 'philosophically flawed'. Human beings are culturally embedded and a culture gives meaning and structure to shared human capacities. Since, he writes, 'cultures mediate and reconcile human nature in their own different ways, no vision of the good life can be based on an abstract conception of human nature alone' (*ibid.*, p. 47). Moral life, he argues, is necessarily embedded in and cannot be isolated from the wider culture. 'A way of life cannot be judged good or bad without taking full account of the system of meaning, traditions, temperament and the moral and emotional resources of the people involved' (*ibid.*, p. 47). Moral monism, he argues, runs a constant danger of grossly misunderstanding other ways of life and spells a hermeneutic disaster (*ibid.*, p. 49).

Parekh is expressing a view that is widely shared (see Gilroy, 1993, for one example).

One response to Parekh's critique of Locke, however, is that Locke operated with a mistaken concept of human nature and he wrongly outlines the form that moral monism should take. In this book, I will be suggesting that there is indeed a common nature to human beings and that significant moral consequences flow from the view that there is such a nature.

I am surprised, though, given the vehemence of Parekh's critique of the notion in his first chapter, to find him endorsing a view very like my own in a later chapter. Indeed, in this later chapter, he proposes a far 'thicker' conception of human nature than the one I have outlined. In his chapter 'Conceptualising Human Beings', Parekh argues that there is 'a body of moral values which deserve the respect of all human beings' (*ibid.*, p. 133). These include 'recognition of human worth and dignity, promotion of human well being or of fundamental human interests, and equality, but this is only illustrative and does not exhaust the totality of possible universal moral values' (*ibid.*, p. 133). Equality is a value that has been heavily criticized, both from within 'western' political theoretical writings as well as from within some of the eastern traditions. Indeed, Parekh seems to contradict his own universalizing impulse here when he emphasizes the value of equality, at the same time as encouraging respect for such cultural difference as the Hindu caste system. I would ask Parekh to justify how it is that these particular values are universalizable. On what basis should anyone accept that they apply to all?

Parekh seeks to revise some of the purportedly 'universal' values of the UN Declaration of Human Rights in favour of cultural groupings who are, in his view, discriminated against in that charter. So, for example, he suggests that the claim of some East Asian leaders that there is 'a' conception

of the good life, which they have a duty to enforce, actually respects universal human rights and human values, but relates and prioritizes them differently. Such leaders wish to 'ban pornography, protect some of their deeply held moral and religious beliefs and practices against irresponsible attacks, and censor films and literary works that incite communal hatred or mock and demean minority or majority communities' (ibid., p. 138). I wonder, firstly, what conception of equality it is that allows leaders of this kind; how banning pornography serves the universal rights of those who would like to use it; and whose rights would be served by banning *Lady Chatterley's Lover*, *Oz*, *Satanic Verses* and so on. Parekh's very favourable treatment of the values of 'East Asian leaders' contrasts with his highly critical account of the view 'drawn from the ranks of Chinese and Vietnamese leaders' that society is more important than the individual and a strong and powerful state (is) 'the highest goal' (ibid., p. 139).

Others have put a view close to that of Parekh but in even stronger terms. According to one pair of thinkers, to impose on all countries in the world principles taken from the Universal Declaration of Human Rights involves 'moral chauvinism and ethnocentric bias' (Pollis and Schwab, 2000, p. 14). Cultural relativists wish to defend certain cultural practices against the creeping westernisation of the world.

There is an important point I would like to make, here, however, about the desire on the part of some 'East Asian' leaders to alter the UN Constitution. In the 1980s the theme of 'cultural relativism' became prominent in UN debates on human rights. There was one event that, historically, is very important in this context. In 1984 one country proposed that certain concepts in the International Convention on Human Rights should be revised. This country was Iran. The ruling party in Iran argued that it would not recognize any concept in the UN convention that was contrary to Islam. Islam, in this context, must be understood in a very specific way. The ruling regime in Iran in 1984 endorsed a version of Sharia law. Sharia law may be understood in many ways and not necessarily in the way I am about to outline (see, for example, Coleman, 2006).

Sharia Law and the Iranian Constitution

It is important to recognize that, as Derrida might have put it, it is all too easy to demarcate peoples into 'good' and 'evil' or 'friend' and 'foe'. When he discussed the aftermath of 9/11 (Derrida, 2003), Derrida referred, as one might have expected him to, to the difficulty of coining expressions to

talk about the event, and the misleading nature of language such as ‘war on terrorism’. In a similar vein, I would like to caution, at the outset, against anything I am about to write being taken to suggest that I am ‘for’ the opponents of Iran, in this polarizing discourse. I am not ‘for’ any nation in this context. But it is unfortunate that this polarizing language makes it very difficult for me, a white western woman, to do what I am about to do, and that is express some criticisms of the regime in Iran. It may be indeed that Derrida’s notion of ‘autoimmunity’ is significant here: according to him, this concept refers to ‘that strange behaviour where a living being, in quasi suicidal fashion, itself works to destroy its own protection, to immunize itself against its “own” immunity’, Derrida is referring to the scope of America on accountability for 9/11. The aggression, the suggestion is, came, in some sense, from within the US.

Putting the above in different words, many intellectuals in the west are concerned that any work that could be seen to be critical of forms of fundamentalist Islam might represent, in Said’s words, ‘a subtle and persistent Eurocentric prejudice against Arabo-Islamic peoples and their culture’ and ‘the aggressiveness necessitated by the colonial expansion of the European powers’ (Said, 1978). Some might describe criticism of ‘fundamentalist Islam’ as offering an ‘orientalist’ perspective on ‘Islam’: an outlook that represents certain forms of western thinking about Islam. One text that is important in the history of relations between ‘political’ or fundamentalist Islam and ‘the west’ is Samuel Huntingdon’s widely read article ‘The Clash of Civilisations’. The article predicted a clash between ‘the west’ and ‘the rest’. The ‘rest’ for him is primarily represented by Islam and Confucianism. The article and the subsequent book, demonize followers of Islam as anti liberty, anti human rights, anti the rule of law and anti- democracy (Huntingdon, 1993). Many who demonize Islam also deny the existence of the great and highly developed civilization in the Islamic world at the time of what is called in western circles ‘the Dark Ages’ (see, for example, Lewis, 2003, p. 4). This period was one of significant development in the Middle East, a period when, as Tariq Ali puts it: ‘Europe slumbered in semi darkness’ (Ali, 2002, p. 101).

The fear of demonizing the ‘other’ whomever that other may be, however, leads to a failure to critique serious forms of human rights abuses in certain fundamentalist forms of thinking. It is true that there are forms of fundamentalist Christianity and indeed forms of atheism, which are extremely worrying for the world today. However, there are Muslims who themselves reserve the term ‘fundamentalism’ for versions of Islam. For example, one Iranian and Muslim writer, Poya, reserves the word ‘fundamentalist’

specifically for Islam and more specifically for the version of Islam practised in Iran: 'I use the terms fundamentalism and fundamentalist specifically for the Islamic state in Iran and those who share the same beliefs and values.' Fundamentalism is about 'absolute control over the female body and mind' (Poya, in Yuval Davis and Saghal, 2000, p. 163).

Returning to Derrida's claims, it is certainly the case, making a parallel point to his, that the regime that preceded the one I am about to describe in Iran was a puppet of western interests and the scene for some of the human rights violations I am about to describe were set then. It is no doubt also true that some of the violations I am about to describe arise partially out of a strong need and desire on the part of the Iranian regime to set itself up in opposition to western ideals that had not served it well.

Furthermore, there is considerable evidence of serious human rights abuses perpetrated by the US and fostered by the US. One current example of this is evidence of abuse carried out by US army personnel. (For one example of this, see coverage in *The Nation*, reproduced in *The Guardian*, Thursday 12 July 2007). In interviews carried out for the journal, US army veterans described acts of violence in which US forces abused or killed Iraqi men, women and children. One former member of the US forces claimed: 'It's a fact that the entire war is an atrocity.' The report for the first time names individual members of the US forces who believed that there were serious human rights abuses conducted by US army personnel. For example: 'The frustration that resulted from our inability to get back at those who were attacking us led to tactics that seemed designed simply to punish the local population' (Sergeant Camilo, Maja, from Miami. Report by Leonard c, 2007, p. 2).

The USA, indeed, is the only country in the world, apart from Somalia, not to have signed the UN Convention on the Rights of the Child. Moreover, it is important to remember that the US itself has supported regimes, including Islamic regimes, when it was clear that these regimes were engaging in human rights violations. Indeed, for several decades the US was prepared not only to ignore the human rights abuses conducted by the regime of Saddam Hussein, but to co-operate with his regime. So long as his policies served the strategic interests of the USA, the US had no difficulties in condoning and supporting his regime. The same point can be made about US policy in Pakistan between 1977 and 1988. The US supported the Islamic regime of President Zia and was tolerant of his human rights violations. In doing so, the USA is clearly not guided by any concern for human rights. All of this might lead to a temptation, on the part of some left wing western activists, to support uncritically regimes that oppose the USA.

Moreover, quite apart from the USA and the violations I am about to outline, there was evidence of serious human rights abuses in Indonesia in the 1960s, in Cambodia under Pol Pot (see, for example, Glover, 1999), Uganda, El Salvador, Rwanda, Bosnia and many more. In the following chapter, I will describe the move in other western democracies, including the UK, to refuse standard human rights to suspected ‘terrorists’.

Islamic Fundamentalism

However the regime in Iran is particularly significant because of its desire to alter the UN convention. According to the view criticized by Poya (op. cit.) it is the task of the Muslim – whether Shi-ite or Sunni – to build an Islamic state and for this state to enforce obedience to the revealed law of Islam – the Sharia. According to another thinker: the word “fundamentalist” has passed into English usage to describe those Muslims who seek by whatever means to restore or establish an Islamic state’ (Ruthven, 2004b, p. 5). In Algeria and to some extent in Egypt, those whom some have labelled ‘fundamentalist’ are engaged in armed struggle against existing states. They aim to replace the sovereignty of the people with ‘the sovereignty of God – as revealed through the Sharia’ (Ruthven, *ibid.*, p. 5). The Middle East historian, Martin Kramer, claims that fundamentalism both represents a new religiosity but it also, on the other hand, is concerned to develop a new political ideology (Kramer, 2001).

According to a number of Iranian women, who are themselves Muslim, in the past two decades in Iran, gender apartheid has been the fundamental principle of the country. The argument is based on the following claim: at the heart of the regime lies the principle of *velayat-e-faqih*. In the words of Khomeini: ‘the role of the vali is like that of a child’s guardian. There is no difference between the guardian of a nation and the guardian of a minor; their duties are the same’ (Khomeini, 1971, quoted in Chitsaz, 2000). Gender apartheid is a fundamental concept of the regime. Women are viewed, according to Chitsaz, ‘not only as second class citizens, but as inferior human beings’ (Chitsaz, 2000, p. 14). Quoting one of the most ‘modern’ theorists of fundamentalist Islam: ‘women and men are equal in their human essence, but they are two different forms of humans, with two different sets of attributes and two different psyches’ (Motahhari, 1990, quoted in Chitsaz, 2000). (Motahhari was actually killed soon after the revolution in 1979.)

From this perspective sexual vice is the most ignoble sin. Moral decency is measured primarily in sexual terms. Woman is sinister and

satanic; she is the embodiment of sin and seduction. The consequent notion that improperly veiled women are the source of sin is promulgated throughout society from every pulpit. Under the principle of *velayat-e-faqih*, gender discrimination is legalized. The legal system incorporates an ideology which enshrines into the constitution, inequality between the sexes (Chitsaz, op. cit.). The constitution explicitly states, for example, that the leader of the state can only be a man (see *ibid.* quoting articles from the constitution). Equality before the law is basically conditional upon 'Islamic norms'.

One of the most significant forms of oppression of women, enshrined in the legal system, is the enforcement of a dress code. Article 638 of the Islamic Punishment Act ratified in 1996, states:

Anyone who commits a forbidden act in public will be fined, imprisoned from 10 days to two months, or given up to 74 lashes. If the person commits an act which is not punishable, but offends public decency, he or she will be imprisoned from 10 days to two months or given up to 74 lashes. (The Islamic Punishment Act, ratified in 1996, quoted in *ibid.*)

An amendment to this article reads: 'Women who appear in public without observing the religious veil will be imprisoned from 10 days to two months or fined from 50 to 500 thousand rials' (*ibid.*). Nine months after the publication of the above law, *Agence France* reported that a list of Islamic regulations had been published which had to be observed by women (*Agence France*, 1997). The newspaper – *Ressalat* – in which this list was published, claimed that the list demonstrated the regime's resolve to combat western influence. The regulations interpreted Islamic law as banning trousers or skirts worn with a jacket that is not fully covered by a long gown. The gowns should be long sleeved – and not be of shiny material or bright coloured, and should not bear foreign logos. Among other things banned were brightly coloured socks with designs on them (Chitsaz, *ibid.*). Under the regulations practised by the state, women must cover themselves in public. Their hair and body must be covered except for their face and hands (Hughes, 2000).

In 1997, the state run medium quoted a new bill that had been passed that would 'spread the culture of chastity in society and prevent uncontrolled mixing of women and men'. Furthermore, Bills like this are enforced by dispatching forces of the Revolutionary Guards Corps into the streets to 'harass and persecute women for improper veiling' under the pretext of 'forbidding evil and enjoining good'. They slash women's faces and lips with razor blades and throw acid into their faces (Chitsaz, *ibid.*). According to a

Human Rights Watch Report of 1999, new laws were passed discriminating against women and aimed at 'restricting debate about women's rights' (Human Rights Watch, 1999, quoted in Hughes, 2000).

Agence France reported the following incidents during the 'reformist' period in Iran: in 1998, several young women were arrested in the north of Tehran who failed to conform to the strict dress code or who were accompanied by boys of their age. On 30 November 1997, it was reported

women continue to be arrested for improper veiling. An *Agence Press* correspondent witnessed approximately ten young women being arrested and placed into a patrol car for improper veiling or wearing clothing that did not conform to Islamic regulations. The women were wearing colourful headscarves and light make up in a shopping mall in Vanak. (*Agence France* report, quoted in Chitsaz, op. cit.)

Article 1108 of the Civil Law states: 'If a wife refuses to perform her conjugal duties without any justifiable impediment, she does not deserve alimony.' Alimony, according to article 1107, includes a home, clothing and household equipment that would suit the wife's condition. Article 1117 gives the husband authority to determine whether a wife can have an active social life or not (Article 1108 of Civil Law, quoted in Chitsaz, 2000).

Moreover, there are more extreme violations of basic rights. On 15 August 2004, Amnesty International reported that 'a 16-year-old was hanged in public for "acts incompatible with chastity"' (Amnesty International Report, 2004). On 19 January 2005, they reported that since 1990, 11 child offenders have been executed. (See also Mohaddessin, 2001 and 2004 for more evidence of this kind.)

Furthermore, the allowable age of marriage is set for 15 for boys and 9 for girls. Nine-year-old girls can be sold to older men. The regimes' official figure (Sidney, 2000, p. 69) is that 52,478 schoolgirls under the age of 14 are married. A husband may deny his wife any job and may divorce her whenever he chooses. Divorces obtained overseas are valid for men but not for women.

In January 2000, the Head of the Social Affairs ministry in the Interior Ministry reported

According to the international average, there are 10 to 15 prisoners for every 100,000 persons. Regrettably our average is 243 for every 100,000 persons making it one of the leading countries in the world. This is the

official figure, which does not include the multitude of political prisoners who are being detained in special prisons throughout the country. (Sidney, *ibid.*, p. 68)

Moral relativists, some of whom might be sympathetic at least to some versions of Sharia law, might say that there are practices, such as abortion, or breast augmentation or plastic surgery, that are widespread in the west and which are equally, to them, repulsive. I would simply pose the rhetorical question to this hypothetical interlocutor: can one not make moral comparisons at all? Plastic surgery is carried out with the apparent consent of the person choosing to have the procedure. Although the autonomy of the agent choosing to undergo plastic surgery may be an appearance only and the woman is in fact, as Chambers has eloquently argued, following sexist norms, (Chambers, 2008) there is a difference in the degree of control exercised over women in this western case as opposed to the Iranian perspective. Being forced to marry at the age of 9, in my view, simply cannot be equated with choosing to have one's breasts augmented.

Criticizing this version of Sharia law practised by the Iranian regime, I would like to note, carries no implication about any action that should be taken by anyone against it. My personal view is that the Iranian people themselves should be allowed to decide what sort of regime is best for them.

Human Rights and 'Asian' Values

In the run up to the UN World conference which was held in Vienna in 1993, there was a lot of talk of a conflict between human rights and 'Asian values'. The final declaration of the Vienna conference reaffirmed the universality of human rights, but conceded that human rights must be 'considered in the context of a dynamic and evolving process of international norm setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds'. Some advocate respecting all cultures. However, one problem with this principle is that some cultures do not respect other cultures and so the principle becomes self-contradictory.

The Muslim critics of the specific version of Sharia law that is operationalized in Iran are not alone in their endorsement of universal human rights. Other Muslims, in seeking to democratize countries, sometimes their own, which they see as unaccountable and as holding unprecedented power, have lent their support to the notion of universal human rights. One

example is the Casablanca Declaration produced by the first International Conference of Arab Human Rights Movement (Prospects for the Future, 1999). This conference was attended by 100 NGOs from across the Arab world. The Casablanca Declaration came up with the following statement: 'After extensive discussion, the Conference declared that the only source of reference in this respect is international human rights law and the United Nations instruments and declarations. The conference also emphasized the universality of human rights' (www.al-bab.com/arab/docs/international/hr1999.htm).

There are a number of variants of Islamic law that purport to represent definitive Islamic models of human rights, but not one of these has been ratified by democratic consensus. To the contrary, according to one scholar, each of them has been produced by members of elites or by undemocratic governments (Mayer, 1999, p. 2). In the case of Iran, the UN representative, Said Raja'i-Khorasani defended Iran from the charge that it was violating human rights. He argued:

The new political order was . . . in full accordance and harmony with the deepest moral and religious convictions of the people and therefore most representative of the traditional, cultural, moral and religious beliefs of the Iranian society. It recognized no authority . . . apart from Islamic law . . . Conventions, declarations and resolutions or decisions of international organisations, which were contrary to Islam, had no validity in the Islamic Republic of Iran . . . The universal declaration of human rights, which represented a secular understanding of the Judaeo-Christian tradition, could not be implemented by Muslims and did not accord with the system of values recognized by the Islamic Republic of Iran; his country would therefore not hesitate to violate its provisions. (UN Session 1984)¹

The above protagonist, Khorasani, described his position as upholding traditional religion and Islamic culture. It is difficult, however, to identify the kinds of human rights violations documented in the previous pages with the defence of traditional Islamic culture. There are many scholars of Islam who argue that evidence for these abuses not only cannot be found in the Koran but rather the Koran actively opposes them (see, for example, Zakariyya, 2005). It is an odd assumption to make, anyway, that followers of Islam do not need to accept human rights whilst others do. It seems to entail that westerners have the right to have their rights protected whereas those who live in Islamic regimes do not.

The claim, moreover, implies something else which is factually wrong namely that conventions such as the UN convention were drafted solely by western non-Muslim powers. In fact, according to research conducted by Susan Walz, (2004) representatives of Muslim countries made substantive contributions to the drafting of the UN Declaration. Some advocates of the independence of Islamic tradition from the tradition of 'universal' human rights cite one Jamil Baroody, who is purported to have objected to Article 18, an article that concerns freedom of religion, on Islamic grounds (see, for example, Ignatieff, 2001, pp. 58–60). In fact however, Baroody was not a Muslim but a Syrian Christian and he did not cite Islam as a reason for his scepticism about the article. Rather, he argued that the suggestion that people be allowed to change religion was superfluous, because there was no comparable provision to change positions on freedom of thought and conscience (Mayer, *op. cit.*).

There were indeed Muslim delegates at the time who argued against other Muslims on the marriage laws. For example, the Pakistani delegate to the third committee objected to Baroody's proposed wording of the marriage laws to the effect that women should be entitled to 'the full rights as defined in the marriage laws of their country' on the grounds that this wording would allow countries that discriminated against women to continue to do so.

Ann Mayer also points out that all Muslim countries voted in favour of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). The US, however, bowed out of the drafting process altogether and did not ratify either document (Mayer, *op. cit.*, p.15).

Some of the above suggests that it is important to tread carefully when referring to the UN convention as 'western'. There are many east Asian and Muslim people who object very strongly to the human rights violations permitted by the version of Sharia law described above. Some rights may be specific to particular social groups and there may be circumstances where it makes sense to refer to 'group' rights. Moreover, as I will argue later, the concept of right is fraught with difficulty. But it is very important that 'human rights' violations of an extreme nature are not allowed and condoned in the name of cultural relativism. In other words, the concept of a convention that is universal in scope and that does not allow of exceptions of any kind, is useful, in the present world order, in order to catalogue human rights abuses in countries where the state might attempt to explain away these abuses as consonant with the 'fight' against western imperialism.

It seems to me that there are no circumstances where it is acceptable to allow a girl as young as nine years old to be married.

It is important, furthermore, not to characterize the ruling regime in Iran as 'unreasonable'. For so doing prevents one from engaging in a serious and reasonable critique of the kinds of abuses documented above. These practices, in my view, are morally wrong and should not be condoned. In the view of the Iranian women quoted above, these morally dubious practices are endemic in the form of Islamic fundamentalism practised in Iran. But condemning them requires, as they have done, a careful documenting of the practices and a careful demonstration of the ways in which they are wrong, which it is impossible to do if they are ruled out as 'mad' or 'beyond the scope of reason'.

In this chapter I have suggested one particular circumstance where the notion of a human right and legislation relating to it is important. Certain practices are, in my view, absolutely wrong, and the concept of a right both helps to see how it is that they are wrong and provides a yardstick against which the practices of nations and groups can be measured. But this is not to say that the concept is without its limitations. In the chapter following I will document some of the limitations of the concept.

Chapter 3

Some Limitations of the Discourse of Human Rights

In the previous chapter I have documented some ways in which the concept of a right can be deployed, at least in a legal sense, to condemn certain types of abuse. In this chapter I outline some of the limitations of the doctrine and relate some of these to the arguments of the first chapter.

Liberal Democracy Questions Rights

First, in the contemporary world, there is increasing evidence that several liberal democracies, each of which upholds some version of the International Convention on Human Rights, may be implicitly questioning its universal applicability. In the UK, for example, legislation has recently been passed allowing the indefinite detention without trial of non-national suspected ‘terrorists’ (see Anti Terrorism Crime and Security Act, 2001). The ‘Terrorism Act’ of 2006 categorizes new offences such as ‘glorifying the commission’ or ‘preparation of acts of terrorism’. I do not wish to downplay the effects of the carnage of, for example, 7 July 2005 in London. Indeed, one might describe the acts of the perpetrators of these crimes as, in some sense, ‘evil’, if indeed anything is evil. (See Cole, 2006, for a questioning of the view that there is any such thing.) However, the response to recent events of this kind has been not only to punish the perpetrators of the crime but also to label others as potential terrorists.

Experts on the question claim that there is no definition of terrorism (see, for example, Gearty, 1991). Terrorism seems to be at least in part a method of violence, used by an actor in pursuit of a political goal. But the word has come to be applied to a category of person. In Palestine, Hamas is often described as a ‘terrorist’ group, even though it won an election. Laqueur indeed described terrorism as ‘the weapon of the weak’ (Laqueur, 1987). Being labelled a ‘terrorist’ can lead to the basic and fundamental

human rights of those so labelled being violated. People can be arrested and detained on suspicion of terrorism without the kinds of safeguard being in place that would be normal in a liberal democracy.

In the USA, in 2005, the Pentagon agreed, in at least one report, that the US had detained more than 80,000 people in 'facilities' from Afghanistan to Cuba since 11 September 2001 (*The Guardian*, 19 November 2005). In the USA, furthermore, lawyers and others are paying a great deal of attention to the work of Alan Dershowitz (2002). Dershowitz argues that torture should be legalized for 'extreme' crimes such as are illustrated in the hypothetical 'ticking bomb' scenario. In this scenario a person is held in captivity; he is said to know the location of a bomb that is about to go off in a busy shopping centre. Dershowitz argues that torture should be legalized to allow for the torture of someone in this kind of extreme circumstance in order to save millions of lives. Dershowitz' is not the only work of this kind. There is a number of such works in circulation.¹ In Ignatieff's book, *The Lesser Evil* (Ignatieff, 2004), for example, 'terrorists' are described as 'evil people' who 'we' have to fight. Suspected terrorists may come to be regarded as effectively lying outside the 'universal convention' that offers them, at the very least, the right to life and the right not to be tortured. The designation 'evil person' allows them to be categorized with the mad, as lying outside this domain.

In *Madness and Civilisation* (Foucault, 1965), Foucault writes that many of the 'mad' who were confined in institutions such as the Hopital General in Paris, were poor and unemployed. In the seventeenth century, poverty was not seen to be caused by unemployment or the scarcity of goods, but rather by 'the weakening of discipline and the relaxation of morals' (Foucault, 1965, p. 54). One group that was categorized as effectively 'mad' and confined was the group of beggars. Beggars, it was believed, according to Foucault, came into being because of 'unfortunate tolerance of crimes of all sorts which attract the curse of God upon the state when they remain unpunished' (ibid., pp. 54–55). The institutions of confinement, therefore, were establishments responsible for punishing those who were liable to destroy the moral fabric of society. The Hopital General had an ethical status. It was the moral charge that invested its directors, and they were allowed to use every judicial apparatus and means of repression. 'They have the power of authority, of direction, of administration, of commerce, of police, of jurisdiction, of correction and punishment'; and to accomplish this task, 'stakes, irons, prisons and dungeons are put at their disposal' (ibid., p. 55).

In the first chapter, I quoted de Weitz who argued that there are two categories of moral thought that are 'unreasonable' and that therefore

should be left out of the scope of recognition and toleration (de Weitz, *ibid.*). One is the set of bizarre beliefs about the world and the other is a doctrine or a person that is evil. In Foucault's writings, these two categories come together – those who are poor are poor because they are evil and they should therefore be regarded as mad and confined and tortured. That is a stark statement. In the seventeenth century, a group of people who happened also to be excluded from Descartes' notion of the 'rational being' were confined and subjected, it seems, at least on occasion, to torture. Descartes' conception of the 'rational being' was crucial in defining and characterizing Enlightenment and post Enlightenment liberalism.

In the present period we appear to be seeing a parallel exclusion of a certain group of people from the domain of those allowed to be the subjects of universal rights – those labelled, sometimes perhaps on good grounds, but sometimes, as recent reports have revealed, on the flimsiest of evidence – as potential 'terrorists'. The universality of human rights discourse may be undermined in the case of this group, which, as we saw earlier, included 80,000 detained by the USA alone. Today, in the twenty-first century, a group of people who fall into an ill-defined category, the category of 'terrorist' and who are therefore labelled 'evil' are being denied basic and fundamental 'universal' rights.

No doubt there are differences between the seventeenth century case as depicted by Foucault and the contemporary picture. A relevant parallel, however, is this: Descartes does not argue with the 'mad' person in the way he 'argues' with the malicious demon or with the hypothetical dreamer. Similarly, the US authorities do not 'argue' with the potential terrorist. The 'mad' person, in Descartes' case, is simply ruled out of account, without the need for argument or discussion.

In the seventeenth century, labelling a group of people 'mad' or 'evil' appeared to be sufficient to justify confining them in asylums where they may have been treated very badly. In the present period, classifying a person 'terrorist' with its connotations of madness and evil, also serves to justify confining the person in institutions where he or she may be subject to torture. Curtailing autonomy, as we have seen, for the classical liberal, is tantamount to a denial of their essence, 'if the essence of men is that they are autonomous beings, then nothing is worse than to treat them as if they were not autonomous' (Berlin, 1969, p. 136). In each case, the individual concerned, although he or she is a human being, with basic needs and interests and desires like the rest of us, and who therefore has an interest in having their needs met, is locked away and denied the basic and fundamental requirements of humanity.

There is, it will be claimed, however, a perfectly good reason for the confinement in the twenty-first century case, since it is designed to prevent an extreme harm to others. This, after all, is the standard justification given by the classical liberal, indeed by Mill himself, for curtailing the autonomy of one person. Even if it means that some innocent persons will be detained against their will, the policy of detention is justified, it will be claimed, given the severity of the potential harms committed by the terrorist. As Dershovitz might argue, the possible consequences of allowing some terrorist to roam the world freely are so horrific and so extreme, that individual states are justified in harming a few innocent people. This is simply the lesser evil. In other words, the claim would be that there is a very significant difference between the confinement in the present century and that in Descartes time. In that time, the technology was not sufficiently developed to cause the degree of harm that one person is able to bring about in the twenty-first century.

There is a difference, in other words, in the perceived function played by confinement in each case. In the seventeenth century case, the degree of harm that one beggar or one 'mad' person was able to carry out, was not nearly as severe as that potentially perpetrated by the actual terrorist today. But this is a moot point. In 1666, the Great Fire of London gutted the medieval city of London and is estimated to have destroyed the homes of 70,000 of the city's 80,000 inhabitants. Fires were common in the period and were capable of doing a great deal of damage to the many wooden buildings (Porter, 1994).

Those labelled 'mad' in the seventeenth century were confined, if Foucault is right, in order to prevent 'disorder' in society. Whether they were actually proven perpetrators of disorder mattered less, it appeared, than the perception that there might be a link between 'madness' and 'evil'. As we have seen, there is a link between these two states of mind in the theoretical literature on liberalism. Confinement, as Foucault has suggested, acted as a means of social control. This was its primary function. The motive for locking people away in the seventeenth century was to attempt to prevent social disorder. Confinement in the seventeenth century was not primarily designed to assess the case for the purported link between madness and the willingness to perpetrate crimes that would have a deleterious effect upon society. The link is precisely parallel in the present case.

If we look at other evidence (see, for example, Mohammad Sidique Khan, 2005) it may be that the contemporary institutions of confinement serve precisely the opposite purpose from that intended. Khan claimed that the 7 July 2005 bombings in London were in reprisal for the attacks on Islamists

by the west. He said: 'Your democratically elected governments continually perpetrate atrocities against my people all over the world' (Khan, *ibid.*). Instead of acting as deterrents to potential terrorists, the institutions of confinement might rather encourage individuals, out of anger for the unjust treatment of others, to consider becoming a terrorist. In the final chapter, I will look at a different way of thinking about this issue.

It seems to me, therefore, that there is a parallel between the two cases: in each case there is a group of people, who, on grounds that are not those assumed by the rational liberal subject, are excluded from the society of such subjects. The 'mad' in Descartes time, and the 'terrorist' today, are cast aside and denied, in the former case, the right to be treated rationally, and in the second case, the basic and fundamental liberal rights – to life and not to be tortured.

