Hans Fink:
Løgstrup on Personal Responsibility and Moral Obligation

In his recent book: *Understanding Moral Obligation: Kant, Hegel, and Kierkegaard* Robert Stern presents “the problem of moral obligation” as the problem: “What gives moral obligations their binding or constraining character?” Schematically put, he discusses three possible answers: That we bind ourselves. This is said to be Kant’s answer. That we are bound by others or by society. This is said to be Hegel’s answer. And that we are bound by God. This is said to be Kierkegaard’s answer, and, of course, the answer also of many earlier thinkers some of whom Kant was reacting against in giving his answer. Today I shall not be concerned with Bob’s fine exegesis of Kant, Hegel and Kierkegaard or with the details of the dialectics he establishes between the three types of answer.

I shall discuss Løgstrup’s book *The Ethical Demand* regarded as an answer to the problem of moral obligation and thus ask what according to Løgstrup gives moral obligations their binding or constraining character?

I believe that his first move would be to insist that it is important, morally important, not to take a unified, conception of moral obligation for granted. We can and should distinguish between different types of obligation with different types of binding or constraining character but with an equal claim to be called moral. For him the most important distinction to make is a distinction between the type of obligation represented by what he singles out as the one and only ethical demand, on the one hand, and all the different types of obligation involved in conventional, moral, and legal demands on the other. The main topic of his book is the elucidation of the unique character of the ethical demand, the demand that we each of us do what is best for the person who is dependent on us, and that we do so for that person’s sake, but all the way through he is contrasting this demand with other demands that it coexists with and which are also moral demands. The binding and constraining character of the ethical demand differs significantly from that of the
other moral demands, and they do not fit seamlessly together in one system of morality, yet they are all moral obligations in a broad sense.

Let us begin with his account of the conventional, moral and legal demands. In spite of the differences among them, on his account the authority they all have over us, and that which gives them their binding and constraining character, is at the same time both others and ourselves. It is the official and unofficial pressure from others in social institutions together with our own agreement to mutually binding rules which is ultimately based on our self-interest in living within a reasonably predictable social framework. One place where he makes this clear is in chapter X, “Ethics and Science”. There he discusses both the ethical demand and the other moral norms in the light of the sharply drawn distinction between facts and norms, ‘is’ and ‘ought’, which is the hallmark of anti-metaphysical philosophers and scientists – and let us remember that he wrote in 1956 at a time when positivistic attitudes and a belief in the naturalistic fallacy were even more dominant in moral philosophy than they are today. On this understanding norms cannot be true or false, or directly based on true or false beliefs, and therefore they cannot be the concern of the sciences and are thus basically arbitrary. Such a positivist, anti-metaphysical outlook presents a challenge for all forms of moral obligation, both for the ethical demand and for the demands of custom, morality, and law. According to Løgstrup, however, this view causes no serious problem for our ordinary moral and legal norms:

So long as it is a matter of the acceptance of demands which arise out of prevailing law and morality, the fact that they are neither true nor false and that their acceptance is in principle purely arbitrary is not a serious matter. In the first place, legal sanctions and public opinion place rather strict limits upon arbitrary disregard for the demands. Furthermore, the mutuality viewpoint places its own limits upon arbitrariness. And even out of a purely selfish concern I am interested in observing the legal and moral regulations. Stated somewhat differently, that which is neither true nor false is in principle left to our own arbitrariness. Therefore, if it
is to endure it must rely on something else. This is precisely what law and morality do. That their regulations are arbitrary in the sense that it is not possible to determine to what extent they are true or false does not matter. It does not matter because they are protected from all arbitrariness in another way, partly by overt sanctions and public reactions and partly by the less overt but just as effective mutuality viewpoint. You can depend on me – purely for my own sake – not to take advantage of the arbitrary character of law and morality in order to construct for myself a law and morality different from the prevailing ones. (p.169-70)

So these norms are given their binding and restraining character both by the others within our social institutions, by the mutuality viewpoint, and by our own self-interest.

