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The Affective and the Political: Rousseau and Contemporary Kantianism

Lo afectivo y lo político: Rousseau y el kantismo contemporáneo

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Abstract

Jean-Jacques Rousseau is often associated with a certain political mode of relating to another, where a person ("a Citizen") is a locus of enforceable demands. I claim that Rousseau also articulated an affective mode of relating to another, where a person is seen as the locus of a kind of value (expressive of their being an independent point of view) that cannot be demanded. These are not isolated sides of a distinction, for the political mode constitutes a solution to certain problems that the affective mode encounters in common social circumstances, allowing us to see how these modes might be distinct while the political nevertheless shapes the affective. I contrast this approach with that of some contemporary Kantian writers on affective phenomena (Sarah Buss on shame, and J. David Velleman on love) who, for reasons rooted in Kant's moral philosophy, have modeled affective ways of relating to others on duty. I claim that Rousseau's writing provides us with a way of capturing the correct insight of these accounts—that some of our emotional responses to others are ways of appreciating their personhood—while avoiding the characteristic implausibilities of their close association between the affective and the political.

Keywords: Jean-Jacques Rousseau; Immanuel Kant; Sarah Buss; J. David Velleman; personhood; shame; love; moral psychology.

Resumen

Jean-Jacques Rousseau suele asociarse con un cierto modo político de relacionarse con otro, donde una persona ("un ciudadano") es un lugar de demandas exigibles. Yo sostengo que Rousseau también articuló un modo afectivo de relacionarse con los otros, donde una persona es vista como un lugar de un tipo de valor (expresiva de su ser un punto de vista independiente) que no puede ser demandado. Estos no son lados aislados de una distinción, pues el modo político constituye una solución a ciertos problemas que el modo afectivo encuentra en circunstancias sociales comunes, permitiéndonos ver cómo estos modos pueden ser distintos mientras que lo político da forma a lo afectivo. Contrasto esta aproximación con la de algunos

filósofos kantianos sobre los fenómenos afectivos (Sarah Buss sobre la vergüenza y J. David Velleman sobre el amor), quienes, por razones basadas en la filosofía moral de Kant, han modelado caminos afectivos para relacionarse con los otros en la base del deber. Sostengo que los escritos de Rousseau nos ofrece una manera de capturar la visión correcta de estos relatos: que algunas de nuestras respuestas emocionales a los demás son formas de apreciar su estado de ser persona, al tiempo que evitan las inverosimilitudes características de su estrecha asociación entre lo afectivo y lo político.

Palabras clave: Jean-Jacques Rousseau; Immanuel Kant; Sarah Buss; J. David Velleman; personalidad; vergüenza; amor; psicología moral.

Just as questions about the nature and identity of persons can be understood as among the distinctive concerns of Western metaphysics, so questions about what it is to relate to another as a person, as opposed to a thing, can be understood as among the distinctive concerns of Western ethical and political thought, at least since the eighteenth century. Normally treatments of this topic have focused on a political or legal mode of relating to another as a person. Characteristic of this mode is that another person is seen as a locus of enforceable demands: they can legitimately demand certain kinds of conduct from us (in virtue of our also being persons), and we can demand certain kinds of conduct from them (in virtue of their being persons).

Modern philosophical treatments of this political mode of relating to another as a person emerge directly out of the writings of Jean-Jacques Rousseau, and in particular his articulation of the notion of a "Citizen" in *The Social Contract*.¹ But Rousseau was keen to circumscribe this mode to specifically political contexts. Moreover, Rousseau also articulated an *affective* mode of relating to another as a person: a mode characteristic of the affective realm of our lives, whose defining feature throughout Rousseau's writings is (in contrast with the political realm) the precluding of enforceable demands. (Or rather: the entrance of

¹ Such treatments, especially those of a Hegelian provenance, also tend to locate the origins of this form in Roman society and law (see Taylor, 1975, p. 397). Despite the ancient origins of the mode, its modern articulations (including Hegel on "Abstract Right") are strongly influenced by Rousseau's *Social Contract*.

enforceable demands into the affective realm marks its characteristic pathology.) Thus, under the affective mode, seeing another as a person consists in seeing them as an independent point of view, and as a limit on what one can bring about by force.

Often in Rousseau's writing this distinction—between political and affective modes of relating to persons—functions diagnostically: Rousseau tends to locate philosophical and political errors in someone's thinking of one mode of relating to another in terms appropriate to the other. For example, in his *Discourse on the Origins of Inequality* (or *Second Discourse*), Rousseau argues against attempts to ground political obligation in "Paternal Power,"² or the child's obligations to the father, as the latter consists in the child's gratitude, which (in contrast with political obligation) "is not a right that can be exacted" (DI: 177/OC: 3:182; cf. DPE: 4-5/OC: 3:242-244; E: 234/OC: 4:521). Conversely, Rousseau elsewhere criticizes attempts to change public opinion by force or by legislation on the ground that "public opinion is not subject to constraint" (SC: IV.7.7) and that "force [has] no power over minds" (LD: 67/OC: 5:62). Thus, in a discussion drawing on purported attempts by Louis XIV to change public opinion by legislation, Rousseau in effect understands the sovereign not as relating to independent points of view (as is required, according to him, even in the "art" of changing public opinion; cf. LD: 69/OC: 5:64), but as objects of political demands. Or, in other words, changing minds (without violence) requires relating to persons affectively rather than politically.³

But my concern in this paper is not so much the diagnostic function of this distinction in Rousseau's writing as it is a broader story he tells about the relationship between the affective and the political modes. This is a story according to which these modes are not isolated sides of a distinction; rather, the political mode emerges as a solution to certain characteristic problems with the affective mode in common social circumstances (especially having to do with domination and inequality),

² These attempts prominently include those of Robert Filmer and Jacques-Bénigne Bossuet.

³ Of course one can, without pathology, change minds through legislation in the trivial sense that, when created, such legislation becomes newly available for the content of individuals' attitudes. I am above referring to Rousseau's discussion of the pathology of trying to change, through legislation, the public's evaluative opinion about some individual (LD: 68-69/OC: 5:63).

and according to which the political mode can be understood, in turn, as *shaping* the affective mode (at least in an egalitarian republic).

In addition to its importance to an account of Rousseau's view of persons and their different ways of relating to each other, this story will also turn out to have some interest as a contrast with contemporary Kantian accounts of affective phenomena (such as shame and love). Part of this derives from the fact that Kant himself carried into his moral philosophy aspects of Rousseau's notion of the "Citizen," particularly the idea of a person as to be treated as an end in themselves and as "above all price" (Kant, 1997a, 4:429, 4:434). But for reasons rooted in his own critical project (principally, the grounding of morality in impersonal reason), Kant did not understand that mode of relating to persons in terms of those same political problems for which, on Rousseau's story, it was expressly introduced to solve. Therefore, in Kant's moral philosophy (strictly construed) this mode of relating to persons operates apart from Rousseau's way of contrasting it with the affective mode and the specific relationship between the two modes that Rousseau envisioned. Furthermore, in that context Kant recast Rousseau's notion of the "Citizen" in the course of maintaining a dichotomy between two different kinds of incentives—duty and sensible inclinations—thereby leaving it to his readers to place affective phenomena on one or the other side of that dichotomy.⁴

This difference between Rousseau and Kant reflects deep philosophical differences between them (among them, over questions about the role of impersonal reason in morality, and over the relationship between morality and legality), and it would be virtually impossible to countenance, let alone adjudicate, all those differences here. And in fact Kant himself was clear about the consequences for affective phenomena (principally love) of his dichotomous understanding of incentives (that we must understand them as modeled either on duty or on sensible inclinations).⁵

⁴ This dichotomy in Kant's understanding of incentives has been at the center of some recent papers by Kyla Ebels-Duggan (cf. Ebels-Duggan, forthcoming), to which I am greatly indebted.

⁵ As Ebels-Duggan points out, though this dichotomy governs Kant's practical philosophy, it may not exhaust his complete understanding of motivation, once we take into account certain later texts outside his practical philosophy (strictly construed): for example, Kant's remarks on the

But in the second part of this paper I will argue that certain adaptations of Kant's views, which maintain a close association between affective phenomena and duty, are not entitled to central claims they make about those phenomena (namely, shame and love). These include Sarah Buss, who thinks that feeling shame allows one to "bootstrap" oneself into respect for others (as though the ways of relating to others characteristic of respect were primitively contained in our feeling shame before others); and J. David Velleman, who thinks that love is the maximal optional, and respect the minimal required, response to one and the same value ("personhood"). Rousseau is extremely attentive to the insight, articulated by Buss and Velleman, that there are emotional responses through which we appreciate the personhood of others. But by having available the resources to distinguish the affective from the political modes, Rousseau is able to capture this insight while avoiding these theories' characteristic problems, including that (1) shame cannot provide a basis for respect insofar as the latter is a "deontic" attitude, i.e. something another is in a position to *claim*; and that (2) in understanding respect and love as minimal and maximal responses to one and the same value, Velleman in fact risks rendering love as a deontic attitude, or as something one can require from another.⁶ (Velleman explicitly disavows that consequence, as when he calls love an "optional" response to another's personhood; my argument will consist in showing that he is not entitled to that disavowal.)

