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REASON, VALUE, & RESPECT

*Kantian Themes from the
Philosophy of Thomas E. Hill, Jr.*

EDITED BY

Mark Timmons & Robert N. Johnson

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Great Clarendon Street, Oxford, OX2 6DP,
United Kingdom

Oxford University Press is a department of the University of Oxford.
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First Edition published in 2015

Impression: 1

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Published in the United States of America by Oxford University Press
198 Madison Avenue, New York, NY 10016, United States of America

British Library Cataloguing in Publication Data

Data available

Library of Congress Control Number: 2014951244

ISBN 978-0-19-969957-5

Printed and bound by
CPI Group (UK) Ltd, Croydon, CRO 4YY

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*For Robin and the many graduate students, friends, and colleagues who
have enriched my work and my life.*

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Acknowledgements

Thanks to Tom Hill for his good advice in the planning stage that led to the present volume. Tom wishes to thank Jordan MacKenzie and Adam Cureton for their assistance with his contribution and to Jordan for the bibliography. A special thanks to Oliver Sensen, who served as an OUP referee for this volume. And finally, we are grateful to our OUP editor, Peter Momtchiloff, for his encouragement and advice.

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Introduction

Mark Timmons and Robert N. Johnson

Thomas English Hill, Jr., was born in Atlanta, Georgia in 1937. He earned a BA degree in philosophy from Harvard University in 1959, completed the Bachelor of Philosophy degree at Oxford under Gilbert Ryle in 1966, and went back again to Harvard for the Ph.D. under John Rawls in 1966. His first academic job as assistant professor was a short-lived appointment at Johns Hopkins followed by two years at Pomona College. He then became a member of the UCLA department from 1968 to 1984. Since 1984 he has been Professor of Philosophy at University of North Carolina at Chapel Hill, and Kenan Professor since 1996. In 1994 he gave the Tanner Lectures on Human Values and in 2003 he was elected fellow of the American Academy of Arts and Sciences.

The chapters in this volume are a testament to the range and influence of Hill's work. From his early work taking up Kant's views on supererogation and practical reason, through his treatments of ethical and political topics such as self-respect, affirmative action, punishment and terrorism, to his work on theoretical topics such as constructivism in normative theory, Hill has consistently brought a thoughtful and commonsensical approach to questions at every level of practical philosophy and its history. We have divided the contributions into four general topics that cover the range of Hill's work: respect and self-respect; practical reason; social, political, and legal philosophy; and Kant's ethics. Hill then has added some reflections on how he came to hold the views in each of these areas and provides a "big picture" of the themes of his work.

I Respect and Self-Respect

Hill's work on respect and self-respect, beginning with one of his most widely read and influential essays, "Servility and Self-Respect," has shown that how one treats oneself can raise ethical questions that are more serious than one might have assumed. Indeed, a theme in much of his work is that we can fully understand what is morally objectionable or honorable about many types of behavior and attitudes only when we understand that they essentially involve objectionable or honorable behavior and attitudes toward oneself. However, in Hill's view, while respect is a foundational element of the Kantian normative perspective, it is not always well understood what normative role

it plays in that perspective. On one picture, Kantian ethics tells us to take up a certain sort of valuing attitude toward something that is present in each human being, their “humanity.” Hill’s picture is considerably different from this. The substantive principle that we respect a person’s humanity doesn’t yield enough, or at least enough that is precise and non-controversial, in the way of action-guidance. A view that Hill thinks is preferable is one in which respect for humanity is not a substantive principle from a distinctive “Kantian” value system, but a characteristic of a general procedure for deliberating rationally in the midst of competing claims about what one ought to do. Oversimplifying a bit, to “respect persons” is to adopt and abide by principles that anyone, were they reasonable, would agree to live by.

In, “Servility and Self-Respect” Hill considers three individuals—Uncle Tom, the Self-Deprecator, and the Deferential Wife—whose behavior is described as being servile and for that reason, morally defective. The defect in question, as characterized by Hill, is either a failure to recognize one’s moral rights or a failure to appreciate the true worth of those rights. In their “Servility and Self-Respect: An African-American and Feminist Critique,” Bernard and Jan Boxill challenge Hill’s suggestion that the behavior of the three characters as described by Hill is genuinely servile. As they point out, the dictionary definition of the term “servile” refers to one’s “having or showing an excessive willingness to serve or please others,” but Hill’s depiction of the Self-Deprecator, according to the Boxills, is more aptly classified as apathetic rather than servile, which may be a troubling condition, but not necessarily a moral defect. Moreover, the Boxills also challenge Hill’s claim that the Self-Deprecator’s behavior is caused by a failure to understand his rights. They raise similar worries about Hill’s Deferential Wife, who is described as being overly willing to obey her husband. But if this is to count as servility, she must display an excessive willingness to serve and please her husband, which on the Boxill’s understanding of the example is not in evidence. They speculate that one reason why Hill’s depiction of the Deferential Wife strikes many as a compelling portrait of servility is because readers are likely to be influenced by the unstated assumption that this character is *dominated* and therefore servile, even though this is not made explicit in Hill’s story. (Similar remarks apply to the Uncle Tom character.)

Of course, Hill might re-describe the case slightly to make clear that the husband in his example does indeed dominate his wife. And then the argument might be that domination corrupts both dominators and the dominated, tending to make the latter servile. But the Boxills resist this line of argument by examining the idea that domination breeds servility in the dominated. They argue that domination is likely to lead the dominated to pretend servility in order to deceive, which in turn leads to associated vices, including dishonesty, hypocrisy, insincerity, and many others, and so to a kind of corruption that need not result in genuine servility. Rather, those who are dominated likely resent being dominated, an indication that such individuals, far from not recognizing or properly valuing their moral rights, should be understood as affirming their moral equality.