Similarly, at the end of the long chapter IV on “The Changing Character of the Social Norms” he is equally clear that our social norms are all relative to time and place, but that the knowledge of this relativity should not be taken to present a threat to the authority of these norms.

We learn from history that the morality and order we know today have not always existed; and the conclusion says: Ergo, our morality and order too will totter. Differently stated, the premise and the conclusion assert that when we learn that that which is good today was bad two hundred years ago, then we are no longer in duty bound to do that which is good today. There is yet another premise, however, of which we are unaware but which we must take into account if the conclusion is to be correct. This other premise says that we can as a matter of course and at any time do away with our morality and order and replace it with another. More adequately stated, the suppressed premise says that historical knowledge gives us such power over ourselves and one another that we are able to replace the content of our particular mutual relationships and institutions with an entirely different content. Historical insight into the fact that civil marriage, for example, had a different meaning two hundred years ago should enable us to master ourselves and our tradition to the extent that we can relinquish the content of marriage
today. Stated more succinctly, the suppressed premise, without which the conclusion is wrong, tells us that historical knowledge makes us sovereign in relation to our life and tradition.

But this is quite untrue. The suppressed premise is mistaken. We are not able to effect such a replacement. The changes we are able to accomplish in this respect are extremely limited. We are in the power of the psychic content of the various particular relationships and institutions, a content which they had prior to our growing up in them or even getting into them.

(…) The historical knowledge that what is good today was evil two hundred years ago does not make the good today one iota less imperative for us. (101-02).

Here again the institutions which give form to our lives at the same time give moral obligations their binding character. (There is incidentally a clear parallel between Løgstrup’s view on our inability to relinquish the content of the institution of marriage and Hegel’s critique of the contractualist and the romantic conceptions of the marriage institution that were spreading in his time).

But then it is Løgstrup’s deepest philosophical point that our moral life is life lived not only under and in the light of such demands that we make on ourselves and on each other individually or through our institutions, but also and essentially life lived under and in the light of the quite special, silent, radical, one-sided and unfulfillable demand that we each of us do what is best for the person who is dependent on us here and now, and that we do so for no other sake than for this person’s sake. Løgstrup’s point is that this demand constitutes a special form of normativity that has no common denominator with the normativity of any of the many other moral demands that we are likewise under. This ethical demand has a peculiar self-justifying authority which may be philosophically elucidated, but which neither awaits justification in terms of other, higher, demands nor provides explicit justification for other, lower, demands. Neighbourly love or self-forgetting concern for the good of another person is simply and as a matter of fact demanded of you and me prior to and quite irrespective of how we bind ourselves or each other morally and legally. His claim is that this ethical demand
represents a timeless, universal and absolute moral obligation arising immediately from a fact about human life. This is what he also calls life’s demand on us, and if the positivist, anti-metaphysical, view of the relation between facts and norms, ‘is’ and ’ought’, is correct, there clearly can be no such demand, and all of morality would basically be arbitrary and relative and achieving its validity merely from the powers that be, from the inertia of our cultural institutions, and from our selfish concerns. So if the Ethical Demand is to endure and claim an absolute binding and constraining character it must be possible to argue convincingly for an alternative to such anti-metaphysical philosophy.

In a number of places he indicates that for him the ultimate reason why we can talk about this ethical demand as life’s demand on us is that the timeless, universal and absolute authority of this demand is God’s authority. In the paper “The Anthropology of Kant’s Ethics” from 1947 he makes it clear that for him it is ultimately God that a person is responsible to when she is responsible for something in the life of another person. He makes this clear also at various places towards the end of The Ethical Demand, for example in chapter X, when he says:

Let me add that the theological reason why we can speak of life’s demand only in anthropomorphic terms is because through life’s demand we hear God’s word to us. And, incidentally, I believe that in this discussion I have only been expressing in modern-day language what Luther spoke of as God’s word to us apart from Christ. (167)

