

The experience of moral obligation

Preparatory notes on behalf of a historical ontology of moral subjectivity

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§ 1 Kant: the primacy of moral experience

Kant's moral philosophy is an effort to come to terms with a basic moral experience: the experience of moral obligation, or respect for the Law. The capital indicates that what is at stake here is not any law in particular, but rather the apriori condition of moral (or responsible) behaviour as such: our being a moral (that is, a free and rational) subject. In his *Critique of Practical Reason* Kant argues that our being a free and rational moral subject is an 'objective necessity'. For it is an undeniable 'fact of reason' that the experience of obligation presents itself to us, enforces itself upon us.[1] Now, for any living being to have this experience while being unfree, to find himself faced with this experience while being unable to live up to it, would be an absurdity. Therefore, it is in the experience of moral obligation as such that he discovers his freedom, it is in the experience of respect for the Law that his being a moral subject reveals itself. We can act morally and in a responsible manner because we are faced with the experience that we ought to.[2] In other words, Kant rejects the primacy of ontology, constitutive of over twenty centuries of metaphysical thinking, and opts for the primacy of practical reason: our understanding of what we are in terms of ontology is derived from what we ought in terms of ethics.[3] Moreover, conscience is not something to be acquired, and although moral agency can be reinforced by moral education, it does not depend on it; for the experience of being a moral subject, of being susceptible to moral demands, is present in all of us.[4] Moreover, conscience is like an inner Court of Law,[5] an inner judge observing us, neither established by us, nor at our disposal; a terrible inner voice which can be disregarded, but never silenced.[6]

Subsequent philosophers, most notably Hegel, Nietzsche and Heidegger, considered Kant's understanding of the experience of moral obligation insufficient and unsatisfactory in at least one important respect. The experience of moral obligation as such is taken for granted by him - it is, according to Kant, an 'undeniable' fact of reason. But where does this experience actually come from, and how did we become the kind of moral subject (free, rational and responsible) that is susceptible to it? Hegel, for example, claimed that the Greek did not yet have a conscience and that the experience of moral obligation apparently was unknown to them. In short, what Hegel, Nietzsche and Heidegger have in common is the basic conviction that moral subjectivity is profoundly historical and that our being a moral subject in the Kantian sense of the term, is the outcome of a long history - a necessary and permanent outcome according to Hegel, a contingent and temporary one according to Nietzsche and Heidegger.

Now Kant never denied of course that actual moral norms and conventions are due to change over time, but that is not the issue. Regardless of empirical varieties in terms of time and place, regardless of the actual behavioural patterns of empirical individuals, the basic structure of moral subjectivity as such which allows these varieties to emerge and which allows certain historical changes to occur, is considered by him as an apriori objective necessity. The question is not what particular norms and conventions we happen to adhere to, for that is what Kant would refer to as the subject matter of anthropology. Rather, what is at stake here, as far as ethics proper (or practical reason) is concerned, is the basic structure that allows us to develop certain norms and conventions at all, that allows us to adapt to them or to acknowledge them in the first place. Notwithstanding their countless and irreconcilable differences, Hegel and Nietzsche agree on this one very fundamental issue, namely that the basic structures of moral subjectivity as such are historical and that, by implication, ethics is the science, not of the apriori, but of the historical conditions of morality.[7] Or, to put it in genealogical terms, the subject matter of ethics is the sequence of historical forms of moral subjectivity, the Kantian moral subject being merely one particular form of moral subjectivity, emerging and establishing itself at a certain point in history, and due (sooner or later) to disappear again. This is the basic idea which I

intend to explore in the course of this contribution. It is my intention to read Hegel, Nietzsche, Heidegger and others in order to gather a set of leads, while conscious of the fact that further elaboration and clarification is indispensable.[8]

§ 2 Hegel: the birth of conscience

Hegel regards the form of moral subjectivity articulated by Kantian ethics as an outstanding exemplification of a certain (modern) stage of history, a certain (modern) form of moral life, which he refers to as *Moralität*. In his *Philosophy of Right* he claims that, in the case of ancient Greece, most notably in the case of Antigone, *Sittlichkeit* was not yet *Moralität*. The eternal, unwritten moral Law was accepted as absolute and necessary: its validity did not depend on critical reflection, but rather remained inscrutable in the end. The Law was not established by human reason, but 'already there', since time immemorial, eternal and immutable, divine.[9] The ancient Greek, Hegel claims, did not yet have a conscience, they did not consider themselves accountable for the form of moral life they pursued and adhered to, and which had somehow managed to establish itself - or rather, which they regarded as having been established by the gods, being the outcome of divine jurisdiction.[10]

In his *History of Philosophy* (Hegel 1971), however, attention is shifted from Antigone to Socrates. In his case, the Greek had already entered the phase of critical reflection. Whereas pre-socratic philosophers had been 'merely' thinking, Socrates reflected on his own thinking - philosophy had become reflection rather than 'mere' thinking. And from now on, reason was to exercise its negative (reflective, critical) power over established morality - *Sittlichkeit*. The moral subject, rather than the moral law in itself, had become the durable starting point of ethics, the ground of moral validity and truth. That is, the moral Law was no longer merely encountered by man as something given, but established by him. Not in a 'subjectivistic' or voluntaristic manner, of course. It was not the empirical individual, but man as a reflecting human being who had become the measure of all things moral. Yet, the basic form of moral subjectivity exemplified by Socrates was still very far from being modern (or Kantian).