Therefore, Rousseau's writing will provide us with a vision of how the political mode of relating to others might *shape* the affective mode

"predisposition to humanity" in *Religion within the Boundaries of Mere Reason* (cf. Kant, 1998: 6:27; Ebels-Duggan, 2019). Notably, the latter remarks are also the part of Kant's writing in which commentators have been most consistent in detecting an allusion to Rousseau on *amour-propre*, the passion that below I will argue is central for understanding the affective mode (cf. Brooke, 2010, p. 52; Cohen, 2009, p. 116; Dent, 1992, pp. 35-36; Dent, 2005, pp. 105-106; Irwin, 2008, II, p. 881; James, 2013, pp. 69-70; Neuhouser, 2008, p. 140n23; Rawls, 2008, pp. 199-200).

⁶ Kant himself draws a distinction between respect and relations of right, while treating them as analogous (Kant, 1996, 6:449). In this paper both will be treated as "deontic" in the relevant sense, since both a duty of respect and a duty of right can be intelligibly commanded, though only in the latter case can one be coerced into compliance.

without (in contrast with these contemporary Kantian theories) risking that the affective mode collapse into the political.

Part 1: Rousseau on the Connection between the Affective and the Political

1.1. The Affective Mode of Relating to Others

Throughout his writings Rousseau recurs to the idea that constraint and force are inimical to such central areas of our emotional lives as love (E: 228, 349/OC: 4:513, 683-684), pleasure (C: 183-184/OC: 1:189-190; E: 316/OC: 4:638; RSW: 74-88/OC: 1:1050-1059), and play (E: 148/OC: 4:403-404). In this vein, Rousseau also articulates a distinctive way of relating to others, where another person is a locus of a kind of value (differential consideration of oneself) that cannot be forced or demanded without spoiling the very value it is meant to extract.

Rousseau tends to be most articulate about this point when contrasting humans' social relations with the way of relating to the world characteristic of the asocial *sauvage*, or early human. In the original state of nature, the life of the *sauvage* was principally governed by the passion Rousseau calls *amour de soi*, or the desire for self-preservation. And the objects of *amour de soi*, such as food and shelter, were "ready to hand" (DI: 143/OC: 3:144), in that there was nothing in the nature of those objects such that they could not be had, and without spoiling their satisfactoriness, through force, exercises of the will, or the contingent limitations of the *sauvage*'s abilities. In this sense the *sauvage* related to the world as a world of things, something that even characterized his relations to others of his kind: he related to other humans just as instruments or impediments to the satisfaction of his self-preservation (DI: 218/OC: 3:219-220).⁷

But after time, according to Rousseau, with the birth of social relations (and in particular the moment in human history he calls "nascent society;" cf. DI: 167, 172/OC: 3:170, 176), "everything begins to change in appearance."

⁷ This paragraph and the following one draw from Davies (2018). The rest of this section, as well as the discussion of domination in the following section, summarize a reading of Rousseau on *amour-propre* defended in Davies (unpublished MS).

As ideas and sentiments succeed one another, as the mind and the heart grow active, [Humankind] continues to grow tame, contacts expand and bonds tighten. It became customary to gather in front of the Huts or around a large Tree: song and dance, true children of love and leisure, became the amusement or rather the occupation of idle men and women gathered together. Everyone began to look at everyone else and to wish to be looked at himself, and public esteem [became prized]. The one who sang or danced the best; the handsomest, the strongest, the most skillful, or the most eloquent came to be the most highly regarded, and this was the first step at once toward inequality and vice: from these first preferences arose vanity and contempt on the one hand, shame and envy on the other; and the fermentation caused by these new leavens eventually produced compounds fatal to happiness and to innocence (*DI*: 166/*OC*: 3:169-170).⁸

In this moment humans' mutual relations continue to be governed by *amour de soi*, but also by the passion he calls *amour-propre*, or the desire for consideration from others (cf. *DI*: 170/*OC*: 3:174). (Elsewhere Rousseau says that *amour-propre* is the passion that "makes comparisons," (*E* 213/*OC* 4:493).) And whereas the *sauvage* had related to others just as instruments or impediments to his self-preservation, members of nascent society come to care about what others think of them, and thereby come to value something outside of what is available to force, exercises of their wills, or the contingent limitations of their abilities. After all, *amour-propre* is a passion distinct from *amour de soi*, and if the value of public esteem does not just consist in greater access to food and shelter (or other objects of *amour de soi*), but is rather valued for its own sake, then such esteem can only be satisfactory of *amour-propre* if it is seen as expressive of an independent point of view on oneself. In this sense, an independent point of view is not simply a point of view

⁸ I have slightly modified Gourevitch's translation.

from somewhere else but rather the point of view of *someone else*, which is thereby independent of the deliberate exercises of my will.⁹

It is no longer the received or default reading of Rousseau to understand him as thinking that *amour-propre* is an intrinsically unhealthy passion.¹⁰ Recently Frederick Neuhouser has proposed an interpretation of *amour-propre* along the model of a Freudian drive, something neither in its nature good nor bad (cf. Neuhouser, 2008, p. 15), and (like the other passions, on Neuhouser's reading) with a "purely biological source" that lacks direction until guided by separate "ideas" (cf. Neuhouser, 2008, pp. 15 and 176). But this interpretation of *amour-propre* as a Freudian or biological drive might not capture the way in which that passion essentially involves valuing others as independent points of view on oneself: that is, it might not capture the way in which it is internal to that passion that we maintain an "idea" of others as separate persons. Rousseau's writing is especially evocative about this point in his *Essay on the Origin of Languages*, and particularly in his phenomenological description of the moment when early humans first came to feel the significance of others of their kind (as more than mere instruments).

A [sauvage] meeting others will at first have been frightened. His fright will have made him see these men as larger and stronger than himself; he will have called them *Giants*. After much experience he will have recognized that since these supposed Giants are neither bigger nor stronger than he, their stature did not fit the idea he initially attached to the word *Giant*. He will therefore invent another name common to them and to himself, for example the name *man*, and he will restrict the name *Giant* to the false object that had struck him during his illusion (EO 254/OC 5:381).

⁹ I owe this formulation to comments on an earlier draft of this paper by Jeremy Fix.

¹⁰ The earliest and most important study in English that contributed to the idea that there are healthy as well as unhealthy manifestations of *amour-propre* was Dent (1988). But as Christopher Brooke notes, there were already some gestures toward this reading by John Plamenatz as early as the 1960s (cf. Brooke, 2016, pp. 148-149; Plamenatz, 1963, I, pp. 380 and 421-422).

Here Rousseau is describing a distinctive way of being affected by others: one in which other persons are frightening not just because they figure as competitive threats or threats to one's body, but because they are capable of evaluating oneself, of differentiating oneself from other beings. This is frightening for the *sauvage*—and other points of view figure for him as “Giants”—because whereas he had up to that point valued only those objects that were available to his will and the contingent limitations of his abilities (and so were in that sense “smaller” than him), he now comes to care about how others take him in, something manifestly outside his control (and so these others are in that sense “larger” than him).¹¹ Rousseau intends this passage as a highly figurative account of the phenomenology of being startled by the evaluative judgment of another person, but we can also recognize its main idea—that in being so confronted by others they appear to us as significant, and significant for reasons other than their serving as instruments for our ends—in Rousseau’s own autobiographical accounts of taking himself to be alone, only to be startled by the presence of another (RSW: 81/OC: 1:1056). And, as both Rousseau and his attentive reader Jean-Paul Sartre recognized, it is an experience made vivid when we imagine moments of being caught doing something shameful (cf. Sartre 1956, pp. 252–302). In such moments of shame, one cannot help but take account of another person’s evaluative point of view on oneself: that person (even if they are a stranger) suddenly figures as significant not just because of how they might promote one’s own ends, but because one (often involuntarily) orients oneself for the sake of their perspective.