Taken this way Løgstrup’s answer to the problem of the moral obligation of the ethical demand is not far from Kierkegaard’s claim that the authority behind the binding and constraining character of the ethical demand is God, and his answer would thus be in strict confrontation not only with positivists but also with all secular philosophy however metaphysical, and relying on a theological but not a philosophical argument. It would seem that his position is a traditional Lutheran teaching of two regimes or two types of order: the order we have created for ourselves and each other, and the order created by God; or: the order of customary, moral and legal demands, and the order of a divine ethical
demand. And Løgstrup is a Lutheran. Yet, the whole philosophical but also the whole theological argument of *The Ethical Demand* would in a way collapse if at the end of the day it wasn’t possible to give an account of the ethical demand “in strictly human terms” without relying on any revealed or dogmatically accepted beliefs. His argument would have failed if the ethical demand wasn’t equally understandable and equally possible (or impossible) to live by for Christians and Non-Christians alike. Løgstrup was a firm believer, but he regarded it as a Christian claim that the ethical demand is not a specifically Christian claim (BED p. ix). It is something owed by all human beings as human beings, not something certain people with a special faith are commanded to do. I believe it is crucial for the argument of *The Ethical Demand*, even regarded as a purely theological argument, that well-meaning and open-minded people, “honest pagans”, could live in accordance with the ethical demand quite independent of what religious or anti-religious outlook they happen to hold. The ethical demand presupposes an understanding of life as a gift, but “… a person may well dispute theoretically that he has received his life as a gift while in fact he accepts it as such. Similarly a person can theorize in grand fashion about accepting his life as a gift while in fact he lives as if it were all his own: not a gift but his due” (117). Ethically speaking there is no difference between how Christians and non-Christians are situated. What matters is how we actually treat others, not what we believe in or profess. His theological claim is that my relation to my neighbor is “the one and only place at which my relation to God is determined” (p. 4). It is solely on the “horizontal” level of my relations to others that the character of my “vertical” connection to whatever is of the highest importance in my life is determined.

I am not a theologian and not a member of any church, and I shall not venture into a discussion of the merits or demerits of this position regarded as a theological position, but I am convinced that Løgstrup’s account of the ethical demand as a fundamental and unavoidable form of moral obligation has a lot to be said for it, and that its content can, indeed, be expressed in strictly human terms even if he found it both possible and important to go beyond the strictly human in his interpretation and presentation of it. According to his theology it is,
however, crucial that any such step beyond the strictly human must be a freely taken step, a step, that is neither logically nor morally necessitated, and therefore a step that others – like me – must remain completely free not to take, without thereby being condemned for irrationality, ignorance or immorality. I believe that Løgstrup did succeed in his project: “to give a definition in strictly human terms of the relationship to the other person which is contained within the religious proclamation of Jesus of Nazareth. (1)” But even if he did not succeed entirely in this, even if he had dogmatic beliefs up his sleeve, so to speak, I believe that it is possible and important for others to give a definition in strictly human terms of that which he presents as the ethical demand in the book of that name. I believe that his position is indeed based on a distinction between a moral order we have created for ourselves and a moral order we have not created for ourselves, but nothing in his argument for the ethical demand hinges on our taking the natural order which we have not created ourselves as created by a transcendent God, or on taking the natural life which we have obviously not given ourselves to be a gift from a supernatural entity. The binding and constraining force of the ethical demand is thus not to be understood as a matter of our being bound by a commanding or demanding God, and neither is it to be understood as a matter of our being bound merely by ourselves or by others. But how, then, is it to be understood?

The initial and absolutely central argument for Løgstrup’s point is this:

Through the trust which a person either shows or asks of another person he surrenders something of his life to that person. Therefore our existence demands of us that we protect the life of the person who has placed his trust in us. How much or how little is at stake for a person who has thus placed his trust in another person obviously varies greatly. (…) But in any event this trust means that in every encounter between human beings there is an unarticulated demand, irrespective of the circumstances in which the encounter takes place and irrespective of the nature of the encounter.
Regardless of how varied the communication between persons may be, it always involves the risk of one person daring to lay himself open to the other in the hope of a response. This is the essence of communication and it is the fundamental phenomenon of ethical life. Therefore, a consciousness of the resultant demand is not dependent upon a revelation, in the theological sense of the word, nor is the demand based on the more or less conscious agreement between the persons with respect to what would be mutually beneficial (ED p. 17).

