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Chapter Nine:

From Subordination, through Autonomy, to Mutual Recognition:

Pre-Hegelian Stages in the History of the Metaphysics of Normativity

I.   Kant's Normative Turn

Hegel fully appreciated, as many of Kant's readers have not, that one of the axial innovations orienting Kant's thought is his reconceptualization of selves, consciousness, and self-consciousness in *normative* terms. Selves are in the first instance normative subjects: subjects of normative statuses and attitudes. They are what can undertake responsibilities, in the form of duties and obligations, and exercise authority in committing themselves by endorsing epistemic claims and practical maxims. Being conscious in the sense of apperceiving—being sapient, a condition of our kind of sentience—is exercising those normative capacities. It is committing oneself, exercising one's authority to make oneself responsible by judging. Judgment is the minimal form of apperceptive awareness because judgments are the smallest units one can commit oneself to, make oneself responsible for. What Kant calls the "objective form of judgment", the "object=X" is the formal mark of what is represented in a judgment: what one

makes oneself responsible *to* for the correctness of one's judgmental act.[1] What he calls the "subjective form of judgment", the "'I think' that can accompany all judgments" and hence is "the emptiest of all representations" is the formal mark of the self who is responsible *for* the judging. What one is responsible for *doing* in judging is integrating one's commitment into a whole exhibiting the rational unity distinctive of apperception. Synthesizing such an apperceptively unified constellation of commitments is extracting and endorsing inferential consequences of one's commitments, offering some of them as justifications of others, and extruding incompatible commitments. Those unities are conscious selves as normative subjects, and the rational process of producing and maintaining them subject to the rules governing the rational relations articulating the conceptual contents of the various commitments is for Kant the the process of self-consciousness.

The rules that determine what commitments are reasons for and against which others are called "concepts." They are rules that govern the synthesizing of apperceptive unities. Kant calls concepts "functions of judgment," and their distinctive functional role in the activity of judging is determining what more specific obligations one has incurred by committing oneself to a judgeable conceptual content. The concepts that are applied in judging must determine what else one commits oneself to by endorsing those judgments, what other commitments would count as entitling oneself to or justifying those commitments, and what further commitments are incompatible with them, and so must be critically extruded from the evolving constellation of commitments in order to satisfy the normative demand for rational unity characteristic of apperception.

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[1]   I offered a down payment on Hegel's account of this representational dimension of discursiveness in Part One.

The order of explanation this account pursues is radically novel. Reversing the traditional way of proceeding, the account of the content of *concepts* is to be derived from the account of the content of *judgments*, rather than the other way around. The entire logical tradition before Kant had started with an understanding of particular and general concepts, and built on it an account of judgments as predicating some concepts of others. Even more striking is the reason for this new order of semantic explanation. The *contents* of judgments, and so the contents of the concepts they can be analyzed into, are understood in terms of Kant's distinctive account of the *activity* of judging—of what one is *doing* in applying concepts in judgment. Judgeable contents take methodological pride of place because of their role in Kant's normative account of judging; they are the minimal units of commitment, they are what one can endorse in the sense of take responsibility for. Since the task-responsibility one undertakes in judging is rationally integrating those judgments into a developing whole exhibiting the right sort of unity, fulfilling one's ampliative responsibility to acknowledge inferential consequences of one's judgments, one's justificatory responsibility to have reasons for them, and one's critical responsibility to give up incompatible commitments, judgeable contents must determine the inferential relations among judgments that articulate those ampliative, justificatory, and critical responsibilities. In this way Kant's *semantics*, his theory of judgeable and so conceptual content, is read off of his *pragmatics*, his theory of the *activity* of judging and so of the *use* of concepts. As I think Hegel sees him, Kant is in practice what I call a semantic *pragmatist*, not in the Fichtean sense of prioritizing practical philosophy over theoretical philosophy, but in the more radical sense of according his normative account of discursive *activity* (force, in the Fregean sense) methodological explanatory authority over the account of discursive *content*. This strategy of

understanding semantics functionally in terms of pragmatics cuts across and applies equally to practical and theoretical philosophy.

In the *Self-Consciousness* chapter of the *Phenomenology*, Hegel takes over and transforms this normative understanding of self-conscious selves by offering a novel social metaphysics of normativity. The process of synthesizing self-conscious normative subjects, which Kant had understood as an individual affair, Hegel reconstrues as a social practice of mutual recognition that essentially requires the participation of different interacting individuals. *Normative* statuses are understood as essentially *social* statuses, instituted by social recognitive practices and practical recognitive attitudes. Individual self-conscious selves and recognitive communities are jointly synthesized by practices of recognizing each other as normative subjects in the sense of having the authority to make themselves and hold others responsible, to acknowledge and attribute commitments and obligations.

One of Hegel's innovations that can easily remain invisible, since he doesn't explicitly emphasize it, is his taking as his basic topic discursive normativity: the characteristic that distinguishes what he calls "Geist." Looking backwards through the lens of Kant's treatment of discursivity itself as essentially normative, Hegel can see earlier thinkers who still today are usually grouped together under the rubric of "moral theorists" as offering important insights not just about this particular species of normativity, but about normativity as such. Moral norms are not Hegel's starting-point in thinking about this topic. He starts with conceptual norms as such. ("Language," he says "is the Dasein"—the concrete existence—"of Geist."[2]) After introducing and discussing normativity in general in the *Self-Consciousness* chapter, he moves on to discuss

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[2] *Phenomenology,* [652].

the normativity at the core of intentional agency in *Reason*, and only then, via a discussion of

Kantian Moralität, to something recognizable as determinately moral normativity—a discussion

that culminates, at the end of *Spirit*, with an account of the moral dimension of discursive

normativity in general (Geist überhaupt).

In another (completely unprecedented) move, Hegel *historicizes* his *social* metaphysics of

normativity. Seeing normative statuses as socially instituted, as the products of social institution,

opens the way for him to see the structure of normativity (what distinguishes "Geist") as varying

with different structures of social practice—so as itself having a history. He takes traditional

normativity to have a different structure than modern normativity.   And for Hegel the point of

understanding this difference and the nature of the transition between these structures is to make

visible the contours of a third, successor form that normativity can and should take—the form

that it *must* take once it becomes sufficiently self-conscious.

In the rest of this chapter, I offer an overview of some of the most important strands of early

modern philosophical thought about the nature of normativity, culminating in Kant's autonomy

model, that Hegel weaves together in his own metaphysical understanding of normativity in

social terms of reciprocal recognition. Hegel himself does not offer a rational reconstruction of

this sort of this tradition he inherited and developed. It is, as we have seen, a form of

understanding he does both esteem and practice, and to which he assigns the greatest systematic

importance. In this case, I think seeing what ideas he picks up as progressive and which he treats

as remnants of ossified premodern forms of understanding offers and illuminating perspective on

his own metaphysics of normativity, which is at once firmly rooted in previous thinking and radically innovative.

II.   The Subordination-Obedience Model

The traditional metaphysics of normativity that Hegel sees all subsequent forms of understanding as developing from the rejection of is the subordination-obedience model. He addresses it to begin with in the allegory of the Master and the Slave (Herr und Knecht). The distinguishing feature of this model is that the paradigmatic normative status, *obligation*, is taken to be instituted by the command of a superior. As an explicit metaphysics of normativity, the origins of theories of this sort is in theology, in a picture of God as the ultimate legislator, whose commands institute laws that his creatures are obliged to obey. The voluntarist wing of Catholic natural law theory represented by Duns Scotus and William of Ockham gave rise to Protestant natural law theorists who to one extent or another secularized and naturalized the approach. (I'll say something further along about the significance for Hegel of the contrary intellectualist wing of the natural law tradition—paradigmatically Aquinas, but also Averroes—and of Suarez's characteristic attempt at a synthesis of the two.)   Grotius, Cumberland, Hobbes, Pufendorf,

Thomasius, and Locke all understood the normatively binding force of laws, their capacity to oblige obedience, as rooted in the antecedent existence of a superior-subordinate relationship between the authoritative promulgator of the law and those responsible for obeying it.

The idea of superior-subordinate relationships as part of the objective order of things is the core of the neo-platonic Great Chain of Being (scala naturae) deriving from Plotinus.[3] This great hierarchical structure traces down from God at the top through the ranks of angelic beings catalogued by Aquinas (seraphim, cherubim, thrones, and dominations at the superior end to archangels and angels at the subordinate end) down through the human hierarchy with kings at the top as superior to various kinds of nobles who stand in the same relation to different estates of less well-born commoners, continuing even to rankings of animals, plants, and minerals according to their "primacy." This picture of relations of subordination as not only matters of objective fact, but in some sense *the* fundamental objective metaphysical structure of reality invited early modern theorists to naturalize such relations, bringing them back down to earth. One principal leading idea for the naturalization of subordination relations—of particular significance for Hegel's discussion of Master/Slave relations—is to construe them as expressing differences in *power*.

It is characteristic of early modern thinkers' transitional position between medieval theological conceptions and the post-theological modernity of Rousseau's and Hegel's discussions that the nature of human relations of subordination is typically addressed theoretically in terms of how to understand God's dominion over humans. So Hobbes attributes God's natural right to command

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[3] Famous to us from Arthur Lovejoy's classic *The Great Chain of Being*: *A Study of the History of an Idea* [Harvard University Press, 1936].

obedience to his "irresistible power" to punish disobedience.[4] His "state of nature" is identified precisely with the lack of natural social relations of "sovereignty and subordination," among humans, in which no-one owes obedience to anyone else because power to punish, from which the right to command obedience derives, has not yet been concentrated in a sovereign. Locke, too, thinks that "the inferior, finite, and dependent is under an obligation to obey the supreme and infinite."[5] But he understands God's *authority* to oblige and compel human obedience as consisting not only in his *power* to do so, but as rooted in another matter of objective fact: his status as our creator. A creator, he thinks, has a natural right to lay down laws creating obligations of obedience for his creations.[6]

The status of being a superior is on the obedience model itself a normatively significant status. It entails the right or authority to legislate, to institute obligations, to command obedience. But on these reductive accounts, possession of that status relative to others is itself a non-normative matter of objective fact: a matter of one's power, paradigmatically one's power to compel obedience or punish disobedience, or of the matter-of-factual *dependence* of the subordinates on the superior, for instance in having been created by that superior. The concept of the relative status of superior/subordinate is construed as having nonnormative circumstances of appropriate application, but normative consequences of application in that the commands of the superior institute normative statuses of *obligation* in those related to them as subordinates.

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[4] *Leviathan* XXXI.5.
[5] *Essay Concerning Human Understanding* IV.XIII. 4.
[6] *Essay Concerning Human Understanding* II.XXVIII.8.

Cumberland offers a characteristically mixed account. He analyzes law into two components, the precept (the content enjoined or proscribed) and the sanctions provided for noncompliance. Possession of the power to punish disobedience is a non-normative matter. But God's paradigmatic possession of normative authority as a superior to legislate for subordinates depends crucially on his *benevolence* towards those subordinates. It is his wishing them well (and knowing what is best for them) that is the basis of his normative status as superior in the sense of having the *right* to legislate.[7] On the one hand, one can think of God's (or a king's) benevolence as a matter of objective fact. He either has the attitude of wishing the good for his subordinates, or he does not. On the other hand, the attitude of benevolence is itself a *normative* attitude: being motivated to act for their *welfare*, aiming at what is *good* for them.

Pufendorf, too, rejects Hobbes's claim that the superior/subordinate status relationship that is the source of the normative force of obligations consists solely in the differential power of the one who is owed and the one who owes obedience.

> Neither strength nor any other natural pre-eminence is alone sufficient to derive
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> an obligation on me from another's will, but that it is farther requisite that I
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> should have received some extraordinary good [Oldfather: special service] from

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[7] Richard Cumberland (1672) *A Treatise of the Laws of Nature*, John Maxwell (trans.), Jon Parkin (ed.). On precept and sanctions, V.i. "the Obligation of a Law *properly so called*, which proceeds from the Will of a Superior," XIX.iv. "the *intrinsick Force69 of all those Arguments, with which the Legislator* (God) *uses to enforce Universal Benevolence*, is, in my opinion, all that is meant by the *Obligation of Laws:* The *Rewards* annext to Universal Benevolence by the *right Reason of Men*, chiefly *oblige*, because they promise, beside the Favour of Man, the Friendship of the*Chief of Rational Beings*, GOD, the Supreme Governour of the World. The *Punishments* they inflict by the same Reason, are both *Parts* of the *present*, and most certain *presages* of the *future*, Divine Vengeance." XXXV.ii. "That the End of the Legislator, and also of him who fulfils the Law of Nature, is far greater and more excellent, than the avoiding that Punishment, or the obtaining that Reward, whence the Law receives its Sanction, and which is what immediately affects every Subject; though the Obligation of every Subject to yield Obedience be indeed, immediately, discover'd by those Rewards and Punishments." For the *End*, that is, the Effect directly intended by *both*, is the *Publick Good*, the Honour of the Governor, and the Welfare of all his Subjects." XLVII.i.

him, or should have voluntarily agreed to submit myself [Oldfather: should of my

own accord consent] to his direction.[8]

God, for instance, gave us an "extraordinary good," performed a "special service" by creating us,

so this thought might be seen to be behind Locke's invocation of the right of the creator. Or, as

Cumberland has it, God showed us his benevolence towards us by not only creating us, but

creating us in his image in the specific sense of making us like him at base universally

benevolent. Here we see two rising themes challenging the grounding of obligation in prior

objective relative statuses of superior/subordinate, calling forth command on the part of the

superior and obedience on the part of the subordinate as the consequent appropriate practical acts

or normative attitudes.

