Scheler's ethics and the problem of normativity

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June 2016

Master of Philosophy in Philosophy

Keele University

SUBMISSION OF THESIS FOR A RESEARCH DEGREE

Part I. DECLARATION by the candidate for a research degree. To be bound in the thesis

Degree for which thesis being submitted   Master of Philosophy in Philosophy

Title of thesis   Scheler's ethics and the problem of normativity

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NO

Date of submission   13th March 2016   Original registration date 29th September 2014
(Date of submission must comply with Regulation 2D)

Name of candidate   Christopher Murphy

Research Institute   Humanities and Social Sciences Research (RC-SPIRE)

Name of Lead Supervisor   Sorin Baiasu

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Abstract

Kant and Scheler both develop ethical frameworks which are grounded by their epistemic theories. In this thesis, I exposit both of these epistemologies and show their relations to the respective ethical theories. I then look at how those theories try to address the 'problem of normativity', which is the tension an ethical theory has between explaining why we have different ideals and codes of conduct while trying to also give prescriptive guidance for us in our decision making. As a consequence of their epistemologies, I argue that neither theory can do both.

Key Words: Scheler, Max; Kant, Immanuel; Normativity; Values

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Chapter One – Introduction

In our lives we often feel that certain deeds or actions are morally right or praiseworthy, if not even obligatory. For example, if a person falls over in front of you it would seem to be praiseworthy to help them back onto their feet. It would be very difficult to find someone who would say that such an action is not at least praiseworthy, although there would be some disagreement over whether or not it is morally obligatory for us to help up a fallen person. A more contentious example would be the classic question of whether or not it is morally right for you to steal bread from someone who has plenty in order to feed your starving family. If we ask this to people, we get a much broader range of answers. Some may say that it is morally right to do so; others may say that it is at least morally justifiable, and others may call it an obligation. Some people would completely rule out such a deed and even condemn it. The question I ask is why is this the case? Why does there exist disagreement on matters such as these? Is there a way of thinking about ethical matters which can account for disagreements on moral and ethical questions such as these and perhaps help to aid their resolution?

I refer to 'normativity' in the title of this thesis. In this thesis, I wish to problematize normativity into two issues which come under the heading I term the 'problem of normativity'. In explaining their moral evaluations and judgements, people will often attribute them to some kind of norm or refer to something which is normatively binding. Normativity refers to what constitutes a 'norm'. The term 'norm' is

generally understood to refer to one of three senses. The primary sense of 'norm' refers to a pattern that in some way serves as a model or standard that serves to guide people's thinking or behaviour. A second sense of 'norm' is a 'social norm', which is some regularity in the behaviour of the members of a population that most people in that population conform to and where this conformity is explained at least in part by the fact that most people in the population approve of conforming to the regularity and disapprove of deviating from the regularity. A third sense of 'norm' refers to a general principle about how people ought to think or act; it is what they may be obliged to think or do in other words. This third sense is the standard sense of the word within ethical philosophy. (Wedgwood 2013: 3663) The other two senses are derived from the primary sense, but general principles about how we ought to think or act can be used to guide our thinking or behaviour. In this thesis I will be mainly concerned with norms and normativity in the first and third senses mentioned, with the social norms not being a concern here.

To prescribe a norm to others, to say that one should do deed *x* in circumstance *x*, requires us to justify the deed as right. Our justification depends on what we know of the situation, and what we can know of the situation depends how we gain knowledge, or in other words on which theory of epistemology is correct. I primarily define 'problem of normativity' as the tension an ethical theory has between accounting for how we justify moral knowledge, account for prescriptive guidance in ethical decision making, while also trying to account for the observation that we hold different notions of what morally praise-worthy or condemnable deeds are and hold different ideals to be more valuable than others.

I will be comparing two different ethical frameworks to look at the different ways in which they account for this. These are the ethical theories of Kant and Scheler. Scheler may seem like an odd choice at first. Even Peter Spader, one of the most sympathetic commentators on Scheler's work, admits that when Scheler's work is summed up it has a "sketchiness… [which] indicates… that work is left at all levels". (Spader 2002: 296) *Formalism in Ethics and Non-Formal Ethics of Values* was only meant as a foundational text and Scheler wrote that he was going to "develop a nonformal ethics of values on the broadest possible basis of phenomenological experience". (Scheler 1973a: 5) At least in part due to Scheler's death, this never appeared. Scheler's work on ethics in Formalism is best compared to the work that Kant did in the *Groundwork of the Metaphysics of Morals* alone. It could be said that Scheler left us more of a framework than a fully-fleshed out theory as Kant did. However like the *Groundwork*, *Formalism* raises many interesting points and I believe that it does give us enough material to examine in its own right. My analytical method will be to exposit their epistemological theories, which form the background commitments to and determine key aspects of their ethical theories, and then to explain their ethical theories and how they try to answer the problem of normativity. I will then critically look at those answers to see if they are successful in doing so.

Chapter Two – Kantian Ethics and the Grounding of Normativity

Introduction

In order to understand why Scheler reached the positions that he held, we need to understand Kant. To understand Kant's ethics, we first need to understand what Kant's theory of cognition was and how it related to his ethical framework. Kant believed it was reasoned judgment and not feelings which gives us access to secure moral direction. Judiciously applied moral maxims could supply moral direction and we can be moral beings only as rational persons. Kant's objection to previous ethics was that empirical ethical theories that grounded moral action on what people valued in the world cannot provide a proper ethical foundation. This is because Kant believed a moral law exhibits a universal applicability to all people at all times and a necessity which cannot be derived empirically. As a consequence of his theory of cognition, for Kant, our experience can tell us what is but cannot reveal what ought to be. Therefore these ethical philosophies, no matter how appealing or common sense they may seem, cannot tell us what we ought to do so we may bring about what ought to be. They cannot tell us how or what we know to be moral. For that reason Kant argued that accommodating the universal and necessary character of moral laws requires that ethics be placed on an a priori foundation. This means that moral principles must be justified independently of experience. He argued that the human understanding is the source of the general laws of nature, which we observe

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as regulating the empirical world, that structure all our experience and also that human reason gives itself the moral law. Empirical knowledge and morality are mutually consistent as they both rest on the same theory of cognition.

In the *Groundwork of the Metaphysics of Morals*, Kant distinguished the "metaphysics of morals," consisting solely of a priori principles, from "practical anthropology," which results from the application of these principles to empirical facts. (Kant 1999: 43) In the *Metaphysics of Morals*, the application of the a priori principle to human nature in general is included within the referent of that work's title; "practical anthropology" is reserved for the study of human nature insofar as it makes morality harder or easier for us. (Kant 1999: 371-372) It is common for people to ignore Kant's practical anthropology. Following more recent accounts of Kant's views, I maintain that Kant's writings on anthropology hold relevance for being able to fairly understand Kantian ethics in addition to his a priori foundational inquiries.

By sketching out Kant's theory of cognition, I will show why he held the ethical framework that he had. By sketching out the anthropology, I will also shed some light on what Kant held we ought not to do. All the parts together are meant to illustrate a view of ethics which is suitable for the kind of being that we are, which accounts both for how we actually make judgements in general including ethical ones. It is meant to be normative, both in the sense of guiding our thoughts on ethical matters and in guiding us on what actions we ought or ought not to take. In the summary I will mention some possible lines of critique, including the ones that Scheler used in his critique of Kantian normativity. This will lead into discussing

Scheler's critique of Kant's notion of the a priori. This will lead into the next chapter, where I exposit Scheler's ethics of values.

Transcendental Idealism – Kant's theory of cognition and epistemology

In the *Critique of Pure Reason*, Kant split the mind into various faculties. Cognition comes from the combination of concepts and intuitions and these are so tightly linked that "neither concepts without intuition corresponding to them in some way nor intuition without concepts can yield a cognition". (Kant 1998: 193) Kant argued that to justify our claim to knowledge from our experiences, we had to show that there are necessary conditions for possible experiences and their cognition. These conditions presuppose the mind taking a role in shaping that experience in order to make it understandable; cognizable in other words. Kant held that there could be "no doubt whatever that all our cognition begins with experience", but that cognition "does not on that account all arise from experience". (Kant 1998: 136)

Kant made two different distinctions. One distinction was between the 'material' and the 'formal' and the other distinction was between the 'pure' and the 'empirical'. 'Formal' refers to the rules of thinking as such without reference to specific objects. It is the shape that our thoughts take, so to speak. It is opposed to the 'material' (which can also be called the 'content') of thought which refers to the specific objects of experience. For Kant, what constituted an experience had 'pure' elements of experience, the 'a priori' part, and the 'empirical' features of experience, the 'a posteriori' or 'impure' part. The term 'a priori' refers to the part of

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cognition which is independent of experience and arises in ourselves. The term 'a posteriori' refers to the part of cognition which occurs in experience. For something to count as a pure a priori element of experience, for Kant, it is required to be logically necessary for our concept of experience and while being absolutely independent of being known through experience. A pure a priori feature of experience cannot be abstracted away from our concept of an experience and still have the experience make sense to us. The concept of experience presupposes certain a priori features and would be impossible without them. (Kant 1998: 136-137)

Kant also asserts that there are two types of thought which relate the subjects to their predicates. These types of thought are called 'judgments'. The two types of judgment are 'analytic' and 'synthetic' judgments. 'Analytic' judgments are explicative judgments, which are judgments where the predicate does not add anything to the concept of the subject which is not already contained within it. (Kant 1998: 141) Kant also specifies that "its truth must always be able to be cognized sufficiently in accordance with the principle of contradiction". (Kant 1998: 280) This means that for Kant, a judgment is analytic if its denial is contradictory or if a contradiction may be derived from its denial. A judgment may be analytic even if it is not self-evidently true. A 'Synthetic judgment' is an ampliative judgment, which means that it is a judgment that does add to the concept of the subject a predicate which is not contained in the subject. (Kant 1998: 141-142)

For Kant, judgments of experience are always synthetic. We cannot found an analytic judgment on experience, he says, as we do not need to go beyond the concept that we are judging to relate it to its own predicate. All analytic judgments are therefore a priori, and tautologically true. Synthetic a posteriori judgments are ampliative, empirically verifiable, and true only in virtue of a specific state of affairs. Synthetic a priori judgments are ampliative, have to be true, but are not dependent on empirical experience for their verification.

A representation is any state of consciousness, any conscious mental state. An experience would therefore be a type of representation. The term 'object' just refers to anything that we encounter in our experiences. 'Intuitions' are the immediate, singular, and individual representations. Intuitions are what we currently refer to as sense-data, they are how objects are given to us. 'Concepts' are general, mediate representations. Our intuitions represent things, where those things may be an event, a property, or an object, as we represent that thing with our sensual perceptions. Our concepts represent things, where those things may be properties, objects, or events, by recognising that those things are of a certain kind or share certain properties. Kant believed that human cognition can be split into two distinct faculties, based on how those faculties relate to objects. One faculty of human cognition is called 'sensibility', which is the faculty of 'intuitions'. The other faculty of human cognition is called the understanding, which is the faculty of concepts. (Kant 1998: 155-157) The combination of concepts and intuitions is an "action" that Kant referred to as "synthesis" and it is "synthesis alone is that which properly collects the

elements for cognitions and unifies them into a certain content". (Kant 1998: 210-211)

Now we can illustrate the different kinds of judgment. Imagine that you are looking at something that you judge to be a drum kit. In order to experience the drum kit and to know that it is a drum kit, you need to have several things. You need the intuition of the drum kit while at the same time you must be able to bring the intuition under a concept, the perception of a drum kit. If you did not have the concept of a drum kit, you would not be able to understand your sense perceptions of the drum kit as a drum kit. It would not actually appear to be that object, just an incoherent set of sense data. This is an example of a synthetic a posteriori judgment, as judging the intuition as drum kit and thus having an experience of a drum kit depends on our having the concept of 'drum kit'. However, the concept of a drum kit is not necessary for us to be able to cognize the intuition that we are given as something. I could have that intuition without knowing it is a drum kit, I could put it under a different concept.

A synthetic a priori judgment would have been judging that if I hit the drum kit, I will produce a sound. This is because I am invoking the concept that events, like the production of a sound, have causes, me hitting the drum kit. The a priori part is not that "when hit, the drum kit will make a sound" (for perhaps some state of affairs could mean that it may not) but it is that "every event has a cause". For me, that "every event has a cause" has to be true regardless of the state of affairs that I am experiencing and cannot be verified in an experience as having and cognizing a

coherent experience presupposes that it is true. Another synthetic a priori judgment is that the drum kit has physical dimensions to it. These a priori elements indicate that there are some rules to which our experience has to conform. Space and time have empirical reality, as we can observe them in experience in some way, and transcendental ideality, as our experience has to conform to them. What this means is that both space and time are not things in themselves, and would not be left if we abstracted all the other subjective conditions of human intuition. Anything that we encounter in our experience, our external intuitions, as an object appears to be in space and time and our internal intuitions of ourselves appear in time. Space and time are the subjective forms of sensible intuition for human beings.

Kant argued that persons only cognize appearances and not the world as it is without our forms of intuition, the world 'in itself'. (Kant 1998: 185) For Kant, we bring rules to experience which structure and form it a priori. If we can discover what these rules are we can see that they have certainty in knowledge as thought requires them. Certainty itself is given and guaranteed by these rules. In terms of certainty, anything we experience is of mixed value. Experience is a mixture of the certain and contingent, therefore being contingent itself. On this view, as we cannot describe objects as they are in themselves or make claims about the most general features of reality or being as such that cannot in some way be experienced. An implication of this idea is found in the *Transcendental Dialectic* of the first *Critique*, where Kant insisted that there are three transcendental ideas - the thinking subject, the world as a whole, and a being of all beings - so that it is possible to fully list the illusions to which reason is subject.