For Løgstrup the fundamental phenomenon of ethical life is thus the micro-social encounter between two persons. Let us call them Ego and Alter. For them to communicate is to open themselves up to each other to a greater or lesser extent. Ego, however, cannot approach Alter without thereby running the risk of being ignored or taken advantage of by Alter, and vice versa. We cannot communicate without making ourselves hostages to each other. This is the fundamental interdependency of human lives, and taking this rather than the individual understood as a rational egoist as the starting point for philosophical ethics sets Løgstrup apart from much ethics in the Anglo-Saxon tradition. The conception is related to Heidegger’s conception of Mit-sein. The interdependency is a symbiotic and completely symmetric relation. But an asymmetry arises whenever one of the parties has to decide what to do. When Alter trusts Ego, Ego is inevitably given power over Alter, and it thereby becomes up to Ego to decide how to use that power. Ego and Alter can discuss this, but at some point Ego has to act or fail to act, whether they have reached an agreement or not. In the end Ego has the whole and sole responsibility for her own action or inaction. Ego is quite alone with this responsibility: “(T)he demand has the effect of making the person to whom the demand is directed a singular person. Ethically speaking the demand isolates her” (p. 45). Our ethical interdependency is prior to yet also the root of our achieving ethical individuality. Løgstrup’s ethics is an ethics of personal responsibility on the background of a fundamental and unquestionable togetherness.

It is for Ego to decide what to do, but it is not for Ego to decide what is good or evil in the situation. If Ego neglects or exploits Alter’s
dependency, or accommodates to Alter’s wishes against Ego’s own better judgment, that is what it is for Ego to have failed ethically in their relationship and thus to be ethically at fault and blameworthy, quite irrespective of whether Ego is actually blamed by anyone. In this sense Ego is inevitably acting under a demand not to fail. To do what is best for Alter is straightforwardly demanded of her. Not by Alter. Not by Ego herself. Not by others. Not by a commanding God, but by the task set by the situation in which she finds herself. There is nothing queer about this. Even for a positivist every fact about the situation in which we act may be said to demand to be taken into account, and not overlooked or disregarded or denied, and especially not when something important hinges on it. This belongs to the general logic of practical responsibility in the broadest sense, and the responsibility for something of importance in someone else’s life is what according to Løgstrup stands out among other practical responsibilities as the eminently ethical responsibility. The binding and constraining character of the ethical demand is not faced with blame or sanctions from an inner or outer, human or divine judge or lawgiver, but based on the factual character of the Alter’s dependency on Ego and on the undeniable difference in objective ethical value between acting for the best of Alter and acting from any other motive. Philosophically Løgstrup’s account stands or falls with his straightforward moral objectivism. The authority behind the binding and constraining character of the ethical demand is no more and no less than the authority of the facts of the situation in which we act and general realities about human life. Any further authority would give us reasons of a wrong kind.

As we have seen, this is, however, by no means the only normativity Ego is acting under according to Løgstrup. The elementary demand necessarily coexists with what he calls “conventional forms”, the moral and legal demands that we have already discussed:

Usually we trust one another with great reservation. We hold ourselves in reserve and do not allow ourselves completely to trust one another. (…) Hence what is normally expected of us in everyday living is not concern for a person’s life but for the
consideration and friendliness demanded by conventional norms. Social convention has the effect of reducing both the trust that we show and the demand that we take care of the other person’s life.

The conventional forms however have a twofold function. For one thing, regardless of how these forms originated, they facilitate our relationship with one another, making it smooth and effortless, not least because they protect us against psychic exposure. Without the protection of the conventional norms, association with other people would be unbearable. (...).

In the second place, however, we employ the very same conventional forms for reducing trust and its demand. Instead of allowing convention to give needed form to our life, we use it as a means for keeping aloof from one another and for insulating ourselves. The one who trusts has in advance, by way of convention, guarded himself; he has rendered his trust conventionally reserved, and the one who is trusted is thus relieved of hearing the demand contained in the trust, the demand to take care of the trusting person’s life (ED p. 19-20).