One is the idea that the status of superior, having the *right* to command, to *oblige* those

commanded to obey, has not only normative *consequences*, but also normative *conditions*. This

is the idea that being a superior is a normative status that one must *deserve* (for instance, through

the fact of service or an attitude of benevolence). This goes beyond the simple idea that

authority is more than mere *power*. For that distinction can be made entirely on the side of the

consequences of application of the concept superior. It is the claim that the *circumstances* of

application of that concept are themselves normative in character. One has to have *done well by*

the subordinates through performing a service, or at least had an attitude of *wishing them well*,

that is, benevolence towards them. The second idea is the idea that the status of being a superior,

in the sense of having a *right* or *authority* to impose obligations and command obedience (as

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[8]   Samuel Pufendorf, *Of the Law of Nature and Nations* (1672), I.vi.12. Basil Kennett (trans.) Fourth Edition, 1729.
Alternate interpolated translation from the edition of C.H. Oldfather and W. A. Oldfather, Oxford, 1934. Henceforth
"OLNN".

opposed to the mere power to punish noncompliance) might be dependent on the *attitudes* of the subordinates: on their having agreed or consented to, or otherwise *acknowledged* that authority.

Both these ideas can be seen at play throughout early modern thinking about normativity. And they both stand in substantial tension with the traditional metaphysical picture of normative statuses of obligation as rooted in the prior existence of objective ontological relations of superiority and subordination, as epitomized by the neoplatonic *scala naturae*. The idea that beyond one's power to enforce obedience, status as a superior with the normative authority to impose obligations is something one might or might not be *entitled* to—that the normative issues of one's *right* to command or whether one *deserves* to do so are not settled just by how things non-normatively are—threatens to undermine the idea that *all* normative statuses can be understood to be instituted by the commands of superiors to subordinates. As Leibniz argues in his "Opinion on the Principles of Pufendorf" of 1706, if it is acknowledged that besides power there must be *reasons* justifying commands for them to be legitimately imbued with the authority of a superior, understanding what entitles the superior to command as a normative status instituted by the command of a superior would create a circle "than which none was ever more manifest."[9] The subordination-obedience metaphysical model of normativity that explains the normative status of obligation on the part of the subordinate cannot be extended to explain the normative status of being *entitled* to the authority to command. If the concept of the status of superiority not only has normative *consequences* of application in the form of authority to impose obligations on subordinates, but also normative *circumstances* of application in the sense that the one who commands must be *justified* in doing so, must *deserve,* be *worthy*, or have a

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[9] Leibniz *Political Writings* Patrick Riley (trans. and ed.) Cambridge, 1988, pp. 64-75.

right to that authority, then some other form of normative status must be acknowledged that is not itself to be understood on the model of institution by the command of a superior. Leibniz, like Cumberland, looked to the attitude of benevolence. The thought that the relative statuses of superiority and subordination are themselves already fully normative statuses is part of what is behind the famous opposition between <u>law</u> and <u>love</u> (for example in the natural law tradition and in the Cambridge Platonists, respectively) as what is taken to be the most basic conception in early modern moral theory.

The second idea is even more momentous. For it is the idea that the normatively significant status of having the authority to impose obligations (which according to the first idea also counts as a normative status in the sense that exhibiting it has normative conditions of desert, worth, or entitlement) is, or at least can be, *attitude-dependent*. Pufendorf's invocation of "consent" (or elsewhere "acknowledgement"[10]) by the subordinate as a condition of the superior's right to command marks a decisive change from traditional views. The idea that the normative statuses instituted by natural law might be dependent on normative attitudes is a distinctively modern one. Indeed, the core of Hegel's understanding of the transition from traditional to modern selves, norms, and societies, as laid out in the *Spirit* chapter, should be understood to consist in a shift in the relative priority of normative statuses and normative attitudes. I will discuss the views he puts forward there in more detail in Part Five of this work. The basic thought is that it is of the essence of traditional structures of normativity that normative statuses are conceived of as objective, in the sense that neither their content nor their binding force depends on anyone's normative attitudes. Those normative statuses set the standard for assessments of the propriety

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[10] For instance at *OLNN* I.VI.8: "…where a person **acknowledges** no superior there can be no essential principle apt to restrain his inward liberty…."

of attitudes. The law is what it is, independently of what anyone thinks about it, and one is obliged to acknowledge one's responsibility to its authority. The paradigmatic form of this traditional structure is what I have called the "subordination-obedience" model of normativity. In its classic form, being a subordinate or a superior is an objective normative status, and normative subjects are supposed to (are subject to a distinctive kind of criticism, including punishment, if they do not) acknowledge them by adopting practical attitudes of obedience and command.

By contrast, it is distinctive of modernity to take normative statuses of authority and responsibility, entitlement and commitment, to be instituted by normative attitudes of acknowledging or attributing those statuses: taking or treating someone in practice *as* authoritative or responsible, entitled or committed. While Hegel insists that this modern model expresses a genuine and important truth about the metaphysics of normativity, in the end he sees both the traditional and the modern models of normativity as one-sided: the first as hyper-objective and the second as hyper-subjective. Just as traditional accounts failed to acknowledge the authority of attitudes over statuses, the responsibility of statuses to attitudes that the moderns had discovered, even the most sophisticated version of the modern understanding, Kant's autonomy account, though it does also acknowledge the authority of statuses over attitudes, the responsibility of attitudes to statuses, which the tradition had appreciated, fails adequately to integrate the traditional and modern lines of thought. Hegel's own social recognitive metaphysics of normativity is to give each its due.

The vocabulary I am using to express these ideas is mine rather than Hegel's. He does not use the terms "authority" and "responsibility." These are the terms I am adopting to talk about what he discusses under the headings of "independence" and "dependence", neither of which, he insists, can properly be understood independently of its relation to the other, both of which must be understood as themselves interdependent "moments" in a more complex structure. Though he uses these central logical-metaphysical terms in many ways, I want to claim that the normative uses paraphrasable in terms of authority and responsibility are fundamental—their "home language game." Nor does Hegel use the terms "status" and "attitude." These are the terms I am adopting to talk about what he discusses under the headings of what things are *in* themselves (Ansichsein) and what they are *for* themselves or others (Fürsichsein). The discussion in the previous chapter of understanding self-conscious selves as beings such that what they are *in* themselves is an essential element of what they are *for* themselves introduces the idea of a kind of normative *status*, being a self-conscious individual normative subject, that depends on (is responsible to) normative *attitudes* (the commitments one *acknowledges* by identifying with them). Though "in-itself" and "for-itself" (also "for-an-other") are central logical-metaphysical terms Hegel uses in many ways. For instance, in discussion the *Perception* chapter, we saw them used to distinguish, roughly, intrinsic from relational properties. But I claim that their use to distinguish normative statuses from practical normative attitudes in the social recognitive metaphysics of normativity is fundamental—their "home language game." This strategy of understanding "independence" and "dependence" in terms of authority and responsibility and "in-itself" and "for-itself" ("for-an-other") in terms of normative statuses and normative attitudes lies at the core of the semantic reading of the *Phenomenology* I am offering here.

Of course ancient and medieval philosophers acknowledged that there were *some* normative statuses that were instituted by practical normative attitudes. Having the authority or responsibilities exercised by one who holds some elected office, or those conferred by explicit legislation in cases where the aim of the legislation could obviously have been achieved in other ways are central among them. But the most basic norms, those defining the persons or normative subjects of positive laws, were not understood to be of this kind. The whole idea of *natural* law is intended to contrast with that *artificial* kind of law. The normative statuses articulated by natural laws are to be construed as necessary, as conceptually and metaphysically antecedent to and independent of the contingent attitudes, practices, and institutions of creatures of the kind whose nature they articulate.

III.   Voluntarism in Medieval Natural Law Theories as the Thin Leading Edge of
         Modernity

In this connection it is illuminating to consider the distinction within the natural law tradition between *intellectualists* and *voluntarists*. Intellectualists, paradigmatically among the Catholic theologians, Aquinas, held that the authoritativeness of commands issued by superiors to subordinates (expressions of the attitudes of those superiors) answered to (depended upon) *reasons* rooted in the same objective natures that determined their relative "primacy" as superiors/subordinates. Even God, with the objective status of superior to all, is understood as constrained in the laws he lays down by the demands of reasons concerning the objective good of

creatures with the natures with which he has endowed them. God's unconstrained omnipotence is acknowledged by attributing to him the "*absolute*" power to have created beings with different natures than the ones he actually created, but his "*ordained*" power, given the natures he *actually* created, is understood as constrained by reasons provided by those determinate natures. He could not have made murder or (tellingly) adultery right. Even God's normative attitudes, as expressed in his commands, in this sense answer to antecedent objective normative statuses.

By contrast, theological voluntarists, such as William of Ockham reject the constraint on God's normative attitudes by reasons rooted in objective natures, as codified in Aquinas's distinction between his absolute and his ordained power. What makes something right or obligatory (institutes those normative statuses) is just God's normative attitudes towards them, his approval or commands. Those attitudes are not constrained by reasons stemming from any antecedent objective normative statuses. It is his will alone (which I am talking about in terms of his normative attitudes) that institutes normative statuses of obligation and permission. God could, if he so chose, have made murder and adultery right—though he did not in fact do so. The theological disagreement between intellectualists and voluntarists about the relationship between normative statuses stemming from objective created and creating natures and normative attitudes (obligation-instituting acts of divine will) is intimately entangled with the ontological-semantic dispute between realists and nominalists about universals. Ockham attributes no reality to kinds or natures over and above the reality of the particulars they group. Assimilating particulars by treating them as exhibiting a common universal or nature is itself an act of will, the expression of a practical attitude. The groupings are arbitrary in the original sense—the product of "arbitrium brutum." Understanding universals, including kinds and natures, as the product of contingent

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activities of naming (hence "nominalism") makes reasons deriving from those natures themselves attitude-dependent.

Divine command theorists understand the obligations—normative statuses obliging the adoption of normative attitudes of obedience—of us subordinates-because-inferiors as instituted by divine attitudes (expressed in commands, acts of will), even if the framework of relative normative statuses of superior-subordinate is understood as objective in the sense of attitude-independent. Where intellectualists see *all* attitudes as answering to attitude-independent statuses, voluntarist natural lawyers do not see the status-instituting attitudes of superiors as themselves constrained to acknowledge prior statuses. The voluntarists can be thought of as holding a variant of the traditional subordination-obedience model. But compared to the still more traditional intellectualists, they substantially inflate the significance of attitudes relative to statuses. In this sense, theological voluntarism in the Catholic natural law tradition represents the first stirrings of the attitude-dependence of normative statuses that would burst into full bloom among the early modern Protestant natural lawyers: the thin leading edge of the wedge of modernity. (Luther and Calvin were voluntarists.)

It is still a huge, distinctively modern, step from understanding the normative statuses of subordinates to be dependent on the normative attitudes of their superiors to seeing the normative status of being a superior ("primacy") as dependent on the attitudes of the subordinates. It is, of course, the driving idea of social contract theories of specifically political obligation. I quoted Pufendorf above rejecting Hobbes's claim that objective matter-of-factual power over others could confer the status of superiority in the sense of the *right* to command attitudes of obedience,

when introducing the notion of consent of the subordinates as an attitude that can institute the relative statuses of superior-subordinate. Pufendorf himself recognizes that a thought like this is also present already in Hobbes, quoting him as saying as saying "All right over others is either by nature or by compact."[11] Pufendorf radicalizes Hobbes by rejecting the idea that power all by itself can confer right over others, insisting that only the *combination* of consent and power to punish confers such normative primacy.[12]

Hegel sees a paradigm of the shift from traditional to modern modes of thought in what became the popular contrast between status-based "divine right of kings" political theories and the attitude-based consent theories epitomized by Thomas Jefferson's resonant words in the American Declaration of Independence (paraphrasing Locke in his "Second Treatise of Civil Government" of 1690): "…governments are instituted among men, deriving their just powers from the consent of the governed." According to this line of thought, the distinction between possessing matter-of-factual power and exhibiting the normative status of *just* power is a matter of the *attitudes* of the subordinates subject to that authority to oblige obedience.

IV.　　Modern Protestant Natural Law Theories

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[11] Hobbes, *De Cive:* Chapter XV. Quoted by Pufendorf at *OLNN* I.VI.8.

[12] "Obligation is properly introduced into the mind of a man by a superior, that is, a person who has not only the power to bring some harm at once upon those who resist, but also just grounds for his claim that the freedom of our will should be limited at his discretion." [*OLNN* I.II.5]. Without fear of sanctions for noncompliance, Pufendorf thinks, the motivational significance of obligation cannot be explained, while without acknowledgement of normative authority of the superior, its legitimacy cannot be explained. (See also *OLNN* III.IV.6.)

Pufendorf is in many ways the clearest spokesman for the distinctively modern approach that gives explanatory priority to normative attitudes over normative statuses in its metaphysics of normativity. For he understands normative statuses as instituted by normative attitudes across the board. On his picture, an antecedent and self-sufficient natural world has normative significances imposed on it by human attitudes. On his picture, there were no normative statuses, no obligation or authority, before people adopted attitudes of taking or treating each other *as* obliged or authoritative. His generic term for normative statuses is "moral entities":

> We may define our moral entities to be certain modes superadded to natural
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> things and motions by understanding beings; chiefly for the guiding and
>
> tempering of the freedom of voluntary actions…[13]

We create these "moral entities" as God creates natural ones:

> As the original way of producing natural entities is by *creation*, so the manner of
>
> framing moral entities cannot be better expressed than by the term *imposition*.
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> For these…are added at the pleasure of intelligent creatures to beings already
>
> perfect in the natural sense…and consequently obtain their whole existence from
>
> the determination of their authors.[14]

This realm of normative significances is the ancestor of Hegel's Geist. Understanding it and how we create it is a principal task of philosophy.

