Phaenomenologica 203

Eugene Kelly

Material Ethics of Value: Max Scheler and Nicolai Hartmann

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PHAENOMENOLOGICA
SERIES FOUNDED BY H.L. VAN BREDA AND PUBLISHED
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203

EUGENE KELLY

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ISSN 0079-1350
ISBN 978-94-007-1844-9 e-ISBN 978-94-007-1845-6
DOI 10.1007/978-94-007-1845-6
Springer Dordrecht Heidelberg London New York

Library of Congress Control Number: 2011934685

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To Libusha Kelly and Mark Breidenbach.

Introduction: The Legacy and Promise of Scheler and Hartmann

By Philip Blosser
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Alasdair MacIntyre opens the first chapter of his landmark book, *After Virtue* (1982), with an allegorical dooms-day scenario in which all scientists have been killed, all laboratories, books and instruments destroyed, and all scientific knowledge blotted out from the earth. A later generation, wishing to revive scientific learning but having largely forgotten what it was, has at its disposal only fragments – records of experiments detached from any knowledge of the theoretical context that gave them significance, bits and pieces of theories unrelated to each other or to experiment, and instruments whose uses are forgotten. Nonetheless all these fragments are eventually re-embodied in a set of practices which goes under the revived name of "science." Children learn by heart the surviving portions of the periodic table and recite as incantations some of the theorems of Euclid. Nobody, however, realizes that what they are doing is not science at all, since the theoretical context needed to make sense of what they are doing has been lost.

MacIntyre suggests that moral discourse today suffers from exactly this sort of irrational disembodiment. Contemporary moral beliefs are no longer commensurable with the language about rules and duties and obligations used to describe them. This incommensurability represents, in his view, a rupture of historic proportions between rival traditions of moral inquiry, between utterly disparate frameworks of moral experience and judgment. As a consequence, the conceptual dissonance underlying moral discourse and experience today is symptomatic of both a failure of rationality and a failure to even admit to being irrational.

In the notable Foreword to his magisterial *Ethik* (1926) Nicolai Hartmann sketches, from a slightly different perspective, a similar disembodiment in contemporary moral discourse. It is a disembodiment stemming from a disconnection from a *material* (content-oriented) framework of moral reasoning of the kind exhibited in Aristotle's analysis of human virtues, the kind of framework needed to make sense of it and establish it and give it credibility. The crisis is not portrayed so dramatically as in MacIntyre's scenario, and the crisis is concerned not so much with retrieving a lost tradition as with developing and embodying the new axiological insights first suggested by Scheler; yet the problem of overcoming a certain irrationality and incommensurability between moral convictions and the language and conceptualization

used to describe them is not dissimilar. In the opening chapter of *Material Ethics of Value: Max Scheler and Nicolai Hartmann*, Kelly summarizes Hartmann's account by saying that it has taken years for thinkers to respond to Nietzsche's observation that we have not yet grasped the meaning of good and evil: "Lost for years in unprofitable studies of human consciousness, ethics had forgotten the orientation that it once received from Aristotle: a limited but nonetheless 'material,' or content-driven, study of the value-phenomena we call virtues" – even if, in Aristotle's account, "we are left with a noble torso without a phenomenology of its members."

The pieces of the puzzle required to reconstruct a viable framework for moral reasoning and discourse have come together, suggests Kelly, only gradually and incrementally. Kant achieved one of the indispensable requirements through his insight into the a priori nature of moral judgment embodied in his Categorical Imperative, which liberated ethics from an empirical and descriptive dependence upon of the contingent ends and outcomes of human action. His ethics remained purely formal, however, lacking the further insight needed into the objective nature of material values and their ranks as capable of being apprehended a priori in intentional intuition. Nietzsche, for his part, opened us to an array of values beyond merely the moral by means of his "transvaluation of all values," but his ethics eventually ended in relativism, making any serious investigation into the nature and interrelations of values appear to be pointless. It was only the publication of Scheler's *Formalismus in der Ethik* (1916), according to Hartmann, which finally opened the way for a genuine *material* (content-based) axiological ethics. Whatever further insights Hartmann and others may have contributed, Scheler's ethics was the first to be built upon a foundation of material values objectively given a priori, to encompass both values and morals, and to apprehend the content of goods and virtues in their manifold gradations by the light it cast on Aristotle's virtue-ethics from a phenomenological perspective.

It is doubtful whether any contemporary scholar may be found who is more eminently qualified than Eugene Kelly to guide us in an inquiry into Scheler's and Hartmann's legacy of a material value-ethics and to help us in assessing its importance for moral reasoning today. Kelly has spent most of his professional career writing and lecturing on Max Scheler's philosophy. In 1977, he published his first monograph, *Max Scheler*, a concise and closely-reasoned survey of Scheler's philosophy as a whole, which carries a Foreword by the eminent student of existentialism, William C. Barrett.[1] Twenty years and many articles and presentations later, Kelly published his second book on Scheler, *Structure and Diversity: Studies in the Phenomenological Philosophy of Max Scheler* (1997), the work of a seasoned scholar, enriched by two decades of further reflection and broader reading both inside and outside of the phenomenological tradition, in which he rethinks the conclusions of his earlier work and explores hitherto unexamined implications of Scheler's philosophy.[2]

[1] Eugene Kelly, *Max Scheler* (Boston: Twayne Publishers, 1977).

[2] Eugene Kelly, *Structure and Diversity: Studies in the Phenomenological Philosophy of Max Scheler*, Phaenomenologica series, 141 (Dordrecht: Kluwer, 1997).

While Kelly's research and writing over the past few decades have been focused principally on Scheler, his writings have also exhibited a more programmatic focus. His interest in clarifying issues left undeveloped or unresolved in Scheler's work is nearly always subordinated to the larger end of envisioning how a comprehensive ethical theory would look when based on a sustainable phenomenological theory of values. Can normative ethical principles be clearly and coherently grounded in a phenomenological theory of values and material value-ethics? What about moral obligation, or a theory of virtue? What about ethical personalism? This programmatic focus is already evident in *Structure and Diversity*, along with a much broadened scope of research and reference. Kelly displays a willingness to test a Schelerian perspective against other contemporary views, which he does by developing his inquiry against the backdrop of more recent developments in virtue ethics, postmodernism, anti-foundationalism, anti-realism, and the discussions of Anglo-American and Analytic philosophers such as Richard Rorty, Willard Quine, Donald Davidson, Charles Taylor, and J. L. Mackie.

With the publication of Kelly's third work, *Material Ethics of Value: Max Scheler and Nicolai Hartmann* (2011), we see his programmatic interests emerge with particular clarity, now further enriched by his more recent investigations in Nicolai Hartmann's massive *Ethik* (1926).[3] Kelly's systemic focus in this work is on creating a descriptive synthesis of material value-ethics as a platform for moral theory. The word "synthesis" here is deliberate, since his effort incorporates not only the work of the two principal philosophers and their seminal works – Scheler's *Formalismus* and Hartmann's *Ethik* – but also some of Edmund Husserl's lectures on ethics, as well as the ethical writings of Dietrich von Hildebrand, not to mention the secondary and tertiary contributions of a number of contemporary scholars with parallel interests, such as John Crosby, and others whose names remain mostly in the background of this essay. Kelly's stated objective is to demonstrate that the contributions of Scheler and Hartmann to a material ethics of value are complementary, despite their differences, and provide a foundation for a comprehensive and defensible axiological and moral theory. Further, in the course of his analysis, he seeks to demonstrate that a material value-ethics functions also as an ethical personalism – not solely, he says, by virtue of being descriptive of the moral agent, but by deriving from its descriptions normative principles of living and acting. "In this respect," he writes in his final chapter, "material value-ethics is certainly anomalous; it is a unique search for lucidity in morals. There is nothing like it in the prior history of philosophy."

Those unfamiliar with the phenomenological tradition and with Scheler or Hartmann, and even some of those who are, might be excused for responding initially to such a bold categorical declaration with some skepticism. Whether material value-ethics is an utter anomaly, or an altogether unique and historically unprecedented search for lucidity in morals, may be debatable. Yet skeptics willing to follow Kelly's argument patiently throughout this investigation to its end may find themselves surprised. Not only is the case Kelly makes here comprehensive,

[3] Three volumes in the English translation.

cogent and compelling, but the kind of ethics he seeks to establish should have considerable appeal to those with a continuing interest in credible, well-grounded moral reasoning in the postmodern era. Any ethics which demands that moral reasoning be grounded in demonstrably objective values, ranked in a testable order of preference independent of contingent objects of desire, and yield normative ethical principles, as well as an ethical personalism for which the value of the human person emerges ineluctably as an absolute, should command the attention of the most confirmed skeptic as well as the most traditional humanist – secular or religious.

Among the latter, the intellectual stepchildren of philosophers in tradition of Catholic phenomenological realism and personalism, such as Dietrich von Hildebrand, Max Scheler, Edith Stein, and Karol Wojtyła,[4] as well as their disciples, like John Crosby, Josef Seifert, Msgr. Robert Sokolowski, Kenneth Schmitz, Rocco Buttiglione and their associates, should find themselves in considerable sympathy with Kelly's project. Of interest in this regard is Kelly's argument (in Chap. 9) that Hartmann's hostility toward Scheler's alleged theistic foundationalism is unwarranted, since Scheler never claimed to base his ethics on his Christian theistic metaphysics. On the contrary, argues Kelly, Scheler's ethics led him into metaphysics, and the idea that love opens persons to the realm of values deepened Scheler's concept of God rather than originating from it. There is a great deal in Kelly's synoptic view of material value-ethics in this book that could deepen and enrich the conceptual architecture of moral theorists who stand in this phenomenological tradition.