If the ethical demand were the only normativity involved in the meeting between Ego and Alter, their lives would be as unbearable as in a Hobbesian state of nature. The ethical demand gives Alter no protection at all. Ego is likely to be an egoist, and the ethical demand has no power to stop her. Ego will stand condemned by the ethical demand, but there is no guarantee that she or anyone around will take notice of this, and the ethical demand gives Alter no right to protest, because the demand is not something they could be assumed to have agreed about. Even if Ego wants to live according to the ethical demand and avoid being an egoist, she herself can never know for sure that what she did for Alter was in fact the best thing and done with the right motive. She may well know when she has failed, and that apparently she keeps failing, and this may leave her in a state of constant remorse which will in turn be morally destructive in undermining her ability to actually be there and use her power to do what is best for Alter. It is therefore necessary that the normativity of the ethical demand be supplemented by other more efficient and more precisely demanding forms of normativity. And in the
real world, whenever Ego and Alter meet, their meetings take place in a social setting where other forms of normativity than the ethical demand are in force. These are the norms, rules, standards, and ideals that are enforced by personal or social authorities with the help of sanctions of various sorts. They help to make social life more predictable and comfortable, and they serve to help us settle conflicts in a fair and mutually acceptable way. Different schools of moral philosophers have tried, and go on trying, to find a rational foundation for such norms and to find a way of adjudicating between them when they are in conflict. All of this is as it should be. Løgstrup’s point is, however, that more is at stake in our life “with and against one another”, and that the norms we live by and justify to each other will function also as a filter between us reducing the seriousness and depth of personal involvement in our lives if they become the main concern. If the ethical demand was the only moral normativity, life would be unbearably heavy, but without it life would be unbearably light – basically a matter of rule following and acting for the sake of morality rather than for the sake of the other.

The ethical demand is said to be silent, radical, one-sided and unfulfillable. In all these four dimensions it differs from the conventional, moral and legal norms which by and large are explicit, conditional, mutual and fulfillable. I shall here restrict myself to discussing what it means that the ethical demand is silent. Løgstrup also uses the terms tacit, unspoken, mute, unarticulated, implicit, and anonymous. What does this silence mean for the binding and constraining character of the demand compared with the binding and constraining character of other moral demands? To say that the demand is silent cannot, of course, mean that it says nothing at all. An utterly and totally silent demand would not be a demand. It is demanded of us that we do what is best for the person who is dependent on us and that we do so for this person’s sake. This demand is, however, silent in the sense 1) that it leaves it entirely up to us to discover the content of the demand in the given situation. “It is of the essence of the demand that with such insight, imagination and understanding as he possesses a person must figure out for himself what the demand requires” (ED p. 22). The demand is silent and implicit also 2) in the sense that its validity and
relevance is presupposed and prior to and independent of its being explicated. And 3) the demand is silent and anonymous in that there is no personal or social or divine power that poses the demand and that upholds its authority with the help of punishments. Finally, and 4) the silence means that we can never know for sure that we have in fact acted in accordance with the demand, yet the silence is not so deep that it prevents us from knowing full well when we have failed. In all of this the ethical demand differs from the demands of conventional, moral and legal demands that can be quite specific, depend for their validity on being properly announced by a legitimate authority and being clearly fulfillable.