> Our business is to declare how, chiefly for the direction of the *will*, a certain kind
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> of attributes have been imposed on natural things and motions…And these
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> attributes are called *moral entities*, because the *manners* and actions of men are

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[13]   *OLNN* I.I.3.
[14]   *OLNN* I.I.4.

judged and tempered with relation to them; and do hence assume a face and habit

different from the horrid stupidity of the dumb creation.[15]

The most important of these moral entities are laws and obligations. "That norm is called a law

that is a decree by which a superior obliges a subject to conform his actions to what he

prescribes."[16] So Pufendorf has a modern version of the traditional subordination-obedience

model, but transposed so that normative statuses are seen as imposed by normative attitudes. For

the dependence of the normative statuses of obligation on the part of subordinates on the

attitudes of superiors is balanced by the reciprocal dependence of the status of the superior as one

who has a *right* to impose obligations by his attitudes on the attitudes of consent or

acknowledgement of just authority by the subordinate. In this way the relative primacy statuses

of superior/subordinate are themselves understood as attitude-dependent. Here, I think, we find

an important ancestor of Hegel's view of normative statuses as instituted, imposed, or

synthesized by reciprocal practical recognitive attitudes.

Pufendorf goes a long way to secularizing and naturalizing normativity. God is not out of the

picture entirely. He, too, imposes normative statuses on natural things and doings by his

attitudes. He is a superior to whose laws we ought to consent. But the focus has moved to the

sphere of human practical attitudes.

> *Moral entities* are of this kind; the original of which is justly to be referred to
>
> Almighty God, who would not that men should pass their life like beasts, without
>
> culture and without rule, but that they and their actions should be moderated by
>
> settled maxims and principles, which could not be effected without the application

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[15] *OLNN* I.I.2.
[16] *OLNN* I.II.2 and I.IV.1.

of such terms and notions. But the greatest part of them were afterwards added at

the pleasure of men, as they found it expedient to bring them in for the polishing

and methodizing of common life.[17]

Seeing normative statuses (Pufendorf's "moral entities") as instituted by the practices and

practical attitudes of human beings brings them back down to earth, as our products. In this he

was following his hero Hugo Grotius (the "father of natural law" in the Protestant tradition), who

famously provoked outrage with what came to be referred to as his "etiamsi daremus" saying

that everything he said about natural law would still be true

> …even if we should concede [etiamsi daremus], what without the greatest
>
> wickedness cannot be granted, that there is no God, or that he takes no care of
>
> human affairs.[18]

Grotius was not asking his readers to entertain just a counterfactual possibility, or even just a

counternomological one. He was asking them to think about how things might be in case the

most basic and pervasive metaphysical structure of the universe were radically different than

they knew it to be. Even then, he says, our essential social nature would oblige us to act in

certain ways, according to certain laws, in order to avoid ceaseless conflict. The necessity of the

natural laws he sought to identify is rooted, he claims, in facts about human nature that go deeper

than the relatively contingent fact of humans with that nature having actually (along with

everything else) been created by God.

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[17] *OLNN* I.I.3.

[18] *The Rights of War and Peace* Richard Tuck (editor) from the translation of Jean Barbeyrac. Liberty Fund (Indianapolis) 2005. Preface, XI. p. 89. Original publication 1625. Compare Laplace's later remark to Napoleon, concerning the relation of God to his physics (by contrast to Newton): "I had no need of that hypothesis," ["Je n'ai pas eu besoin de cette hypothèse"].

> The Mother of Natural Law is human nature itself, which, though even the
>
> necessity of our circumstances should not require it, would of itself create in us a
>
> mutual Desire of Society: and the mother of civil law is that very obligation which
>
> arises from consent, which deriving its force from the law of nature, nature may
>
> be called as it were, the great grandmother of this law also.[19]

This was a radical naturalism indeed. Even for those who could not or would not officially

countenance so much as the intelligibility of the situation he asks us to consider (surely the

majority of his early modern readers), a question is raised by the standard his "etiamsi daremus"

sets for the assessment of claims about the metaphysics of normativity. Are there obligations or

other normative statuses whose bindingness swings free of the acts and attitudes of God?

Viewed from the theological point of view of the Catholic tradition he inherits and transforms,

Grotius's naturalistic view about norms seems compounded of equal measures of intellectualist

natural law theory (as in Aquinas) and triumphant Pelagianism—thought of as the view

(anathema to Augustine) that recognition of the fundamental practical obligations requisite for

living a good human life (and so, for Christian salvation) are not in principle dependent on

specifically religious knowledge or belief.

I have been pointing to two rising tides of thought in early modern thinking about the

metaphysics of normativity. First is the idea that normative statuses are instituted ("imposed")

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[19] *The Rights of War and Peace* Preface, XVII p. 93. See also Book I, I.XII p.159:
    That anything is or is not by the law of nature is generally proved either *a priori*, that is, by
    arguments drawn from the very nature of the thing, or *a posteriori*, that is, by reasons taken from
    something external….The proof by the former is by showing the necessary fitness or unfitness of
    anything with a reasonable and sociable nature.

by human normative attitudes. I emphasized here the transformation of the voluntarist version of the traditional metaphysics of subordination and obedience by the thought that the status of superiors as having the authority to institute obligations by their attitudes depends on its acknowledgment by or the consent of the subordinates, as in Pufendorf and Locke. Second is the allied naturalization of normativity consequent upon seeing normative statuses as instituted by human normative attitudes, evident already in Grotius. It was not only the natural law tradition that carried these ideas forward. They are equally manifest in the thought of those who are often seen primarily in terms of their contrast with the natural lawyers during the early modern period, as being on the other side of the "law vs. love" divide: those who are sometimes called "sentimentalists." Early modern British theorists such as Shaftesbury, Hutcheson, Butler, and Hume, in part inspired by the Cambridge Platonists, can also be read as understanding normative statuses in terms of normative attitudes, which are prior in the conceptual order of explanation. They give pride of place to attitudes of normative assessment, of reflective approval or disapproval by a distinctive moral faculty, which in turn is somehow rooted in a characteristic kind of feeling or sentiment, paradigmatically, benevolence. Even those who would not go as far as the reductive materialism of Bayle and Hobbes aimed at naturalizing normativity in a broader sense. The characteristic order of explanation of this tradition, from felt motivation to reflective normative attitude to normative status, was self-consciously pursued in a naturalistic spirit. Potentially puzzling normative statuses such as the distinction between right and wrong actions are to be explained as arising as part of the natural history of a certain kind of creature: reflective beings whose feelings of benevolence give rise to discursive attitudes of approval and disapproval that are intelligible as normative assessments of doings *as* right or wrong. Both strands of thought are present here. The normative empiricists put commitment to the attitude-

dependence of norms in the order of understanding, seeing them as human products, in the service of naturalizing those norms.

There is a third element in the emerging modern account of the metaphysics of normativity that is common to the natural law tradition and the sentimentalists, in spite of the difference of orientation marked by the "law vs. love" slogan. Grotius put at the center of his theory the idea that norms are instituted to solve a problem arising from the essentially *social* character of human beings.

> [A]mongst the things peculiar to man, is his desire of society, that is, a certain inclination to live with those of his own kind, not in any manner whatever, but peaceably, and in a community regulated according to the best of his understanding.[20]

> This sociability, which we have now described in general, or this care of maintaining society in a manner conformable to the light of human understanding is the fountain of right, properly so-called.[21]

Natural law is natural in stemming from this feature of human nature. On the one hand we are sociable creatures, and on the other conflicts will inevitably arise and must accordingly be managed. That is why we institute the obligations and rights that articulate the normative spheres of property, contract, and merited punishment.[22] From his very different anthropological starting-point, Grotius's contemporary Hobbes, too understands obligations and rights to be

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[20] *The Rights of War and Peace* Preface VI pp.79-81.
[21] *The Rights of War and Peace* Preface VIII pp. 85-6.
[22] The passage just quoted continues by articulating the notion of "right, properly so-called":
…to which belongs the abstaining from that which is another's, and the restitution of what we have of another's, or of the profit we have made by it, the obligation of fulfilling promises, the reparation of a damage done through our own default, and the merit of punishment among men.

instituted to solve the social problems that conflicting desires and interests would otherwise

create. In the other modern normative tradition, the sentiments of love or benevolence

motivating the normative attitudes in terms of which normative statuses of right and wrong are to

be understood are essentially *social* attitudes: relational attitudes toward *others*.

I have been claiming that the natural law and sentimentalist traditions are alike in understanding

normative statuses as *natural* products of human *social attitudes*. These three dimensions,

attitude-dependence, naturalism, and the social-practical character of the institution of norms by

attitudes, mark them as distinctively modern approaches to the metaphysics of normativity,

contrasting with traditional forms of the subordination-obedience model. One important respect

in which these modern traditions differ from one another that is of particular importance for

understanding what Kant and Hegel did with these shared ideas concerns the relative explanatory

priority accorded to understanding the *bindingness* of normative statuses and their *motivational*

force. Suarez had made much of the distinction between the relative normative statuses that

justify the claim that the subordinate must obey the superior and the motives that might lead the

subordinate in fact to obey the superior. The capacity of the superior (including God) to punish

disobedience is understood as relevant only to the second issue. We saw that Pufendorf appeals

to this distinction in objecting to Hobbes's understanding of the superior/subordinate relation

exclusively in terms of relative power. In general, the natural law tradition focuses its attention

on the nature of the normative bindingness of the law, its capacity to oblige obedience from

those subject to it, the way in which it provides reasons to act one way rather than another. It

treats the issue of motivation as a secondary, merely practical issue of how to see to it that the

normative statuses of obligation and right, once properly instituted, are in fact acknowledged,

treated *as* reasons, in the attitudes of those they bind. By contrast, the empiricist sentimentalists focus to begin with on the motivational issue. They understand what it is to be a reason in terms of what in fact moves reflective natural creatures like us. Hobbes, like Machiavelli before him, appeals only to individualistic, selfish, or at least self-interested motives. Cumberland and the Cambridge Platonists adopt a complementary posture, emphasizing social motives of love and benevolence. Both approaches seek to understand and explain normative statuses in terms of what is practically efficacious in bringing about actions.

In his magisterial survey *The Invention of Autonomy*, to which the present discussion is much indebted, Jerome Schneewind says

> Hobbes and Cumberland originated views whose descendants are still live options
> for us. Pufendorf's theory is dead. We need to know about all three in order to
> understand the varied seventeenth-century effects of the Grotian impetus.[23]

I disagree with this apologetic assessment of Pufendorf's contemporary significance. What Schneewind says is true only if we read "Pufendorf's theory" very narrowly. Secular natural law theory is no doubt not as robustly pursued as the descendants of Hobbes's and Cumberland's approaches are. But his pathbreaking idea that "moral entities" (normative statuses) are "imposed" on natural things by human practical attitudes and the social practices within which those attitudes arise is still of the first importance. Further, the big methodological divide that distinguishes Pufendorf's tradition from that of Hobbes and Cumberland—concerning the explanatory priority of accounts of the normative bindingness of normative statuses such as obligations relative

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[23]   Jerome Schneewind *The Invention of Autonomy: A History of Modern Moral Philosophy* [Cambridge University Press, 1997], Ch. 5, p. 82.

to accounts of the motivational efficacy of normative attitudes—is the origin of the

hugely important contemporary debate between broadly kantian and broadly humean

approaches to practical reasoning. The Hobbes and Cumberland strands of thought

indeed live on within contemporary theories that follow the Humean strategy of

understanding reasons for action generally in terms of an antecedent account of what

moves practical agents. Contemporary rational choice theory is perhaps the most

prominent such heir. The tradition Pufendorf speaks for so eloquently lives on in theories

that follow Kant in developing first an account of reasons for action in terms of

normatively binding obligations, and then concerns itself with issues of motivation only

afterwards, in seeking to make intelligible the notion of a rational will in terms of

attitudes of acknowledging normative statuses.

I have been appealing to Pufendorf to emphasize the distinctively modern idea that normative

statuses are dependent on normative attitudes. This thought transforms the subordination-

obedience model of normativity, enforcing a distinction between traditional and modern forms.

In effect, we distinguished three stages in the development of this model. Most traditional are

intellectualist theological natural law theorists, such as Aquinas. They understands the attitudes

of superiors, in the form of the commands they issue, as instituting laws and so obligations. The

status of being a superior, in the sense of having the authority to issue binding commands, is

understood as objective, in the sense of being an attitude-independent matter of metaphysical

fact, determined by what kinds there are. Further, intellectualists see *all* attitudes, including the

commands of superiors, as answering for their correctness to attitude-independent statuses,

rooted in the actual kinds, which provide *reasons* for some attitudes rather than others—reasons

binding even on God's ordained power (though not his absolute power). A crucial intermediate step on the way to modernity is represented by the voluntarist theological natural law theorists, such as Ockham, who do not see the status-instituting attitudes of superiors as themselves constrained to acknowledge the bindingness of prior statuses, or objective reasons deriving from the natural kinds there actually are. A third stage is then achieved by the Pufendorfian idea of normative statuses as imposed by attitudes, not only from above in the direction from superiors to subordinates, but also from below, in the converse direction. Here there is a gesture to tradition, in allowing objective, attitude-independent "service" or the fact of benevolence to warrant superior status, but modernity kicks in with the category of attitude of "consent" or "acknowledgment" of superior as instituting the authority that defines that status. I am now suggesting that the order of explanation that distinguishes the Pufendorf-Kant tradition from the Hobbes-Cumberland-Hume tradition reinstates a crucial strand of thought from the intellectualist natural lawyers. In particular, the crucial intellectualist thought that attitudes answer to antecedent statuses providing reasons for those attitudes does not go away. This is a rich, tangled heritage. But how can this thought be reconciled with the attitude-dependence of normative statuses that was a key discovery of modernity? Kant's autonomy model and Hegel's reciprocal recognition model are different ways of weaving together the strands of thought we have been distinguishing in the early modern tradition.