In another highly influential article, “Ideals of Human Excellence and Preserving Natural Environments,” Hill argues that persons who unnecessarily destroy the environment exhibit vices that hinder the development of various virtues including “proper humility” which, as he describes this trait, involves both a correct sense of one’s relative importance and a kind of self-acceptance that recognizes the nature and limits of the kind of creature we are. Robin S. Dillon’s, “Humility, Arrogance, and Self-Respect in Kant and Hill” examines the claim that humility is a genuine virtue. On one understanding of humility (which follows dictionary definitions of the term), this attitude involves a lowly estimation of oneself, which one would naturally associate with a kind of objectionable submissiveness and self-degradation, and so hardly a companion to such virtues as wisdom, courage, benevolence, and justice. However, according to Dillon, those who champion what they call “humility” associate it with respect for persons, and tend to use the term for what would more aptly be described as wisdom, honesty, or integrity. Dillon finds this puzzling and mistaken, and suggests that one source of this mistake is that humility is often thought to be the opposite of arrogance; that is, one might suppose that insofar as exaggerated self-importance is characteristic of arrogance, individuals who lack this vice are properly thought of as humble, whereas these individuals are better understood as having a proper sense of interpersonal recognition respect for others as moral equals. Indeed, the lowly self-estimation characteristic of the dictionary definition of humility is typically manifested in the vice of servility, as Kant characterizes this vice.

Kant distinguishes “false humility” from “true humility,” which serves as the basis for Dillon’s inquiry into whether there is a form of humility that can play an important role in a moral life. Kant held that true humility results from an honest comparison of one’s conduct and character with the moral law, or, more precisely, with the high standard of moral perfection that the law requires us to strive toward. On this understanding, according to Dillon, humility “is the knowledge of one’s limitations and deficiencies judged in comparison with a self-given law.” This sort of knowledge, then, plays a crucial role in cultivating the virtue that Dillon calls “agentive recognition self-respect,” a form of respect that involves committing oneself to the high standards of conduct and character set by the self-given moral law. So, while not a virtue, true humility provides an agent with information that figures importantly in a morally committed agent striving for self-perfection.

One dominant theme in Hill’s work is his interpretation of Kantian respect for persons which, in his Tanner Lecture “Respect for Humanity,” he contrasts with an aristocratic view according to which individuals merit differential treatment owing to heredity and social rank. Stephen Darwall’s contribution, “Respect as Honor and as Accountability,” explores this contrast, arguing that the sort of respect characteristic of the Kantian notion grounded in one’s dignity and the sort of respect characteristic of honor codes involve different conceptions of personhood and, correspondingly, different conceptions of moral and social order. According to Darwall, both types of respect are forms of recognition respect (in contrast to appraisal respect) and so

concern how individuals are to regulate their behavior toward one another. According to Darwall's view of the Kantian notion, respect for persons essentially involves what he calls second-personal *address* and *acknowledgment*. In holding another person morally responsible for some moral offense, one addresses that person as an individual with dignity, as someone who is subject to one's legitimate demands and can be held accountable for that offense, and as someone who has authority to hold oneself (the addressor) accountable for any moral offenses. Furthermore, one's full recognition of such mutual accountability requires that one acknowledge others' second-personal authority, in the sense that one not merely comply with the legitimate demands of others, but that one relate to those others as persons with equal dignity and thus acknowledge *their* standing to hold accountable. This conception of second-personal respect, then, involves conceiving of persons as having equal standing, and morality as equal accountability.

Honor respect, according to Darwall, involves conceiving of persons as having a particular hierarchical status that is socially constituted in the sense that the "status just consists in the common knowledge that it has been publically recognized by the relevant people." One significant point of contrast between second-personal respect and honor respect concerns differences in appropriate responses to violations of these forms of respect. Responses to violations of the former typically involve indignation and resentment on the part of those offended and guilt on the part of the offender, which are appropriate because of their conceptual tie to second-personal address and blame. By contrast, contempt is the natural attitude to violations of honor respect, the response to which on the part of the offender is shame. Of particular note is that while contempt in response to honor disrespect involves treating the offender as an inferior, the negative reactions associated with second-personal respect implicitly *affirm* the equal standing of those being held morally accountable. Differences in these responses to violations bring into sharp relief the contrasting conceptions of social order and personhood associated with these two forms of recognition respect.

II Practical Reason

The dominant conception of practical reason and rationality among philosophers is and long has been Humean. On that conception, as Hume himself said, reason is the slave of desire and so makes no pronouncements about any action beyond whether it is the best way of achieving some goal set by what we want. Hill's work on practical reason has been to argue that reason has significantly more to say than this. Hill's approach has been to delineate and develop the Kantian conception of practical rationality by emphasizing a particular advantage it has over the Humean conception. That advantage is that it is addressed to the perspective of a deliberating agent, not to the perspective of an observer concerned to produce an accurate description of practical reasoning. That is, in approaching the topic of practical reason (and all other topics

in practical philosophy), Hill has consistently emphasized the Kantian aim of finding a suitable and rationally defensible answer to the question, What ought I to do? The advantage of addressing this perspective is that it must take seriously the possibility that some things *must not* be done or *must be* done. This is so in the case of instrumental as well as moral deliberation. It is, however, not at all obvious how such answers can be arrived at, beginning with descriptions of what human beings in fact do.