In their book, *Dialectic of the Enlightenment*, Horkheimer and Adorno (2002) argue that the domination of nature by some humans and of some people by others is endemic in Enlightenment thinking and that it is motivated in part by fear, by a fear of the unknown. Like Foucault, they probably did not intend their work to be propounding theoretical definitions, but rather to be making critical judgements about historical tendencies.

Another Limitation of the Notion of a Right

The above represents one potential weakness in human rights thinking that links with a claim made in the first chapter about the metaphysic underlying liberal forms of thinking. I would now like to document another limitation.

Many of the examples mentioned in the previous chapter concerned abuses of women. The discourse of human rights, however, is not a wholly appropriate medium in terms of which to address all forms of oppression of women. There are a number of forms of limitation of the doctrine, arising partly out of the model of the self that underlies it, which I would like to mention here.

One important limitation of the doctrine of human rights as expressed in relation to women is the language in terms of which human rights legislation and related documentation is expressed. The UN declaration, I have already pointed out, was significant in promoting women's rights at a time when some countries had only recently recognized that women constituted citizens of the world. However, earlier formulations of human rights, such as, for example, the French Revolution proclaiming the rights

of man, explicitly excluded women from the public sphere (see Pateman, 1989; Lister, 1997; Werbner and Yuval Davis, 1999) and relegated them to the private domain of the family. The public sphere of citizenship, then, was routinely constructed as masculine. Pateman (*ibid.*) argues that early constructions of the notion of the 'rights of man' were construed with male heads of household in mind. John Locke gives as an example of a right: a man's right to marry off his daughter (Locke, 1689, 1970). There is no mention of the rights of the daughter herself. These heads of household, in other words, are supposed to emerge, whole from the earth, without having been nurtured and raised in the private sphere of the family. In Locke's example above, the daughter is viewed as the object of the man's right – she might almost be the inert object of Kant's transcendental self. The family, in the above quotation, is the property of the man who has the right. He, the man, is a soul substance with an attribute – the right to do certain things with his daughter.

Early liberals, including John Stuart Mill, for example, exempted the private realm from government interference. In the private domain, he believed, 'the individual' has the right to do as he (*sic*) likes and no one should interfere in 'his' exercise of this right. 'The individual' is free in the negative sense of being entitled to be left alone in the private domain. So, in the private domain, if the rights of women are to be upheld, it is not governments that have the negative obligation of refraining from carrying out abuse, but rather individual male 'heads of households'. I will return to this issue in a later chapter.

Many feminists have argued that this early model actually pervades contemporary thinking about human rights. Many abuses of women occur in the private domain that is explicitly excluded from this early model. These matters include rape (including marital rape) and domestic violence, reproductive freedom, inequalities in marriage and divorce. Indeed, it is argued that the legislative framework of much human rights thinking rules out consideration of these abuses. The obligations of governments do not extend, for the most part, to the family (although this is beginning to change – see Chapter 8). Once again, then, the model of the self assumed in the tradition is a public citizen who 'has' a family. These family members are not seen as selves in their own right who stand in various kinds of relation to these citizens – as carer, lover, husband, brother.

Laws relating to family life therefore are both tremendously important but involve some substantial rethinking of the discourse of human rights. Indeed, there are contradictions once the notion of a 'right' in the private sphere is recognized. For advocates of 'cultural rights' such as the right to

an arranged marriage conflict with a woman's right to choose to whom she gets married.

A different but related issue is that early human rights documents were expressed in gender neutral language, whereas some advocates of the rights of women have argued that there are gender-specific human rights issues. But this then raises a different kind of problem about the notion of a right – if rights are universal human rights then they must apply to all without distinction of race or gender. But it is difficult to conceptualize the notion of a gender-specific right without in some way undermining the very concept of a right.

Recent Feminist and Other Work on Rights

Recent work that falls broadly within the domain of liberal theory has been less 'universalizing' in its theoretical framework than this or than the approach discussed in the first chapter.

The late work of Rawls is less universalizing than his early work. But Kant's dual conception of the person, or something like it, implicitly reappears in some of this later work. In his later work *Political Liberalism* (Rawls, 1996), Rawls claims that liberal principles apply only in the 'public' sphere of citizenship. In the 'private' realm, citizens can deploy whatever lifestyle and 'conception of the good' they wish – they may, for example, be a fundamentalist follower of Christianity or Islam here but publicly they must be committed to liberal principles.

However, it is difficult to sustain this distinction. Autonomous 'noumenal' public citizens are the same individual selves who may practice, for example, a version of Sharia law in their private lives. If, for example, a hypothetical male upholder of liberal principles believes in women covering themselves fully when in front of men, this view of his cannot only apply in the private domain. In other words, the right to religious recognition, in this case, will conflict with the rights of others not to have to follow Sharia law. This is the kind of case discussed in the previous chapter.

In response, feminist theorists have moved towards a politics of diversity. Diversity politics affirms difference for its own sake: it recognizes that many forms of difference are forged in the context of power.

There are two recent influential and broadly liberal approaches to the issue of diversity and justice that have been offered partly in response to criticisms of Rawls and also in recognition of the claims of black feminists and lesbian feminists. As Kum Kum Bhavani and Margaret Coulson put it: 'It is not only that there are differences between different groups of women

but that these differences are also conflicts of interest' (Bhavani and Coulson, 1986, reprinted in 2005, p. 90). In response to this kind of point, feminists began to develop a 'politics of diversity'.

One influential such approach is that of Iris Marion Young, who argues that there are 'five faces of oppression – exploitation, marginalisation, powerlessness, cultural imperialism and violence which function as criteria for determining whether individuals and groups are oppressed' (Young, 1990, p. 64). She sets out to map particular forms of oppression and to argue for a revised conception of justice that contextualizes the political subject according to these power relations. In relation specifically to the concept of a right, she proposes a 'differentiated citizenship' which would grant rights to specific group representation at the various levels of government, thereby increasing their opportunities for political participation. Young is, in some respects, therefore, critical of the model of the self articulated in the first chapter. She is also critical of the Rawlsian view outlined above according to which difference is restricted to the private sphere. To the contrary, in so far as differences between groups are determinant of the experience of individuals, these group differences must have public and political significance. Thus, where a group, such as women, for example, has been systematically excluded from political power it might need specific rights in order to help ameliorate against this exclusion and to bring us closer to justice. Group interests and group rights therefore must be protected.

Another influential approach is that of Nancy Fraser (1989) who refers to social collectivities and their relationship to forms of injustice. Fraser proposes a spectrum of injustices raging from injustices of distribution to those of recognition. Some collectivities or 'modes of social differentiation' centre on both notions; others, however, primarily class and sexuality, fundamentally raise questions of distribution and recognition respectively.

Feminists are not the only people operating within a broadly liberal framework who have reservations about the unitary, abstract rational self. Kymlica and others have advocated group rights: for example, the rights of minority groups for self-government (Kymlica, 1989, 1995).

All of these works have been widely discussed. When a liberal theorist, however, pushes hard at the boundaries of the liberal framework, the framework itself begins to crumble. Each of the above approaches prioritizes the notion of rights and justice over that of the good. Young, for example, is concerned to emphasize the differentiated 'rights' of socially diverse citizens. However once one recognizes that the self is not purely abstract and unencumbered, then the notion of a 'right' becomes problematic in a different way. How, for example, do we differentiate the 'rights' of smokers from, for example, the rights of sex workers? Should we differentiate these

from one another? How do we differentiate the 'rights' of Muslims from those of Christians? Furthermore, how do we ensure that protecting any kind of group right does not distort or conflict with the rights of individuals within the group? Although a great deal of time and effort has been spent attempting to differentiate those inequalities that stem from structural differences from those that do not (see, for example, Young herself and also Cooper, 2004) the question must be asked: how does the concept of a right and that of justice help ameliorate deep inequalities?

There are also difficulties surrounding the notion of 'recognition' developed by Fraser and others (Fraser, 1988; Taylor, 1991; Yar, 2001 in Cooper).² Fraser deploys the notion in order to give credence to the idea that group membership contributes to shaping esteem and identity. In this respect her work offers a significant move away from the abstract universal rational self. One problem with it, however, is that the notion may homogenize the group that is being offered recognition. The model remains caught up in the liberal metaphysic in this sense: it assumes that one can rationally and clearly identify each group. The group itself becomes a substance with an attribute – the right. The group becomes analogous, therefore, to the abstract individual.

Individuals will not necessarily be shaped by their cultural group in the same ways, and 'recognition' may involve a distortion of individual identity and values. It has been argued that the very notion of 'recognition' assumes a rational self, in so far as it presupposes that one can 'recognize' someone radically different from oneself (Thompson, 1998). If the notion is broadened, as it has been, for example, in the work of Simon Thompson (1998 and 2000) to include a rather different notion of emotional recognition, then, it is moving very much in the direction I would like to go in later chapters, but, it seems to me, this is a radically different kind of concept from that of, for example, Taylor and Fraser. Taylor's notion, although a very important concept, it seems to me, remains a largely cognitive one: an individual or a group is given recognition if it is treated with respect (Taylor, 1990, 1991).

Even where the theory appears to be critical of this, implicitly underlying the doctrine of natural or, as Pogge puts it (Pogge, 2002) 'moral' rights is the metaphysic of the person outlined in chapter one. Rights talk, as O'Neill writes (O'Neill, 1996) is guided by the question: 'What are we (or I) entitled to?' (ibid., p. 127). It focuses, she argues, on recipience rather than on action. Rights are possessed by individuals or groups, so the individual or the group becomes a substance with an attribute or a property – the right. The focus is on what the self or the group is entitled to rather than on its obligations or duties or its moral character. Predominant among the

rights advocated by thinkers in the tradition, as we have seen, is the right to freedom. In the case of the diverse rights of radically different citizens, there are constant conflicts of entitlement, with each group vying with all the others to have its 'rights' recognized.

Back to Kant

The 'right', for example, to liberty is a power to do anything that does not harm others. It presupposes a self-sufficient, egoistic individual or group who or which conceptualizes others as boundaries or limits on its freedom. As Sandel has argued, it is unlikely that the above selves can be individuated at all; instead, the 'ends' we have as persons, involving our interactions with others, partially constitute who we are (Sandel, 1982). The discourse of harm is couched in terms of autonomous individuals or, correspondingly, 'autonomous' groups. Talk of group rights presupposes a group that can be clearly individuated; that is, distinct from all other groups. Effectively, then, it is autonomous in an analogous sense to the sense in which an individual is autonomous.

Harm to individuals come about frequently through the intentional acts of other autonomous agents. Others, then, on the perspective, are viewed, at least in significant part, as sources of harm to the individual or the group against whom he or she or it must be protected.

Followers of Marx, particularly noting his text *On the Jewish Question*, remark on his distinction between human and political emancipation (for one excellent such perspective, see Ted Benton, 1993). The latter is the sort of emancipation implied by the human rights tradition, whereas the former, to be fully realized, requires deeper social transformation, bringing about a social world where the formal rights of citizenship might either be fully realized or rendered unnecessary because social relations between people were more fully humane than they are under capitalism. It is then argued, following Marx, that the human rights tradition is concomitant with liberal individualism which receives expression socially and historically under the capitalist epoch in social relations and social history.

The liberal human rights tradition, it is claimed, is valuable for capitalism since the concept of a right secures the kinds of interest required to enable property owners to consolidate their powers, which were hampered by the kinds of constraint typical of the feudal order.

However, it seems to me that the tradition of human rights presupposes a deeper metaphysic of the self, along the lines of the argument of the first

chapter, than this picture makes out. The rights encapsulated in the Universal Declaration, for example, are largely, although not exclusively, formal properties of abstract persons. For example, the right to liberty of expression is presented as formally equal for all. Yet it is exercised very differently if you are the owner of a large newspaper or if you have access to an influential media outlet from the way it is exercised for someone who has few resources of this kind. Rights of groups, moreover, are likewise, formal properties of an abstract collective entity.

Kantian noumenal selves, one presumes, have some kind of life as abstract, non spatio-temporal, beings. They are essentially free and autonomous and they need protecting against the desire of other such agents to treat them as though they are 'means' to their ends. They are separate and egotistical in the sense that they set out to preserve their own freedoms. They are not other-focused: they do not have responsibility for the care and concern of others. They don't interact with others. Effectively the 'persons' assumed in the rights tradition are Kantian 'persons' or noumena.

When the human rights tradition comes, as it did with T. H. Marshall's influential 1949 text (Marshall, 1949) to consider more substantial rights, such as the right to a decent standard of living, it is caught in a dilemma. It seems to me that it is exactly Kant and Rawls' dilemma. Persons in the embodied sense need food and shelter before they can exercise their right to liberty.

As Ted Benton points out: 'to acknowledge the social, economic and cultural requirements for effective rights is not the same thing as bringing these requirements into existence' (Benton, 1993, p. 120). The recognition that human beings are more than 'noumenal selves'; that they are real, embodied and needy beings, poses the question: who or what is responsible for implementing the more substantial rights? It presupposes, in other words, some guidance on the connection between the abstract, autonomous rational 'noumenal' bearer of formal rights, and the real spatio-temporally bound, embodied 'phenomenal' selves, who need food and who interact with others in a range of ways. The 'rights' framework is hampered by its metaphysic of the self, when it considers the answer to the question: who or what is to provide for these needs?

Moral and political philosophers in the liberal tradition, when they speculate about this and related questions, have been concerned with the question of justice. As MacIntyre puts it:

Does justice permit gross inequalities of income and ownership? Does justice require compensatory action to remedy past inequalities which

are the result of past injustice, even if those who pay the costs of such compensation had no part in the injustice? Does justice permit or require the imposition of the death penalty? . . . (MacIntyre, 1988)

MacIntyre himself argues that conceptions of justice vary with social and historical circumstances. What it meant, for example, for Homeric peoples was radically different from the sense it came to acquire in the eighteenth century.

In the context of the present discussion, however, I would go along with the view of Hume on the one hand and Sandel on the other, that justice is a concept that comes into existence, at least on a certain reading of the notion, when the above metaphysic of the person is assumed. If, as Hume wrote, you were to ‘implant in the human breast perfect moderation and humanity . . . by rendering justice totally useless, you thereby destroy its essence and suspend its obligation upon mankind’ (Hume, 1966, p. 188). Where community and benevolence are absent, then justice becomes necessary. In a later chapter of the book I will consider what this kind of benevolence might mean.

One recent thinker, Hamilton (2004), argues that the concept of right should be rejected altogether in favour of that of need. He believes that political philosophy is too much dominated by the virtues of justice and welfare at the expense of political participation, democratic sovereignty and the satisfaction of needs. He has a number of reasons for suggesting that the concept of a right is misleading and ought to be rejected: firstly, the concept arose with colonialism and it was used, he suggests, as a justification for the powers appropriated by the colonialists. This might in fact have been the case, but it does not mean that the concept of a right might not, despite this, be of some value. Hamilton suggests that ‘a political philosophy founded on rights is illusory, and in practice it often acts counter to some of its own intended goals’ (Hamilton, *ibid.*, p. 3). He argues this because rights are retrospective and in fact they impede change and development. They entrench the status quo and undermine the need for political participation. I will discuss Hamilton’s work further in a later chapter.

This chapter concludes the discussion of human rights. I have argued that there are specific limitations of the doctrine that arise directly out of the metaphysic of the self described in the first chapter. There are direct links both with the Cartesian inspired part of the tradition and with the Kantian. In the chapter following I will go on to look at the concept of autonomy.

Chapter 4

Autonomy and ‘Evil’

Liberalism and Autonomy

In this chapter, I would like to focus on what seems to me to be a different limitation of the liberal perspective broadly conceived, and this relates to the emphasis on autonomy. If one asks the question: why, for many liberals, are freedom, pluralism and rights important, the answer would be that they are significant because of their role in fostering the core value of liberalism and that is a commitment to autonomy. Autonomy is the fundamental liberal value (see, for example, Ackerman, 1980; Dworkin, 1985; Lindley, 1986; Raz, 1986). As one thinker has put it: ‘... one needs some conception of human good, of human flourishing, in a form (or range of forms) of communal life that fosters rather than hinders such flourishing’ (Finnis, 1980, p. 220). Autonomy is thought to be necessary for this flourishing. As another recent thinker has put it: ‘Liberals like choice. Human flourishing is to some degree dependent on individuals’ ability to choose their ends and actions. More precisely liberals often place choice at the heart of their conception of justice’ (Chambers, 2008, p. 118). Or, to take another example:

There is a certain way of being human that is *my* way. I am called upon to live my life in this way and not in imitation of anyone else’s life. But this notion gives a new importance to being true to myself. If I am not, I miss the point of my life, I miss what being human is for *me*. (Taylor, 1992, p. 30)

According to the principal defender of autonomy, Kant, autonomy is so important because it is intimately related to the essence of a person (Kant, 1948). It is logically impossible, he argued, for a person to contract to give up all their rights, since this would deprive them of the ability to make any contracts at all, and thus of their person-hood. Autonomy is the capacity to

act on principles that are one's own (Benn, 1976). These, indeed, are principles one has made one's own by a process of rational reflection on them. In order to act autonomously, therefore, the agent must have made a choice to act that way; he or she must have made this choice by selecting among alternatives that are reasonably available to him or her; he/she must also have been able, at least to a degree, to have understood the alternatives available. Among the choices available to the person, these choices must not in any reasonable sense have been forced upon him or her. Thus it may be reasonable to take orders from a competent doctor, and thus, in a sense to give up one's autonomy. If the choice to do so has been freely exercised, however, then the person would not be said to have given up his or her autonomy. If, however, the available choices exclude, for example, some set of moral values or religious beliefs that are held by the individual, then the choices available prevent the individual from exercising full autonomy.

Frankfurt (1971) extends the conception of autonomy further. He argues that a person has autonomy if they are able to make what he calls their 'second order' desires, their effective ones. First order desires are desires like, for example, that of a smoker to smoke. Second order desires, by contrast, are desires that are arrived at after reflection on one's first order desires. For instance, I may want to smoke but I may also not wish to get lung cancer. If a person is able to quell their first order desire, arrived at prior to rational reflection, in favour of their second order one, then that, for him is a condition of autonomy.

Full autonomy, then, requires something analogous to the conditions outlined above. Each one of these conditions has been subject to some debate, and there are no doubt further ways of refining what is meant by autonomy. Furthermore, liberals differ in the extent of autonomy they require. (For Dworkin, for example, equality is the 'nerve' of liberalism [Dworkin, 1985, p. 183].) Autonomy, for many liberals, however, is both necessary for attributing moral responsibility and a key constituent of the good life.

If there are acts that are carried out non-autonomously, then, the person will in all likelihood not be held responsible for what they have done. We saw in the first chapter how, for certain liberals, there are two categories of moral thought that are 'unreasonable' and that should therefore be ruled out of the scope of recognition and toleration. One of these categories is any doctrine that is 'evil'. I have argued in previous chapters that liberal moral theory and the metaphysic of the self on which I am suggesting it depends, outlaws a range of individuals, practices and behaviours as beyond the scope of reason and goodness.

Human beings, however, and not just those who are regarded as lying outside the domain of the rational being who is the subject of rights, are motivated by unconscious desires, by irrational wants, by hatred, fear, aggression and envy. It is also the case that some autonomous actions result in outcomes that are not good. Human beings have caused genocide, warfare, terrorism, murder and, on a very large scale, domestic violence. The latter is very much more common, as we will see in the final chapter, than many of us recognize.

Non-autonomous Motivation for These Actions

Liberals may either claim that actions like these were the result of motivation that was non-autonomous or they may suggest that these horrors were indeed the result of autonomous actions. If the liberal claims the former, then he or she is saying that these prevalent behaviours may have been the result of compulsion or irrational desire over which the individual had no control, or they were carried out because of choices that were somehow forced on them or because of causal factors outside their control. The liberal might say that the individual was indeed causally responsible for the outcome – Eichmann pressing the button that caused gas to enter the chambers, for example, but that he might not have been morally responsible because he really did not rationally reflect on his motives in the full awareness of the possible alternatives available to him. Notice, however, that this means that the liberal is saying in these cases, that some prevalent behaviours were carried out by individuals acting outside the scope of the reasonable, autonomous and morally culpable individual. Effectively, then there would be some individuals, on these premises, and other individuals some of the time, who become like the ‘insane persons whose minds are so troubled and clouded by the black vapours of the bile that . . .’ (sic., Descartes, 1972, op. cit.). These people or some people’s behaviour some of the time will be excluded from the scope of the rational and moral agent. The latter may act in a fashion that is ‘evil’ only rarely or he or she might do so in regular ways, perhaps as a result of characteristics over which he or she appears to have no control.

Let us have a look at some examples of individuals who have carried out acts that most of us would concede are wrong, but who appear to have done so non-autonomously. One kind of case is the person who carries out her actions simply because she has been told to do so. This is famously the reason given by the subjects in the Milgram (1974) experiments for causing

pain to the experimental subjects. When asked why they inflicted such pain, knowing that they were simply playing a role in an experiment and that nothing for them turned on whether or not they had hurt the subjects, some of them replied that they had acted as they did simply because they had been told to do so. I will present this case in a little detail in order to illustrate the point.

Stanley Milgram, in *Obedience to Authority* (Milgram, *ibid.*), presents the results of some psychological experiments that suggest the extent to which people from a wide range of walks of life are prepared to act in a way that is contrary to their conscience, simply because they are obeying authority. In Chapter 2, he makes the following point: 'of all moral principles, the one that comes closest to being universally accepted is this: one should not inflict suffering on a helpless person who is neither harmful nor threatening to oneself' (Milgram, 1974, p. 13). Yet the cases he describes are instances where many people, none of them particularly sadistic or violent by nature, are prepared to inflict pain on others.

The experiment consists in two psychological subjects, one of whom plays the role of 'learner' and the other that of teacher. The experimenter explains that the study is concerned with the effects of punishment on learning.

The learner is conducted into a room, seated in a chair, his arms strapped to prevent excessive movement, and an electrode attached to his wrist. He is told that he is to learn a list of word pairs; whenever he makes an error, he will receive an electric shock of increasing intensity. The teacher sits in front of a horizontal row of thirty switches, ranging from 15 volts to 450 volts. There are verbal descriptions ranging from 'slight shock' to 'danger-severe shock' (*ibid.*, p. 48).

He is told to start at the lowest level and to increase the level each time the learner makes an error. (The learner actually receives no shock at all, but the 'teacher' does not know that.)

A range of people was asked, before the experiment was carried out, whether they thought that the experimental subjects playing the role of 'teachers' would administer the shocks. The vast majority said that they thought they would not. They thought that people would not go beyond the 150 volts, because people are basically decent, empathetic. In fact some subjects in one experiment carried on to the maximum shock level of 450 volts. Four experiments were carried out, and the subjects were more likely to defy the experimenter and cease operating the voltage machine when the 'learner' was brought into close proximity to the teacher.

I'd just like to describe two of those playing the role of teacher. This is the first:

Jack Washington is a black subject, age thirty-five, who was born in South Carolina. He works as a drill press operator and stresses the fact that although he did not complete high school, he was not a dropout but was drafted into the army before he could get his diploma. He is a soft man, a bit heavy and balding, older-looking than his years . . . When the victim's first protests are heard, he turns toward the experimenter, looks sadly at him, then continues reading the word pairs. The experimenter does not have to tell him to continue. Throughout the experiment he shows almost no emotion or bodily movement. He does what the experimenter tells him in a slow, steady pace that is set off sharply against the strident cries of the victim. Throughout, a sad, dejected expression shows on his face. He continues to the 450 volt level, asks the experimenter what he's to do at that point, administers two additional shocks on command, and is relieved of his task. . . . He explains in an interview that although he feels the shocks were extremely painful, he accepted the experimenters' word that they would cause no permanent damage. He reaffirms his belief in a questionnaire answered almost a year after his participation.

. . . Of the learner, he says, 'He agreed to it, and therefore must accept responsibility.' . . . 'I merely went on. Because I was following orders . . . I was told to go on . . .'. (ibid., pp. 49–50)

He does not mention any dilemma over whether or not this 'obedience to authority' was a result of a choice between this and moral beliefs. Indeed there is no reference to any moral beliefs or outlook.

The second reads as follows:

Mr. Batta is a thirty-seven year old welder. He was born in New Haven, his parents in Italy. He has a roughhewn face that conveys a conspicuous lack of alertness. His overall appearance is somewhat brutish. An observer described him as a 'crude mesomorph of obviously limited intelligence'. (ibid., p. 50)

But this is not fully adequate, for he relates to the experimenter with a submissive and deferential sweetness.

He has some difficulty in mastering the experimental procedure and needs to be corrected by the experimenter several times. He shows appreciation for the help and willingness to do what is required. . . . When the

learner first complains, Mr Batta pays no attention to him. His face remains impassive, as if to dissociate himself from the learner's disruptive behaviour. When the experimenter instructs him to force the learner's hand down, he adopts a rigid mechanical procedure. He tests the generator switch. When it fails to function, he immediately forces the learner's hand onto the shock plate. All the while he maintains the same rigid mask. The learner, seated alongside him, begs him to stop, but with robotic impassivity, he continues the procedure. What is extraordinary is his apparent total indifference to the learner; he hardly takes cognisance of him as a human being. Meanwhile, he relates to the experimenter in a submissive and courteous fashion.

When he administers 450 volts, he turns to the experimenter and asks, 'Where do we go from here, Professor?' His tone is deferential and expresses his willingness to be a co-operative subject, in contrast to the learner's obstinacy. The experimenter has great difficulty in questioning the subject on the issue of responsibility. He does not seem to grasp the concept (*ibid.*, p. 46).

In the experiment, there is no coercion of the 'teacher' involved in the experimental process. It is almost as though the teacher becomes 'constitutively attached' to the experiment; she immerses herself in it; he submerges his identity and his values to the norms of the experiment. Sabini and Silver have offered the following account of what is going on:

Subjects enter the experiment recognising some commitment to co-operate with the experimenter; after all they have agreed to participate, taken his money, and probably to some degree endorse the aims of the advancement of science . . . every shock is only slightly more powerful than the last. The quality of the subject's action changes from something entirely blameless to something unconscionable, but by degrees. Where exactly should the subject stop? At what point is the divide between these two kinds of action crossed? How is the subject to know? . . . If the subject decides that giving the next shock is not permissible, then, since it is (in every case) only slightly more intense than the last one, what is the justification for administering the last shock he just gave? . . . (Sabini and Silver, 1980, p. 342)

The Holocaust is the most oft quoted (in Europe) example of a series of abhorrent immoral acts being carried out by thousands of people in the name of obedience; in the name of their simply going about their daily lives. Hannah Arendt has argued that one of the most extreme perpetrators

of the violence was not a monster. Rather, he was simply a bureaucrat sitting at his desk and doing his job. She writes:

Eichmann was not an Iago or Macbeth . . . Except for an extraordinary diligence in looking out for his personal advancement, he had no motives at all. And this diligence in itself was in no way criminal; he certainly would never have murdered his superior in order to inherit his post. He merely . . . never realised what he was doing . . . He . . . had a lack of imagination. (Arendt, 1963, p. 287)

As Milgram says:

ordinary people, simply doing their jobs, can become agents in a terrible, destructive process. Even when they are asked to carry out actions incompatible with the fundamental standards of morality, relatively few people have the resources needed to resist authority. (Milgram, *ibid.*, p. 6)

Milgram offers a few explanations: he suggests that people can become preoccupied with the technical aspects of a task. Edward Bond has written a play that compares a supermarket today with the Holocaust, in this respect – people can become preoccupied with the technical aspects of a task, and lose sight of the overall picture. The film *Dr Strangelove* satirized the absorption of a bomber crew in the exacting technical procedure of dropping nuclear weapons on a country. People might alternatively be drawn by a crowd, as are the gang members in the film *The Accused*. They might just not see themselves as responsible for their own actions. ‘I was just doing what I was told’ ‘I was doing my duty’. This is the story that was heard over and over again at Nuremberg. The moral concerns of the individual shift to how well they are performing for the authority. If they do continue to see some moral responsibility, it is not theirs. They blame ‘the system’ or in the above case ‘the experiment’. They might alternatively look for a nobler cause – such as in the case of the experiment – the pursuit of scientific truth; or the defence of the nation. As Bauman has put it: ‘inside a system of authority . . . , the language of morality acquires a new vocabulary. . . . It is filled with concepts like loyalty, duty, discipline – all pointing to superiors as the supreme objects of moral concern’ (Bauman, 1991, p. 160). They had been, to refer to Milgram’s title of his book, obedient to authority.

Another example is offered in the novel *The Layer Cake* (Connelly, 2004). The hero plays the role of a gangster who is engaged, among other things, in drug smuggling and in illegally dealing. In other respects he is a harmless businessman who does what he does for profit and does not wish to engage in any behaviour which may have been seen to be more deeply morally harmful. He intends to leave the gang when he has made the amounts of money he set out to make. However circumstances conspire to make it difficult for him to leave, and he finds himself in a situation where the only way out for him involves him in murdering someone. Perhaps this action was autonomously carried out but it is arguable that it was not; that he saw it as an expedient act in order to extricate himself from difficulties that were not directly caused by him. He acts out of motives that concerned ambition and the desire to make money. These motives again overrode any moral principles he might have had to the effect that such behaviour is morally wrong.

A third case is of behaviour that is very common. It concerns the perpetrator of domestic violence. Often such perpetrators claim that they act as they do out of love and not out of any desire to hurt their loved one. (See Chapter 8 below for more detail on this.) Sometimes they appear to be unaware that their behaviour constitutes an unusual manifestation of love. Often such perpetrators are simply continuing a pattern of behaviour that was carried out on them when they were children and that they witness in much of the rest of their lives. Again they appeared not to be autonomously choosing to inflict harm on their loved ones; rather they seemed to be acting out of habit or out of love.

In each of these cases, the subject is acting from passions, desires, motives that form part of their bodily makeup; that constitute the part of themselves that is causally linked with others in the world and with past behaviours that are entrenched in their psyches. They appear not to be acting as free, autonomous, rational selves. Rather they seem to be acting as embodied people with passions and desires. Some of the latter are not intrinsically good or well behaved.

A consistent interpretation of strict liberal principles would be to claim that the way to alter such behaviours is to increase the autonomy of the individuals concerned. However, it is unlikely, given the psychic make up of these people, given their histories and their experience, that increasing their autonomy would increase their good behaviour. In the case of those playing the role of 'teacher' in the Milgram experiments, they showed no inclination at all to disobey the authority figure. The assumption of certain

versions of strict liberalism is that increasing autonomy is likely to increase 'good' behaviour. But in these cases, many of those in the role of teacher acted as they did almost in a reflex fashion. They appeared to be motivated by a simple desire not to rock the boat; even a desire to please those in authority. In the other cases as well, part of the motivation appeared to be something other than the rational nature of the person concerned; a desire for favours, simple greed, or simple anger.