The Greek, Hegel claims, were a very moral people, but not moral in the modern sense. To begin with, ancient morality did not present itself as necessary, as obligatory to all individuals, it did not function as a moral Law the way Kant would come to understand it - an unconditional imperative, applying to all. Rather, moral perfection was regarded as an individual achievement, as the outcome of individual exercise and self-formation (1971, p. 451). The heroes of Greek morality were 'plastic individuals' who had successfully managed to turn themselves into outstanding and exceptional works of art.[11] Moral man was what he, as an individual, had managed to become. Socrates exemplified the transition to reflected morality, which implied the primacy of conscience - *Bewußtsein* - over being - *Sein*. From now on, the Law had to be comprehended and established by the moral subject himself, the individual himself became accountable. In the case of moral conflict, his conscience decided which of the conflicting concerns involved was to prevail - con-science entailing a basic form of moral knowledge. But still, his accountability merely applied to the moral quality of his own life, not to morality in general, not to the moral Law as such - and in this respect Socratic accountability still differed from our ('modern') form. Although in the case of Socrates the moral subject apparently already had something of a conscience, it was not a modern one. What did this mean?

According to Hegel, Socrates exemplifies a pre-modern form of moral subjectivity when he appeals to his daimonion rather than to his conscience -for his daimonion, his 'inner voice', is not yet what Kant will refer to as the 'inner voice of conscience'. It does not yet represent the objective moral truth for all. Although Socrates' inner voice already is a form of moral inwardness - and in this respect already significantly differs from the eternal/external Law of ancient moral experience - it is a form of inwardness than cannot yet be identified with the modern inwardness of the Kantian *Gewissen*. Rather, it is a highly ambiguous form of inwardness, referred to by Hegel as 'inner exteriority'. The daimon or daimonion is an inner voice, coming from elsewhere - a kind of demonic whisper coming from outside.[12] Since its origin (the mysterious, demonic 'elsewhere') cannot be identified with conscience in the sense of *Bewußtsein*, this inner voice cannot yet be regarded as conscience in the sense of *Gewissen*. Rather it is, as Hegel calls it, an inner oracle - a divine inspiration, coming from outside, enforcing itself upon the moral subject, summoning him. Quite unlike the voice of conscience, it is a call the moral subject cannot completely understand. Therefore, it is not conscience, but rather the internalization of the ancient practice of divine inspiration - the oracle. Its model is the ancient

sanctuary, rather than the modern Court of Law. The daimonion is external, inscrutable, demonic. Notwithstanding its inwardness, it nevertheless still relies on the oracle as the basic paradigm of ancient moral subjectivity.

In the case of ancient Greek morality, moral conflicts were decided by divine inspiration, that is: by consulting oracles. The individual did not yet dare to rely on his own conscience. Rather, he allowed the most crucial decisions of his life to be determined by external instruction. This 'lack of freedom', as Hegel calls it, was not abolished by Socrates, since the basic structure of his moral experience remained kindred to the ancient oracle, rather than to what Kant refers to as the 'general moral legislation' present in all of us, and represented by the inner voice of conscience. Freedom and conscience in the Kantian sense of the term apparently entail a recent form of moral subjectivity. In fact, Xenophon actually claims Socrates' daimonion to be a kind of oracle, a phenomenon of divination. In the case of Socrates, divination remained the a priori structure of moral subjectivity. When accused of having brought in strange deities, he justly defended himself by claiming that his reliance on his inner voice, summoning him to refrain from certain courses of action, did not impair the basic structures of ancient moral life, for he attributed it to Apollo, the generally acknowledged demon of divine inspiration. His 'conscience' remained basically demonic and divine. Quite in accordance with the life form of his epoch, he was convinced that divination would allow those who happened to be in the grace of the gods to transfigure their life into a work of art, and to become a 'plastic individual' by remaining susceptible to the demonic summons from elsewhere.

There is one important aspect of Socrates' daimonion, however, which seems to have been neglected somewhat by Xenophon, but was greatly emphasized by Plato (and rightly so): the fact that it was a negative phenomenon. Whenever the inner voice presented itself, became audible, it warned him not to pursue a certain course of action, rather than encouraging him in a positive way, rather than containing an incitement. And this is important, because in Nietzsche's view, the basic feature of the Kantian understanding of conscience, as opposed to ancient forms of moral subjectivity, resides in the fact that it is a negative phenomenon, that it entails an interdiction rather than a summons (or incitement). The moral Law of Kantian ethics basically contains a No, whereas the 'demonic' callings of ancient times were likely to entail an incitement, an overwhelming Yea, a summons to break away, rather than an interdiction.

§ 3 Nietzsche: beyond obedience

Throughout his writings, Nietzsche struggled to get beyond the negative, restrictive, Kantian account of moral obligation. In several of his writings, but most notably in *Morgenröte*, two conflicting conceptions of morality emerge: the Judaic-Christian conception of morality as obedience to an unconditional Law, and the Greco-Roman conception of morality as an ascetic exercise in self-possession and temperance.

According to the first conception, morality is a phenomenon of obedience to an unconditional Law. We obey the commandments of the Law, not because they command the useful or the reasonable, but simply because they command. Morality is basically a phenomenon of fear. Furthermore, it builds on a sense of guilt. We remain guilty before the Law, not being able to live up to its unattainable demands. The Law is authoritarian in and by itself. We simply obey, without questioning reason or purpose. Although one might seriously question whether Nietzsche's account is doing justice either to Jewish or to the Christian understanding of morality, Nietzsche himself remains confident, as far as his interpretation is concerned, and maintains that all efforts to reconcile reason with faith are to be considered as merely superficial - that is: as concealing the basic will to obedience at work.

According to the alternative conception, however, morality is an ascetic exercise, a permanent effort to shape one's body and soul, to attain mastery over one's passions. These passions are not to be exterminated, but rather restrained and governed in a prudent way. By means of exercise and other forms of self-formation, the individual transfigures himself into the plastic hero he set out to become - such is the morality of the master. Later on, however, many of these ancient techniques of moral self-formation were to be appropriated by slave morality - that is, they were put into the service of the (Christian) morality of obedience.