The ethical demand unlike is silent even in the rather dramatic sense that what is demanded is that no demand should have been necessary (ED p. 146). Ego is to do what is best for Alter for Alter’s sake, and not for the sake of following a demand. The moment the ethical demand is taken explicitly into consideration, it is in a way too late; the demand is then inevitably misrepresented and turned into just another explicit demand among explicit demands. An action can well be in accordance with the ethical demand but it cannot be a conscious attempt to follow the demand without thereby losing the unselfish character demanded. Løgstrup’s claim is that on some level we all know in advance that it is up to us to take care of a trusting person’s life. This should go without saying, and if it proves necessary to be reminded of it by others or by ourselves, the motive for our action is immediately transferred from a concern for the other to a concern about our own moral standing and a fear of failing in the eyes of a beholder, be it ourselves, others or God. This is clearly much better than neglecting or exploiting the other’s dependency, but nevertheless morality is then used to deliver “substitute motives to substitute actions” (BED p. 78). Løgstrup’s point is a warning that the possibility of moralism, phariseeism, and self-righteousness follows morality as a shadow. Like Hume he is emphasizing “that no action can be virtuous, or morally good, unless there be in human nature some motive to produce it, distinct from the sense of its morality”. Neighbourly love is such a moral motive, and it is rare but humanly possible to act on it without a sense of its morality.
I think it is important to notice that the ethical demand is not the only silent demand that we are under. Human conduct is generally under implicit demands of many kinds, for example that we be perfectly virtuous, perfectly rational and perfectly efficient in all that we do. Aristotle, Kant, and Mill have formulated influential moral versions of such highly general demands and modern moral philosophy is full of attempts to formulate new versions or compromises between versions. But in all systems of morality there is at least one demand that remains silent in that it is 1) so general that it does not by itself tell us precisely what to do in the given situation. It is 2) presupposed and taken to be valid prior to and independent of being explicated. It is 3) anonymous in that there is no personal, social, or divine power that is the source of the demand and which upholds its authority and gives it its binding and constraining character. 4) We may well know that we have failed to live according to it, but we can never know for sure that we have succeeded. The main difference between the ethical demand and all these other silent demands is the way in which the ethical demand focuses exclusively on our unselfish concern for one particular other person, insisting that this concern is not to be subsumed under any other moral concern, be it our concern to live perfectly virtuous lives, our concern to act on universalizable maxims only, or our concern for the greatest happiness of the greatest number. Another important difference is that articulations of the other silent demands can be appealed to as justifications for lower level rules and actions. These demands are not silent in the radical sense that they should have been superfluous. They are meant to be commensurable with the demands of ordinary morality in a way in which the ethical demand is not. They also present our concern for ourselves as being commensurable with our concern for the other in a way in which it is Løgstrup’s point that it is not. My concern for the person who is dependent on me here and now has its own moral importance in its contrast to and coexistence with all such other moral concerns. What is morally demanded is not only self-perfection, rational consistency and instrumental efficiency, but also charity or beneficence.

Neither is the ethical demand to be subsumed under the quite general, silent demand of ordinary morality that we seek to do what is best for everyone all things considered, or what on balance there is most
reason to do. The ethical demand is what we owe to this other person, not what we owe to each other quite generally (cf. Scanlon 1998). If we strike a compromise between the ethical demand and any other demand, no matter how morally worthy, the ethical demand is thereby compromised. Løgstrup’s point is that ordinary morality may function as an excuse for not doing what is best for the other, or conversely, that doing what is best for the other may on occasion go against ordinary morality. The conflict involved here is unavoidable, and it should be admitted as a fact of moral life and not ignored or denied. Again, what is ethically demanded of us in relation to one person will quite often clash with what is ethically demanded in relation to a third person. Such dilemmas should also be acknowledged so that “remainders” could be dealt with, rather than taken to be definitively solved or dissolved with the help of some decision procedure. The harm you do to one person can never be justified by the good you do to someone else, even when your choice was morally the best one possible under the circumstances.

According to Løgstrup we should not expect moral philosophy to give us detailed instructions about how to solve all problematic situations. What it can do is to offer reminders of morally crucial factors that we are likely to overlook and that we may even come to systematically overlook in the name of our favourite philosophical system of morality.

Like Kant, Løgstrup is critical of traditional divine command theories of moral obligation. Like Hegel he is critical of a Kantian theory of moral obligation in terms of autonomy and respect for the moral law. Like Kierkegaard he is critical of Hegel for leaving the most important out of consideration in the institutional account of moral obligation within a sittlichkeit. Yet, his alternative is precisely not a reinstatement of a divine command theory that is open to a Kantian critique. And in that way on my reading he offers a way out of, or a way of not entering, the dialectical circle that Bob Stern so elegantly describes.