In fact, it is likely that increasing autonomy will increase the prevalence of 'evil'. The liberal here is relying on a model of the subject as rational, autonomous, free and also good. But people are embodied and often motivated by passions and desires that are far from good. This links again with the dual Kantian and Rawlsian self – the noumenal self is autonomous, rational and free, whereas the self that, in Rawls' words, holds a comprehensive moral doctrine, is embodied and embedded.

Another alternative is for the liberal to suggest that the behaviour of people like those acting in the role of teachers, should be modified, through, for example, coercion, at one extreme or, through a process of education. But notice that each of these options in fact entails reducing autonomy; reducing the individual's capacity for choice.

Each of the above characters has brought about something that is wrong. There is no question that the people concerned are causally responsible for their behaviour. Many liberals, however, will deny that they are morally responsible. The reason for this is the perceived link between autonomy and moral responsibility. However, to deny moral responsibility in the cases outlined is to be committed to the view that a great deal of wrongdoing comes about from individuals who cannot be held morally responsible for what they do. A whole range of potential 'evils' – the Iraq war, the Rwandan massacre, the Armenian holocaust, to take a selection of horrors, might constitute, on these assumptions, behaviours for which no one can be held morally responsible. There is a further danger, linked with this, that 'evil' may be normalized. Civil servants, army personnel, if they choose to act on their consciences, instead of out of obedience to their superiors, may be condemned for their behaviour. In the television play, *The Mark of Cain*, for example, the central character claims, before killing himself, that there may be a conflict between acting on one's conscience, and carrying out one's role in the army. The latter is the acceptable behaviour and the former unacceptable.

Autonomy is undoubtedly an important value. However, to accept that autonomy is sometimes an important factor in determining moral responsibility is not the same thing as claiming, as many liberals do, that it has an

overriding place in the moral scheme. Many liberals are therefore hampered by the metaphysic of the person that they adopt, where the moral person is identified with the rational, free and autonomous Kantian or Cartesian 'person' who is effectively split off from his or her body and his or her non-rational nature. Each one of the above individuals becomes, once more, effectively a 'mad' person whose actions cannot be judged to be right or wrong.

Rawls, in setting up his original position, behind the veil of ignorance, assumes that the hypothetical individuals will not operate as 'mad' people, that they will somehow eviscerate their evil and non autonomous motives. The metaphysic of the person that has been adopted is one that excludes the body with its passions and desires, its irrationality and its wrongdoing. Therefore hugely prevalent 'evil' behaviours become difficult to account for. We saw in a previous chapter how, for Kant, there is some doubt as to whether or not women are 'persons' in the sense of being wholly responsible autonomous beings. It seems that there are many others as well and most people at least some of the time, who are also effectively not persons at all in one sense of the Kantian notion of the person.

Autonomous Motivation

Instead of suggesting that the above actions result from non-autonomous motivation, one might, instead claim that 'evil' actions, including the above, are the result of autonomous motivation. One type of explanation of these actions could be that they are motivated by a degree of autonomy but this is combined with a lack of knowledge of the 'evil' motivation. 'Evil' actions are caused by ignorance of their nature. If only the person had really known what would have happened or about the true motivation of the behaviour then they would not have acted as they did. Thus if those in the role of the 'teachers' had really known that they were committing harm to the 'learners' they would not have acted as they did. There are several difficulties with this, notably that people often do act from 'evil' motives when they are very well aware of the consequences of their actions. The 'teachers' in the Milgram experiments did believe that they were inflicting some pain on the 'learners' but they chose to ignore this fact. The serial killer, to take another example, is sometimes quite clear about the consequences of his actions. The fact that moral monsters do exist, if we call them this, is sufficient to throw doubt upon the view that 'evil' is caused by ignorance of the true moral order. Moreover, the view also assumes, if there is such a level of ignorance about the 'true' morality, that the way to

bring about more good in the world and less evil, is, once again, to curtail autonomy.

But leaving aside the difficulties of this kind with the position, the view also depends upon a metaphysic of the self that is Kantian in at least one further respect. It assumes that in the world in which human beings are actually acting, there is ignorance of the true moral order. This moral order effectively lies elsewhere in some supra-sensible reality. A certain kind of liberal approach to dealing with this issue would be to increase the knowledge people have of this 'other' world. But this metaphysical assumption appears implausible, since it is difficult to see, if the world is really structured in this fashion, how it would ever be possible for anyone to gain access to the true moral order.

If we assume a greater degree of autonomous responsibility for morally dubious behaviour then we might say that perhaps much wrongdoing is the result of autonomous actions that have gone morally astray in some way. The person knows the consequences of his actions, but he chooses to act anyway: the father who hits his child and locks her away in the belief (mistaken in my view) that this is for her benefit is acting partly because of his beliefs. Someone might, alternatively, act out of ambition, or out of a desire for economic gain, or out of some deeply held religious belief. Each of these people would be aware that moral considerations suggest that they ought to act differently but they consciously and clearly choose to act in an immoral fashion.

It is difficult to work out what the liberal would say is to be done about people who autonomously do wrong. Perhaps the view would be that, being 'monsters' of some kind they are bound to be few and far between and that their existence will not uncouple the link that exists in general between goodness and autonomy. However, as the above examples indicate, such people may not be few and far between at all.

They cannot be educated into an awareness of the conflict between acting morally and doing what they do, because they are already aware of this.

The only available option would either be to engage in some deep moulding of their beliefs through therapy or psychoanalysis or some kind of cognitive therapy, or to coerce them into acting differently. The difficulty with these options, once again, for the liberal, is that they each involve either curtailing autonomy through coercion or the recognition that it is sometimes the case that the person is not fully aware of the psychic motivation for his or her conduct even though the assumption is that they are fully autonomous when they act. (Kekes, 1999, has argued along similar lines to these.)

To attribute moral wrongdoing to actions carried out from mistaken beliefs, moreover, is to imagine a world of moral monsters who knowingly and deliberately and out of a clear sense that they have chosen so to act, act in an 'evil' fashion.

There is another difficulty for the liberal with this 'solution' to the difficulty. In the first chapter, I argued that, on the one side of some hypothetical divide, for many liberals, are those who are autonomous, deserving of respect and largely good. On the other side of the line lie those who are unreasonable and perhaps 'evil' and who are not deserving of respect. So it is problematic for the upholder of this liberal position that there are people who effectively lie outside the domain of the reasonable individual who deserves our moral respect and yet who act autonomously. There may not, therefore, be the kind of link that is implicit in many versions of the liberal perspective, between acting autonomously and promoting a good moral order.

In the following chapter, I shall present some of the views of Kierkegaard as offering an alternative metaphysic and a radically different approach to ethics from that discussed here. Effectively, Kierkegaard is critical of the over-reliance, as presented in this chapter, on the notion of autonomy. In *After Virtue*, in his discussion of Kierkegaard, Alasdair MacIntyre (1984) presents Kierkegaard as the first philosopher to discover the failure of the Enlightenment project to ground morality in universal human reason, rather than religion, emotion or some form of tradition. Kierkegaard argues, according to MacIntyre, that sometimes crucial moral decisions are ones for which no reason can be given. There are some choices, which constitute choices of what can count as a reason, and therefore they are choices for which no reason can be given.

MacIntyre claims Kierkegaard to be an advocate of this notion of radical choice, but it seems to me, to the contrary, that Kierkegaard is actually critical of the notion. MacIntyre takes his interpretation primarily from the text *Either-Or*, where Kierkegaard presents the views of a number of fictional characters. The first volume of this work contains writings by someone who is often depicted as an 'aesthete' 'A', and includes the famous *Diary of a Seducer*. This diary is the story of A's attempted seduction and simultaneous rejection, of a young girl. The second volume features an 'ethical' character, Judge William, who, in letters to A, argues for the superiority of marriage and the ethical life over A's outlook. MacIntyre argues that there is no resolution of the issue in the text, and, he suggests, Kierkegaard is left advocating a position of radical choice.

However, the characters here are fictional and Kierkegaard could be argued to be presenting the position in order to reveal its limitations. In his work, *The Sickness unto Death*, Kierkegaard articulates these limitations. The

character Anti-Climatus describes the ‘despair of defiance’ in which the individual attempts to become master of his own self. Such a self, he argues, is actually no self at all; it is a ‘king without a country, actually ruling over nothing . . . ’ (Kierkegaard, 1980, p. 69). A self who attempts to engage in radical choice, as the purely autonomous self would, is no self at all. It is a self that is effectively prevented from acting ethically. In other words, Kierkegaard could be read as expressing the limitations of a perspective that relies, as the outlook described in this chapter might be said to, to too great an extent upon the notion of autonomy. Such a self is depicted as existing somehow separately from others, as a rational entity that can deliberate about its actions as though it is disconnected from its body; from its emotions and interests and also from others.

Derrida sometimes writes like MacIntyre about Kierkegaard, when, for example, he claims: ‘A decision that didn’t go through the ordeal of the undecidable would not be a free decision, it would only be the programmable application or unfolding of a calculable process’ (Derrida, 1992, p. 24). Also, John Hare describes as the ‘moral gap’ the gap between what ethics requires of a person and what is available using choice alone (Hare, 1996). Some interpreters of Kierkegaard suggest that he fills this gap with religion. They argue that it is God, through His commands, who tells the individual how to behave.

There is no doubt that Kierkegaard does defend a religious view of the ethical, nonetheless I believe that there is plausible interpretation of his work that suggests that this religious view is also an entirely natural one. These views will be elaborated upon in the next chapter.

Conclusion

I have suggested, in this chapter, some serious limitations in relation to wrongdoing or ‘evil’ of the liberal over-reliance on the concept of autonomy. But I have also argued that this reliance on the notion of autonomy stems partly from the metaphysic of the self outlined in chapter one, where the notion of the ‘person’ that is accepted is someone who is rational, autonomous and free, but who is also disembodied and disconnected from others. The discussion of autonomy will continue in Chapter 7.

Chapter 5

The Beginnings of an Alternative Metaphysic and Ethics

In this chapter, I will outline the beginnings of an alternative ‘metaphysic of the person’ that may suggest a different starting point for morality. The ‘metaphysic’ will suggest that we start our moral thinking with needs, duties and love rather than rights and autonomy.

Michael Sandel has made the following point: ‘Where, for Hume, we need justice because we do not love each other well enough, for Rawls we need justice because we cannot know each other well enough for even love to serve alone’ (Sandel, 1989, p. 167). I’d like to see how far we can get with love and knowledge. The concept of love is not unfamiliar in the philosophical tradition; indeed it is present in Plato’s *Symposium*. It is also present, in some form, in the thought of the Stoics. I will refer, later on, specifically to the Greek concept of ‘agape’ which seems to me to be helpful in the context.

The Self

I will begin by returning to Kant. In the first chapter, I described the two senses of the self in Kant. On the one hand, there is the ‘transcendent’ self which, if it exists at all, lies outside space and time and which therefore cannot be an object of knowledge. This ‘person’ is the self that is rational, autonomous and free. The person’s actions, in this sense, in Kant’s thought, are brought about by his autonomous will. We must all treat ourselves as though we were persons in this sense.

By contrast with the ‘transcendent’ self or the ‘person’, the ‘transcendental’ self is located in the phenomenal world but it requires objects in the outer world in order to be possible at all. The ‘object’ or the ‘matter’ that grounds this self and that makes coherent experience possible, is inert. Kant describes it as ‘permanent’.

The rights-based ethical framework, I argued in an earlier chapter, deploys a combination of these two notions of the Kantian person.

Moving on from this Kantian conception of the self, there is a view of the self, by contrast, that stems from the premise that neither I nor anyone else can be a self with needs, desires, beliefs and so on, unless there is also another. Many people (e.g. George Herbert Mead, 1934; Lacan, 1977; Taylor, 1991) have drawn on Hegel's view, expressed in the Master–Slave sections of his *Phenomenology of Mind* (Hegel, 1977), that each of us becomes aware of ourselves as a self, through acting upon the world in order to satisfy our desires. As we act on things because we want them, we become aware of ourselves as distinct from those objects. Hegel argues that we cannot be fully aware of ourselves as selves unless we are aware of other selves. He writes: 'Self-consciousness exists in and for itself, in that, and by the fact that it exists for self-consciousness; that is to say, it is only by being recognised' (Hegel, *ibid.*, p. 229).

Hegel suggests that we all aim to be recognized by others; wanting to be noticed by others is a desire we all possess. Sometimes, indeed, we identify with another and we risk the prospect of our own identity being out of our control. Famously, Hegel suggests that the struggle between the two of us can become a life and death struggle, for, if my identity depends on asserting myself against you, then I may to set out to destroy you. In order to prove myself as a free being I must risk the ultimate sacrifice.

This conception of the self represents an important development over the Kantian view. Whereas for Kant, the transcendental self exists in opposition to inert matter, for Hegel, the self stands in a relation to an 'other' who is active and purposeful forming a social substance through the interrelation of desires.

One of many subsequent readings of Hegel is that of Taylor. Taylor draws on Hegel, suggesting that authentic recognition by me of others implies that I morally owe them a right to their own life projects (Taylor, 1991). One question is: on what grounds are others owed this right? How do we differentiate between worthy and not so worthy life projects?

Yet Taylor's insight is important. If I am unable to do anything at all unless my basic needs are satisfied and if you are like me in that respect, then, in order for me to gain a sense of myself as a being with needs and life projects, I need to recognize the same in you. In other words, the relation between self and other is fundamental.

However, it seems to me that there are still limits to the Hegelian and this Taylorian notion of the self–other relation. The relation between the self and the 'other' remains largely an instrumental one. (Kojève [2000] offers

a radically different reading of Hegel from many others. Yet, his reading of Hegel's Master–Slave Dialectic, according to which the master cannot attain full self awareness because he needs the proper recognition of the slave, in a sense confirms my point.)

Another Model – Derived from Kierkegaard

One thinker who offers a different picture of the self–other relation is Kierkegaard. Indeed, in a reading of Kierkegaard that seeks to move beyond the view that Kierkegaard must be read as engaging largely in a critical manner with Hegel, Ricoeur suggests that ‘in a sense, Kierkegaard can be regarded as part of the move in philosophy after 1840 generally known as “return to Kant”’ (Ricoeur, 1998, p. 16).

In this chapter, I will offer a reading of a selection of Kierkegaard's writings that partially articulates this response to Kant.

Overview

Kierkegaard is a notoriously enigmatic and difficult thinker to read, and there are a number of ways of interpreting his work. As Steiner has put it: ‘it is difficult to write about Kierkegaard. He has written about himself with a mixture of immediacy and indirection, of confessional urgency and ironising distance so vivid, so diverse as to beggar commentary from outside’ (Steiner, 1998, p. 103). One of the devices Kierkegaard sometimes appears to use as a piece of mystification is to make a remark that appears clear, but then to write differently elsewhere. In *The Point of View*, for example, Kierkegaard writes: ‘The content of this little work is then what I really am as an author, that I am and always was a religious author, that the whole of my work as an author is related to Christianity’ . . . (Kierkegaard, 1998, pp. 5–6). But he appears to contradict this remark in others of his writings, and he has certainly often been read as offering a rather different view from this (see below). In what follows, I will suggest a reading of a selection of Kierkegaard's writings that plays down the specifically Christian dimension of his thought.

Instead of discussing ‘the subject’ in an abstract theoretical fashion, Kierkegaard both offers readings of a number of significant mythological and literary figures and presents his writings as narratives through the mouthpieces of mythological figures. He considered that his philosophical predecessors had ‘succumbed to an impersonal and anonymous mode of

consciousness which precluded spontaneous feeling and was devoid of a secure sense of self-identity' (Gardner, 1988, p. 39). Living had become, for the earlier philosophers, a matter of 'knowing rather than doing' (Gadamer, 1989). Kierkegaard believed that Kant, Hegel and others had developed a mode of thinking that focused not so much on acting as upon doing things 'on principle'. Principles had become abstract and unrelated to real life concerns. This is not to say that universal thinking is impossible or inappropriate. Rather the latter must be related to the concerns and affects of embodied and needy beings.

Kierkegaard's approach, in my view, offers its own version of universality. But his is a universality that begins by examining the interactions of individuals with others, instead of from the claim 'how can a self-interested self act morally?'. He stressed that individuals, who were in the grip of a life world, have the freedom to adapt to alternative theoretical perspectives.

The reader is invited to participate in the various outlooks he depicts in his stories. Some commentators, as mentioned above, have described Kierkegaard's work as falling into periods, with categorizations of types of outlook – the aesthetic, the ethical and the religious. (See Gadamer, 1989, for example, although even he regards this categorization as somewhat problematic.) Indeed, Kierkegaard himself so categorizes his work in *On the Point of View of my Work as an Author* (Kierkegaard, 1998, p. 10). But his own list is incomplete and, as he puts it 'the straightforwardly religious was present from the beginning' (Kierkegaard, 1998, p. 140).

As Steiner too has pointed out, Kierkegaard's three stages of development – the aesthetic, the ethical and the religious, are present in each of the philosophical endeavours (Steiner, op. cit.). Perhaps instead of referring to periods in his work, the categories might rather describe personal attitudes: approaches to life that one can choose to adopt or to transcend.

The 'aesthetic' approach can be broadly characterized as containing the following kinds of quality: living for the moment; living for pleasure, for entertainment; living in sensuous immediacy; involvement in the prevalent social ethos, whatever that may be. The choice to become an 'ethicist' is a personal one, presupposing personal choice. The ethicist, by contrast to the aesthete, can direct his or her own nature; he or she can take responsibility for him/herself and for others; he or she can challenge their personal traits and can identify in a full manner with projects.

What is often depicted as the 'religious stage' is viewed in Kierkegaard as the highest stage of all, and in his late writings, he discusses this mode of being at length. In a moment, I shall engage with Kierkegaard's discussion of Abraham, in *Fear and Trembling* (Kierkegaard, 1983). I should like to say

at this point, however, that it may not be 'the ethical' per se that Kierkegaard wishes to transcend. Rather, it seems to me that it may be 'ethics' understood in a particular, perhaps Kantian or Hegelian manner, that Kierkegaard seeks to move beyond. It is ethics conceptualized in terms of the autonomous individual, who places him or herself first, and who follows a set of abstract principles, of which Kierkegaard is critical. The religious stage is no doubt just that, for him. There is no question that Kierkegaard is a strong believer in God. Yet it seems to me, nonetheless, that there are important ethical claims that are made in his writings that can stand on their own feet, independently of their specifically Christian interpretation.

Kierkegaard takes on the personae of a number of characters: for example, someone he labels 'the seducer'; the character of Antigone, and he writes about the Abraham of the Old Testament. He becomes fragmented characters; he becomes a storyteller. The storyteller merely 'tells' a story, but, for Kierkegaard, the self as the teller of stories may be all there is. Sacks, in *A Matter of Identity*, describes a man who continually reinvents himself. Sacks writes: 'to be ourselves, we must have ourselves' (Sacks, 1985, p. 105). There is a tension between being a self and having a self. We need to be able to recollect some aspect of our pasts, in order to have a sense of self-identity. For those who have lost this capacity, a crucial component of self-identity has disappeared. On the other hand, however, the assumption that a self has a fully coherent and consistent sense of self-identity may be wrong headed as well. The self, for Kierkegaard, is at least in part, an amalgam of stories, formed by the relationship between it and various others.

Embodiment in Kierkegaard

Kierkegaard offers a model of the self as embodied, needy and as dependent upon others. The first page of the first volume of *Either-Or*, the chapter *Diapsalmata*, contains the enigmatic line:

It is common knowledge that the first question in the first and most compendious instruction given to a child is this: what does baby want? The answer is Da-Da and with such observations life begins, and yet we deny hereditary sins. And yet whom else does the child have to thank for his thrashings. Whom else but his parents. (Kierkegaard, 1987, p. 19)

The line is enigmatic and puzzling for at least two reasons: first, many children would probably refer first to their mother. Secondly, there is the

reference to thrashings. A number of commentators, including Levinas (Levinas in Ree, 1998) have mentioned Kierkegaard's references to violence. In his *Journals*, Kierkegaard writes about his fear of his father, but also of his great respect for him.

By contrast to a number of philosophers, including Kant, who privilege vision, Kierkegaard focuses on hearing. The self that hears is an embodied self. Through music we can experience our bodies. The importance of sound, and particularly of music, is present in a number of Kierkegaard's writings. In *The Immediate Erotic Stages*, in *Either-Or*, Kierkegaard argues that Mozart's *Don Giovanni* 'stands highest' among musical worth.¹ Music, for Kierkegaard, as for others, is the art form, because it is the most abstract; the 'most impoverished' that is the hardest of all media to repeat (Kierkegaard, 1987, pp. 54–56). Music is the art form that is the furthest removed from language; it is the medium most able to express the unity of the sensuous and the spiritual (op. cit., p. 61). Cordelia, in *Diary of a Seducer*, in her moments of loving, often does so through music (Kierkegaard, 1987, p. 310).

Music has an element of time in it but it does not take place in time. Don Giovanni, Kierkegaard believes, offers the most perfect example of the unity of form and content. In explaining why Don Giovanni is the most perfect expression of the most perfect form, Kierkegaard refers back to the ancient Greeks, for whom the sensuous erotic was not to be controlled or subdued but rather celebrated. Music expresses what language leaves out: sensuous immediacy. Three stages of erotic love are represented in Don Giovanni: the first, erotic love, can lead to depression. The second appears in Papageno and this is a joyful, playful form of love. The third is a kind of love which is not attached to a particular person. Whereas the limit of the first is that desire is unable to find an object; the boundary of the second stage is that whilst desire appears to have an object, in a more profound sense it still does not. In the third stage, however, desire is genuine and demonic. Don Giovanni expresses this third stage.

In this work of Kierkegaard's, as in others I will refer to in a moment, Kierkegaard could be seen to be expressing his criticism of a form of spirituality which is severed from its expression in an earthly sensuous form. Don Juan the character, Kierkegaard argues, could only arise in a cultural milieu where spirit and sensuality had been separated from one another. Don Juan represents such an extreme expression of sensuality that his exploits are not possible; such a mythological figure can only come into being in a world which has cast spirituality away from the sensual.

Returning now to the notion of the self, the embodied 'I', for Kierkegaard, shapes the past into a reality partly through hearing noise or sound outside

us. Individuality is brought into being in relation to an order of events that precedes us. Belonging with others, on this model, can be secured materially and not merely thorough the synthesis of the imagination. In his Reith Lectures 2006, Daniel Barenboim (2006) spoke along similar lines. There is no point at which there is nothing. We can filter out noise we do not wish to hear, but we cannot fail to have it there, in the background, in the way that we can close off our visual fields, by the simple act, unless we are blind, of closing our eyes.

Immediately Kierkegaard has ‘proved’ that music is the greatest of all art forms and Don Giovanni the greatest musical work of all, he calls his own claim into question, Socratic fashion. Yet his core claim, including the doubt of it, is re-asserted throughout his work.

Descartes

I will now describe some remarks of Kierkegaard about Descartes. These remarks and his response to Kant can be seen as the beginnings of Kierkegaard’s ‘alternative metaphysic’ of the self to the one presented in Chapter 1 as deriving from Descartes and Kant.

In *Philosophical Fragments*, its author, Johannes Climacus represents doubt as inherent in thought. Doubt, for him, becomes one of the central characteristics of the self (Kierkegaard, 1985). Descartes sees himself as certainly existing: as he put it ‘the proposition I am, I exist, is necessarily true whenever it is put forward by me’ (Descartes, 1996, p. 17). Kierkegaard, however, writes in *Concluding Unscientific Postscript*, that the claim is tautologous: ‘if the *I* in *cogito* is understood to be an individual human being, then the statement demonstrates nothing: I *am* thinking ergo I am, but if I *am* thinking, no wonder, then, that I am; after all, it has already been said . . .’ (Kierkegaard, 1992, p. 317).

Kierkegaard points out that although it is not possible for him to prove the non-existence of himself, ‘it would certainly be absurd to expect of a man that he should of his own accord discover that he did not exist’ (Kierkegaard, 1936, p. 27) he can equally not prove with certainty that the self exists. ‘This is precisely the transition of the new birth, from non-being to being’ (ibid., p. 27).

The self exists both as a thinking thing and as something else. If doubt characterizes thought, then doubt is an essential property of the self, and one can no more claim that the self is only a thinking thing than that it is only a loving or a despairing or any other kind of thing.

There is a constant interplay therefore between the self and the world outside. In the posthumously published work, *Johannes Climacus, De Omnibus Dubitandum est*, Climacus remarks: 'the most false and the most true are equally true' (Kierkegaard, 1985, p. 168). Consciousness, in other words, is not a certain given entity, but it comes into being and as it comes into being, so also does doubt. The state of confusion articulated by Descartes, then, cannot simply be overcome by the assertion that if I am doubting I must be thinking and therefore I must exist because where doubt is present, so is the possibility of contradiction, 'the moment I make a statement about reality, contradiction is present . . .' (ibid., pp. 168–169). Therefore, if there is doubt, as Descartes suggests there is, then that doubt must apply also to the self.

Hannah Arendt claimed that Kierkegaard offers the 'deepest interpretation of Cartesian doubt, in that for him doubt is at the heart of human existence' (Arendt, 1989, p. 275). (For some useful discussion of this, see also Tsakiri, 2006, pp. 38–40.)

Kierkegaard extends his criticism of Descartes further in his *Journals*:

Since Descartes they have all thought that during the period in which they doubted they dared not to express anything definite with regard to knowledge, but on the other hand they dared to act, because in this respect they could be satisfied with probability. What an enormous contradiction! As if it were not far more dreadful to do something about which one is doubtful thereby incurring responsibility than to make a statement. (Kierkegaard, 1967–78, p. 774)

Extrapolating from some of this, doubt should extend also to action. If it does not, then the doubt is not as extensive as Descartes would have liked it to have been. A more consistent position is to doubt both thought and forms of action. The process of doubting does not mean that the self is essentially thought any more than it is essentially action. The process of doubting might extend from the self as 'thinking thing' to the self as active substance. Moreover, if doubt is at the heart of thinking then nothing can be certain.

In a sense, this critique of Descartes lies at the heart of Kierkegaard's writings. When he discusses faith he describes it as paradoxical; as evanescent. God is not a being of which knowledge is possible. But this outlook towards faith is, it seems to me, characteristic of his thought in general. It is the belief that it is possible to gain certain knowledge that is mistaken. At the very least, this cognitive approach to thought is inappropriate. We should instead begin our enquiries with our existence – with what it means to be a human being in the world of others.

Now Kant

Writing Kierkegaard's 'response' to Kant is much more difficult, since in a sense the whole of Kierkegaard's thought could be seen to be a response to Kant. No doubt it is also a reaction to Schelling and others, but the response to Kant seems to me to be particularly important. Kierkegaard's response to Kant is a criticism of his ethics. Yet it also, importantly, develops Kant's concept of the sublime. It is useful to begin by noting some aspects of Kant's concept of the sublime, and what we might characterize as Kierkegaard's 'reply' to this aspect of Kant's thinking. Walter (see below) claims that Kierkegaard is 'obsessed with sublimity'. Another writer, Milbank, claims that Kierkegaard does indeed have a concept of the sublime but that it is a radically different concept from that of Kant (Milbank, 1996).

A further commentator, Pattison, has argued that Kierkegaard probably did not use the concept of the sublime (Pattison, 2002), but there are references to the notion in *Fear and Trembling*, and, in a sense, the title of this work could be said to refer back to Kant's conception of the sublime.

Pattison argues, for example, that there are significant resonances between Kant's concept of the sublime and Kierkegaard's notion of anxiety. For Kant, in the *Critique of Judgement*, judgement is needed to mediate between practical reason and theoretical understanding for otherwise they would be completely disconnected from one another (Kant, 1987). One sense of the sublime, for Kant, is the precise point where appearances resist being formed into one beautiful representation. There is a range of objects to the experience of which Kant applies the term 'sublime' – there are mathematical objects; and certain natural objects which are so vast that they are incapable of being formed into a single image. No sensuous representation is possible of the kinds of object to which judgements of the sublime relate. In one sense, according to some commentators, only the law of reason can impose absolute and universal obligations on humanity and nothing else can be truly sublime (see, for example, Agacinski, 1998, p. 140).

For Kant, when we make judgements about the sublime in nature, we are involved in a kind of astonishment bordering on terror but we do not experience actual fear (Kant, op. cit., p. 261). The sublime, for Kant, arouses fear but it also presupposes the capacity to attempt to overcome this terror. The mind is moved in response to the sublime; we experience fear mixed and modified by reason. We are educated to transcend fear. The sublime, as Kant wrote: 'is an object of nature the representation of which determines the mind to regard the elevation of nature beyond our reach as equivalent to a presentation' (Kant, 1964, p. 119). Žizek, in *The Sublime Object of*

Ideology, characterizes this Kantian sublime as, in Lacan's words 'an object raised to the level of the impossible thing' (Žizek, 1989, p. 203). For Kant, the sublime designates the relation of an inner worldly empirical sensuous object to '*Ding an Sich*, to the transcendent, trans-phenomenal unattainable thing-itself' (Žizek, op. cit.). The sublime, therefore, is paradoxical: it allows us to experience something that Kant has argued is impossible, the permanent failure of representation to gain access to the thing in itself. As Žizek puts it: in the case of the sublime, the very impossibility – of representation to represent the noumenon – is inscribed in the phenomenon itself (Žizek, op. cit.).

Like Kant's concept of the sublime, Kierkegaard's notion of anxiety is a border concept; it lies somehow between realms that some have depicted as aesthetic on the one hand and religious on the other. Anxiety 'calls representation into question' (Kierkegaard, 1980a). For Kierkegaard, the concept of anxiety is a form of fear that has no object; in this sense it is like Kant's notion of the sublime coming about 'through its resistance to the interest of the senses' (Kierkegaard, 1985, p. 267).

It seems to me that *Fear and Trembling* can be seen to be a direct response to Kant's view of the sublime. I will return to this in a moment. But first, I will expand a little on the role of the 'other' in Kierkegaard.

The 'Other' in Kierkegaard

The role of the other is emphasized throughout Kierkegaard's writing. In *The Immediate Erotic Stages*, in *Either-Or* once more (Kierkegaard, 1987), at the point when he is writing about the most beautiful, the most sublime, the highest of art forms Kierkegaard refers to himself as a 'little girl'. 'I am infatuated, like a young girl, with Mozart, and I must have him ranked in first place, whatever it costs' (Kierkegaard, 1987, p. 48). Kierkegaard is able, through the power of his imagination, to see himself as 'the other'. He writes as a girl and as a woman. He is able to put himself in the place of the other; of those who are powerful and of those who lack power. He becomes the seducer and the latter's victim. Kierkegaard might be read as writing about the 'child' and about the adult realms of the psyche. He recognizes, long before his time, that psychical health consists in the unity of these two states (Berne, 1968).