According to Nietzsche, we presently find ourselves in a rather ambiguous situation, which he refers to as a 'moral interregnum'. On the one hand he points out that, notwithstanding the efforts of Enlightenment to humanize and rationalize morality, obedience to authority still remains the basic mood at work in moral experience. On the other hand, the judaic-christian conception has declined considerably in strength, has become less self-evident, and something rather unexpected seems at hand. The Germans, however, notably their spokesmen Luther and Kant, shrink away from these unexpected possibilities and persist in obedience. They sense that, when finally their hour of disobedience will dawn, there is no telling where it will end. For beyond obedience, Nietzsche argues, the Germans tend to become self-destructive, will be overcome by rapture, will act in a demonic vein, in defiance of self-interest or self-preservation, totally devoted to a single delusion. Motivated by an unconscious anticipation of such a risk, German philosophers are likely to remain eager to obey.

No doubt, one might seriously question whether Nietzsche's understanding of Kant's moral philosophy as a phenomenon of obedience is convincing. For, instead of giving voice to an attitude of submission and obedience to a bewildering commandment, Kant rather takes side with the autonomous individual who is to judge, to think and to speak out for himself. Yet, Nietzsche maintains that, eventually, Kant's theory expects us to submit ourselves to a universal imperative, disqualifying a broad range of actions (resulting from natural inclination) as inadmissible - most notably those inclinations which constitute what Nietzsche refers to as the morality of the master. The autonomous moral subject - the anthropological apriori of kantian morality - is produced and constituted by an original act of submission to a basic Law. The ultimate truth of autonomy is heteronomy.

Instead of committing himself wholeheartedly either to the greco-roman conception of morality as an ascetic exercise, or to the judaic-christian conception of morality as obedience, Nietzsche rather seems to opt for some unexpected possibilities about to emerge. Yet, his writings clearly contain the insight that the experience of obedience to an unconditional Law should not be taken to be the inescapable starting point for a philosophical understanding of moral experience as such. Rather, it is to be considered a particular experience, exemplifying a particular form of moral subjectivity which came to be constituted in the course of a particular history, and is now about to give way to quite different forms of subjectivity. That is: the kind of moral subjectivity imposed on us by christianity and reinforced by modernity - the historical apriori of the kantian experience of moral obligation - is to be considered as merely one temporary possibility amongst others.

Although the time-old metaphysical understanding of man as an entity with certain essential characteristics - that is, the understanding of man as a free and rational subject - is overthrown by Kant, he allows the subject to re-emerge as a moral one. In other words, subjectivity is re-established by means of the 'argument from morality'. Nietzsche's basic aim is to complete the Kantian revolt against metaphysics by revealing the historical nature of moral subjectivity. The basic aim of his 'historical philosophy' is to recover morality's base and humble origins.

According to Nietzsche, a decisive turning-point in the making of the modern subject was the astonishing triumph of Christianity over paganism. Christianity, he claims, was basically an ethic of excess. It entailed an excessive inclination to subject oneself to the Law, to authority, an excessive desire for tyranny; and the one thing a true Christian could not bear was moderation. Christianity triumphed over paganism simply because moderation is much more difficult to maintain than continence. Moreover, Christianity was able to solve a tremendous ancient malaise, the problem of boredom, simply because the continuous struggle to overcome one's "internal" enemies (referred to as "demons") was bound to keep the early Christians busy. It goes without saying that ancient paganism involved many forms of discipline, regulation and restraint, and yet there was an immense difference between pagan forms of moral exercise and Christian asceticism. The former aimed at moulding and adapting human drives instead of repressing them. In the case of paganism, all human instincts were acknowledged and considered divine. To every drive, there was a season. And on appointed days, festivities were held in order for certain instincts (even when usually considered inappropriate) to be satisfied. Drives were organized rather than denied. This form of moral subjectivity came to be replaced by an unprecedented and incompatible one - a form of moral subjectivity which still remains the historical apriori of contemporary morality, most notably of its Kantian version.

§ 4 Freud versus Foucault: beyond the Father's No

The main reason for Freud to investigate the evidence on totemism was his suspicion that its basic phenomena are still with us today, most notably in the neurotic mind, but also in morality as such. Already in the preface to *Totem und Tabu* (1913/1940) he utters his firm conviction that the taboo of totemism does not significantly differ in its psychological nature from Kant's categorical imperative. Obviously, Freud considers both the moral Law's compulsive impact as well as its apparent lack of sufficient foundation to be its decisive features. Apparently, Freud's contemporaries were somewhat surprised to find that primitive man displays a remarkable eagerness to subject himself to a set of moral restrictions which even 'Victorians' would consider as rather excessive. Totemism involves two basic commandments: we are neither to kill (or eat) our totem animal, nor is it allowed to seek sexual intercourse with female clan-members. The punishment for violation is death. Perhaps totemism can be regarded as a rudimentary form of what Hegel referred to as *Sittlichkeit* because its unconditional moral restrictions defy reflection. Whereas a truly moral restriction calls for foundation in a philosophical system, the taboos of totemism are of unknown origin and simply to be accepted. They are not to be questioned, nor can they be. Whereas they are incomprehensible to us moderns, they are self-evident to those who remain under their sway. Still, Freud emphasizes that the apparent difference between ('justified') moral restrictions and ('irrational') taboos should not be overrated, for they remain genealogically akin.

In order to understand totemism, Freud argues, its origin must be recovered. To begin with, a taboo always contains a restriction - it is a negative phenomenon, it always contains a No. And in this respect, the comparison between the primitive and the neurotic mind will prove revealing. Neurosis is basically a phenomenon of ambivalence: its excessive moral restrictions are triggered by powerful (but unconscious) immoral inclinations. Likewise, the taboo can be expected to prohibit certain acts to which primitive man is strongly inclined. Lust is contained by Law, but the latter is not strong enough to extinguish the former. Rather, the desire at work, although vehemently rejected, manages to persist. Since lust is repressed by Law, the act of repression as such is also forgotten, with the implication that the origin, the reason for the Law's existence, is unknown.