V.   The Perfectionist Self-Government Tradition

To appreciate their different answers, and how Kant and Hegel, each in his own distinctive way wove together the strands of thought put in play by their predecessors that I have been

rehearsing, we need to consider one more such strand. This is the perfectionist tradition, leading to ideas of self-government that come to full flower with Rousseau and with Kant's understanding of normative bindingness and freedom as two necessarily correlative aspects of the autonomy characteristic of rational agents. Schneewind is particularly concerned to trace the origins and limn the boundaries of this line of thought, since his principal interest lies in the way Kant's concept of <u>autonomy</u> grew out of a rejection of the traditional understanding of normativity in terms of normative statuses of superiority and subordination and expressions of normative attitudes in law-instituting commands and obedience to them. The tradition he assembles has as its slogan St. Paul's observation that the gentiles, "which have not the law," are a "law unto themselves."[24] Its earliest modern proponents were Machiavelli and particular Montaigne, who began by "rejecting every conception of morality as obedience that he knew."[25] Here is how Schneewind describes this alternative to the tradition of natural law:

> Where the natural lawyers saw the maintenance of social order as the crucial
> issue, others took individual self-perfection as the central theme for moral
> reflection. Influenced by Stoicism, rationalist thinkers from Lord Herbert of
> Cherbury and Descartes through Leibniz offered various versions of perfectionist
> ethics. Some thought we should focus on perfecting our knowledge, others,
> especially the Cambridge Platonists, emphasized perfecting our wills.[26]

Theologically, the perfectionists were heirs to Aquinas' intellectualism and to Suarez, who though a classical obedience theorist says that obedience can come immediately from a direct concern with righteousness aroused by awareness of a law. The very same considerations,

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[24] Romans 2.14. Jerome Schneewind *The Invention of Autonomy* op. cit. Ch. 22 p. 483.

[25] Schneewind Ch. 23.ii p. 513.

[26] Schneewind, Introduction, v, p. 13.

rooted in the objective nature of things, that give God reasons for laying down the laws he does (constraining his ordained power) are accessible also to our minds, albeit less adequately. And we are capable in principle of shaping our wills in response to this knowledge of those same reasons God acknowledges.[27] Indeed, the principal manifestation of God's benevolence has been to make us in his own image in these epistemological and practical respects: to make us in principle capable of being *self-governing*, able to know and do what is right. Our task is to develop and improve these capacities to the limit of our finite abilities, thereby making our minds and our wills ever more closely resemble the divine mind and will.

Among later thinkers, Samuel Clarke sees reasons for acting one way rather than another as reflecting "fitnesses" that are grounded in the "necessary and eternal" relations of things. Even God necessarily rationally obliges himself to conform to those objective fitnesses, and so ought we.[28] Richard Price, Adam Smith, and Thomas Reid all understand us as fully self-governing, in that we can discern for ourselves what we ought to do and are able in principle to make ourselves do it. They accordingly deny the need for authoritative commands or external sanctions. We need such things no more than God does. Our imperfect but indefinitely perfectible self-governance is modeled on God's own. But for all these intellectualists, self-governance is situated in a metaphysical structure in which normative attitudes answer to antecedent objective, attitude-independent normative statuses (Clarke's "eternal fitnesses"). Our capacity to govern ourselves is the capacity to conform our epistemic and practical attitudes to an antecedent normative order.

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[27] Strenuously denying this claim is the first tenet of Five Point ("TULIP") Calvinism, under the heading of the "total depravity" of humanity.

[28] See Schneewind, Ch 15.ii, pp. 314 ff..

I think Schneewind is right to emphasize the importance of this perfectionist tradition of self-governance in providing raw materials for what would become Kant's understanding of the metaphysics of normativity in terms of autonomy. But these thinkers set their faces resolutely against the voluntarist tradition's distinctively modern emphasis on the attitude-dependence of normative statuses. I think the key to understanding Kant's autonomy idea—in particular, to understanding it from the point of view of what Hegel made of it—is to see how he sought to reconcile the modern idea (rooted in the voluntarist wing of natural law theory) that normative statuses are attitude-dependent with the traditional idea (rooted in the intellectualist wing of natural law theory) that normative attitudes ought to conform to antecedent normative statuses. The perfectionist self-government tradition emphasizes this latter idea. In Hegel's terms, a proper metaphysics of normativity must explain the structural interrelationship between what things are "for consciousness," what I am calling "normative attitudes," and what they are "in themselves," what I am calling "normative statuses." Both views that focus exclusively on the attitude-dependence of normative statuses and those that focus exclusively on the status-dependence of normative attitudes are one-sided and inadequate. As I read Hegel's language, "dependence" [Abhängigkeit] is at its base a normative notion. It is his way of talking about responsibility. What he talks about using the correlative term "independence" is authority. The metaphysical model of normativity Hegel discusses allegorically under the heading of "Mastery" is "pure independence": authority without correlative responsibility, the "moment" of independence construed apart from its necessary relation to a moment of dependence. Understood like this, modern claims about the attitude-dependence of normative statuses and traditional claims about the status-dependence of normative attitudes are claims about some kind

of *authority* attitudes are taken to have over *statuses*, that is, some kind of *responsibility* statuses have to attitudes, and about some kind of authority statuses are taken to have over attitudes, some kind of responsibility attitudes have towards statuses. Filling in these ideas is specifying what sorts of authority and responsibility are envisaged by claims of the various kinds.

I think Kant thinks that there is something importantly right about both points of view. The idea of normative statuses such as obligation (or of authority and responsibility) is unintelligible apart from consideration of attitudes of acknowledging obligations. Theoretical commitments in the form of judgments and practical commitments in the form of intentions (paradigms of normative statuses) are products of our attitudes of endorsement. They are instituted by our attitudes every bit as much as the status of obligations incurred by promising are. It is an essential feature of rational knowers and agents (selves in the sense of subjects of normative statuses and attitudes) that they can acquire normative statuses of commitment or obligation by adopting normative attitudes. On the other hand, some normative statuses are authoritative in obliging knowers and agents to adopt attitudes of acknowledging them. Commitment to the lawfulness of nature and the dignity of rational knowers and agents are statuses we must rationally acknowledge. Here our attitudes are responsible to objective normative facts. It is a principal criterion of adequacy of Kant's metaphysics of normativity that it be able to reconcile these two lines of thought, make sense of both of these directions of dependence relating normative attitudes and normative statuses. Hegel takes it that Kant is not fully successful in this enterprise. As we will see, his reciprocal recognition account of normativity aims to articulate the complex interdependences between what norms are for consciousness (attitudes) and what they are in themselves (statuses),

and between necessity in the form of dependence (responsibility) and in the form of independence (authority).

What in my rehearsal I have added to the story about early modern moral philosophy, for instance as so comprehensively told by Schneewind, is principally the perspective on it provided by Hegel's understanding of the transition from traditional to modern conceptions of normativity in terms of the relations between the moment of status-dependence of normative attitudes that traditional conceptions one-sidedly focus on and the moment of attitude-dependence of normative statuses that modern conceptions one-sidedly focus on. In Hegel's terms the first is the moment of dependence of what things (paradigmatically, consciousness and self-consciousness) are for consciousness on what they are in themselves—which for full comprehension will have to be balanced by an appreciation of the corresponding moment of *in*dependence of what things are for consciousness relative to what they are in themselves. The second is the moment of dependence of what things (paradigmatically consciousness and self-consciousness) are in themselves on what they are for consciousness. In my terms, these are to be understood in terms of the distinctive authority of normative statuses over normative attitudes: the sense in which our attitudes answer or are responsible to, are assessed by the standard set by normative statuses that have some independence of those attitudes, and the distinctive authority of normative attitudes over normative statuses: the sense in which normative statuses of obligation and permission, indeed, of authority and responsibility themselves, are instituted by attitudes of attributing or acknowledging obligation and permission (commitment and entitlement), attitudes of taking or treating normative subjects *as* authoritative or responsible.

VI.   Rousseau: Freedom as Self-Governance

The proximal source of Kant's way of understanding the attitude-dependence of normative

statuses is Rousseau. In addition to this filiation, Rousseau is independently important to Hegel,

who takes from him some ideas that Kant does not take up. In particular, one cannot read

Hegel's discussion of the subordination-obedience model of normativity in terms of the allegory

of masters and slave ("lordship and bondage", Herrschaft und Knechtschaft) without thinking of

the startling second sentence of Rousseau's *Social Contract* which it is evidently intended to

explicate: "One thinks himself the master of others, and still remains a greater slave than they."

Rousseau performs a remarkable synthesis of the natural law tradition, which introduces the idea

of attitude-dependence of normative statuses in the form of a distinctively modern version of the

traditional subordination-obedience model, with the perfectionist tradition of self-governance,

which has commitment to the status-dependence of normative attitudes as part of its essential

core. To be sure, Rousseau has substantial disagreements with the natural lawyers—principally

along dimensions that Hegel makes more of than Kant does. He follows them in seeing

normativity as having a prehistory, in envisaging a state of nature, to be contrasted with the result

of imposing Pufendorfian "moral entities" (normative statuses), paradigmatically by some kind

of social contract. But he insists that Grotius and Hobbes at the beginning of the modern natural

law tradition, in locating the impetus for instituting norms in aboriginal conflict of wills have

projected back into the state of nature sophisticated motives and modes of thought that only

become available when the natural sweet generosity of *amour de soi* has been institutionally

corrupted into the vain, jealous, aggressive *amour propre* of already thoroughly socialized (and,

importantly for him, fully linguistic) beings, which is the late-coming source of the dominance relations of superior and subordinate.

But Rousseau also substantially builds on the natural law tradition, and in so doing transforms it. He, too, unlike the perfectionist tradition, takes the concept of <u>obligation</u> to play a central role. Like them, he takes over the subordination-obedience model of normativity. But he radicalizes the modern idea of the attitude-dependence of normative statuses that had emerged within the natural law tradition by combining it in an unexpected and unprecedented way with the idea of <u>self-governance</u> (thought of by its earlier champions in terms of a capacity to shape one's attitudes to one's understanding of antecedently constituted objective norms) central to the perfectionist tradition. He did that by placing all these conceptions in the framework of a radically new conception of *freedom*—which serves as a kind of metanorm for him. It is this idea that inspired Kant and Hegel, and came to define German Idealism generally.

The slogan for Rousseau's reconceptualization is "Obedience to a law one has prescribed for oneself is freedom."[29] He endorses this model both in the individual case of the 'I', where Émile's education is to bring him up to be the kind of self who can resolutely commit himself and feel himself self-consciously free in such self-binding, and in the social case of the 'we', where the essence of the social contract is for *us* to be free in obeying laws *we* have laid down for *our*selves expressing the *volonté générale*.

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[29] "[L]'obéissance à la loi qu'on s'est prescrite est liberté." *Social Contract* I.viii.

In the context of our rehearsal of prior approaches to normativity, a number of features of this view stand out.

1.   Freedom, a normative status, is understood as instituted by the normative attitudes expressed by practical acts of command and obedience. This is a purely modern view of the wholly attitude-dependent status of norms. It radicalizes the strand of thought we have seen develop from voluntaristic forms of medieval natural law theory through its early modern Protestant and secular heirs. In this respect, Rousseau is a proper descendent of Descartes, who without explicitly realizing the normative character of the mental (a lesson that would have to wait for Kant) nonetheless defined the mind ontologically in terms of its pure attitude-dependence. Mental occurrences were defined as those where the represented and the representing of it coincide, events that consist in the attitude of taking oneself to have such an event. They are (a status) exactly what they *seem* to be (an attitude). More important in the line of filiation to Rousseau's thought, on the practical side willings are conceived as acts where the attitude of trying guarantees the status of success. One cannot try to will and fail to do that.

2.   It is a form of the subordination-obedience model of normativity.

3.   Freedom is also here clearly a norm of self-governance.

Rousseau's remarkable synthesis of these disparate ideas shows up clearly if we lay these points alongside three further observations. First, the self-governance tradition emphasizes the status-dependence of normative attitudes, the objective authority of attitude-independent reasons based in the ontological natures of things—exactly the converse of Rousseau's pure attitude-dependence view. Yet Rousseau has managed to synthesize these seemingly incompatible lines of thought. Second, the subordination-obedience model of normativity grounds the normative status of obligation on the essentially asymmetric relation between the normative statuses of

superior and subordinate. By contrast, Rousseau's version resembles the perfectionist self-government tradition, which acknowledges no such asymmetry. For this tradition, all of us humans, like God himself, are in the same situation of striving to conform to the reasons that are inherent in the natures of things. God is just much better at it than we are (OK, perfect, rather than merely indefinitely improvable). Rousseau achieves this symmetry by identifying the commanding superior normative subject whose attitudes institute obligations by laying down laws with the obedient subordinate normative subject the appropriateness of whose attitudes is assessed according to those obligations. The subordination-obedience model looks completely different if it is the *same* normative subject instituting statuses by attitudes of commanding and obeying. (Nietzsche would later *temporalize* this process, focusing on the mastery of later temporal stages of an individual over the significance of the deeds of earlier time-slices of that same individual. In this he follows Hegel. But he does not combine this *a*symmetric historicized relation with a *symmetric social* recognitive structure.) Further, Rousseau transmutes the overarching goal driving the process of perfecting our capacity to govern our own attitudes by our appreciation of objective reasons into the form of a master-norm, freedom, to which obligation, the leading normative status according to the natural lawyers' order of conceptual explanation, is subordinated.