As Mark Schroeder remarks in his “Hypothetical Imperatives: Scope and Jurisdiction,” Hill’s 1973 article, “The Hypothetical Imperative” continues to be one of the best entrees into ongoing discussions of instrumental rationality, and arguably represents the standard contemporary understanding of Kant’s doctrine of hypothetical imperatives. One contemporary debate over hypothetical imperatives (instrumental rationality) is over matters of the scope of “ought” and thus over the proper logical structure of such imperatives. Roughly speaking, according to so-called wide scope interpretations, if one believes that one’s doing something A is necessary for bringing about some intended end E, then one rationally ought to either do A or give up E. The problem with this interpretation—one that Hill adopts—is that if one understands the “ought” involved as “x won’t do everything he or she is rationally required to do unless” the resulting wide interpretation is far too weak to capture the intuitive force of requirements of instrumental rationality; indeed, as Schroeder explains, it makes the wide interpretation uncontroversially true—a logical implication of supposedly competing narrow and intermediate scope interpretations (which are explained in his chapter). One question this raises is, Which stronger interpretation of “ought” should figure in wide scope interpretations that would make debates between narrow and wide scope substantial?

Schroeder’s proposal for understanding what is at stake in disputes over scope is to focus on the notion of jurisdiction in the law. New York driving laws, to use Schroeder’s example, have jurisdiction only over those driving in New York and allows for a meaningful distinction between *complying* with law and merely *avoiding* it by, say, not being in New York and hence under the jurisdiction of that state’s traffic laws. As Schroeder notes, if one interprets “ought” in this example as “New York traffic regulations require one to,” then a wide interpretation of this requirement (which is met automatically by those not living or traveling in New York) is implausible, for on this interpretation those outside of New York are in compliance with this state’s traffic laws. The important upshot for understanding scope debates over law-like norms of instrumental rationality is that relating matters of scope to jurisdiction help in properly framing meaningful debates among narrow, intermediate, and wide interpretations of such norms. Of course, principles of instrumental rationality such as Kant’s hypothetical imperatives on the wide interpretation are supposed to have universal jurisdiction over all rational agents. In light of his remarks about jurisdiction and scope, Schroeder asks how it can be that on the wide interpretation of requirements of instrumental rationality, one can make sense of their purported universal jurisdiction. Moreover, referring to Kant’s own view, he asks how the notion of rational agency can suffice to explain such

universal jurisdiction. These questions lead Schroeder to briefly explore Kant's notion of autonomy and the idea that one has authoritative jurisdiction over oneself. He proceeds to explain why narrow and intermediate accounts of instrumental rationality are attractive, given the particular picture of Kantian autonomy, and he proposes what he calls a Kantian Intermediate interpretation of hypothetical imperatives.

Jonathan Dancy's contribution, "More Right than Wrong," takes up the claim, made by some critics of Kant, that while Kant has trouble making sense of the notion of a moral reason, W. D. Ross's view does not. In "The Importance of Moral Rules and Principles," Hill addressed this challenge, arguing that for Kantians, particular facts are reasons because they are "especially salient features" that figure in the fuller possible rationale one might give for or against a particular course of action. As Dancy notes at the outset of his chapter, unless more is said about what makes some fact an especially salient feature of one's circumstances, one will lose the distinction between roles played by reasons and roles played by other aspects of the "fuller rationale." But even if more can be said in addressing this concern, Dancy's main claim is that Ross's moral theory enjoys far less advantage compared to standard readings of Kant, because Ross fails to make good sense of the relation between his conception of moral reasons as *prima facie* duties and the rightness of an action. After explaining the troubles for Ross's view, Dancy goes on to consider how one might improve upon Ross.

As Dancy explicates Ross, what Ross's notion of *prima facie* duties was meant to do is specify morally relevant features of actions (moral reasons) whose presence contributes to the overall rightness (or wrongness) of actions *as a matter of degree*, in the sense that, in a particular context, some of the features present in a situation can "weigh more" than others in determining the overall rightness of an act. The problem, as Dancy sees it, is that Ross's account of *prima facie* duty (as presented in Ross's 1930 *The Right and the Good*) fails to make sense of the normativity of the contributory because it makes no sense of the idea of a *prima facie* duty being a matter of degree, which is essential to the very idea of some feature contributing some normative weight toward the overall deontic status of an action. And so Ross's attempt to explain the normativity of the overall in terms of the contributory fails. In exploring this failure, Dancy discusses H. A. Prichard's objections to Ross's notion of *prima facie* duty which leads to a discussion of the advantages of a buck-passing account of rightness, a view that Dancy has defended in the past. Dancy concludes by raising a host of worries for deontic buck-passing and then offers a suggestion about how to answer them.

Onora O'Neill points out in "Autonomy and Public Reason in Kant," that one of Hill's most striking contributions to our understanding of Kant's conception of autonomy is that it should not simply be equated with contemporary conceptions of autonomy as identical to some form of individual independence. Rather, on Hill's reading, Kant's conception of autonomy or positive freedom essentially involves select principles of action that can be communicated and shared with others, which represents a distinctively public form of reasoning. O'Neill's contribution builds on Hill's reading by contrasting what she refers to as Kant's *modal* conception of public reason with the conceptions of

public reason we find in the writings of John Rawls and Jürgen Habermas. According to O'Neill, although both Rawls and Habermas in their political philosophies stress the role of public reason, they are primarily concerned with the qualifications for *actual* inclusive participation in public reasoning, which they argue leads to a form of deliberative democracy. However, O'Neill notes that in addition to real world problems confronting the proposed deliberative forms of democracy, Rawls and Habermas devote little time to the question of what sorts of norm ought to guide such public reasoning. Despite these two political theorists drawing on Kant's work, O'Neill argues that Kant's own conception of public reason differs significantly from theirs.

As is well known, Kant distinguishes private from public uses of reason. Private uses proceed from ungrounded assumptions such as church edicts or state proclamations from which such reasoning derives its (conditional) authority. By contrast, public uses of reason are not achieved merely by universal participation in deliberation and decision making. As O'Neill explains, the focus is "not on the *context and conditions* of actual discourse, but on the *normative conditions required if discourse is to communicate with unrestricted audiences*." Kant's approach to public reason, then, concerns those conditions governing proper public reason-giving rather than requirements for participation. Among the conditions in question are the demands that principles governing public reasoning be law-like and so be followable by others, but also that they have universal scope in that they *could* be adopted by all. Only if principles governing public reasoning are both law-like and universal in scope, and so freed from various forms of dogma and ungrounded assumptions, can public reasoning have the kind of authority that expresses the genuine autonomy of reason. After developing this conception of Kantian autonomy and public reason, O'Neill concludes with some reflections on whether this modal conception of public reason can be relevant to contemporary public life.