At one point Rousseau characterizes a certain sense of “freedom” as “not being subject to someone else’s will” (LWM: 260/OC: 3:841), and one way of summarizing the foregoing is to say that being subject to *amour-propre*, in contrast with being subject principally to *amour de soi*, involves recognizing others as in that sense *free*, at least insofar as one values perspectives on oneself whose satisfactoriness depends on their being independent of deliberate exercises of one’s will. A further important contrast between the two passions consists in the idea that objects of *amour de soi* are intersubstitutable: for the *sauvage*, subject principally to *amour de soi*, any two qualitatively similar sources of satisfaction are

¹¹ A fuller defense of this reading of this passage of the *Essay*, and an argument for why we should think *amour-propre* is at play in it, appears in Davies (unpublished MS).

equally satisfying. For example, the frustrations of losing a meal are only temporary so long as a sufficiently similar one is available. But things are fundamentally different when it comes to the insult characteristic upon having one's *amour-propre* frustrated. When I value someone's differential consideration, and that consideration is not forthcoming, as welcome as the differential consideration of others might be (even when they are somehow qualitatively similar to the person I care about), none of these others can make up for the insult occasioned by *this* particular individual and their thwarting of my *amour-propre*. We therefore have a sense of how *amour-propre* makes available to us a distinctive way of being affected by persons, and indeed a distinctively affective mode of relating to others: valuing others' differential consideration at least involves recognizing those others as *free* (as sources of satisfaction unavailable to force and deliberate exercises of the will) and as *individual* (as not satisfactorily substitutable with other, even qualitatively similar, sources of satisfaction).¹²

1.2. The Affective Mode and Domination

Part of what older readings of Rousseau on *amour-propre* (as altogether bad or unhealthy) were responding to was that, once Rousseau describes the first appearance of *amour-propre* in nascent society, he immediately mentions the evils it brought about. Thus, in the passage quoted above, Rousseau says that from the first instances of valuing consideration from others "arose vanity and contempt on the one hand, shame and envy on the other" (DI: 166/OC: 3:169-170). But this passage also shows that it was not *amour-propre* alone that brought about the evils he associates with domination and inequality, for its first appearance was at most the "*first step...toward inequality and vice*," and that it "*eventually produced compounds fatal to happiness and to innocence*" (DI: 166/OC: 3:169-170, my emphases). Thus, it was the combination of *amour-propre* with additional social factors (principally inequalities in private property) that produced the circumstance of individuals' seeking satisfaction of that passion in the domination of their dependents (see Neuhauser, 2014, pp. 79-80).

¹² I further explore the significance of having another's freedom become salient to us in our valuing their differential consideration in Davies (2019) and (unpublished MS), as well as the significance of having their individuality become so salient to us in Davies (2018), which this paragraph draws from.

To see this, we must recall that the introduction in humans of a capacity does not preclude the introduction, with it, of certain characteristic difficulties, or anxieties about how that capacity can go wrong. For example, learning to walk can bring with it new anxieties about tripping, and learning to speak can bring with it new anxieties about misspeaking or being misunderstood (cf. Cavell, 1994, p. 111; Fix, 2020). Similarly, if being subject to *amour-propre* involves the capacity to appreciate others as independent points of view on oneself, then it should not be surprising that that capacity can also involve characteristic anxieties about being the object of another's independent, evaluative judgment: including anxieties about how one is taken in by others—about whether they will judge one well, or as one would like to be seen—particularly if, in contrast with the objects of *amour de soi*, the objects of *amour-propre* are manifestly outside one's powers of deliberate control. Rousseau is clear, in writing about his own social anxiety and social paranoia in his autobiographical writings, that such anxieties need not result in violence or in dominating others. (They might rather simply result in wanting to hide from others and their evaluative gazes; cf. C: 45, 78-79/OC: 1:36, 75-76; RSW: 74-84/OC: 1:1050-1059; cf. Starobinski, 1989.) Indeed, the fact that members of nascent society might not have been without such anxieties, but were nevertheless economically independent of one another (thereby precluding these anxieties from resulting in kinds of domination), might account for why Rousseau describes this period (marked by the first appearance of *amour-propre*) as “the happiest and the most lasting epoch,” and “the state [which was] best for man” (DI: 167/OC: 3:171).

But Rousseau also says that humans left this happy state only thanks to a “fatal accident” (DI: 167/OC: 3:171), by which (it soon becomes evident) he refers to the invention of private property and its original accumulation by some at the expense of others, thereby making the latter dependent on owners and lords for their subsistence needs. This circumstance interacts with *amour-propre* by allowing for expressions of that passion's characteristic anxieties unavailable under conditions of economic independence: such as owners and lords demanding flattery and supplication from their dependents, or an understanding (perhaps not entirely conscious to all parties) that those dependents' subsistence needs rest on their supplying such flattery and supplication to their superiors. After all, if those anxieties partly result from acknowledging the independence of others as evaluative points of view, then they

might meet their relief upon rendering those points of view as objects of control. Thus, Rousseau observes how, in conditions of accumulation at the expense of individuals' subsistence needs, the latter partly get by through—their economic dependence on owners and lords partly consists in—their capacity to bestow differential consideration to their superiors. In other words, under such conditions, their survival depends partly on their affective labor.¹³

Much of the second half of Rousseau's *Second Discourse* consists of an elaboration of the varieties of inequalities that result from the original accumulation of private property (at others' expense), and how each of those kinds of inequality interact with *amour-propre*. In addition to (1) the inequalities in material wealth resulting from the original accumulation of private property, two further kinds of inequality figure prominently in Rousseau's discussion: (2) inequalities in formal or legal status, and (3) inequalities in means of differential consideration.

(2) Thus, according to Rousseau, there is a standing tendency for inequalities in material wealth to be codified in a legal system. In his account, the first introduction of private property was for its owners an unstable condition so long as their right to property rested on "the right of the stronger" (i.e. their ability to defend their property by physical force) rather than a legally recognized right (cf. *DI*: 172/OC: 3:176). This resulted in owners' establishing a social compact with their dependents in order to codify in law a right to their already-existing property.¹⁴ Moreover, since such a compact codifies the legal rights of owners to their already-existing property (without redistribution based on human need), whatever "formal equality under the law" this compact effects is inherently precarious: owners tend to use their greater political power (afforded by their greater material resources, themselves codified under the law) to bend the application of the law in their favor. According to Rousseau, this inevitably leads to some enjoying greater legal status than others (cf. *DI*: 182/OC: 3:187). Rousseau also describes the worst

¹³ Rousseau's treatment of this topic can be read as drawing on his own experience of working in a variety of subordinate positions. Cf. Starobinski (1988, pp. 282-283).

¹⁴ Throughout I use "social compact" to refer to an agreement among several individuals; I use "Social Contract" to refer to the actual egalitarian contract that Rousseau articulates in *The Social Contract*. For a related distinction between compact and contract, see (Hasan, 2016, pp. 411-414).

instances of such systems as those in which “the subjects have no other Law left than the will of the Master, and the Master no other rule than his passions” (*DI*: 185/OC: 3:191): and among those passions, we can suppose, is *amour-propre*. That is, it is hardly surprising when someone of higher legal standing exploits others’ dependence on them (for example, that others must satisfy their commands, at risk of being in violation of the “law”) in order to satisfy their desire for differential consideration. And we do not even need to imagine Rousseau’s limiting case of a society with “no other Law left than the will of the Master;” such general relations of domination are a standing risk characteristic of any society where the desires of particular individuals, as opposed to the shared general interests of all, determine the content of the law.

(3) Also, among the inequalities of concern to Rousseau are those in means of differential consideration: that is, the unavailability of a wide range of means of satisfying one’s need for differential consideration that do not themselves involve dominating others. In systems characterized by (1) material and (2) formal inequalities, owners of private property and administrators of inegalitarian states have a disproportionate influence over what the available means of differential consideration are. This is because, thanks to the structures of power they administer—and especially because these structures allow for multiple hierarchical levels, where some who command over others are in turn commanded over by others—they can promise those who would occupy middle terms in that hierarchy opportunities for domination over others (on the condition of their being dominated by those occupying higher positions). This is how, according to Rousseau, individuals “come to hold Domination dearer than independence, and consent to bear chains so that they might impose chains [on others] in turn” (*DI*: 183/OC: 3:188; cf. *LWM*: 261/OC: 3:842).¹⁵

For Rousseau, each of these kinds of inequality (resulting from the invention of private property and its original accumulation) interacts

¹⁵ This point, made by Rousseau in a roughly feudal context (and focusing on domination between individuals rather than between supra-individual entities such as classes, as well as on the dominator as consumer of differential consideration rather than as accumulator of a value to be sold on a market), nevertheless has an important echo in Marx’s comments on the functional role of English workers’ regarding themselves as dominating over Irish workers in the maintenance of their own domination by the ruling class (cf. Marx, 1975).

in its own way with the affective mode of relating to others made available in *amour-propre*. That is, those dominating others (in the different ways made possible by these different kinds of inequality) are often responding to others' qualities as independent points of view characteristic of the affective mode (of relating to them). Of course, in the present reading of Rousseau, this way of explaining the motivations behind kinds of domination invites paradox: if the dominator is, in their anxieties, responding to the quality of the dominated as an independent point of view, then rendering the latter an object of control might relieve their anxieties, but it would do so while undercutting their original acknowledgment (of the dominated as independent of their force or will). For the purposes of understanding Rousseau, we do not need to solve this paradox in the dominator's attitudes. We may not even want to suppose that the dominator cannot be, in this respect, irrational or guilty of a practical contradiction. Rather, we only need to take seriously these attitudes as contributing to a social problem in need of solution.