Another example from farther afield is the Grisez-Finnes school of Catholic natural law theorists, which has not yet ventured into the territory of phenomenological value-theory, but has been arguing for some time that the first principles of morality are grasped, not in Aristotelian fashion through a metaphysics of human nature and analysis of natural inclinations, but on the level of intentionality, through acquaintance with human potentialities, their actualizations in acts, and through the intended objects of these acts.[5] While it identifies the natural *telos* of human action with primary goods rather than with their values, as in material value-ethics, it does distinguish different categories of goods – such as the rational, emotional, physical, etc., and regards "reflexive" goods (involving choice), such as goods of morality,

[4]Karol Wojtyła's brand of phenomenological personalism is sometimes identified with "Lublin Thomism." See, for example, introductory essay by Stefan Swiezawski entitled "Karol Wojtyła at the Catholic University of Lublin" in *Person and Community: Selected Essays*, by Karol Wojtyła, trans. Theresa Sandok (New York: Peter Lang, 1993), pp. ix–xvi.

[5]In his oft-referenced essay, "Recent Criticism of Natural Law Theory," *The University of Chicago Law Review*, Vol. 55 (1988), pp. 1371–1429, Robert George of Princeton University offers a thoroughgoing introduction and survey of the debate between partisans of the old natural law school (represented by Ralph McInerny, Vernon Bourke, Henry Veatch, Lloyd Weinreb, Russell Hittinger, et al.), for whom the first principles of morality are apprehended, in Aristotelian fashion, through an analysis of human nature and its natural inclinations, and partisans of the newer Grisez-Finnis school (respresented by Germain Grisez, John Finnis, Joseph Boyle, Christopher Tollefsen, Robert George, J. Budziszewski, et al.), who insist that the first principles are apprehended on the level of intentionality.

friendship, and religion as having a certain priority over "substantive" goods, such as bodily life and health. All of which would seem to lend itself readily and profitably to a phenomenological axiological analysis. Despite the basic secularism of Kelly's project, which follows Hartmann in this respect more than Scheler, Catholic legal and moral theorists interested in establishing common cause with non-religious thinkers by appeal to natural law arguments independent of religious faith, particularly in the fashion of the Grisez-Finnes school, could find material value-ethics eminently congenial and instructive in refining their own analyses.

One of Kelly's achievements in this book, particularly significant from the point of view of the present writer, is one that may pass unnoticed by some readers. This has to do with an insight from Hartmann that he brings to bear on resolving a persistent problem in Scheler's ethics. The problem lies in Scheler's inveterate lack of clarity in defining moral value – a criticism that may strike the reader initially as a trifle unfair given G.E. Moore's allegation that good is indefinable. The problem, however, is that Scheler is a self-described phenomenologist, seeking to draw distinctions between values phenomenologically. It is therefore highly incongruous, not to mention unhelpful, when he insists that moral value has no content that can be directly intended or realized and "can *never* be the content of willing."[6] Instead, says Scheler, the value of moral goodness must be understood always and everywhere as a *by-product* of bringing about some other intended good, which serves as the bearer of a positive material non-moral value of one kind or other. Hence moral value appears "on the back" of willing the realization of other, non-moral values. The problem here is not only that Hartmann does not agree altogether with Scheler on this,[7] but that one can easily think of acts exemplifying positive non-moral values (such as those attached to technical skill, self-discipline and boldness) that are not accompanied by the co-realization of moral goodness as a by-product (such as the acts of the terrorist pilots on 9/11). What is missing is the recognition that moral value must have some sort of definable material content of its own.[8]

[6] Max Scheler, *Gesammelte Werke*, II: *Der Formalismus in der Ethik und die materiale Wertethik*, ed. Maria Scheler (Bern: Francke Verlag, 1980), p. 48; *Formalism in Ethics and Non-Formal Ethics of Values*, trans. Manfred Frings and Roger L. Funk (Evanston: Northwestern University Press, 1973), p. 27.

[7] See Hans Reiner, *Duty and Inclination: The Fundamentals of Morality Discussed and Redefined with Especial Regard to Kant and Schiller*, trans. Mark Santos (The Hague: Nijhoff, 1983), pp. 172 f.

[8] See Philip Blosser, "Scheler and 'Values that Belong to the Ethical Sphere,'" in *Phenomenology 2005: Selected Essays from North America, Part 1*, Series Post Scriptum – Organization of Phenomenological Organizations, vol. 5, ed. Lester Embree and Thomas Nenon (Bucharest: Zeta Books, 2007), 99–126; and "The 'Cape Horn' of Scheler's Ethics," *American Catholic Philosophical Quarterly* 79, no. 1 (Winter 2005), 121–143; "Scheler's Ordo Amoris: Insights and Oversights," in *Denken des Ursprungs/Ursprung des Denkens: Schelers Philosophie und ihre Anfänge in Jena*, ed. Christian Bermes, et al. (Würzburg: Königshausen & Neumann, 1998), 160–171; and "Moral and Non-moral Values: A Problem in Scheler's Ethics," *Philosophy and Phenomenological Research* 47, no. 1 (September, 1987), 139–143.

Drawing on a set of distinctions Hartmann makes in his *Ethik*, Kelly points out (in Chap. 5) that the *value of the intention* in any act is not the *value of the intended outcome*. Rather, he writes, "the moral quality of the intention depends upon its *own* content, that is, upon the desire to do good or evil." Thus, as Hartmann suggests in his own illustration, the happiness of a person is not the highest good, yet it is morally good to foster another's happiness, just as it is wicked to attempt to destroy it. Only the intentional fostering of another's happiness, then, and *not* the other's happiness as such, bears the value of *moral* goodness in this example. Kelly concedes that "the material content of [moral] goodness is very slender" here, since it cannot derive any of its goodness from the goodness of what it achieves. The value of these insights, however, is that they show, first, that the value of moral goodness has a *material content of its own*, distinct from the value of an intended action, or even from the value that the action itself may have (such as being executed brilliantly, hesitantly, etc.); and, second, that this moral value, as the value of the moral quality of the intention to do good or evil, is *transactional* in nature – that it involves, in Robert Sokolowski's words, "taking the good of another as my good and the bad of another as my bad."[9] These insights drawn from Hartmann should help to clarify the nature of hitherto unresolved issues in Scheler's ethics, as well as indicating the path towards their eventual resolution.

Kelly draws on many other significant and fascinating insights from the legacy of Scheler and Hartmann in his discussion that many should find helpful. To mention just a single example, one such feature is his analysis (in Chap. 8) of Aristotle's schema of moral virtue as a mean between vices of excess and defect, in which he shows how Hartmann takes Maria Louise von Kohoutek's diagram of Aristotle's schema and develops it to make remarkable extensions to the theory and phenomenological technique of material value-ethics. Hartmann does this by taking Kohoutek's diagram, which she developed in an "ontological and axiological space," and placing it within the "evaluative space" of his own diagrammatic "rectangle of oppositions," in order to show that virtue is not simply an Aristotelian mean, but a tension-in-balance among at least four value-oppositions.[10] Courage, for example, is not merely a virtue opposed (axiologically) to vice, or a mean (ontologically) placed between the defect of cowardice and excess of recklessness, but is also situated between two fraternal virtues: boldness (absent in cowardice) and prudence (absent in recklessness). All of which illustrates just what a deft analytical tool material value-ethics can provide, in the right hands, for intricate phenomenological analysis of the values and disvalues involved in virtue ethics.

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[9] Robert Sokolowski, *Moral Action: A Phenomenological Study* (Bloomington, IN: Indiana University Press, 1985), 156. I develop the *transactional* aspect of moral value especially in my essay, "The 'Cape Horn' of Scheler's Ethics," *loc. cit*.

[10] The original diagrams may be found in Nicolai Hartmann's *Ethics*, trans. Stanton Coit (Atlantic Highlands, NJ: Humanities Press, 1975), Vol. II: *Moral Values*, p. 256 (Maria von Kohoutek's diagram), p. 410 (Hartmann's rectangle of oppositions), and p. 417 (Hartmann's diagram of their mutual juxtaposition).

Of course, questions persist. While material value-ethics and its foundational phenomenology of values offer excellent tools for ethical analysis, it is an open question as to what extent they provide the equipment necessary to offer concrete moral guidance. Indeed, it was a matter of some contention between Scheler and Hartmann whether it is even the task of ethics to offer prescriptions.[11] Related to this are persistent questions about the relationships between insight and obligation, spontaneity and striving, lucidity and virtue, moral conflict and self-deception, happiness and being worthy of happiness. Is it true that as insight increases, moral conflict necessarily diminishes, and with them regret and guilt? Is the distinction between subjective and objective guilt a distinction without a difference? What role does the habituation of virtue or vice play in fostering or hindering moral insight? A perfectly virtuous person, certainly, would live without moral conflict, but is it reasonable to suppose that virtue always spontaneously follows upon insight? Is not the problem of morality precisely the fact that people fall short of moral perfection? In fact, is it not a well-attested and empirically demonstrable premise of Western philosophical anthropology that human beings are capable frequently of acting maliciously with full knowledge and consent – and thus *with* insight? Furthermore, is there any basis in material value-ethics for identifying acts and dispositions that are objectively and inherently, always and everywhere right or wrong, and not so merely on the basis of how they appear from the vantage point of a person's subjective Ordo amoris, and even less from the vantage point of their effects?[12]

Additional questions pertain to fundamental methodological assumptions of material value-ethics, at least as developed in the legacy of Scheler and Hartmann, which have been brought to light in ongoing debates about the relationship between feelings and the intellect in material value-ethics.[13] Of special interest here is not merely the Pascalian claim regarding the priority of the heart over the head, so to speak, but the claim that values are apprehended by feelings independently of the intellect. This basic dualism is reflected in the way Kelly (in his Preface) initially poses two different forms of "subliminal or non-thetic awareness," which, he says, function in our judgments about the world: "one is logical and one sentient; the first intends meanings, the second values." There is nothing exceptional about Kelly's remarks here. They simply reflect the legacy of Scheler's and Hartmann's axiologies. The question is bound to be asked, however, whether this kind of dualism,

[11] *"Ultimately ethics is a 'damned bloody affair,' and if it can give me no directives concerning how 'I' 'should' live now in this social and historical context, then what is it?"* wrote Scheler, in response to Hartmann's denial that ethics is in the business of offering prescriptions (Scheler, *Formalism*, p. 23, n. and Frings' translation, Formalismus, p. xxxi, n. 14).