In his *Lectures on the History of Philosophy* Hegel says that "the principle of freedom emerges in Rousseau…This furnishes the transition to the Kantian philosophy…"[30] This assessment seems entirely just. For Kant, too, *freedom* provides the overarching basis for normative meta-assessment. The whole German Idealist tradition he founds is defined by its reworkings of the

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[30] *Lectures on the History of Philosophy,* Haldane and Simpson (trans.) [Routledge, Kegan, Paul, London 1968] Volume III, p. 402.

story he tells about the intimate interrelationships of the concepts of <u>freedom</u>, <u>reason</u>, and <u>self-consciousness</u>. Rousseau is the prophet of freedom (and, like Montaigne before him, an immensely influential, emblematic *practitioner* of self-consciousness, though not an important theorist of it). As we are now in a position to appreciate, all this takes place within the context of a revolution in the understanding of the metaphysics of normativity.

VII.   Kant's Autonomy Model

On the way to combining it with new conceptions of reason and self-consciousness, Kant takes Rousseau's *idea* about freedom and develops it into a fine-grained *account*. Some elements of that account are elaborations of what Kant sees as implicit already in Rousseau's ideas. Others involve combining that idea with other strands of thought in the traditions I have been discussing. One of the things Kant appreciates about Rousseau's idea is that it presents what Isaiah Berlin (acknowledging the roots of the distinction in Kant) would later call a "positive" conception of freedom, rather than a "negative" one.[31] Crudely put, it is a conception of freedom as the freedom *to do* something, rather than as freedom *from constraint* of some sort. It is an active, rather than a passive conception of freedom. Kant sees that Rousseau's conception of freedom is the actualization of a potential, the doing of something, rather than just the potential to do it without hindrance. For obeying is doing something. It is concretely and practically

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[31] Berlin, I. (1958) "Two Concepts of Liberty." In Isaiah Berlin (1969) Four Essays on Liberty. Oxford: Oxford University Press.

expressing an attitude in a performance. Merely being *able* to obey is not this kind of freedom.

Of course, according to the negative conception of freedom, obeying a command, being obliged

to act one way rather than another, is a paradigm of *un*freedom. It is just the sort of constraint

freedom contrasts with. Rousseau's idea, of course, is that it is otherwise with *self*-command.

Governance by one's *own* attitudes, by commitments one endorses and embraces, is not the sort

of constraint even the negative conception forbids. Nevertheless, where the negative conception

can admit obeying one's own commands as an *exercise* of the *capacity* of freedom, Rousseau

insists that freedom *consists in* the doings which are active obedience. Freedom is acting in a

certain way: responsively to acknowledgment of obligations instituted by one's own attitudes.

A second feature of Rousseau's idea of freedom that Kant focuses on is that it is an essentially

normative conception of freedom. Being free is acting as one is *obliged* to act, so long as one

has laid those obligations on oneself. What makes an act free is the kind of *authority* one is

acknowledging in performing it, what one is acknowledging *responsibility* to: in each case, one's

own attitudes. The modality here is *deontic*, not *alethic*. It concerns obligation and permission,

not necessity and possibilitly. What matters in the first instance is not that it be *possible* for one

to have done otherwise. That consideration will come in only much later, if at all, in the order of

conceptual explication. Kant's *autonomy* conception of freedom, developing Rousseau's idea,

contrasts with *heteronomy*: acting according to some obligation that one has *not* laid down for

oneself. This way of thinking about freedom contrasts strongly with that of the empiricist

tradition, for which the contrast with freedom is something like the causal constraint invoked by

determinism. Rousseau's idea is transformative here. It determines the order of explanation

Kant pursues in the second *Critique*. The empiricists first ask whether the agent could have done

otherwise or was necessitated to perform that action. This is a question concerning alethic possibility and necessity: *could* the agent have done otherwise, *if* she so chose? If not, if the action was in this sense necessary, they conclude, the action was not free. Therefore, the agent cannot be counted as responsible for it. Kant exploits the same conceptual connections in the opposite direction. We start with what the agent is properly held responsible for. This is a normative question concerning deontic responsibility and authority. If the doing was an exercise of the agent's authority, if she is in that sense responsible for it, then it *thereby* count as free.

This radical difference in orders of explanation can be muddied by the dual sense that terms like "responsible", "obliged", "must" and "necessary" can express. For they have both alethic and deontic readings. The empiricists can talk about someone being "responsible for an action" in a *causal* sense of "responsible", and being "obliged" to do it in the sense that it was causally necessitated by factors outside the agent's control. And the normativist can say that one *must* do what one is normatively obliged to do, without meaning thereby to claim that it is impossible physically to do otherwise. Whether this is merely a systematic ambiguity between alethic and deontic modalities, or indicative of a deep connection between them is itself a philosophical question of the first importance. In this book, I have been claiming that seeing deontic and alethic modal concepts as two sides of one coin is of the essence of Hegel's objective idealism. (That these modal terms have an original, undifferentiated sense is also argued—without the heavy metaphysics—by Paul Grice in *Aspects of Reason*, though he does not get very far in his diagnosis of why this is or what it means.[32]) In a move that was of the utmost significance for Hegel, Kant acknowledges the kinship between these concepts by distinguishing "natural

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[32] Paul Grice and Richard Warner (editor) *Aspects of Reason* [Oxford, Clarendon Press, 2005], chapters III and IV.

necessity" from "practical or moral necessity", as species of a single genus. "Necessary" [notwendig] for Kant means "according to a rule." What distinguishes the two species of necessity is attitude-dependence. Natural necessity is constraint by rules whose paradigm is laws of nature. The sense in which they necessitate performances is independent of the attitudes of those who obey them in the sense of conforming to them. Practical necessity, Kant says, is "acting according to *representations* of rules."[33] The sense in which representations of rules matter is that those representations are the contents of our attitudes of *endorsing* those rules, *obliging* ourselves to follow them, which are what institute the normative necessities. Those rules in the form of representations are what Kant calls "concepts." We endorse them in our attitudes by applying concepts theoretically in judgments and practically in endorsing practical maxims. According to this conception, freedom does not contrast with acting from necessity. It consists in acting from *practical* necessity, that is, from the *normative* necessity of obligations we have instituted by our own attitudes of endorsement, according to commitments or responsibilities we have ourselves undertaken.[34]

Kant gets from Rousseau the idea of thinking about positive freedom in deontic normative terms, by contrast to the empiricists' negative concept of freedom understood in alethic modal terms of possibility and necessity. Acting freely is acting autonomously, in the sense of producing performances that express attitudes of obedience to obligations one has instituted by one's own

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[33] Allen Wood (ed. and trans.) Immanuel Kant, *Groundwork for the Metaphysics of Morals* [Yale University Press, 2002], p. 17 (Ak 4:402).

[34] Kant is often thought of as having endorsed (indeed, as having been the first to endorse) a principle of "ought implies can." His actual view about the relation between deontic and alethic modalities is more complex and fluid. For an introduction to the subtleties, see Robert Stern "Does 'Ought' Imply 'Can' and Did Kant Think it Did?" *Utilitas* 16 (1), pp. 42-61. I think Kant's thought is a compound of two claims: that one cannot be obliged to do what one cannot *will* to do, and that one cannot will what one knows to be in all circumstances impossible. It does not follow that one cannot in determinate circumstances be obliged to do something that is as a matter of fact impossible in those circumstances.

attitudes. Positive freedom in this sense is not lack of constraint, it is a special kind of constraint: constraint by *norms*. Normative constraint in the sense that matters here is practical necessity, understood in terms of self-imposed obligations. By understanding the practical species of necessity in terms of autonomy, Kant is in effect transforming Rousseau's definition of *freedom* into a *criterion of demarcation of the normative*. Only statuses that result from exercises of our freedom in the sense of autonomy count as genuinely *normative* statuses. Statuses we have not instituted, those imposed by others, paradigmatically by superiors commanding subordinates, show up by contrast as exercises of *power*. As heteronomous they do not have genuinely obliging normative force. "Obligations" instituted by the commands of others are obligations in name only. They can compel obedience at most in the alethic sense, making it impossible for a subordinate to do otherwise on pain of punishment, not in the deontic normative sense defined that requires obedient acknowledgments of the obligation to be acts of freedom in Rousseau's sense.

Turning Rousseau's definition of freedom into a criterion of demarcation for a distinctive sense of normative bindingness is a big conceptual move. It provides an account of the distinction Pufendorf had put in place between the causal force of "physical entities" and the normative force of "moral entities," which he understood as "imposed by" the attitudes of normative subjects. In the place of the empiricist opposition of constraint to no constraint, Kant puts the opposition between two kinds of constraint: alethic and deontic, heteronomous and autonomous. That normative force, the bindingness of genuinely normative statuses of obligation, Kant understands as essentially mediated by and dependent on the attitudes of the ones who are bound by those statuses. (The constraint involved is mediated by attitudes whose contents include

representations of rules.) The symmetric-because-reflexive relation between the commanding

attitudes instituting obligations and the obedient attitudes acknowledging them marks out the

normative realm by appeal to the special sort of reflexive attitude-dependence Rousseau had

identified with freedom. Kant understands us as living, moving, and having our being in a

normative space: a space of obligations and commitments. Rousseau gave him the clue as to

how to distinguish that realm of norms from the realm of nature, which can then be seen to

include the obedience of subordinates non-normatively compelled by the threat of sanctions from

superiors. The normative realm is *by definition* the realm of freedom.

Appealing to the symmetric attitudes involved in obedience to self-imposed obligations to define

what it is for a status to count as a *normative* status, using autonomy as a criterion of

demarcation for the normative, has consequences for the structure of those statuses, in particular

for the structure of their *attitude-dependence*. To be a normative subject, that is, to be able to act

autonomously and so be the subject of obligations that are genuinely normatively binding, that is,

are genuine normative statuses, is itself to have a normative status. It is, first, to have the

authority to make oneself *responsible* by an act or attitude of endorsing, whether doxastically in

judging or practically in willing, that is endorsing a practical maxim. This is the authority to

undertake and acknowledge *commitments.* It is the normative capacity (in deontic sense of

authority, not alethic possibility) to *commit* ourselves, to *bind* ourselves in the normative sense of

oblige ourselves to do something, rather than the ability to become responsible for a doing in the

empiricists' sense of making it happen. This is a status (authority) in virtue of which one's

attitudes (expressed in acts of command and endorsement) institute statuses (obligations,

commitments, responsibilities). In fact, this is exactly the constellation of statuses and attitudes

that constitute the status of a *superior* according to the subordination-obedience model. It is, second, to have the *responsibility* to *fulfill* obligations that have been instituted by one's own attitudes. This is a status (responsibility) in virtue of which one's attitudes (expressed in acts of obedient conduct) acknowledge one's attitude-dependent obligations (statuses). This is exactly the constellation of statuses and attitudes that constitute the status of a *subordinate* according to the subordination-obedience model. Rousseau's idea was that freedom is the status that results when the *players* (be they organic individuals or communities) of these roles of superior and subordinate coincide. By transmuting this definition of freedom into a criterion of demarcation of *normative* statuses and attitudes, that is, by using it as the structure of a new metaphysics of normativity, Kant requires that the *roles* of superior and subordinate coincide. By this I mean that on his account they are both reciprocally sense-dependent and reciprocally reference-dependent. That neither is intelligible apart from the other, and actually playing either role depends on the actual playing of the other. This much might be said already of the traditional superior/subordinate statuses. But in Kant's case, the normative attitudes and statuses whose complex interrelationships constitute this structured constellation are themselves both intelligible as and actually ontologically qualify as *normative* only in virtue of the roles *they* play in this larger whole. Hegel uses the terminology of "independence" and "dependence" in a normative sense to talk about authority and responsibility. So in his terms, the fundamental Kantian notion of normativity essentially involves "moments" both of independence and dependence. If and insofar as the basic form of normativity is what Kant takes it to be, namely having the authority to make oneself responsible to commitments one has oneself undertaken, that constellation of independence and dependence is more basic conceptually than either the authority

(independence) or the responsibility (dependence). For neither can be understood apart from their complementary relations to each other.

Notice that the Grotian rationale for imposing Pufendorfian "moral entities," which pervades and helps define the modern natural law tradition, namely the management of social conflict, has completely dropped out of the Kantian story. The negative freedom from social conflict that provides the overarching goal and metavalue for the natural lawyers has been replaced by the individual positive freedom to acknowledge genuinely normative (because self-imposed) constraint—following up on central ideas of the individualistic perfectionist self-government tradition that contrasted with and opposed that of natural law). The loss of the social dimension is a consequence of having identified, not just the *players* of the roles of superior/subordinate, but also the *roles* of superior/subordinate. Rousseau maintains a social dimension by contrasting individual freedom with the communal freedom that consists in obedience to the *volonté general.* In Kant, the *social* dimension of the previous stages in the history of metaphysics of normativity has gone missing, in service of the overcoming (Aufhebung) of the subordination-obedience model by incorporating freedom as autonomy as the criterion of demarcation of the normative. Further, Rousseau thinks freedom can be achieved only in a certain kind of *social* situation. This, too, is a thought that seems to drop out in Kant. Hegel will weave these strands of acknowledgement of its essentially social character back into his metaphysics of normativity.

But Kant does not just synthesize the natural law and self-government traditions. He also synthesizes a modern commitment to the attitude-dependence of normative statuses, which originated with voluntarist versions of medieval natural law theory, with a traditional

commitment to the status-dependence of normative attitudes, which originated in intellectualist versions of medieval natural law theory and was picked up and developed by the perfectionist self-government tradition. For within the complex of self-command and obedience-to-self that he constructs in working out his autonomy criterion of demarcation of genuinely normative binding *force*, Kant thinks both the authority of the superior role and the responsibility of the subordinate role involve substantial structural constraints on the *contents* of status-instituting attitudes that are not obvious on the surface. Those structural constraints are revealed only by a distinctively philosophical kind of self-consciousness. Conveying those constraints, raising his readers to that distinctive kind of philosophical self-consciousness, is a task that is equally central to Kant's project as is teaching us to understand the nature of normativity in terms of autonomy.