1.3. The Political Mode as Addressing Domination

If we find this solution in Rousseau's positive political writings, that is because Rousseau defines the "two principal objects" of every good "system of legislation" as "*freedom* and *equality*" (SC II.11.1). Indeed, in *The Social Contract* and related writings we find measures that address each of the three kinds of inequality that, in interaction with *amour-propre*, engender forms of domination, or enforced dependence on particular others.

(1') The Social Contract establishes material equality, in at least two respects. First, private property is alienated to the community so that it may be distributed according to human need (SC: I.9, II.11.2). Second, inequalities in wealth are limited so that "no citizen be so very rich that he can buy another, and none so poor that he is compelled to sell himself" (SC: II.11.2). That is, the Social Contract removes those conditions of material inequality that lead those lacking resources to depend on particular others for the satisfaction of their subsistence needs, a dependence that typically requires their affective labor.

(2') The Social Contract also establishes formal equality under the law, both in the sense that the law makes no distinctions among categories of individuals, and in the sense that the law takes into account the fundamental interests of all individuals. This is part of what Rousseau means when he says that the General Will must "issue

from all in order to apply to all" (SC: II.4.5): in taking into account the fundamental interests of all individuals, it must thereby be general in content, or not "pronounce judgment on a particular man or fact" (SC: II.4.6). Otherwise, this would be to make the law partial to some individuals over others, and "Every condition imposed on each by all cannot be onerous to anyone" (LWM: 261/OC: 3:843). Therefore, the generality of the law precludes a condition in which some individuals' interests determine the content of the law in ways leading to (either *de facto* or *de jure*) others' dependence on their wills.

(3') A further egalitarian measure central to Rousseau's political writings is that of an optimally fair and impartial distribution of sources of differential consideration. In a way, this measure follows from (2') in that every individual has a fundamental interest in—indeed, a need for—having their desire for differential consideration in some way satisfied.¹⁶ Rousseau says, "to provide for the public needs is a clear consequence of the General Will, and [one of] the essential [duties] of government" (DPE: 23/OC: 3:262). But Rousseau also articulates his vision of such an optimally impartial distribution (of sources of differential consideration) in his accounts of the public festivals and public prizes characteristic of a republic (cf. GP: 179, 181-182, 186/OC: 3:955, 957-959, 962-963; LD: 125-137/OC: 5:114-121) and of systems of rewards for services rendered to the state (cf. DI: 221-222/OC: 3:222-223; GP: 227/OC: 3:1006-1007). Some liberal commentators on Rousseau have distanced themselves from what they see as "communitarian" measures meant, as Judith Shklar put it, "to remind men of their public role" (Shklar, 1969, p. 20; cf. Cohen 2010, pp. 5 and 22). And some Marxist commentators have characterized these as "superstructural" measures meant to "inculcate virtue" (Levine, 1993, p. 179; cf. Althusser, 1970, pp. 155-156).¹⁷ But even if these characterizations are accurate, we should keep in mind how these measures also have liberating ambitions, in that they help to alleviate one of the conditions (namely, the unavailability, or merely narrow availability, of sources of

¹⁶ Both Dent and Neuhouser have written about the fundamental human need to be *picked out* from the manifold, and thus to be a "human presence" for others, that *amour-propre* expresses. Cf. Dent (1988, p. 24); Neuhouser (2008, pp. 73-74).

¹⁷ However, see Galvano Della Volpe's Marxist reading of Rousseau on differential rewards, a rich account that has helped to shape my understanding of many of the present issues: Della Volpe (1970).

differential consideration) that, for Rousseau, can motivate individuals' participation in relationships of domination.

A social compact introducing these measures will help to secure its members from "personal dependence," particularly of the sort that facilitates domination (SC: 1.7.8).¹⁸ But for these measures to be meaningful, for them to prevent or alleviate conditions of personal dependence or domination, the Social Contract must introduce a kind of relationship (among members of the community) structured according to reciprocally acknowledged rights. Rousseau begins his account of how the Social Contract structures the relationships of its members when he says that all of the contract's clauses "come down to just one":

[Namely,] the total alienation of each associate with all of his rights to the whole community: For, in the first place, since each gives himself entirely, the condition is equal for all, and since the condition is equal for all, no one has any interest in making it burdensome to the rest (SC: I.6.6).

Rousseau does not here specify all of the respects—among them, (1')-(3') above—in which this condition is "equal for all." But he does state that this social compact (involving the alienation of rights to the community, so as to structure rights according to the fundamental interests of all) amounts to the creation of a "moral and collective body":

¹⁸ (1') and (2') are very similar to, and my formulations of them directly influenced by, the measures that Neuhouser describes as Rousseau's measures to secure personal independence through dependence on the General Will (cf. Neuhouser, 1993, pp. 387-391). But in place of my (3') Neuhouser proposes that, for Rousseau, "the community itself [becomes] a source of the esteem sought by individuals as a consequence of their *amour-propre*. Law accomplishes this by ensuring that individuals enjoy an *equality of respect as citizens*" (Neuhouser, 1993, p. 90). Though this earlier formulation is ambiguous (and owes something to Dent's influential suggestion that equal conditions of respect could be satisfactory of *amour-propre*; cf. Dent, 1988, Chapter 2), Neuhouser has more recently, and convincingly, argued that such conditions cannot alone be satisfactory of *amour-propre* (cf. Neuhouser, 2008, pp. 59-70). Moreover, Neuhouser has imagined conditions in which "it is possible for all to desire to be the best (in some non-trivial respect) [as in varieties of competition] and at the same time satisfy their *amour-propre* to a rationally acceptable degree" (Neuhouser, 2008, p. 102). My (3') is influenced by Neuhouser's later formulations.

“which its members call (...) *Sovereign* when [it is] active,” and whose members “individually call themselves *Citizens* as participants in the sovereign authority” (SC: I.6.10).

In a helpful account of the above passage from *The Social Contract*, Joshua Cohen makes clear that when Rousseau talks about the “total alienation” of rights, he is not saying that members of the Social Contract lack rights, but exactly the opposite of that. According to Cohen, “Construing rights as claims that ought to be acknowledged by others, then, the existence of a general will requires the acknowledgment of rights.” Thus, Rousseau’s point is not that members of the community lack rights, “but that they claim those rights as members, and that all the rights are founded on the common good, understood non-aggregatively” (Cohen, 2010, p. 83, Cohen’s emphasis).¹⁹ When Cohen says that these rights are “founded on the common good, understood non-aggregatively” (or understood “distributively”), he means that the common good (from which these rights derive) is not, as in varieties of utilitarianism and consequentialism, to be understood as the aggregate of individuals’ pleasures or particular goods. Rather, in taking into account the fundamental interests that all members of the Social Contract share, the General Will secures citizens’ rights to have those interests respected: that is, the General Will “distributes” certain general rights on the basis of those shared interests. Therefore, unlike in classical utilitarianism, the General Will cannot justify the thwarting of any citizen’s fundamental interests on the ground that it would promote “the common good” (understood aggregatively). In fact, on a distributive understanding, there is no “common good” above and beyond respect for citizens’ rights. And, as Cohen notes, Rousseau says of the suggestion that the government may “sacrifice one innocent person for the sake of the many” that it is “one of the most execrable maxims that tyranny ever invented (...) and the most directly contrary to the fundamental laws of society” (DPE: 17/OC: 3:256; cf. Cohen, 2010, pp. 41 ff.). It is in this sense—that no one’s fundamental interests may be justifiably “exchanged” for anyone

¹⁹ A classic treatment of rights as claimable (and thus of the sort of connection between rights and claims that Cohen is presupposing in this passage) is Feinberg (1970).

else's benefit—that the rights and duties codified under the Social Contract are “deontological.”²⁰

Therefore, the creation of this artificial body, the Sovereign, involves the creation of an artificial (or political) mode of relating to a person, the Citizen, whereby seeing another as a fellow citizen involves seeing them as bearing fundamental (and non-fungible) interests that one must respect, and also as required to respect one's own fundamental (and non-fungible) interests. As this formulation suggests, seeing another as a citizen is reciprocal: the general requirements to which one is bound in virtue of that relation are the same general requirements to which any other is bound with regard to oneself. Rousseau says, “there is no associate over whom one does not acquire the same right as one grants him over oneself” (SC: I.6.8), and, he adds, “The commitments which bind us to the social body are obligatory only because they are mutual” (SC: II.4.5). This is a consequence of the generality of the Sovereign's laws (which cannot “pronounce judgment on a particular man or fact,” (SC: II.4.6)), and of the requirement that “it is never right for the Sovereign to burden one subject more than another” (SC: II.4.9).