[12] One thinks of Michel Foucault, for example, who is described as so fearful that "society constitutes a conspiracy to stifle one's own longings for self-expression" that "he agonizes profoundly over the question of whether rape should be regulated by penal justice" (Ronald Beiner, "Foucault's Hyper-liberalism," *Critical Review*, Summer 1995, pp. 347–370).

[13] See, for example, Peter H. Spader, *Scheler's Ethical Personalism: Its Logic, Development, and Promise* (New York: Fordham University Press, 2002), pp. 257–272, for a discussion of the criticisms of Scheler by Stephen Strasser, Karol Wojtyła and Dietrich von Hildebrand.

however persistent it may be, can be indefinitely sustained.[14] Are values not also meanings? Are meanings not also values? Is not the logical mode of awareness also sentient? Does the world of values not include logical and mathematical values, and, if so, are not values apprehended by intellect as well as by feeling? Such questions are not new, but the resolution of these and other such questions will be essential to the ultimate the success of the envisioned project.

Kelly's book represents a milestone in the history of phenomenological moral reasoning and material-value ethics. It is a remarkable achievement from many points of view, with manifold implications not only for Scheler studies and Hartmann scholarship, but for the future of phenomenological value-theory, material value-ethics and virtue ethics. We owe Professor Kelly a debt of gratitude for this work.

[14] See Philip Blosser, "Can a Schelerian Ethic Be Grounded in the Heart Without Losing Its Head?" in *Advancing Phenomenology: Essays in Honor of Lester Embree*, Contributions to Phenomenology, Vol. 62, ed. Thomas Nenon and Philip Blosser (Dordrecht: Springer, 2010), pp. 249–268.

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Chapter 1
The Idea of a Material Value-Ethics

1.1 Max Scheler and Nicolai Hartmann

In the remarkable foreword to his *Ethics*, which first appeared in 1926, Nicolai Hartmann addresses the theme of his book and its historical moment. It has taken decades, he says, for thinkers to respond to Nietzsche's observation that we have never yet known what good and evil are. Lost for years in unprofitable studies of human consciousness, ethics had forgotten the orientation that it once received from Aristotle: a limited but nonetheless "material," or content-driven, study of the value-phenomena we call the virtues, as they are discernable upon the basic moral tenor of human persons and upon their capacities for realizing values. True, Aristotle's study of a realm of identifiable and intuitable moral values limited the scope of ethics to the human virtues, and, even within that area, its efforts were incomplete; we are left with a noble torso without a phenomenology of its members. Then, when Kant based his ethics on a Categorical Imperative, he achieved the important concept of an ethical a priori and thereby liberated ethics from the empirical and descriptive study of what the proper ends of human action are. His ethics, however, terminated in a formal rule-based theory that was inadequate as a basis for understanding moral conflict. And, though Nietzsche, who called for a "transvaluation of all values," first sighted the multitude of values beyond the merely moral, a discovery that opened us to a broad new study of their contents, the Nietzschean philosophy eventually ended in relativism, for which a careful study of the values themselves is nugatory.

E. Kelly, *Material Ethics of Value: Max Scheler and Nicolai Hartmann*,
Phaenomenologica 203, DOI 10.1007/978-94-007-1845-6_1,
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Scheler's *Formalismus in der Ethik* first published in (1916),[1] according to Hartmann, opened the portals to a content-oriented, or *material*, value-ethics. His own *Ethik* (1926),[2] published a decade after the complete edition of Scheler's work first appeared, would have been impossible without a careful study of Scheler's earlier work. The first part of *Ethics* takes up Scheler's critique of Kantian formalism, and the second part undertakes a general axiology and a phenomenology of the Aristotelian virtues, which Scheler proposed and sketched, but never brought to completion. The third part takes up the question of metaphysical freedom, in which Scheler made little progress. Yet Scheler's ethics encompassed both values and morals, is a priori, and, thanks to its throwing phenomenological light upon Aristotle's virtue-ethics, can "grasp and characterize [the content of] goods and virtues in their manifold gradations" (*Ethics*, Foreword, 17).[3] The moment has come, thanks to Scheler, to create an historical synthesis not only of Kant and Nietzsche, but also of ancient and modern ethics.

Before Scheler, what philosophers had called ethics had not yet arrived at its true starting-point, because each of its earlier starts – among the Greeks, the medieval thinkers, then the early moderns through Kant and Mill – had failed to arrive at the *material* of ethics. That material is constituted by the meaning-contents of the values themselves, which are given to consciousness in unique modes of human apprehension and in our active response to them, that is, in actions undertaken for the sake of realizing them. To begin the great task of a *phenomenology of value*, or fundamental axiology, philosophy must at first rescind from all secondary and tertiary phenomena found in the apprehension of and moral response to goods and situations (such as norms, values, and actions) and turn to an analysis of the contents of values themselves, of the intuitable meaning-elements which precipitate in human language as normative predicates. To proceed to a material value-ethics that can illuminate *moral action*, we must extend phenomenology to the material of content of obligation, to the virtues, and to the value of the human person. Scheler's and Hartmann's attempt to achieve this great task, the coherence of their system and its compatibility with

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[1] Max Scheler, *Formalism in Ethics and Non-Formal Ethics of Value. A New Attempt Toward the Foundation of an Ethical Personalism*, trans. Manfred S. Frings and Roger L. Funk (Evanston: Northwestern University Press, 1973). Max Scheler, *Der Formalismus in der Ethik und die materiale Wertethik. Neuer Versuch der Grundlegung eines ethischen Personalismus.* Siebte, durchgesehene und verbesserte Auflage, Manfred S. Frings, ed. (Bonn: Bouvier, 2000). References to the English edition will appear in the text as *Formalism*.

[2] Nicolai Hartmann, *Ethics*, trans. Stanton Coit (London: George Allen & Unwin Ltd., 1932). Nicolai Hartmann, *Ethik.* Dritte Auflage (Berlin: Walter de Gruyter & Co., 1949). References to the English edition will appear in the text as *Ethics*, followed by the volume number of the English edition, then the chapter number, subsection, and page. New editions of the Coit translation have been published under the general editorship of Andrea A. M. Kinneging, who provides each of the three volumes with excellent introductions and new titles: Vol. 1, *Moral Phenomena*; Vol. 2, *Moral Values*; Vol. 3, *Moral Freedom* (Piscataway: Transaction Press, 2002–2004).

[3] Scheler criticizes Hartmann's understanding of Aristotle, who, he says, neither possesses a concept of value independent of his notion of being, a dependence that illegitimately gives to values the force of self-realization, nor a clear distinction between goods and values, which makes his ethics of the teleological sort (values for Aristotle lie in goods themselves, not in the process of realizing them by human effort), a kind that Scheler and Hartmann both reject.

the work of some of their contemporaries, and the potential of material value-ethics for future work in ethics, are the themes of this book.

1.2 The Difficulties Facing Efforts at a Synthesis of Scheler and Hartmann's Moral Theories

In less than a decade after the appearance of Hartmann's *Ethics*, German philosophers had been either driven into exile by or drawn to the defense of a barbarous regime, and material value-ethics was not resuscitated after its collapse. Before and during the war, the allies that defeated it had begun to embrace a theoretical stance in ethics based upon logical positivism, which suggested that all normative propositions are meaningless because unverifiable. Thus, all normative ethical theories such as material value-ethics are without foundation. Emotivist schools arose in concert with this insight. They developed the "metaethical" claims that moral assertions are expressions of feeling and contain implicit requests to others to share those feelings. In Germany and France, postmodern theories similarly questioned the feasibility of objective and universal moral theories, professing to see them as instruments of social and class power. In that light, Scheler's and Hartmann's work, and those of their associates, appeared as a handmaiden to the upper classes and as pretenders to an impossible normative foundationalism.

Moreover, it was long assumed that Max Scheler and Nicolai Hartmann were too distant from each other in matters of metaphysics, social philosophy, and methodology to make comparisons between them useful, and that they were dealing with the phenomena of ethics from different and incommensurable perspectives. Their egoism and desire for recognition, especially on Scheler's part, also made any common cause in ethics impossible for them. The major points of dispute occur within the context of religion, on the one hand, and the social contexts in which each thinker places the study of material value-ethics on the other. These two kinds of dispute concern such matters as the religious horizons of ethics, the nature of the moral subject or agent, the incorporation of values into and their evolution within human communities, and how knowledge of values determine what men and women ought to do. Robert Spaemann holds that Hartmann's *Ethics* stands to Scheler's *Formalism* as Kant's *Metaphysik der Sitten* to his *Kritik der praktischen Vernunft,*[4] a comparison that suggests that Hartmann is giving material content to a theoretical structure. However, the matter is not so simple. We may characterize as follows two salient differences in their philosophical vision.