What Kant put forward was a model of consciousness which states that faculties of the mind create a synthesis of representations of varying kinds, representations which are located within the mind (so to speak) but are representations related to things-in-themselves although we cannot know what those things are like apart from our representations of them. It is important to make it explicit that this is a model of consciousness as this can be easily missed and this is a major point of difference between Kant and Scheler. Kant named this doctrine 'Transcendental Idealism' in the *Critique*. The doctrine was termed this because its type of argumentation transcends our experience, by using reason to work back from the fact that we cognize experiences to understand the conditions without which such experience would not be possible. It is helpful to remember that he also referred to this doctrine as 'Formal idealism'. Kant also occasionally referred to his doctrine as formal idealism because, as the doctrine discusses the subjectivity of space and time as forms of intuition without denying the real existence of the objects distinct from ourselves that are represented as being in space and time, it is describing the form of thought itself above anything else. The doctrine just means that we cannot know the objects of our experience as they could be in themselves, without the structures of human cognition, but that we do have an insight into the a priori structure of our experience. This epistemology provides the justification for Kant's theory of ethics.

A Problem for Moral Knowledge

Our kind of being is a being which has a mind that is split into several faculties and can only know representations within consciousness. This view of the relation of our knowledge to objects presented a problem for ethics. This view of cognition and epistemology meant that previous theories of ethics were completely impossible, as they presupposed different epistemologies that Kant had argued against. Ethical approaches which relied on the knowledge of 'good' on things like transcendent realms, gods or God, or the direct apprehension of a priori truths were ruled out. On Kant's view, all knowable facts were empirical facts and a priori knowledge was not factual. On its face, it would seem that Kant's epistemology would only allow for ethical theories based only on empirical experience and nothing else. An empirical fact is, by itself, non-normative and a set of empirical facts, by themselves, cannot be used to reason to a normative conclusion. Ethics would be restricted to something like a type of empirical psychology or economics. Kant thought that ethics is an a priori discipline but it seems that his epistemology had backfired on him and put him into a corner as non-contingent moral judgment (and other the judgment of other non-moral and aesthetic values) would seem to be precluded. The first *Critique*'s view of the world "at first appears bleak from the point of meaningful human activity: even though its world is constituted by our minds, we cannot feel immediately at home in it in any deep sense". (Gardner 1999: 310)

We know, however, that that was not the direction Kant took his moral philosophy. There is a link between the cognitive theory and epistemology outlined above and the ethical framework which Kant put forward. For, if Kant's epistemology is correct, to look for the justification of moral judgments in either an empirical or

transcendent realm is to assume that our knowledge of the good must conform to the good rather than supposing that the good conforms to our possibility of knowing it. With that in mind, where ethics ought to find its justification is in the subject which makes ethical judgments. This is the link; Kant's switching of our focus in moral philosophy from our conception of the good to our powers of willing as a subject.

Freedom and Reason as Grounds for Ethics

I now want to explain an initial part of the Kantian moral philosophy. This is Kant's view of the person and freedom. For Kant, "[r]ational beings are called persons." (Kant 1999: 79) Reason, for Kant, was "the faculty that provides the principles of cognition *a priori*". (Kant 1998: 134) Our personhood is dependent on our ability to reason. Reasoning is the a priori part of cognition. If we cannot reason then we cannot be a person and to use reason is to employ the a priori principles of cognition sketched above, which is to construct objects from intuitions and concepts. In addition, our moral agency requires freedom. Freedom must be assumed by us if we are to be able to make sense of moral action and theoretical moral judgments. In both *Groundwork of the Metaphysics of Morals* and *Critique of Practical Reason,* Kant argued that the moral law is binding on us if and only if our will is free. If we do not understand people to be free, then we could not understand them in any moral context and we ourselves cannot be a moral agent if we cannot be thought of as free. This presents a problem though, as we can argue that freedom does not exist. If freedom does not exist, then we can have no morals of the kind that Kant thought

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we held in common experience. There is a way around this though with the notion of 'transcendental freedom'. As he wrote, "[W]e must admit and assume behind appearances something else that is not appearance, namely things-in-themselves, although since we can never become acquainted with them but only with how they affect us, we resign ourselves to being unable to come any closer to them or ever to know what they are in themselves. This must yield a distinction, although a crude one, between a world of sense and the world of understanding." (Kant 1999: 99) That is, Kant did not think that we could describe a person as they are in themselves. While we could demonstrate the regulative nature of our concepts, we could never extend these concepts to apprehend what constituted the noumenal realm. For Kant makes clear that human beings, as things which appear in human experience, must have a noumenal element that we have no empirical access to. This does imply that we, ourselves, do not have access to even our own noumenal elements as we can only ever understand ourselves from the perspective of possible human understanding. Included within the not understandable is the operation of our own practical faculties. For Kant did not think we can prove theoretically that the will is free, but in the *Groundwork* he thought that we must presuppose freedom to be able to make or we fall into inconsistency in our representation of ourselves to ourselves. Kant supported the rest his derivation of the moral law on this consideration (Kant 1999: 94-95). Kant held that for practical purposes, freedom must be assumed and can be thought without contradiction through pure understanding, but cannot be actually known from the standpoint of human cognition. (Kant 1998: 675-676) The "idea of a moral world" is that of "a *corpus mysticum* of the rational beings in it, insofar as the free will of each, under moral

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laws, is in complete systematic unity with itself and with the freedom of every other". (Kant 1998: 679) Persons are rational by definition and appear to be mysteriously free. This is the best description that we could possibly have given the limits of our possible knowledge. Although this does not prove human freedom, it is all that we need to do moral philosophy. This is 'transcendental freedom'; it allows freedom to be coherently thought. This is all that morality, due to its essentially non-theoretical nature, requires.

Kantian Ethics

We now need to understand the difference between 'theoretical' and 'practical' philosophy for Kant. 'Theoretical' philosophy is about how the world is. (Kant 1998: 661) 'Practical' philosophy is about how the world ought to be. (Kant 1998: 800–801) Its supreme principle is called the 'moral law', which grounds duties that command how we ought to act in specific situations. The moral law is normative and the source of oughts. Kant claimed that reflection on our moral duties and our need for happiness leads to the thought of an ideal world, which he calls the highest good. This is not the same as a complete or supreme good, that is it not totally perfect world, but that given how the world is and how it ought to be, we reasonably aim to make the world better by constructing or realising the highest good. (Kant 1999: 52)

Kant held that previous philosophers were wrong to think that knowledge itself was moral virtue and so that only an educated elite could have morality. For Kant, philosophers have "no higher or more comprehensive insight on any point touching

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the universal human concerns than the insight that is accessible to the great multitude" and would "limit themselves to the cultivation of those grounds of proof alone that can be grasped universally and are sufficient from a moral standpoint." (Kant 1998: 118) For Kant "common human reason… knows very well how to distinguish in every case that comes up what is good and what is evil, what is in conformity with duty or contrary to duty, if, without in the least teaching it anything new". Moral philosophy can instead make common reason only "attentive to its own principle". (Kant 1999: 58-59) In other words Kant believed that we all already know on some level what is and is not moral and what we ought to do; we already have access to what he called the moral law. Moral philosophy's role is just to make what we already know explicit and clear to ourselves. Philosophers do not have access to moral insights which are not also available to everyone else.

Kantian ethics is grounded on a single 'moral law' or 'supreme principle of morality' requires a system of several different formulas for its complete articulation. This principle is a priori rather than empirical because Kant holds that it is given through our rational faculty itself rather than depending on the experience to which our faculties are applied. The fundamental moral law grounds a system of moral rules or duties, which are obtained when the law is applied to the empirical facts of human nature and human life. As the moral law is a priori and ampliative, then moral judgments are synthetic a priori judgments. Through this, Kant's ethics provides an answer to the epistemic part of normativity.

However moral knowledge is somewhat different to just showing how a priori rules order unordered experience. Kant also wanted to show how the will is given direction into an 'ought'. If the will follows a rational ought then it is a good will, which is the only thing that can be good without qualification. The problem is that Kant could not rely on moral experience to account for an a priori direction of the will because experience itself is not certain knowledge. According to Kant all prior ethics held that the determining ground of the will had been "the representation of an object and that relation of the representation to the subject by which the faculty of desire is determined to realize the object." Kant responded to that by claiming that "[a]ll practical principles that presuppose an *object* (matter) of the faculty of desire as the determining ground of the will are, without exception, empirical and can furnish no practical laws". (Kant 1999: 155) Where the will is determined by an object it is determined by matter as, according to Kant, "'the matter of the faculty of desire [is] an object whose reality is desired." What determines and grounds our will is the "representation of an object" as well as the relation of that representation to the subject which experiences "by which the faculty of desire is determined to realize the object" and this relation is called "*pleasure* in the reality of the object". Our experience of being at all able to will for or choose either some specific thing or some state of affairs requires that we would be pleased if that thing or state of affairs came either to be or to pass. However, this determining ground must always be empirical as we cannot cognise a priori whether or not a specific object's relation to us will be pleasure, displeasure, or indifference. For Kant, a principle based on pleasure or displeasure cannot be a moral law as our experiences of those are

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subject dependent and lack an a priori necessity between subjects although it can be used to guide our non-moral actions. (Kant 1999: 155)

Additionally, Kant theorised that "[a]ll material practical principles as such are, without exception, of one and the same kind and come under the general principle of self-love or one's own happiness." (Kant 1999: 155) In other words, all material practical principles come under a principle which is based on fulfilling our own desires. Additionally, as receiving pleasure from an object depends on our own, individual, ability to receive pleasure from it, then pleasure, for Kant, belongs to sensibility and not to understanding. Pleasure is then an intuition, it is sensual. Kant linked all kinds of 'feeling' in general to sensibility. (Kant 1999: 156)

Kant's also theorised that "[i]f a rational being is to think of his maxims as practical universal laws, he can think of them only as principles that contain the determining ground of the will not by their matter but only by their form." (Kant 1999: 160) The matter of practical principle is what we desire and this matter either can or cannot be what is determines our will. If it is, then our will is being determined by something empirical and so the practical principle applies only to ourselves as it's based on our subjective ability to feel pleasure or avoid displeasure. For Kant, this means that a principle based on such a thing cannot be a "practical law". If we abstract all material (i.e. all objects of the will) from a law then all that is left is the "mere *form* of giving universal law". He concluded from that that "either a rational being cannot think of *his* subjectively practical principles, that is, his maxims, as being at the same time universal laws or he must assume that their mere form, by

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which *they are fit for a giving of universal law,* of itself and alone makes them practical laws." (Kant 1999: 160)

This leads us to explicitly formulate what Kant often referred to as the fundamental or supreme principles of morality, and also known as the moral law. The moral law is said by Kant to be a 'Categorical Imperative', an unconditional principle that rationally constrains our action and which is not conditional on any pre-given end, so that action on that principle is regarded merely as a means to it. (Kant 1999: 64-68) This does not entail that moral duties do not involve the adoption of ends. Kant thought that action itself is fundamentally some performance conceived by the agent as a means to an end the agent has set and that the categorical imperative itself commands the adoption of certain ends. These are ends which are fundamental to the system of ethical duties. The term 'categorical' refers to the fact that its binding character is not conditional on pre-given ends. It does not entail that moral rules or duties may not be conditional, or that there are no exceptions to moral rules. For example, the infamous prohibition on lying as a duty of right, for instance, is conditional on the statement in question being a "declaration," on the truthfulness of which others have a right to rely. (Kant 1999: 382) Kant listed a category of exceptions to moral rules, called "exceptivae", as one of the basic categories of practical reason. (Kant 1999: 193-194)

The point of the *Groundwork* was to discover and establish the supreme principle of morality. This results in three basic formulas. The first is "*Act only in accordance with that maxim through which you at the same time can will that it become a universal*

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law" with a more intuitive variant of "*act as if the maxim of your action were to become through your will a universal law of nature*" (Kant 1999: 73) The second formula is "*So act that you use humanity, as much in your own person as in the person of every other, always at the same time as an end and never merely as a means*". (Kant 1999: 80) The third formula is based on "the idea *of the will of every rational being as a will giving universal law*". (Kant 1999: 81) Unlike the other two, it is not written explicitly by Kant. It can be understood in the following ways though. The formula is "not to choose otherwise than so that the maxims of one's choice are at the same time comprehended with it in the same volition as universal law" with its more intuitive version, "to act in accordance with maxims of a universally legislative member for a merely possible realm of ends". (Wood 2013: 2888)

These formulas are developed systematically so as to express different parts of the moral law, the three formulations of the principle of morality "are at bottom only so many formulae of the very same law, and any one of them of itself unites the other two in it. There is nevertheless a difference among them, which is indeed subjectively rather than objectively practical, intended namely to bring an idea of reason closer to intuition (by a certain analogy) and thereby to feeling." (Kant 1999: 85) The first formula states the law in terms of its form, the second states it in terms of its matter or content (i.e. the end or value which rationally motivates compliance) and the third formula combines the other two to establish the rational validity of the law for us. A moral maxim is one that can be formulated with that combination of form and matter. (Kant 1999: 85-86) Kant understood a maxim as "the subjective principle of volition" while "the objective principle (i.e., that which would also serve

subjectively as the practical principle for all rational beings if reason had complete control over the faculty of desire) [was] the practical law." (Kant 1999: 56)

For Kant, all moral maxims have a "form", which states that "that maxims must be chosen as if they were to hold as universal laws of nature", a "matter", "namely an end… [that] a rational being, as an end by its nature and hence as an end in itself, must in every maxim serve as the limiting condition of all merely relative and arbitrary ends", and a complete determination of all maxims by means of the formula that "all maxims from one's own lawgiving are to harmonize with a possible kingdom of ends as with a kingdom of nature". (Kant 1999: 85-86) Kant thought this showed a "progression… through the categories of the unity of the form of the will, (its universality), to the plurality of its matter (of objects, i.e., of ends) and the allness or totality of the system of these". Kant thought that "one does better always to proceed in moral appraisal by the strict method and put at its basis the universal formula of the categorical imperative: act in accordance with a maxim that can at the same time make itself a universal law". If we want judge an action morally "it is very useful to bring one and the same action under the three concepts mentioned above" and so bring it closer to a clear and evident understanding. (Kant 1999: 86) This is how Kant gives an answer to the prescriptive problem of normativity, by saying that prescribe norms to ourselves, reasoning what should and should not be a norm based on its logical consistency and universality.