1.4. How the Political Mode Shapes the Affective

In a rich and challenging passage of *Emile* summarizing some major tenets of his social thinking, Rousseau says that “There are two sorts of dependence: dependence on things, which is from nature; [and] dependence on men, which is from society.” He adds that “dependence on men (...) engenders all the vices,” and “If there is any means of remedying this ill in society, it is to substitute law for man and to arm the general wills with a real strength superior to the action of every particular will” (E: 85/OC: 4:311). It is clear that by “dependence on men,” Rousseau is referring to the domination, or dependence on particular individuals, engendered by the sorts of inequality ((1)-(3)) discussed above; and we have just seen how the generality of the law, and the distribution of the shared interests of all into mutually acknowledged rights, is supposed to secure citizens against those sorts of inequality.

²⁰ For the notion that the “common good” consists of the agreement of citizens' interests, see SC: II.1.1. Rawls also understands that “the fundamental laws of [the social contract] are not to be founded on an aggregative principle” (Rawls 2008: 230).

But in that same passage in *Emile* Rousseau adds that, in such a republic, “dependence on men would then become dependence on things again” (E: 85/OC: 4:311). And we may want to ask to what extent this passage suggests that the political mode of relating to others manifested in the Social Contract constitutes an “overcoming” of the affective mode of relating to others first manifested in nascent society. After all, in at least two respects the political mode indeed invites comparison with *things* (or the way of relating to things characteristic of the *sauvage*) as opposed to the way of relating to persons characteristic of those subject to *amour-propre*. First, in contrast with “persons” (under the affective mode), things are (at least for the *sauvage*) sources of satisfaction available to exercises of their will and the contingent limitations of their abilities. Similarly, under the political mode, acknowledging another as a fellow citizen also involves seeing them as a source of satisfaction available to exercises of the will (and the contingent limitations of one’s abilities) in the following narrow way: the respect for our rights that we can claim from fellow citizens is not spoiled by our so claiming it (where the act of *claiming* is understood as an exercise of the will). This follows from the fact that the General Will “distributes” rights based on the shared interests of all: and, in constituting the “common good,” those interests must be of the right kind to be distributed in the form of a right that one can claim. Any interest that would be spoiled in virtue of its being claimed could not, therefore, be understood as constituting the “common good” (rendered distributively).

Second, there is a peculiar sense in which, under the political mode, in acknowledging another as a citizen one relates to them as “general,” much as the *sauvage* relates to things as general: for the *sauvage*, any two qualitatively similar sources of satisfaction are equally good. (Again, the frustrations of losing a meal are only temporary so long as a sufficiently similar one is available.) This is similar to the mutual relations among citizens in that, whenever there is a question of whether another citizen is respecting one’s rights (or whether one is respecting theirs) the only features of their identity relevant to that question are the ways in which they instantiate the general descriptions of the law. (For example, if a citizen claims a right to medicine that others have in excess, any two citizens meeting that general description—of having the medicine in excess—will satisfy that citizen’s claim.) After all, as we have seen, in order that the law not be burdensome to any particular individual, and in order that it not favor any “particular will” (SC: II.4.9), the law that the

General Will promulgates cannot “pronounce judgment on a particular man or fact” (SC: II.4.6). Thus, there is a way in which, when we relate to each other as citizens, we relate to each other as nothing more than general conduits for the satisfaction of our shared fundamental interests (once again, rendered distributively).

But though in these two respects the political mode of relating to others invites comparison with relations to things, and thus accounts for Rousseau’s characterization of the General Will as making possible “dependence on things again” (E: 85/OC: 4:311), it would be an error to understand this as an overcoming or elimination of the affective mode of relating to others. After all, Rousseau says of the passions (including *amour-propre*, thanks to which the affective mode is made salient to us) that it is “an enterprise as vain as it is ridiculous to want to destroy them” (E: 212/OC: 4:490-491). Also, the political mode *preserves* and *shapes* the affective mode in the sense that among the mutually acknowledged rights characteristic of an egalitarian republic is, as we have seen (3’), a right to an optimally fair and impartial distribution of sources of differential consideration. To be clear, what this right amounts to could never be a right to a particular instance of differential consideration: it is in the nature of such consideration that its satisfactoriness would be spoiled if brought about by force or exercises of the will, including claims to right. But though a citizen cannot intelligibly claim a right to a particular instance of differential consideration from another citizen, they can intelligibly claim a right to a fair system of distribution of differential rewards and prizes from those institutional officers whose roles require that they uphold laws prohibiting unfair discrimination.²¹ Therefore, insofar as the need for differential consideration is among those shared fundamental interests that the General Will “distributes” into mutually acknowledged rights, relating to another as a citizen partly consists in relating to them as individuals with affective needs (even if we have no intelligible duty, as individuals, to supply those needs).

In fact, it might help us to specify the ways in which the political mode of relating to others shapes the affective mode—and why both modes are ways of relating to “persons”—by noting how the former involves a kind of projection, and even legal enforcement, of those

²¹ This should be compared with violations of principles of what Rawls calls “fair equality of opportunity” (Rawls, 1971, p. 73; cf. Neuhouser, 2014, pp. 219-221).

elements of seeing another (as *free* and as a non-fungible *individual*) that have emerged as characteristic of the affective mode. Under the affective mode, seeing another as free consists in seeing them as an independent point of view on oneself, and as a limit on what one can satisfactorily bring about by force. And under the political mode, seeing another as a citizen also consists in seeing them as free, but in two additional (but related) senses: (a) as making their own laws, (b) whose content enjoins us to respect their independence.²² (Rousseau refers to (a) as “moral freedom,” and to such (b) legally-enforced independence of the will of others as “civil freedom” (SC: I.8.3, SC: II.11.1-2).) That is, a consequence of the law’s taking into account the shared interests of all, so that it in some sense “issues from all” (SC: II.4.5), is that each of us is enjoined to respect the independence of all others; and this is enforced through the sorts of egalitarian measures, meant to secure individuals against “personal dependence” ((1’)-(3’)), mentioned above.

Furthermore, we have seen that a peculiar feature of the insult characteristic of being denied the differential consideration that one values in another is that the consideration of no other individual (not even one bearing sufficiently similar general traits) can make up for it: such insult is expressive of one’s valuing *this* person’s differential consideration. It is in this way that, under the affective mode, acknowledging another as a person (as a source of differential consideration) involves acknowledging them as an individual irreducible to their general traits. Moreover, we have seen that the requirements of conduct toward others that the Social Contract introduces are “deontological” in that the General Will “distributes” rights on the basis of all citizens’ shared interests rather than on the basis of an aggregative understanding of the common good. (This informs Rousseau’s insistence that under no condition may an innocent person be sacrificed for the sake of the many; cf. DPE: 17/OC: 3:256.) Therefore, under the political mode of relating to a person that Rousseau inscribes in the “Citizen,” acknowledging another as a person involves acknowledging them as an individual in the sense that they are valued as more than a bearer of, say, units

²² My formulation here is inspired by Korsgaard (1997: p. xxviii).

of pleasure that can be aggregated across persons, but principally as having certain fundamental, non-negotiable interests.²³

In other words, via the political mode of relating to others, the Social Contract enforces (in the way that it can) the *freedom* and the *individuality* of others made salient under the affective mode, but which may be threatened under relationships of domination. And it also does so, thanks to measures like (3') a right to an optimally fair and impartial distribution of differential rewards, by allowing the affective mode its healthiest expression (minimally characterized by domination) available to political measures. In these ways, we can say that the affective mode provides the *content*, and the political the *form*, of egalitarian relations with other persons.

Part 2: Contemporary Kantian Accounts of the Affective

I mentioned earlier that a legacy of Rousseau's notion of the citizen in *The Social Contract* is its recasting by Kant in his moral philosophy: including in his understanding of a person as self-legislating (and thus as manifesting what Rousseau called "moral freedom" (SC: I.8.3)); as to be treated not merely as a means to our own particular ends (and thus as manifesting a version of what Rousseau called "civil freedom," or the absence of "personal dependence" (SC: II.11.1-2)); as well as his characterization of a person's dignity in terms of their being "above all price," and their admitting of "no equivalent" (and thus as manifesting a version of Rousseau's idea that no one's fundamental interests may be justifiably exchanged for anyone else's benefit; cf. Kant, 1997a, 4:429, 4:434). But by understanding these as aspects of personhood as such, as opposed to a specifically political mode of relating to a person (meant to address those forms of inequality, (1)-(3), that interact with *amour-propre* to generate relationships of domination), Kant did not understand this mode of relating to persons as having the same significance it had for Rousseau: namely, as a contrast with the affective mode, which manifests in domination in inegalitarian conditions.²⁴ (This becomes clearer once

²³ In fact, then, acknowledging others as citizens also requires acknowledging them as "separate persons," in the sense of Rawls's famous objection to classical utilitarianism (cf. Rawls, 1971, pp. 22-27).