All 'natural' explanations of the phenomena of totemism (most notably the aversion towards incest) are rejected by Freud. There simply is no 'natural' aversion against incest. In fact, the Law is motivated by the existence of a strong natural inclination to commit incest rather than by a natural inclination to refrain from it. Should the desire be absent, the Law would be pointless and superfluous. Why would it be necessary for a natural aversion to be reinforced by Law? A Law commanding us to eat and drink, or to commit other acts to which we are inclined by nature, would be an absurdity, and the same goes for acts from which we are inclined by nature to refrain. Moreover, Freud considers the origin of conscience to be basically similar to that of totemism. Conscience also entails the rejection of certain acts to which we are inclined, and those desires to which we are inclined most desperately are bound to be the ones rejected most vehemently. In short, the origin of aversion is desire. Should such a desire be absent, the 'fact of conscience' - the *Tatsache des Gewissens* - would remain incomprehensible. In subsequent sections, Freud argues that the totem initially represented the primordial father who denied his sons sexual intercourse with their mother, as well as with other female members of the primal horde. Moreover, Freud tries to convince us that our ancestors did commit the basic crime of totemism: they killed their violent father in order to sleep with their mother. This act, however, produced an overwhelming sense of guilt which somehow was transmitted to subsequent generation and which still constitutes the basic and indispensable condition of morality and culture (or, to translate it into the vocabulary of this contribution, this primal crime constituted a rudimentary version of the form of moral subjectivity which is still presupposed by contemporary morality and society).

In order for the philosophical import of Freud's discovery to be further explored, Lacan's commentaries on his work are indispensable. It is Lacan's basic objective to recover Freud's original discovery, and to explain its true significance in philosophical terms. Like Nietzsche, Lacan (1978) distinguishes two basic views on moral existence, two basic views on what we are, two basic modes of moral reflection. His basic affinities, however, differ from Nietzsche's. Indeed, it is his contention that the basic moral view on human existence supported by psychoanalysis is incompatible with the one encountered in the moral philosophies of Aristotle and Thomas Aquinas, as well as in modern positions like utilitarianism and behaviourism. According to this basic moral view (referred to as hedonism or eudaimonism), moral philosophy is the art of moral exercise and education, and ethics a kind of moral gymnastics. Man's basic moral aim is to achieve excellence, which is identical with happiness. Morality's basic goal is to mould and develop certain natural aptitudes in man. From a Freudian point

of view, however, morality has nothing to do with excellence or *arête*. Its objective is not to allow us to enjoy the pleasures of life, to live comfortably or to experience happiness.

According to Lacan, the eudaimonistic perspective conceals or neglects the insurmountable difference between human and animal behaviour. From a eudaimonistic point of view, man basically remains an animal who is to be coached and whose natural instincts are to be shaped and trained in order to allow him to adapt himself to his environment and to become a true gentleman. The human individual is to accommodate himself to his body, by means of proper management of its natural inclinations and vital forces, in order to achieve moral excellence, peace of mind and happiness. Or, to put it in cynical terms, man is basically a featherless biped, and there is no basic difference between the natural and the human, the biological and the moral. Eudaimonism presupposes an optimistic belief in nature's benevolence and providence, in its pre-established harmony. Its basic technique is the prudent management of natural drives, its basic objective is care-free and comfortable natural functioning and flourishing, in accordance with the forces and tides of bodily life itself. According to Lacan, such pedagogical procedures, such an ethic of adaption and accommodation is quite foreign to psychoanalysis. Whereas eudaimonism remains within the boundaries of the pleasure principle, psychoanalysis reveals a fundamental dimension of human moral experience which cannot be explained in those terms. Instead of pre-established harmony, psychoanalysis discovers a basic discordance with (and within) nature, a basic and insurmountable uneasiness.

Psychoanalysis is not merely a therapeutic technique, its moral dimension entails a fundamental understanding of basic moral phenomena such as guilt and obligation (Lacan 1986). Psychoanalysis was preceded by utilitarianism, a theory which tried to liberate man from the experience of guilt once and for all by interpreting human existence solely in terms of the pleasure principle. Psychoanalysis itself appears to be a kind of eudaimonism as well, directed at the education and adaption of the basic drives which constitute human nature - but it is not. As to sexual desire, for example, psychoanalysis does not entail a moral technique, does not contain an erotica. Psychoanalysis is not about virtue, education or happiness. Rather, its objective is to come to terms with the inexorable experience of guilt which manifests itself most vividly in neurotic suffering, but must be considered as being of universal significance. Unlike eudaimonism, psychoanalysis is not a morality of the master. Happiness remains forever unattainable, and there is no such thing as living in accordance with nature. There is no pre-established harmony to which we are to adjust ourselves. Rather, we are faced with an inscrutable experience of obligation which is bound to result in perennial malaise because we are increasingly unable to live up to it.

In his effort to go beyond the negative and restrictive understanding of moral experience as articulated by psychoanalysis, Foucault relies heavily on Nietzsche's critique on Kant. On the one hand, Freud's genealogy of moral experience remains basically Kantian, confirming the unconditional and authoritarian nature of the Law, and emphasizing the overwhelming force with which it imposes itself upon us (Freud 1913/1940). Quite unlike Kant, however, he considers the basic structure of moral experience to be the (albeit inevitable) outcome of a pre-historical (or even mythical) transformation which produced the groundwork for the kind of moral subjectivity presupposed by Kant's account - a moral subjectivity constituting the historical-ontological apriori for the sense of responsibility on which Kant's theory relies. From a Freudian point of view, Kant already takes for granted what has to be established, a certain kind of moral agency. In order for this form of moral agency or subjectivity to emerge, the moral subject is constituted through an original gesture of submission to a basic Law. Freud basically argues that the transition from the state of nature to culture - that is: the constitution of the moral subject - is effected by the 'imposition' of the law prohibiting incest, the matrix, the prototype of all laws. The quotation marks indicate the ambiguous nature of this imposition. The Law cannot be said to be constituted by the human subject - rather the human subject is constituted through subjection to the Law - nor is it imposed on him from outside - it comes to exist in and by the guilt generated through its transgression. Still, moral subjectivity is basically the outcome of subjection.