In *Fear and Trembling*, as well, Kierkegaard is concerned with the relationship of self to an other, in this case to God (Kierkegaard, 1983). I would like to discuss this text in relation to Levinas' reading of Kierkegaard and in

relation, also, to Levinas' study of the same passages from Genesis. Readings of Kierkegaard on the question of the intended sacrifice by Abraham of his son Isaac, from Genesis 22, focus on the relationship of this act to the ethical. Some argue that the potential act lies beyond the domain of the ethical since, in the Biblical story, God is requiring Abraham to act in a way that both contradicts the demands of an ethical conception of family relations, and contradicts the commandment 'thou shalt not kill'. For Storm, for example, *Fear and Trembling* is at least ostensibly about the 'teleological suspension of the ethical, that is to say the suspension of the moral law for the sake of a higher law' (Storm, 2008). Kierkegaard suggests that Abraham is required to conduct that ultimate act which is, in all conventional ethical terms, terrifyingly absurd. Indeed, he suggests that Abraham 'transgressed the ethical altogether' (Kierkegaard, 1983, p. 59). The pain of his act for Abraham is beyond what a human being can normally bear. Abraham believes both that he must perform the ultimate sacrifice of his only son (whom he had conceived late in life and who was unlikely therefore to be 'replaced' by other children) and that, in the end, God will exonerate him from this terrible requirement.

In Kantian, or even in Hegelian terms, (although there is a clear distinction between the two) God's requirement of Abraham, as discussed by Kierkegaard, lies beyond what may be conceptualized as an ethical act. In his discussion of Kierkegaard in *Existence and Ethics* (Levinas, 1998), however, Levinas suggests that Kierkegaard opens up a dimension of ethical inquiry, partly through his metaphysic, that recognizes what Levinas calls 'the absolute alterity' of the other. The other should not be reduced, in Levinas' reading of Kierkegaard, to 'the same'.

In Levinas' writings more generally, when I relate to 'the Other' as 'the Face', I relate to him or her as a unique being. In order for me to act ethically towards that other, I must recognize values like mercy, love and charity. Levinas writes:

the order of ethics, or the order of mercy, or the order of love or the order of charity where the other human concerns me regardless of the place he occupies in the multitude of humans, and even regardless of our shared quality of individuals of the human species; he concerns me as one close to me, as the first to come. He is unique . (Levinas, 1969, p. 50)

Any act of violence operates in defiance of this uniqueness. Justice, for Levinas, represents a weakening of this primarily ethical relation. The scope of justice is the generalized other, and it is simply not possible to develop

the kind of relation of mercy that typifies the 'Face to Face', with the millions of others to whose attentions the notion of justice must concern itself.

In fact, 'the other', according to Levinas, can never be known by me. The 'other' 'remains infinitely transcendent, infinitely foreign' (Levinas, 1969, p. 194). 'Individuals are situated within an ethical community and to proclaim the priority of the "Face to Face" is . . . above all an expression of Levinas' insistence that ethics is prior to ontology' (Chanter, 1995, p. 181). Chanter refers to Plato, for whom the form of the Good is the highest form, as a significant predecessor of Levinas. Ontology prioritizes sameness; it makes things out to be like one another. In the ethical relation between people characterized by the face-to-face, the infinite difference of the other is recognized. Only a small portion of 'the other' for Levinas, is ever made visible to any one of us. Levinas argues that Kierkegaard recognizes the alterity of the other in his discussion of Abraham.

For Levinas, a self that is preoccupied with its own concerns including its suffering is incapable of acknowledging the separate existence of the other. Levinas believes that Kierkegaard's subject is still too egoistic. For Kierkegaard suggests that Abraham's act lies beyond the ethical and in a domain that may be characterized as absurd.

Levinas has offered his own reading of the story of Abraham. He refers, in his writing, to the original call by God to Abraham. 'The high point of the whole drama could be the moment when Abraham lent an ear to the voice summoning him back to the ethical order' (Levinas, 1998, p. 33). While Kierkegaard writes mostly about Abraham's three-day journey to the mountain, Levinas focuses instead on Abraham becoming the ear for hearing God's voice. For Levinas, this ability to listen to the Other's voice is the mark of the ethical, as opposed to absorbing the Other in the egotism of the gaze.

Levinas suggests that 'the infinite' is prior to the notion of myself – prior to self-consciousness. The infinite, in his work, is sometimes presented as God, but sometimes simply as 'the other' – a human other. The starting point for him, then, is that the 'other' is prior to and makes the self possible. Levinas argues that the self is constituted by its relation to others. For him this is not a perspective based on mutual self-interest. Rather,

taking an ethical stance vis a vis the Other is to put oneself in another's place. Taking responsibility for the Other as if one were the other . . . So one is responsible, not merely *to* the other but *for* the other' . . . To be chosen involves the most radical commitment possible: total altruism. (Levinas, 1988, p. 32)

In his discussion of God's requirement of Abraham, Kierkegaard might be seen to be offering a model of 'the other' where, in Levinasian terms, this other is absolutely unknown and unknowable and, furthermore, emotionally unreachable. God is unknown, unknowable and emotionally unreachable by any human. Kierkegaard saw the 'ultimate' ethical system as expressed in God's requirement of Abraham, as both the *reductio ad absurdum* of ethics and the epitome of it. Abraham, himself, is a multiplicity of characters – one might depict him as displaying all three stages of Kierkegaard's writings (Steiner, op. cit.). But he is also simply a human being, a being that is flawed and dependent.

Moving outside this for a moment, there are those who have acted in very stringent terms ethically, almost as Abraham is required to, and it is important to recognize that they exist. There are those, for example, who follow religious demands in the strictest possible fashion. There are those who have practised self-abnegation in the interest of something 'higher' or different from themselves. It seems to me, contrary to Levinas here, that there is something significant in Kierkegaard's characterization of this ultimate act as absurd, as couched in terms that are beyond the level of comprehension for most of us, and as beyond the ethical. God's requirement of Abraham is one which stretches the limits of any ethical requirement on anyone.

There is, implicit in all of this, however, an ethical perspective which seems important. Something of this view is expressed in the following passage from Derrida, writing partly about *Fear and Trembling* 'Duty or responsibility binds me to the other, to the other as other, and ties me in my singularity to the other as other. God is the name of the absolute other as other and as unique' (Derrida, 1998, p. 162). The assumption that the other is prior to the self need not be construed as implying that this other is absolutely unknowable and emotionally unreachable. Rather, it might be read as suggesting that, while I cannot understand or know or emotionally empathize with all that there is to comprehend about another person – I cannot fully 'recognize' that other, to use the language of Taylor (Taylor, op. cit., 1991). I can understand enough about an other to recognize that that person has certain needs that must be satisfied; I can understand and empathize enough to recognize that there may be obligations I have to him or her. I recognize this, importantly, simply on the basis of the fact that she exists, and not because of what she may be.

For Levinas, as we have seen in *Totality and Infinity*, philosophy has had its priorities wrong in its focus upon ontology and epistemology. For him, traditional philosophy has attempted to deny or repress the strangeness of the other by subsuming it under the concept of 'the same'. It therefore

diminishes this alterity of the other by considering the relation of the self to the other as exhausting this other. The perspective discussed in Chapters 1 to 3, where the autonomy of the self is prioritized, demonstrates the unwillingness of the self to be 'put into question' by the other. The other calls this 'sameness' into question because her otherness is absolute – she cannot be encapsulated in the straightjacket of the same. I cannot 'get inside the other's head' to feel him, be aware of him or know him, completely. For him, and for the reading of Kierkegaard I am offering here, metaphysics is grounded in the ethical relation of self to self. One of the key notions of the sublime, therefore, may not be a raging storm but simply the other and myself, seen through the eyes of the other.

Kierkegaard's work, *Fear and Trembling*, and others of his writings, have some affinity with the work of Levinas and Derrida. But his work can also be read differently. The expression of the differences between Kierkegaard and Levinas in particular, it seems to me, illustrates a sense in which Kierkegaard prefigures some of the work in the psychoanalytic tradition.

Like some therapists writing much later, Kierkegaard can be read as attempting, in a deep sense as possible, to engage with the other. He engages, by literally attempting to take on the persona of the other. In the world of therapy, the person-centred therapist Rogers (Rogers, 1961) writes about the importance of empathizing with the other. No doubt, as Levinas might say, complete empathy is impossible. Yet, Kierkegaard attempts to 'understand' and truly empathize with the perspective of someone whose experiences might be wholly other to his. A perpetrator of abuse, for example, might take on and attempt to understand and empathize with the victim. Doing this may go some way towards comprehending the immeasurable difference of the other. Kierkegaard recognizes, with Levinas, that complete success in this regard is never possible, and there will always be something of the other that will remain outside the ability of any of us to comprehend that person. Derrida attempts to move in this direction through his notion of hospitality. But Kierkegaard sets out to get under the skin of the other, through storytelling where he attempts to become the other, through negating himself, and leaving the reader at times uncertain as to whether or not to take his written words seriously or not. Is he really, for example, asking us to think that he believes what A is saying in *Either–Or*; or is he asking us to take seriously the words of Johannes the Seducer? We will never be certain of the answers to these questions and therefore the other will remain, as for Levinas, in some sense unknown; an infinite alterity. If we imagine a liberal Kantian being ready to empathise with an

Islamic fundamentalist, for example, then the task might be infinitely postponed. But Kierkegaard might be read as suggesting that we should start the process. The word 'empathy' might be seen as making Kierkegaard too similar to Schopenhauer or even Freud. Perhaps Kierkegaard may even hate the person he attempts to become, in narrative form. Nonetheless, there is no doubt that, at least in storytelling, he attempts to become the character he depicts. The responsibility for the other is, as Levinas might put it 'infinitely insatiable' (Chanter's words, Chanter, 1995, p. 214) but the responsibility must be explored.

Fear and Trembling might be read, then, as Kierkegaard suggesting that we should take on the ultimate task of attempting to imagine how it would be for us to transcend, in the name of the ethical, the basic and fundamental requirements of any ethical perspective. Even moral outlooks as radically opposed to one another as, for example, Islam and liberal atheism, would each respect the ultimate love of a father for his son. But in inviting us to consider what it would be like if we were, in the name of a higher morality, to be required to do this, he may be inviting us to contemplate what is almost beyond the possibility of contemplation.

What Abraham was required to do could indeed be seen to be 'contrary to reason'. But this claim can be construed in two different ways. On the one hand, we might see it as requiring a leap beyond reason and into faith. On the other hand, it could be seen as an expression of the limitation of a morality that requires us to rely too much on being a 'rational and autonomous self-sufficient person' who views others primarily in the same light. Kierkegaard might be read as requiring us to attempt to comprehend what is incomprehensible, not because it is irrational, but because it oversteps the bounds of what we are normally required to comprehend in ethical terms.

There is no doubt that Kierkegaard wishes, in his writings, to express the limitations of what one might describe as the 'aesthetic' perspective. He also wished, despite his religious belief, to show the limitations of the Christian outlook as well, in so far as it makes demands upon us that perhaps cannot and should not be fulfilled. This however, is different from the idea that we should be encouraged to think and feel outside the bounds of what is normally acceptable for us.

Kierkegaard is taking on the notion of the sublime here. Johannes de Silentio writes: 'Look at Abraham; he is sublime' (Kierkegaard, 1983, p. 118). Kierkegaard continues the theme in *Works of Love*, (Kierkegaard, 1995) where he enjoins us to love our neighbour as ourselves. He describes this kind of love as, in a sense, eternal. But the sense in which it is eternal

need not be construed as transcending the self–other relation and this is, it seems to me, how the notion is resonant of the sublime. In attempting to love our neighbour each of us is attempting something which is extraordinarily difficult: it involves each of us in seeking to understand –and treat well someone who is radically different from ourselves. This is akin to reaching out to the sublime, since the other is, as Levinas has written, at least immeasurably unknowable to us. The task of attempting to know is inexhaustible. I shall return to this theme in the final chapter of the book.

Fear and Trembling, then, is a crucial piece of writing in so far as it expresses Kierkegaard's response to the Kantian metaphysic of the self. It outlines, first, Kierkegaard's reservations about Kantian ethics and about the latter's reliance on the notion of autonomy. Secondly, Kierkegaard offers an alternative model of the self–other relation. But importantly, in an extension of Kant's notion of the sublime, for Kierkegaard, the simple relation of the self to an other is like relating to the sublime, since attempting to understand an other is an infinitely complex task in a moral world of unfinished selves.

More on Love

One might read Kierkegaard as moving beyond Levinas in an additional sense. For Levinas the relation between lovers in an erotic relationship remains at the level of need and embodiment.

The relationship established between lovers in voluptuousity, fundamentally refractory to universalisation, is the very contrary of the social relation. It excludes the third party, it remains intimacy, dual solitude, closed society, member of a dual society, an intimate society, a society without language. (Levinas, 1969, pp. 264–265)

The 'third party' – an outsider to the relationship – in the case of the erotic relationship only intervenes to destroy the intimacy of the relationship. This contrasts with the Levinasian ethical relation, where any 'third party' must be absent in a very different sense. The ethical relation characterized by Levinas as the 'face-to-face' is essentially an unequal relationship. Levinas does not mean by this that one person has power over another. Rather he means to suggest that, where the radical difference of 'the other' is recognized in the relationship, the two parties can never be equal, in the sense of the same. According to him, however, if a 'third party' looks in on the relationship, that third party will be likely to see the two parties as in

some sense alike. Some of this is questionable – Levinas seems to equate sameness and equality, nonetheless this is how he characterizes the ethical Face-to-Face relation.

In the erotic relation by contrast, love reverts into need. Desire as Eros falls short of the kind of transcendence implied in the ethical relation. ‘The desire of love is broken and satisfied as the most egoistic and crudest of need’ (ibid., p. 263). But there is an equivocation in Eros. Eros can express something analogous to the infinitude of the ethical relation through the birth of a child. The relationship between lovers, (cf. Chanter, 1995, pp. 206–210) can involve some element of the kind of transcendence implied by the ethical when maternity comes into play. The absolute alterity of the other, in the ethical relation, for Levinas, is partly in reference to the future and to death. The other is infinitely other partly through the infinite difference of its past – its culture, experience, beliefs, feelings – and partly through reference to its finite future. By contrast for Levinas, the erotic relation is one of immersion in the immanent; in the moment; but this relation can involve some element of transcendence through the maternal function – through the birth of a child.

Irigaray, in *Ethique de la Différence Sexuelle*, notes that Levinas implicitly contrasts the roles of male and female (which he implicitly assumes to exhaust the ethical relation) in the erotic relation. The female ‘sinks into the abyss, founders in a night more primeval than the night, or finds herself dispersed in the shards of a broken mirror’ (Irigaray, 1986, p. 235). The lover, Irigaray points out, can, for Levinas, transcend the erotic relation whilst the loved one cannot. The loved one is used as a refuge, discarded.

In this sense, therefore, there is an omission in the thought of Levinas. Like the human rights tradition, Levinas’ thought excludes the female from the ethical. The female, for Levinas, is confined to the animality of desire (Chanter, op. cit., p. 218).

While there is no direct discussion of this issue in Kierkegaard, it seems to me that there is material in his works that could be construed as a development from this. For ‘love’ for him is not confined to the erotic nor is it confined to relations between family members and close friends. Love is love for oneself and for a stranger. While it is necessary, in a way, to read Kierkegaard after Levinas and Irigaray, in order to read this into his writings, it seems to me nonetheless, that this is possible.

The word ‘love’ in ancient Greek has at least three senses. There is Eros – or erotic love. ‘Philia’ is ‘brotherhood’ or non-sexual affection; the affection one feels for those to whom one is close. But there is also, thirdly, ‘agape’. This notion has been interpreted in a number of ways, from the ancient Greek notion of unconditional, self-sacrificing, thoughtful love, to

a later Christian interpretation as an intentional response to promote well being when responding to that which has generated ill being. There is no doubt that this Christian sense: 'love your neighbour as yourself' influenced Kierkegaard. In the second century, Tertullian remarked on how Christian love in this sense attracted pagan notice. What attracted their attention was the notion of loving one's enemies (Tertullian, 2004).

In the rest of this chapter and the chapters following, I set out to expand on what might be involved in this notion of love understood as 'agape', and how it might be expressed as an alternative both to Levinas' notion of the absolute alterity of the other and to the human rights tradition. Kierkegaard has something to say about the Levinasian 'erotic' relation and also about what he, Kierkegaard, would describe as a religious conception of the ethical relation between two people. Both notions involve loving another, but in different senses of the word.

Dependency upon the Other

Kierkegaard recognizes not only the primacy of the other, but also the dependency of each of us on others. Each of us confronts 'infinite unreason' in ourselves and in others. In Battersby's (1998) reading of Kierkegaard, Kierkegaard debates the character of 'woman'. He re-reads Sophocles' story of Antigone. He writes through the character 'A'. He views Antigone not primarily through the brother-sister relationship, but he sees her as Oedipus' daughter. Kierkegaard often, and very unusually places woman 'centre stage' in his writings. The novelist Richard Wright, wrote 'he knew everything before Kierkegaard wrote it' (Wright, in Gilroy, 1993). Wright was expressing the view that Kierkegaard somehow understood what it meant to be black. Paul Gilroy suggests (Gilroy, 1993) that Kierkegaard, as the son of an abusive father, knew what it was like to experience marginality and that he often took the standpoint of marginal subjects – but typically women. He privileges unequal relationships, but instead of implicitly taking the stance of the powerful, as many writers have done, he takes up the perspective of the 'other'; of the marginalized subject. While Levinas, when he discussed the erotic relationship, implicitly privileges the male lover, Kierkegaard: takes up the stance of Levinas' maternal 'third' – the baby or the daughter.

Battersby has written of identity, for Kierkegaard, as

emerging out of a play of relationships and force-fields that together constitute the horizons of a (shared) space-time. The model of identity she develops, through an examination of metaphysicians, including

Kierkegaard, is a mobile identity that works without underlying permanent objects or substances. (Battersby, *ibid.*)

'Identity' she puts it, 'for Kierkegaard, emerges out of movement' (Battersby, 1998, p. 151). All selves, in other words, are fractured and dependent. Some, however, are more dependent than others. Woman, rather than man, provides the key to understanding the self.

This metaphysic takes as its starting point the assumption that individuals grow and are mothered and that they enter a world that pre-exists them. Selves are ontologically mutually dependent and exist in a power relationship with one another.

The self, in other words, is not crucially and fundamentally autonomous, separate and self-interested, but dependent, needy and subject to emotions, including love, anxiety and hatred.

The self is a dependent, loving self who recognizes his relationships with others and his neediness in relation to others. Kierkegaard's self is embodied; it is born and grows, it changes and develops through time and, however much Kant might educate it not to, it suffers.

This subject is dependent upon all sorts of others for its emotional, moral and physical well being. Thus it is a subject that can be autonomous, but this is an autonomy that recognizes and accepts dependence. Indeed it is an autonomy that is not core and fundamental to self-identity. In the relation between mother and young child, neither party is a purely self-interested, rational subject. Each is dependent, in its own fashion, upon the other. But the relationship is also an ethical relation: the mother accepts her responsibility to care for this dependent being. Autonomy, in a sense, is dependent upon love.

This relation can be generalized beyond the mother-child relation. Each of Kierkegaard's stories is just that: a story. But each one also outlines a picture of how we might behave. We are all locked, albeit in very different positions, in a dynamic of power and inequality – we can be either the seducer or the perpetrator. These kinds of relation to others are implicit in the roles we all occupy. The perpetrators of abuse are in relationships with others, relationships involving power over others, contrary to the liberal assumption of self-interest. Those who most frequently carry out abuse – the husbands, lovers and fathers who perpetrate domestic violence on their lovers, do so, they sometimes claim, out of love for the person they abuse. This is clearly a defamation of love. Yet, abusers, the evidence suggests and as we will see in more depth in Chapter 8, are often reacting to a past that is characterized by abuse. This past involved some element of love. Moreover, with help, the abuser can reform.

In focusing on Antigone, rather than using her as a vehicle for reflecting on sisterly love, Kierkegaard uses her as a mouthpiece for reflecting on father–daughter relations. Woman is the ‘everlasting irony in the community’ (see Battersby, quoting Hegel, 1807, p. 475, Battersby, *ibid.*, p. 152). As Battersby points out, Antigone falls in love. But the love she feels for her intended conflicts with her love for her father – Oedipus – whom she knows has killed the Sphinx, married his mother and produced her.

So, as Battersby puts it, it is ‘woman’ who is ‘most able to represent the singular individual that falls outside the norms of individualism and morality as represented by philosophy’ (Battersby, *ibid.*, p. 154). Woman falls outside the norms of individuality of the Greeks and also those of the Kantian, Hegelian self. Antigone feels pain for something that is not her fault. She is thus crucially different from the Kantian autonomous individual. Her tragedy is shaped by her past.

Woman, in *The Concept of Anxiety* experiences more anxiety than man. Yet this does not make her ‘lesser’. Anxiety is not an imperfection. ‘. . . the greatness of anxiety is a prophecy of the greatness of perfection’. (Kierkegaard, 1980a p.64)

Kierkegaard characterizes, in *In Vino Veritas*, the male erotic lover as comic. He is Aristophanes ‘half person’ who discovers that he is only a half person in the erotic relationship. The Levinasian transcendent lover; the Kantian autonomous being, discovers that he is only a half person. Constatin, in *Stages on Life’s Way*, depicts another version of the Kantian autonomous individual. Each of the male characters offers a different depiction of ‘woman’. ‘Woman’ becomes sometimes a series of unrelated personae. Battersby offers some reflections on each of the female characters presented in this text, seen through the eyes of different men – until we reach Johannes the Seducer. Johannes represents woman both as finitude, full of deceit, but also as dependent in a positive sense. She offers a conception of the self that is different from the autonomous, Kantian one. Woman is dependent and bound to alterity.

Another Reading

Towards the end of his life, Kierkegaard offered his reflections on ‘how to become a Christian’ (Kierkegaard, 1998). One of the ‘illusions’ to be overcome was the relation of individuals to the Danish state church. A second illusion is the idea that history is the earthly incarnation of the divine. Both of these are illusory approaches to the Christian way that must, Socratic fashion, be

overcome. Using techniques that might in some way be seen to be psycho-analytic, Kierkegaard suggests that a true conception of Christianity involves going beyond anything that can be made sense of in conceptual terms and in coming to terms with anxiety, and specifically with the recognition, for each of us, of our own death. 'Learning to die is, for him, the beginnings of wisdom'. Kierkegaard recognizes a notion of 'understanding' that is different from the conceptual understanding engaged in by a self-conscious Cartesian self. The different model of understanding derives from the notion of embodiment, dependency and need but also specifically from the recognition of our susceptibility to emotion – to fear, anxiety, envy. It further depends simply upon our susceptibility to moods: to curiosity, idleness and triviality.

There is, for Kierkegaard, a kind of understanding that is associated with the ethical. 'At every moment, the individual is both himself and the race' (Kierkegaard, 1980, p. 28). In this sense, the ethical consists in human relationships in their generality, in so far as they affect the behaviour of each one of us. Each relationship I have – with a partner, a child, a friend, makes claims on me. It confers obligations and duties upon me that I cannot evade. Once I recognize that I must enter fully into the relationship, then I can fashion my life in a certain manner. Kierkegaard described this notion of being true to the relationship as 'revelation'. In other words, Kierkegaard is deploying the notion of 'revelation' in a very 'earthly' and natural fashion. It is not, as so understood, a transcendent notion, that involves going beyond the self and the world into a realm that is outside the natural world. Rather it involves us in engaging, in a very particular way, with this earthly realm. I will develop, in a following chapter, an approach to relating to another that draws on this Kierkegaardian insight.

Truth or revelation, then, for Kierkegaard, presupposes recognizing our duties towards others. 'Truth' is particularly involved in the way in which I relate to others; in the way in which I exercise my duties to others. The 'ethical' is a kind of revelation for us in so far as it involves recognition of the duty that is entailed by our relationships to others. This is a kind of understanding that may be different from the conceptual understanding we have when we know something. It involves us, in a sense, in recognizing our ignorance. Kierkegaard sometimes calls this ignorance a recognition of the proximity of death. He believes that Socrates exemplified this ignorance. Socrates led us to recognize the limitations of our knowledge; to recognize what it is that we do not know (Kierkegaard, 1936 and 1980b). Living in recognition that we will die is to live in a non-transcendent fashion; it is to live in the natural world, of natural processes. It contrasts with those

spiritual approaches to life, which refer to eternal life and to those idealist philosophical approaches, such as Descartes' which sought to see each of us as a pure consciousness that could rise above our empirical reality.

Kierkegaard recognizes that we are all natural beings, existing in the natural world. The belief that we are something more or different from this is one of the sources, for Kierkegaard, of despair. He speaks also of being condemned to choose (Kierkegaard, 1980b). We are temporal beings who experience fear and anxiety but, once we understand that there is nothing outside the temporal life that ends in death, we can choose how we live and we can make choices that reduce the level of anxiety. This anxiety will not completely disappear, but we can reduce its impact by the recognition of our entanglement with others and by seeing and responding to the needs of others.

Deep within every human being there still lives the anxiety over the possibility of being alone in the world, forgotten by God, overlooked among the millions and millions in this enormous household. A person keeps this anxiety at a distance by looking at the many around her who are related to her as kin and friends, but the anxiety is still there, nevertheless, and 'he hardly dares think of how he would feel if all this were taken away.' (Kierkegaard, 1967–78, VIII 1 A p. 363)

As individuals we can choose how we live (Kierkegaard, 1983). This choice of how we live removes us, in his view from 'crass materialism' (ibid.). Each of us lives our life, in anticipation of our own death, but each of us is living this way in relation to others who live the same way. This proximity to our death brings us into a relation of sympathy with others.

Only when the sympathetic person in his compassion relates himself to the sufferer in such a way that he in the strictest sense understands that it is his own case that is in question; only when he knows how to identify himself with the sufferer in such a way that when he fights for an explanation he is fighting for himself rescinding all thoughtlessness, softness and cowardice, only then does the sympathy acquire significance. (Kierkegaard, 1980a, p. 120)

We are embodied and fallible. On his view, being purely autonomous in a strict liberal sense is not a precondition for holding someone responsible for what they do. Rather, our emotional 'weaknesses', our anxieties are part of our makeup, part of our identity as a person. No one, therefore, will ever act purely and strictly autonomously because no one can ever escape their

dependent bodily nature. But this is not to say that, for example, the 'teachers' in the Milgram experiments cannot be held responsible for what they did. Indeed, holding them responsible would be a first step in encouraging them to think about the other: to put 'the other' in this case the experimental subject before they themselves and their own motivation. Kierkegaard would not write this way about the case. He would, no doubt, tell the story of the teacher. But he might also tell the story of the experimental subject and in this way both sides of the perspective could gradually be heard. He would also refer to the obligation as being 'God's command'. But he sometimes describes this command, and what he calls Christian love, as being analogous to 'an earnestly brought up child' (Kierkegaard, 1995, p. 189). The purely autonomous person is compared to a king without a country. Instead, Kierkegaard is recognizing that behaving well towards others is something that individuals have to learn to do. As novices in moral thinking, they are dependent on others and may need to be taught how to behave well.

In this chapter I have sketched some aspects of Kierkegaard's metaphysical perspective on the relation of self to others. He would no doubt dislike this term, since he spent his life inveighing against the metaphysics of Kant and Hegel and he did not see his work as offering metaphysical assumptions at all. Yet there is a conception of the self, as I have pointed out, that is implicit in his writings.

The chapter sets out a view which contrasts markedly with that outlined in the early chapters. One aspect of this outlook I would like to develop, in my own way, in the chapter following, is what it means to think of ourselves as natural beings.

Chapter 6

Natural Needs

As we have seen in earlier chapters, for Kant and Rawls, the human being is essentially a rational and autonomous self. The universalism of thinkers like these is founded upon these facts about the subject. For many liberals, therefore, the basis of hope for humanity lies in universal respect for persons in this sense. Body, the natural-material element of the human being is, by contrast, understood as the source of difference, discord and disunity. For Kierkegaard, on the other hand, human beings are primarily and significantly dependent and needy natural beings.¹

I have argued in the previous chapter that one can find a universal element in Kierkegaard's writings, despite the grounded and particular nature of much of his work. This universalism arises, not from certain knowledge of some essential rationality of humans, but rather from the simple fact of embodiment. I would like, in this chapter, to attempt to articulate what one might mean by this alternative form of universalism. Whereas the 'liberal' view allows for exceptions, since there is room for excluding some individuals from its scope, the universalism I wish to defend here does not leave open the same space for exclusions. Rather than articulating Kierkegaard's view, here, I am presenting my own perspective that sets out to describe part of what might be meant by the natural nature of humans. This chapter largely represents a summary of previous work and if the reader wishes to see more detail, then he or she might read this work (see, particularly, Assiter and Noonan, 2007).

In the chapter following I will expand, in my own way, on Kierkegaard's view that we should offer sympathy for the other, and understand that it is 'our own case that is in question' (Kierkegaard, 1980, p. 120).

The Reality of Human Needs

As we saw in the previous chapter, Kierkegaard defends the view that each of us is an embodied, needy and dependent being. Basically and

fundamentally we exist as natural beings: we need food, water, clean air and shelter. As such we are beings with 'intrinsic needs'. These 'intrinsic needs' are radically different in character from, for example, instrumental or functional needs. Instrumental needs are conditional in character, for example, John needs a tennis racket in order to play tennis. 'Intrinsic' needs, by contrast are unconditional. Such needs may be rewritten in instrumental form: Sarah needs food in order to survive, but the 'in order to' becomes redundant. Survival is a precondition of doing anything at all. These basic survival needs are regularly unmet for millions of people in the world today (United Nations, 2004).

McMurtry defends something akin to the intrinsic notion of need. For him 'N' is a need, 'if and only if, and to the extent that, deprivation of N always leads to a reduction in organic capability' (McMurtry, 1998, p. 164). Reductions in fundamental organic capabilities (sentience, movement, and thought at levels sufficient for leading a healthy, self-determined, individually meaningful and socially valuable life) constitute the basic form of harm to which all human beings are liable. There is a necessary connection between need-deprivation and objective harm. By objective harm I mean harm suffered by the organism regardless of whether it is immediately experienced. Someone may feel harmed if he or she is deprived of a new car, but the person can cure *that* sort of harm by revising his or her self-interpretation. But if that same person were deprived of oxygen for even a short period of time he or she will suffer brain damage from which no revised self-interpretation can rescue him or her. A fundamental human need, therefore, is natural in the sense that it is a necessary requirement of human life anchored in our social-organic nature. It is, in the words of Keith Graham: 'a constraint of precondition' (Graham, 1996, p. 76), that is, a condition that must be satisfied as the basis of positing any particular ends or projects at all.