We are now left with Kant's attempt to answer the descriptive problem of normativity. *The Doctrine of Virtue*, the second main part of the *Metaphysics of*

Morals, began with a general account of virtue, the strength of character needed for human beings to comply with the moral law. (Kant 1999: 512-540) Kant presented a systematic taxonomy of duties, divided into duties to ourselves and duties to others, and also into 'narrow' or 'perfect' duties, requiring specific actions or omissions, and 'wide' or 'imperfect' duties, requiring only the setting of morally required ends, where actions in furtherance of these ends are not required but are morally meritorious. (Kant 1999: 522-525, 541-588) This system of duties is not derived deductively from the moral law and with empirical facts, but is more like "an interpretation of what the law requires, given human nature and the general facts of the human condition". (Wood 2013: 2887)

Kant did not think that moral philosophy enables us to deduce what we must do in each particular situation from general moral principles together with a set of empirical facts. Even moral rules or duties themselves do not determine what we ought to do in particular cases. They need to be applied through the faculty of judgment. Kant denied that judgment, the application of general rules or duties to particular circumstances, can ever itself be reduced to a set of rules. Judgment involves a special human skill that Kant believed could not be reduced to theory but must be acquired and refined by experience and practice. (Kant 1998: 267-269) That this was his view is evidenced in the *Metaphysics of Morals*, where Kant appended to the discussion of many duties a set of 'casuistical' questions meant to encourage the reader to think about difficult issues involving the application of the duty, with a view to developing the reader's moral judgment about it (Kant 1999: 538-539)

Kant's use of the categorical imperative in relation to particular maxims is intended only to provide intuitive illustration of the formula. It is not meant as a derivation of even the duties through which the examples are organized. Kant's own arguments for the duties presented in the *Metaphysics of Morals*, though they do not attempt anything like a deductive inference to those duties, instead "loosely" argued that respect for our rational nature as end in itself is expressed in our recognition of the duty in question. (Wood 2013: 2889)

The Metaphysics of Morals was divided into two main parts: the *Doctrine of Right* and the *Doctrine of Virtue*. (Kant 1999: 372-376) The *Groundwork* dealt with the fundamental principle underlying the *Doctrine of Virtue*, which is our concern. Ethical duties rest on the feeling of respect for rational nature as an end in itself. Ethical duties directly rest on two 'duties of virtue' or the ends that duties are to have. These are one's own perfection and the happiness of others. (Kant 1999: 514-519) This means that Kant's theory of duties has elements of a teleological as well as a deontological character. It is not consequentialist though as Kantian ethics recognizes no duty to pursue the best consequences on the whole. What Kant holds is that we are morally required to set ends which are instances of the general kinds of 'our own perfection' and 'the happiness of others' and also that particular actions in pursuit of these ends are meritorious even if the omission of no particular action of this description is blameworthy. Ethical duties bind us because ethics is a matter of virtue, and virtue is the strength of our commitment to duties and hence to the ends that ground them. The first half of the *Doctrine of Virtue* deals with the nature and presuppositions of virtue. The second half of the *Doctrine of Virtue* offers us a

taxonomic system of ethical duties, grounded on respect for humanity as end in itself and on the two obligatory ends of our own perfection and the happiness of others.

Kant divided narrow or perfect self-regarding duties into duties to oneself as a physical being; duties regarding self-preservation, sexuality, moderation in food and drink; those to oneself as a moral being, regarding the avoidance of lying, avarice, and servility. These duties also involve the wide, imperfect or meritorious duty to perfect oneself, both morally and in regard to one's non-moral faculties or talents, and the duty of conscience which is the fundamental duty to examine oneself and one's actions. (Kant 1999: 546-563) These are divided into duties of love, like beneficence, gratitude, and sympathetic participation in the situation of others and duties of respect such as the duty to treat others as one's moral equals and the duty not to ridicule them or spread information about them that will cause them to be treated with contempt by other people. (Kant 1999: 568-583) Generally, duties of love are wide or imperfect, while duties of respect are narrow or perfect. (Kant 1999: 584-588)

"Among critics, Kant has the reputation of a moralist who favors cold reason and is hostile to human feelings and emotions." (Wood 2013: 2892) This reputation is based largely on a reading of a passage early in the Groundwork, where Kant claimed that genuine moral worth belongs only to actions done from duty, not from inclinations such as sympathy (Kant 1999: 53-54). Kant's aim in that passage was to argue that the most central and essential worth of morality lies in rational self-

constraint, as a way of introducing his first formula of the moral law, based on the limitation of our maxims to those with legislative form (Kant 1999: 54). The passage does not actually imply negative judgment about feelings or inclinations, or especially about actions in conformity with duty that are motivated by them. This also does not mean that actions which come from sources other than duty are immoral or evil, just that they are amoral or non-moral. Kant holds, on the contrary, that we have a duty to cultivate inclinations, such as sympathy, that provide us with incentives to duty, and a duty of active and sympathetic participation in the situation of others, so that we will have both the understanding and the motivation to behave beneficently toward them. (Kant 1999: 574–575) For him, dutiful conduct from inclination (contingent empirical desire) lacked moral content and moral motivation (action from duty) depended on rational desires and feelings. (Kant 1999: 373-375) In the first section of the *Groundwork*, Kant emphasized respect for the law. (Kant 1999: 56) In other places though, he did recognize different moral feelings, including conscience and love of human beings. (Kant 1999: 528-531) Wood suggested that the common misreading of the *Groundwork* is probably due both to a failure to appreciate Kant's aim in this discussion and to a projection on Kant of "the erroneous stereotype (to which Kant himself did not fall prey) that "reason" and "feeling" are opposites, so that to associate the essence of morality with the former entails a negative judgment on the latter". (Wood 2013: 2893)

There is a legitimate basis for the view that Kant is antipathetic to human inclinations as incentives to moral conduct. It is misinterpreted by those who say that Kant is hostile to human nature, the body, or the senses. In the *Religion Within*

the Boundaries of Mere Reason, where he explicitly argues that there is a radical propensity to evil in human nature, Kant repeatedly and emphatically denied that its source was our sensuous nature, which he declared to be entirely good, and involved in evil only through our free choice of incentives of inclination over those of morality. Kant thought that as human nature developed its faculties, it would also become morally self-corrupted through the competitive tendency to seek ascendancy over others in the social condition. Kant held that competition, jealousy, and rivalry are the mechanisms through which people are driven out of their natural laziness to develop their species faculties. They need others, but also to feel superior to them, and therefore to be in an antagonistic relation to them – a self-incurred trait of human nature to which Kant gave the name 'unsociable sociability'. (Wood 2013: 2893) This propensity stands in direct opposition to the principle of morality, since reason tells us that human beings, which possess a dignity of absolute and incomparable worth as ends in themselves, are all of equal worth, and are destined by morality for a harmony in a realm of ends. The competitive propensity therefore also constitutes that self-conceit which is ceased by the feeling of respect for the moral law that arises along with our awareness of it (Kant 1999: 197-211). It is a manifestation of the radical evil that we consider ourselves happy or unhappy only in comparison with others. As Kant wrote, "[e]nvy, tyranny, greed, and the malignant inclinations associated with these, assail human nature, which on its own is undemanding, as soon as he is among [other] human beings ... [As soon as other people] are there, they surround him, and are human beings, they will mutually corrupt each other's moral disposition and make one another evil" (Kant 1999: 129).

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Tragically, evil and moral conflict arises directly out of being situated with other people.

That led to is his theory of the passions. This are a class of inclinations, products of our sociability, and also desires in whose development our free choice has been complicit, that resist reason and tend to lead us into both poor judgement and moral evil. A passion is a mania or addiction, a desire that reason cannot control because its inordinate strength distorts our value-perceptions and makes it difficult for reason to compare it with other desires and assign its objects their correct worth. (Wood 2013: 2893) Kant divided human passions into 'natural' and 'social', but all passions are social in that they manifest social competitiveness and have only other human beings for their objects. The 'natural' passions are for wild, lawless freedom, sex, and revenge. The 'social' passions aim at controlling others: tyranny (done through fear), greed (through their interest), and ambition (through their opinion). They are respectively addictions to domination, wealth, and honor. (Wood 2013: 2893) One feature of the passions as Kant described them that they involve self-deception, illusion, or even delusion. A delusion is the inner practical deception of taking what is subjective in a motive for something objective. A passion presents imaginary objects as real ends and inclinations for these things are likely to become very passionate, especially when one is (or thinks they are) in competition with other human beings for those objects. Every passion involves a "slavish disposition, through which another, having gained power over it, acquires the capacity to use one's own inclinations to serve his aims". (Kant 2007: 372-373) Passion self-deceptively exaggerates the value of some imagined object and makes it difficult for

us to consider rationally the strength of the incentive it offers us. Passions therefore make people imprudent and prone to think that the value of some desired object is greater than it is, so that even if it is acquired, its possession is likely to leave the possessor disappointed and unhappy. (Kant 2007: 371-376) Where morality is at stake, the passions involve placing some object of inclination, or some imagined happiness of our own, ahead of the moral law, which commands us to treat all human beings as having equal dignity to ourselves. This tendency also manifests itself in the violation of duties to ourselves, which involve the preference of the value of our state or condition ahead of our dignity as moral beings. This wrong self-valuation, in Kant's view, is the ground of the evil in human nature. Note here that Kant does have a notion of moral value and valuing objects which places values and valuing in the a posteriori part of experience. This will be a point of departure for Scheler. As Wood characterized it, Kantian ethics "is most fundamentally about the struggle between the human capacity for rational self-government (or autonomy) and the evil tendency to unsociable sociability, which manifests itself most prominently in the power of the passions." (Wood 2013: 2893)

A Kantian Ethical Decision

We can now illustrate what a moral decision may look like by Kant's account. Here is an example from Kant clarified the process of making a moral judgement. Imagine that we have a maxim that was to increase our wealth in any way as long we cannot be caught. Imagine further we have been given a deposit by a person who has died and left no record of it. (Kant does not mention why this would be the case, but we

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may imagine that we have been asked to not keep the deposit to ourselves and perhaps further imagine that we are in a context to be given deposits, such as working at a bank.) If we aim to treat the person who gave us a deposit as an end in themselves then we are obliged to go respect the wishes of the deceased and return the deposit to someone who may have a rightful claim on it, such a friend or next of kin of the deceased. However, there may be the temptation to keep the deposit. If our end is to get wealth in any way possible without getting caught, then it would seem that keeping the deposit would be an action that we would want to take. However, Kant holds that in the process of moral judgment we would see if that maxim could take the form of a universal law, which is "that everyone may deny a deposit which no one can prove has been made". He claimed that this cannot be a law, because if everyone did this then no one would make deposits and so the principle (as a law) would "annihilate" itself. If our wills are subject to practical laws, then in this case we cannot have our desire as our will's determining grounds because if we took what we want to do in this case (i.e. keep the deposit) as a law then it would be logically self-inconsistent. (Kant 1999: 161) In addition, we would be treating the person who gave us their deposit as a means to our own end of wealth acquisition rather than as an end in themselves. Furthermore, if we actually did keep the money then it would be a sign of a lack of virtue, as we have not respected rational nature as an end in itself by doing our duty, and in that instance we have fallen to the mania of greed. From this we can see that we have an obligation not to keep the deposit. As we can see, Kant's ethical theory does allow us to come to ethical decisions and norms relatively simply. The system as it stands does not have a problem with prescriptive norms.

Scheler explicitly rejected "the task of "internal criticism" because [Scheler's] concern [was] not… the "historical Kant" but rather the idea of a *formal ethics as such*", which Scheler believed Kant's framework was the strongest example of. (Scheler 1978: 6) Scheler's line of attack was instead mainly focused on the presuppositions which Scheler thought underlay Kant's moral theory. Simplified, Scheler posits one starting question. Were Kant's starting assumptions correct? Scheler's answer was that they were not. Therefore, for him, there is no point in discussing the finer details of Kant's theory.

Scheler held an intuitionistic view of ethics, epistemology, and logic, and he thought that Kant's notion of the a priori was too narrow and not an accurate account of it. Kant's chain of reasoning starts from the wrong place and implicitly values certain things, like lawfulness, above others with no justification. Kant is also incorrect in saying that our personhood comes from our being rational. Persons could not actually make an ethical decision along Kantian lines as we are not the kind of being that he thinks we must be in order for his theory to be valid.

Scheler listed eight presuppositions that he thought Kant held. These were the following;

"1. Every non-formal ethics must of necessity be an ethics of goods and purposes.

2. Every non-formal ethics is necessarily of only empirical inductive and a posteriori validity.

3. Every non-formal ethics is of necessity an ethics of success. Only formal ethics can treat the basic moral tenor or willing based upon it as the original bearer of the values of good and evil.

4. Every non-formal ethics is of necessity a hedonism and so falls back on the existence of sensible states of pleasure, that is, pleasure taken in objects. Only formal ethics is in a position to avoid all reference to sensible pleasure-states through the exhibition of moral values and the proof of moral norms resting on such values.

5. Every non-formal ethics is of necessity heteronomous. Only formal ethics can found and establish the autonomy of the person.

6. Every non-formal ethics leads to a mere legalism with respect to actions. Only formal ethics can found the morality of willing.

7. Every non-formal ethics makes the person a servant to his own states or to alien goods. Only formal ethics is in a position to demonstrate and found the dignity of the person.