Moreover, Freud argues that the process of subject constitution through subjection can in no way be considered completed or secured. On the contrary, the attitude of the moral subject towards the Law demanding subjection remains basically ambivalent and problematic, and this basic ambivalence is still audible in our chronic uneasiness, our discontent in civilization, our stubborn and persistent yearning for something quite different. The moral subject's response to the Law contains both a Yes and a No. Yet, Freud (1930/1948) maintains that the moral subjectivity that came to be established through submission and was reinforced and elaborated in the course of a long history, must be

considered inevitable. All efforts to turn our discontent - our persistent No - into a programme of radical transformation, are to be discouraged. In other words, although from a genealogical point of view the moral subject is the outcome of a particular course of events, we have to accept it as something beyond contestation - indeed, as our moral apriori. Everyone who sincerely questions it, is putting human culture at risk.

This final conclusion is challenged by Foucault. In his *History of sexuality part 1*, he blames psychoanalysis for understanding the moral experiences involved in sexual practices solely in terms of interdiction. The Law rejects certain acts (notably incest) as being immoral and its basic message - 'No' - reveals itself in the experience of guilt. According to Freud (1930/1948) society cannot allow the individual to act the way he is inclined to do, for this would result in either submitting his fellow individuals to exploitation or assault, or in being submitted to similar acts himself. Ancient morality tried to bring about a certain way of living, a certain lifestyle directed at human perfection or happiness. Under present conditions, such a goal must be considered as unattainable. Modern society calls for continence and restraint rather than for a plastic, aesthetic morality of measure. The possibilities for sublimation are limited. In the case of the death drive, the only possible solution available to us is to use its psychic energy in order to strengthen conscience, which means that the subject becomes the victim of his own aggression. In fact, sublimation as an option is reserved for a small minority within the human population, for artists and saints who are able to develop and maintain moral techniques for moulding and managing desire. Others have to abstain from satisfaction. They are to act on the basis of mutual consent, rather than considering their neighbour as an opportunity for gratifying one's desires.

The question now is, whether the Kantian-Freudian articulation of the experience of moral obligation in terms of Law, transgression, interdiction, and guilt, must indeed be considered the inescapable starting point for a philosophical understanding of the experience of moral obligation. In the writings of Nietzsche and Foucault (as well as in those of Heidegger, cf. § 5) an incommensurable account seems to emerge. They refuse to consider the kind of moral subjectivity on which Kant (and Freud) relies to be an inevitable apriori established once and for all. In short, with regard to the very ground structure of moral experience, we seem to find ourselves in a situation of chronic embarrassment.

And at this point, Foucault embraces the Nietzschean idea that the Kantian-Freudian understanding of moral experience in terms of interdiction merely applies to one particular and (above all) temporary form of moral subjectivity, preceded by fundamentally different ones, and bound to give way to unprecedented forms of moral subjectivity before long. In fact, in his inquiry into the birth of modern capitalism, Weber (1920/1965) had already stressed the extent to which the basic feature of modern morality (the quasi-self-evident experience of moral obligation) was grounded in a historical apriori - an unprecedented form of moral subjectivity (or form of moral life) which emerged during the sixteenth century. Kant's practical philosophy is an the effort to secure this particular account of moral experience by disqualifying other possibilities. In the draft introduction to his 'third Critique' [Erste Fassung], for example, we witness the exclusion of the conception of ethics as self-constitution and moral exercise which Nietzsche tried to recover in *Morgenröte*. According to Kant, all ancient techniques and ascetic recommendations directed at self-management and self-formation are technical rather than 'practical', and therefore are not to be addressed by ethics proper. Rather than articulating the Law of freedom, they consist in the application of theoretical knowledge concerning the laws of nature. In his *Critique of Practical Reason* he argues that eudaimonism (the art of achieving happiness) contains rules based experience, instead of universal and unconditional laws. Unlike laws, rules urge us to pursue a certain course of action, rather than commanding us to do so. Rules are of a technical rather than of a practical nature (p. 148).

Indeed, unlike ancient (most notably Stoic) morality, the Kantian Law of freedom contains an unconditional, universal imperative applying to all, rather than general recommendations derived from experience and directed at those who share the intention of transfiguring their life into a work of art, in order to become a 'plastic' individual. In his *History of sexuality*, Part 2 and 3, Foucault aims at retrieving some important aspects of the very conception of ethics - the 'technical' one - Kant tried to exclude from the agenda of moral philosophy: the ethic of self-management, life style and the perfect measure. Foucault does not aim at introducing a new imperative for all. Nor does he long for a Stoic revival. Rather, his exercise at retrieval intends to reveal that the apparent self-evidence of the understanding of moral experience in terms of Law and guilt is not beyond contestation, but must be considered one possible understanding amongst others - and (from a genealogic point of view) a

rather recent one at that - thereby clearing the way for something different, which perhaps is drawing near.

It was Foucault's genealogical ambition to recover the hidden traces of violent struggle and resistance beneath the established and taken-for-granted forms of moral life. His *History of Sexuality*, Part 1 contains some important leads in terms of a historical ontology of moral subjectivity (Foucault 1976). He refers, for example, to the establishment of central monarchy during the early Middle Ages. This event was preceded by a basic transformation of moral subjectivity: the conversion from paganism to Christianity, the intrusion of the moral regime of Law, guilt and interdiction as a historical apriori that allowed unprecedented forms of moral life, exemplified by central monarchy, monastic existence and other practices of power, to emerge. This fundamental transition from pagan to Christian forms of moral life remains an important point of departure for the historical ontology of moral subjectivity I have in mind. In order to come to terms with such basic transformations, Foucault rejects the Kantian-Freudian scheme of Law versus inclination, ethics versus ontology. That is, he rejects the idea of a rebellious, spontaneous and savage, but repressed natural energy which should be liberated somehow. Rather, he points to the complicated manner in which power and resistance interact, and to the complicated process which allows a particular interplay of forces to become temporarily organized due to the establishment of a temporary regime. According to Foucault, power must be interpreted as positive, productive, moulding force, rather than in terms of law and restriction.