Needs, therefore, are universal human life necessities. Whatever social, cultural, class or any other circumstances any individual finds themselves in, they need water, food, clean air, clothing appropriate to their climactic conditions and shelter. These needs constitute the shared social organic nature of human beings.

Human natural nature consists, at its core, in the set of requirements of a person which are such that, if they are not met, the person is literally unable to act at all. This 'core' set of basic needs consists simply in the need for food, water, shelter and some sort of clothing. There will then be another set of needs, less basic and fundamental than these, but which are such that if these are not met, the person is unable to flourish in a basic way. This latter set of needs will include the need for physical and mental healthcare and some rudimentary level of education.

The core set of needs is the 'natural nature' of the person. This natural nature is objectively real in a critical realist sense. As Caroline New has argued, 'one of the most basic principles of realist social science is naturalism, the view that in some central respects society can be studied in the same way as nature' (New, 2004, p. 1). For Bhaskar: 'realism is the theory that the ultimate objects of scientific inquiry exist and act (for the most part) quite independently of scientists and their activity' (Bhaskar, 1989, p. 12). The natural nature of human beings exists in an objective and real sense, quite independently of the theory of any social scientist about it. The natural nature of a person is an ontological entity that exists and acts in a causally real way. For critical realists, the terms of social science refer to ontological entities that exist independently of the observer (see, for example, Richard Boyd, 1984). In a critical realist fashion, there will be a stratified hierarchy of needs, with the basic set at the core and others existing in a more peripheral sense. Surrounding the minimal core set will be needs that are required to be met for basic levels of flourishing and then those that are required for more 'agent specific' levels of flourishing.

Following Marx, we could argue that 'natural' man or woman consists in the set of qualities we all share, irrespective of circumstances, historical situation and culture. Natural needs might be modified by culture and society but they will not be created by that social context. The modes of satisfaction of needs will take different forms in varying social contexts, but the needs themselves remain invariant. As Marx put it: 'Hunger is hunger; but the hunger that is satisfied by cooked meat eaten by knife and fork differs from hunger that devours raw meat with the help of hands nails and teeth' (Marx, 1973, p. 92). Hunger remains an organic requirement of life. Natural needs exist in social settings, but they are not created by the latter.

I referred earlier to Graham's 'constraint of precondition'. What exactly does this constraint of precondition mean? A constraint of precondition differs from a contextually determined instrumental need in so far as if the former is not satisfied, no particular projects whatsoever are possible, because the subject in question would cease to be in a position to pursue any projects at all. Hence this constraint is a *pre*condition in the sense that it must be satisfied before any other higher-level project can be pursued at all.

At its most basic, this condition might be met if the individual barely survives; if she has her most rudimentary needs satisfied. This, as we saw in an earlier chapter, has been regarded by some as trivial. Trivial survival, however, is deeply significant if you spend all day searching for water, or if you are locked in a cell without access to food. But bare survival is not

sufficient to lead a human life. Beyond a certain minimal level, as Len Doyal and Iain Gough (Doyal and Gough, 1991) have argued, it is physical health that matters for survival. A person's physical health needs are met, they suggest, if the person is free from disabling diseases or, one might add, free from disabling forms of torture or indeed, disabling environmental conditions. They argue that biomedical models can provide an account of what 'freedom from serious disease' means.

The existence of basic and physical health needs is independent of any feelings or beliefs the person might have about their satisfaction. These needs, and the natural nature they form, constitute the biological baseline for minimal functioning as a human being.

The amounts of food and water that each individual requires for survival may again vary. A pregnant woman, for example, may need more or different types of food from a woman her size and weight who is not pregnant. A very tall person may need more than a very short person and so on. Someone who is diabetic will need different foodstuffs from someone who is not. Yet none of this detracts from the claim that whatever is needed for human health is an objective matter, determined in the way outlined above.

Thus, to sum up this account of basic needs, the core set of basic needs is a set of universal life-necessities that must be satisfied if objective harm is to be avoided. The natural nature of human beings is, to reiterate, a causal foundation in a critical realist sense, of the ability of anyone to act at all. Beyond this core set is another group of needs, including those articulated above by Goyal and Gough. One might think of the various groups of needs as occupying circles, with the core set standing in the inner circle, and then further layers of needs in the outer circles. The criteria for the satisfaction of the needs in the inner core, however, are determinate in a way that the criteria for the satisfaction of instrumental and functional needs are not. The basic need for food and water must be met by these or their equivalents in terms of their respective constituent properties.

Some Difficulties Considered

Many people have challenged the kinds of claim made above. Stephen Lukes, for example, has described the assumption of objective needs as a 'paternalist licence for tyranny' (Lukes, 1976, p. 8). The assumption that needs are different from expressed preferences or wants allows for the manipulation of individual wants in the interests of some group that holds coercive power in society.

It is certainly true that objective definitions of need *could* be used as a paternalistic licence for tyranny. But there is no requirement that they be used in this fashion. What political consequences follow from the defence of the objectivity of needs is not determined conceptually by the meaning of needs themselves.

A further objection has been made by Kate Soper. She quotes Aristotle with approval: 'when life or existence are impossible . . . without certain conditions, these conditions are "necessary" and this course is itself a kind of necessity' (Soper, 1981, p. 11). She says,

rather than condemn the circularity of his definition, we should accept it as a salutary reminder that in all attempts to argue for or against certain conditions as needs. . . . we are already involved in judgements about what constitutes 'life' or 'the good' for human beings. (Soper, 1981, *ibid.*)

Soper's argument applies to some needs, but not to those we identify as core and basic for life. Nutritious food, clean air and water, appropriate clothing and shelter are universal life-necessities which must be satisfied regardless of whatever else makes life meaningful for people. Take the example of water. The symbolic and the aesthetic dimension of the satisfaction of the need for water can only be exercised when the individual is not desperately short of it. Whatever their felt preferences, human beings need H₂O in some form or other. This is an objective fact about their bodies.

Basic needs are universal life-necessities that must be satisfied if objective harm is to be avoided. Construed positively, basic needs in the core sense are crucial for the survival of the individual and are, as regards their organic foundations, a shared cross-cultural human reality. Any cultural relativity presupposes the basic needs that must be satisfied as 'constraints of precondition' on the formulation of and engagement in any activity at all.

In Eritrea today, most people have the right to go where they like. Yet, according to aid agencies, 2.4 million people out of a population of 3.5 million do not have enough to eat. In Malawi, too, in 2003, the rains failed, and the World Food Programme estimated that 35 per cent of that population may be in need of food (United Nations, 2003). As Conrad put it in *Heart of Darkness*: 'it takes a man all his inborn strength to fight hunger properly. It's really easier to face bereavement, dishonour, and the perdition of one's soul – than this kind of prolonged hunger. Sad, but true' (Conrad, 1978, p. 47).

What is required to satisfy core basic needs is different from the neo-Aristotelian notion of 'flourishing'. Individual or group 'flourishing' will

differ depending upon the level of deprivation of the individual or the group. Concerning those needs that are closest to the core, however, their satisfaction will be a requirement for all of us. Flourishing will almost certainly be ‘agent specific’ while need satisfaction is not (see, for example, Rasmussen, 1999, pp. 1–43).²

Hamilton has argued along lines similar to those proposed here, that the rights based approach to political theory submerges the problem of need-satisfaction in the different problem of subjective – preference satisfaction (Hamilton, 2004, p. 7). Rather than focusing on rights, preferences, justice and welfare, he argues, political philosophy that is concerned with human well-being must stress participation, democratic sovereignty and the satisfaction of needs. His book is a detailed and valuable defence of the notion of political participation geared towards the satisfaction of human needs.

Hamilton is critical, however, of the approach to needs summarized here. First, he argues that it is very difficult to define what I have called ‘basic’ needs and he calls ‘vital’ needs. He suggests that many accounts of this category of need include, among their range, needs that are not strictly physical or biological. Shelter, for example, is not strictly necessary for survival in the way that water is necessary. Hamilton’s point, however, ignores significant features about shelter. First, there is no climate that I know of where climatic conditions are never such as to require protection from them. Second, some form of shelter is also necessary in order to provide access to basic hygienic and sanitary requirements of health. Certainly a single-family dwelling in the suburbs is not necessary, but some form of interior sanitary, safe and hygienic space is.

A more significant objection he makes to theories (like those, for example of Doyal and Gough, *op. cit.*, Braybrooke, 1968 and Nussbaum, 1990) is that theories that set out to present a clear cut definition of the notion of need, as distinct from that of want, in fact do the opposite of early need theories, and develop a purely normative account of need that either has no practical significance or it imposes its own values and conditions, that will no doubt be peculiar to one context (Hamilton, *ibid.*, pp. 46–48). He points out that for Doyal and Gough, for example, autonomy is a ‘basic need’ or condition of being a person, and they characterize this notion in the following way: ‘(it is constituted) by understanding, mental health and opportunities for new and significant action guaranteed via “democratic participation” in the political process’. But, Hamilton points out, this would disallow some individuals from being persons, since they do not have the fortune to be in a position to participate in the political.

I would like, however, to reiterate the difference between basic needs and capabilities. Autonomy, or the whole range of what Hamilton calls 'agency needs', are not basic needs, but capabilities that it becomes possible for people to develop once their basic needs have been met. Basic needs are 'constraints of precondition', *not* the forms of activity it becomes possible for humans to undertake once those preconditions have been met. Hamilton rejects the linkage between need-deprivation and objective harm (Hamilton, 2004, p. 174). For him, it is important that human beings are able to have some say in determining the nature of their needs, and any approach that denies them this right is likely to reify a particular system of thought, that will no doubt be western. It is also likely to dictate practical politics. There is little point, he argues, in practical politics if theorists know our needs in advance.

This is an important point. It may be possible for the above conception of basic needs to grow, in the light of new experience and new knowledge, but it is not possible for the list to shrink without such a reduction leading to serious and avoidable harm for human beings. There is a more or less determinate human body that is or is not (or is more or less) healthy. There is, to reiterate, no requirement for any approach to needs satisfaction being dictated to anyone, although, sadly and unfortunately, a dictatorship that provides for people's basic needs while denying them some freedoms might be preferable to certain forms of anarchy where basic needs are not satisfied.

The deeper point, however, is that if Hamilton severs the link between need-deprivation and objective harm, he threatens to undermine the normative force of 'needs' in the debate against preferences. If basic need-deprivation does not cause objective harm, then why ought anyone to agree to limit their preference satisfaction (by, say, paying higher taxes to support need-satisfaction in the underdeveloped world)? That is, the normative force of basic needs-based claims is precisely that not satisfying one's needs leads to real harm. Indeed, the structure of Hamilton's own political argument reveals the untenability of his rejection of the link between need-deprivation and objective harm. When he is dealing with the issue of political participation, Hamilton is clear that in any question of disagreement over needs satisfaction, the satisfaction of vital needs must take priority. This is because, as he puts it: 'it seems morally incontestable that, given a certain amount of resources and a situation in which groups of individuals are in need, say, of food or shelter, the resources should first be directed to meeting those objective vital needs' (*ibid.*, p. 147). As he recognizes, there are countless examples of individuals and groups of people

whose vital needs are met but whose agency needs are not, but it is very difficult to find examples of people whose agency needs are met but whose vital needs are not. 'If my vital needs are unmet, then at the very least I function at a bare minimum of material necessity and at worst I am dead' (ibid., p. 147). Thus Hamilton, despite his earlier rejection of the link between vital need deprivation and objective harm, must rehabilitate it. He is forced by his prioritization of needs over rights and preferences to accept that there is a category of need which is such that, if it is not met, however it is defined, the person cannot function at all.

There is one omission that I should mention before concluding this chapter. Much of the foregoing applies not only to human beings but also to other animals. I briefly consider this matter in Chapter 7.

This chapter has offered a summary of a position that has been developed in more depth elsewhere. It suggests that there is a conception of the person that is radically different from that of Kant and Rawls. It is not specifically Kierkegaardian, however it sets out to elaborate on his view that we are embodied and natural beings. Rather than being centrally and fundamentally rational and autonomous beings, human beings are natural beings, dependent beings with basic needs. This is a universal conception of the person that allows of no exceptions. In the chapter following, I set out to develop a set of moral requirements on us all that flow from the fact that we are all needy, embodied beings.

Chapter 7

Metaphysics and Morality

Recent announcements concerning the end of history have been much exaggerated. History is not only continuing, it is also proceeding in such a way and to such an extent that a disconcerting range of possible futures – some comforting, others distressing – is becoming apparent.¹

In the previous chapter, I have defended a conception of the human being as a natural being. I would like, in this chapter, to explore one possible reading of the idea of loving another in something like Kierkegaard's sense.

For Rousseau, love and justice are antagonistic virtues. Family members, in the 'natural' sphere love one another; justice operates in the civic domain, where abstract individuals confront one another with their individual desires, motives and beliefs. For Rousseau, love does not operate in the 'public' domain. Love, I hope, might operate in a broader domain than Rousseau allows. Love, in the context, should be understood to mean the intention to promote well being or 'agape'.

Loving a Stranger

Moral values in general are understood to be benefits whose possession, in the words of one writer, 'would make life better than it would be without them' (Kekes, 1993, p. 38). Kekes argues that there are certain primary values which are benefits and harms for all conceptions of the good life. These primary values benefit all. He writes that 'circumstances would have to be exceptional for it not to be harmful for us not to be tortured, maimed or deprived of our legitimate livelihood' (Kekes, *ibid.*). For this writer, then, there is a moral implication arising from the kinds of fact outlined in the previous chapter. One possible reading of Kierkegaard's notion of loving another, then, is that it involves concern for the needs of the other. Another

possible component of the notion might be respecting the ways in which others are different from myself: such as, for example, attempting to think outside my own cultural values. I shall be mainly concerned here with the former possible reading of the notion.

Every day thousands die from inadequate sanitation, insufficient food, contaminated water. Loving the stranger, in the sense of promoting their well being, might mean being concerned about this issue. But what exactly does that mean? Am I loving the other in the relevant sense if I (since I am able to) send a small donation to Oxfam? Am I morally obliged to do so? Are we all morally obliged to do this or something similar?

More specifically, how far should I go in causing some suffering to myself, in order to help satisfy the needs of another? How much obligation does each of us have and to whom do we each owe this obligation? Peter Unger has argued that 'you' are obligated 'to send to the likes of UNICEF and Oxfam about as promptly as possible nearly all your worldly wealth' (Unger, 1996). His argument derives from a discussion of two hypothetical cases: in the first, a man who is not particularly rich, owns a much prized Mercedes. He is stopped by someone who claims to have medical knowledge. This person is losing blood, and he claims that, if he is not taken rapidly to hospital, he will lose a limb. If the owner of the Mercedes takes him, his beautiful upholstery will be ruined by the injured man's blood. In the second case, you receive an envelope through your door asking for a relatively small amount of money that will save thirty children.

Unger suggests that most people would believe it to be wrong to ignore the needs of the first man, but not wrong to ignore the letter in the second case. He further points out that this intuition is odd, since more lives could be saved in the second than in the first case.

Unger argues that our intuitions in these cases are wrong-headed and that this comes about because of a misguided belief that we cannot really make any difference to the vast problem of starvation, and so we believe it is alright to do nothing. He claims that it is right that we should give a small amount to others less well off than we are; and then that if this is right then it is right to give larger and larger amounts until we give everything away (Unger, *op. cit.*).

It is important to point out that there is a sense in which the intuitions described by Unger as odd are not odd at all. The first of his two cases involves a direct contact with a person in need, and arouses our sympathies or our desire to 'love' the other person in the sense specified, while the second involves no such direct connection. (I am indebted to Evert van der Zweerde for this point.)

Contrary to the view of Unger, it seems likely that concern for the needs of others should be relative to the degree of sacrifice involved to the self. So, to take a related case, if one could help a child who appeared to be stuck in a tree, just by reaching up to her and without causing any harm to oneself, then the action would be required. But if it involved such a risk to oneself that it would be putting one's own life in danger, to take a case at the opposite extreme, then it should not be obligatory.

Haslett (2000) refers to a case of this kind. He calls it Superbowl. He imagines an insane person bursting into the headquarters of a bowls tournament, just before kick-off, and demanding that they have their leg amputated in order to ensure that the game goes ahead. Through one person having their leg amputated, the happiness of very large numbers of people could be ensured. But most people would accept that the sacrifice, in this instance, is far too extreme. A moral code that condemned a person for failing to make this kind of sacrifice would be wrong.

Although it seems right that this kind of sacrifice is inappropriate in considering the needs of others, the general point Haslett draws from this goes too far. He claims that

we need a comfort zone not only from other people, but from the 'demands' of morality itself, a comfort zone that may only be invaded by obligations arising from special relationships voluntarily undertaken. (Haslett, *ibid.*, p. 88)

. . . the notion of helping others should not have the moral status of being obligatory. (Haslett, *ibid.*, p. 82)

One reason why it should not is that since, at every moment of our lives, there is someone who will need help, an unqualified obligation to help others (even if it were only ensuring that they were not starving) 'would entail that we would do virtually nothing our entire lives except to help others' (Haslett, *ibid.*). This would leave no room for dealing with one's own well being.

Haslett distinguishes acts that are blameworthy from those that are praiseworthy. He argues that I am not morally to blame for failing to satisfy the needs of others, since if I were, then I would be blameworthy (for not helping some other) or praiseworthy (for not killing another, for example) every time I simply sat watching television or engaging in some other act that has no obvious moral connection with any other person. This, he argues, would make a nonsense of the notions of praise and blame.

But Haslett may be wrong about purely self-interested acts. What does dealing with one's own well-being mean? Most people will agree that it does

not mean killing others, or engaging in other acts that are obviously harmful to some other. It may therefore mean engaging in behaviour that is purely self-regarding, like listening to music, walking along the beach or cycling along a road.

Perhaps underlying this claim is Mill's view that where an agent's behaviour concerns only himself, his independence is absolute. Where a person's action is purely self-regarding, then his behaviour is neither praiseworthy nor blameworthy. His behaviour, in other words, has no moral significance.

Yet each self-regarding act involves others to some degree. Someone had to produce a piece of music in order for me to listen to it; someone had to ensure that the beach was kept tidy and relatively clean in order for me to enjoy walking along it. Someone had to ensure that the basic needs of the individuals, who carried out these acts in order that I may engage in self-regarding behaviour, were met. Everything I do has some causal link with someone else. My actions are not, therefore, purely self regarding in that they involve no links at all with anyone else. They may have involved others in relation to their causal preconditions – in the above cases, others were required in the production or the maintenance of the instruments I deployed in my purely self-regarding acts. To imply, therefore, that there is a sphere of human action that is isolated from others and where people should be left alone to do what they like, is wrong in that at least there are some causal links with others involved in each and every act of mine. (See Graham, 2002, for arguments along these lines.)

But, it may be objected, although others may be involved in some causal fashion in the preconditions for my behaviour that does not entail any moral judgement about my behaviour towards them. I have the right to do as I like, it might be said, where I am not obviously harming others.

There are several senses in which I may be harming others, however, when I engage in what appear to be purely self-regarding acts. First, there is the trivial sense that when I choose to sit in my chair and snooze, I am choosing not to do something valuable for someone else. This is true but probably should not count against me doing so, since I might legitimately be thought to need a break from needs satisfaction. Secondly, however, I may be sitting in a chair that was cleaned by slave labour and perhaps indeed produced by people in the most inhumane circumstances. Even if my sitting there does not condone these behaviours, my sitting there may encourage others to sit in similar chairs and therefore effectively encourage the continuation of the dubious practice. (I am again indebted to Graham, 2002, for many of these kinds of points.)

When I engage in self-regarding behaviour, then, I may be inadvertently harming others. A minimal interpretation of the notion of loving another in the relevant sense, therefore, may be that I should simply consider the sense in which, on a number of occasions when I choose to do something simply for myself, others are involved. When I choose to sit in my comfortable armchair I might think about some of those involved, directly and indirectly in the production of the chair and, for example, in enabling my needs to be satisfied to the point where I am able to engage in this kind of leisure activity. Perhaps I employ a cleaner, so that I am able to sit in my chair instead of cleaning it. The act of thinking about these various individuals might lead me to treat some people differently: I might treat the cleaner better; I might consider supporting some cause related to the concerns of those who might have been involved in the production of the chair.

That is one weak interpretation of the notion of loving a stranger. A stronger notion is that I simply act in such a way that I am concerned about the needs of someone far away from myself, my friends and my family. So I might give a small amount to Oxfam; I might give a larger amount if I feel that I can afford to do so. The amount I feel able to give will be relative to my own concerns and wants and needs. But if I am a millionaire and I decide to donate only 2p then I am really making a mockery of my concern with the stranger.

I might, furthermore, not be in favour of donating to charities perhaps because I believe that this encourages a dependency of the recipients on the donors. In this case, I might help the stranger, or love the stranger in a different way. I might visit a village in a place where there is no school and attempt to help the local people to build a school. Or I might set out to persuade my government to give more of its GDP to a poor country. Alternatively, I might work to undermine the whole political system which perhaps I believe causes the vast inequalities of wealth we see today. In all of these possible ways, I am directly or indirectly concerning myself with the needs of strangers.

Kierkegaard (1980, 1995 and elsewhere) suggests that there is a way around the issue of the impracticality of taking the needs of every other into consideration and of causing great sacrifice to oneself. Following Kierkegaard, John Hare has suggested (Hare, 1996, pp. 44–45) a principle of ‘providential proximity’. According to him, I might have special obligations to, for example, the poor in a particular African country, because I attend a church that has links with this country. In my own case, because my partner is from Iran, I might have particular obligations to the suffering there, or to those who are suffering in my own region. I might act in the kinds of ways outlined above without causing significant harm to myself.

But there is another point to consider when we concern ourselves with acts that appear to be self-regarding. The question arises: in what sense are my actions really self-regarding? Suppose I regularly, for example, snooze in my armchair rather than listening to music or going for a swim or engaging in some work activity or concerning myself with others. If I am, as a relatively young person and as someone who is physically able to move sitting in my armchair for long periods of each day, then I am not loving myself in the sense Kierkegaard has in mind. For him, in order to love another, in the relevant sense, I must first love myself. I will return to this issue in the final chapter. My behaviour may not be self-regarding not only in the sense that it may involve others, but also in that it may not concern myself in a good way.

A Deeper Notion?

Thus far, I have been discussing what might be meant by the Kierkegaardian notion of 'loving' a stranger. But there is a different and perhaps deeper issue and I would now like to turn to look at this. I will call upon the services of an unlikely supporter of Kierkegaard, someone who would not be thought, normally, to be sitting alongside him in the same stand, cheering the same team – Geoffrey Warnock. 'Loving others' may be a key component in morality.

In his book *The Object of Morality*, Warnock writes, in Hobbesian vein: 'the human predicament is inherently such that things are liable to go badly' (Warnock, 1971, p. 17). 'Things' are liable to go badly, according to Warnock, for at least three reasons. First, there is, in the world, a finite supply of natural resources. Notwithstanding that, however,

[We] have been assured by a variety of prophets, in the H. G. Wells or (in some moods) Bertrand Russell manner that, notwithstanding the perplexing diversity of people's interests and wants, and the doubtless lesser variety of their actual needs, there exist both the resources and the technical capacity to go at least a very considerable way towards the general satisfaction of the inhabitants of our planet, and not only in grossly material respects. . . . (ibid., p. 20)

This optimistic claim may be somewhat more questionable today.

The second 'snag' as Warnock terms it, affecting whether or not 'things' will go well, is that people have limited rationality; limited intelligence. People, in general, are prone to irrationality, even intelligent people.

But Warnock's third 'snag' affecting why the world is not a better place is the one that mainly interests me here. This is that people, in general, have limited 'sympathies'. Most people, most of the time, are more concerned about the satisfaction of their own short term interests than with those of others or with their own longer term needs and interests. Warnock himself is more actively hostile towards human beings than I would personally wish to be, for he describes many of us as actively malevolent towards others, while I would be more inclined to emphasize the quality of indifference. However, he writes: 'It is easy enough to see in general terms how very different the situation would be if the beings concerned were less vulnerable, less aggressive, less egotistical, less irrational . . . ' (ibid., p. 23) but mainly and most significantly if our 'sympathies' were developed and expanded.

For Kierkegaard, human beings are, as we have seen, wracked by depression, by anxiety, by fear. Despite all this, he enjoins us to 'love' our neighbour – all human beings and including ourselves. I will remind the reader that I believe he means love in the sense of 'agape' here. Kierkegaard encourages us to put aside the indifference, hatred and aggression we may feel for any other human being and to accept and 'love' the stranger. It is profoundly difficult (a) to do this at all; and (b) to work out what it means. Kierkegaard is not very helpful in explaining either (a) or (b). He is not helpful when discussing questions like those posed in the debate between Unger and Haslett.

Although the details of what 'loving' a stranger means are tremendously important, even more important is the attitude of mind that underlies the spelling out of the details of its meaning.

According to Kierkegaard and his fellow (if incredulous and sceptical) supporter, Warnock, if there is to be a morality of any kind at all, then what is required is an extension of human sympathies. Warnock is somewhat sceptical about whether morality will, or should win out over, for example, a concern for a beautiful building, or support for the strong, or the clever or the powerful, over against those who are weak, or less clever or less powerful. But his claim is that if morality is to win this particular battle, then human sympathies must be extended and developed. Specifically, for him, it is important to encourage the development of certain virtues. This thesis is, of course, an Aristotelian one. As MacIntyre put it, writing about Aristotle:

Virtues are dispositions not only to act in particular ways but also to feel in particular ways. To act virtuously is not, as Kant was later to think, to act against inclination; it is to act from inclination formed by the cultivation

of the virtues. Moral education is an 'education sentimentale'. (MacIntyre, 1981, p. 140)

In the following chapter, I will devote a little time to describing what this education might mean. If the contrary dispositions, as they often are, are deeply ingrained in the psyche, it may mean something deeper than attending a class devoted to explaining how to behave morally.

Thus Kierkegaard's injunction to 'love' the stranger might be construed as a plea to increase the degree and range of human sympathy and concern for others. These others may be unrelated to oneself, or they might indeed have expressed hostility to oneself.

On one very significant issue, then, Kierkegaard and Warnock stand on one side of the fence and most contemporary liberals on the other. Many contemporary liberals, and many others as well, who might not wish to apply this label to their beliefs, are 'pluralist' about morality. They accept that, for example, some Indian feminists and some British white feminists of English origin might have different views about, for example, the morality of abortion, and that it is very difficult for anyone to adjudicate on this matter.

Warnock writes, in opposition to the overall thesis that there is no universal element to morality:

. . . if we take 'the language of morals' to consist essentially of such very general non-specific terms 'good', 'bad', 'right', 'wrong' . . . and perhaps a few more – we have something that there is reason to regard as floating stably in the Heraclitean flux, and to be recognised as persisting through all the diversities paraded by Hegel and the historians and anthropologists. (Warnock, *ibid.*, p. 6)

Morality, on the view, therefore, is concerned with extending the sympathies of human beings for other human beings. More specifically, its domain is, at least in part, that of recognizing, appreciating and acting on the fact that the basic needs of many people in the world remain unsatisfied and, because of this, it is very difficult for many of those people to act at all. This is a universal dimension of morality and it concerns the ways in which people ought to behave towards one another at least as far as the satisfaction of their basic needs is concerned. All human beings fall within its scope for all humans are needy and all suffer. To refuse to include any one person or any group within its scope is a form of discrimination.

It is also important to point out that another universal dimension of morality is respecting differences between people where it is important to do so. So, there are huge cultural differences between groups on, for example, gender issues; huge variations in outlook dependent upon whether or not one grew up in contemporary Cuba, contemporary USA or contemporary Iran, for example. Sometimes, loving another will involve respecting their differences from oneself to the extent to which one is able. I am, as I have said, however, less concerned here with this question than I am with the deeply significant question of loving another in the sense of caring for her basic needs.

Metaphysic of the Self Again?

This brings me back to the discussion of the first section of the book and to the concern I have been expressing throughout the book with the ‘metaphysic of the self’ that may underlie these respective positions. On this question, it seems to me that Warnock has moved over to the other side and he is shouting for the opposing team. According to Warnock, people are basically selfish, self-interested, vain and egotistical. As it is for the liberals discussed in the first few chapters, morality is about attempting to curb these selfish desires and interests. So, while he talks about extending ‘sympathies’, for him, this is a radical departure from the normal psychological state of most of us most of the time. However, Kierkegaard, while he accepts some of this psychology of the self, he also recognizes with Levinas, that we are all intertwined with one another; that we are not primarily rational, autonomous beings, but needy and dependent creatures. Thus it is not only that we each need morality because we ought to be concerned about others; it is rather that we – each one of us – needs to love ourselves and others, because we require this of ourselves and for ourselves. So the injunction to ‘love’ an other might be construed, at least in part, as an expression of my dependence on some of these others. In this sense, furthermore, being a moral person is not a choice that we can decide not to make, because our fragile world is in danger of toppling unless we recognize ‘the demands’ of morality.

Normativity, for Kierkegaard, then, arises from dependent relationships with others. These self–other relations form the basis for moral obligation. I am dependent upon others. Some of these others, my friends and family, are close to me. Others are far away. But I need some of these far-away others to behave well, in certain respects, because otherwise I will not be

able to function. I myself, and anyone else, including for example, Bill Gates, if we have children, will need a school somewhere, functioning well. We will need the school to have teachers; to constitute a safe environment for our children. We need doctors and nurses, in case we become ill; we need someone to manage the hospitals.

Because of my dependence upon others far away, I cannot abandon the demands of empathy without abandoning myself and my own needs. I am, as Heidegger put it: 'always already with others' (Heidegger, 1927). As Mensch has put it:

to know myself objectively I need an external standpoint – that of the other. To take up the other's standpoint, however, requires the empathy that exposes me to this person's needs. Thus the standpoint that opens me up to the other also divides me. It makes me present to myself as two sets of needs springing from my own and the other's embodied being. (Mensch, 2001, p. 139)

Mensch writes that the question 'why be ethical?' is answered by saying that our selfhood is at stake.

Others and Moral Character

I am related to others like me and I should therefore ensure that the needs of these others are satisfied. Selves are bound up with other selves and interacting with one another presupposes having a moral character. Dependence is characterized, at least in part, by caring for the other, and care, love, responsibility and duty towards the other are all moral characteristics.