1.2.1 The Theological Question

The religious horizons of Scheler's thought underwent considerable changes during the course of his life, but for a time during and after World War I, he was considered

[4] Spaemann, Robert. "Die Daseinsrelativität der Werte," in *Person und Wert* (Christian Bermes et al., eds. Freiburg und München: Albers, 2000), p. 38.

the leading Catholic intellectual in Germany, and he was instrumental in bringing some German artists and intellectuals to that faith.[5] His Catholicism has its roots in Augustine and Francis of Assisi rather than in Thomas Aquinas. He believed during most of his life that the spirit of divine love was the origin of all essential knowledge, especially that of values. God's love of every human person challenges each of us to grow into God's ideal image of him.[6] Moreover, in the *Formalism in Ethics*, Scheler proposed, at least as a heuristic device if not as a metaphysical postulate, that all objective essences – meanings, values, and their interconnections, all of which lie implicit in all human languages as their foundation – are the intentional objects not only of human beings but also of God as absolute spirit. God is aware of all essences and values in their relations to each other and in the objective order of their relative worth. Values hence receive from Him their absolute objectivity and moral force.

Hartmann is agnostic on the issue of God's existence, but he believes that Scheler's "universal cosmic personalism" undermines the foundations of ethics by threatening the moral autonomy of the human being (*Ethics* I, Ch 25 e, 341–43). At least five antinomies between ethics and religion can be identified, which Hartmann believed were essentially irresolvable (*Ethics* III, Ch 21). This dispute does not affect, as we will see in Chap. 2, the foundations of material value-ethics, whose problems are independent of religion. It is relevant to ethics, if at all, only with respect to moral motivation. Moreover, even if God's moral image of each person challenges him or her to grow into that image, this challenge does not constitute for Scheler the only moral motive or the only source of virtue. And, whatever their differences in metaphysics, ethics may proceed phenomenologically with its reenactment of moral consciousness without first answering the questions of the ontological status of the values themselves, and their ultimate origin as phenomena.

The presence of values in our everyday moral, and aesthetic judgments, and the ubiquity of our judgments of the goodness and badness of things and persons, are brute facts of human existence and not responsive to the human will. As Hartmann observes, one can will to tell lies and in fact tell them, but one cannot will to make lying good. Whether real or ideal, values have a phenomenal intractability about them; we feel them, but cannot create them. Metaphysical accounts of their origins, for example that they are constituted in a transcendental ego, emerge from or are reducible to the evolutionary process, or are Platonic forms, do not affect their presence to us as phenomena, and should not prejudice the effort to be clear about their content. Phenomenology can provide a typology and description of the values themselves that appear in what Scheler calls the "living moral experience in history and society" and Hartmann the "moral consciousness." It can also provide a phenomenology of that consciousness itself, of the typical relationships between essential states of that

[5] Cf. Wilhelm Mader, *Max Scheler in Selbstzeugnissen und Bilddokumenten* (Hamburg: Rowohlt, 1980), 46. Mader mentions among those who were inspired to change their religion by Scheler his second wife, Maerit Furtwängler, Peter Wüst, Dietrich von Hildebrand, Edith Stein, and Otto Klemperer.

[6] Cf. the essay "Ordo Amoris," *Gesammelte Werke*, Band 10. We will develop this concept, present also under a different name in Hartmann, in our later chapters.

consciousness, and of what is given in each of these types. Religious or metaphysical questions will be bracketed in the course of this phenomenology; its work can proceed without it. The dispute over religion does not, therefore, make impossible a moral theory that incorporates the discoveries of both men. Yet we must note another dispute between the two men concerning the nature of moral experience that may have consequences for material value-ethics itself.

1.2.2 The Question of the Moral Subject

Scheler condemns in Hartmann's *Ethics* its apparent misconstrual of the *subject* of moral experience, the acting person and her relationship to the moral material she experiences, *viz.*, the values themselves. In a striking passage from the third Preface to *Formalism in Ethics*, where Scheler is criticizing Hartmann's *Ethics*, we read, "Now that we have learned to concern ourselves with the 'objective content' of values, we must not – if we are not to fall back into the kind of ontological objectivism that is destructive of the *living spirit* – neglect the problem of the moral *life of the subject*." Scheler is charging Hartmann with having neglected the fact that specific moral knowledge – the *ethos* of individuals and communities – waxes and wanes throughout history. Moral life evolves throughout history, and the laws of that evolution must be studied within ethics itself. The fact of moral diversity does not deny the reality of an objective, if ideal, universal structure of values and their relative worth. Men and women draw their specific ethos from this universal structure of material values, dimly present to their moral consciousness; it becomes functional in their conscience. Persons are *unobjectifiable*, for a person cannot be brought to givenness in an act of consciousness. Throughout human history, material values function in the ethos of cultures and in the consciences of individuals in concert with or independently of each other. Values and norms are learned, forgotten, distorted, or clearly seen as they appear before their "living spirit." Scheler believed that we need sociology of knowledge adjunctive to ethics to study how values function in the moral consciousness of cultures and persons, and how these evolve. This discipline he, but not Hartmann, attempted to promote.[7] For Scheler, material value-ethics is not a phenomenology of a static realm of values independent of the phenomenology and sociology of the process of human appropriation of values from their non-thetic or subliminal[8] experience of them.

Hartmann's ethics, in contrast, seeks out the essential values themselves in their trans-historical dimensions. He has little concern either for their evolution or for the notion of a personal human spiritual being that is independent of the subject of its acts.

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[7] Cf. especially, but not exclusively, *Die Wissensformen und die Gesellschaft*, *Gesammelte Werke*, Band 8.

[8] The term "subliminal" was first used by Manfred S. Frings to characterize Scheler's phenomenology of essences and values. Cf. his *The Mind of Max Scheler* (Milwaukee: Marquette University Press, 1997), Ch VII.

Hartmann, suspicious no doubt of the potentially useful connotations of "spirit as such" for religious ends, denies Scheler's notion of the unobjectifiability of the human person and locates moral action as the achievement of an objectifiable human subject. The human being, in his view, is not a spiritual entity of personal dimensions; the human being is the individual human subject, whose socialization and historicity need not and perhaps cannot be consulted in a phenomenology of values.

Even more damning for Hartmann, Scheler's concept of a *collective* person, which the older man claims to be phenomenologically evident, is an entity that lacks a subject entirely, that is, lacks an agent of whom action can be predicated. The collective person cannot therefore be a bearer of moral values. Hartmann's disinterest in the notion of a divine spiritual subject that could intend all material values perfectly and thus give substance or credence to a belief in their unity, is founded in his belief that the unity of morality, if it exists, must be discovered by a phenomenology of moral intuition and its objects. We should not look to theology to guarantee presumptively such unity. Scheler claimed in response that Hartmann rejects his notion of a divine and absolute "spirit as such" that may be sympathetically reenacted by the finite human "living spirit," a reenactment that emulates God's love for His creation and thereby opens itself to new discoveries in the realm of values, because of Hartmann's negative over-reaction to neo-Kantianism's notion of a fixed a priori value structure and of permanent and universal moral rules derived from intuition and reason alone.[9]

This conflict between the two thinkers may not affect the phenomenology of the values themselves, yet insofar as it concerns the person as moral agent, it may affect the phenomenology of moral consciousness and its intentionality, and this difference may have implications for material value-ethics itself. I hope to show here that this is not so. No doubt, significant differences separate Hartmann and Scheler even in the area of material value-ethics itself. In certain cases, they come to different conclusions about the same value-phenomena and the same structural phenomena. Yet the enormous overlap that connects their value-theories is palpable, and the two men's analyses of ethical phenomena frequently augment and reinforce each other. We will later introduce for the purpose of such augmentation of the scope of material value-ethics studies in ethics parallel to theirs by Edmund Husserl and Dietrich von Hildebrand. Through this analysis, we shall uncover a coherent account of normativity and establish upon it both a theory of the scope and aims of ethics and a method of moral reasoning that can withstand criticism better than the work of either of them individually. It is possible to achieve a synthesis, and to establish a shared ground in Scheler and Hartmann's work in ethics that, despite their disputes on points of theory, deserves the common title of "material value-ethics."

[9] For further discussion of the conflict between Hartmann and Scheler on religion and on the sociology of knowledge, cf. Eugene Kelly, "Material Value-Ethics: Max Scheler and Nicolai Hartmann." *Philosophy Compass*, 3, no. 1 (January 2008).

1.3 The Character of Material Value-Ethics

1.3.1 Ethics

We may characterize material value-ethics by inquiring into its terms. Ethics has always aimed at the achievement of two central ends. As *descriptive*, ethics attempts (a) to present a typology of what all human communities experience, in varying degrees and with varying content, as the objects of moral conscience, that is, the values themselves and their order of relative worth. It must also (b) describe the elements of moral consciousness, specifically the noetic structure whereby human beings become aware of values and make them function in their moral judgments. As *normative*, ethics aspires (a) to a critique the various ethea of cultures, specifically their standards of right and wrong, and to the establishment of a theory of values that permits a correct evaluation of its norms. Further, it seeks (b) to characterize the nature of virtue and the contents of the virtues, and to establish a rank of relative value among them. Thus in its two functions, ethics must make explicit the elements of moral consciousness and its objects, and must establish a coherent order among those norms as criteria of right behavior (as in systems of law or moral teachings). The ends of ethics are inherently critical; it seeks an augmentation and elevation of moral consciousness and thereby a critique of existing normative arrangements as incoherent, self-contradictory, or simply not true to the phenomenological facts of the case. One simple example of an undertaking in ethics is the exploration and description of the phenomenon of friendship and its value apart from its presence on individual persons who are friends, that is, as an intuitable value-essence. Then one may specify the ways in which this value becomes functional and normative among different persons and cultures. Theory implies practice: moral philosophy discloses how the relationship can be perfected. Aristotle's account of the material value of friendship is not merely descriptive and normative; it shows also how friendship may be incorporated in the lives of persons.