III Social, Political, and Legal Philosophy

For a philosopher who admires Kantian values, it can be distressingly difficult to square that admiration with many of Kant's own words. How can the lofty Kantian ideal of respect for human dignity be married to his seemingly harsh retributivist statements about punishment, or to the view that no revolution is justified, no matter how unjust the government? Hill's work acknowledges these tensions, but consistently tries to separate what is essential to the Kantian perspective from what is not. From Hill one learns that Kant may have mistakenly thought that his views had implications that they do not in fact have (the categorical imperative, for instance, need not imply that one must tell the truth to a murderer at the door), or the context can show that something Kant may at first seem to overvalue, such as rational consent, is in fact valuable in certain well-defined theoretical arguments depending on idealizations of rational agents deliberating together about the acceptable grounds of social cooperation.

In two of his essays, “Four Conceptions of Conscience” and “Conscience and Authority” Hill develops a conception of conscience, based on remarks by Kant, that contrasts with certain religious and relativist conceptions of this concept. The guiding metaphor of Kant’s view is that conscience is an inner judge whose principal purpose is to judge whether one’s behavior lives up to one’s own moral standards. The verdicts of one’s conscience are in one sense fallible regarding one’s objective duty. As Kant says, “I can indeed be mistaken at times in my objective judgment as to whether something is a duty or not [however] I cannot be mistaken in my subjective judgment as to whether I have submitted my practical reason (here in its role as judge) for such a judgment . . .” (MS 6: 401). As Hill develops this Kantian view, in addition to the general task of judging whether one’s conduct lives up to one’s internalized moral standards, conscience’s special task involves one’s duty of taking “due care” in passing judgment on whether one’s conduct is consistent with one’s internalized moral standards. One question Hill raises about conscience is how one should respond when the deliverances of one’s conscience conflict with the demands of authorities—conflicts that can arise dramatically in relation to war, business affairs, as well as in more mundane affairs. Should one always follow one’s conscience in such cases of conflict? In responding to this question, Hill embraces what he describes as a modest position, namely, that neither conscience nor authority always trumps the other in cases of conflict; rather, as he writes, “both should be respected, but neither is an infallible moral guide; and if we cannot satisfy both, there is need, time permitting, to look for a resolution in a process of moral reasoning” (Hill 2000: 261).

Hill’s modest “resolution” of conflicts of conscience and authority is the topic of Gerald Gaus’s “Private and Public Conscience.” Gaus notes that Hill’s Kantian conception of conscience admits of two interpretations. According to what he calls the *personal* interpretation, one’s conscience requires that one reflect on one’s own internalized moral convictions, and while in doing so one may take account of claims of public authority, one need not. By contrast, according to the *inclusive* interpretation, the duty of “due care” requires that in passing judgment on one’s conduct, one consider and take seriously the reasons offered in defense of a public authority’s verdicts. As Gaus argues, it is the inclusive interpretation that best fits Hill’s Kantian conception. However, an implication of this interpretation is that, unlike the personal interpretation, supposed cases of conflict between conscience and authority are illusory because, as Gaus says, on the inclusive interpretation one has factored into one’s conscientious judgment the considerations favoring the verdicts of public authorities and so one should, contrary to Hill’s official line, follow one’s conscience. So, to preserve the potential conflict between conscience and authority, Hill’s Kantian conception requires the personal interpretation. However (for reasons Gaus explains) the inclusive conception is far superior, which, as just noted, leaves no room for the conflict in question. Furthermore, as Gaus points out, even on the more plausible inclusive interpretation, there is the problem of whether, given the depth of moral disagreement in which one finds interpersonal conflict in the demands of people’s inclusive consciences, those

representing public authority are justified in imposing their views on those whose inclusive consciences are at odds with what a public authority demands. In the final part of his chapter, Gaus explores a contractualist understanding of cases of interpersonal conflicts of inclusive conscience, suggested in one place by Hill, that involves a commitment to public justification—a perspective from which one takes “up the public view and seeks accommodation with the consciences of others.”

Among the topics Hill discusses in “Kant on Punishment: A Coherent Mix of Deterrence and Retribution?” is the question: Who should be punished through criminal law? Hill briefly comments that Kant apparently allows for cases in which there are “moral grounds for limiting the legal right to punish in special circumstances.” The cases in question concern the alleged right of necessity in certain circumstances to knowingly kill an innocent person; a mother killing her illegitimate child, and a soldier killing in a duel. Jeffrie Murphy’s contribution, “Kant on Three Defenses in the Law of Homicide,” agrees with Hill’s interpretation of Kant that these cases are not ones where there is a legal duty to punish but a moral prohibition against doing so, but rather cases of morally justified legal defenses. Murphy’s chapter examines in some detail Kant’s reasons for holding that such cases are morally justified cases of homicide. With regard to the cases of infanticide and killing in duels—both cases of so-called honor killings—Kant appeals to such considerations as, for example, the illegitimate child has the status of (or a status analogous to) contraband merchandise, the likely shame experienced by the mother resulting from public attitudes toward her, and the alleged “state of nature” both mother and duelist find themselves confronting. Murphy is critical of such defenses, though he hypothesizes that Kant’s treatment of these cases might be viewed somewhat sympathetically as striving toward the contemporary distinction in law between excuse defenses and justification defenses.