Hegel's philosophy was presented in this contribution as the first major effort to reveal the profoundly historical nature of moral subjectivity. Nietzsche was motivated by a similar objective and the controversy between Freud and Foucault was triggered by his preparatory efforts. Heidegger's point of departure will prove to be a rather different one. His basic mode of thought is etymological rather than genealogical, ontological rather than psychological or historical. His ultimate goal, however, is to reveal the temporary nature of the present (Kantian) mode of being-there; to reveal the emergence of a particular form of subjectivity in the mode of thought represented by Descartes and Kant (cf. for example 1967) and to recover other possibilities of existence. Moreover, his understanding of the phenomenon of conscience in *Sein und Zeit* apparently is much closer to the moral experience articulated by Socrates (as presented to us by Hegel, § 2) than to the moral experience addressed by Kant. Apparently, its basic model is the ancient oracle rather than the Court of Law.

§ 5 Heidegger: beyond the court image of conscience

In *Sein und Zeit* (§ 54 - § 60), Heidegger addresses the phenomenon which, as we have seen, seems to constitute the core experience of morality: the 'voice of conscience'. Furthermore, his phenomenology of conscience seems to correspond with the Kantian understanding in certain respects: unreflected obedience to accepted, everyday morality is contrasted with responsiveness to the inner voice of conscience. Yet, in Heidegger's view, the Kantian 'court image of conscience' - die Kantische Gerichtshofvorstellung des Gewissens - is a distortion of what conscience really is: not a court pronouncing verdicts, but a call. In Heidegger's hermeneutical phenomenology of the 'silent call of conscience', conscience emerges as a voice which does not contain an interdiction, but rather an incitement. As was already indicated above, Kant's ethic rejects a broad range of actions, resulting from natural inclination, as not being in accordance with the categorical imperative - they are considered inadmissible. Therefore, the Kantian Law contains a prohibition rather than an incitement. Precisely for this reason, the Heideggerian understanding of moral experience seems irreconcilable with the Kantian one. Let us submit Heidegger's famous hermeneutics of conscience to a more careful reading.

In § 57 Heidegger emphasizes the ambiguity of the conscience phenomenon. To start with, conscience is experienced as a 'silent voice', a call which remains silent. If conscience calls, nothing is said. Furthermore, the call of conscience is something which befalls us, but at the same time it is a call which emerges from Dasein itself. 'It' is calling, but at the same time we are calling ourselves. The silent call of conscience does neither contain a commandment imposed on us by some external authority, nor is it something at Dasein's disposal.

The results of Heidegger's hermeneutical phenomenology seem to lead in quite a different direction than the one pointed out by the Kantian account. According to Heidegger, the voice of conscience

does not contain an interdiction, but rather an incitement. Instead of criticizing particular moral options, it allows existential possibilities of being to emerge. Heidegger aims at discrediting the credibility of the current ('vulgar') understanding of conscience, in which conscience emerges as a 'critical agency'. According to Heidegger, conscience is neither critical, nor an agency. The true and proper meaning of 'conscience' is revealed by the experience of being called or summoned. If we use phrases like 'the call' or 'the voice' of conscience, they should not be taken metaphorically, for they reveal what conscience really and truly is. Conscience really is a call, a summons, an incitement. Instead of prohibiting or discouraging certain actions or behavioral options as inadmissible, it opens up and unlocks possibilities of human existence. It is a positive, rather than a negative phenomenon, - although its positive content, rather than containing concrete instructions, ultimately remains undetermined. It does not dissuade from particular courses of action, but recalls our ultimate destination, reminds us of our true existence. It is neither objective, nor public, nor universal. It is a remote and silent voice, a call from the distance, that strikes us. We are called back to our true and proper mode of being, it re-calls what we might be. We are neither called by some mysterious, external agency, nor can the call of conscience be considered as something we ourselves are in control of, that is: something which would be at our disposal. Rather, Dasein is both calling and being called, it is the one who calls and the one who is being called, simultaneously. The call of conscience comes out of us and over us. 'It' is calling.

The dashing in of conscience means, that everyday experience is interrupted by dreary fear. We are forced to recall that ordinary experience is but a thin wall, a front or veil, concealing nothingness as the true ground of human existence. By re-calling the dreary ground of our existence, however, we are not precipitated into nothingness, but rather reminded of what we might become. Yet, in its own way, Heidegger's conscience remains a 'negative' phenomenon as well, for although it challenges us to brake away from the restricted forms of every day experience, it is deprived of content and does not really tell us what to do, what to become. Rather than indicating concrete courses of action or ideals of life, it forces us into the clearing of blank resoluteness. It is the experience of being released so that we might become what we possibly are.

Resoluteness is the readiness to be summoned, to remain in readiness, the readiness to choose and to become. Conscience is neither a critical agency, nor a court, nor an impartial judge. It is neither critical, nor does it contain concrete indications for action. Rather, it summons us to our true and proper possibilities for existence. It demands our readiness to risk and fear. It is a voice, emerging from the quiet and hush of dreariness, re-calling Dasein to its proper being, summoning it to resoluteness, where 'resoluteness' should not be taken to imply a commitment to available options. Rather, it precedes and allows these possibilities to emerge, remaining undetermined in itself.

In everyday existence, we remain under the sway of public life, where all our choices have already been made. Resoluteness implies allowing oneself to be incited, to resume one's proper mode of being. That is, Heidegger persist in distancing himself from the Kantian understanding of moral experience. The call of conscience does not refer to a moral Law or Court by means of which all human actions are critically reviewed. And yet, when we are about to draw the conclusion that the kantian and the heideggerian understanding of conscience are indeed irreconcilable, some objections present themselves.