There is no assumption here that conscience speaks with the same voice in all persons, only that moral consciousness is directed upon an objective realm of ideal values in which norms and virtues are "founded," in a technical sense that will be analyzed later. We are capable of greater or less lucidity about these ideal values and how they function in the moral beliefs and actions that respond to those beliefs. We can demonstrate some of the anthropological and social origins of the different capacities for and direction of moral awareness, and show how knowledge of values, whether lucid or distorted, may function in varying ways in the norms and virtues of the ethos of different cultures. Material value-ethics assumes and attempts to account for cultural relativism. But the moral consciousness of each man and woman of whatever culture drinks from the same well of *values*. Values are the ultimate stuff of our moral consciousness: they are the *material* to which moral consciousness is directed; they are the intentional objects of acts of feeling, or conscience, or moral consciousness. Pre-linguistic meanings – essences, as Scheler usually calls them – become functional in language, as, for example, the idea of

conditionality may become functional in a linguistic expression as "if A, then B," and later as the logical concept of material implication. Values become functional as they guide action, as, for example, the material moral value of retribution may become functional in various practices designed to administer punishment, whose characters and forms vary in the moral beliefs of different cultures.

1.3.2 Material

The term "material" is a more ambiguous term in the English language than "material" in German. Scheler and Hartmann's phrase is "die materiale Wertethik." "Material" contrasts with "materiell." The latter German term refers to matter as an adjective modifying an object, asserting its materiality. "Material" refers to the substance of something that may not be physical at all, the content of an argument at law, for example.[10] Scheler and Hartmann use the term to indicate that their ethics is not a formal, rule-based theory, as was that of Kant, but one that exhibits phenomenologically the value-material from which all moral rules are drawn. The Kantian Categorical Imperative is the formal, not the material, condition of moral action. The good or moral will adheres to this formal condition in acting rightly, according to Kant; it wills only to do its duty, and never wills to achieve some desirable end. Desirable ends, though material (I choose to play the lottery in the hope of becoming wealthy – achieving wealth as the content of my "material" state, as we say) are usually non-moral (Wealth is a value, and being wealthy is surely a desirable state, but my wealth in itself has no bearing on my moral worth.).

Scheler begins *Formalismus* with a thorough criticism of Kantian ethics. However, Scheler, Hartmann, and Husserl, the latter especially, take the foundational insight of Kant into the requirements of a moral theory very seriously. Kant held that an ethics of goods and purposes – what we call "teleological" ethics, the most familiar token of which is utilitarianism – must be rejected along with all inductive ethics, i.e., those that derive virtues from our sensible experience of our desires and aversions, and what things satisfy or frustrate them. Ethics must be a priori, that is, independent of empirical fact. Material value-ethics could be called both the last gasp of Kantian ethics in Europe and its transformation. After the war, bourgeois utilitarian, Marxist, and existentialist ethics swamped what was left of Kantian ethics in European universities. Now, of course, some moral philosophers have "returned" to Kant in some respects; Rawls in the United States and Habermas in Germany would serve as contemporary examples of "correcting" and supplementing Kantian deontology as Hartmann and Scheler attempt to do. Yet in the hands of Rawls and Habermas, the Kantian initiative remains only as a trace within their far more comprehensive moral theories.

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[10] Because of this linguistic uncertainty, the translators of *Formalism* chose to render "materiale Wertethik" as *non-formal* ethics of value, thus pointing more clearly to the contrast with Kant. Cf. *Formalism*, xv.

Scheler and Hartmann both believe that phenomenological reflection on the value-phenomena that manifest themselves in our self-awareness and in the world we inhabit will enable us to perfect our knowledge of the a priori material content of values, their "order of foundation" and their essential relationships with each other and with the perceptive and feeling-functions in which they are given. Values are first given a priori, that is, in the process of an original subliminal intercourse with values that is prior to and conditions our identification of goods on the natural standpoint. They are not discovered or derived from an experience of goods that embody them. This remarkable doctrine seems at first counterintuitive – do we not first meet values in an embodied form? I see an object that pleases me, and call it beautiful. Even if we assume that beauty is not just in the eye of the beholder, but exists as a property of the beautiful object, it is because I perceive the thing as beautiful that I come to know what beauty is.

This hypothesis, Scheler claims, precisely 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. One could not possibly grasp the nobility and courage of a firefighter who runs into a burning building to save its inhabitants unless one already possessed some awareness of the values embodied in these virtues. We learn only how these values function in the firefighter and his culture. Since values are a priori, material value-ethics still has the foundational virtue Kant had demanded of ethics: Values, and the virtues and norms derived from them, provide an absolute and objective foundation for moral judgment, for judgments of right and wrong or good and bad are not contingent upon the outcomes of an action or the existence of goods.

What is the nature of this awareness of values that is prior to that of goods? We become aware of values in acts of feeling. These are *cognitive* acts, and can be scrutinized phenomenologically as the noema that intend value-noemata. The emotions are the ground of the possibility of normative awareness. They may be accompanied by a feeling-state of pain, or aversion, or joy, or pleasure, but not necessarily so. Such acts of cognitive feeling are universal to humankind. The human being, an amalgam of life and spirit, is primordially attuned to his environment in feeing. These feelings pick out the values experienceable "upon" the objects we encounter in perception, as when I perceive the light of the setting sun as colors and shapes in the western sky, and feel its beauty, sublimity, or sadness – any or all three of these values may be given in *cognitive feeling* to the perceiver, and may or may not cause a joyful, elevated, or mournful visceral *state of feeling* in him. These phenomena are not vastly different from what is contained in our perception of music, as when we respond emotionally to the music and then seek out, through emotional intuition, the sources of its effects upon us in its constitution: unexpected shifts in key, the sudden appearance of a horn, collaboration or conflict between instruments, contrasting harmonies, and the like. These cause in us responses such as contrast, surprise, or tension, and through them, the music reveals its values and works its magic.

1.3.3 Value

Values do not exist initially as realties in themselves, but they are present to the mind in feeling. They may become real upon things and actions – *com rebus*, as Scheler claims. Hartmann says most values become real through the human *telos*, that is, from our purposive actions. Human beings aim to create goods and good situations – the realization by an artist of the value of beauty in some "good," such as a panting or a piece of music, or of the value of friendship that appears as a good in a person's dealings with some other person – which they are able to perceive imaginatively in acts of feeling. Hartmann attributed to values an "ideal existence whose reality is made possible only by human activity" (*Ethics* I, Ch 14 a, 184). The theory seems obviously Platonist, although, as opposed to Plato, it denies any role to Forms in the physical constitution of the world. Scheler added emphatically, "I must banish entirely on principle from the very *entryway* to philosophy a realm of ideas and values that is supposed to exist independent of the essence and possible performance of living spiritual acts – independent not *only* of humankind and human consciousness, but also of the *essence* and *performance* of a living spirit as such" (*Formalism*, 21). Values do not exist in an inaccessible metaphysical realm, but exist only when they function in human thought and action. However, they are the objects of intentions, and they are not created by the mind; they must therefore exist in some sense. He may intend an analogy with colors, which would not exist without a living eye, or sounds, which would not exist without a living ear, but neither is created by the eye or ear; each is a are potential presentational form "in" things. This ontological conflict in Scheler's thought – his idealism with his realism – is fully compatible with Hartmann's characterization of the realm of values as a realm of ideal objects.[11]

We have seen thus far that material value-ethics applies the techniques of phenomenology broadly conceived, that is, as intuitive reflection upon objects given in emotion, in imagination or in perception. Its chief intentional objects are material values, grasped apart from their realization as goods. The value judgments we make in everyday life about the goodness and badness of things, or about obligations, virtues, rights, and moral rules, are conditioned by emotional knowledge of the values themselves. This knowledge can be recovered and corrected by phenomenology. Thus, material value-ethics is, initially, a descriptive axiology, or general theory of values and their contents, or "material." It becomes normative as it enters the arena of moral values and applies itself to an evaluation of human practices: that is, ethics then becomes practical. Here, material value-ethics attempts to account for and specify moral norms governing action in an order of relative strength. Those values that function as moral virtues specify excellence of character in an order of relative worth, and those that function in moral personalism specify conditions of human flourishing.

[11] Cf. the incomplete monograph "Idealismus – Realismus" (*Gesammelte Werke*, Band 9); for an analysis of the unresolved antinomy of the ideality and reality of values in Scheler, cf. Eugene Kelly, *Max Scheler* (Boston: Twayne, 1977), 75–77.