The activity of Kantian normative subjects exclusively takes the form of self-bindings: exercising their authority to make themselves responsible. The rules they bind themselves by are concepts. The contents of the concepts determine what they have made themselves responsible for, what they are obliged to do, in virtue of the commitments articulated by those concepts that they have undertaken. On the theoretical side of empirical knowing, what Kantian normative subjects become responsible for and committed to by applying concepts is judgements. On the practical side of intentional acting, what Kantian normative subjects become responsible for and committed to by applying concepts is practical maxims. Kant thinks that by undertaking conceptually explicit commitments of these two sorts, normative subjects as knowers-and-agents *implicitly* acknowledge commitments that articulate the framework within which knowing and acting are possible. These implicit, framework-articulating commitments are normative statuses

that all of the ground-level discursive normative attitudes (applications of concepts in judging and acting) answer to. This is the dimension of status-dependence of normative attitudes in Kant that complements the attitude-dependence of normative statuses expressed by his autonomy criterion of demarcation of normative force.

Here I think we can distinguish four sequential steps in Kant's thought about discursive normativity. The first is his central revolutionary idea that concepts and norms are two sides of one coin: concepts must be understood in terms of the normative force of applying them (that is, in terms of what one is doing in judging and acting intentionally) and norms must be understood in terms of the conceptual contents that articulate and relate them. This idea transforms the traditions concerning the metaphysics of normativity, some of whose strands and filiations I have been gesturing at, not just by applying it to thought about concepts, but by transposing it into a discursive key. In this way the considerations and lessons of those traditions are brought to bear no less on theoretical than on practical activity—in a distinctively modern fashion quite different from the direct connection medieval thinkers starting with Aquinas saw between issues of nominalism vs. realism about universals and voluntarism vs. intellectualism about norms. Kant's insight into the normative character of concepts and the conceptual character of norms frames all of his thought.

Second, he sees an intimate connection between *descriptive* and *explanatory* uses of concepts. He sees that, as Wilfrid Sellars will later put the point, that "the descriptive and explanatory resources of language advance hand in hand."[35] Any concept that cannot be appealed to in an

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[35] "Counterfactuals, Disposition, and the Causal Modalities" [35] §108.

explanation, an account of why something that did happen had to happen, according to a law, also cannot be appealed to in empirical description. That is the difference, as Sellars again will later say, between describing and merely labeling. So Hume could not be in the position he took himself to be in: understanding empirical descriptive concepts perfectly well, but getting thereby no grip on the lawful connections among them that underwrite causal explanations. Sellars expresses this thought yet again as the title of one of his earliest essays: "Concepts as Involving Laws and Inconceivable Without Them." We have seen Hegel developing this line of thought in making the transition from understanding empirical consciousness on the model of perception to understanding it on the model of understanding.

Third, one of Kant's biggest ideas is that besides the empirical concepts used in description and explanation, there are concepts whose distinctive expressive task it is to make explicit necessary structural features of the framework that makes description and explanation possible. Those concepts can be thought of as implicit in all the ordinary empirical descriptive-explanatory concepts, in the sense that one must implicitly know everything one needs to know to deploy them, in order explicitly to deploy the ordinary empirical descriptive vocabulary. In this sense, these concepts are *pure* concepts, graspable *a priori*. For grasping them does not depend on grasping any *particular* empirical concepts, or making any *particular* empirical judgments. These "pure concepts of the understanding" he calls "categories."[36] Central among these are the alethic modal concepts expressing the lawful necessary connections among concepts expressed by counterfactual-supporting hypothetical judgments: if one *were* to heat the copper coin beyond 1085° C., it *would* melt. It is entirely up to the individual concept-user whether to apply the

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[36] I discuss this particular idea as it has been developed by later thinkers, starting with Carnap and Sellars, in the first chapter of *From Empiricism to Expressivism: Brandom Reads Sellars* [Harvard University Press, 2015].

concept <u>copper</u> to the coin, whether to adopt that attitude, to undertake that commitment. But if

she adopts *any* such attitude, makes *any* empirical judgment, it is *not* up to her whether she

thereby undertakes further commitments, for instance as to its malleability, melting point, and

electrical conductivity. And it is not up to her *what* else she thereby commits herself to. That

the concept she applied stands in lawful relations to others is not a status that is instituted by her

(or anyone else's) attitudes. It is part of the framework within which not just responding

differentially to copper things, but responding by describing them as *copper* (applying the

concept <u>copper</u> to them) is possible. And the particular lawful connections that concept stands in

are also a matter of the status (responsibility, commitment) the judger undertook, and are not

themselves attitude-dependent. The *force* of her commitment is attitude-dependent, but not its

content. In instituting statuses by their attitudes, Kantian judgers make their further attitudes

(what other commitments they acknowledge) liable to normative assessment according to

standards set by statuses—paradigmatically what is a lawful, so counterfactual-supporting

reason for what—that are *not* themselves attitude-dependent. In holding this view, Kant stands

firmly in the earlier self-government tradition, where we are supposed to govern our attitudes so

as to conform them to antecedent attitude-independent normative statuses concerning what is a

reason for what (grounded in the nature of the things we are thinking about). That the statuses

knowers institute by their attitudes, the commitments they undertake and acknowledge, are in

this way constrained by lawful relations in general, and by the particular lawful hypothetical

relations their contents dictate, in no way makes them heteronomous. The idea that empirical

contentfulness is possible and intelligible only within the sort of framework of lawful

connections articulated by categorial concepts (such as the alethic modal ones implicit in

subjunctively robust hypothetical judgments) is meant to explain how that can be.

Fourth, Kant thinks that there are some *judgments* relating categorial concepts that we must acknowledge as true, if only implicitly, simply in virtue of the distinctive expressive role of those concepts. The contents of empirical descriptive concepts must stand to one another in lawful, explanation-supporting rational (in the sense of inferential, reason-supplying) relations. In Kant's idiom, the object-language correlate of the necessity expressed by laws of nature is "cause" (Hegel's "force"). So he can see the material-mode expression of the metadiscursive (transcendental) necessary connection between explanation and empirical description as the claim that all empirical events have causes—that is, are in principle explainable in terms of other empirical events. Claims with this special expressive role have a special epistemic status: they are synthetic (since not derivable from the relations between contents of any particular empirical descriptive concepts) and knowable *a priori* (since not their status does not depend on the truth of any particular empirical judgments).

Viewed against the background of this set of nested claims about concepts, Kant's Copernican Revolution, and the transcendental idealism that informs it, appears as an optional, late-coming account of the status of pure categories and synthetic judgments knowable *a priori*. It depends on a constellation of claims about the role of sensuously immediate intuition in the use of empirical concepts that is in principle independent of this line of thought about concepts. Hegel rejects this further step, as an expression of modernity's one-sided emphasis on the attitude-dependence of normative statuses. We have followed, in our discussion of the *Consciousness* chapters, the alternative way Hegel wants us to think about the role of sensuous immediacy in empirical cognition.

On the practical side, Kant thinks that when we look at the framework presupposed by exercises of intentional agency (applying concepts in endorsing practical maxims), we find implicit commitment to acknowledge the dignity of normative subjects (knowers and agents). In the context of some other substantive collateral commitments, Kant argues that these implicit commitments are codified in various formulations of categorical imperatives. I am not concerned here with the details of the arguments for the existence either of synthetic truths knowable *a priori* or of categorical imperatives, important as those arguments are in other contexts. The structure I want to emphasize is rather the way in which—if we ignore the bridge too far (according to Hegel) of the Copernican revolution optionally grafted on to the four-part line of thought I have just rehearsed, which has no real analogue on the practical side—Kant has synthesized the modern idea of the attitude-dependence of normative statuses (rooted in the voluntarist wing of the natural law tradition) with the premodern idea of the status-dependence of normative attitudes (rooted in the intellectualist wing of the natural law tradition). On the Kantian story, it is entirely up to the normative subject what explicit commitments she undertakes. She is autonomous, free in the sense Rousseau identifies. Which determinate conceptual norms she binds herself by, which particular judgments or intentions she endorses, are for her to decide. Her attitudes institute normative statuses, commitments and responsibilities, that bind her by conceptually articulated norms. As a normative subject, a knower and agent, she has the authority to undertake those responsibilities by adopting attitudes acknowledging them. That without such normative attitudes of acknowledging and attributing commitments there are no commitments or responsibilities, no normative statuses, is the fundamental modern insight into the metaphysics of normativity, according to Hegel. (For Kant,

the attitudes of attributing are all *self*-attributions.) But Kant also claims that in *explicitly* undertaking *any* determinate commitments, exercising the authority to undertake *any* determinate responsibilities, knowers and agents thereby, whether or not they want to, intend to, or realize that they are doing so, *implicitly* acknowledge substantial categorical commitments. Paradigmatically, these are commitments to the lawfulness of empirical events and the unconditional dignity of rational normative subjects: subjects liable to normative assessment as to the *reasons* that would justify what in virtue of that very liability count as their *discursive* commitments: judgments and intentions. These responsibilities are *transcendentally* imposed, but *empirically* are only to be acknowledged in the attitudes of normative subjects.

What the framework-articulating categorial judgments express is that the *autos* of autonomy is just one element of a structure that equally essentially includes *nomos*. It is up to the individual subject of normative statuses *which* commitments she binds herself by, which responsibilities she undertakes. But those attitude-instituted statuses then *bind* the one who instituted them. What is a reason for what is a matter of the relation between contentful statuses that is not at all dependent on the attitudes of those whose statuses they are—or indeed, of any attitudes at all. Having undertaken one commitment obliges one to acknowledge others: those that are its rational consequences. That one is obliged to have reasons for one's commitments is a responsibility that is not an attitude-dependent feature of theoretical or practical experience. Not only that one is subject to normative assessment as to the goodness of one's reasons for the commitments one has undertaken but what would count as fulfilling that responsibility are not attitude-dependent in the way in which what ground-level commitments one undertakes is. In exercising one's authority to undertake responsibilities by adopting attitudes, one also subjects

one's attitudes to assessment as to whether they suitably acknowledge those responsibilities and what they attitude-independently entail. It is the business of transcendental philosophy to teach us not only about the attitude-dependence of normative statuses in the sense of autonomy (freedom as constraint by norms we have imposed by our own attitudes) but also about how this autonomy is necessarily exercised within a context of normative statuses that knowers-and-agents are rationally obliged to acknowledge in their attitudes.

VIII.   Hegel's Social Recognitive Model of Normativity

Hegel admires and applauds this synthesis of what each of the two traditions got right: the structural reciprocity of normative attitudes and statuses, according to which each is both authoritative over and responsible to the other. Here, he thinks, Kant plants the seeds of a post-modern overcoming of the opposition between the one-sided traditional exclusive emphasis on objectivity (the authority of status over attitude) and the one-sided modern exclusive emphasis on subjectivity (the authority of attitude over status). He rejects, however, the particular structure Kant has put forward to achieve this synthesis. For Kant's understanding of the relation between the two dimensions of authority and responsibility relating normative statuses and attitudes is hylomorphic. The normative statuses that rationally demand acknowledging attitudes on the part of knowers-and-agents, which Kant sees as commitments implicit in the undertaking or acknowledging of any particular determinate commitments (the endorsement of any judgments or rules for acting), are those that articulate the *framework* that makes empirical knowledge and practical intentional action possible in the first place. What they express is features of the conceptual *form* that particular conceptual contents and their applications must

exhibit. The normative statuses that normative attitudes are dependent upon are those articulating the *form* of normative attitudes. The normative attitudes that normative statuses are dependent upon are those determining the *content* of those statuses. My talk of categorial concepts as making explicit features of the "framework" within which empirical description and explanation are conducted on the theoretical side, and determinate exercises of intentional agency are conducted on the practical side, is a way of indicating this form-articulating expressive role played by those categorial concepts, and the synthetic judgments knowable *a priori* to which they give rise. From Kant's point of view, the premodern tradition was right about the *form* of normativity: it provides substantial normative statuses that our normative attitudes are unconditionally obliged to answer to. The moderns were right about the *content* of normativity: determinately contentful normative statuses are instituted by the normative attitudes of those subject to assessment according to them.

There is a potential for confusion here. Kant did not, and we should not, run together the hylomorphic distinction between form and content in the sense of matter with the Fregean distinction between pragmatic force and semantic content. Kant applies the distinction between form and matter *both* to the acts of judging (and intending or willing, generically: endorsing) *and* to what is judged (or willed), the conceptual contents of those acts. Neither the form of the act (what one is doing in judging or intending, namely exercising one's authority to make oneself responsible) nor the form of the content (standing in relations of inferential inclusion and exclusion that determine the potential for those contents to be integrated into apperceptive unities) is within the authority of the normative subject. It is up to the subject which particular

determinate conceptually contentful acts to perform: the matter that takes the form of normative acts with conceptual content. Judgeable contents have conceptual form and intuitive matter.

Acts of judging (the original kind of synthesizing) also have a form and a matter. Their subjective form is the "I think." Their objective form is the "object=X", which indicates that in judging one has made oneself responsible *to* something (what is in that normative sense represented by it), which exercises authority over assessments of the correctness of the judging. Their matter is the actual concrete unrepeatable act of synthesizing *that* content (intuitions and concepts) at *this* time (in the context of just *these* collateral commitments). That judgeable contents have conceptual form is to be understood in terms of the form of acts of judging. Judgeable contents stand to one another in determinate relations of inferential containment and exclusion. It is these relations that determine their potential for integration into a constellation of doxastic-epistemic commitments exhibiting the rational unity characteristic of apperception. That is a dynamic unity subject to normative assessment of the extent to which its process of development (the activity of apperceiving) is responsive to structural norms obliging the apperceiver to have reasons for the commitments it acknowledges, to acknowledge commitments that are consequences of those it acknowledges, and to reject commitments materially incompatible with them. The requirement that conceptual contents stand to one another in determinate material inferential and incompatibility relations is accordingly a categorial demand binding the attitudes of individual knowers (and agents)—a demand deriving from the form of the apperceptive act of judging.