8. Every non-formal ethics must of necessity place the ground of all ethical value-estimations in the instinctive egoism of man's natural organization. Only formal ethics can lay the foundation for a moral law, valid in general for all rational beings, which is independent of all egoism and every special natural organization of man."
(Scheler 1973: 6-7)

The main thrust of Scheler's critique of Kant is that it is founded on presuppositions of which there is no evidence for; Kant's theory does not fit the facts. All of these

presuppositions turn on Kant's notion of the a priori. Scheler agreed with Kant that ethical propositions must be a priori. (Scheler 1973a: 46) Where Scheler disagreed with Kant was on what the a priori was and what counted as a priori. In brief, Scheler's critique is that Kant's views on the a priori just do not fit the facts. He thought that Kant's notion of the a priori, as a part of cognition which is independent of experience but which experience requires in order to 'work' (so to speak) as the form that the experience must take, was too narrow. Scheler held that there exists a material a priori, that this is what an essence was, and that the essences of values is what grounds our will and ethical or moral obligations. Scheler thought that the distinction of a priori and the a posteriori is the distinction between "two kinds of experience" rather than between what is and is not presupposed for possible experience and cognition. (Scheler 1973: 52) The difference is that the a priori is the experience of essences while the a posteriori is the experience sense-data and mediated, symbolic experience. This ability to experience essences is what leads into Scheler's view of the nature of values and their givenness.

"The identification of the 'a priori' with the 'formal' is a *fundamental* error of Kant's doctrine." (Scheler 1973a: 54) The opposition between the formal and the material is not the same as the opposition of the a priori and a posteriori. The 'formal-material' distinction is relative, having to do with the universality of concepts, while the 'a priori-a posteriori' distinction is absolute, having to do with the acute difference in the kinds of contents fulfilling the concepts and propositions concerned. The a priori character of the proposition ''*A* is *B*' and '*A* is not *B*' cannot be simultaneously true' is formal in respect of its universality, as any objects could stand for *A* and *B*, but it is

material as it based on phenomenological insight into the fact that the being and non-being at the same time and in the same respect of some object are irreconcilable in intuition. (Scheler 1973a: 54) Further, we know that each form is different because each form as a form has its own kind of 'formal content'. This is different to the 'material content', the variable content that can fill the form and is what we normally think of as 'content' when we hear that word. (Spader 2002: 35-36) I will use an example to show how the a priori and the formal are different. Let us take the numerical formula, say '2 + 3 = 5'. This is a form relative to types of content that could fill it, like pens or pound coins. Both '2 pens + 3 pens = 5 pens' and '£2+ £3 = £5' share the form of '2 + 3 = 5'. However '2 + 3 = 5' is also itself fulfilled by the material content of being a mathematical intuition. It shares the form of '$x + y = z$'. '$x + y = z$' could be filled by other intuitions, like other numbers such as '3 + 5 = 8', or the physics formulas, like '$u + at = v$'. '2 + 3 = 5' is one type of content for the form of the algebra, and also a form for objects like pens, pounds, and physics equations, and has its own distinguishing formal content of '2 + 3 = 5'. One may say that '$x + y = z$' or other logical symbols such as $\exists x P x$ or $\neg \exists x P x$ are still purely formal though. However, by themselves they have no meaning. The meanings of the symbols (such as addition, the existence of something, and the negation of the existence of something) are founded on whether they fit the facts of our essential intuition or not; whether they fit our intuitions that there is something, or there is not something, or that things can be combined in some way and so on. In respect of propositions which hold only a posteriori, it is just as possible to distinguish their logical form from their material content as the contingent facts by which they are verified are also the facts by which their logical form is materially filled. Scheler held

that the 'formal-material' distinction held within both the spheres of the a priori and a posteriori. (Scheler 1973a: 53-54) As I understand that point, it means that there could be a 'material a priori' and a 'formal a priori', as well as a 'material a posteriori' and a 'formal a posteriori'. What exactly a 'formal' and 'material' a posteriori would consist of will not be dwelled on. That there is a formal and a material a priori is the important part to take forward from this.

Kant's other error, according to Scheler was from having identified the a posteriori with 'sensible content' and having identified the a priori with what is 'thought', i.e. what has been added to sensible content by 'reason'. Scheler claimed that this was a problem in both Kant's theory of cognition and his ethics. (Scheler 1973a: 54) Immediately, this may not seem quite correct. In Kant's theory of cognition, there are a priori structures of mind but they are not structures of reason or of understanding, but are structures of sensibility. Cognition itself is divided into the faculties of sensibility and understanding. As Scheler initially put his own point, it appears to be a misreading of Kant. However, Kant did think that reason was the faculty that provided the a priori principles of cognition. (Kant 1998: 134) So Scheler's point, that Kant falsely linked the a priori and reason, is correct. According to Scheler, the concept of 'sensibility' indicates how a content is given to us, but not what is given to us, whether it is for example a sound or a colour. In no case is what is given anything in the colour or sound. Scheler wrote that Kant identified the given element of cognition with sensible content as a result of an uncritical assumption of Hume's empiricism with regard to experience, if not with regard the mind. The result of that assumption, as Scheler put it, is that "one asks what can be given instead of

simply asking what is given". (Scheler 1973a: 55) The assumption that Scheler

rejected here is the idea that what is given to us is only sense-data and that

everything else like relations, forms, values, space and time, and being, must be

added to that sense-data by the formative activity of the knowing subject. Scheler's

view was that this did not fit the phenomenological facts. Scheler claimed, through

his phenomenological analysis, that what a subject would first be conscious of is the

essence of the object it is grasping. For example, imagine looking at a cube. Scheler

believed that what is originally given in perceptual experience was the essence of

'the cube', the essence or material a priori of the object. If one wanted to perceive

the sensible contents that requires the occurrence of a series of mental acts

subsequent to perceiving 'the cube' as such. These acts are a reflective grasp of the

relation between the individual and what is given to them and understanding the

perceptual character of the act of seeing in which not everything that appears was

originally given. To grasp the profile of the cube, one must also perform acts to

determine the perspectival relation between one's body, its physiological functions

of perception, and the perceptual contents experienced in perceiving. On top of that,

one must distinguish the variable correlation between contents of experience and

experienced changes of the state of the lived body. So, Scheler claimed, when one

asks phenomenologically what in experience fills the concept of sensation, one finds

that it is not a specific content of intuition and that sensation is not strictly given to

us. 'Sensation' is only a name for a specific relation between states of the lived body

and appearances in the outer ('real') or inner ('ideal') world. (Scheler 1973a: 56-59)

What is given to us cannot be reduced down just to sense-data. On these grounds

Scheler also rejected Kant's notion of the spontaneity of thought and the receptivity

of intuition, again holding that Kant had uncritically taken an assumption from Hume's empiricism. The assumption here is that the given, in both sensation and inclination, is "disordered chaos". (Scheler 1973a: 66)

Kant also held that universality and necessity were criterion of the a priori. In Scheler's view necessity is a negative concept only pertains to propositions, not to intuited facts, and only applies to that whose opposite is impossible. Necessity itself is grounded on the a priori and propositions are true because they have a priori evidence. (Scheler 1973a: 74) For Scheler, essences were a priori but were neither universal nor particular. This does not mean that a priori knowledge cannot have universality, for clearly this is the case in logical propositions, but it does mean that said a priori universality is grounded on evident facts and not the conditions of a faculty of concepts. (Scheler 1973a: 49)

Scheler's challenge to Kant was that valuing and feeling were not empirically contingent phenomena but were instead an a priori part of the structure of our experience. In Kant's terms, they would be transcendental parts of our experience. What this means is that in moral evaluation or judgement, moral norms may not necessarily be limited to the form of the moral law. Kant did not account or make use of any material a priori content. It is, in Scheler's terms, an "empty and barren formalism". (Scheler 1973a: xxiii)

I will briefly illustrate the differences between the two positions here. In the essay *The Transcendental and Psychological Method*, Scheler used the example of a theft

to demonstrate the range of values that may be in any given situation requiring moral judgment. Scheler imagined the case of an unemployed man with young children considering stealing money from a very wealthy man. Scheler says that in Kant's ethics there is no requirement to approach this case with a general maxim concerning theft and that if we try to use a maxim which includes the specifics of the case then we face an entirely new rational calculation. Within Kantian ethics our moral judgment would be made solely on the basis of which intention, either stealing or not stealing, is rationally universalisable. Scheler believed that Kant's ethics implicitly grasped the value of lawfulness and elevated it over and above all other values. Any other values apart from lawfulness, like the values of the property and the values of the children's lives, would be treated as equal and not as a part of the process of moral reasoning. Even our choice of maxims presupposes a set of values. If the man came to a decision with the use of a general maxim to not commit theft then the value of the property was felt but the value of the children's lives has not been. If the man comes to a judgment with a general maxim to make sure his children can afford to eat then the value of the children was present felt but not the value of property. In either case, the actual determining value is the lawfulness of the maxim and the values of property and children are treated equally. However, this seems like an odd way to try to reach an ethical decision we know from experience that we would be informed not just by the value or worth of formal moral rules but also the non-formal values or worth of children and property. (Spader 2002: 38) In fact, this is exactly the sort of complaint that one would have when we find ourselves in a position where we feel that someone, for example a petty official, does not give enough consideration to extenuating circumstances at

this moment in their decision making and instead only follows strict rules. Inversely, that is the same reason that we may say that it could be moral to break Kant's categorical imperative or violate a perfect duty and perform actions such as lying preventing death and harm to another person. This highlights the problem with Kant's attempt to explain the descriptive problem of normativity, which is that it presupposes that if our maxims are rational then those maxims will presuppose the value of lawfulness above all else. However, it is not accurate to say that most people hold the value of lawfulness to their primary value and they seem to be capable of performing actions which we can judge to be moral without considering valuing lawfulness or consistency at all.

Taking lawfulness alone out of the total complexity of our moral experience and making it the form of moral experience gives the element of lawfulness an unwarranted importance and so our experience of morality is given a truncated and inaccurate description which also leaves us bereft of the ability to understand moral persons. (Scheler 1973: 304-305) Ethical intuition must have a similar immediate phenomenological content that enables it to ground mediate knowledge. In Scheler's theory this content is clear as values that are immediately grasped through feeling. In Kant's theory this is not the case. Kant's intuitions have no material accessible to mental inspection, consisting solely of the fact that certain propositions come with the tag of trueness. There is no phenomenological what-it-is-like-ness to these intuitions below the level of formed propositions that can serve as the immediate, intuitive basis for those mediate propositions. Scheler argued that proponents of Kantian ethics find themselves unconnected to the ethical facts and hence unable to

properly ground their claims to knowledge. This attacks Kant's answer to the epistemic part of normativity.

There is an objection to that. Louden regarded Scheler as being part of a philosophical lineage that accused Kant with a simple charge of "empty formalism", that "all versions of the formalist criticism of Kant's ethics have been articulated in ignorance of the second part of his ethics", the impure or empirical part, that Kant "strongly endorses the claim that moral theory is inapplicable to the to the human situation without… a massive infusion of relevant empirical knowledge", and finally that "several key components of the formalism charge no longer stand once the second half of Kant's ethics is taken into consideration". (Louden 2000: 168) In other words, the claim is that the view of Kant that Scheler had was a cartoon Kant, a Kant which held a "clichéd account of an abstract, remote, top-down model of a universal deductive procedure". (Louden 2000: 171)

Similarly, Beck mentions that Scheler's critique appears to miss over a key point in Kant. Beck understood Scheler's criticism to be that "for Kant, the a priori must be empty because it is purely formal… since ethical principles are also, for Scheler, a priori, there must be an a priori which is material i.e., given in an intuition of material value essences". The point that he thought Scheler missed over was that of Kant's distinction between "the object of the will, which is always present, and the object of the will as its determining ground, which is present only to empirical practical reason." Due to that Scheler's own work "is left with no rational criterion for

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material principles, which is what the formal principle supplies in Kant's theory". (Beck 1960: 118)

These are not correct assessments of Scheler's criticism. While Scheler does call it an empty formalism, it is not because there is no place for empirical facts in it, but because it does not have a place for the material a priori. As we shall see, the material a priori objects are the determining ground of the will for Scheler. In Kant's ethical framework the a posteriori is not important for cognizing our duties and the moral good, and the same holds for Scheler. However, I will note here that Beck is correct to assert that Scheler held no actual rational criterion for material principles and that this is a weakness of Scheler's ethics. We will consider that nearer the end of the next chapter.

Summary

To summarise, Kant put forward both a theory of knowledge and a model of consciousness and its structure which were meant to put severe limits on what we could actually say that we could know about the nature of the world from within the standpoint of possible human cognition. These theories were the epistemic backdrop for his theories of moral judgment and moral acting, alongside knowledge termed practical anthropology. Kant's epistemology, transcendental idealism, stated that we cannot have knowledge of the world that does not conform to certain subjective forms of intuition which all persons share. Our knowledge is the result of a synthesis by the faculties of our mind combining our intuitions and a priori concepts.

This grounds the possibility of ethics in three ways. It allows for the possibility of transcendental freedom, which means we can be thought of as agents with free wills. It means that judging things as moral or not is a synthetic a priori judgement, rather than a synthetic a posteriori judgement, and the a priori nature of moral judgements means that they can be made universally by persons. If we accept that model, then Kant's ethics provides a satisfactory answer to the epistemic problem of normativity.

Morality is linked to rationality and rationality is what defines a person. Kant says that use reason in order to proscribe maxims to ourselves, which we can only accept as being moral if they are law-like and universalisable. These form an ethical framework with more depth than many of its critics have often attributed to it. In this ethical system, moral maxims, which are our positive duties and so norms and obligations, must be of a universalisable form and ultimately hold the end of respecting rational nature, both in ourselves and other persons. This ideally leads to a sort of harmony among people. However, we are not meant to just apply maxims flat onto experience but we instead need to use our ability to rationally judge to figure out the morally good action to take. Our personhood consists in having a faculty of reason. Moral evil comes from mistakenly valuing sensible goods and ends too much and using our (assumed) freedom to choose these inclinations over moral inclinations. Our negative obligations are not to choose in that way. Feelings are linked to sensibility and sensibility is not an a priori part of experience. We could cognize experience without any need to reference our feelings or emotive states. Kant's ethical theory can account for the prescriptive issue of normativity.