1.4 The Aims of Material Value-Ethics

By continually returning to its foundations, that is, to the value material given in acts of feeling, the moral phenomenologist seeks to extend our knowledge of the realm of values. It is more descriptive than theoretical; it aspires to comprehensiveness in its picture of our moral life rather than to specify a single set of rules, motives, motives, consequences of actions, or types moral character that fix the moral life within a guiding principle, such as love, production of benefit, a Categorical Imperative, or universal models of virtue. Its analyses are pertinent to discovering and specifying the ethos of entire cultures, while maintaining that the source of all ethics is a phenomenologically discoverable universal order of loving and hating the values themselves and the things and events and persons upon which they appear.

Of course, ethics also aims to be normative. Ethics should not be approached as a set of irresolvable conflicts between deontological, utilitarian, virtue- or care-theories of morality. These theories each seek to maintain themselves against the others, and yet the others are able to maintain themselves against their opponents' repeated efforts at destructive criticism. As a result, ethics has long appeared to be at a standstill. The practical consequence of such an impasse is the popular perception of ethics as unable to produce that to which it appears to aspire: the successful adjudication of all moral conflicts upon unchallengeable theoretical foundations. Were it not for humankind's immediate and intuitive moral consciousness and capacity for judgment, the result of the intellectual impasse would be nihilism, as Nietzsche pronounced to be the fate of modern times: Nihilism is at the gate, and moral philosophers in their impotence are breaking the locks for this eerie guest. But the premises that lead to this "impasse" are incorrect. The impasse results from an overly narrow concept of what ethics can and ought to aim to achieve, and how it must proceed. Material value-ethics has a comprehensive agenda. It seeks to comprehend and criticize the entire range of human experience of moral and non-moral values. Its normativity – its ability to guide but not to determine judgment – arises from its diagnosis and critique of moral consciousness. The questions it seeks to answer will be pursued systematically throughout this book:

1. What logic governs discourse in ethics and what is the source of such discourse, that is, what is the foundation of all normativity? (Chap. 2)
2. How do social, cultural, and individual differences govern the moral consciousness of humankind? What is true and what is false in moral relativism? (Chap. 3)
3. How do non-moral values "found" moral values? (Chap. 4)
4. What is the phenomenology of moral action? (Chap. 5)
5. What are the sources of obligation and how does obligation constrain action, if at all? (Chap. 6)
6. What is the nature of virtue as a learned, habitual disposition of character? (Chap. 7)
7. What is the content of the virtues, and what is their relative value? (Chap. 8)
8. Is unity discoverable in the tables of values, moral values, norms and virtues, such that any given action could be characterized consistently as either right or wrong? (Chap. 8)

9. What is the acting person? Can phenomenology characterize the person as executor of acts? (Chap. 9)
10. Is there room in morals for a theory of "ethical personalism," and if so, what normative properties does it exhibit? (Chap. 10)

In sum, material value-ethics is a comprehensive moral theory founded in a phenomenological axiology. It erects and incorporates upon that platform, in increasing depth, an account of moral action, moral character, and of the possible perfection of human personhood. As normative, material value-ethics must at least (1) be theoretically sound and consistent, (2) have clear practical applications, and (3) offer a plausible account of human behavior and motivation. Additionally, it must (4) furnish an explicit criterion for "higher" and "lower" in the order of values, and (5) assist us in ascertaining what facts are relevant to an assessment of the behavior in question. Where there are moral conflicts and a synthesis of values seems impossible, material value-ethics will at least point to a horizon beyond current moral knowledge where a synthesis could take place. If ethics could achieve all of these ends, and both Hartmann and Scheler believe it can, then Scheler's statement in passing that "no one becomes good by [the study of] ethics" (*Formalism*, 69) loses most of its plausibility. The study of ethics teaches us to become good – and Scheler gives substance to the idea of moral goodness: "the richest fullness and the most perfect development, and the purest beauty and inner harmony of *persons*…" (*Formalism*, xxiv).

1.5 Passing Beyond Kant

Obligation, virtue, and the intrinsic value of the person are the normative categories of material value-ethics. Of these, the one that takes precedence as the highest moral category is the last. Scheler's subtitle to *Formalism in Ethics* indicates that he will seek to provide a foundation for "ethical personalism," that is, one in which normative standards or obligations are derived from the value of the person as the highest value. This personalism, shared by Hartmann and Scheler, as well as Husserl and von Hildebrand, is the culmination of material value-ethics. Personalist theory offers to (1) develop a theory of the human person; (2) give an account of moral motivation; (3) derive from the theory of the person an account of concrete norms of action from phenomenological knowledge of material values; (4) apply these norms to the moral evaluation of actions.

Persons no doubt possess intrinsic value, and ought to be treated as such. Kant's "third" formulation of the Categorical Imperative, "so act as to treat humanity, whether in your own person or in that of any other, always at the same time as an end, and never merely as a means,"[12] rests on the belief that the human person is an end in itself, and therefore must be treated as an end by everyone. This respect of agent for agent Kant calls a duty of virtue. Scheler, however, believes that all Kant's

[12] Immanuel Kant, *Groundwork of the Metaphysics of Morals*. Cf. also *Kant's Ethics of Virtues*, ed. Monika Betzler (Berlin and New York: Walter de Gruyter, 2008).

formulations of the Categorical Imperative obligate us to persons in a merely formal manner. The man of Good Will, for Kant, simply wills to do his duty towards other out of a respect for the moral law that requires it, and not out of a love for his neighbor as he loves himself. Consequently, Kant does not establish in concrete detail what constitutes treating another person as a mere means or treating him from a charitable concern for him as an end in himself. A personalist theory must establish materially how men and women are to treat one another. Otherwise, no progress beyond Kant has been made. All this material value-ethics sought to do; but its efforts were not to the satisfaction of many observers.

1.5.1 The Concepts of Obligation and Virtue

For example, the apparent lack of a clear foundation in material value-ethics for the application of normative rules that constitute absolute moral duties or obligations has brought criticism from Catholic quarters[13] upon Scheler, whose work in ethics eventually influenced the thought of Karol Wojtyła, Pope John Paul II. Moreover, some recent observers, doubting the usefulness or applicability at all of material value-ethics to rule-based ethics, have interpreted Scheler as attempting to establish a kind of virtue-theory founded in the Christian idea of a "loving heart".[14] The difficulty here is that virtue-theory seems to require a social context of rational activities, as in Aristotle's city-state – a context in which virtues may be expressed in the ability of a citizen to do valuable things within and for the community. It is easy to account for the specific virtues of professional team athletes, for example. Each contributes in a unique way to the success of the team by fulfilling, with greater or less success, the requirements demanded of him by the specific function to which he is assigned. In this way also we measure the excellence of political leaders and professionals of various kinds (as they were measured in the *polis* of Aristotle's time) in terms of the value of the ends aimed at and the facility with which each person achieves them. However, material value-ethics appears to lack foundation in a universal social context such as the *polis* that Aristotle naively assumed to be the natural context of

[13] Cf. Kalinowski, Georges. "Karol Wojtyła face à Max Scheler ou l'origine de 'Osoba i czyn'." *Revue Thomiste,* 80, 56–465, July–September Kalinowski 1980; also John Crosby's "Person and Obligation," *American Catholic Philosophical Quarterly*, 79, no. 1 (Winter 2005), 91–120. We will consider his position in Chap. 6.

[14] Cf. Peter H. Spader, *Scheler's Ethical Personalism* (New York: Fordham University Press, 2002) states but resists the notion that Scheler is a virtue theorist. Philip Blosser, "Is Scheler's Ethic an Ethic of Virtue?", in *Japanese and Western Phenomenology*, ed. Blosser et al. (The Hague: Kluwer, 1993), 147–59, notes the "strong tendency toward virtue theory in Scheler," but claims he lacks the anthropological context that virtue theory requires. My own earlier work, *Structure and Diversity* (The Hague: Kluwer, 1997) argues that virtue theory in Scheler has a stronger theoretical basis than rule-based or personalist theories do, and has the advantage of placing higher moral demands upon us than personalism does. I shall modify this judgment here.

all human well-being. The lack was noted by Scheler himself (*Formalism*, xxx). Alasdair MacIntyre's notion of virtue, which refers to the achievement of goods "internal to practices," may avoid the necessity of advancing an Aristotle-like global theory of the human being and his natural *telos* as an external context of human practices that conditions human flourishing.[15] An ethics that passes beyond Kant must develop the options it may have as a virtue theory without having to provide a picture of the natural ends of all rational activity.

1.5.2 Post-Kantian Concept of the Person

The determination and adjudication of moral disputes and conundrums must be done by individuals who are in, or can place themselves imaginatively within, a specific situation. That material value-ethics ethics can and does give lucidity to such disputes is the premise of this book. For it to be adequate to the task, it must give us a firm basis for the adjudication of disputes among free persons upon a phenomenology of the norms that guide their policy as individuals or communities such that we can see clearly the moral content of the values that appear in the situation, in an agent's passive and active responses to it, in the intrinsic value of the agent and victim, and in the value of the personal qualities – the virtues and vices – of the participants. Moral disputes must *begin* from such intuitive clarity into the values that function in the dispute. Hartmann and Scheler are offering what they think to be a new way of thinking about right and wrong, one that begins with a phenomenology of non-moral material values, proceeds to similar phenomenologies of norms and virtues, and finally arrives at a new conception of the human person as the highest value.