Turning to the right of necessity cases, Kant’s view was that there is no right of necessity in, for example, life-threatening shipwreck cases, but nevertheless because the threat of the death penalty cannot effectively deter killing in such cases where one’s death seems imminent, the law has no authority to make such killing a criminal offense. Murphy finds Kant’s deterrence argument for this position unconvincing, but notes that Kant seems to have some appreciation for the distinction between what is relevant in defining a crime and what may be relevant in the sentencing phase of those guilty of a crime. Murphy then goes on to ask whether Kant was correct in holding that there is no legitimate doctrine of a right of necessity. Murphy organizes his discussion around the much discussed case of *Regina v Dudley and Stephens*. After rehearsing the essentials of that case, Murphy argues that cases of necessity do not justify killing an innocent person (thus agreeing with Kant), but that in light of the justification/excuse distinction, homicide law might include excuses for such cases.

The focus of “Virtue, Repugnance, and Deontology” by Matt Zwolinski and David Schmidtz is Parfit’s much discussed “repugnant conclusion” that presumably makes trouble for utilitarianism. The problematic conclusion is easily illustrated by considering a version of act utilitarianism that emphasizes the maximization of *total* happiness

and its implications for large populations. Compare a state of affairs of, say, one billion people, all of whom are living a high quality of life, with a state of affairs involving a much larger population with people whose lives are barely worth living. Judged in terms of total utility, the much larger population is hypothesized to realize a greater total amount of utility than that realized by the smaller group, and thus counts as a better state of affairs of the two, according to utilitarianism. But surely the claim that a world with a large population in which people's lives are barely worth living really is preferable to one in which the individuals living in a large but somewhat smaller population are well off is morally repugnant. After explaining in some detail Parfit's case for the repugnant conclusion, Zwolinski and Schmidt argue that the problem generalizes not only to other versions of utilitarianism, but to all standard act-centered theories of right conduct, including standard deontological theories.

Inspired by Hill's influential article on environmental ethics mentioned earlier (which has us shift attention from questions about actions that involve rights violations or involve interfering with the interests of sentient creatures to questions of character), our authors appropriate Hill's character-based approach as a way of addressing the repugnant conclusion. In short, from a character-based assessment of someone who would prefer the much larger population filled with people whose lives are barely worth living to a smaller population of people well off, such a person does not possess the kind of *humility* that would view persons as playing a limited role in the biotic community. And in general, as Zwolinski and Schmidt point out, on questions of contributing to overpopulation, those who contribute to an unsustainable growth in population by having large families are in effect guilty of free riding on the restraint of others and can be evaluated in virtue-theoretic terms as "short sighted, irresponsible, ill-willed, selfish, and so on." The conclusion these authors draw from reflection on a character-based approach about the repugnant conclusion and related issues of overpopulation is not that act-centered theories are completely misguided and should be abandoned in favor of character-based theories. Rather, their claim, again, inspired by Tom Hill's work, is that when it comes to certain moral problems such as a person's relation to insentient living things such as trees and, in general, insentient features of our environment, Hill's question about character is *the* proper question to ask.

As have many other contemporary readers of Kant, Hill finds Kant's doctrine on the treatment of non-human animals a "morally repugnant doctrine." In Kant's view, human beings have no "direct" duties to non-human animals but only "indirect" duties *with regard to* them. The sole rationale for this view is twofold. First, non-human animals are not rational agents (and so *they* are owed nothing) but second, since mistreating animals will likely impede a person's duty to cultivate positive dispositions such as compassion that are of moral significance both in striving to perfect one's own nature and in one's dealings with other human beings, humans are morally obligated to not mistreat non-human animals. This essentially causal rationale is why our duties to non-human animals are only indirect.

In her “But What About the Animals?” Cheshire Calhoun, inspired by certain themes in Hill’s work on such topics as self-respect and snobbery, argues that there are good Kantian grounds (even if Kant did not advance them) for holding that there are three realms of concern that human beings should have with respect to non-human animals: a positive regard for their interests, a non-instrumentalist valuing attitude toward them, and refraining from subjecting them to mockery, forms of injustice, ingratitude, and other such attitudes. As Calhoun notes, some of Kant’s remarks about animals emphasizes certain analogies between humans and certain non-human animals. Attending closely to these analogies (as a Kantian might reconstruct them) is the basis, according to Calhoun, for developing a plausible Kantian account of the three areas of concern lately mentioned. The challenge for the Kantian, of course, is that despite any analogies that *do* hold between the human species and select species of non-human animals, the fact that humans have a dignity in virtue of their rational natures that non-humans lack represents a morally significant difference of such import that humans only have indirect duties toward non-human animals. As Calhoun explains with respect to animal interests, we “need a positive account of why the morally significant *differences* between animals and humans do not warrant discounting (perhaps severely discounting) animal interests.”

With regard to reasons for having a direct positive regard for animal interests and taking a non-instrumentalist attitude toward their value, Calhoun notes that although both humans and non-human animals are natural species, animal behavior, conforming as it does to deterministic laws, is necessitated to avoid such vices as drunkenness and gluttony. By contrast, humans, in misusing their freedom of choice, may succumb to “lawlessness” and thus debase themselves as *below* beasts. Reflection on such facts is a basis for taking a suitably humble attitude toward our own species and avoiding a kind of species snobbery that discounts if not ignores animal interests and thinks of their worth in a purely instrumentalist fashion. As for the third ethical concern about not treating non-human animals unjustly, not mocking them, and showing gratitude for faithful service, a puzzle remains. For example, animals (unlike humans) are not able to obligate one to be grateful since they cannot act on the freely adopted end of beneficence, and moreover they have no concept of gratitude needed to appreciate the reciprocity that grateful feelings and corresponding actions express. Looking to Hill’s view of Kantian ethics as an ethics of attitude as much as of action, Calhoun argues that even if refraining from ingratitude, contempt, and indifference to fairness toward non-human animals is not rationally required, nevertheless adopting such attitudes is evidence of what she calls being morally “small-minded”—something Kant himself mentions in his *Lectures on Ethics*—a moral defect whose avoidance is grounds for having and expressing such attitudes as gratitude toward non-human animals. After developing in some detail the points just mentioned, Calhoun’s conclusion is that Kantian ethics does have the resources—superior to those found in utilitarian approaches to the ethical treatment of animals—to account for our what intuitively seem to be proper moral responses to select non-human animals.