The difference between Heidegger's understanding of conscience and the Kantian account, seems indeed insurmountable. According to Heidegger, the call of conscience does not refer to particular acts or options, but rather to possibilities for existence. It does not produce a verdict concerning the question whether a particular action should be considered as pardonable or reprehensible. At one particular point, however, the validity of the Kantian account seems to be acknowledged by Heidegger as well. All understandings of conscience seem to agree in that the voice of conscience claims 'guilty'. This apparent agreement, however, merely conceals the degree to which the interpretations of the experience of guilt actually differ. According to Heidegger, the voice of conscience does not tell us that we are in debt. Rather, the experience of guilt must be released of its association with Law and duty. Guiltiness is the original condition of human existence. But guilt does not indicate an experience of lack, deficiency, or failure. Rather, it precedes the experience of being-guilty-of, and allows for this experience to emerge, as one possible form amongst others.

In Heidegger's case, responsiveness to the call of conscience is not presented as a categorical imperative, impelling us to submit ourselves, even if we would not feel inclined to do so. We are urged, but not forced to expose ourselves to conscience's call. Furthermore, it is a gesture which does not confirm, but rather seems to challenge the ontological apriori of Kantian morality (modern moral subjectivity), for it is an experience invoking other possibilities, an experience calling for transfiguration, revealing other basic possibilities of human existence.

One might argue that, rather than rejecting or recommending particular courses of action, the categorical imperative urges us to remain self-critical, to free ourselves from external legislation and to become what we truly and basically are: a free, rational and responsible human being. That is: unlike the law prohibiting incest, the categorical imperative contains a summons, rather than a prohibition. Yet, in his *Metaphysics of morals*, Kant does in fact articulate a set of concrete prohibitions implied in the categorical imperative with regard to particular actions. Kant does in fact prohibit certain sexual practices, for example, considering them not to be in accordance with the rational agent's duties towards himself. And even in the *Grundlegung*, certain acts to which the human individual might feel inclined - such as committing suicide or making promises one might not be able to fulfil - are prohibited. Still, the Kantian understanding of conscience, rather than encouraging the elaboration of a restrictive behavioural code, contains a summons to liberate oneself from external legislation, unless its validity can be acknowledged by the moral subject himself. Or, to put it otherwise, the crucial Kantian concept of autonomy indicates a basic ambiguity. On the one hand, the human subject is his own legislator, the law is not imposed on him from outside by some external authority. And yet, it is still a law, commanding respect. The Law is not at our disposal, but rather reminds us of what we truly are and might become.

Heidegger's account of conscience remains basically ambivalent. On the one hand, it is reminiscent of the demonic callings of ancient morality, while on the other hand it still resembles the Kantian concept of autonomy in some respects. Moreover, a willingness to submission and obedience can be discerned in it which considerably exceeds the measure of obedience still present in Kant, and despised so much by Nietzsche. Indeed, Heidegger's willingness to obey seems much closer to Luther's experience of obedience than to Kant's. For although Kant's ethic can still be recognized as being of Lutheran descent, he managed to tone down the Lutheran mood of unconditional submission and obedience to a considerable extent. Heidegger's understanding of conscience might strike us as a relapse into a pre-modern attitude of obedient contemplation, and as articulating a form of moral subjectivity which came to be replaced by the autonomous subject of the modern epoch. The image of a frightening call of conscience summoning us to a temporary upheaval, an *Ausbruch* or *Aufbruch*, seems perhaps medieval rather than modern - or is it the announcement of something unprecedented, something still to come, and lying in wait for us?

Heidegger's readiness to rejoice in the national-socialist upheaval of 1933 apparently resulted from a profound 'metaphysical' longing towards revolt against modernity as such (Safranski 1994). In it, he discerned a 'metaphysical event', the brake-down of what I would refer to as the established form of moral subjectivity. Yet, although Heidegger initially interpreted national-socialism as an effort to escape from what he referred to as 'demonism', before long he came to consider national-socialism itself, with its emphasis on unrestrained exploitation of human and natural resources, as well as its massive drive towards mobilization and intensification, as a manifestation of the diabolical powers threatening us. National-socialism turned out to be 'metaphysically akin', both to Americanism and Communism, although its sinister emphasis on the 'breeding' of human resources is bound to remain an idiosyncratic feature.

§ 6 Concluding remarks

The history of moral subjectivity displays a limited number of abrupt and saltatory transformations. These basic instances of moral transformation (or transfiguration) are to be regarded as 'conversions' through which the established form of moral subjectivity suddenly gives way to a newly emerging, unprecedented one. The outstanding paradigm of conversion is, of course, the (violent or peaceful, forced or voluntary) triumph of Christianity over paganism, of the ethic of guilt (or unconditional prohibition) over the ethic of measure and temporary transgression (that is, the pagan ethic of cyclical succession of ascetic exercise and occasional excess). Conversion does not merely entail the

transition from one particular religious system ('polytheism') to another ('monotheism'). Rather, what is at stake here is a fundamental transfiguration of the subject, his being-in-the-world, his being-there. In the Netherlands, for example, conversion is marked by the transition from dwelling on terps to dwelling within dikes (that is, the transition from a more or less passive to a more or less active stance towards nature's cyclical tides of ascetic and excessive moods). Conversion is what constitutes the transition from a Socratic to a Kantian conscience. This transformation is never completed. Rather than being an 'event', it is a permanent, ongoing struggle or tension between conscience-as-guilt and as conscience-as-incitement, between morality-as-obedience and morality-as-exercise. The Zuiderzee of paganism will never be impoldered once and for all. One of Lacan's remarks regarding the unconscious might be enlightening in this respect. And yet, decades of relative stability are succeeded by instances of remarkable change. In what way, he asks, can we expect to profit from the impoldering of the Zuiderzee of the unconscious? In order to answer this question, he refers (of course) to Freud - Freud a fait un certain nombre d'articles sur la question de savoir ce qu'il fait attendre en définitive de la reconquête de ce Zuiderzee psychologique qu'est l'inconscient. Quand on aura asséché les polders du ça, qu'est-ce que ça donnera du point de vue du rendement humain? Eh bien, cette perspective ne lui paraissait pas tellement exaltante. Il lui semblait qu'on risquait quelques ruptures de digues (1978, p. 90).