The authority that morality has over our being, character, and action is not external to them. Ethics, as Hartmann noted, is not a lawgiver; it is an educator (*Ethics* I, Ch 1 a, 49–50). Only a love for the highest values we can perceive, given our historical and social condition and given our varying capacities for value perception, motivates moral behavior. Human beings are, if they are genuinely free, always able to say "no" – not to what they know is preferable, but to their capacity for value-ception and preference themselves. Persons can fix themselves upon the lower values and learn to care for no others; they can learn to prefer what is lower in value, e.g., a cigarette to good health. Just as Aristotle's youths were trained to grow in character and virtue, so can we grow in our desire and capacity for vice. But material value-ethics enables us to see more clearly what is greater and what is less in value. Even more important for an assessment of moral practice, the phenomenology of values gives us a platform upon which to erect a coherent picture of our intelligible selves

[15] *After Virtue*, 2nd ed. (Notre Dame: Notre Dame University Press, 1984), 198. MacIntyre's own characterization of the human being is minimal; virtues are relative to the practices in which they appear. In general, he argues against universality in ethics; his effort is to avoid theory, and to return us to the moral phenomena that have become functional in any community.

beyond the reach of a Kantian-type ethics. Indeed, self-love, properly understood, and self-knowledge generate a powerful impulse to broaden our knowledge of value. Watchfulness over that self enables us to form an estimation of what values we are capable of realizing.[16] The imaginative picture of our ideal self comes from ourselves, even though we are assisted in our understanding of it through the love others bring to us. Knowing what is valuable in the world and in ourselves encourages us to discover what we can and ought to do, that is, how to apply and fulfill the myriad possibilities of achieving goods and good situations. Virtue is then the founding of specific obligations to realize goods, and to achieve the "good for us individually" as we seek to stamp our character with the value that is our intelligible self. Such moral behavior and such virtuous character engage us in the world with others, where we each seek common ends in our own way. In this process, our watchfulness over ourselves guides our self-realization as we assist others, as far as may be possible, to realize their intelligible selves. Kant neglected this aspect of human moral achievement perhaps because his concept of the human person was inadequate.

1.6 Prospects of Material Value-Ethics

Both Scheler and Hartmann hold that the mind's intercourse with meanings underlies and founds the concepts that function in language, and that therefore phenomenology, which studies these meanings and the acts that intend them, is epistemologically prior to both empirical science and linguistic philosophy. This intuitive reflection – what both Hartmann and Scheler call the *Wesensschau* – must present its results as descriptions that can be used by others to intuit the same material, and then formulate those results in coherent arguments about the *foundations* of moral reasoning and its *applications* that appeal to the reason of the reader or hearers. If a synthesis of their moral philosophy is successful, it will enable us to clarify and respond to the questions about the character and moral force of norms, virtue, and personalism. It offers an alternative to deontological and utilitarian theories of obligation that have been dominant in Anglo-American philosophy until very recently.

As Scheler's ethics has been subject, especially in recent decades, to very detailed study in this country, in Germany, and elsewhere, we will not attempt a systematic interpretive treatment of the text of *Formalism*. Rather, we will reconstruct Scheler's thought as it relates to material value-ethics, presenting its chief logical, methodological, and doctrinal foundations in Scheler's hands. Our procedure throughout

[16] Benjamin Frankin's account of this use of a notebook to record his successes in adhering to the requirements of virtue as he conceived it is a classic example of such watchfulness. Cf. Benjamin Franklin, Autobiography. The Harvard Classics, Vol. 1 (New York: P. F. Collier, 1909), 82 ff.

will be more philosophical than scholarly, and aimed at a reconstruction of material value-ethics while remaining true to the authors' published statements. Scheler's own presentation is less linear than ours will be. *Formalism* is an enormous and diffuse work, originally published in two parts (1913 and 1916) in *Jahrbuch für Philosophie und phänomenologische Forschung*, then edited by Edmund Husserl, Alexander Pfänder, Moritz Geiger, Adolf Reinach, and Scheler himself. The book is disconnected in its presentation, characterizes itself as incomplete, and requires supplementation, where possible, by other essays and posthumously published papers that were written during the same years. Further, Scheler develops doctrines in *Formalism* that reach beyond ethics to the concerns of works that he had planned, and sometimes failed to complete, in the sociology of knowledge, the philosophy of religion, in metaphysics and philosophical anthropology. These doctrines are beyond the scope of this book. We restrict ourselves to the materials that overlap with Hartmann's work, or that are presupposed by it.

Material value-ethics, we will argue, is a coherent and synthetic effort to establish ethics upon a fundamental phenomenological axiology. It offers a systematic means towards a personal response to the Socratic question, how should we live? There are many incompatible ways of living successfully and happily, but they are all founded in the right knowledge of the values themselves. Each of the following chapters is a step on the adventure of discovery and renewal, and each engages us in the struggle for moral improvement.

Chapter 2
The Phenomenology of Value

2.1 Nature and Aims of Phenomenology

Phenomenology is intuitive reflection upon what is given to or reveals itself in consciousness. As such, it rescinds from questions of metaphysics (in the sense of the question: What is the nature of the given?) and epistemology (in the sense of the question: How is it possible for anything to be given at all?). It is nonetheless a foundational philosophy, insofar as it seeks law-like structures in the phenomena that condition the linguistic forms of cognition and thus of knowledge on the everyday or natural standpoint, where we see the sun rise and set, observe noble and wicked actions, and live our lives oblivious of the formal structures of thought and the material content of the ideas we refer to when we identify objects. We cannot know, perhaps, what the ultimate nature of being, mind, and value are, but it is possible, so phenomenologists generally believe, to bring to givenness the subliminally functioning meanings and meaning-structures that make it possible for persons to possess in knowledge, and to evaluate, the objects we find in the world around us.

The discovery of a phenomenological standpoint upon which such researches can be conducted can be traced to two of Husserl's primary insights in his *Logische Untersuchungen* (1900–1901). The first seems obvious: consciousness is intentional, that is, consciousness is always consciousness *of* something. What makes the obvious interesting is that, if this is so, we should be able to *isolate* that of which we are conscious, the Husserlian noema, from background presuppositions about it (such as the assumptions that the object exists, or that it is alive, or is in space and time). The second insight is a corollary of the first: the famous slogan, "Back to the things themselves!" i.e., let us return philosophy to that which is given to the intentional act unmediated by concepts, rather than seeking the psychological or transcendental ground of thought, as philosophers since Descartes have tended to do. Phenomenology represents a systematic extirpation of philosophers' metaphysical and epistemological bias that what we experience in everyday awareness must have a particular form, for example, must conform to the categories of Kant, or be given

E. Kelly, *Material Ethics of Value: Max Scheler and Nicolai Hartmann*,
Phaenomenologica 203, DOI 10.1007/978-94-007-1845-6_2,
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atomically, as in the form of the ideas and impressions of the British empiricists, or be of a specific nature, for example, material or ideal.

Additionally, phenomenology represents a common *attitude* toward its tasks and a common *perspective* upon the problems it faces. The proper attitude, for Scheler, is one of *reverence* towards the world as it appears, a willingness to let things give themselves to us, as they are, without any prejudices about what they and the world must be. The perspective is one of intuitive reflection on the meaning-elements through which we grasp what is given. Scheler responded to a request for a statement defining this breakthrough in a posthumously published article written in 1913–1914. "Phenomenology … is a name for a perspective of mental seeing in which one is able to grasp or experience what without it would remain concealed, *viz*., a realm of 'facts' of a unique kind … That which is experienced and intuited is '*given*' only in the *act* of *experiencing and intuiting itself* in its execution. It appears *in* them and only in them."[1] Similarly, Hartmann writes with respect to moral phenomena that the perceptible facts of human conduct are not able to reveal the a priori value-content in them. We must take refuge in an "evaluating consciousness of the facts. This is not a consciousness of principles, not a pure beholding of values, but a sense of value, a clearer or obscurer acquaintance with the worth or worthlessness of the actual conduct" (*Ethics* I, Ch 6 f, 100). This closer contact with the underlying pure facts is the "method" of the phenomenology of value.

The phenomenological facts of which Husserl and Scheler speak are not all of the same kind; they appear to reflection as highly differentiated and yet interrelated. Some are more deeply founded than others are, as space and time are more deeply founded than thingness or life than animality. Some are unfounded and can be self-given; they are called by Scheler "pure" facts. To be sure, all phenomenological facts are implicit in and prior to judgments directed upon objects given in perception, feeling, or thought. But what are facts? In a second posthumously published paper, Scheler indentifies three kinds of fact that can become objects of judgment.[2] The first kind of fact is found in propositions about things and events, propositions which are justified by reference to *perception* (they are judgments of "common sense," or judgments made from the "natural standpoint"). Second are those facts found in propositions that are justified by reference to *observation* (these are judgments about the "states of affairs" posited by hypotheses in science), and third are the facts given in *intuition* (phenomenological facts proper, the meaning-elements themselves). Scheler and Hartmann call the meaning-elements that are intended by the "ray" of consciousness *essences*, which include value-meanings. They function as a material a priori; that is, they are prior to and condition the cognition of a perceived or observed object *as* something or other. In phenomenological reflection, we thus recover the eidetic sources of experience on both the natural and scientific standpoints and its linguistic expression. It returns us via reflective or thematic intuition to the meaning-elements through which a world of objects is given in perception and observation, and valued in emotional acts.

[1] "Phänomenologie und Erkenntnistheorie," *Gesammelte Werke*, Band 10, 380.

[2] "Lehre von den drei Tatsachen," *Gesammelte Werke*, Band X, 431–502.