²⁴ Also, the fact that Kant relied on Rousseau's "principles of right" in his understanding of morality, only separately to develop his own "Doctrine of Right" (Kant, 1996, 6:203-372), makes apparent that Rousseau, in contrast, had

we see that, though Kant's Categorical Imperative prohibits varieties of domination, it might not be a sufficient basis to articulate, say, (3'), a right to a system of differential rewards, optimally fair or otherwise.²⁵⁾

Part of this contrast between Rousseau and Kant can be accounted for by Kant's dichotomous understanding of incentives: as consisting either of sensible inclinations to which we cannot reason, or of duties which must be articulable through "pure practical reason," i.e. through consideration of the form of willing (cf. Kant, 1997a, 4:399; 1997b, 5:72-73, 80). As Kyla Ebels-Duggan has argued in recent writing on this dichotomy, this explains why Kant thought of our talk of certain affective phenomena, such as love, as systematically ambiguous (cf. Ebels-Duggan, 2019; 2008, pp. 142-143): we may be referring either to an arational, sensible inclination, or to a "practical" kind of love—the duty to make others' ends my own—that can indeed be commanded (and whose character as a duty admits of argument through the application of what Kant calls pure practical reason).²⁶ Thus, any attempt to locate in this dichotomy Rousseau's affective mode of relating to others will

no such categorical distinction between legality and morality (cf. Kant, 1997b, 5:71), or between a duty of right and a duty of virtue. (See SC: I.4.1, G: 160/OC: 3:329.) But rather than have the effect of blending together the affective and the political (as I have argued above it does not), this is in fact an expression of Rousseau's distinctive view that the content of morality is itself the outcome of material and political problem-solving. (See the references to "morality" and "virtue" at E: 85/OC: 4:311, as well as the role that the principles of the Social Contract play in Emile's moral development; E: 458-71; see also Lavin (forthcoming).) Note that this view is different from Kant's view that all duties of right are indirectly duties of virtue (cf. Kant, 1996, 6:221; Ripstein, 2009, p. 358), a view that nevertheless depends on a prior categorical distinction between right and virtue.

²⁵ This is trivially the case insofar as the Categorical Imperative does not ground rights in their character as authorizing coercion (see Ripstein, 2009, p. 368). But even if Kant's Universal Principle of Right (which, according to Ripstein's reading, is an "extension" of the Categorical Imperative corresponding to the postulate that we are rational beings coexisting in space; cf. 2009, 370-372) should be understood as grounding a right to a system of differential rewards, that is not a possibility that Kant explicitly pursues.

²⁶ For such discussions of love, see Kant (1996, 6:450; 1997a, 4:399; 1997b, 5:83). For examples of such argument involving the application of pure practical reason, see Kant (1996, 6:393; 1997a, 4:423; 1997b, 5:34).

model it either on an arational inclination or on duty. But the affective mode is distinctive: like with duty, our relations to others under it are articulable (in terms of our acknowledging them as *independent points of view*, and as *individuals* irreducible to their general traits); but unlike with duty, the kind of value we recognize in other persons under that mode, namely their differential consideration, cannot be satisfactorily commanded. Moreover, these aspects of persons, under the affective mode, are not articulable through applications of pure practical reason (or through categorical reasons), but rather through consideration of the conditions of satisfaction of a peculiar passion, namely *amour-propre*.

Any account of these differences between Rousseau and Kant will be a complicated interpretative matter. On the one hand, they derive from deep differences in their philosophical projects: including over the exact way in which impersonal reason enters into morality, and over the distinction between morality and legality. On the other hand, ironically, it seems plausible that Kant's dichotomous understanding of incentives was informed partly by his reading of *The Social Contract*, and especially by Rousseau's remark that the civil state substitutes "justice for instinct" in our conduct, allowing us to "consult [our] reason before listening to [our] inclinations" (SC: I.8.1). (My arguments about *amour-propre*, a passion mention of which is notoriously absent from *The Social Contract*, have been meant to show that the distinction Rousseau makes in this passage, between "right" and "appetite," cannot be exhaustive of his understanding of motivations, or of our ways of relating to others.²⁷)

Therefore, in the following, I am not concerned with adjudicating these differences, but rather with exploring the problems that arise

²⁷ Further complicating these issues is that, as I note above, in other contexts (in particular Kant, 1998, 6:27) Kant can be read as articulating a kind of motivation modeled on Rousseau's understanding of *amour-propre*. (What Kant calls the "predisposition to humanity" is a kind of "self-love" that is "physical and yet *involves comparison* (for which reason is required)" (1998, 6:27).) In addition, saying that in his practical philosophy Kant relies on a dichotomous understanding of incentives does not tell us how strict we should understand this dichotomy to be, something that I will not further explore here as a matter of Kant interpretation. Note, though, that it cannot be so strict as to exclude the possibility of forming sensible inclinations on the basis of the habitual carrying-out of duty (cf. Kant, 1996, 6:402, 457; 1997b, 5:83), a thought that plays a role in Barbara Herman's Kantian account of character-formation (cf. Herman, 2007, p. 11). I thank two anonymous referees for comments bearing on this note.

when Kant's dichotomy is applied in certain contemporary accounts of affective phenomena: Sarah Buss's writing on shame (according to which Kantian respect is primitively contained in our feeling of shame before others), and J. David Velleman's writing on love (according to which love and Kantian respect are, respectively, the maximal optional and minimal required responses to the same value, "personhood"). Since I will argue that Buss and Velleman are not entitled to claims they make about affective phenomena that Kant himself never explicitly made, my arguments should not be imputed to Kant. Nevertheless, a notable shared feature of both Buss's writing on shame and Velleman's writing on love is the weight they place on Kant's identification between respect and a certain feeling, particularly a feeling associated with seeing or looking, namely reverence (cf. Kant, 1996, 6:402). Indeed, Buss and Velleman think of shame and love, respectively, as emotions through which we perceive the personhood of others. What I will insist on is that from Rousseau's writing we can appreciate that talk of looking at other persons, or being exposed to other persons, need not so immediately suggest notions of duty, and that what is at stake in these discussions is the risk of our losing touch with the distinctive way of being affected by others central to Rousseau's writing on *amour-propre*.

2.1. Buss on Shame

Sarah Buss characterizes shame as a "natural disposition to *see* one another as *respect-worthy*," and she says that "shame is respect in its primitive, prereflective mode" (1999, pp. 520 and 537). In other words, for her, shame is a kind of Kantian respect, where treating others with respect is a matter of accommodating "our ends to the ends of others" (p. 535). The reason Buss thinks that shame has this character, as a primitive, prereflective kind of respect, is that in feeling ashamed one cannot help but appreciate that there are other evaluative perspectives besides one's own: "To experience shame is to experience oneself as *for another*; it is to 'confess' that there is more to the significance of one's activities than their significance *relative to one's personal perspective*" (p. 526).²⁸ Moreover, Buss thinks that this way of approaching shame allows us to address a certain moral skeptic, at least about "categorical imperatives": "We need merely point out to the skeptic that he, too, has had an experience

²⁸ With the word "confess," Buss is drawing on Sartre (1956, p. 261).

[namely, shame] whose content is incompatible with his skepticism" (p. 540). For Buss, any skeptic about the legitimacy of another's claim on our respect who also feels shame before that other (and thus acknowledges "the nonstrategic relevance of another person's evaluative judgments" (p. 536)) is guilty of a kind of practical contradiction.

I do think that there is something consonant between Buss's writing on shame and Rousseau's writing on *amour-propre*, at least in that (according to the present reading of the latter) when we feel ashamed the character of *amour-propre* as revealing the personhood of another (under the affective mode) is especially apparent. But the immediate worry, then, should be whether that is a sufficient basis for arriving at a notion of Kantian respect. After all, what shame reveals to us is a person (characteristic of the affective mode) understood as a source of differential consideration. This is why the kind of consideration from another we care about when feeling ashamed is not just outside our forceful control, but also outside what we can claim or command. (Sure enough, we can command another to avert their gaze from us, but we cannot satisfactorily render their evaluative judgment an object of control.) Moreover, there is no expectation that the acknowledgment of another involved in shame is mutual or reciprocal: that is, there is no apparent requirement (normative or otherwise) that, when feeling ashamed before another, and thereby acknowledging them as a person, they must (as a matter internal to this encounter) acknowledge oneself as a person as well.²⁹ Indeed, often in shame we are made to feel "an object," suggesting that there is indeed no incoherence, in either party, in one's feeling ashamed before another who sees oneself as nothing but an object, a thing, or a non-person.³⁰ An absence of mutual acknowledgment does not render an interaction deficient as a case of

²⁹ Cf. Setiya's discussion of Levinas's idea that "personal acquaintance" is "unilateral" or "non-symmetrical" (unpublished MS).