As I read him, Hegel endorses the aspiration to give both the status-dependence of normative attitudes and the attitude-dependence of normative statuses their due, and to see these reciprocal relations of authority and responsibility between normative statuses and normative attitudes as two sides of one coin, inseparably intertwined and jointly constitutive of the very concepts of normative status and normative attitude. But he does not think understanding them related as articulating respectively the form and the content of normativity does justice to their actual relationships. Here, as elsewhere, he thinks that distinguishing the essential elements of this constellation of metaconceptual dimensions of reciprocal authority and responsibility on the hylomorphic model of form and content is an unsatisfactory, because ultimately dualistic, construal. He sees it as a paradigmatic strategy of Verstand. The proper conception, utilizing his preferred metaconcepts structured as Vernunft, requires moving from the model of individual autonomy to the social model of reciprocal recognition.

The point of my rehearsal of some of the large-scale strands of thought shaping the early modern metaphysics of normativity has been to make it possible to show how Hegel weaves them together in an altogether original way. His account of normative statuses as instituted by the proper social constellation of recognitive normative attitudes is the fifth model we need to consider. It is both the successor and product of the four we have already considered: the traditional subordination-obedience model, the modern subordination-obedience model epitomized by the Grotian tradition of natural law, the perfectionist-empiricist-sentimentalist tradition, and the radically modern Kant-Rousseau autonomy model.

According to Hegel's model, normative statuses are instituted by special sorts of normative attitudes when those attitudes exhibit a distinctive kind of social structure. The kind of normative attitudes a structurally suitable constellation of which are capable of instituting genuine normative attitudes are attitudes of what he calls "*recognition*" [Anerkennung]. (He takes over the term from Fichte, but assigns it as distinctive and novel a function and so content as, for instance, as he does with his adaptation of Kant's vocabulary of "Verstand" and "Vernunft.") Recognizing something is recognizing some*one*: taking or treating someone *as* a normative subject, that is, as the subject of normative statuses and (so, on this model) as both the subject and object of normative attitudes. The distinctive social structure of recognitive normative attitudes that Hegel takes to institute normative statuses is *reciprocal* or *mutual* [gegenseitig] recognition. Recognitive attitudes attribute normative statuses. General recognition is attributing a kind of normative metastatus: the status of being a normative subject. Since according to the model this metastatus is instituted by recognitive attitudes when they are symmetric, when one is recognized by someone one recognizes in turn, it is a normative status that can in principle be exhibited only by those who both adopt normative recognitive attitudes and have such attitudes adopted towards them. So to have normative statuses one must be both subject and object of normative recognitive attitudes.

This last point is particularly important. Hegel takes over from Kant a normative understanding of what it is to be a self. Selves just are normative subjects, whatever exhibits normative statuses. The idea that to be a self is to be self-*conscious*, a self-consciousness, then shows up for both Kant and Hegel as the claim that the normative *attitudes* of the self play an essential role in constituting or instituting normative statuses, and so normative selfhood. For Kant, to be a

self is to be a judger and an agent. According to his normative understanding of empirical

consciousness and agency, this is to be the subject of epistemic and practical *commitments*. And

to *be* committed is to adopt normative *attitudes*, to *acknowledge* commitments, to *endorse*

judgeable contents and practical maxims. What *makes* one committed is that one *takes* oneself to

be committed. (Adopting those explicit attitudes of acknowledgment turns out to involve

implicitly acknowledging the authority of various other commitments and responsibilities,

including framework-articulating categorial ones and those articulating the determinate contents

to which one has made oneself responsible by endorsing particular judgments and practical

maxims.) On this account, the phrase "self-conscious selves" is redundant: selves as such are

self-conscious.

One big difference between Kant's and Hegel's versions of this line of thought is that Kant takes

individual, self-regarding normative attitudes to be *immediately* constitutive of normative

statuses. By contrast, on Hegel's account, no single individual's attitudes institute normative

statuses, and no single attitude is immediately constitutive of any normative status. The attitudes

of multiple normative subjects, each playing the role both of recognizer and recognized, subject

and object of normative attitudes, are required to institute normative statuses—including the

metastatus of being a self or subject of normative statuses. Any particular individual recognitive

attitude is constitutive of a normative status only when mediated by a corresponding recognitive

attitude on the part of the one to whom it is addressed. For Hegel, this normative achievement,

being a subject of normative statuses, is a social achievement. Normative statuses are social

statuses. And self-consciousness is equally a social achievement and a social status. It is not

something that happens between the ears of an individual. It is, we could say, the product of a recognitive conversation.

Hegel's is a paradigmatically modern view according to his own understanding of modernity, in that it acknowledges the attitude-dependence of normative statuses. Like Pufendorf's notion of imposition, or Kant's autonomy view, or what I have been calling the "perfectionist-empiricist-sentimentalist" metaphysics of normativity (a baggy, capacious term that wears on its face the crass assimilations it incorporates), it understands normative statuses as instituted by normative attitudes. But like the traditional subordination-obedience model, and the modern Grotian version that Pufendorf develops, and unlike Kant's, it sees the institution of statuses by attitudes as an essentially *social* affair. Rousseau's understanding of freedom as self-legislation, which Kant is developing, *can* take a social subject—when the collective *volonté générale* institutes obligations binding on all citizens of the community constituted thereby—but it is like Kant's in taking the communal attitudes then to be both self-regarding (reflexive, rather than symmetric) and immediately constitutive of genuinely binding normative statuses. Hegel combines his version of the essentially modern idea that normative statuses are instituted by normative attitudes with the Kantian normative conception of self-hood as essentially self-conscious, to arrive at a social theory of self-conscious selves as subjects of both attitudes and statuses.

The subordination-obedience model essentially incorporates an *asymmetric* social relation, however. One party commands and another obeys. Recognition, too is itself an asymmetric social relation. It has a recognizing subject and a recognized object. But it is the essence of Hegel's metaphysics of normativity that the recognitive attitudes in question be symmetric and

reciprocal, in that sense, mutual. The roles of recognizer and recognized (being the subject and being the object of recognitive attitudes) are distinct, and the individuals playing those roles are distinct. But all parties must play *both* roles with respect to each other for their normative attitudes to institute normative statuses. Since no single recognitive attitude is immediately constitutive of a normative status, the asymmetry of recognition relations does not make the "imposition" of normative statuses by attitudes asymmetric. Kant and Rousseau achieved symmetry within a conception that is recognizably a version of the legislating/obeying model by adopting a *reflexivity* strategy: identifying the commanding with the commanded. Hegel does so by adopting a *symmetry* strategy: understanding the key social normative relation to be one where both subjects standing in that social recognitive relation play both roles. Both metaphysical models can be seen as versions of the idea that normative attitudes of command and obedience between individuals standing in subordination relations can institute statuses of obligation that are genuinely *normative* statuses only if they are intelligible as having the structure of *self*-government. The autonomy model applies that idea by requiring that the instituting attitudes be reflexive. The recognition model applies that idea by requiring that the instituting attitudes be symmetric. The dyadic symmetry requirement can be thought of as a species of the monadic reflexivity requirement in which the self-governing unit that is the subject of both the instituting attitudes and the instituted statuses is no longer an individual 'I' but a social 'we' forged by symmetric recognition. According to this new essentially social conception of normative self-hood, the self-constituting, self-conscious subject of both normative attitudes and the normative statuses they institute is what Hegel calls "the 'I' that is 'we', the 'we' that is 'I'."[37]

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[37] [ref].

So Hegel presents a social theory at once of the relation between normative attitudes and normative statuses, of the nature of selves as normative subjects of such attitudes and statuses, of self-consciousness understood in terms of the relations between attitudes, statuses and selves, and of freedom according to the self-governance tradition as integral to self-consciousness instituting normative statuses by its attitudes. On this account, communities are synthesized along with essentially self-conscious normative subjects, by their recognitive attitudes and practices. Especially in the *Preface*, Hegel refers to such recognitive communities as (social) *substance*. The normative character of such substantial communities, the attitudes and statuses whose interplay synthesize it, he refers to as its *essence*. He is particularly concerned there to emphasize that as he understands them, social substance and individual self-conscious subjects are two sides of one coin, joint products of recognitive processes. Those are the processes by which *particular* desiring organisms become self-conscious normative *individuals*, with a normative *essence* and not just an organic *nature*, by adopting towards one another recognitive attitudes that synthesize them as members falling under a *universal* or community. This model of the relations between particularity, universality, and individuality as particularity characterized by universality serves as the governing paradigm for his understanding of these logical metaconcepts in their most general applications.

Hegel's recognitive account of sociality is of a distinctive kind. It is instituted by dyadic recognitive relations. It is accordingly a kind of 'I'-'thou' sociality, rather than the sort of 'I'-'we' sociality Rousseau, for instance, envisages. The 'we' Hegel identifies with the 'I' in the passage quoted just above is in the first instance the 'we' constituted by the dyad of recognized

and recognizer when that relation is symmetric. It is symmetry of such dyadic recognitive relations that institutes the reflexive normative self-relation of being essential self-consciousness. Larger communities ('we's) are synthesized by linking such symmetric 'I'-'thou' recognitive attitude pairs. In fact, as I argued in the previous chapter and will return to below, for Hegel general recognition is in principle transitive: one is committed to recognizing those recognized by those one recognizes. When recognitive attitudes are in fact also symmetric (and therefore reflexive), recognition relations take the ideal shape of equivalence relations: transitive, symmetric, and reflexive. In that case, recognitive communities ('we's as universals) take the ideal shape of recognitive equivalence-classes of individuals.

The story of the emergence of egalitarian models of normative communities from hierarchical ones during the early modern period is a complex one. Viewing it through the lens of the distinction between I-we and I-thou construals of the metaphysical constitution of communities (and in Hegel's case, of self-conscious individuals) exhibits a further level of fine structure. The tradition, too, had understood normative social relations to begin with in terms of an intrinsically asymmetric dyadic relation: of statuses of superiority and subordination, and attitudes (informing practices) of command and obedience. Its purest expression is in a rigidly hierarchical view of communities in which the station of each individual is defined by the (at the limit empty) chain of superiors above and the (at the limit empty) chain of subordinates below. (This is the social structure that is then projected into the metaphysics of an objective *scala naturae* legitimating such an asymmetric hierarchical normative social structure of authority and responsibility.) Hobbes's Leviathan version of the metaphysics of normativity Grotius introduced, driven by the natural imperative to moderate social conflict, though, instituted a normative 'we' represented by

a sovereign. Its members did form an equivalence class of all those voluntarily (by their implicit normative attitudes) sharing the normative status of subordination to the *same* sovereign. The authority of the sovereign over the individual is the authority of the 'we' over the 'I'. And in spite of starting from motivational raw materials diametrically opposed to the individual self-interest on which Hobbes erects his metaphysics of normativity, his great opponent Cumberland's invocation of a primitive sentiment of universal (if admittedly defeasible) benevolence also culminates in the institution of a 'we' (all those to whom one feels benevolence, oneself showing up only as a somewhat special case) whose interests are accorded a certain priority over those of the 'I'. These are the seeds that flower into the 'we' of Locke's democratic polity and the 'we' of Rousseau's *volonté générale*. Hegel's route from what appears to be an intrinsically asymmetric 'I'-'thou' recognitive relation to recognitively egalitarian communities of recognized recognizers whose defining normative status of self-conscious individuality is itself a social product of recognitive normative attitudes expresses a metaphysical strategy strikingly different from both traditional hierarchical and later egalitarian 'I'-'we' understandings of communities. Though it weaves together the strands of thought provided by all the early modern approaches to the metaphysics of normativity in a wholly new way, on this dimension of the structure of communities Hegel's account perhaps bears the closest resemblance to that of the sentimentalists downstream from Cumberland's envisaged community of individuals bound together by benevolence of each for all and all for each.

IX.   The Social-Recognitive Model as Naturalizing Normativity

Another way in which Hegel's account of the social institution of normative statuses by reciprocal recognitive normative attitudes (the paradigm of raising particulars to individuals by bringing them under universals) develops themes central to the tradition of early modern metaphysics of normativity is that his social story of the origin of normative statuses in normative attitudes is also a way of *naturalizing* them. This point is particularly evident if we contrast his story with Kant's, in which the normative properties essential to discursivity and rationality, such as the Verbindlichkeit of concepts and the Gültigkeit of judgments, are accorded a somewhat ethereal noumenal, ultimately *sui generis* character. Empirical activity, both cognitive and practical, presupposes the normative character of concept-use, that judging and willing are kinds of *endorsement,* are the exercise of distinctive sorts of *authority*, the undertaking of characteristic species of *commitment*. Hegel's construal of normative statuses as *social* statuses, as instituted by social practices and processes and recognition, removes the realm of norms from the hidden interior of individual self-consciousnesses and brings it out into the public light of day, "a display of what is one's own in the element of universality whereby it becomes, and should become, the affair of everyone."[38] This social move at the same time brings normativity down to earth from the transcendental heaven in which Kant had located it. It is recognizably a development in the long tradition that opens with the gradual secularization of normativity. Schneewind says

> Grotius removed natural law from the jurisdiction of the moral theologian, to
> whom Suarez assigned it, and made its theory the responsibility of lawyers and
> philosophers. Numerous Protestant writers on ethics and the foundations of
> politics followed him in using the language of natural law while detaching it from

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[38] *Phenomenology* §417.

the specific doctrines of any particular religious confession, whether Protestant or Catholic. In a broad sense they are all Grotians.[39]

Pufendorf, in particular, we have seen, pushed this process along by understanding normative statuses as "imposed" by the attitudes and activities of human beings. Hegel synthesizes this strand of the tradition with the British strand of which Hobbes and Cumberland are emblematic, including the later sentimentalists which seeks to ground normative statuses in antecedent material motivations and attitudes. His recognitive social account of the advent of normativity also picks up Rousseau naturalism. Hegel's story about how particular desiring organisms raise themselves into individual denizens of the universal realm of Geist by adopting normative attitudes towards one another develops all these currents of thought in a unique way.