Knowledge of norms is grounded on Kant's theory of cognition and epistemology. However, it does not allow for of our differing views on our obligations and duties. It subsumes them under the notion of heteronomy, outside of a token gesture towards an individual's own capacity for moral judgment.

As Scheler pointed out, through that Kant implicitly values lawfulness above all other possible values, even though he thought that moral decision making involved personal judgement and the practicing of that skill. Scheler critiqued Kant's epistemology and Kant's valuing of lawfulness. If we accept Scheler's epistemic critique, then the result is that Kant's epistemology is mistaken and is unable to actually provide a ground for the norms that it is supposed to. Scheler also raised the problem that, even if we do accept Kant's epistemology and believe valuing to be a posteriori, we have no way to explain why the value of lawfulness is supposed to be better than the value of anything else. This leads to difficulty in trying to describe why people may choose to follow specific maxims in a situation because in order to make a moral decision people must believe that values besides lawfulness are equally relevant to the process, if not even more important. This means that Kant's account cannot account for moral values outside of lawfulness or why lawfulness is a moral value.

This opens up the way to discuss Scheler's ethical framework. Scheler thought that his ethics had a more accurate grounding in reality, as Kant's version of the form-matter distinction was inaccurate and that Kant had incorrectly placed the role of feeling into the a posteriori part of experience rather than the a priori. In the next

chapter, we will look at Scheler's phenomenology, epistemology, and ranking of values. After that, we can see whether Scheler's thought is able to deal with the problem of normativity.

Chapter Three – Scheler's Phenomenology and Grounding of the Ethics of Values

Introduction

In Scheler's own words, "[t]he spirit behind my ethics is one of rigid ethical absolutism and objectivism. My position may in another respect be called "emotional intuitionism" and "non-formal apriorism"". (Scheler 1973a: xxiii) He wrote that if ethics "can give me no directives concerning how 'I' 'should' live now in this social and historical context, then what is it?" (Scheler 1973a: xxxi) From these quotations, I believe that it is obvious that what Scheler was aiming for in elaborating his ethical framework was a framework that could describe how we make ethical judgements, given the emotive part of the kind of beings that we are, as well as give us 'directives' on how to live our lives in the context of our time and place rather than strictly stating what actions are universally morally good or bad. Scheler aimed at elaborating a non-formal, or material, ethics of values which would be justified by phenomenological intuition.

'Phenomenology', in the sense that I am discussing, started with the publication of Husserl's *Logical Investigations*. Phenomenology, as a philosophical method, requires an investigation into the structure of meanings and intelligibility that constitute and make straightforward understanding possible. It is situated within a Kant-inspired framework where instead of engaging in first-order claims about the nature of things

it concerned itself with the conceptual (or transcendental) preconditions for empirical inquiries. Scheler's *Formalism* explicitly credited and used concepts taken from Husserl's early phenomenology to critique Kant's thought and put forward Scheler's own position. As Scheler himself wrote, "I owe to the significant works of Edmund Husserl the methodological consciousness of the unity and sense of the phenomenological attitude… [but] I must claim the authorship of and take full responsibility for the manner in which I understand and execute this attitude, even more so, of course, for its application to the groups of problems discussed". (Scheler 1973a: xix) Scheler's phenomenological writings are partially in the vein of *Logical Investigations*, and he credited Husserl with discovering certain key concepts, like 'categorical intuition'. (Scheler 1973a: 49n) However even though Scheler wrote in that vein Scheler's use and vision of phenomenology was developed in a direction independent of Husserl. Scheler's framework of obligation, of 'oughts' and 'norms', is overtly axiological and rests on the notion of ideal oughts, which belong to the sphere of realisable value-essences and is meant to serve as the foundation of normative conceptions of duty and obligation. One other key aspect of Scheler's work was his interest in philosophical anthropology; the study of the essence, nature, and being of persons.

In this chapter, I am going to explain Scheler's thought in sequence. I will sketch out Scheler's thoughts on phenomenology. I will then go through his views on values and their ranking, the emotions, and their role in grounding the will. From this, we will be able to see what Scheler's ethical framework was and so we will be in a position to assess whether it can provide a satisfactory answer to the problems of normativity.

Scheler's Phenomenological Grounding

In the *Logical Investigations*, Husserl aimed to provide a new foundation for pure logic and epistemology. This task was to ask how knowledge was possible but not whether and how consciousness could attain knowledge of a mind independent reality. Husserl thought that was a metaphysical question and (the early) Husserl aimed to avoid committing himself to any metaphysical position, either idealism or realism. (Zahavi 2003: 7-8) To help explain understand Scheler, I will do two things in this section. I will explain the parts of Husserl's phenomenology which carried over into Scheler's writings and then the distinctive parts of Scheler's phenomenology and epistemology.

There are three points of Scheler's conception of phenomenology (as summed up by Frings) which I feel are essential to understanding his ethical framework. These points are as follows:

"...

(2) In intuition, phenomenology must suspend sensory data.

...

(4) Consciousness presupposes the being of the person.

(5) Emotive intentionality is pre-given to all other acts.

..."

(Frings 2001: 182-3)

To begin, I will define terms as Scheler used them. The term intuition was used in the last chapter, in Scheler's critique of Kant. Both Kant and Scheler used the term 'intuition' to refer to that which is immediate to us. However, Scheler had a different sense of the term. The word originally used in German was 'anschauung' which is commonly translated as 'intuition'. In English the term 'intuition' "has the sense of some sort of unreliable and mysterious process by which one can learn things that others cannot". In German, these connotations are not attached to Scheler's original term. Instead it has "the sense of clear, plain, obvious, evident "seeing"". (Spader 2002: 56 n7) The word 'anschauung' can also be translated into a variety of terms such as 'viewing' or 'way of looking'. In other words, the term 'intuition' refers to a clear, self-evident understanding of something that cannot be broken down any further. Scheler uses 'intuition' to mean an act of immediate apprehension of the object meant in the limits within which it is meant. For example, the grasping of the essence of the cube in the last chapter was an instance of intuition. (Scheler 1973a: 51) This is different to Kant's use of the term, which refers to what we generally call 'sense-data'.

For Scheler, 'essence' refers to that which makes an entity knowable as what it is and without which it would lose its identity and be known as something else, its structure apart from all that is contingent or accidental to it. An alternate word for 'essence' that Scheler used was "whatness". Scheler held that we initially grasped essences through intuition. (Scheler 1973a: 48) The interest in essential features is a defining feature of Scheler's phenomenology. Husserl made a distinction between

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'formal' and 'material' ontology. 'Formal' and 'material' are used in a similar way to the way that Kant used them. The 'formal' concerns categories like property, relation, and identity. 'Material' concerns the essential structures belonging to a given kind of object and seeks to determine what is necessarily true between those kinds of objects such as what characterises mathematical objects as those kinds of objects as opposed to physical objects. (Zahavi 2003: 37-38)

In phenomenology, there is also a distinction between perceptual ('real') objects and categorical ('ideal') objects. Real and ideal here do not refer to any metaphysical claims about the being of the objects; the distinction made is just the manner in which we relate to these objects. Categories that we can intend include the meanings of terms that cannot be experienced with the senses, like 'is', 'beneath', 'on', or 'justice'. Perceptual objects that we can intend include objects like computer screens, suncream, and spectacles. (Zahavi 2003: 35-36)

Scheler also relied on Husserl's notion of 'categorical intuition'. A 'categorical intuition' comes from intending a category of a certain kind. 'Intending' here is in used in the sense of intentionality. Intentionality is the notion that human consciousness is always the consciousness of an object through some means. An object of knowledge or cognition is always intended by us. Against ordinary usage of the word 'intending' (that is 'meaning or wanting to do some action'), in phenomenology 'intending' means the conscious relationship we have with an object. Consciousness is itself a mental act of relation between the subject that experiences and the objects of both world and mind. One part of the claim that

consciousness is consciousness of something is to sidestep one of Kant's major concerns, the epistemic problem of the object, which is the question of how it is possible that a subject can have knowledge of any object within their consciousness. For Scheler, consciousness does not contain anything itself, it just an act that relates subjects to objects. An 'act' is an occurrence of bestowing meaning by the person that can have as its object both the real and the ideal. (Scheler 1973a: 390) For Scheler, an intentional act is a process of becoming in *A* where *A* grasps the essence of *B*. (Scheler 1973b: 293) When we intend some object, we bestow a meaning on to it and this meaning is the essence that we have grasped from it.

For Scheler, consciousness itself was just an act; it was a relation between subject and object where the subject bestows a meaning on to whatever it is that they are conscious of. For Scheler, there could be nothing 'in consciousness', only 'being conscious of' an object. Therefore, it would seem that there needs to be some being in order to have a conscious relation with another being. That being is the 'person'. For Scheler, "*the person is the concrete and essential unity of being of acts of different essences* which in itself… precedes all essential act-differences. … *The being of the person is therefore the "foundation" of all essentially different acts*". (Scheler 1973a: 382-383) Scheler used the term "mind" to refer to "the sphere of acts" and to "designate all things that possess the nature of act, intentionality, and fulfilment of meaning, wherever we may find them." (Scheler 1973a: 389) The point is that "the person is not something separate from the acts – the person is *in* the acts." (Spader 2002: 104) A person is a being who acts, a being which bestows meanings to objects in some way. The being of the person (the subject who experiences) consists in

having experiences and bestowing meaning to them. For Scheler, an act cannot be an object, which is to say that we cannot relate to an object of consciousness in the same way as we can relate to an act. This is like the difference between the act of meaning something and the meaning itself. As Scheler put it "an act can never become the object of any sort of perception; it can never turn into an object at all, never become an "entity". The being of a genuine act consists rather in its performance and therefore is absolutely, not relatively, distinct from the concept of an object". (Scheler 1973b: 26)

Husserl thought that logic is not concerned with real objects. For Husserl, a logical investigation would look at ideal structures and laws and is characterised by certainty and exactness while the results of empirical investigations are characterised by probability and vagueness. If we refer to things like logical or mathematical laws, theories, or principles then, for Husserl, we are referring to objects that are atemoporal, objective, and eternally valid. When these things are grasped and known by consciousness, we remain conscious of an ideal object that cannot be reduced to real acts of knowing. Ideal principles are valid regardless of anything that actually exists. Husserl distinguished between the atemoral nature of ideality and the temporal act of knowing in the context of a theory of meaning. When we speak of 'meaning' we can refer to that which we mean or to the act of meaning something. There are different senses of 'meaning' that need to be kept distinct. If I want to talk about the 'meaning' of the sentence "Coffee is dark liquid", I can refer to either to that which I mean (i.e. the ideal meaning, that coffee is dark liquid) or to the act of meaning something (i.e the real process by which you come to

grasp my ideal meaning). It would be possible for you or anyone else (providing that they understood the English required for the sentence) to entertain the ideal meaning to which I was referring (that coffee is dark liquid) even though the concrete process, the act of meaning, would be different. The meaning of "Coffee is dark liquid" would be the same regardless if it was being asserted by me; you; or a third party in any location, like a café; a courtroom; or a space-station, at any time, today; tomorrow; or in the year 2500. We can repeat the same meaning (as in the ideal meaning) in numerically different acts of meaning. If the ideality of meaning was actually reducible to the real, psychical act of meaning then it would be impossible to communicate, share, or repeat meaning just as it is impossible to repeat a concrete act at the temporal moment that it has occurred. Reducing ideality to reality is therefore a self-refuting scepticism and undermines the possibility of any theoretical thought. The structure of our understanding requires both. (Zahavi 2003: 8 – 10)

Scheler wrote that "[a]cts spring forward from the person into time", that "[t]here is no phenomenal time-duration in [an act]; an act… is something that cuts through all phenomenal time-duration and never spreads itself over a duration of time". (Scheler 1973a: 388; Scheler 1973b: 27) This cryptic phrasing makes more sense if we remember that an act is an occurrence of meaning bestowal and meanings are non-temporal. To illustrate, imagine a particular act of friendship where you take someone shopping. This would involve a series of physical events such as; leaving your home and going to your friend, guiding them to a shop, helping them decide what to buy from the shop, carrying the items bought, and so on and so forth. The

series of physical events could be (almost) endless, if we went into enough detail. If I said that all that the listed events were just unrelated physical occurrences that happened in a sequence, in accordance with the laws of physics as we understand them, my account would seem to be lacking an element of understanding what happened. The point being, we understand these acts as having a unity rather than being unrelated series of atomic events. This unity comes from their shared meaning as an *act of friendship*. (Spader 2002: 107–108) As noted above meanings are ideal and non-temporal. They are distinct from the real acts in which they are realised. The physical acts all happen in experienced time but their underlying meaning 'cuts across' it, for if the physical acts realise the meaning of an 'act of friendship' then said meaning must be different to them. The act's essence, or meaning, is the essence of 'friendship'. There is also the correlative claim, that we only have access to acts in their execution. Imagine looking at the events which make up the particular act of friendship above disconnectedly as if they were unrelated atomic events. Individual events could be given with a meaning as you could understand what was happening in isolation. For example leaving your house to go to a location is an understandable event by itself, but the meaning unifying them would not be given. The unity of the act of friendship is not intuited without you performing an act yourself to unify the real events with such an essence. You have access to the act of friendship of taking someone shopping only in the execution of an act, either in the physical realisation of the act or as an act of understanding the meaning unifying those physical events. (Spader 2002: 110-112)

In "genuine phenomenological investigation", as Scheler termed it, he thought we executed a "phenomenological reduction" in which the executor abstracts from "the actual performance of the act and all the accompanying phenomena which do not come within the sense and direction of the act itself, along with all the characteristics of its bearer" and also will "disregard any positing (belief or unbelief) of the particular coefficient of reality with which the content of the act is "given" in natural perception and in science (e.g., actuality, appearance, imagination, illusion)". This "coefficient of reality itself, and its essence" are what Scheler was concerned with. "Only what we encounter directly, that is, in an experience with such and such an essence of a content having such and such an essence, is a topic for phenomenological investigation". (Scheler 1973b: 156)