It goes without saying that what has been assembled and explored thus far, must be (and to a limited extent has been) more carefully elaborated elsewhere (cf. Zwart 1995, 1996). Much remains to be said and done. Besides investigating the vast historical evidence on conversion and dwelling, such an objective would also imply a basic rereading of the history of philosophy, at least some of its decisive documents. For the time being I am convinced, however, that the process of conversion - the transformation or transfiguration of moral subjectivity as it was initiated during the early Middle Ages - constitutes the ground and origin of contemporary morality and its discontents. Its moral impact is remarkably durable and omnipresent, and undoubtedly of more importance to us than the mythical era of the primal murder - 'To be continued...'

[1] '...sich für sich selbst uns aufdringt...' (Kant 1980, p. 141; A 56).

[2] 'Er urteilt also, daß er etwas kann, darum, weil er sich bewußt ist, daß er es soll, und erkennt in sich die Freiheit, die ihm sonst ohne das moralische Gesetz unbekannt geblieben wäre' (Kant 1980, p. 140; A 54).

[3] The primacy of ontology implies that moral obligations are ultimately derived from (and grounded in) the speculative claim that we are free and rational living beings. The opposite claim however - namely that human behaviour is completely determined by laws of nature (and ethics therefore a pointless exercise) - cannot be refuted, neither by experience nor by argument. For this reason, ontology cannot be expected to provide a reliable ground-work for ethics. Ethics, rather than ontology, is to be regarded as *prima philosophia*, taking the experience of moral obligation (Kant's Faktum der Vernunft) as its point of departure, instead of relying on speculative metaphysical claims. That is, the philosophy of the ought takes precedence over the ontology of what we are.

[4] '...jeder Mensch, als sittliches Wesen, hat ein solches ursprünglich in sich (Kant 1956, p. 531; A 37).

[5] '...das Bewußtsein eines inneren Gerichtshofes im Menschen (vor welchem sich seine Gedanken einander verklagen oder entschuldigen) ist das Gewissen' (1956, p. 573; A 99).

[6] 'Jeder Mensch hat Gewissen, und findet sich durch einen inneren Richter beobachtet, bedroht und überhaupt im Respekt (mit Furcht verbundener Achtung) gehalten, und diese über die Gesetze in ihm wachende Gewalt ist nicht etwas, was er sich selbst (willkürlich) macht, sondern es ist seinem Wesen einverleibt. Es folgt ihm wie sein Schatten, wenn er zu entfliehen gedenkt. Er kann sich zwar durch Lüste und Zerstreuungen betäuben, oder in Schlaf bringen, aber nicht vermeiden, dann und wann zu sich selbst zu kommen, oder zu erwachen, wo er alsbald die furchtbare Stimme desselben vernimmt. Er kann es, in seiner äußersten Verworfenheit, allenfalls dahin bringen, sich daran gar nicht mehr zu kehren, aber sie zu hören kann er doch nicht vermeiden' (p. 573; A 99).

[7] Foucault uses the phrase historical apriori of experience (cf. Zwart 1995).

[8] My most recent books (Zwart 1995, 1996) are to be regarded as first efforts to further explore the ideas which, in this present contribution, are presented in a concise and somewhat programmatic manner.

[9] Hegel, *Philosophy of Right* (1970), § 142 ff. 'Betrachtet man die Sittlichkeit von dem objektiven Standpunkt, so kann man sagen, der sittliche Mensch sei sich unbewußt. In diesem Sinne verkündet Antigone, niemand wisse, woher die Gesetze kommen: sie seien ewig. Das heißt, sie sind die an und für sich seiende, aus der Natur der Sache fließende Bestimmung' (Zusatz § 144). '[Sittliche Gesetze] sind... göttliche Mächte... göttliche Gebote...' (zu § 146). Cf. 'Ein gewissenhafter Mann, der seine Pflichten tut - aber nicht sie erst aus sich macht - Sie sind, ewig - (niemand weiß, von wannen sie gekommen) - die ewigen Gesetze der Götter / Sein - sie sind - unterschieden vom Gesetz[t]sein (zu § 137).

[10] 'So sind sie - so leben sie / Griechen hatten kein Gewissen / ... Können keine Rechenschaft geben, kein Gewissen (Hegel 1970, zu § 147).

[11] 'Er [Socrates] steht vor uns ... als eine von jenen großen plastischen Naturen (Individuen) ... wie wir sie in jener Zeit zu sehen gewohnt sind, - als ein vollendetes klassisches Kunstwerk, das sich selbst zu dieser Höhe gebracht hat... [Z]u dem, was sie waren, haben sie sich selbständig ausgebildet; sie sind das geworden, was sie haben sein wollen. In einem eigentlichen Kunstwerke ist dies die ausgezeichnete Seite, daß irgendeine Idee, ein Charakter hervorgebracht, dargestellt ist, so daß jeder Zug durch diese Idee bestimmt ist; und indem dies ist, ist das Kunstwerk einerseits lebendig, andererseits schön... Solche Kunstwerke sind auch die großen Männer jener Zeit. Das höchste plastische Individuum ... ist Perikles, und um ihn, gleich Sternen, Sophokles, Thukydides, Sokrates, usw. Sie haben ihre Individualität herausgearbeitet zur Existenz, - und das zu einer eigentümlichen Existenz, die ein Charakter ist, der das Herrschende ihres Wesens ist, ein Prinzip durch das ganze Dasein durchgebildet' (1971, p. 452).

[12] Although 'demonic' should not be taken in its pejorative, diabolical, 'Christian' sense.

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