An interlocutor might question all these Kierkegaardian inspired premises and argue that it is logically possible that I could satisfy my needs entirely alone, and therefore, although I might not be a full, self-aware self, I could still have minimal agency. Even as a minimal 'natural being' however, each of us is also a human being. As human beings we depend, in all sorts of respects, upon others – for company, for friendship, for support, for love, and so on. A solitary natural being, without the basic constituent of most liberal theories of morality – the notion of equal respect for persons – would have no reason for satisfying his or her needs. Such a person, without this idea, would have no particular reason to respect herself, and therefore no reason to satisfy her needs. In other words, being a person with needs that

must be satisfied if one is to do anything at all, presupposes the idea of respecting oneself sufficiently to be motivated to feed oneself so long as one has the physical capacity so to do. It seems to me that this is partly what Kierkegaard means when he writes that self-love is not necessarily and always the sort of love that we should extend to others. Only if we love ourselves in the way we ought to love others does our self-love have worth for ourselves. It might, if it is not 'worthy' be based, for example, on depression, or on low self-esteem or on not caring for oneself in other ways.

This idea of equal respect presupposes a relation of reciprocity with others – it is an external state of the individual – a state which refers to the relation between that individual and another person. Even the solitary individual, then, has characteristics that depend upon his being part of a collectivity. In Kantian fashion, that individual still has duties to herself. Kant might have argued not only that the Crusoe figure has a strong desire to preserve himself; rather he is morally bound to do so. Kant's insight here is that the duty of respect to the person – to oneself – is already a relational duty. The individual, in one respect, is bound to herself. Several narratives – Robinson Crusoe itself, and the film *Castaway*, starring Tom Hanks, depend upon this idea. In the film, the central character creates a fantasy other out of a football, that sustains him. He comes to 'love' this other, and sees it as a being with needs. Even on a Kantian view, then, the notion of equal respect presupposes some relation to an other. But the crucial omission of the Kantian, as we have seen in earlier chapters, from the Kierkegaardian perspective (or at least on some versions of it) is the embodied and dependent nature of the self and the other.

In fact and in most circumstances, as Kierkegaard points out, the individual is part of a polity; she lives in a world of others who share similar needs. Effectively, then, the solitary individual must be the exception, because we all depend upon others for our sense of self-identity. It is exceptional therefore for an individual to survive alone.

There are, therefore, two kinds of relation that obtain between every other person and myself: first, I stand in a relation of likeness to every other person in respect of my embodiment; and secondly, at least one of these others is required in order for me to establish my self-hood.

Some Implications

If there is, in some sense, a requirement on human beings to act morally, to extend our sympathies more widely than many of us would customarily

think we should, then we can call people to account, not only when they fail to act autonomously, but rather when they fail to act morally. The task of acting morally may be 'infinitely difficult' but it is one that must be attempted.

This brings me back to one of the examples of Chapter 4, the Milgram experiments. Those playing the role of 'teacher' acted wrongly even though they were not obviously acting autonomously. They believed they were harming the experimental subjects and therefore they were doing something wrong.

Warnock, once again, is helpful on this matter. He writes:

A man may properly be judged to have acted criminally, even though it might have been unreasonable to expect him to act otherwise. If, for instance, he were born and brought up in a family and community of habitual criminals, we might think that he was not much to be blamed for taking to a life of crime . . . still if of sound mind, he will nevertheless be one of those to whom the law applies . . . Somewhat similarly, there is nothing, I think, to debar us from saying that, say, some medieval Scottish chieftain acted morally badly in slaughtering all the rival clansmen whom he had invited to a banquet, even though . . . he was conforming to the accepted mores of upper class Scottish life at the time. . . . (Warnock, *ibid.*, p. 146)

Similarly, it is possible to judge individuals who fail to act; who 'mind their own business' or who fail to notice that, for example, many people in the world today are suffering badly.

The view that we can hold them responsible fits with the following three principles: (i) A person is morally responsible for failing to perform an act only if he could have performed it; (ii) A person is morally responsible for a given event only if he could have prevented it; and (iii) a person is morally responsible for a state of affairs only if that state of affairs obtains and he could have prevented it from obtaining. (Each of these principles is taken from Van Inwagen, 1978.) While these principles seem plausible, there is also something wrong with the over-reliance, suggested by them, on the rational subject. They may not always be either necessary or sufficient for moral responsibility.

There is a very important point that has been made by Kekes (1999, p. 51). He argues that if it is wrong to ascribe responsibility to agents who habitually but non-autonomously cause evil, then it must also be wrong to ascribe responsibility for actions carried out autonomously, since

autonomous actions in the end depend upon non-autonomous factors. People, in other words, are not purely rational agents, but their beliefs have unconscious, sometimes emotional causes over which they may have no control.

The autonomy principle is upheld for two major reasons: first, it is said that if it is true that someone ought to do X then it must also be the case that they are able to do X. The person must, in other words, have control over how he or she behaves. But human beings are, as we have seen, linked with other humans, and a significant part of the causal history of any action lies in circumstances over which the individual has no control.

A key assumption made by liberal protagonists in this debate is that the agent, in order to be said to be responsible, must be in a position to choose otherwise. One might suppose that they are able to have gone through a process like that outlined by Frankfurt (see Chapter 4), a process of rationally reflecting on their 'first order' reasons for acting. But, as Kekes has pointed out (Kekes, 1999, p. 55) this places the whole burden of moral responsibility on the shoulders of reasoning adopted by agents prior to their acting, and not at all on the effects of their actions on others. In other words, it depends, once again, on the liberal metaphysic of the self, which gives undue significance to the mind of the agent, and attaches insufficient weight to the consequences of the person's actions and their effects upon others. This does not mean that it is only these consequences that count as good or bad; it means rather that the process of ascribing moral responsibility must be a complex one, involving reference both to the prior mental processes engaged in by the agent and also to the effects of his or her actions upon others. Morality, with its ascription of responsibility, must be concerned both with the 'evil' consequences of actions and with the motives underlying the action.

Liberals have argued for the significance of autonomy in ascribing moral responsibility because it is clearly wrong to claim a person to be responsible for an 'evil' act if they are mentally ill or if they have been coerced. But severing the link between autonomy and moral responsibility does not entail that every non-autonomous evil act is one for which the agent should be held morally responsible. Rather, it is to say that there are many cases where because of upbringing, childhood or dubious motives like ambition or greed, a person is led to act in a way that is wrong or evil. Some of the predisposing factors will act in mitigation for the person being considered to be responsible. Indeed, it may not be possible to specify necessary and sufficient conditions for moral responsibility. Each case would have to be judged on its 'merits'. But the judgement must presuppose

taking into consideration the fact that the agent is not an isolated individual; acting purely as a result of his own reasoning process. He is entwined with others, in relation both to his causal history and to the consequences of his actions. He is also someone who may have to learn to 'love' himself.

Humanity-as-a-whole

There may be implications of the foregoing for humanity as a whole. The thoughts I am now expressing are provisional and will need much spelling out elsewhere and by others.

The Stoics and Aristotle argued that human beings flourish as active parts of a whole. (Aristotle, 1984, and for useful accounts of the Stoics. See Long, 1986 and Sellars, 2006) According to them, like Kierkegaard and Levinas, the ends of humanity cannot be realized alone. Rather living well, at least for Aristotle, involves co-operating with others. Aristotle himself believed that the forum within which this flourishing was demonstrated was the city state (see Aristotle, 1984, chapters 1 and 2; also see Mayhew, 1995). One does not have to accept this part of his theory, however, to suggest that the idea of parts of the whole may have some plausibility.

Using a notion derived from the Stoics and Aristotle, humanity might be described as a collective agent responsible for all of its parts. One of the Stoics, Marcus Aurelius, describes the relationship between individual human beings and the whole human community as analogous to the relation between a limb and a body. A person acting merely as a part would be like a hand cut off (see Long and Smedley, 1987; and Sellars, *op.cit.* p. 18). We might use the analogy of a plant. A plant survives and flourishes if each of its parts – its leaves, its roots, its petals, contributes to the survival of the whole plant. Phillipa Foot (1995) has argued that there is a set of behaviours that partly constitute the plant. Similarly, there is a set of behaviours that constitute, to take a different kind of example, a particular animal. 'There is something wrong', she writes, 'with the free-riding wolf' (Foot, *ibid.*, p. 196). A wolf that abandons its pack is somehow defective as a wolf. Foot's naturalism suggests to her that she values each individual member of a species or of a type of plant as a specimen of their kind.

Could one argue an analogous point with respect to humanity as a whole? On the perspective, an individual who fails to play a part in enabling the rest of humanity to realize its nature might be said to be defective as a human being. The psychopath would lie at one end of the spectrum, but the individual who simply minds her own business, and fails to notice what

is happening to others, would also be, in a certain sense, defective as a human being. Individual members of humanity will be good human beings, therefore, using the analogy, in so far as they each contribute, in so far as each is able, to the good of the whole. This will take place in analogous fashion to the way in which the parts of a plant contribute to the survival and the good of the plant. A good human being in the respect in question, therefore, is good as a part of the whole as well as good in themselves.

An argument for this might run as follows: I act as a part of the whole of humanity when I act in one of the ways described in earlier sections of the chapter. I act as a part of the whole when I recognize my inter-dependence on others far removed from me. When I act in some of the ways I have described as exemplifying the Kierkegaardian notion of 'loving another' I am acting partly for myself, partly for another and partly as a collective agent. The point is borne out clearly, for example, if when engaging in charitable activities, I set up an organization that has links with similarly placed people in another country. Suppose, for example, I work with people in Ukraine, and we agree, together, to raise and distribute funds for the education of children. Then we are acting collectively.

Sometimes a collective can exist and hold beliefs, without it being clear which of its 'members' holds the beliefs. The Newtonian paradigm in physics, for example, operated as a collective entity but it was probably not clear which scientists fully adhered to its core beliefs. A nation, also, exists and acts as a collective entity even though its borders may be porous, and many who live within its metaphorical walls fail to uphold all of its unspoken 'rules'. When an Olympic cyclist wins a gold medal she is doing so for and as herself but also as a Georgian or a Chinese person; as a member of this particular collective.

In his article 'Stoic Cosmopolitanism and Zeno's Republic,' John Sellars (2007) has provided a useful interpretation of Stoic philosophy. According to one conventional interpretation of Stoic cosmopolitanism, each of us bears allegiance to the cosmos as the only true city and there is therefore a need for a world-wide political organization in which all humankind will be fellow citizens. Sellars argues for a different interpretation of Stoicism. When asked where he comes from, Diogenes, according to Sellars, is said to have replied 'I am a citizen of the cosmos' (ibid., p. 4). Sellars suggests a way of interpreting this remark as affirming not a certain political ideal, but rather a particular attitude and way of life. On this interpretation, when Chrysippus remarks in *On Zeno's Proper Use of Terminology*, that only the wise are kings, he can be taken to mean a potential rather than an actual state.

In this ideal state, everyone would have reached the wisdom of the Cynic sage and thus everyone would have become a fellow citizen of the cosmos (Sellars, 2007, p. 11).

Each of us should become a certain kind of moral character; one who takes the needs of others into account. Zenos' Republic, therefore, (see Long, *op. cit.*; also Sellars, 2006) which has everyone living as a sage, living wisely and taking the needs of others into account, bears some resemblance to Kierkegaard's notion of revelation, where each of us recognizes our duties to others.

Objections

A number of critical points may be raised about this. The most familiar and perhaps the most obvious objection to the above notion is that to many contemporary and perhaps 'liberal' inspired ears, such talk is absolutely anathema. This thought appears in the work of Rawls, Nozick and Nagel and it might be expressed in the following way: each person is distinct and separate from every other and therefore there is a need, as we saw in Chapter 4, to give priority to individual liberty over any collective or social claims. Individual liberty takes priority, on the view, over collective welfare of any sort and the notion of humanity as a whole does violence to the distinctness and separateness of persons (Rawls, 1973, p. 29). Rawls writes: 'Utilitarianism . . . by conflating all systems of desires, it applies to society the principle of choice for one man thus overlooking "the plurality of distinct persons with separate systems of ends"' (Rawls, 1984, p. 40). Nozick has also argued that there is no 'social entity with a good . . .' (Nozick, 1974, p. 32). Both thinkers are agreed that the desires and interests of the individual have a special status and that it is inappropriate to treat collective entities in any analogous ways. A more 'communitarian' liberal, Sandel, has made a similar point:

Contemporary liberals extend Kant's argument with the claim that utilitarianism fails to take seriously the distinction between persons. In seeking above all to maximise the general welfare, the utilitarian treats society as a whole as if it were a single person; it conflates our many, diverse desires into a single system of desires, and tries to maximise . . . (T)his fails to respect our plurality and distinctness. It uses some as a means to the happiness of all, and so fails to respect each as an end in himself. (Sandel, 1984, p. 3)

It is true that the notion of responsibility with which most of us are familiar is an individualist conception. (But see Gilbert, 2000, for some useful arguments in favour of collective agency.) It is premised on the idea that some one person can be held accountable for a particular act or for a failure to act. The emphasis, on this perspective, as Kathryn Addelson has put it: 'is on the judging observer, rather than the actors' (Addelson, 1994). The individualist outlook is a framework that sets out to hold someone to account in order to be able to predict a future outcome – the attributing of blame and the laying on of appropriate punishment.

Keith Graham (Graham, 2002, pp. 29–37) has described a range of possible interpretations of the thesis of the distinctiveness of persons: he suggests, for example, that the thesis may be construed to mean that persons considered as a species are distinct from other entities; that each person is separate from one another or that each person has a distinctive identity that is different from every other person. He examines a number of implications of each of these possible readings of the claim and puts the view that he is 'sympathetic' to the following view: there are distinct individual lives, 'people with their own autobiography, their own set of memories, their own achievements and their own hopes for the future' (Graham, *ibid.*, p. 33). I also would concur with this claim. But I would go along further with Graham and sympathize also with another point of his: 'The difficult question, however, is what precise significance we are entitled to invest this undeniable fact with' (Graham, *ibid.*, p. 33).

The above intuitions about individuality are widely shared in western broadly liberal democracies, but they may not be so widespread in, for example, contemporary Cuba, nor were they so widespread in the Stoic world. In the former, working for the collective is a core part of the ideals underlying the Cuban revolution (see, for example, Guevara, 1967; Harnecker, 1979). In the latter case, the Stoics believed that we owe moral allegiance to the cosmos as a whole regardless of nationality. (See, for some discussion of this idea, Nussbaum, 1996 and 1997.)³ As we have seen, moreover, in the earlier section of the chapter, there are many senses in which my individual behaviour is bound up with others.

Of course, intuitions fail to constitute foolproof reasons for believing something to be the case. However, it is important to point out that a claim that might seem to some to be so obvious as to be incontrovertible is deeply foreign to others.

Contrary to an underlying assumption of the individualist view, there are some collectives that can act like moral individuals. Sometimes, to take another example from Graham (Graham, *ibid.*, p. 71), a group of people

can act as a collective, as when a group decides collectively to play a piece of music. As individual members of the group, they each intend to do this; but the action comes about as a result of a collective intention. Sometimes, indeed, the members of the collective may be unaware of their collective intention (see also Graham, *ibid.*). The Cuban guerrilla fighters who fought, in 1953, in the Sierra Maestra mountains were unaware that they were waging a war that would culminate in a victory for a regime that operated a vastly different form of governance from much of the rest of the world, for nearly 50 years and that still continues to this day. They were operating collectively and if they had not been fighting as a collective they would undoubtedly have failed. A collective, like a revolutionary party, can be held responsible, as a collective, for its actions. Having a conscious collective intention, then, following Graham's argument, is not necessary for the ascription of moral responsibility to the collective.

The individualist notion of responsibility, furthermore, as Addelson (*op. cit.* 1994) points out, is inappropriate for such notions as responsibility for gender or class oppression. Kuhn, indeed, found it difficult to paint a clear picture of the one person who discovered oxygen, preferring to ascribe the discovery to several – Priestley, Lavoisier and their peers and predecessors. Similarly, attributing collective responsibility may not be clear and precise in the sense that the juridical perspective assumes. There may be many people responsible for collective actions. Furthermore, the notion of collective responsibility assumes that people can be held responsible for actions carried out by other members of the collective when they themselves played no part at all in the outcome. But the likelihood of any individual being absolutely certain about their beliefs about some individual outcome is low as well. So an individual disagreeing with a collective decision might be like an individual taking some action when he holds a number of doubts about whether or not it is the right thing to do.

The collective 'humanity-as-a whole' will have a different kind of status from many of the above cases. No one chooses to join it, and, with the exception of those facing the most radical and difficult choice of all, like, for example, Antigone, most people don't choose to leave it. Nussbaum captures the moral significance of humanity as a whole in this quote: 'we should recognize humanity wherever it occurs, and give it its fundamental ingredients, reason and moral capacity, our first allegiance and respect' (Nussbaum, 1997, p. 7). In other words, just as it is a first premise of much liberal thinking, including that of Nussbaum herself, that individual humans are deserving of respect, just because of their distinctness as persons, so too, according to Aristotelian thinking, is this same kind of respect due to humanity as a whole.

It is not at all obvious why just being human should entail any responsibility for respecting one another and working together towards the same goal. The Stoics, according to at least one interpreter of their work, themselves had a number of reasons for their view, which I personally do not find plausible. One argument they offer is that there is an all pervading reason connecting us one with another and with the cosmos (Long, 1987). There is a kind of divine spark in each one of us that entails that each of us should treat every other well. I don't go along with this view. However, there are, as we have seen, many respects in which we are interconnected with others who may seem far away from us. We are like every other human in certain crucial respects, and we have causal and moral connections with many others, all over the world.

Unless humanity as a whole and each one of us assumes the kind of obligation I am outlining, then there is a risk of the destruction of the whole of humanity. Every time someone differentiates a Muslim from a Christian and assumes that the former has no obligations to satisfy the basic needs of the latter and vice versa, then, for the Christian, the Muslim is defined as 'other' and as a lesser human being. Every time any grouping – women, black people, Afghani people, Iraqi people – is defined in such a way that its needs do not matter and can be disregarded, then that group is defined as in some way 'lesser'. No group can be seen to be immune from the wrath of any other.

Therefore, every time one grouping differentiates itself from another and assumes its own superiority, then that group is, in some way, making itself vulnerable to the wrath of the other. Wrath and killing are extreme reactions, of course, to subordination. But they are the logical outcome of a refusal by any grouping to recognize the basic humanity of another. The extermination, or the reduction to conditions of subsistence, of a population so characterized has, in fact, throughout history, been a common occurrence – one has only to think of American Indians, Australian Aborigines, South African blacks, but also the ordinary people of Iraq today, of Afghanistan today, of Somalia, Rwanda. The list is a very long one. Recognition of the basic needs of the 'other' then, implies that someone somewhere has a responsibility to ensure that these needs are satisfied.

Virtue Ethics?

If the account offered above is generalized beyond the specific case of needs satisfaction, then it has some affinity with 'virtue' ethics. There is, however, this very significant difference; the collective unit is not the locality or the

trade union or the workplace or the nation, but rather humanity as a whole.

There is a set of criticisms of 'virtue' ethics which are expressed by Charles Larmore (1996). Larmore has been an important influence on my thinking. However, I do not agree with his rejection of 'virtue' ethics and with his defence of a revamped and historicized Kantianism.

Charles Larmore points out that Kant held that the only thing that is unconditionally good is a good will. Larmore, while he rejects as inconsistent with 'modernity' the notion that this principle rests with belief in God and while he also wishes to contest the view that practical reason itself provides a sufficient justification for this type of principle, nonetheless wishes to hold on to a kind of Kantianism. He quotes a contemporary critic of Kant – Pistorius – who claimed that no principle outlining what one ought to do is a sufficient basis of moral action, since one must first of all determine whether or not that principle is itself good. Pistorius argues that a principle of action is good only if all human beings have a common nature that produces an interest in this *summum bonum*. The principle of right action, then, would be to act in accordance with this common nature and interest. In a sense I am defending a Kierkegaardian version of this principle.

According to Larmore, Kant offered at least two arguments in favour of the priority of the right over the good. Larmore puts these in the following way; (i) if good is not subordinated to a principle of right, then 'the determining ground of the moral will must be the object of some desire' (Larmore, *ibid.*, p. 29). Even if, he argues, desires are not narrowly construed as what brings us pleasure, what is desired is too variable to provide a basis for morality. One reading of Aristotelian ethics suggests that all human beings share a commitment to self-fulfilment that consists in the exercise of virtue. But, Kant argues, and Larmore agrees, human nature is too variable to provide such a basis for action. Kant also offers the following argument: if the desire for some object is made the determining ground for the moral will then what this object is must be an empirical matter, since it is only from experience that we can learn what gives us pleasure. But, Larmore argues, experience or interests or desires can never instruct us in what we ought to do regardless of what we may want. Moral rules are unconditional in character.

Larmore points out that some followers of Kant have argued that the unconditional character of the good will is simply, in the absence of God, a fact of reason. Larmore himself, however, holds that practical reason of itself cannot be sufficient to justify the basis for any moral obligation. It is,

he writes: 'just too slender a basis for justifying the validity of any moral obligation' (ibid., p. 39). Practical reason, he suggests, cannot generate the moral obligations, but it can evaluate the purported commitments arising from other values.

Instead, Larmore defends the view that adherence to the good will lies in a commitment to a 'form of life that we all share' (ibid., p. 40). Moral convictions, he suggests, are rooted in traditions that are historically contingent. We can maintain the universalist content of the notion of right while rejecting the view that this notion requires a justification that all will accept. Justifying a principle will not always be necessary. One will not need to give reasons for believing a principle to be true; rather what we would need to do would be to set about, where necessary, dispelling doubt about the truth of a principle.

This perspective rests on the view that modernity requires a strong commitment to a plurality of conceptions of the good, but that this very same modernity generates agreement, implicit in traditions and forms of life, about universal conceptions of what is the right thing to do. Why should this be so? What can it mean? Who is the 'we' who develops these traditions and these forms of life? There are those who would reject liberal principles and the liberal way of life. On what basis is the commitment to plural views of the good taken as a fact of life at the same time as a conviction that there is a uniform and universal perspective on the nature of a reformulated 'good will'? I think that Larmore is right that there are universally shared views about right conduct. I would not differentiate, however, so clearly as he does, between principles of right conduct and notions of the good. I would describe them, indeed, as shared views about the good. But, far from being implicit in the forms of life and traditions that human beings share, to the contrary, they may not at the moment be fully accepted by anyone. Larmore may additionally be right that these universal principles cannot be given the kind of justification that some people historically would like to have given them. Instead of locating them in historically variant and radically diverse forms of life, however, I am locating them in a shared human nature.

The Kantian objection to the Aristotelian tradition is only persuasive if one accepts the point that interests and desires are necessarily variable. As I have urged previously, some interests and desires must vary depending on the circumstances in which one finds oneself. However, there are interests that each individual should have as a natural being that should not vary from person to person.

There are huge questions about needs satisfaction in conditions of relative scarcity (assuming that there is relative scarcity). Attempting to answer

these questions would involve a further book. Karl Marx went some way towards answering these questions, in a way that is entirely different from the Kantian tradition.

Aristotle conceived virtue as the foundation of a good life and the good of society. Virtue comes about from behaving well as a man of practical wisdom. For Aristotle, there is a public framework of good behaviour that leads to the good life. Aristotle has been much criticized for excluding women, slaves and many men from his vision of the good life. It has also been argued that, while Aristotle's perspective made sense in the ancient Greek world, where people had their fixed social and moral roles, it doesn't apply in the modern world where this is no longer the case.

A growing number of contemporary moral philosophers, however, are articulating an alternative to the dominance of Kant in moral theory. Nussbaum (1999 and elsewhere) is one prominent moral philosopher who locates the roots of this alternative approach to moral theorizing in Aristotle's moral framework. Nussbaum describes Socratic ethics, as received in certain versions of contemporary liberalism, as disembodied, removed and abstract. She advocates a sensitivity to particularism in moral thinking. Communitarians, too, take Aristotle as their moral mentor (see MacIntyre, 1981, 1988, 1990; Sandel, 1989; Taylor, 1991, for example).

Instead of taking the Aristotelian 'rational man' as the unit, and instead of emphasizing the particularist tendencies in Aristotle, my approach, although explicitly derived from a reading of Kierkegaard is also Aristotelian but in a different sense from that of Nussbaum and others. I have suggested that we take the community of human beings as material beings as our moral entity, rather than the 'man of practical wisdom'. In so far as the approach may be seen to be Aristotelian, it is suggesting that we should aim to function well as material beings. We have the basis then for a universal moral theory about certain moral matters that might generate universal claims to knowledge.

For the early Marx, the activity of each individual is activity of the species. Marx develops in these early writings a naturalistic view of human nature. He also, as Benton has pointed out, offers, in these writings a humanism, and an opposition between humans and other animals.

It may be argued that this view of Marx's constitutes a very significant gap in his and my argument. Human beings are not the only animals to have a natural nature and to require food, shelter and water. Many other animals require these basic goods. Furthermore, some have gone further still and argued for the intrinsic worth of all entities (see, for example, Collier, 1999). Following Augustine and Spinoza, Collier argues that beings have

value simply in virtue of their being. Rocks, however, don't have the same basic needs as animals. They don't suffer in the way that animals suffer and therefore the above arguments do not apply to them. But many animals do suffer in the way that humans suffer if their needs are not met.

One feature that appears to distinguish humans from other animals is that humans are capable of recognizing that they have the aforementioned nature and therefore of recognizing the obligations that flow from this. Benton has questioned the view, presupposed by this claim, that animal behaviour is not 'free and conscious' and he argues that a number of ways of drawing the distinction between humans and other animals is inaccurate and derogatory towards other animals (Benton, 1988). I recognize that there are issues raised by my argument for animal nature and for the treatment of non-human animals by humans. While the point is important and it deserves more discussion, it does not undermine the argument about human nature and about the moral obligations of human beings towards one another. Although I cannot prove the claim, I suspect that non human animals are incapable of loving themselves and strangers in the relevant sense. Perhaps they do not feel hatred and envy in the way that human animals do, and perhaps therefore they do not need to learn to love themselves.

Kate Soper has claimed (Soper, 1981) that it is important to maintain the distinction between humans and other animals for two reasons. First, only humans can reflect on their nature in the fashion described; and secondly, humans should take up a moral attitude towards non-human species. These points of Kate Soper's seem to me to be well made and, with the addition of the above point, they make a case for a distinction of a kind between human and non human animals.

The politics of a just society involves a politics of the self. It presupposes that individuals should stand to each other in certain mutual relations of respect and authority. These interpersonal relationships define a well-ordered collectivity. They presuppose that it is most likely that, even as a 'simple' natural being, I stand in relations of reciprocal likeness and obligation to others in a collectivity.

Some Further Difficulties Examined

It might be argued at this point that the theory articulated here is vulnerable to some further objections that have been put to virtue ethics and to the theory proposed by Carol Gilligan – the 'care' ethic (Gilligan, 1982). My

own approach, despite its differences from the latter, may be thought to be vulnerable to similar criticisms.

One objection that is commonly raised against 'virtue' ethics and that may also be directed towards the above is that it 'lacks the capacity to yield suitably determinate action guidelines' (David Solomon, 1988). It is weak as a normative theory since it cannot provide us with guidance on how to behave. The approach I have outlined here likewise, does not provide us with ways of determining right action.

Rosalind Hursthouse (1999) has replied to this view as a criticism of virtue ethics. She suggests that that an action is right if it is what a responsible and 'other directed' agent would do in the circumstances. One might give as an advantage of this response that it gives us flexibility and does not provide too much prescription on how to behave.

Another kind of objection put by Upton (1993)² is that a moral theory ought to involve two things: on the one hand it should tell us which actions are right and, on the other, it should provide us with insight into what gives actions moral worth. He suggests that an objection to virtue ethics, which might also be a criticism of the approach taken here, is that if virtue ethics depends upon the prior identification of those kinds of act that promote the good, then it cannot tell us which of those acts are morally right. I am not claiming here to offer a general account of what it is that makes an action right. The critics may argue that I ought to be doing this if the theory is to have any value. I might reply that at least some right action is what would best promote the satisfaction of human needs. This criterion might not cover all possible cases of right action, but the principle could be extended in analogous fashion to the way in which virtue theorists would argue that moral worth derives from what a virtuous person would do.

The criticisms outlined presuppose an approach to morality that the perspective I am suggesting might wish to counter. Instead of setting out to provide a criterion for determining how to behave in individual cases, the perspective I am outlining invites us to do something different. It asks us not to think primarily about choices between particular actions such as, for example, keeping a promise to a friend and visiting a sick relative in hospital, but rather to be the sort of person who takes the needs of certain others as equally significant to one's own.

These criticisms of virtue ethics assume something of the metaphysic outlined in chapter one. They presuppose an isolated individual, who is morally a blank slate and who therefore needs normative principles to guide her behaviour. Morality, on the perspective, primarily concerns actions, and her mind needs to be filled with normative principles guiding her in her

actions. But the moral agent, on the outlook, also assumes that others – other moral agents – are just like her. They, like her, will require similar moral principles that will guide them in similar ways to her, in comparable circumstances.

If the individual is already constructed in relation to others, then morality is not so much a set of action-guiding principles, but a core component of the identity of the individual. For Levinas, for example, ethics means simply the taking into consciousness of the ‘otherness’ of human beings. For him, this occurs ‘pre-schematically’. The ethical therefore, is not so much about the principles governing actions and choices between these but it is rather about the moment of deliberation about the other in respect of their otherness. The ethical, in other words, primarily concerns questions about similarities and differences between people.

One example of this is illustrated in the conversation between Derrida and Habermas over 9/11 (see ref. in Chapter 2). This conversation is about the appropriate ethical response to this catastrophic event. There is no definitive answer to this profoundly difficult question. However, the approach I have been advocating suggests dialogue between mutually antagonistic and dangerously hostile parties; it suggests respecting the humanity of both sides. This contrasts with an approach which would set the ‘rights’ of citizens of western liberal democracies against the ‘rights’ of Islamic fundamentalists. Many approaches we are seeing put into effect in the west today involve western liberals, as we have seen, beginning to challenge in various insidious ways, the fundamental ‘rights’ that constitute the basic needs I outlined in the previous chapter – the right to life; to adequate food and shelter, and the right to be free from torture. For both sides, ‘the other’ requires these basic necessities. Unless each can respect the other in these core ways, representatives of each side will simply be engaged in more and more sophisticated ways of attempting to wipe out the other.

There is a further significant and deep objection to the argument of the foregoing which I will consider in detail in the next chapter. This is that the view that the moral qualities I should display towards humanity as a whole are the same or indeed deeper than those I have for particular individuals is not only implausible in fact, but it is deeply offensive. The idea that I should not display particular ‘associative’ affections of love and care for my immediate family, for example, is both implausible and offensive. I will devote the chapter following to this point.