What we discover in phenomenological investigation are "phenomenological or "pure" fact[s]." They come "to givenness through the content of an immediate intuition." He called the content of that type of intuition a 'phenomenon', instead of 'phenomenon' in the Kantian sense to only refer to the appearance of a perceptible object. Various terms for this type of intuition were "phenomenological intuition", "phenomenological experience", or "essential insight". This experience is of 'essences' and 'essential connections' which are given a priori "before any inductive experience". This is the type of 'fact' that Scheler almost always referred to when he used the term 'fact'. (Scheler 1973b: 202) A phenomenological fact is asymbolic and immanent. For Scheler, it is only phenomenologically clarified experience "that exhibits as a fact of intuitive content what is already contained in natural and scientific experience" but is usually hidden, namely a priori intuition of the essences

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that fundamentally constitute our experienced world. (Scheler 1973a: 43) It is "in the coincidence of what is meant and what is given that the "phenomenon" appears and the content of the phenomenological experience is fulfilled." (Scheler 1973b: 203) Essences and their relations to each other are given as essences prior to all types of empirical experience as essences and their relations have to be intuited in the very attempt to observe them. On his view non-phenomenological experience is experience through or by means of symbols and hence remains a mediated experience that never gives us the things themselves. Phenomenological experience alone yields facts themselves in an immediate and unmediated fashion. (Scheler 1973a: 49 – 51)

Scheler believed himself to be working from the starting point that being and the absolute are pre-given to any cognition or knowledge as they are the ultimate background of all meaning-contents. He thought this to be presuppositionless. There could be no cognition or knowledge, phenomenological or otherwise, without the pre-givenness of a form of the meaning of being. "[T]he presuppositionless givenness of being is the foundation in the *order* of all facts in consciousness." (Frings 2001: 183) A phenomenon is a fact of consciousness and consciousness is of facts whose foundation is their being in relation to consciousness. This was Scheler's epistemology. He thought that to assert *X* is to determine a system of correlated logical validities and that every kind of logical consistency or validity is only given in accordance with a criterion of reference, a previously asserted *X*. Scheler's way of justifying his assertions, mentioned above, about a material a priori is by arguing

that a logical-formal system itself must be based on the concept of 'being' or 'is' and that this concept derives from intuition. (Scheler 1973a: 52)

For Kant, cognition was a primary part of experience that was divided into faculties which provided different elements to the structure of our experience. For Scheler, cognition is not primary in this way. For Scheler, a theory of cognition follows on from phenomenology. Rather than the mind being split into faculties, the mind is a series of executed acts. He thought that "[c]ognition and valuation are themselves particular forms of a "consciousness-of-something" built up from the immediate consciousness of self-given facts… cognition, if the word is used meaningfully, always has to do with the act of thinking which selects from the given what it copies or reproduces; it has nothing to do with any production, formation, or construction of the given. There is no cognition without prior recognition; there is no recognition without the prior existence and self-givenness of the things recognized." (Scheler 1973b: 159) I will state here that Scheler's views on cognition are scant as he did not fully complete a study on it in his life. I do believe that the point made here is sufficient for my illustrative purposes though, just to show that Scheler rejected Kant's view of the structure of experience at the most fundamental level. Scheler held an intuitionist conception of the foundation of logic, epistemology, and ethics. (Blosser 1996: 39)

Scheler thought that essences were a priori. He designated the a priori as "all those ideal units of meaning and those propositions that are self-given by way of an *immediate intuitive* content in the absence of any kind of positing of subjects that

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think them and of the real nature of those subjects, and in the absence of any kind of positing of objects to which such units of meaning are applicable". (Scheler 1973a: 48) Scheler identified the a priori with content of essential intuition rather than the form of intuition. These are phenomena but not in the Kantian sense of a phenomenal and noumenal distinction, they are what is essentially given in experience and they are not a priori because of any logically necessary principles that we formulate concerning them. Principles cannot be a priori in the same sense as the matter around which they are formulated. For Scheler, phenomenological experience precedes the articulation of forms and principles. Matter comes before form, as we need to have something to apply forms or logic to in the first place.

Intentionality, essential intuition, categorical intuition, and ideal meanings, were the most important commitments for Scheler. He was committed to the view that we were able to categorically intend ideal objects, such as values. As values are kind of object, they also have an essence. We are able to access essences through phenomenological investigation. Through this, we could get a clearer 'look' at the essences of values. Scheler believed that the essences of values were what formed the epistemic foundation of moral knowledge. We will now move on to values and their givenness.

Values and their Givenness

Scheler wrote that Kant believed what could come from the given in the willing of ends was limited to sensible feeling states of pleasure or pain. (Scheler 1973a: 62) This is correct. As stated in the last chapter, Kant thought that all practical principles

that have an object as the determining ground of the will are empirical and unable to provide laws, that wanting to realise a particular object means that we take pleasure in the reality of the object, and that all practical principles take place under the general principle of self-love or happiness. Further, Kant also did link feeling to sensibility. In an actually moral maxim, for Kant, the end that grounds our will is to treat persons as ends in themselves rather than as just means to our ends and this end came from reason and not sensibility. Both Kant's concepts of practical principles and feeling relied on sensibility, sense-data, but Scheler rejected that as the be-all and end-all of what is given to us. The reason that reason had to supply a moral end to a moral maxim was that sensibility and therefore experience could not.

Value essences, for Scheler, are a priori qualities which exist as essences independently of their instantiation in empirical bearers. Apart from the feeling of and the preference of values, there is no criterion of their presence on any given object of perception. A given value is a material quality apprehended by the emotions, just as the physical colour red or the scent of chocolate are experienced via the functions of sight or smell respectively. In cognition or experience, values are "*prior* to the pictorial content and the meaning content". (Scheler 1973a: 578) Values are "clearly and directly given, not indirectly inferred". (Scheler 1973a: 16) Values are not real, that is sensible, objects or logical abstractions from objects. They are non-sensible as they are ideal. They have a "functional existence which is at hand whenever this something must enter into a function with something else for it to become extant". (Frings 2001: 24) Scheler supported this view by comparing values to colours. We can discuss the colour 'red' as a pure colour of the spectrum without,

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at the point discussion, having to experience or imagine it as covering a surface or being extended in space or lasting through time. In the same way, we can discuss values such as 'agreeable', 'charming', or 'noble' and so on, without having to represent them as properties belonging to any particular person or thing. Values may be found in a relation to specific empirical objects which could be said to possess them, in the same way that an empirical object may have a relation to red and so be said to possess a 'red' quality. Values themselves though are qualities which exist essentially independently from their carriers. We can be in situations where the value of a thing is presented to us clearly apart from the bearer of the value. For example, empirical objects such as a human body, or a work of art, or a room, could seem to us to be pleasant or unpleasant, agreeable or disagreeable to us without our being able to demonstrate why this is the case without using any kind of non-ad hoc reasoning. (Scheler 1973a: 12-17) In these situations, we do not know which properties may have prompted this reaction. He wrote that "it is as if the *axiological nuance* of an object… were the *first* factor that came upon us… [a] value precedes its object; it is the first messenger of its particular nature. An object may be vague and unclear while its value is already distinct and clear". (Scheler 1973a: 18) Feelings are meaningful intentional structures which have values as their content. However, that values are given "in a "feeling of something" does not imply that values exist *only* insofar as they are felt or can be felt. For it is a phenomenological fact that in feeling a value, the value is given as *distinct* from its being felt – and this is true in any *single* case of a feeling function". (Scheler 1973a: 244) Essences, such as values and colours for example, only become universal or particular by virtue of a relation to subjects that are capable of intuiting them. A value-essence would be a

universal if it was experienced in relation to multiple objects, in the same way that we may say that 'red' is a universal if we are observing several red objects at once. A proposition such as "All Japanese flags are white", based on a priori essence, would only be universal for subjects capable of intuiting it, through vision in this case. It would not be universal for subjects who could not intuit appearance of a flag, for example blind people. (Blosser 1995: 39)

In the same way that we cannot adequately define the content of seeing with words, the content of feeling, values, cannot be defined adequately in words. Values are qualities possessing a specific matter that can be only felt. Scheler believed that feeling was what gave us access to values. This leads us to discuss emotional intentionality. Scheler described there being two kinds of feelings, the intentional "feeling of something" and "feeling states". (Scheler 1973a: 255) For example, if I stub my toe on a table, I may feel the feeling state known as pain. We can relate to the essence of the feeling state of pain in differing ways. I could be said to 'endure', 'tolerate', 'observe', or even 'enjoy' the pain that I feel upon stubbing my toe. Regardless, the state of 'pain' remains constant however my act of grasping is executed. A feeling state is related to an object only in a mediated way, while a feeling-of intends its own kind of objects without mediation. These objects are 'values'. Scheler used the term 'feeling' to refer to the intentional feeling-of something and feeling-states to refer to bodily states like pain or affects like anger. 'Feelings' are occurrences that are capable of having a meaning fulfilled by the act of intending a specific content, values. He claimed that we do not grasp anything through a feeling state and that we need to grasp certain goods or evils in order to

have our feeling states aroused. The connection of affects to objects is not an intentional relation. (Scheler 1973a: 256 – 258)

For example, say that I feel angry at the table on which I stub my toe. When this happens I have the feeling-state of pain and I swear at the table, displaying an angry affect. This affect is caused by my sensation of pain and is directed toward my sensation or idea of the object of the table. My anger would be related to the chair leg as it comes from it but my anger would not be intentional. My anger would not be a feeling of the table; I would not feel that the table possessed a quality of anger. I would at a feeling of anger at the table, as it is the table that led to my angry affect. If it was, we would be left with the nonsense notion of 'being angry of the table'. There is a difference between a simple sentiment, which is the end of series of acts, and the cognitive grasping of values which comes before that. The difference between feelings-of and feeling-states is the difference between what you think of something and the emotional state caused by something. Values are given in the intentional personal act of intuitive feeling and Scheler, according to the phenomenological notion that the sense of a thing discovers itself in the structures of the intentional consciousness, held the thesis that the existence of a value, even though not depending on the acting person, can be realised in the fulfilment of this act.

Love

Love is "the act that seeks to lead everything in the direction of the perfection of value proper to it – and succeeds, when no obstacles are present. Thus we defined the essence of love as an edifying and uplifting action in and over the world." (Scheler 1973b: 109) For Scheler, knowledge and knowing presuppose an act of love, a "primal act of abandoning the self and its conditions, its own "contents of consciousness," of transcending them, in order to come into experiential contact with the world as far as possible." (Scheler 1973b: 110) Love is a spontaneous act and movement. (Scheler 1954: 141) As acts, the essences of love and hatred cannot be defined but only exhibited. (Scheler 1954: 150) Hatred is also a spontaneous act and movement although it is also ultimately founded on an act of love. (Scheler 1973b: 125) Hatred is "a *positive act*, involving a presentation of *disvalue* no less immediate than the presentation of *positive* value in the act of love… hatred looks to the possible existence of a lower value… and to the removal of the very possibility of a higher value". (Scheler 1954: 152) Love and hatred have movement as a characteristic. "Love is that movement of intention whereby, from a given value "A" in an object, its higher value is visualized". (Scheler 1954: 153) Although intentional, love and hatred are themselves non-cognitive; while it is directed to such goods, persons, and things, love is itself a presupposition for the cognition of values. Scheler thought that actual "[l]ove is directed upon things as they are", which should not be mistaken with the notion that "we love things, possessing the values that we discern them to possess" or "through the medium of [those] values". (Scheler 1954:

159) The phenomenon of love, "stripped of all its empirical and other trappings [can be said to be] *that movement wherein every concrete individual object that possesses values achieves the highest value compatible with its nature and ideal vocation; or wherein it attains the ideal state of value intrinsic to its nature*. (Hatred, on the other hand, is a movement in the opposite direction)." (Scheler 1954: 161) Love (and hatred) relate to objects which have value (and disvalue), rather than just values themselves. Love is fundamental to us as persons; the ability to execute the act of love For Scheler, love is the ultimately foundational act where we see an object as it is and the values that are related to it, values which can neither be created nor destroyed by the observer as they exist apart from the act which opens our intuition to them.

We can see the above considerations, of essences as the intuitionistic grounding of cognition and of essences (such as the essences of values) being both independent of their bearers and neither universal nor particular in themselves come together with this example. Take the essence of beauty for example. Imagine trying to describe or write out what the essence, or whatness, of beauty is. We could try to point out a real object that we say is beautiful, such as a fine painting. The difficulty is in trying to find the beauty in any of the sensible, real features of the painting. We could break the painting down into its constituent elements, such as its use of contrasting and complimentary colours, its use of shapes, or the use of brushstrokes to evoke the look of certain fabrics and textures. We may say that the beauty arises on account of the combination of all of these elements being put together at once. We cannot actually see the idea of beauty itself in the real painting though, even

though we may feel that it is beautiful. However, someone may feel that it is an ugly piece of work with no beauty whatsoever even if they agree that it contains and uses all the same elements in all of the same ways. In the face of this irreconcilable difference, we may be tempted to say that the beauty is dependent on the subject. In Scheler's thought, this would be a mistake. We could not even ask questions such as 'Why is this painting beautiful?', 'Is this painting beautiful?', or 'Why do others not think this painting is beautiful?' without having a reference point presupposed, that ideal meaning of 'beauty'. As Kelly puts it, "[t]he hypothesis that beauty exists in the eye of the beholder alone, Scheler claims, puts the cart before the horse. For we could not recognize the thing as beautiful unless we came to it with the material value of beauty fixed, however vaguely, in our minds. Any attempt to derive the idea of beauty from perceived objects always presupposes what it seeks to discover and describe." (Kelly 2013: 4716) If the other person does not see the beauty in the painting, it is because the essence of beauty is not given by their feeling of the painting. This may be because they are not open to the higher values that exist in the painting, they 'hate' it in Scheler's terms, or they may not even be capable of feeling beauty at all. I will note here that for Scheler, moral values do exist, and are understood through feeling. We could change the object in the example above to be an observed deed in which someone performs a charitable act, such as helping up a fallen person, and say that the value felt is the moral value of goodness. The same considerations would apply.