IV Kant's Ethics

At the heart of Hill's work is, of course, his commitment to the core ideas of Kantian ethics. None of these is more important than the idea of autonomy. A striking feature of Hill's work on autonomy (as Onora O'Neill points out in her contribution) is that it emphasizes that autonomy is best understood as a property of *principles*, not a metaphysical property of a noumenal human will. Again oversimplifying, an autonomous practical principle would be one that does not embody the achievement or realization of some value as an impetus to comply with it. The latter makes a principle unsuitable for, for instance, justifying one's actions publicly to *any* reasonable agent (i.e. unsuitable for contexts in which there are competing values among a plurality of agents). This idea again brings to the forefront the deliberative perspective of one asking, What ought I to do? Indeed, most of the topics and issues that Hill discusses, such as practical questions concerning the importance of personal values and projects, make apparent the importance of this perspective, the deliberative question, and the search for answers embodied in autonomous principles.

Can Kant's ethics (or more generally, Kantian ethics) recognize the category of the supererogatory, understood roughly as actions that go "beyond" the demands of duty? In his "Kant on Imperfect Duties and Supererogation," Hill argues that Kant's ethics can recognize this moral category as a sub-class of actions that fulfill imperfect duties, and provides a list of characteristics a supererogatory action would likely have if such acts have a place in Kant's ethics. Marcia Baron in her contribution, "The Supererogatory and Kant's Imperfect Duties," argues that although Kant's ethics has the resources to do justice to most of the characteristics philosophers typically associate with supererogatory actions, she disagrees with Hill's claim about the best way to characterize supererogation within the Kantian framework, and she disagrees that Kant's ethics has a place for the category of the supererogatory recognized as such. According to Baron, the problem with Hill's characterization is the requirement that for Kant a supererogatory action be "motivated by a sense of duty (or, perhaps, respect for moral reasons)." She argues that this requirement is only plausible if one equates moral worth with moral merit in Kant's ethics and so holds that because a supererogatory act on Kant's scheme would be categorized as an imperfect duty and thus count as meritorious, it would thereby have moral worth which, on Kant's view, requires being motivated by duty. But, according to Baron, there are good textual reasons for not making this equation. To accommodate this point, Hill could drop this particular requirement, and thereby slightly modify his conception of Kantian supererogation. The resulting proposal would be roughly this: if one has adopted the maxim of beneficence and if one has continually acted on this maxim and thereby done enough to promote the happiness of others, then one may, but is not required, to do even more so long as one is not in violation of perfect duty.

However, there remains an obvious tension between the claim that a supererogatory act is to be located within Kant's category of imperfect duty and the claim that such

actions go beyond duty. Hill, of course, recognizes this, and suggests that Kant's adherence to the restrictive notion of duty as sufficient to cover all of morality did not allow him to simply distinguish between what is morally obligatory and what it is good, but not obligatory, to do. Again, Baron disagrees that Kant's deontic terminology is too restrictive, and questions whether it would be an advantage of Kant's ethics to think in terms of having done enough—what is minimally required by the imperfect duty of beneficence—in order to make room for the supererogatory. But even if the category of the supererogatory is not at home in Kant's ethics, one may still ask whether Kant can more or less do justice to the sorts of phenomena typically associated with the acts of saints and heroes that are held up as examples of the supererogatory without recognizing the category itself. In the final section of her chapter, Baron argues that indeed Kant's ethics can mostly accommodate the phenomena in question.

In his "Personal Values and Setting Oneself Ends," Hill casts doubt on the interpretive claim that Kant held a so-called strong thesis about the relation between one's personal ends (and related maxims) and an agent's commitment to their value, according to which the non-moral personal ends one adopts and pursues involve a commitment to "the objective moral goodness of our ends and the acts based on our maxims" (2002: 263). As Andrews Reath points out in his contribution, "Did Kant Hold that Rational Volition is *Sub Ratione Boni*?" the specific issue about the adoption and pursuit of ends that Hill's essay raises extends to broader questions about how Kant's conception of rational volition is related to the moral law, the topic of Reath's essay. In particular, Reath is concerned with the issue of whether Kant's conception of rational volition, properly interpreted, is committed to a strong, rationalist thesis about the relation between rational volition and the moral law, according to which, as Reath puts it, "rational volition is based on practical reasoning aimed at judgments of goodness that make a tacit claim to universality." As Reath notes, this thesis amounts to the controversial claim that in Kant's view all rational volition is guided by the Universal Law formulation of the categorical imperative, or at least something like this formula, as its formal constitutive norm. Reath's aim is to examine the textual and doctrinal support for what he calls "the rationalist thesis about the will" and its implications for Kant's practical philosophy.