Chapter 8

Love for Family, Friends and Close Associates

In previous chapters, using a reading of Kierkegaard, I have defended a version of the Aristotelian view that human beings survive as parts of a whole; that the ends of human life are realised collectively. I have suggested that humanity as a whole could be regarded by analogy with a plant where each part – each individual human being – contributes to the survival and indeed to the flourishing of the whole. This kind of argument, as we saw in the previous chapter, also occurs in the Stoics for whom each person is to the cosmos as a limb is to the body. For Cicero, this means that we cannot turn on another member of humanity for our own benefit (Cicero, 1991, p. 22). We should pay as much attention, he believes, to the whole as we should to ourselves, since each of us depends upon the whole. Like Cicero, I have made the point in earlier chapters that we are all sociable beings. We should therefore do what we can to contribute to satisfying the needs of others and we should not harm others for our own benefit. We should learn to love ourselves and strangers.

The Stoics are interested in cosmopolitanism and they argue that there is a need for a world state, if their moral values are to be realised. I am less concerned with this question than with the morality that underlies it.

One serious objection to this view is that it is not only implausible to distribute love and care even-handedly to all members of humanity, it is also, as Nussbaum has put it ‘strangely lonely and hollow. To unlearn the habits of the sports fan we must unlearn our erotic investment in the work, our attachments to our own team, our own love, our own children, our own life’ (Nussbaum, 1997 and 2000). Honneth makes a similar point about Habermas’ concept of solidarity. The former suggests that there is something ‘extremely idealising’ and ‘abstractly utopian’ about a solidarity that would take in the whole of humanity (Honneth, 1995, pp. 289–293). Intense love and care, Nussbaum points out, is directed to one’s immediate family

and friends. If we were forced, by the strength of our moral convictions, to forgo this love and care, then we might end up having a strong morality but being miserable.

Some have expanded the above view into an argument that we have particular kinds of obligation – associative duties – to people with whom we share certain kinds of social relationship (Scheffler, 2001; Kolodny, 2002; Seglow, 2004). Such duties form a core and significant part of a person's identity and attachments. We have particular obligations to members of certain communities to which we belong because there are certain individuals, arising from our shared membership in collectivities or communities, to whom we have special ties. A mother has a special set of obligations to her children. Teachers of children in a school have special obligations to the children they teach and to their fellow staff. One could multiply these kinds of example: there are shared duties of fellowship applying to one's fellow workers in a workplace; towards one's fellow community members in a locality.

Cosmopolitans and some egalitarians, who wish to defend the view that obligations are owed equally to all, have responded to these claims in various ways. Some egalitarians question the notion of an associative duty. For these people, it is difficult to justify the notion of an associative duty because it contradicts the view that individuals should treat one another impartially (Simmons, 1996). It is doubtful, on the view of these critics, that the fact that there are special relationships between people is morally relevant. Given the undeniable inequalities there are in the contemporary world, there is no moral significance in the desire of a rich parent to give his offspring the best possible start in life. On the view of some egalitarians universal duties towards others take moral priority. The moral priority must be humanity as a whole. (Although, there are, as we saw in the previous chapter, those who would describe this as 'speciesism'.) If there is any moral relevance at all in the idea of an associative duty, it is a derivative concept that only makes sense after prior universal obligations have been met. In other words, many egalitarians accept that love and care are distributed unequally and unevenly, but they argue that moral obligations are different – that these must apply universally.

My own proposal, to the contrary, is that love, in the sense specified, might be extended beyond the immediate loop of family and friends. How might this be? One suggestion comes from Nussbaum (op. cit. 2000). Drawing on the Stoics, and particularly on Hierocles, she has suggested that we are all in the middle of concentric circles, each circle encompassing a

group of people whom we originally perceive as distant from us. We set out to draw in the people in the circles that are initially far away from us by, for example, changing the way we describe them. We could, for example, call an aunt 'mother' and a cousin 'sister'. In this way, we will be encouraged to change the way we treat them morally. Caring excessively for one's family and friends, is, on this argument, a mark of immaturity. As we become morally mature, we should attempt to draw those who inhabit the far away circles, into those that are closer to us.

There are two difficulties with this. First of all, if this model works, it works not by developing a principle of impartiality, but by spreading a principle of partiality. For some egalitarians, this is a fundamental problem. If it is important to consider everyone's interests equally then I should be impartial in my consideration of all others. This need not be a problem, since, if the principle of loving another is extended to encompass the whole of humanity, then it could be said to be an even better moral principle than the principle of impartiality. Impartiality is only required in order to mitigate against the partial feelings of love and care that we feel towards our close friends and relations. But if this partiality were removed, then we would not need to operate a principle of impartiality.

A second objection is that the notion of circles must function by watering down care and love. It is not a positive development to spoil and desecrate the love between close family members. However, a watered down love could be fine and might even be better than a strong love that leads to possessiveness and even to violence. I will consider this point further in a moment. I am using the term 'love', to remind the reader, at least partially in the sense of the ancient Greek concept 'agape'. 'Agape' means the intentional attempt to promote well-being.

There is one other objection I would like to consider. Berges, in her article 'Loneliness and Belonging' (Berges, 2005) argues that the above ideas cannot count as substituting for the principle of impartiality for a different reason. She writes:

You are applying for a job in country X. You know that the citizens of X are striving to become cosmopolitan and that they have followed Hierocles advice. (This is the principle of concentric circles.) They have managed to create personal links with citizens from many countries but not yours. So when it comes to the selection process we know that most people will be preferred to you just because they belong to the appointers' inner circles – you don't stand a chance. (Berges, 2005, p. 21)

However, this is not a criticism of the notion of circles; it is rather an objection to a situation where the love has not been spread widely enough. If love is really spread across all of humanity, in the sense envisaged, then the above objection would not apply. Berges continues: 'so to increase the numbers of people one counts as family is not a step towards impartiality; quite the contrary' (ibid., p. 21). However, increasing the numbers of people one counts as family does increase impartiality if the circles genuinely encompass everyone. To suggest that some group might have been missed out and that therefore there is something wrong with the principle is analogous to saying that the principle of impartiality cannot apply, because some group of people might have been omitted from its scope.

I would like, in the rest of this chapter, to present a different kind of argument. Part of the inspiration for this argument is Berges' view.

Love and Harm

On all forms of universalist thinking, we should treat everyone well. The impartial egalitarian suggests that it is wrong to discriminate in favour of any particular person or group in the provision of goods and services. A corollary of this is that it is wrong to harm people. The principle that it is wrong to harm anyone applies universally as well. Berges writes: 'If it is true that we should harm no one, then it is true that we should not harm our parents, friends, or city' (Berges, ibid., p. 22). She quotes from one of the Stoics, Marcus, who asks the question in relation, it appears, to impartiality: how have you treated the gods, your parents, your children?

Humans, in their various particular roles, as parent, as carer, love others. But it is also people in their particular roles – as parents, as husbands and lovers – who are most likely to carry out harmful acts. Some of these acts, indeed, epitomise 'evil'. They centre on atrocity, pain pain and humiliation and the victims are usually uncomprehending in their reactions to the acts (see Morton, 2004, for this kind of characterization of evil).

Domestic Violence

One of the most extreme forms of harm caused by people in their particular roles towards others is domestic violence. I would like, in this next section of the chapter, to document how pervasive a problem this is.

One definition of domestic violence is: 'any violent or abusive behaviour . . . which is used by one person to control or dominate another with whom they have or have had a relationship' (Hester et al., 1998, p. 14).

Domestic violence against women, as so defined, is very common. For example, in the USA nearly one-third of American women (31 per cent) report being physically or sexually abused by a husband or boyfriend at some point in their lives (reported in www.endabuse.org). According to Connor Foley, writing for Liberty or the UK National Council for Civil Liberties, 'one third of all reported crimes against women resulted from domestic violence' (Foley, 1995). On 14 April 1990, *The Times* reported that half of all women murdered in Britain were killed by their husbands or by their lovers, by far the largest single category of women victims. In Peru, 70 per cent of all the crimes reported to the police, in the early 1990s, are of women beaten by their partners (Peters and Wolper, 1995, p. 140). In yet another case, where the incidence of violence is even more extreme, two thirds of Iranian women have suffered domestic violence. According to one writer: most of the victims 'were in forced marriages and the abuses also included mental torment, humiliation and being prevented from working' (Shadiltalab, 2005).

According to a Human Rights Watch Report: 'Domestic or family violence is one of the leading causes of female injuries in almost every country in the world and it accounts in some countries for the largest percentage of hospital visits by women' (Human Rights Watch Global Report on Women's Human Rights, 1995, p. 341).

One study suggested that 90 per cent of domestic violence is from men to women (see, Abrahams, 1998, quoted in Hester, Pearson and Harwin, 1998, p. 14).

Where women are violent to men, it is often a response to long term violence and abuse from their partners (Hague and Malos, 1993, p. 14). 'In England and Wales two women per week are killed by present or former partners' (*ibid.*, p. 16).

Furthermore, domestic violence is a crime that takes place in private and often goes unreported and undetected. In a British Home Office Research Study, a researcher points out that 'whatever conclusions are reached from the studies which have been undertaken must remain tentative and must be treated with caution . . . domestic violence is the biggest blind spot in official statistics' (Hague and Malos, p. 11). Also, women have been unable to depend on governments to protect them from physical violence in the home, with sometimes fatal consequences, including increased risk of HIV/AIDS infection.

In a Human Rights Watch global report, the following point was made: 'Domestic violence was regarded as a "private" matter only not as a crime that the state must prosecute and punish . . . governments often are directly implicated in abuses of women's human rights' (see Peters and Wolper, 1995, p. xiv). As Julie Mertus put it:

Under the cloak of the separate sphere ideology, states maintain that they are incapable of dealing with domestic violence, child brides and other inequities in marriage. The private life of the family must be respected, the state has argued, and government must stay out. (Mertus, in Peters and Wolper, 1995, p. 105)

Not only in individual states, but also in the international sphere, according to Charlesworth

long term male domination of all bodies wielding political power nationally and internationally means that issues traditionally of concern to men are seen as general human concerns; "women's concerns", by contrast, are regarded as a distinct and limited category. Because men generally are not the victims of sex discrimination, domestic violence, or sexual degradation and violence, for example, those matters are often relegated to a specialised and marginalised sphere. (Charlesworth, in Peters and Wolper, *ibid.*, p. 135)

'In general, violence in the home is still given a low priority because it has a low visibility and occurs within a sphere traditionally considered private' (Foley, *op. cit.*, p. 141). Regarding the 'private sphere' as separate and distinct, as we have seen in earlier chapters, even in the writings of the later Rawls, is a classical liberal position.

It is said that domestic abuse is not so much about a 'loss of control' as it is about total control. Abusers do not see themselves as perpetrators, but as victims. Often perpetrators of abuse have themselves been victims of abuse at some time in their lives and they are continuing a pattern that is familiar to them. It is said that domestic violence occurs in a cycle (Bradshaw, 1992).

Domestic violence is a particularly acute crime. It is very common and it is perpetrated by family members upon other family members. The claims considered earlier to the effect that the love we feel for our family members and our close friends expands outwards in concentric circles to those

further away from us emotionally, assumes that the feelings expressed for our loved ones are morally worthwhile.

The moral claim that we should treat others well then is a claim that has great force. It is, unfortunately, most frequently violated not against strangers but rather against those with whom we have close ties. As Berges puts it:

human society is such . . . that we are more likely to hurt those we are close to just because we have special demanding relationships with them. As these relationships are crucial to the good functioning of society, it is important to preserve them. (Berges, *op. cit.*, p. 22)

Evil acts are not paradigmatically carried out by a few 'monsters' who lie outside the scope of the rational liberal subject. Rather they are perpetrated every day by ordinary people, almost always ordinary men, going about their daily lives, and on a very regular basis. It is singularly unhelpful, therefore, for 'evil' to be ruled out of the scope of moral discussion as we saw it is in some classical liberal thought. The acts I have described are not conducted on a large scale as were the events of 9/11 or the actions of Eichmann, but they are often systematic and regular and occur over years. They illustrate, in a different sense from the way she intended, Arendt's thesis of the banality of evil. Eichmann, she argued (Arendt, 1977) was an ordinary, rather unimaginative person, who organized the transportation of Jews to extermination camps. The abuser I am describing, too, is going about his daily life, engaging in acts that are normal and regular for him.

It is no doubt the case that children are better off being cared for by those who are close to them. But it is also true that these close family members are the ones most likely to hurt them. If we uphold the principle that we should treat others well in relation to those close to us, then we are more likely to fulfil the principle that all should be treated well.

It may be that egalitarianism is best brought about not by developing abstract moral principles that apply to all, or by thinking about how to extend the principles of love and affection beyond those to whom we are close, but rather by considering carefully the nature of this love and affection and by treating those to whom we are close, well. Learning to love those who are close to us will sometimes mean learning to love, in a different way, those who have treated us badly. Learning to love 'well' then will mean appreciating the good of the loved person, whether it is oneself, a family member or someone further away.

Kierkegaard, as we saw in Chapter 5, discusses the relation of seduction in *Stages on Life's Way* (Kierkegaard, 1988). The seducer, he writes, appears to have power in the relationship, but he is actually dependent upon the woman. The seducer persuades himself into thinking that he is free and in control. The 'seduced' also has a kind of freedom – she tricks the seducer into thinking that she has freely given her consent to the seduction. Of course, the abuser, in fact, has considerable power.

Kierkegaard's own life was wracked by anxiety. The person he loved the most – his father – hurt him. The abused child figures as one of the central motifs in Kierkegaard's ontology. In *Fear and Trembling*, Abraham writes that he wants to murder Isaac and that it is best for Isaac that he believes his father to be a monster (Kierkegaard, 1983). Our lives are full of secrets; of terrifying thoughts and feelings. Despite all this, Kierkegaard enjoins us, 'us' as the abused victim, who as we have seen, often takes centre stage, to 'love' the one who has abused us. Simone de Beauvoir posed the difficulty this might represent, in *The Ethics of Ambiguity*, (de Beauvoir, 1967) when she wrote that oppression might permeate subjectivity to the point where the consciousness of the oppressed becomes indistinguishable from the oppressive situation. If we imagine ourselves as the victim – of abuse; of racism – then gaining the courage to love might involve a lifetime of work on oneself, or the building of a movement of others who share similar experiences. More importantly than this, the abuser, who is the one with power in the situation, must learn to love the victim and himself, in a different way.

In his *Journals*, Kierkegaard writes 'Perfect love means to love the one through whom one became unhappy' (Kierkegaard, 1960, p. 192). He goes on to write that no man has the right to demand to be thus loved and to talk about love for God. Yet it is consistent with other remarks of his about love that he does indeed mean to imply exactly what the above remark states.

Love for Self and Others

I have argued in earlier chapters that I have a moral obligation to do something to alleviate the suffering of strangers. But it is equally important that I should treat those who are close to me as well as I possibly can.

Kierkegaard exhorts us to 'love' our neighbour. This neighbour, as we have seen, includes any and every human being including the stranger; the abused and the abuser. Some commentators (see, for example, Evans, 2004)

have argued that Kierkegaard suggests that we should all love our neighbours because this is God's command. However, I have suggested that it is possible to read Kierkegaard as claiming that this command from God is effectively an injunction to love humanity. Loving God or loving humanity is equivalent to living in a good way. He is quite critical of the claim that anyone can behave well out of fear of divine punishment (Kierkegaard, 1956). Instead the 'command' to love one's neighbour is rooted in the claim that God actually desires human flourishing. Indeed, even Evans, who defends a religious reading of Kierkegaard, accepts in the conclusion to his book, that the

theory (that of Kierkegaard) does not even claim that a person must be a theist in order to see moral claims . . . It is not committed to the implausible claim that a person must be religious to recognize the ideals of morality. (Evans, 2004, p. 321)

Kierkegaard refers to various kinds of 'spoiled pagan'. There is, for example, the one who has learned to 'patter Christianity by rote' (Kierkegaard, 1995, p. 25). There is also the one who appears to be Christian but who has lost the idea of its foundation (*ibid.*). The target here appears often to be the sort of person I have been describing in the opening chapters: the enlightenment, secular liberal. The target, as we discussed in Chapter Three, is the view that human beings should recognize no higher authority than human reason. According to this doctrine, human beings have been freed from the bondage of slavery and feudalism. This view, for Kierkegaard, however, is a form of deluded paganism.

But there is also, in this work, a criticism of someone who actually lives a secular, pagan form of life but who thinks of himself as a Christian. For this person, and for others as well, neighbourly love is equivalent merely to friendship or to romantic love.

As we have seen, neighbourly love is not only about loving another more than we love ourselves for he believes that sometimes people do not love themselves in a good way.

Whoever has any knowledge of people will certainly admit that just as he has often wished to be able to move them to relinquish self-love, he has also had to wish that it were possible to teach them to love themselves. (Kierkegaard, 1995, p. 23)

He offers examples of people who fail to love themselves in a good way: there is the 'light-minded person' who throws himself into the folly of the moment; there is the 'depressed' person and the person who wishes to 'torture' himself. One has to learn, Kierkegaard suggests, to love oneself in the right way. The abuser has to do this and so does the victim. Indeed, he suggests that we have to learn to love ourselves and indeed those to whom we are close, in the way in which we love those who are 'merely' neighbours.

Neighbourly love, he suggests, can transform personal relationships and transform one's view of oneself. Often one's sense of self is bound up with anxiety, envy, depression. In some psychoanalytic literature it is argued that the abuser is a shame-based person; he is partially a victim (in many cases of previous abuse) and no doubt has a low sense of self-esteem. This of course is also true of the victim. For each of these people, learning to receive and to give love, perhaps through a therapeutic process, will help transform that person's sense of self and sense of well being. Love, here, to repeat, should be understood as 'agape' – one is learning to care for and to respect oneself and others, including the one of whom one is most ashamed and who has hurt one the most.

Although Kierkegaard does indeed write of loving oneself in the appropriate way and loving one's neighbour as equivalent to loving God, and this is very different from the psychoanalytic tradition, in another sense, Kierkegaard might be regarded as a precursor of Melanie Klein. Klein argued that 'projection' and 'introjection' are core parts of the self, from our earliest days, months and years. We project the bad parts of ourselves into another person and introject the good parts of others into ourselves. When Kierkegaard suggested that loving ourselves 'in the right way' is a precondition for loving others, he seems to have prefigured these ideas. Learning to love ourselves in a 'good way' will be an important part of learning to love those to whom we are close, and then, as an extension of this, those who are 'strange' to us.

There is a certain kind of love, as Kristeva points out in *Tales of Love* (Kristeva, 1987) that is premised on the idea of seeing oneself in the loved one. Aristophanes' androgyne sees himself this way. He 'admires himself in another . . . and sees only himself, rounded faultless, otherless' (Kristeva, *ibid.*, p. 70). Effectively, she argues, however, the androgyne is incapable of love. Kristeva suggests that the androgyne is trapped in the idea of sameness. He is incapable of loving the other as radically different from the self. The androgyne is, in Kierkegaard's terms, incapable even of loving himself, since there is much of himself – his anxiety, his fears – of which he is

unaware. Thus, loving, in the sense in question, the one who is radically different from oneself, is the furthest removed from the androgyne. The one who is able to do this is, therefore, the one who is most capable of love, and who is, ironically, better able, also, to love himself.

Extending This

I would like to take a brief look at some counselling literature in order to deepen the notion of loving oneself in a good way and of loving others.¹ I stress that the therapy literatures that are helpful in this regard are those that emphasize the relationship between at least two people as important, and that stress that the self is not alone and autonomous.

One of the attitudes required of the therapist, in certain forms of therapeutic relationship, towards his or her client is 'unconditional positive regard'. This notion can help us understand what might be meant by 'learning to love another or oneself in a good way'. The counsellor learns to communicate to the client a deep and genuine care and concern for her or him that is uncontaminated by judgement about the client's thoughts and beliefs (Rogers, 1990, p. 13). It is also separate from judgement about the actions of the client. No doubt therapists will have reservations about counselling certain categories of person: the perpetrator of domestic violence is quite likely to fall into this category for many therapists. The counsellor need not condone the behaviours or the beliefs of his client. What is important is that he or she have unconditional regard for the person behind the behaviours. This unconditional positive regard might enable him or her to handle the client's possible negative feelings towards the person in the role of counsellor.

A further core condition for this kind of counselling relationship is that of 'empathy'. This condition means attempting, in Roger's words once more: '(to) let myself enter fully into the world of his (sic) feelings and personal meanings and see these as he does' (Rogers, 1967, p. 53). This is not and it cannot be a purely rational process. As Kierkegaard writes in his *Philosophical Fragments*: 'the supreme paradox of all thought is the attempt to discover something that thought cannot think' (Kierkegaard, 1985b, p. 46). Assuming that we know 'what man is' is an example of paradoxical thinking for Kierkegaard. The process of attempting to 'understand' the other cannot be a purely rational, purely cognitive one. It must be one of feeling and, at some level, it must involve the appreciation that one cannot ever

fully see and feel the world as 'the other' does. As we have seen earlier, 'empathy' might not be the best word to use, since it is vital that the person in the role of 'counsellor' here maintain his or her ego boundaries.

Yet, therapists should, as Kierkegaard does, attempt this impossible task and one way we can do so is by assuming a standpoint of 'love' for this other person. Love, without the tempering influence of reason, is not enough. 'Self-love lies at the ground of love, but the paradoxical passion of self-love when at its highest pitch wills precisely its own downfall' (*ibid.*, p. 59).

It seems to me to be questionable, for example, to what extent I can, as a white Western woman, enter the world of a contemporary Iraqi, who has lived through sanctions and warfare. Indeed, Rogers himself recognizes how difficult this may be by posing the points as questions: 'can I', he writes

step into his private world so completely that I lose all desire to evaluate or judge it? Can I enter it so sensitively that I can move about in it freely, without trampling on meanings which are precious to him? (Rogers, 1967, p. 53)

He suggests that even a minimal amount of empathetic understanding . . . 'a bumbling and faulty attempt to catch the confused complexity of the client's meaning – is helpful' (Rogers, *ibid.*). The counsellor, in other words, has to attempt to 'empathize' with the client, and the client might be a perpetrator of abuse. The counsellor is taught, for example, to listen with undivided attention; to take care to remember what has been said and to watch for non-verbal clues. The most important issue of all, however, seems to me to be the assumption that one should not judge; that in listening and responding to a client, one should not immediately do what most of us do instinctively, and that is make an immediate evaluation of what is being expressed.

For the victim of abuse, in the role of client, the first step will be to recognize that she is not alone; that her experience of damage, worthlessness and self-hate is not unique to her, but is common to those who have experienced abuse. Perhaps over a period of time, she will be able to see herself differently, through experiencing care and love (Parks, 1990). But then eventually, slowly, as we have noted, Kierkegaard exhorts her not to objectify and 'other' her abuser, but to respect 'his' humanity and, more difficult still, to 'feel with' his pain as well.

This literature and practice offers one way of attempting to make sense of the notion of learning to love another and also, by extension of the principles, of learning to love oneself. If either the 'client' or the 'therapist' is herself a victim of abuse, this process of learning to love oneself will be fraught with difficulty.

Another perspective that might be helpful is that of Melanie Klein, in material that, as I wrote earlier, I see as elaborating upon some of the themes in Kierkegaard (Klein, 1975). According to one commentator, Klein adopted and developed Freud's theory of the death instinct, which itself derives at least in part from the biological need of the organism to return to an inorganic state. But the organism is threatened by this biological need and deflects it outwards as aggression: 'I will not die; you will' (Segal, 1979). The suggestion is that the fundamental conflict between *Eros* or life and *Thanatos* or death is the source of anxiety, ambivalence and guilt. Anxiety, then, is partially a response to helplessness in the face of internal needs. The ego evolves mechanisms of defence to deal with anxiety. Melanie Klein was interested in some of these.

She elaborates some of the ways in which our sense of self may be bound up with anxiety and fear (Klein, 1975). Our adult identities, fantasies and fears are connected to childhood states. Klein sees the mother's breast as symbolic. The infant takes into its psyche good feelings from this part object on the one hand, but also bad feelings about it when it is unavailable when the child needs and wants it. The objects are seen themselves as loving, hating or being envious. The child partly projects his or her own feelings into this object and partly takes the object as having some of the characteristics of the mother. Klein analysed the play of the very young children she worked with and traced some of it to destructive fantasies about their parents, sometimes about parental sexuality and parental intercourse, or to jealousy.

Every other vehicle of sadistic attack that the child employs, such as anal sadism and muscular sadism is, in the first instance, levelled against its mother's frustrating breast, but it is soon directed to the inside of her body, . . . (Klein, 1975, p. 129)

In the child's fantasy, the mother's body is full of riches, milk, food, valuable magic faeces. The child wants to explore these riches. According to Klein, libidinal desires are stirred but also envy and hatred.

This anxiety which arises partly from the absence of the breast or of its substitute, when the child wants and needs it, is, for Klein, a core part of the child's psychic make-up. She writes of the child fearing a persecutory attack

by his or her parents, who have, in her fantasy, themselves been attacked by her or him.

Paranoid-Schizoid Position

In a late paper, Klein identified the 'paranoid schizoid' position (Klein, 1946). She sometimes wrote about 'objects' that took on an intensely persecutory character. For example, she wrote about an adult male homosexual client who had strong ideas of persecution. One night he was staying in a boarding house and a slight stomach upset made him believe that the woman running the house was setting out to poison him. He also feared women's bodies. Klein traced these feelings to an intense anxiety and hatred of the breast. This hated 'bad' object was contrasted with an idealization of penises – the 'good' objects. The paranoid schizoid position then is characterized by an extreme splitting of objects into good and bad mirrored by an internal schizoid split.

Projective identification extends this. Under the influence of the paranoid schizoid position, the child seeks to expel 'substances' s/he associates with distressing and angry feelings, and s/he pushes them, in fantasy, into the mother.

It is possible that the perpetrator of abuse has feelings akin to these. The therapeutic process will set out to attempt to enable the person, as Kierkegaard puts it, to learn 'to love themselves'.

Jessica Benjamin has made some parallel points in her discussion of eroticism. She argues that eroticism, in a very different reading of it from Irigaray on Levinas (see Chapter 5) allows 'transgression of the most fundamental taboo, that separating life from death' (Benjamin, 1984). The masters in Pauline Reage's story *The Story of O* find enjoyment not so much in their own pleasure as in the fact that they can take it at all. The masters must maintain their separateness from O or they risk becoming dependent upon her. O's willingness to receive punishment from her lovers expresses her willingness to win recognition from them, and thus to seek a kind of transcendence, an affirmation of herself. This is essential for Hegel, for the attaining of selfhood. According to Benjamin, the primary motivation for maintaining inequality in the erotic, and indeed in family relations, is that 'were both partners to give up self and control, the disorganization of self would be total' (Benjamin, 1984). If both partners in the erotic relationship learn to love themselves and others in the way I am outlining, then they may not experience the same fear about ego boundaries.

Depressive Position

In a paper she wrote in 1935, Klein suggested that in the second part of the first year of the child's life, he or she begins to see his or her mother as a whole person, instead of as made up of 'part objects' notably the good and the bad breast (Klein, 1935). She describes this change as the beginning of the 'depressive position'. According to Segal: 'She explains that she uses the term "position" rather than "phase" or stage (as Freud had done) because this change signifies that the child begins to experience his object relationship from a different position, a different point of view' (Segal, *op. cit.*, p. 78). When the child is able to see the mother as a whole object, he or she is able to love her and identify with her in a different way. The child turns to this whole object in order to attempt to eliminate his or her persecutory fears. The infant, according to Klein, would like to be able to 'introject' – to take into his or her fantasy world, this whole loving object. She sees in the overcoming of the 'depressive' position a major source of creativity. She moves on from Freud, for whom the Oedipal conflict (where the child loves the parent of the opposite sex and hates the parent of the same sex) is overcome through fear of castration, to the view that this conflict is partly overcome because the child loves his/her parents and does not wish to see them hurt.

In adult life, according to Klein, we sometimes return to the paranoid-schizoid position, and seek to rid ourselves of feelings that are difficult or uncomfortable for us, by projecting them into others. In analysis, the analyst can take in the negative feelings of the client, and he or she can then, in theory, modify these negative feelings by his or her mental activity. The analyst can then re-project the modified feelings back into the client. The client can then not only introject his own modified feelings but also some part of the analyst (Hinshelwood, 1991).

These ideas outline ways in which the abused person might learn to love herself. But they also, more importantly, describe ways in which the abuser might do this as well. In a sense, this literature gives us a deeper and different sense of the view that the 'other' is prior to the self. This 'other' might be the real mother; it might be the introject of the good or the bad mother or it might be some different real or fantasy figure. These images constitute part of the rich and fertile material with which we are all furnished in our early lives. We can work with and change these images and fantasies and therefore also change our behaviour. Learning to care about others is bound up with learning to care for ourselves. Learning to love ourselves entails recognizing our interrelationships with others; our dependency

upon others and our need for others. Loving ourselves in a good way, then, is intimately connected with loving others as well.

Returning to an Earlier Moment

I should like, at this point, to return to one of the issues discussed in Chapter 2. It might be argued that there is an apparent conflict between the view advocated in the last couple of chapters and the perspective outlined in Chapter 2, where certain behaviours are condemned as violating basic human rights.

My personal view is that it is right to criticize the practice of stoning. It is right, also, to criticize domestic violence. The classical liberal and those who deploy the language of human rights make these important points. As I also wrote, there are circumstances where the concept of a right may be a useful one. But the discourse of human rights is limited in its application. It has little to say about the affective domain; about how to connect with those whose rights differ from one's own.

The Kierkegaardian inspired approach I am developing here advocates attempting the impossible, and that is attempting some level of 'understanding' or 'love' of 'the other'.

This injunction is hard enough in relation to the complete stranger. But it is that much more extreme and hard for the person who has been abused to 'love' the abuser. The abuser should be accepted and respected, by the victim, Kierkegaard might be read as claiming, at some level as a member of humanity. The people who have wronged me deserve to be listened to, respected and heard and furthermore, at some level appreciated, even if they will never be fully understood or accepted by me.

Indeed, this principle of loving the one who has wronged me could perhaps be extended beyond the relation between family members where one has committed domestic violence against another. Listening to someone labelled 'terrorist', ensuring that his basic needs are met, is the minimum required if his humanity is to be respected. The potential terrorist deserves to be heard rather than being tortured or killed. This is the minimum that 'love' requires. He or she deserves to be fed and clothed and kept warm. His or her behaviour does not have to be accepted. Doing what I am describing is the minimum required if the opponent of the suicide bomber is simply to be in a position to attempt to show that the bomber is wrong. One alternative which seems to be finding acceptance these days, is to find more extreme ways of torturing and killing a potential terrorist. But

there appears to be evidence that this approach leads only to more and more violence. This approach, as I have argued earlier stems from disregarding the humanity of the person who is labelled 'mad' or 'evil'.

The approach advocated by Kierkegaard is that we should attempt what we know will be ultimately supremely difficult, and that is some level of 'understanding' of and 'empathy' towards the person who is not only radically different from ourselves, but about whose behaviour we may feel wholly antipathetic, angry and rejecting.