³⁰ In his famous discussion of shame, which Buss in fact draws from, Sartre extensively discusses, as a feature of shame, one's being made an "object" (1956, pp. 252-302). But Sartre employs a technical understanding of "object," distinguished from "subject"—derived from the grammatical *object* and *subject*—thereby suggesting that being made an object is a necessary feature of shame. My point above is that (in contrast with respect) non-recognition of a person does not render an interaction deficient as a case of shame. This point does not depend on the idea that being made an "object" (in some sense other than the

shame, but may in fact be paradigmatic of shame. (This does not mean that there is no normative significance in acknowledging another as a person when feeling shame. It means only that there is nothing in shame by itself suggesting that the acknowledgment must be reciprocal.)

Furthermore, we have seen that there is available a related but different mode of relating to a person, the political mode, which may or may not be identified with Kantian respect, but which involves, in contrast, seeing a person as a source of non-differential consideration—which can be claimed or commanded, and which is indeed reciprocal. That is, in acknowledging another as a person in this different sense, there is a normative requirement that they acknowledge oneself as a person, in this sense, as well. (Something has gone wrong, internal to an interaction's character as an acknowledgment of rights, when that acknowledgment is only one-sided.) Therefore, if we want to capture the insight that feeling ashamed involves acknowledging another as a person, then it seems we will want to keep these modes—affectionate and political—separate. And we do not yet have reason to think that the political mode of relating to a person, or any of its characteristic features (such as reciprocity, or the availability of consideration one can claim or command), is at play in shame.

In some ways, this point (that the evaluative perspectives on oneself valued when feeling shame may be an insufficient basis for full Kantian respect) is little different from Buss's own avowed divergences from Kant. Thus, some of the above may be what she means in calling shame not an *unqualified* form of respect, but respect in a "primitive, prereflective mode." And Buss distances herself from Kant in her not wanting to ground respect in "something impersonal," namely the impersonal reason in which all subjects participate, but in something "irreducibly personal," namely another's point of view on ourselves and our motives (cf. Buss, 1999, p. 546). (In other words, Buss may not even be seeking to account for the reciprocal character of Kantian respect, if that is to be understood as bound up with "impersonal" reason.) Nevertheless, by not distinguishing between the affective and political modes, and by supposing there is just one relevant mode of relating to a person (which feeling shame makes salient to us), Buss gives the impression that her account of shame yields more (particularly, more

grammatical one) is a necessary feature of shame. I am grateful to discussion of this issue with Richard Moran.

under the label “personhood”) than it in fact does. In particular, she gives the impression that it yields a notion of respect with the “deontic” character (of rights over oneself that others have the power to claim) we have seen as distinctive, not of the affective mode that shame and other manifestations of *amour-propre* make salient, but of the political mode of relating to a person. (Buss talks about “respecting one another’s rights” as a minimal response to the “sublime” or awe-inspiring character of other persons made salient in shame; cf. 1999, p. 548).³¹

Therefore, a Rousseauist interpretation of Buss’s argument would state that nothing in her account of the ends or personhood that shame reveals to us has taken us outside the realm of the affective mode of relating to a person. Again, this is not at all to say that an examination of shame has no normative significance, or no significance concerning how we should treat others. But the only norms we should expect from such an account are those bearing on the status (characteristic of the affective mode) of others as independent points of view on oneself. For Rousseau: if we want to understand what grounds the rights of others—that is, if we want to understand what gives others the power to make claims against oneself—nothing short of a *contract* between oneself and others will supply that. Though he is rarely associated with the issue of moral skepticism, Rousseau was indeed concerned to show what interest we have in obeying what he called “principles of right.”³² But his way of doing that was not to attempt to prove that those principles are somehow already primitively contained in our affective responses to others. It was, rather, to attempt to show that our affective responses to others (in

³¹ Again, the Categorical Imperative cannot ground rights in their character as authorizing coercion (see Ripstein, 2009, p. 368); this requires Kant’s Universal Principle of Right, which depends on an understanding of us as rational beings coexisting and interacting in space (see pp. 370-372). In contrast, Buss—in another (likely conscious) divergence from Kant—begins her account of respect and duty with that understanding of humans.

³² “I shall try always to combine what right permits with what interest prescribes, so that justice and utility not be disjoined” (SC: I.1.1). In the Geneva Manuscript of *The Social Contract*, Rousseau aimed to show that his account of principles of right, unlike Diderot’s, could address a kind of skeptic asking “what interest I have in being just” (G: 3:286). For discussion, see Bertram (2004, pp. 45-52).

inegalitarian conditions) generate problems, principally domination, to which only egalitarian principles of right are the solution.³³

2.2. Velleman on Love

In a series of papers, J. David Velleman has argued that love is a matter of “vividly perceiving” another’s personhood (1999, 2008). He says, “A sense of wonder at the vividly perceived reality of another person is (...) the essence of love” (2008, p. 199). Part of what that means, according to Velleman, is that love “arrests our emotional defenses” against another person, “leaving us emotionally vulnerable” to them (2008, p. 201). Thus, in vividly perceiving another’s personhood, “our emotional defenses toward [them] have been disarmed,” leaving us open to feeling toward them “sympathy, empathy, fascination,” but also “hurt, anger, resentment, and even hate” (1999, p. 361).

The audacious character of Velleman’s view consists in the fact that he identifies the value we vividly perceive in love with the very same value grounding Kantian respect:

The Kantian view is that respect is a mode of valuation that the very capacity for valuation must pay to instances of itself. My view is that love is a mode of valuation that this capacity *may* also pay to instances of itself. I regard respect and love as the required minimum and optional maximum responses to one and the same value (1999, p. 366).

For Velleman, this theory is attractive in its avoiding any appearance of incompatibility between love and impartial morality (especially the impartial morality of Kant’s moral philosophy): love no longer appears as a partial response to other persons on the basis of values other than morality, but as a response to the very same value grounding moral respect: their being a “rational will” (or a person). Thus, the selective

³³ In fact, Rousseau, who draws particular attention to shame among those very affective responses, can be understood as in deep agreement with someone like Buss who thinks that shame plays a role in the “genealogy” (as we might put it) of deontic relations with others. But in insisting on the essentially political character of those latter relations, Rousseau also offers an alternative to any rendering of that genealogy in terms of primitive containment or “bootstrapping.”

character of love (that we love some persons as opposed to others) is to be accounted for not in terms of the value or personhood (under that conception of personhood) to which love is a response, but in terms of the empirically manifested qualities that serve as “signs” of that value (cf. Velleman, 1999, p. 197). This has resulted in Velleman’s offering deep and interesting arguments aiming to show that such empirically manifested qualities can constitute “signs” of someone’s value as a self-existing end; that what we value in love is nothing other than the person’s status as a self-existing end; and that the fact that all persons are self-existing ends (that they have what Kant calls “dignity”) precludes their admitting replacements in value: “What makes something truly irreplaceable is a value that commands appreciation for it as it is in itself, without comparison to anything else, and hence without substitutions” (Velleman, 1999, p. 369).

Just as with Buss’s treatment of shame as a way of perceiving another’s personhood, I think there is something very agreeable from a Rousseauist perspective about Velleman’s treatment of the idea that there are affective responses to others (whether or not we want to call them “love”) through which we vividly perceive another’s personhood. Indeed, many of Velleman’s characterizations of our “emotional disarmament” before another person are consonant with Rousseau’s treatment of the anxieties involved in *amour-propre*, particularly those involved in being the object of another’s independent point of view. Moreover, I have argued that in valuing another as a source of differential consideration, we thereby value them as a non-fungible individual (though my argument rested on what satisfying differential consideration consists in, and not, as in Velleman’s case, on the Kantian notion of the “rational will” and its inherent dignity). Perhaps most importantly, I think our understanding of Rousseau’s writing on *amour-propre* would be greatly improved if it were read in light of Velleman’s treatment of love as an “object-based,” as opposed to “aim-based,” kind of valuing, where valuing is to be understood as a response to an already-existing end (or “object”)—such as (in the case of *amour-propre*) another person’s independent point of view—rather than as aiming to produce something valuable. (When we are motivated by *amour-propre*

to bring about new results, it is “for the sake” of such independent points of view.³⁴⁾

Nevertheless, in supposing that the personhood of another we appreciate through love is the very same as that grounding the respect we owe to others (as persons), Velleman risks rendering love as a species of respect, and thus rendering it as a “deontic” attitude: or an attitude one can demand from another, and which the other can be blamed for withholding.³⁵ This is of course what Velleman means to deny in the above-quoted passage: in comparing respect and love, he says that they are the “required minimum” and “optional maximum” responses to another’s personhood (1999, p. 371). And it is clear enough how Velleman arrives at the idea that love is the “maximum” response to another’s personhood; the emotional disarmament before another that Velleman thinks characteristic of love indeed goes well beyond the response to another we think characteristic of respect. But it is not clear what entitles Velleman to the statement that that response is “optional.” After all, if love is a response to the very same value as that grounding respect (which can be demanded), and if we suppose that, as an objective matter, some individual manifests that value (“personhood”), then what error is that individual making in demanding from another the maximal response to that value? How is it not a consequence of Velleman’s theory that emotional disarmament before another’s personhood is, despite our expectations, something one can be blamed (at least by that individual, when it matters to them) for withholding?