Reath's case for interpreting Kant as holding the rationalist thesis in question involves a particular conception of rational volition consistent with and perhaps suggested by select passages in the *Groundwork* concerning a rational being's capacity to act according to principles, remarks in the *Metaphysics of Morals* about the will as faculty of desire in accordance with concepts, and by a particular reading of Kant's positive conception of freedom. Very roughly, the conception in question (very roughly, because Reath develops this conception in much greater detail) is as follows. The structure of rational volition involves adopting ends (principles or values) and reasoning from these "initiating" elements of deliberation to conclusions about which action (or series of actions) under one's specific circumstances would achieve the end (or be called for by the principle of value), and on the basis of such reasoning forming the intention (adopt

a maxim) to perform the action (or series of actions) that such reasoning supports. With this structure in mind, the picture of rational volition that Reath claims is at least consistent with, if not suggested by, the passages in question is one according to which the agent takes the end (principle or value) to be good “on grounds that are valid for every rational being as such” (G 4: 413) and furthermore takes the conclusion of practical deliberation (and thus the maxim and associated action) to be rationally supported and thus as good. On this picture, then, both initiating conditions (ends, principles, values) and the conclusions about specific maxims and actions derived through practical reason are taken by the agent to have universal validity. In this way, the picture entails the rationalist thesis that all rational volition (even bad volition), because constitutively committed to the idea of universal validity, is tacitly guided by the Universal Law formulation of the categorical imperative. Reath further supports the rationalist thesis interpretation of Kant’s theory of rational volition by examining Kant’s doctrine of the autonomy of the will, and Kant’s claim that a free will and a will under moral laws are “one and the same” (G 4: 447). One putative challenge to Reath’s interpretation concerns immoral action. If rational volition—acting for what one takes to be good reasons—is constitutively tied to the (at least tacit) assumption that ends and means that figure in one’s practical reasoning are universally valid, what account can be given of an agent’s knowingly acting contrary to morality? Reath concludes with suggestions for how this worry can be addressed by a defender of the rationalist thesis.

In his “Moral Responsibilities of Bystanders,” Hill considers so-called *tolerance complicity*—a person’s moral complicity and thus blameworthiness in cases where he or she, either through indifference or culpable ignorance, does nothing and is thus negligent in at least not standing up and confronting the wrongdoing of others. The cases Hill discusses involve instances of social oppression and those bystanders who, for example, stood by while Nazis killed Jews in the Second World War, or who did little or nothing while women were discriminated against in their own countries. Hill’s particular focus in this essay is forward-looking: exploring preparatory responsibilities of bystanders for avoiding such complicity. He emphasizes the cultivation of dispositions that would combat the sort of ignorance and indifference involved in tolerance complicity, which can be grounded in a Kantian conception of respect for the rational nature of oneself and those being oppressed.

As Julia Driver explains in “Kantian Complicity,” accounting for and explaining the wrongness of such forms of complicity is an advantage of a Kantian approach to the general issue of moral complicity over direct consequentialist approaches. As she explains, consequentialists are able to account for the wrongness of cases of *participation complicity*—complicity involving one’s being causally efficacious in another’s wrongdoing, as when one is the wrongdoer’s accomplice. But, there are other cases in which one intentionally and knowingly participates in another’s wrongdoing with the awareness that one is not causally contributing to the wrongdoing. Such cases have led some to propose causally neutral accounts of complicity, but as Driver explains, such accounts are not able to adequately explain the kinds of bystander cases of complicity Hill

considers—cases in which those complicit do not participate in, for example, wrongful oppression of targeted groups. In exploring the advantages of a Kantian approach to tolerance complicity beyond those highlighted by Hill's discussion, Driver stresses the manner in which engaging in such complicity poses a problem for personal integrity. As she explains, in addition to the Kantian requirement that one express in attitude and action respect for the humanity of self and others, one important wrong-making feature of tolerance complicity concerns positive self-esteem which, distinct from respect, is not owed to everyone. Driver explains that this conception of self-esteem possesses a kind of integrity that would compel one to stand up for one's values. Furthermore, as she points out, a failure of integrity in passively standing by while others engage in forms of oppressive wrongdoing may be viewed from a Kantian perspective as allowing oneself to be used—used in the sense that one's silence is properly interpreted as a sign that one agrees with the values that fuel oppressive practices. Driver's contribution thus extends Hill's Kantian approach in explaining the rich resources Kantians have in plausibly explaining the ways in which forms of complicity are morally wrong.

V Conclusion

In his concluding reflections, Hill traces the development of his views which begins, unsurprisingly, with the early influence of his father, the philosopher Thomas E. Hill, Sr. Philosophers at Harvard and Oxford further molded those views, but it was likely the encouragement of Ryle and Rawls to study and develop the views of Kant that had the most impact. Although unlike his father, Hill rejected Moore's ideal consequentialism, it is clear that, beyond Kant and Rawls, many of the concerns that motivated Moore's views have provided an important touchstone for Hill's work. Although Hill does not try to address or reply to the contributions, he tries to put them together with his own thoughts about the contours of his work overall and the concerns that resulted in his work having the shape and content that it has.

Abbreviations

- G *Groundwork of the Metaphysics of Morals*, in Kant, *Practical Philosophy*, trans. and ed. Mary J. Gregor (Cambridge: Cambridge University Press, 1996)
- MS *The Metaphysics of Morals*, in *Practical Philosophy*

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PART I

Respect and Self-Respect

1

Servility and Self-Respect

An African-American and Feminist Critique

Bernard Boxill and Jan Boxill

Thomas E. Hill Jr.'s "Servility and Self-Respect" inspired a generation of moral philosophers to think seriously about servility and self-respect, moving feminists and students of race to ponder the consequences of sexism and racism for their victims. It launched an impressive literature on the virtue of self-respect and immediately on its publication its marvelously suggestive examples of the Uncle Tom, the Self-Deprecator, and the Deferential Wife became widely and familiarly acknowledged in the literature as exemplars of servility. Unsurprisingly although Hill cautioned that he was providing an account of only one kind of self-respect and two kinds of servility, the sheer breadth and power of his arguments soon created a near consensus that he had provided an account of the only kind of self-respect and servility worth our attention.