Sometimes 'loving' another, if we extend the notion beyond the domain of close family members, may involve relating to someone with whom one shares something in common. Loving another might involve engaging with this other, through a shared embodied experience. Thus, a white privileged woman may be able to feel, in some way, the experience of a poor black woman who has been raped, through a shared bodily identity. Sonia Kruks wrote of her own ability to share the pain of a Nigerian woman who had been raped through a visceral 'feeling' with her pain, on the basis of something of her shared embodied identity (Kruks, 2001). Her response, she writes, was 'sentient and affective' (Kruks, *ibid.*, p. 166). I question to what extent it is necessary to possess a similar sexed body to have this sort of affective reaction.

It seems to me that this bodily feeling is a crucial component of the notion of 'loving' another and it may sometimes lead to collective political action on the part of those with shared bodily experience, as with domestic violence support networks or collective action against slavery. In these cases, we might imagine the therapy literature extended to cover social groupings in two senses: first through individuals listening to one another and coming together as a social grouping; and secondly, through groups listening to other groups radically different from themselves. Instead of focusing on their rights and their radical differences, they are attempting to uncover common ground. This is, of course, the most difficult of all when 'the 'victim', for example, the victim of domestic violence, starts from' a position of powerlessness and damage.

All sorts of questions will be raised about this. How is it possible to 'understand' or empathize with someone who may not wish to be understood or loved? Answering these questions deserves a further book. However, the brief answer is that only if we attempt understanding and empathy do we recognize the humanity of the person and only if we attempt some understanding and empathy, can we hope to be able to begin to persuade anyone that they are wrong. 'Understanding' may be thought by some to be the wrong word to use. For Kierkegaard as is also the case for Heidegger and

Levinas, it is the simple ‘encounter’ with the other that is non-cognitive, which is important. But the notion of ‘understanding’ I am using here incorporates the affective alongside the cognitive.

A Difficulty?

Love can be abused. One hypothetical case presented by Adam Morton, which expresses this kind of point, is someone who believes that loving God is the most important thing in life and that loving humanity is part and parcel of this (Morton, 2004, p. 11). Her beliefs lead her to persuade destitute mothers round the world to give up their children and to have them raised in more comfortable conditions by the church. Years later the mothers deeply regret giving up their children and the children feel an emotional emptiness at the lack of parents.

There are many expressions of love, genuine or otherwise, that will be seen to be morally wrong. This case is unclear. However, the notion of ‘love’ described above by Morton may not involve appreciation of the good of the other.

Human beings share a natural nature with all other human beings. We have something in common with all others. By attempting to understand someone who is, in some respects, radically other to ourselves, we may enable them, or perhaps we ourselves, to see how they or we are wrong. In a sense, this is what Kierkegaard sets out to do in *Fear and Trembling*, with Abraham. By attempting to understand the impossible, we may see the limitations of our own views or we may enable others to see the limitations of their perspectives.

I began this chapter by considering some objections to the Stoic, Aristotelian and Kierkegaardian inspired view that morality can be primarily concerned with the notion of ‘love’ for another. Moving on from this, I suggested that the above view normally assumes the emotion of love for friends and family to be an unproblematic form of love. What is seen to be problematic is its extension beyond one’s immediate family and friends. I went on to suggest that some of the most extreme forms of abuse are perpetrated by family members upon other members of the family. The more significant issue, therefore, is learning to love oneself in a good way. I then looked at some therapy and psychoanalytic literature to consider how this might be possible.

The notion of loving another, expanded and encoded in these therapeutic literatures, will need supplementing with other, radically different kinds

of discourse, in order to provide a full alternative to the liberal perspective.

Relations between individuals are framed by structural inequalities, by radical difference as well as by abuse and by many other forms of difference. A critic might say, therefore, as Lash has said of Levinas (Lash, 1996), that this 'ethical relation' of love is too abstract and particular to have any impact on the political. Furthermore, one might add, it might be too abstract to impact upon the real interpersonal relations, for example, between cleaner and Vice Chancellor in a university; between Aboriginal and white settler in Australia or between Israeli and Palestinian, to take three radically different but equally intractable cases. It might also be argued that the focus on self-other relations as opposed to the larger concern with social justice could lead to a culture of narcissism (Lasch, 1979). I would repudiate this implication. Narcissists, while being preoccupied with themselves, are preoccupied in what Kierkegaard might describe as a 'bad' way. They typically have a grandiose sense of self and find empathy difficult. In fact this is quite the opposite of the notion of self-love I have been developing here.

I should like to offer an example. One might extrapolate from this case to more difficult and complex issues. The *eruv* is an ancient Halakic structure that enables orthodox Jews to push and carry objects outside the home, and within the area, on the Sabbath. There was a proposal in the early 1990s to erect such a structure in Barnet, North London. Various groups opposed the proposal on a number of grounds: first, a group of non-orthodox Jews, Christians and others argued that it would create an area dominated by Orthodox Jews in what had been a secular multicultural neighbourhood. Others opposed the building of wires and poles on environmental grounds. If one thinks of this issue in terms of rights, then each of the groups is arguing for their right to something – to have a secular neighbourhood, the right to freedom of worship, the right not to have poles installed. Instead, the various groups might consider the point of view of 'the other'. Those opposed to the measure on secular grounds might discuss, on grounds of loving respect for the orthodox Jews, their grounds for wanting the structure. Those advocating the structure might consider the fears and worries of the non-orthodox Jews on similar grounds of love and respect for the other. It might have been easier to reach accommodation if this approach had been adopted. Did it matter that the separation of church and state was challenged in such an insignificant manner? There is no obvious slippery slope here towards religious fundamentalism. Did the poles of the *eruv* constitute a worse form of eyesore than, for example, the

cameras that are being installed all over the UK? If those who became entrenched against one another had instead attempted to empathize with the other, could they not have reached an accommodation?

The relations of love between people, as described above, constitute the foundation of political relations. As Avril Bell writes: 'the ethical relation is the foundation of, and in excess of, the substance of our social and political engagements' (Bell, 2008, p. 9). The ethical attitude described can spill over and shape the political. One attempt to deploy something analogous to the approach I am outlining, in the political sphere, is the Truth and Reconciliation commission in South Africa. Nelson Mandela wrote: '... identifying the nature and scope of past wrongs and taking methodical steps to remove them. I believe that joining hands in that task is a central aim of reconciliation' (Mandela, 2002, quoted in Morton, p. 126). The Truth and Reconciliation Commission set out to 'understand' the other in something like the sense I have been describing. It set out to forgive the acts committed by the perpetrators of apartheid. It was not entirely successful. Perhaps an isolated example of this kind was doomed. Nonetheless, it is suggestive of the approach that might be taken if political relations worldwide were founded upon the kinds of ethical notion I have been describing here. Perhaps a more controversial example of the sort of collective approach suggested in the previous chapter is some of the ideals articulated by Che Guevara underlying the Cuban revolution (see, for example, Guevara, 1967), whereby work, for example, constitutes an activity undertaken for the social whole rather than purely for the sake of individual welfare. The danger, perhaps, in the Cuban case, is the extent to which this was and is a forced state of affairs rather than one in which individuals collectively have volunteered to take part.

Conclusion

Many political theorists have argued that there is a radical difference between the kinds of relation between people that merit the description of love or sentiment and relations between citizens in the public polity. Relations between individuals who are close, it is said, are often, primarily and significantly, family relations. In the family, the ties between individuals are, for Rousseau and Locke, for example, natural, and based on sentiment and love. The family is constituted, in the words of Carole Pateman, in the 'particularist bonds of an organic unity' (Pateman, 1989, p. 200). The particularist family lies in the private sphere which stands opposed to the social bonds of the public, civic sphere.

In this public realm the primary virtue is said to be justice. Justice, in the words, once again, of John Rawls: 'is the first virtue of social institutions' (Rawls, 1971, p. 3). Civilization requires justice, whereas, for many thinkers, including also Hegel and Freud, the 'first virtue' of the family is love. According to this way of thinking, the family is a natural social and loving institution, whereas the public polity is a conventional order where individuals transcend or leave behind the particular virtues of the family. Whereas love is a natural virtue occurring between individuals in the private realm, justice is a conventional virtue that is required in civil life. Freud, for example, saw an opposition between the kinds of natural bond that exist between people in the family and the interests of civilization.

The social and the political, according to this conception, are conceived of as standing separate or abstracted from the family and everyday life. The political is the realm where abstract, equal autonomous individuals confront one another as citizens. Justice in the political sphere, on this model, is supposed to arbitrate between competing private interests.

In this book, I have been arguing that this perspective is not only historically bound, but it depends upon a particular and problematic metaphysics of the self. Carole Pateman has pointed out how Mill, for example, exempted the private realm from strict liberal principles. In the private realm, for

Mill, despite his proclamations of equality between the sexes, and his commitment to the principle of citizenship for women, men rule over women (Pateman, *ibid.*). Private life, for Mill, is a patriarchal structure. There is a problem with the liberal doctrine, therefore, since it is supposed to apply universally and to all domains.

I have been suggesting, in this book, some different kinds of limitation of the liberal perspective: I have argued that its conception of the self is deeply flawed; that it excludes, at its heart – the notion of the rational self – a segment of the population that is deemed mad and a group that is considered evil.

As an alternative, I have been examining how far we might go with a virtue that is seen, on the above perspective, to be particular and private – the notion of love. One partial inspiration for the thinking behind the book, as I have pointed out, is Aristotle. For him, there is no separation of the kind articulated above, between the particular and the universal. Rather, for him, there is a congruence between learning to be a virtuous person and becoming the sort of person who functions well in the public polity – the world of the *polis*. For Aristotle, one cannot learn to pursue one's own good except in the context of the household and the polis. For Aristotle it is not possible to have a good of one's own without participation in a management of a household and without a polity (Aristotle, 1976). No one can be practically rational, on Aristotle's view, who is not just. There is no incompatibility between the pursuit of individual and civic virtue.

I have not been concerned in this book with any more of the specifics of Aristotle's views but I do go along with the perspective of MacIntyre, for example, when he argues that one can disregard the more morally repugnant aspects of Aristotle's thought on this subject – his exclusion of women from citizenship and his justification of slavery – from his view about the interconnection between being a virtuous person and being a just person (MacIntyre, 1988, p. 105). This generic claim seems to me to be very important and to be quite distinct from the specific way in which Aristotle went about justifying how to be a 'phronimos' or a virtuous person. I have not, in this book, entered into any debate about this particular subject. Indeed, I have instead drawn on Kierkegaard's writings for insight into this question.

The argument of this book will need supplementing perhaps with an account of the broad social and economic changes that might be necessary in order for the perspective outlined here to be fully realized. Further thought will need to go into other kinds of political question that may be omitted from my approach. But it is my contention, nonetheless, that

society has gone too far in the direction of liberal individualism, and that something of this perspective has permeated family and community structures to the detriment of both. Rethinking the starting point of the personal and the political, in the kind of way I have outlined, seems to me to be necessary in our contemporary, conflict-ridden world.

Notes

Chapter 1

¹ It is important to point out that, in order to read this in Foucault, one must obtain the original edition of the book, which is very much longer than most of those in circulation today, and which contains the 1961 Preface that was also removed from later editions of the book.

² Foucault's edition of *Madness and Civilisation* was heavily criticised, notably by Derrida, in a piece called 'Cogito and the History of Madness' (Derrida, 1978). Foucault responded to Derrida in 1972, in a text called *My Body, This Fire*, which is reprinted in the 2008 edition of *The History of Madness* (Foucault, 2006, pp. 575–590). It caused the two men to cease speaking to one another for ten years (see Khalfa's introduction to the new edition *History of Madness*, xiii–xxvii). Derrida, in a very long passage on the issue, argues that the reason why Descartes considers the dream hypothesis seriously is that dreams are commonplace, whereas madness is not. Derrida also claims that madness is a form of thought and thus cannot be ruled out by the cogito.

Foucault, in his reply to Derrida, primarily concentrates on his view that philosophy is not a foundation of knowledge, but that 'there are conditions and rules for the formation of knowledge to which philosophical discourse is subject' (Foucault, 2006, p. 578). His concern is that Derrida does not see fit to focus on the substance of Foucault's text, but he rather considers only, and at some length this one brief section on Descartes. However, it seems to me that these brief passages of Foucault are very important and the discussion of Descartes that he removes is highly significant. There is no doubt, in my mind, that there is a difference in the character of the discussion in Descartes' writing, as Foucault points out, when he comes to consider those who are mad. Indeed, there are two separate issues at stake here. On the one hand there is the question whether or not the mad person could be a thinking being. But there is also the question of whether or not Descartes debated with the hypothetical mad person. On this question it seems to me to be clear that Foucault is right: Descartes does not.

³ Battersby points out that Kant has some doubts about whether or not women are persons in this sense. She points out that Kant groups women with domestic servants, minors, apprentices, hairdressers and other so-called 'passive' citizens. As she points out, husbands are supposed to act in the public realm as guardians of women.

Battersby quotes from Kant's pre-critical work '*Observations on the Feeling of the Beautiful and Sublime*', to the effect that

the virtue of a woman is a beautiful virtue . . . women will avoid the wicked not because it is unright, but because it is ugly; and virtuous actions mean to them such as are morally beautiful. Nothing of duty, nothing of compulsion, nothing of obligation? . . . I hardly believe that the fair sex is capable of principles, and I hope by that not to offend, for these are also extremely rare in the male. . . . (ibid., p. 65)

Although this passage is taken from a pre-critical work, there is evidence, as Battersby argues in her recent book (Battersby, 2008), that Kant is at best ambiguous about whether or not women are by nature prevented from being full moral 'persons'. In *The Metaphysic of Morals* (Battersby, 2008, p. 55), 'it is male human beings who command respect, women who are the objects of love (and protection)'. In *What is Enlightenment*, Kant seems to suggest that 'all humans' can be moral persons and can therefore be enlightened (Kant, 1866). But as Battersby puts it 'he fails to address the question of the kind of education necessary for women in order for them to become enlightened' (Battersby, ibid., p. 57).

Chapter 2

- ¹ UN General Assembly, 39th session, 3rd committee held on Friday 7 December 1984

Chapter 3

- ¹ S. Levinson (ed.) *Torture, A Collection* (OUP, Oxford, 2004); RA Wilson, *Human Rights in the 'War on Terror'* (CUP, 2005) are just two further examples. See also Brecher (2007) for a deconstruction of this.
- ² Yar, M. (2001) Recognition and the Politics of Human(e) Desire, *Theory, Culture and Society*, Vol.18, nos. 2–3, pp. 57–6.

Chapter 5

- ¹ Kierkegaard was not the only person to have admired Don Giovanni in this way. Goethe described Don Giovanni as 'standing absolutely alone' (quoted in Turner, 1938, p. 349).

Chapter 6

- ¹ This chapter is derived from an article written for the *Journal of Critical Realism* and co-authored with Jeff Noonan. I am very grateful to Jeff for allowing me to use this material here.

- ² A range of other objections to the basic idea are considered in Assiter and Noonan, 2007.

Chapter 7

- ¹ Docherty, T. (ed.) (1993) *Postmodernism: A Reader*, Hemel Hempsted, Harvester, xiii.
- ² I am grateful to Anne Peterman, who finished her MA at Cardiff University in 2007, for drawing attention to this literature.
- ³ Some interpreters of the Stoics (Sellars, for example) argue that Nussbaum is wrong about the Stoics and that they do not argue for allegiance to humanity as a whole but rather to the cosmos.

Chapter 8

- ¹ I am moving beyond Kierkegaard here. Yet, there is some evidence that, although his thesis is more ontological than I am making out here – anxiety is ‘freedom’s actuality as the possibility of possibility’ (Kierkegaard, 1980a p. 42) – than psycho-analytic, he would not be unhappy about some of what follows. For example, in one of his most abstract works, *The Concept of Anxiety*, while he clearly describes anxiety as an ontological condition; as central to the human condition, he also depicts his account as a psychological one. The work, he writes, is a ‘psychological deliberation’ (Kierkegaard, 1980a p. 23). He also refers, in that work, to the importance of ‘being able to converse’ (ibid. p. 16); of ‘dreaming’ (ibid. p. 41); of the significance of sexuality in the formation of the spirit and of the ‘eating of the fruit of the tree of knowledge’ being the moment when the distinction between good and evil came into the world but also when ‘sexual difference as a drive’ came into existence (ibid. p.76).

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Index

- 9/11, ethical response to 118
- abortion, Catholic position 13
- Abraham in Genesis, told to sacrifice
Isaac 73–5, 77, 126
- abstraction 2–6
- absurdity of God's requirement of
Abraham 73–5
- abused child, Kierkegaard 126
- accountability of America for 9/11 29
- Adorno, T. 42
- aesthetic of Kierkegaard 66
- agape*, love, as Christian charity 79, 80,
94, 100, 119–22
for self 128
see also love
- alterity, absolute 73–6
- animals, non-human, needs of 115–16
- Anti Terrorism Crime and Security
Act 2001 38
- Antigone, daughter of Oedipus 80, 82
- anxiety and fear 84, 131
Kierkegaard on 72
- apartheid, forgiveness for 138
- Arendt, H. on banality of evil 125
- Aristophanes' androgyne 128
- Aristotle 25–6
on good life 114–15
humans as parts of whole 107, 119
virtue in household and *polis* 100, 140
- army personnel, United States 30
and conscience 58
- asylums for 'mad' 40, 41
- atrocities of war 30
- authority
and morality 56
obedience to 53–5
- autonomous being 3, 9, 57, 58
- autonomy 10
and 'evil' 50–62
and moral responsibility 106
as need 91–2
- beggars and confinement 39
- benevolence, absence of 48
- Berlin, Isaiah 20, 22, 23, 40
- birth of a child 79
- bodily experience, shared 135
- Bond, Edward, playwright 56
- capitalism 22
- care ethic 21, 116, 117
- Cartesian self as reasoning being 6
- Casablanca Declaration 34–5
- categorical imperative 17
- causal links in human actions 97–8
- charity giving 98
- Che Guevara, Cuba 138
- child and psyche, Kierkegaard 72
- child marriage 33, 36
- choice and justice, relationship 18
- Christian religion
and Kierkegaard 65, 66, 67, 83
rights in 46
toleration in 12
- citizenship rights 24

- civilization of Islamic world 29
- class oppression 111
- collective entities 108, 109, 111
- colonialism and concept of right 49
- community structures 2, 141
- confinement
 - as non-deterrent 42
 - as social control 11, 41
- Confucianism 29
- 'constraints of precondition' 92
- cosmopolitanism 119, 120
- cosmos, citizens of 108–9
- Cuban revolution, collective
 - action 110, 11
- cultural relativism 28
 - and human rights 35
- De Beauvoir, Simone, *The Ethics of Ambiguity* 126
- death, Kierkegaard's view 83, 84
- defence of individuals 22
- dependent beings, humans as 86
- depression of human beings 100
- 'depressive position', (Klein) 133
- Derrida, J.
 - on 9/11
 - on 'autoimmunity' 29
 - on decision 62
 - on Descartes treatment of madness 8
 - on God as other 75
- Descartes, R *Meditations* 3, 5–8, 12
 - '*cogito ergo sum*', fame of 8
 - on madness 11
 - 'rational being' 40
 - self as reasoning being
- Difference Principle 20
- differences, respect for 102
- disorder in society 11, 12
- diversity, politics of 44–5
- divorce for men 33
- domestic violence 57, 82, 122–6, 134
 - against men and women 123
- doubt and thinking 70
- Dr Strangelove*, film 56
- duties towards others 56, 83
- 'East Asian' leaders 28
- egalitarianism 120, 125
- egoism 20
- Eichmann, Karl Adolf 52, 56, 125
- Either-Or* 72
- electric shock experiment 53–5
- embodiment in Kierkegaard 67–70, 86
- emotional interaction 9
- empathy 76, 77, 135
 - in counselling 129, 130
- Enlightenment liberalism 6, 12, 40, 61
- entitlement and responsibility 21
- equality 12, 27
- Eros, erotic love (ancient Greek) 68–9, 79, 132
 - transcendence of 79
- ethics 2, 3, 5, 73–5, 83
 - of Kierkegaard 66, 67
- evil 3, 38
 - and autonomy 5, 59
 - by ordinary people 125
- exclusion of mad by Descartes 11–12
- Face-to-Face relation 79
- faith in God 70
- family life, private 124, 141
- father-daughter relations 82
- feeling or understanding 129, 130
- female
 - as animality of desire 79
 - body and mind, control over 30
- feminists, on rights 44–7
- Foucault, M. 40, 142
 - on confinement 11, 12, 41
 - Madness and Civilization* 6–8, 11, 39
 - reading of Descartes 3, 6
- freedom 12, 22–3, 47
- Freud, Sigmund, Oedipal conflict 133
- fundamentalism 1, 29–30

- gangster and murder 57
- gender apartheid in Iran 31–2
- gender oppression 111
- gender-specific rights 44
- Genesis, Old Testament 73
- God unknowable 75
 - command to love our neighbours 127
- good, conception of 9, 114
- group
 - disregarding of needs 112
 - hostility between 112
 - representation and rights 45, 46, 47
- Habermas, J., on 9/11 118
- Hamas, Palestine 38
- harm, objective 87, 89
- harmful acts, from close relations 122
- hearing and music 68
- Hegel, G. W. F., *Phenomenology of the Mind* 64
- HIV/AIDS infection 123
- Holocaust, obedient perpetrators 55
- Hôpital General*, Paris 11, 39
- human condition
 - choice as part of 20
 - embedded in culture 27
 - needy 48
 - reason as highest authority 127
- human rights 1, 21, 23–4
 - abuses 29
 - by US 30
 - and ‘Asian’ values 34–7
 - and fundamentalism 22–37
 - limitations of discourse 38–49
 - violations 30
- Human Rights Watch Report, 1999 32–3
 - domestic violence 123, 124
- humanism 115
- humanity as a whole 25, 107–10
 - as collective agent 112–13
- Hume, D., on justice 49, 63
- hunger as natural need 88, 89, 90
- identity 64, 81
- impartiality 121, 122
- injustices 45
- insane 3, 6
- International Conference of Arab Human Rights Movement, 1999 35
- International Convention on Human Rights 28, 31
- International Covenant on Civil and Political Rights (ICCPR) 35
- International Covenant on Economic, Social and Cultural Rights (ICESCR) 36
- Iran 28, 30
 - and UN Convention on Human Rights 31, 35
- Irigaray, L. *Ethique de la Différence Sexuelle* 79
- Islam
 - culture 35
 - demonization of 29
 - and Sharia law 28
- Islamic fundamentalism 29–34
 - Iran 37
- Islamic Punishment Act 32
- Jewish *eruv* in London 137
- Jews, extermination camps 125
- judgement, absence of 129, 130
- justice 1, 2, 9, 19
 - conceptions of 47–8
 - as virtue 139
- Kant, Immanuel 3, 5, 15–21, 59
 - Critique of Judgement* 71
 - Sublime Object of Ideology* 72
 - and autonomy 50–1
 - good will 113
 - Kierkegaard on 71–2
 - as Manichean 18
 - objection to Aristotle 114
 - ‘transcendent’ self 63–4

- Kierkegaard, S. 2, 3, 4, 66
Either-Or 61, 67
Fear and Trembling 66–7, 71, 72, 77, 78, 126
Immediate Erotic Stages 72
In Vino Veritas 82
Johannes Climacus, De Omnibus Dubitandum est 70
The Point of View 65
The Sickness unto Death 61–2
Stages on Life's Way 126
 abusive father 80, 126
 on autonomy 61
 on *cogito ergo sum* 69
 dependent relationships 102
 on Descartes *Journals* 70
 on Kant 78
- Klein, Melanie 131–3
 on 'projection' and 'introjection' 128
- knowledge, recognition of limitations of 83–4
- Koran, opposition to abuses 35
- Korsgaard, C. 1, 21
- Kymlica, W. 1, 45
- laws relating to family 43
- Levinas E. 73–80, 137
Existence and Ethics 73, 74
 female as object of desire 79
 on neediness of humans 102
 on 'otherness' of human beings 73, 80, 118
- liberalism 1, 3, 10, 22, 141
 and autonomy 50–2
 comprehensive, rejection of 25
 and egoism 20, 21
 justification for 19, 20
 tolerators of moral difference 9
 tradition 5
- liberty
 of expression, right to 48
 of individual 109
- life (*eros*) and death (*thanatos*)
 conflict 131
- Locke, John 5
Essay on Toleration 24
 justification of colonialism in India 26
 marriage of women 43
 natural law 23–4
- love 63
 of abuser 134
 for close associates 119–38
 of father for son 77
 of God and humanity 136
 for 'neighbour', and self 77, 78, 80, 126–9
 for a stranger (*agape*) 4, 94, 98–101
 as virtue 139
- lovers' relationship 78, 79
- 'mad' person 59
 confined in hospitals 11
- madness
 Descartes on 6, 7, 8
 evil and 10, 11
 reason and 14
- Malawi, food needs 90
- marriage laws, Islamic 36
- Marx, Karl
On the Jewish Question 47
 naturalistic view of human nature 115
- material beings 115
- maternal function 79
- Mensch, J. on selfhood 103
- metaphysic 1, 2
 of person 63
 of self 102–3
- metaphysical reading of Kant 5, 15
- metaphysics and morality 94–118
- Milgram experiments 52, 57, 59, 85, 105
- Milgram, Stanley, 56
Obedience to Authority 53
- Mill J. S. 5
 on choice for humans 20
 on patriarchal structure of private life 140
 on private domain 43

- monism, moral, Parekh's critique of 25
- moral character, and others 103–4
- 'moral law' 10
- moral monism 25, 27
- moral order, ignorance of 59, 60
- moral person, Rawls on 17–18, 21
- moral relativism 34
- moral responsibility 58, 105–6
- moral values, and respect 94
- morality 1, 16, 59, 63, 101–2, 117–18
 - and human reason 61
- morality of obligations 4, 95, 96, 120
 - and non-human animals 116
- mother and young child
 - relationship 81
- Mozart, Wolfgang Amadeus,
 - Don Giovanni* 68–9, 72
- music and Kierkegaard 68
- Muslims
 - rights 46
 - and toleration 12
- mythological figures 65

- narcissism 137
- natural beings 84–90
- natural law 23–4
- natural resources, supply 99
- natural talents of human 25
- Nazi atrocities, condemnation 23
- need and dependence 49, 102
- need-deprivation 92, 93
- needs of human beings,
 - fundamental 87–9
- needs, recognition of 'other' 112
- Nichomachean Ethics, Aristotle 26
- non-autonomous actions 52–9
- noumenal selves 17, 18, 44, 48, 58
- noumenon 72
- Nussbaum, M 20, 21

- obedience to authority figure 53–8
- objective harm 92, 93
- obligations
 - to charities 95
 - to friends 95–6
 - to particular people 120
- Oedipal conflict 133
- Okin, S. M. 1
- oppression, faces of 45
- Original Position 8, 20
- 'other'
 - in Kierkegaard 72–8
- 'otherness' of humans 118
- Oxfam, donations to 95

- pain infliction on others 53–5
- paranoid-schizoid position 132
- Parekh, Bikhu, *Rethinking Multiculturalism* 24–8
- partiality 121
- 'Philia', brotherhood (ancient Greek) 79
- physical health and survival 89
- plastic surgery 34
- Plato, form of Good 74
- 'pluralist universalism' 25
- Pope's Encyclical *Evangelum Vitae*, on
 - abortion 13
- potential harm from terrorist 41
- poverty and madness 39, 40
- power and inequality, dynamic 81
- principles of justice 17
- psychic motivation for
 - conduct 60
- psychological experiments 53–5

- rationality 9, 10
 - limited 99
- Rawls, John 1, 3, 8, 9, 12–25, 109, 124, 139
 - Lectures on the History of Moral Philosophy* 18
 - Political Liberalism* 18, 44
 - Theory of Justice* 17
 - on division of doctrines 22
 - on liberal principles 25, 44
 - on tolerance 14
- Rawlsian justice 5

- reason 13
 - Cartesian 8
 - madness and 14
 - moral obligations and 114
 - worth and 10
- 'reasonable' views, Rawls 9, 10
- reconciliation 138
- religion and ethics 62
- religious orthodoxy 21
- religious rights, conflicts 44
- Renaissance, limitations of reason 6
- respect and self-respect 86, 104, 111
- right, concept of 49, 113
- rights 12
 - conflicting 46, 47
 - of individuals 22, 23
 - needs and 118
 - of socially diverse 45, 46
- Rorty, R. 14, 15
 - on 'mad' people 14
- Rousseau, Jean-Jacques 15, 94
- Sandel, Michael, on love 5, 63
- satisfaction of human needs 91
- seducers 126
- self 4, 17, 58, 62
 - embodied being 16, 17
 - Kantian person 15–18
 - needy and dependent 3, 4, 81, 104
 - and other, relationship 64–5
 - rational and autonomous 3, 86
- self-abnegation 75
- self-affirmation 132
- self-identity 67
- self-interestedness 9
- self-love 2, 102, 104
- self-regarding acts 97–9
- senses, unreliability of 7
- sensuality and spirituality 68–9
- sexual vice as sin 31
- Sharia law 31
 - human rights violations 35
 - and Iranian Constitution 28–34
- shelter as need 91
- slavery, justification of 140
- social relationships 120
- society and the individual 28
- society as voluntary co-operation 24
- Stoicism 107, 108, 112
 - moral allegiance to humanity 110
 - persons and humanity 119
- Story of O*, Pauline Reage 132
- sublime 71, 72, 77
- 'sympathies', limited 100, 102
- terrorists 3, 38–9
 - potential 40–1
 - treatment of 134–5
- therapeutic relationships 129, 130
- therapist, on empathy 76
- 'third party' 78–9
- tolerance 14
- torture, legalization of, USA 39
- Truth and Reconciliation Commission, South Africa 138
- Unger, Peter 95–6, 100
- United Nations Convention on Human Rights 35
- United Nations Convention on the Rights of the Child 30
- United Nations Declaration of Human Rights 23
 - discrimination in 27, 28
- United States
 - co-operation with regime of Saddam Hussein 30
 - human rights violations 30, 31
 - policy in Pakistan 30
- universalism 2, 4, 66
- utilitarianism 19, 109
- velayat-e-faqih* 31, 32
- victims of abuse 130–1
- violence, Kierkegaard on 67–8
- virtue ethics 2, 112–18

'war on terrorism' 29

Warnock, G 99–100

The Object of Morality 99

water, need for 90

well-being, promotion of 121,
122

westernisation, creeping 28

wisdom, challenges to 13

women

'centre-stage' for Kierkegaard 80

dress code, enforcement 32–3

exclusion from citizenship 140

and human rights 42–3

sin embodiment 31–2

Zeno's Republic 108, 109