The naturalism in question is not predicated on the possibility of reduction of the normative products of social interactions to processes intelligible from the standpoint of the natural sciences. New things happen at the social level. Specifically, the normative realm of Geist and so discursivity itself is instituted. Hegel's is a naturalism more akin to that of the later Wittgenstein. Wittgenstein, like Kant and Hegel, sees its normativity as a defining characteristic of intentionality. He is interested in the way intentional states such as believing something, meaning something, desiring of intending something, as it were reach out to various possible states of affairs and sort them into those that are and those that are not in accord with the content of the intentional state.

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[39] Schneewind, Chapter 5, p. 82.

> Someone says to me: "Show the children a game." I teach them gambling with
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> dice, and the other says "I didn't mean that sort of game." Must the exclusion of
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> the game with dice have come before his mind when he gave me the order?[40]

The thought is that the retrospective claim about what was meant, intended, ordered, or requested

is quite correct: she did *not* mean that kind of game. We might find ourselves puzzled about this

normative significance, as about how a sign-post can show us the right way to go. Wittgenstein

aims to demystify the normativity that articulates discursive content by showing it as a feature of

the natural history of beings like us, who produce and consume such normative significances

through our social practices. If we can fully understand how we come to learn to engage in

practices of being guided by (responding appropriately to) sign-posts and requests, then the idea

that something metaphysically spooky, non- or super-natural is going on is dispelled.

Wittgenstein is in Huw Price's sense a "subject naturalist" rather than an "object naturalist."[41]

That is, he is a naturalist about our implicitly normative social practices (of Pufendorfian

"imputation" and "imposition") rather than being concerned about how to fit normative

significances into a physicalist ontology.

Hegel's naturalism includes this strand of thought, but goes far beyond it. His sophisticated

metaphysics of normativity, and how it relates to the natural, causal order studied by natural

science, is a central topic of the rest of this book. Hegel has explicit views about the sort of

reductive naturalism that would lead, later in the nineteenth century, to *genealogical* assaults on

the idea that discursive norms can be genuinely *rationally* binding. Such views invoke the

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[40] *Philosophical Investigations* §70.
[41] Huw Price "Naturalism without Representationalism," in *Naturalism in Question,* ed. Mario de Caro and David Macarthur, (Cambridge, MA: Harvard University Press, 2004), pp. 71-90.

possibility of naturalistic causal accounts of normative attitudes, paradigmatically believings, that do not provide reasons for or evidence justifying the truth of the content believed. On this account there are not really any norms (normative statuses), but *only* attitudes of attributing and acknowledging them. According to genealogical accounts, explanation of the advent and antecedents of such attitudes need make no reference to normative statuses at all. Such a view is the *ne plus ultra* of modern subjectivism, a view that counts as alienated just insofar as it makes no room for normative statuses serving as standards for assessments of the correctness of normative attitudes. Hegel addresses such views at the end of the *Spirit* chapter, using the allegory of the Kammerdiener or valet. Hegel's own attitude is summed up in the slogan "No man is a hero to his valet—but that is not because the hero is not a hero, but because the valet is a valet."[42] The edelmütig hero is the one who acts as he is committed to act, who adapts his attitudes and the conduct that expresses them to norms that transcend those attitudes. The niederträchtig Kammerdiener is the one who sees only subjective attitudes. (I discuss these passages in detail in Chapter Fifteen, "Edelmütigkeit and Niederträchtigkeit: The Kammerdiener.") Hegel's own view is a kind of compatibilism about naturalism and normativity. He acknowledges the possibility of a reductive explanation of normative attitudes that appeals only to other attitudes and not to norms determining reason-relations between them. But he tells a balanced story comprising not only the attitude-dependence of normative statuses but the status-dependence of normative attitudes.

Wittgenstein's deep concern—only one of whose expressions is what have come to be known as "the rule-following considerations"—is to understand how, in the context of ongoing social

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[42] *Phenomenology* §665.

practices, our actual attitudes and peformances can bring into play genuine, determinately

contentful normative statuses (norms, commitments, entitlements, reasons), to which our

attitudes answer normatively, that normatively govern our performances in the sense of

providing standards of assessment of their correctness. Wittgenstein, too, sees a genealogical

challenge to the intelligibility of the genuine bindingness of conceptual norms. He appreciates

and teaches us to appreciate the radical *contingency* of the norms implicit in our practices—their

counterfactual sensitivity to accidental features of our embodiment, the vagaries of the process

by which the norms developed through prior applications, the way they have responded to the

presence of collateral commitments that might have little rational bearing on them. Once we

understand the variety of the dependences of the contents of our conceptual norms on factors that

do not provide reasons for applying them one way rather than another, all the true subjunctive

conditionals specifying that if these contingencies *had* been different, the content of our concepts

would have been different, how are we to make sense of those concepts as nonetheless genuinely

normatively binding on us? These discursive norms articulate our rationality, by articulating

what is a reason for what. What becomes of the idea that some applications of concepts in

judgment and intention *rationally* commit us to others, *rationally* bind our further attitudes?

Hegel's answer to this question is his account of the relation between the normative *force* of

recognitive attitudes that are actually adopted, in contingent circumstances, and the determinate

conceptual *contents* that are conferred on them by that particular history of use. Those contents

determine what one is actually committing oneself to by applying those concepts, that is, what

normative status one is adopting by taking up a certain attitude, by endorsing a particular content

in a context. So the account of the relation of reciprocal dependence between normative attitudes

and normative statuses that takes us beyond the one-sided traditional emphasis on the status-dependence of normative attitudes and the one-sided modern emphasis on the attitude-dependence of normative statuses is part and parcel of the story about the relation between normative *force* and conceptual *content*. The key to Hegel's story, as I see it, is that *only* a certain kind of process of incorporating contingencies of actual applications of a concept *can* confer *determinate* content on it. The reconstrual of determinateness this insight requires is the core of the move from the standpoint of *Verstand* to that of *Vernunft*.

X.   The Historical Dimension of Recognition

Hegel's answer depends not only on the *social* recognitive strand put into play in *Self-Consciousness*, but also, crucially, on the *historical* strand we saw for the first time in the *Introduction*, and which is further developed in *Reason* and *Spirit*. (We saw it foreshadowed also in *Sense Certainty*'s discussion of *anaphora* as anaphoric-historical connection between attitude-tokenings, needed for the determinate contentfulness of responsively elicited empirical judgments.) The retrospective rational reconstruction of a tradition of concept-applications is the process that "gives contingency the form of necessity." Viewed *pro*spectively, the particularity and contingency of individual attitudes shows up: the sense in which they are explicable in terms of other attitudes (both prior and collateral) without reference to governing normative statuses. Viewed *retro*spectively, the necessity codified in norms as statuses shows up: the sense in which individual attitudes are normatively governed by universals implicit in the tradition, to which they answer for their correctness. Seeing these dual perspectives as two sides of one coin, as indissolubly linked aspects of one rational process by which conceptual content is determined, is

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what allows Hegel to do justice both to the attitude-dependence of normative statuses and to the status-dependence of normative attitudes. The structure of authority and responsibility it embodies turns out to exhibit the structure of reciprocal recognition. We have to consider recognition in this historical form in order fully to appreciate Hegel's version of the modern idea that normative statuses are instituted by normative attitudes. According to his story, the retrospective rational reconstruction of particular contingently adopted attitudes—the process that turns a past into a tradition, a history—institutes the *representational* dimension of conceptual content. It is what gives us access to the idea of noumena behind the phenomena, of a way things are in themselves that provides a standard for assessing the correctness of the various ways they show up for consciousness. It is what makes sense of discursive attitudes as answering to attitude-transcendent norms, to conceptual contents that determine what is *really* a reason for what, as opposed to what consciousness at various points in the process *takes* to be a reason for what. Hegel elaborates this historical structure in his discussion of intentional agency in the *Reason* chapter, and returns to it at the end of the *Spirit* chapter in his treatment of the final, historically self-conscious form of reciprocal recognition, in the allegory of confession and forgiveness. Filling in the details of this story is the task of the rest of this book.

For Hegel the form of reason's march through history is the telling of a distinctive kind of retrospective rationally reconstructive story (an "Erinnerung") recounting a tradition that is expressively progressive in showing up as the gradual emergence into explicitness of determinately contentful conceptual norms and commitments that become visible as having been all along implicit. In this chapter, I have told a story of this sort encompassing some of the major philosophical landmarks of early modern thinking about the metaphysics of normativity. The

standpoint from which I look back on and reconstruct this tradition is Hegel's own social-recognitive metaphysics of normativity, and especially his diagnosis of modernity as having at its theoretical core the rise of subjectivity in the form of an appreciation of the attitude-dependence of normative statuses. In this respect it aspires to compare as a minor-league instance of the same genre as Schneewind's major-league reconstruction of the same tradition construed as culminating in Kant's individual-autonomy metaphysics of normativity, in his magisterial book *The Invention of Autonomy*.[43] In my story, Kant plays a decisive role in raising the stakes for a metaphysics of normativity. Before him, even for his hero Rousseau, normativity mattered for practical philosophy, for moral, social, and political thought. Appreciating for the first time the essentially normative significance of concept-use generally, Kant broadens the significance of normativity to take in the whole of the discursive realm. Schneewind does not see this side of Kant's achievement, which shows up most vividly Hegel's radicalization of this Kantian insight. The rationally reconstructed story of the antecedents of Hegel's view that I have told here is mine, not Hegel's. (His treatment in the *Lectures on the History of Philosophy* of Pufendorf, one of the figures I see as absolutely central, for instance, is quite perfunctory—though he does refer to him one of the "great writers" on the topic.[44]) I have been guided throughout by where I take it Hegel got to, rather than by his own rational reconstructions.

Hegel is the first to see that not only do philosophical *theories* of the metaphysics of normativity, what normativity is *for* philosophical consciousness, have a history, but that what normativity is

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[43] Jerome Schneewind, *The Invention of Autonomy: A History of Modern Moral Philosophy* [Cambridge University Press, 1997].

[44] Haldane, E.S. and Simson, F.H (trans.) *Hegel's Lectures on the History of Philosophy* [Routledge & Kegan Paul, 1968], Volume III, pp. 321-2. The "great writers" remark is at p. 399. Hegel discusses Pufendorf as characteristic of the "skeptical understanding" of which Hobbes, Locke, and Clarke are also representative. Mostly what he emphasizes is the *social* element, taken as basic, which he shares with Grotius.

in itself also changes, develops, and has a history. That is so precisely because of the dimension of attitude-dependence of norms that is, according to him, the great discovery of modernity. Normativity is, for Hegel as for Kant, the fabric of self-consciousness, and as essentially self-conscious creatures, what we are in ourselves depends on what we are for ourselves. As we will see, the *Spirit* chapter of the *Phenomenology* presents a history of the metaphysics of normativity in this ontological sense. On the side of intellectual history what shows up in the first instance is the shift from traditional subordination-obedience *models* of normativity to modern self-governance models (comprising both Kantian species in terms of individual autonomy and Hegelian species in terms of social recognition) and the theoretical shift from traditional exclusive emphasis on the status-dependence of normative attitudes to modern exclusive emphasis on the attitude-dependence of normative statuses. But intertwined in tandem with this development of structural ways of understanding the metaphysics of normativity is a corresponding development in the phenomenon understood. At the center of the rise of modernity is a development of the structure of social recognitive attitudes and practices that articulate the normative discursive realm of Geist.

My topic here has been the intellectual antecedents of Hegel's social-recognitive theory of the metaphysics of normativity. Principal moments in my rehearsal begin with the development of traditional subordination-obedience accounts into distinctively modern versions of the subordination-obedience structure, within the natural law tradition. From the point of view of Hegel's overarching understanding of modernity in terms of the dawning appreciation of the attitude-dependence of normative statuses, the voluntarist strand in this tradition is of particular significance. We saw here too the origins of the progressive idea that a status (superiority) that

includes having attitudes (commands) that can institute statuses is itself a status that is normative not only in its consequences, but in its conditions. The social functional origin of and rationale for norms is emphasized by everyone downstream from Grotius. The combination of thinking of normative statuses as instituted by normative attitudes and an appreciation of the social setting in which this process of "imposition" takes place are motives for the growing secularizing and naturalizing of normativity, not only in the Grotian tradition, but also in the sentimentalist wing of early modern thought about normativity. In the same naturalist, empiricist, sentimentalist tradition, an understanding of normativity in terms of self-governance develops. Crucially, Kant broadens the significance of all these considerations, by seeing normativity as not just of narrowly moral significance in practical philosophy, but as the fundamental structure of consciousness and self-consciousness überhaupt. And he turns Rousseau's understanding of freedom in terms of self-governance into a full-blown metaphysics of this broader notion of normativity as autonomy. The self-governance tradition had rejected asymmetric subordination models in favor of symmetric, universal relations of benevolence or subjection to a common ideal sovereign. These traditions are then synthesized in Rousseau and Kant in the form of a symmetric model of freedom and normativity generally as social or individual autonomy. Hegel's symmetric social-recognitive metaphysics of normativity pulls together all of these strands of thought. In the *Self-Consciousness* chapter we get our first glimpse of Hegel's picture of the realm of discursive norms or universals, Geist, as the product of the practical attitudes of particular creatures who become essentially self-conscious individual normative subjects by subjecting their attitudes to assessment according to the norms the recognitive community has historically instituted.

End