We are among the feminists and students of race who have been and continue to be inspired and stimulated by the profoundly moving arguments in Hill's great essay. But we have become wary of the consensus that it has created. We believe that its arguments have subtly coaxed his readers into supposing that his Kantian view of self-respect as appropriately understanding and valuing one's rights is more salient and significant than it really is. So we do not challenge Hill's claim to have provided an account of one kind of self-respect and two kinds of servility. We believe, however, that there are other kinds of self-respect and servility that are more widespread, more vexing, and perhaps more interesting that demand our closer and more serious attention.

Hill's Theory

Here are the broad outlines of Hill's argument for his account of self-respect and servility: To help provide a "preliminary idea" of what he means by servility Hill presents us with his famous examples of the Uncle Tom, the Self-Deprecator, and the Deferential Wife carefully and painstakingly describing their behavior (Hill 1995: 77, 78). Assuming that his readers will agree that their "attitudes," presumably reflected in their behavior,

are indeed servile, and that servility as he has described it is morally objectionable, Hill then asks for the grounds for supposing that these attitudes are “morally objectionable” (Hill 1995: 79, 79). After considering and dismissing several possible grounds for the supposition Hill “suggests” that the attitudes are morally objectionable because of a “moral defect in each case,” namely that the Uncle Tom, the Self-Deprecator, and the Deferential Wife, fail “to understand and acknowledge” their “own moral rights” (Hill 1995: 82). However conceding that these individuals may continue to display similarly servile and objectionable attitudes even after being successfully instructed about their rights Hill then argues that there must be a second possible ground for a servile attitude which he identifies as “placing a comparatively low value” on one’s rights. Summing up he concludes that “there are at least two types of servility: one resulting from ignorance and confusion about one’s rights and the other from placing a comparatively low value on them” (Hill 1995: 85).

At this point Hill reminds his readers that his suggestion that the “objectionable feature of the servile person is his tendency to disavow his own moral rights either because he misunderstands them or because he cares little for them” is in fact so far only a suggestion. Now he looks for arguments to support that suggestion. To that end he develops a Kantian argument that every person has a moral duty as far as possible to “respect the moral law.” According to Hill this means that every person has a duty both to “do what is morally required and refrain from what is morally wrong,” and also to hold “the system in esteem,” and to “treat all the provisions of morality as valuable—worth preserving and prizing as well as obeying” (Hill 1995: 86). Hill is confident that persons who misunderstand their moral rights or understand them but care too little for them cannot possibly fulfill these duties. Since it is morally objectionable to fail to do one’s duty to respect the moral law we now have sound philosophical grounds for supporting the judgment that the attitudes and behavior of the Uncle Tom, the Self-Deprecator, and the Deferential Wife are morally objectionable.

Preliminary Critique

We will not challenge Hill’s argument that people who fail to understand and value their moral rights cannot possibly fulfill the duty to respect the moral law. We also will not challenge his descriptions of the behavior of the Uncle Tom, the Self-Deprecator, and the Deferential Wife. Indeed we cannot challenge these descriptions since they are constitutive parts of Hill’s examples which he can describe however he pleases. However we can and will challenge his stipulation or suggestion that the behavior of his three characters *as he has stipulated it to be* is servile. Whether such behavior is servile or not depends on what the word “servile” means and he cannot just stipulate its meaning. The examples are supposed to show how Hill’s theoretical claims about the failure to do one’s duty to respect the moral law fit into our intuitions about behavior

we recognize as servile. If he presents us with behavior we do not recognize as servile theory and intuition may not fit.

We should also be wary of Hill's stipulation or suggestion that the behavior of the characters is morally defective or that it is morally defective because of its servility. If their behavior is not necessarily servile, it may not be morally defective because it is servile. Finally we find Hill's claim that the alleged servile behavior in question is morally defective because the Uncle Tom, the Self-Deprecator, and the Deferential Wife fail to understand and value their rights to be especially worrisome. His exact words are: "The moral defect in each case, I suggest, is a failure to understand and avow one's own moral rights" (Hill 1995: 82). Since it would make no sense to suppose that the behavior of the three characters is morally defective if they just happened also to fail to understand and value their rights, we will assume that their failure is supposed to either explain or cause their allegedly servile and morally defective behavior. But Hill does not make it clear whether we should take this assumption as a suggestion or as a stipulation. The word "suggest" in the sentence seems to imply that we should take it as a suggestion, which we are entitled therefore to appraise for its plausibility. At times, however, Hill writes as if we should take the assumption as a stipulation. To make these and other concerns clearer let us consider the examples separately and in greater detail.

The Self-Deprecator

The Self-Deprecator "is reluctant to make demands," "says nothing when others take unfair advantage of him," and "when asked for his preferences or opinions, he tends to shrink away as if what he said should make no difference" (Hill 1995: 77, 78). Hill stipulates that this behavior displays a kind of servility. Then he claims that it is morally defective because it stems from or displays the Self-Deprecator's failure to appropriately understand and value his basic moral rights. Finally he relates certain facts about the Self-Deprecator; namely that he is a failure, knows that he is a failure, believes falsely that basic moral rights have to be earned, and consequently believes also falsely that he has no moral rights and little moral status (Hill 1995: 81).

We have no difficulty believing that a person who has very few merits, and who believes he is a failure, will likely behave like the Self-Deprecator. And we also have no difficulty believing that such behavior is flawed. But we do have difficulty in believing that it is servile. This simply does not ring true. Our dictionary tells us that "servile" means "having or showing an excessive willingness to serve or please others." We can see how it has come to have that meaning when we note that its origin is the Latin "servus" meaning slave (*Oxford American Dictionary*). The slave must be eager to please, eager to obey. He must behave as if his master's will that he do something is reason that he do it at once and without hesitation. Frederick Douglass cited Hugh Auld his master as unfolding the "true philosophy of slavery" as follows: The slave "should know nothing but the will of his master, and learn to obey it" (Douglass 1987: 92).