If we love an object or person then we intuit the higher value-essences that they have and intend it in our cognition of them. If we hate an object or person then we

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intuit the lower value-essences that they have as a quality and intend it in our cognition of them. There also exists varying depths of feeling that we have which intend varying depths values. The degree to which we love or hate an object determines the depth of the values or disvalues we see attached to said object. For Scheler, some values are higher than others. Scheler thought that we had only had access to a part of the objective ranks of values based on what our spontaneous acts of love have opened up to us. We observe that it may be possible for different persons to have different intuitions of the values of objects and of the hierarchy of values itself. (Scheler 1973b: 110-111)

Scheler thought that in willing, we do not pay attention to our feeling-states but that willing is primordially of a valued good, for example a cake. The positive value felt in a good is what grounds our will to realise that good. In willing, feelings of value, like the agreeableness of a cake, are primary and any feeling-states, like the pleasant sensation of cake in the mouth, are secondary. Scheler put Kant's views on feelings being tied to sensation down to the mistake of just assuming that the lawfulness of experience comes from the subject (via the synthesis of experience). For Scheler, the whole of human act-life exhibits lawfulness independently of human organisation and this lawfulness belongs to the given content of experience. The given has a structure of its own. For Scheler there exists alogical acts of feeling which possess their own structure, independent of logic, that he called an *'ordre du coeur'* or *'logique du coeur'*, an 'order' or 'logic of the heart'. (Scheler 1973a: 62-64) This was also known as the *ordo amoris*. In persons, there exist two types of reasoning. There is logical reasoning, the kind for which we usually reserve the term, and the logic of

the heart, which is the order of and kinds of values we a-rationally prefer over other values that we can intuit.[1]

Value Ranking

Scheler conceived of values and disvalues, or positive values and negative values. These are given in a relation to being. Positive values are not only given as that which entices us and as that which ought to be. Negative values are given as that which repels us and as that which ought not to be. In the relation values bear to existence, an ideal ought is given. What ought to be is felt by us. Values bear an ideal ought in addition to being qualities of the objects we are conscious of. (Scheler 1973a: 82)

Scheler claimed that values were ranked in a hierarchy. Scheler thought that there were emotional acts of preference and rejection through which the relative worth of values is given. This hierarchy includes several ranks of values, rather than just putting every single value into a linear ranking. Scheler delineated four ranks of values, which correlate to the strata of our feelings. These range from the lowest value rank of the agreeable values, then the rank of the vital values, the rank of the mental (or spiritual) values, and the highest value rank, the holy values. Examples of values on the agreeable level are the value of comfort or the disvalue of discomfort. An example of a vital value is the value of health or the disvalue of illness. Mental (or spiritual) values include the beautiful or ugly, the right or the wrong, or the value of

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[1] I use the terms 'alogical' and 'a-rational' to avoid the negative connotations which often come with the terms 'illogical' and 'irrational'.

truth against the disvalue of the untrue. Finally an example of a holy value is faith, set against a lack of faith. (Scheler 1973a: 105-110)

Scheler provided a set of criteria for judging the relative height of values in their relationship to objects. He wrote that values are higher the more that objects they are attached to endure over time, the less they partake in extension and divisibility, the less they are founded through other values, the deeper the satisfaction they provide, the more that the feeling of them is relative to the positing of a specific bearer of feeling and pre-rationally preferring. (Scheler 1973a: 89-100) This needs illustration. For example, according to this criteria a loaf of bread is of a lower value than a painting. Why? First, the painting realises spiritual aesthetic value, while the bread realises the vital value of nutrition. The aesthetic value of the painting is not founded on a lower value, while the vital value of bread is founded at least partly on its agreeable value to us. The object of the painting will outlast the bread as the bread may go off in a few weeks whereas the pigments in the paint may take centuries to degrade. The object of the painting can realise its aesthetic value through being looked at, without being divided between multiple people, while in order realise its vital value a loaf of bread must be divided into portions, between either one person or between many people. After being looked at a painting remains and retains its aesthetic value, while after being eaten bread cannot be used again and does not retain its vital value. The painting may provide a deep feeling of spiritual satisfaction, while a loaf of bread ultimately satisfies our vital needs (even if the loaf has been baked into a pleasing shape). The painting is, overall, an object of higher value than a loaf of bread. These kinds of considerations apply to all possible objects of our experience.

Scheler's understood the relation between the good and evil and other values was that "the value good – in an absolute sense – is the value that appears, by way of essential necessity, on the *act* of *realizing* the value which (with respect to the measure of that being which realizes it) is the highest. The value 'evil' – in an absolute sense – is the value that appears on the act of realizing the lowest value". (Scheler 1973a: 25) Along with Kant, Scheler agreed that a moral value cannot be a content of the will, as moral value (good or evil) appear "*on* the act of willing… [moral value] can never be intended in this act". (Scheler 1973a: 48-49) An example of this coming into play in our moral evaluations is when we refer to someone as 'do-gooder' and when we have a suspicion of a person that says that they directly want to 'do good'. We sense that what is 'good' is separate from what we do or create, even if there is a relation between the two. (Spader 2002: 126) Scheler wrote that "[t]here *exists*… an interconnection between good and evil on the one hand and the remaining values on the other… with this there exists the possibility of a *non-formal* ethics that can determine, on the basis of the ordered ranks of the other values, which kinds of values-realizations are 'good' and which are 'evil'". (Scheler 1973a: 26)

We seem to have a problem now. Scheler has argued for non-empirical, non-contingent values. However, Scheler made the realisation of moral values dependent on the realisation of non-moral values. Values are always experienced through their bearers even though they can be brought to immediate and separate givenness

through phenomenological reflection. If, in normal, everyday, non-phenomenological experience, non-moral values are realised though their bearers, it would seem that we have gone in a circle. If we realise the moral good by realising non-moral values on the back of their bearers, then have we made realising the moral good dependent on the empirical again? This is not the case. Values can be attached to a whole range of different possible bearers, such as the agreeable to things, the vital to living beings, and the moral to persons. (Scheler 1973a: 86) Values can also be attached to acts and relations. (Scheler 1973a: 67) This is how it possible for moral values to attach to persons, who cannot be objects but instead exist within the executions of acts and acts are not necessarily physical so therefore they are not empirical. For Scheler, values of the person are immediately given while the values of goods are mediated through those goods. Goods can be material, vital, or spiritual and be bearers of the appropriate type of value. Persons can bear their own individual, personal values and values of virtue. (Scheler 1973a: 100)

Scheler observed that virtue is "that immediately experienced power to do what (ideally) ought to be done". We experience virtue as a measure of our felt power to achieve the highest good through our deeds that our situation permits. "It is from the situation in which something is given as an (ideal) ought and, at the same time, as something that "can" be done, that the concept of virtue springs", and that vice emerges "in the case of an immediately grasped conflict between what (ideally) ought to be done and what can be done, or in the immediate grasping of an incapacity or impotence with respect to a thing given as ideally obligatory". (Scheler 1973a: 205)

Virtue requires the awareness of a capacity for right action – knowing that one can do what one ought to do. A necessary condition of virtue is the adequate knowledge of the obligation that is founded upon the values inherent in a situation. The possession of value knowledge is sufficient for the moral praiseworthiness that appears on the good will, but it is not sufficient for the virtue of a good will. One also needs the physical capacity to perform a good deed but to also be a person inclined towards happiness. For Scheler, happiness is a condition of right action. A person can have a good will only if they are happy. A person's inner-most self-evaluation, their feeling of self-worth, determines the moral value of their will. A positive feeling of self-worth is the condition of a good will, a negative feeling of self-worth is the condition of a bad will. The most central feeling that accompanies the value of the person is the source of willing and the direction of their basic moral tenor. Only a happy person can have a good will, and only a despairing person must be evil in their willing and actions. All morally good volitional directions have their source in a surplus of positive feelings at the deepest emotional stratum. All better behaviour has its source in a surplus of positive feelings at a deep stratum. (Scheler 1973a: 346-349)

The Stratification of Emotional Life

This leads to us to describe the part of Scheler's framework referred to as the "stratification of emotional life". (Scheler 1973a: 328) If we say that feeling intends values then we must also ask which feelings intend which values. Scheler claimed

that the emotional life of a person is stratified. Each stratum opens us to the realm

of values in a way that corresponds to the a priori order of values. Paying attention

to our feelings thus gives us insight into the order of preference of values and the

goods they inform. For each value there corresponds a unique feeling in which it is

given. The large amount of and varied types of language that we use to refer to

feelings, terms such as 'bliss', 'blissfulness', 'being happy', or 'a sense of well-being',

indicates reference to a fact that there exists a broad range of "sharply delineated

differentiations among positive and negative feelings". (Scheler 1973a: 330)

Scheler identified four different levels of feeling which correlate with the 'depth' of

the values intended. The least deep are the sensible feelings. These are not the

feeling-states themselves but rather are the feelings which intend the values carried

by feeling-states or sensations. Sensations such as the pleasant feeling-state caused

by wine on the tongue are distinct from the agreeableness of wine, which is a value

carried by the wine and cognized by the intentional feeling. Then there are the

feelings of life. These are feelings that intend states of health, weariness, illness, or

strength. For example, the feeling of having or of lacking control over one's body and

the environment which it is in. They may intend the same values when they are

directed at our own feeling-states or those perceived in other persons. Above those

are the pure psychic feelings, or feelings of the ego, such as pride or shame. These

are the values with which one's self-worth is discerned. Such emotional states of the

ego as 'sadness' or 'joyfulness' are not first felt by the lived body but are first felt in

the 'ego', the 'I' of our experience They pertain to the 'ego', or the 'I', originally.

According to Scheler, they can be felt at differing distances from the ego. Expressions

such as "I feel sad", "I feel sadness", "I am sad", indicate deeper states of sadness which are closer to our sense of self. The deepest feelings are spiritual feelings, also known as feelings of the personality. In these, we discern values that bear upon our spiritual selfhood. These values include values such as justice, beauty, truth, and the sacred. Feelings of 'blessedness' and 'despair' are the feelings which correlate the moral value of our personal being. (Scheler 1973a: 330-344)

Individual Essences, Individual Oughts, and Model Persons

As we have gone through, Scheler believed in an absolute hierarchy of value ranks. One might expect him to espouse a legalistic philosophy in which we simply "read off the highest positive value appropriate to the situation from the publically agreed list of values", performing a deed to realise it, and then calling it a day. (Spader 2002: 136) The problem with this is that it presupposes that the entire hierarchy is accessible to everyone at once. If that was the case, then we would not have a problem of normativity for everyone would be able to intuit the same set of values in the same ranking.

We have already stated that that is not the case. Scheler thought that this would also presuppose that all persons were interchangeable and that any person in a like situation ought to act to realise the same value. Scheler did not accept this, he instead thought that each person has an "individual-person value-essence" and that there are essences which can only be given to one individual. (Scheler 1973a: 489) Scheler thought that an ideal-ought became a genuine moral ought when it was

based on "insight into objective values… [then] there is the possibility of evidential insight" into a good where the essence is related to only one specific individual and so that ought is only for them as a good-in-itself for them. Each person has a good-in-itself for them only. (Scheler 1973a: 490-491) For Scheler, "[e]*very moment of life in the development of an individual* represents at the same time a possibility" for an individual person to know unique values and the necessity of moral tasks and actions that can never be repeated as the moment to do them will never come again. (Scheler 1973a: 493) In addition to this Scheler thought that values which were at first known only by one individual person can subsequently become shared among individuals once they are known by one person. (Scheler 1973a: 494)

Through one person intuiting a new moral value, a new possibility of moral action is opened up to them. If that person can share that vision, then these new possibilities can be open to all of us. The best way to see what to be and do is to see the qualitative direction of persons as models or exemplars. Ethics can never exhaust all the possible moral values, as it cannot exhaust every single possible situation. Therefore Scheler, similar to Kant's view on ethical judgment, did believe that individual persons need to have a developed conscience as our knowledge of values is essentially imperfect. (Spader 2002: 139-140) However, if we cannot use laws for guidance then we seem to be left in the lurch with regard to practical direction. This is where Scheler's notion of the model person comes in.

Near the end of *Formalism*, Scheler discussed persons as dynamic, qualitative beings of value and he viewed them as the basis of secure moral direction. He thought that

there were specific qualitative types of persons which were exemplars at realising specific values of the person. What this means is that these people become moral examples to the rest of us. Scheler did not think that this gave us a norm though, as he thought the term 'norm' only applied to universally valid and universally ideal propositions of oughtness which have as their content a valuable action. Instead, he called this type of ideal ought a 'model' or an 'ideal'. Models or ideals are beings that we aim to become like. The relation a person experiences with the person of their model is based on love for the moral value content in their being. (Scheler 1973a: 572-574) A person does not look to laws (moral or otherwise) to learn how to become a good person but instead looks to the highest model person. Additionally just as there are individual values valid for one person only, there can be individual personal models valid for one individual person to want to emulate. These kinds of models could include the saint, who would correspond to the holy rank of values, the genius, who corresponds to the mental value of culture, the hero, the leader, and the *bon vivant*. (Scheler 1973a: 584-85) However, one person cannot be an exemplar of more than one value as that would be beyond our limits as finite beings. We pre-rationally prefer one type of model person who exemplifies one rank of values and we cannot appreciate models who may exemplify value ranks higher than the ones we prefer. Our inability to do this leads to conflict between ourselves and this is inevitable. (Scheler 1973a: 590-591) The notion of pre-rational preference is Scheler's answer to accounting for our own differing ideals and views on the moral worth of actions. This has problems for prescriptive norms though, which we will examine below.