Velleman appears to be aiming at addressing this sort of worry when he accounts for the selectivity of love in terms of the fact that our emotional resources, and thus the resources allowing for emotional disarmament before others, are scarce.

³⁴ Velleman criticizes Freudian drive-based accounts of love on the ground that they are aim-based rather than object-based (cf. 1999, pp. 349–351). This may, then, constitute a further difference between my understanding of *amour-propre* and Neuhouser’s understanding of it on the model of a Freudian drive (cf. Neuhouser, 2008, pp. 15 and 176).

³⁵ Here I use “deontic attitude” in Darwall’s sense: “Unlike blame and resentment, which presuppose some authority to make claims and demands of others and hold them accountable for compliance, love is not a deontic attitude. Even in friendship, love is nothing we can claim or hold others to account for” (Darwall, 2015).

One reason why we love some people rather than others is that we can see into only some of our observable fellow creatures. The human body and human behavior are imperfect expressions of personhood, and we are imperfect interpreters (...). We are constitutionally limited in the number of people we can love; and we may have to stop short of our constitutional limits in order to enjoy the loving relationships that make for a good life (Velleman, 1999, p. 372).

But it is hard to see how bringing up this idea (that we are imperfect in our appreciation of others' personhood, and our emotional resources are limited) is favorable to Velleman's view. This much was granted in my framing of the objection when I noted that it may be that only some are motivated to blame others for withholding their love.³⁶ Thus, the objection does not require imputing to Velleman's view the consequence that it renders a "universal right" to love, or a right that everyone has an interest in securing for all. Moreover, when we think about other scarce resources (such as clean water and adequate healthcare), their character as "scarce" does not abrogate the idea that those denied them can, without error or unintelligibility, demand them. At most (though not always) their character as "scarce" figures as an excusing condition when that perfectly intelligible demand cannot be met. Therefore, pointing out that there is scarcity in our emotional resources with regard to others does not (assuming Velleman's view that love is the maximal response to the same value as respect) make love have less of a deontic structure; rather, it just makes that structure more complex, and more similar to our actual deontic relations with others (particularly those arising in an economy).³⁷

³⁶ There might in fact be relationships in which such blame is legitimate: for example, it is arguable that a child may legitimately blame their parent for withholding love from them. But what I am saying about Velleman's view is that it is hard to see (supposing that view) what error is being made by an individual motivated to blame *any other* individual for withholding their love (whatever their relationship might be).

³⁷ Kant was especially clear in his understanding of this consequence, at least insofar as he understood that a kind of love rooted in respect for the law ("practical love") can indeed be commanded (cf. Kant, 1997a, 4:399; 1997b, 5:83).

Furthermore, it would be surprising if it were only a feature of our emotional resources (awaiting only a science-fiction refueling of our currently scarce ones) that accounted for the optionality and selectivity of love, as opposed to something about the nature of love itself. Velleman accounts for that optionality and selectivity only in terms of our “imperfection”: we are imperfect in displaying personhood before others, and we are imperfect in interpreting it in others. But might that imperfection be overcome? It seems that Velleman’s view is consistent with the idea that in paradise (or some kind of paradise), where our emotional resources are plentiful, love —what Velleman himself calls the realization that “someone other than oneself is real” (2008, p. 199)³⁸—can be (intelligibly, without error) demanded from another. And (however distant such paradise might be) that indicates that something important about our affective responses to other persons, and their precluding demands, has been underemphasized here.

Rousseau’s writing suggests a way of approaching these issues, and of capturing the notion of “vividly perceiving” another’s personhood, that does not force these problems on us. And again, this is because Rousseau does not condense relations of duty and affective relations with others into a single mode of relating to a person. The affective mode made salient in our being subject to *amour-propre* is not the same as the political mode characteristic of relations of duty under the Social Contract. Thus, there is no question of whether the acknowledgment of others as affective persons—as objects of our *amour-propre*—can ground a demand from them that we “fully” value them as sources of differential consideration, or that we fully expose ourselves to the range of emotions concomitant with valuing them in that way. And I think we can partly account for this difference between Rousseau and Velleman in that, whereas Rousseau begins with the idea that the precluding of demands defines the affective realm—an idea that throughout informs his writing related to seeing others—Velleman begins with a prior

³⁸ Velleman is there adapting a phrase of Iris Murdoch (cf. Murdoch, 1997:215).

notion of personhood (inherited from Kantian respect) and then must thereafter account for the optionality and selectivity of love.³⁹

2.3. Conclusion

In saying that Buss and Velleman have not, in contrast with Rousseau, made sufficient space for a distinctively affective mode of relating to others (or have been too quick in associating that mode with the political mode), my point has not at all been that Rousseau is a dualist over a matter where Buss and Velleman are something like monists. After all, I have suggested that these views' close association between affective phenomena and duty itself derives from their particular application of Kant's dualism, within the category of incentives, between sensible inclinations and duty. Moreover, I have insisted that the affective and the political modes are not, for Rousseau, isolated sides of a distinction: rather, the affective mode supplies the *content* and the political mode the *form* of egalitarian relations with persons. If a legacy of Rousseau's writing is a complex account of the relationships between these two modes, then it is also that of exposing the problems we will encounter whenever we are prone—in a temptation likely not unique to contemporary Kantians—to think of one principally in terms provided by the other.⁴⁰

³⁹ I do not think that the above argument is applicable to every adaptation or development of Velleman's view. For example, I do not think it is applicable to recent arguments by Ebels-Duggan and Setiya that both respect and love are responses to another's humanity (cf. Ebels-Duggan, forthcoming; Setiya, 2014), at least insofar as those arguments treat respect and love as different kinds of attitudes (according to a principled distinction between those kinds) as opposed to (as on Velleman's view) different levels along a grade. For example, Ebels-Duggan has argued that love, unlike what she calls "generalized respect," cannot be arrived at through argument or reasoning (Ebels-Duggan, forthcoming), while Setiya has argued for the significance of "personal acquaintance" in love (Setiya, unpublished MS). Accordingly, Ebels-Duggan and Setiya can be read as making a distinctive space for affective phenomena (not just in love, but in the phenomena they call "singular respect" and "personal concern," respectively), even if they do not conceive them in exactly the way Rousseau conceived of *amour-propre*.

⁴⁰ I thank the following people for their advice on various versions of this paper: Matthew Boyle, Sandy Diehl, Jeremy Fix, Richard Moran, Oded

Abbreviations of Rousseau's works

- DI (1997). *Discourse on Inequality (Discourse on the Origin and Foundations of Inequality among Men)*. In *The 'Discourses' and Other Early Political Writings*. (pp. 111-222). Victor Gourevitch (trans.), Cambridge University Press.
- DPE (1997). *Discourse on Political Economy*. In *The Social Contract and Other Later Political Writings*. (pp. 3-38). Victor Gourevitch (trans.), Cambridge University Press.
- E (1979). *Emile, or on Education*. Allan Bloom (trans.), Basic Books.
- G (1997). *Geneva Manuscript*. In *The Social Contract and Other Later Political Writings*. (pp. 153-161). Victor Gourevitch (trans.), Cambridge University Press.
- GP (1997). *Considerations on the Government of Poland*. In *The Social Contract and Other Later Political Writings*. (pp. 177-260). Victor Gourevitch (trans.), Cambridge University Press.
- LD (1969). *Letter to d'Alembert on the Theater*. In *Politics and the Arts*. Allan Bloom (trans.), (pp. 3-137). Cornell University Press.
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- OC (1959-1969). *Oeuvres complètes*. 5 vols. Bernard Gagnébin and Marcel Raymond (eds.), Gallimard, Bibliothèque de la Pléiade.
- RSW (1992). *The Reveries of the Solitary Walker*. Charles E. Butterworth (trans.), Hackett Publishing.
- SC (1997). *On the Social Contract*. In *The Social Contract and Other Later Political Writings*. (pp. 39-152). Victor Gourevitch (trans.), Cambridge University Press. 'SC: I.4.6.' refers to book I, chapter 4, paragraph 6.

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