Criticism of Scheler

To relate it back to our question though, how does Scheler's framework fare against the problem of normativity? If his description is true, then his notions of the pre-rational preference, individual value intuitions and ideal oughts would certainly be a sufficient explanation for the observation that we hold onto differing notions of our ethical obligations and which deeds may be considered praiseworthy. For example, imagine two people watching a boxing match. Imagine that one person pre-rationally preferred the vital value rank and the other pre-rationally preferred the agreeable value rank. The person who preferred the vital rank may see the positive values of physical strength on display, while the person who preferred the agreeable may see the negative value of the discomfort that the boxers are enduring. As they are open to the higher values of the match, the person who preferred the vital may say that the boxers are praiseworthy while the person who preferred the agreeable may say that the boxers are foolish as that person was no open to the highest value of the match. The difference in their views is simply a part of who they are as persons and what values are open to them at the pre-rational level. It is something fundamental to their person at that time. The same would be the case in an argument in which one person is trying to convince another of their obligation for an action. Such a dispute could be explained by admitting that neither party see the event in the same way and do not feel the same values or ideal obligations. When put into these kinds of context, the idea that people just have different pre-rational preferences seems to be true.

However, there are some criticisms that have been made of the practical applicability of Scheler's framework, of its potential to prescribe norms. Blosser questioned that merely being able to grasp positive material values such as pleasure, nobility, or holiness does not actually help us to discover what our obligations may be in concrete real life situations. Even if we grant the existence of the a priori hierarchy of values and that higher values are preferable to lower values, he said that this still leaves us with questions. He gives the example of famine relief in Africa being a more pressing obligation than building a cathedral in Washington D.C., even though famine relief could be seen to realise lower vital or biological values and building a cathedral could be seen to realise higher spiritual or even holy values. Similarly, if a child is drowning in my pool while I listen to Mozart in my room then I ought to go and save the child even though that would require to stop an action that realises a mental or spiritual value to go and perform an action which again only realises a lower vital value. Blosser did not believe that Scheler had any clear way of showing why we ought to be saving the children in these cases, even though it is intuitively obvious to anyone. There is also the difficulty that Scheler's hierarchy does not offer any guidance as to which specific values we should aim to realise when values exist on the same rank. Blosser used the example of medical professionals that look after geriatric patients. If all things are equal, then should the professionals aim towards the vital value of their patients comfort or their longevity? Should they aim towards stopping suffering or preserving life regardless? (Blosser 1995: 143)

If these criticisms are correct then Scheler's theory is prescriptively impotent for norms and practical ethical decision making. In that case, Scheler's prospect of addressing the part of the problem of normativity, prescriptive guidance in our ethical decision making, looks to be woeful. However, there are responses to this criticism. Spader's response to Blosser's first examples, about the obligation to save children against realising spiritual values, was that Blosser had incorrectly interpreted Scheler's thought and not taken into account the full range of values in these situations. In these situations, we are not just presented with the vital needs of dying children but also with the needs of persons, which hold the highest value of all. This was skipped over by Blosser, who seemed to view these cases as just a situation of rescuing the physical object of the human body. In this situation, Spader claimed, it was understandable as to why someone would save a child rather than realise a spiritual value when looked at through Scheler's framework. In responding to Blosser's second example, about the geriatric patients, Spader does agree that Scheler's system as it stands does not provide much if any guidance for that case. However, once again, he said that Blosser's example misunderstands the values of the persons involved as merely having vital values rather than their full inherent value as persons. In addition, Blosser's examples are poor, said Spader, as they were focused on the contrast between two specific values rather than the more realistic interplay of values that we would have in those actual circumstances.

I have a problem with this response. If persons are the bearers of the highest values and it is a moral good to realise the highest value in a situation, then it seems that in whatever situation we are in, we are always obliged to do whatever helps the

absolute values of persons to be realised unless the constitution of our *ordo amoris* means that we cannot have a grasp of those values. However, in that case it would seem that we just need to take whatever action we feel will realise the next the highest value that we can perceive in that moment, regardless of what ever it may be. If we can intuit what the highest value in a situation is then why is there even a need to consider the full range of values involved? If our ability to grasp values is limited up to a certain rank, then how can I take into account the full range of values which are in that situation? We cannot consciously use love to open ourselves up to all of the highest values that every person or object may be attached to as love is a spontaneous process outside of our conscious control. Additionally, what if we do look at the full range of values in a situation and see several different concrete actions that we could take which would all realise the same highest value? How could we make a decision? Blosser's point that the awareness of the values of a situation may not help us make a decision stands.

As said in the introduction in this thesis, to prescribe a norm requires justifying that norm. On Scheler's account, our justification comes from the values which we intuit in the state of affairs with which we are presented. Our own value intuitions may allow us to justify our own deeds to ourselves but, if Scheler is correct that we all may intuit different values in different situations, then how could we justify our deeds to others who do not (or even cannot) intuit the same values as ourselves? How could we make them 'see' the situation in the same way as us, so to speak?

Such circumstances would seem to be situations that we would need to use reason in order to justify our deeds to others and from there be able to say that others ought to act in that way, to prescribe norms. Even in Spader's defence of the role of reason in Scheler's ethics, reason comes across as useless. As Spader put it, Scheler's main concern was showing us that feeling gave us access to values and so he did not give enough emphasis to the role that reason may validly play in moral decision making. Spader argued that there may be a valid role for reason in moral decision making in Scheler's theory. For Scheler, moral values are an exception to all other values as they are realised along with the realisation of non-moral values. For Scheler, choosing is itself a conative act and we choose between deeds and not values. Moral choice does not occur on the level of seeing values (even though a person could only choose values that they themselves could feel). A person is good or evil not by perceiving values alone, even if they were to perceive fully the hierarchy of values. It is a person's willing, through realising the ideal values known through intentional acts of feeling that we co-realise moral values. (Scheler 1973a: 25) Spader believed that it was at the level of conative choice of deeds that reason "may well play a valid role". (Spader 2002: 264) Realisation is an act of will and willing involves a sense of 'being-able-to-do'. In Scheler's original view, this 'being-able-to-do' was a special kind of conative consciousness but we can only have it on the constant experience of 'being-able-to-do'. If we constantly experience a 'not-being-able-to-do' then we cease willing and so our sense of what actions can or cannot be done becomes slowly filtered down over time. (Scheler 1973a: 126) Spader believed that it is here where reason may contribute to our organisation and judgements of which deeds we can actually perform. However, Spader's vision of

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reason's role in ethics is that it is ultimately of secondary importance to feeling which holds the primary role in ethics. Reason does not add anything to what feeling provides. (Spader 2002: 264-265) As I understand his point, Spader has not actually shown that reason had a place in Scheler's ethics of values at all. What he has asserted is that it may be there or it may not be there and it would not matter either way. In his view, reason in ethics is epiphenomenal. If this is true, then Scheler's ethics cannot account for the prescriptive part of the problem of normativity. Scheler's ethics of values is able to account for the grounding of our norms, and our different views on our obligations but it unable to account for prescriptive norms.

Summary

To recap, Scheler believed our understanding of ethics and the sources of our obligations would be apparent if we took a closer look at how we value objects in the world. Scheler thought our experience and knowledge is founded on our experience of phenomenological facts or essences and our own acts of meaning bestowal in relating those essences to ourselves. All systems of thought must reference these facts if they are to have meaningful content. He believed, based on his intuitionistic phenomenology, that values are a kind of ideal object which we perceived as attached to real objects in our initial intuition of them. Values are a priori and valuing is necessary for us to have knowledge, including moral knowledge. This is his answer to the epistemic part of normativity. The person is a dynamic being, a unity of their acts. Values can be realised through acts of the intuition of value-essences. Scheler claimed that the perception of value-essences occurs through feeling, which is an intentional act whereby we grasp the value-essences of something or someone prior

to anything else about them. By abstracting the real objects away to focus on the values, we could intuit values as being hierarchically ranked. We intuited the value of objects by intuiting which values are realised by them and for how long. Values have an objective hierarchical ranking, based on how deep the impact of their realisation on our being is. The realisation of non-moral values co-creates moral values.

However, our abilities to intuit the value hierarchy are limited and differ between people. This provides an answer to the part of the problem of normativity, because this accounts for our differing valuations and moral conflicts. Values have a hierarchy and what a person can intuit of that hierarchy is limited by their order of the heart which is a part of them. Each person responds to values in their own way but the act of love opens up and clarifies their vision and understanding of the higher values which exist in objects and other people. There exist positive values and negative values, also known as disvalues. Positive values ought to be and negative values ought not to be. These are ideal oughts and if we are open to the highest values that are attached to objects and persons then we know what values we ought to realise with our deeds. Moral obligation emerges from the ideal ought as an ought-to-do directed at the will. For example, if I feel that every person ought to act honestly then the ought that I understand is founded upon the value of honesty which exists ideally. The value of moral good (or evil) is co-realised alongside the realisation of positive (or negative) non-moral values in our deeds. Our will can only be morally good if we realise the highest values which exist in relation to ourselves, which is the achievement of what may be termed happiness or self-love. In seeking guidance in our moral or ethical lives, we look towards model persons who are exceptional at

realising the values of a certain rank but own innate ability to prefer only certain values will lead us to inevitable strife.

However, because Scheler's ethics is based solely on intuitions it cannot justify prescriptive norms. This is because prescribing norms requires the use of reason to justify those norms to others but for Scheler the justification of deeds which could be norms is based only on intuition, with reason having nothing to do with it. If we were to try to prescribe a norm to another person, we would have to assume that they can intuit the same values in the same ranking as ourselves but we cannot make that assumption if we are trying to tell them what deeds they ought to perform. In Scheler's ethics, we are left with an isolated, individual view on ethics where we can only feel what values our deeds ought to realise, without any specific guidance on what to actually do.

Chapter Four – Conclusion

Both philosophers are able say where we get our moral knowledge from by grounding their ethics on their epistemologies. However, Kant's epistemology makes valuing an a posteriori part of experience while Scheler's makes valuing an a priori part of experience. This is the key difference between their theories and this informs their respective approaches to ethics.

For Kant, reasoning is linked to morality while feeling is contingent to it. However, as covered above, Kant is neutral to feeling rather than hostile to it. For Scheler, feeling is linked to morality while reason is contingent to it. What this means is that Kant cannot account for the fact that we often feel that we have differing obligations and his formal ethics are ungrounded by the material a priori. However, he can account for prescriptive norms with ease. Scheler, on the other hand, can account for the grounding of his ethics and the variability of the obligations and duties that we feel we have, but he cannot account for anything prescriptive because, for him, reason does not inform ethical decision making.

In conclusion neither Kant nor Scheler's ethical theories can fully resolve the problem of normativity. With these theories, it seems we are stuck with making either reason or feeling essential to morality and its norms. Any developed theory of ethics related to epistemology, would need to find a place for both reason and feeling to have equal priority in that epistemology's account of our experience.

Bibliography

Beck, L. W. (1960) *A Commentary on Kant's Critique of Practical Reason*. Chicago, Illinois: University of Chicago Press

Blosser, P. (1995) *Scheler's Critique of Kant's Ethics*. Athens, Ohio: Ohio University Press

Frings, S. M. (2001) *The Mind of Max Scheler: The First Comprehensive Guide Based on the Complete Works* Milwaukee, Wisconsin: Marquette University Press

Gardner, S. (1999) *Routledge Philosophy Guidebook to Kant and the Critique of Pure Reason*. London: Routledge

Kant, I. (2007) *Anthropology from a pragmatic point of view (1798)* in *Anthropology, History, and Education*. Cambridge: Cambridge University Press (227 – 429)

Kant, I. (1999) *Critique of Practical Reason* in *Practical Reason*. Cambridge: Cambridge University Press (pp. 133 – 271)

Kant, I. (1998) *Critique of Pure Reason*. Cambridge: Cambridge University Press

Kant, I. (1999) *Groundwork of the Metaphysics of Morals* in *Practical Reason*. Cambridge: Cambridge University Press (pp. 37 – 108)

Kant, I. (1999) *The Metaphysics of Morals* in *Practical Reason*. Cambridge: Cambridge University Press (pp. 353 – 603)

Kelly, E. (2013) *Scheler, Max*. in LaFollette, H. (ed.) *The International Encyclopedia of Ethics*. Oxford: Blackwell Publishing

Louden, R. B. (2000) *Kant's Impure Ethics*. Oxford: Oxford University Press

Scheler, M. (1954) *The Nature of Sympathy*. London: Routledge & Keagan Paul

Scheler, M. (1973a) *Formalism in Ethics and Non-formal Ethics of Values*. Evanston, Illinois: Northwestern University Press

Scheler, M. (1973b) *Ordo Amoris* in *Selected Philosophical Essays*. Evanston, Illinois: Northwestern University Press (pp. 98 – 135)

Scheler, M. (1973b) *Idols of Self Knowledge* in *Selected Philosophical Essays*. Evanston, Illinois: Northwestern University Press (pp. 3 – 97)

Scheler, M. (1973b) *Theory of the Three Facts* in *Selected Philosophical Essays*. Evanston, Illinois: Northwestern University Press (pp. 202 – 287)

Scheler, M. (1973b) *Phenomenology and the Theory of Cognition* in *Selected Philosophical Essays*. Evanston, Illinois: Northwestern University Press (pp. 136 – 201)

Spader, P. H. (2002) *Scheler's Ethical Personalism* Ney York City, New York: Fordham University Press

Wedgewood, R. (2013) *Normativity*. in LaFollette, H. (ed.) *The International Encyclopedia of Ethics* Oxford: Blackwell Publishing

Wood, A. W. (2013) *Kant, Immanuel*. in LaFollette, H. (ed.) *The International Encyclopedia of Ethics*. Oxford: Blackwell Publishing

Zahavi, D. (2003) *Husserl's Phenomenology*. Stanford, California: Stanford University Press