The concept of essence has of course a long history, and we must disengage the use of it in the phenomenological tradition. In Plato, to whom Hartmann adverts most often in explaining the nature of pure value facts,[3] they are the εἶδος or Ideas by which everything is just what it is and nothing else. A lion is a lion just in case it "participates" in the nature of lionhood; it "imitates" in a shadowlike fashion the eternal and unchanging idea of lionhood. Of course, for Plato, Ideas are part of any effort to explain the world-process. They provide the original form and tendency of all things in the world; the highest Idea, that of the Good, is that toward which *all* things tend. This is especially true for the Ideas whose terms designate moral natures: wisdom and justice. Scheler and Hartmann break with Plato on this ontological issue totally. Essences, specifically value-essences, they claim, do not exist, are not *real*; they are ideal entities that are knowable and realizable as goods, but they play no role in the order and process of the world.

Consider, for example, the logical principle of contradiction, ~ (p · ~p). The truth of this proposition does not arise from the syntax, or logical structure, of the language; these syntactic structures express a necessary truth that is evident to the mind that sees into the incompatibility of the being and non-being of any object whatever.[4] Once we learn logic, we tend to forget the foundational insights, that is, the pure facts upon which the logical structures rest, and just so, when we learn right from wrong as children, we forget the foundational intuitive intercourse with the world through which we "saw" intuitively the values upon which our moral rules are based. Hence Scheler writes, "The first thing that a philosophy that is grounded in phenomenology must have as its fundamental character, is the most living, most intense, most *immediate experiential contact with the world* – that is, with the material with which it is presently concerned."[5] That material is the eidetic structure that conditions everyday perception *and* scientific observation.

It is unclear whether Scheler's view about the ontological status of values is incompatible with that of Hartmann.[6] Insofar as Scheler says that values are not real, he seems to be in disagreement with Hartmann's Platonizing; yet Scheler also says that values "have an existence that is not exhausted by their being-an-object." For they are *experientially* present "on" the physical objects, acts, and persons we encounter, not as "imitations" of an ideal, but fully present in them, in a unique way. We intuit them, just as we grasp meaningfully the object before us as red, or the child intuits the kindness of his mother upon her actions toward him or toward an injured animal. They are "ideal" only when one reflects upon them phenomenologically, that is by bracketing their presence upon objects and seeking to isolate the pure givens that constitute them: the key intuitive events in which one grasps the nature of the phenomenon of kindness, or redness, or the number three.

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[3] Cf. *Ethics* I, Ch 14a, 184. "In their mode of being, values are Platonic ideas."

[4] "Lehre von den drei Tatsachen," *op. cit.*, 448.

[5] "Phänomenologie und Erkenntnistheorie,"*op. cit.*, 380.

[6] Benulal Dhar says that they are not; indeed, he sees Hartmann's value-Platonism as a denial of Scheler's concept of value. For his analysis, see his *Phenomenological Ethics* (Jaipur: Rawat Publications, 2008).

No doubt it becomes impossible for most phenomenologists to inhabit always the thin air of a philosophy that reflects upon only the phenomena given to a pure, refined, or what Husserl called a "reduced" consciousness – reduced to immediate apprehension of the given, bereft of symbols, existence, even of self – or, to what later in life he called the "transcendental ego." Most turn, like Hartmann at the very start of his career, to (perhaps irresolvable) questions of the ultimate nature of things, of knowledge of value, of humankind itself. Such visions are inherently partial, for metaphysics represents a personal vision that selects certain of the world's features and posits them as the decisive wellspring of all else: matter, God, the Self, nothingness, Brahman. Phenomenology aspires to be, and is, objective, impartial, and evident. Husserl was no doubt chagrined by the tendency of some phenomenologists to use the method he so carefully cultivated as a springboard to metaphysical, moral, and religious visions.

2.2 Scheler's Distinctive Phenomenological Procedure

Scheler's relationship to Husserl and his philosophy was quite complex, and the extent of the former's dependency upon Husserl's methodological breakthroughs, which resulted in the formation of a phenomenological "school" has been much disputed.[7] No philosopher, Scheler included, wishes to be seen as the mere epigone of some great thinker, and Scheler was quick to distance himself from Husserl while retaining the term "phenomenology" in his own writing, a term strongly associated with the older thinker. It is fair to say that Husserl did not consider for long Scheler as his disciple – he was never his student – but it is also fair to say that Scheler's procedure in ethics would be incomprehensible without his initial contact with Husserl and his "membership" in the phenomenological school.[8] Their notions of the aims and significance of phenomenology overlap. For both men, phenomenology is foundational in its aspirations, and prior to all other sciences. Husserl famously argued that there could be no effective natural science unless its categorial structures are clarified by phenomenological analysis,[9] and Scheler similarly believed that there can be no ethics unless and until the tasks of phenomenological investigation into the foundational value-structures common to humankind is completed. He differs remarkably from Husserl in that he holds that the question of the *methodology* of phenomenology is a *secondary* question, that is, we do not have to have a systematic definition of phenomenology in order to begin work on the things themselves – the essence of the "material" that is given to the intentional "ray" of consciousness.

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[7] For a brief account of this dispute cf. Manfred E. Frings, *The Mind of Max Scheler*, *op. cit.*, 181 f.

[8] In this context, it is worthy of reflection that for a time Scheler was dependent upon Husserl for professional advancement.

[9] Cf. Edmund Husserl, "Philosophie als strenge Wissenschaft" (*Logos* I, 1910).

"A method," he notes, "is a unified consciousness of a process in research that is a generalization based upon concrete work in some area of research,"[10] not the presupposition of such work, as Husserl, who dedicated a large portion of his published work to questions of method, believed. He famously accused Husserl of being like a man who constantly sharpened his knife, but never used it to eat.

A key notion in Husserl's method is the notion of *epoché*, the initial bracketing of questions about the existence of the object intended by consciousness. We must consider the intentional objects of consciousness simply as essences and essential relations. This Scheler accepts fully. In the case of values, which are given in intentional emotional acts, we must, like Husserl, bracket the object or state of affairs upon which the value is perceived, and aim the ray of consciousness towards the value itself, say, the "nobility" or the "hatefulness" that appears on some behavior. But we must also bracket our tendency to direct value material to the will, that is, to respond to the value-object by purposive action of some sort, or at the very least by an affirmation or rejection of the value. In so doing, we free our emotional center (*das Gemüt*) so that the value can "give itself over" to the ray of emotional consciousness that may then "receive" its material content as it is in itself. Scheler insisted, especially in his final years, that achieving the phenomenological standpoint requires more than a mere intellectual suspension of existential judgment or emotional response. One must possess a determination to overcome the life-drives that direct the attention of all living things. In *The Human Place in the Cosmos* (first published in 1927),[11] he interpreted this determination as arising in the capacity of spirit to say "no" to life.

Although Scheler rarely uses Husserl's terms "noesis," that is, the intentional act of consciousness directed in a certain way towards an object, and "noema," *viz*., towards the phenomenon that appears in the act, he insists, as did Husserl, that phenomenology is systematic reflection upon the intentional act itself, upon that which appears in it, and upon the relationship between the act and what is given in it. "Our point of departure," he writes, "is the ultimate principle of phenomenology; namely that there is an interconnection between the essence of the object and the essence of intentional experiencing" (*Formalism,* 265). The relationship act/given is crucial for Scheler's phenomenology. Each conditions the other; a kind of object can be given only to a certain kind of intentional act. Thus intentional acts are not all of one kind. There are intentional acts in which meaning-elements or essences are grasped, acts of perception, which require the functions of seeing, hearing, etc., acts of feeling in which values are given, epistemic states, such as knowing, believing, and wondering, and linguistic acts that intend their objects mediately, by means of symbols.

Among the intuitive intentional acts are those in which a single essence gives itself to consciousness as itself, without mediation by self, symbol, or representation. These acts intend the "unconstituted" phenomena, or, in Scheler's terminology, the "pure facts," and can only be intended by a single intuition or *Erlebnis*.

[10] "Phänomenologie und Erkenntnistheorie," *Gesammelte Werke*, Band 10, 379.

[11] English edition Max Scheler. *The Human Place in the Cosmos*. Translated by Manfred S. Frings (Evanston: Northwestern University Press, 2009).

They are the building blocks of all human cognition on both the natural and the scientific standpoints, and Scheler says that their content is a priori or prior to all other cognitive acts. Phenomenological knowledge of these pure or foundational facts may serve to correct conceptual knowledge, which may be cluttered and rendered obscure by presuppositions that cannot be traced back to a pure and immediate experience of the givens from which they are ultimately derived. In this way, Husserl argued, science may be placed on a firm foundation. And Scheler concurred with him in that hope.

He agreed with Husserl also that phenomenological analysis relies on a kind of wordless intuition that is unfamiliar in the Western tradition of philosophy, and which suggests the mystical apprehension of a "suchness beyond words" more familiar in the Far East and Asian subcontinent. Such a procedure will seem to many persons to be an abandonment of philosophy itself, which is essentially tied to available linguistic structures as it attempts to achieve knowledge of the world and to evolve doctrines that articulate its conclusions about value, truth, and reality. Scheler and Husserl would not deny this characterization of *philosophy*.[12] But the suggestion of otherworldliness mischaracterizes *phenomenology.* The object of phenomenology is not "suchness," not a *quale* or "being-so" of what appears non-mediately in an experience (*Erlebnis*). Rather, the starting-point of phenomenological exhibition is focusing the mind upon the essence, that is, the ideational content of that which is given in the perception of some object, and which is a priori to and "founds" the connotations of the symbols of the language. Out of these meaning-contents precipitate the beliefs that correspond to humankind's natural view of the world – what Scheler calls our "relative natural Weltanschauung." Thus, the way we look at the world on the natural standpoint is founded in part in meaning-structures and their essential "material," the ideational content. These are the elements of the mental architecture that is formed in interaction between the mind and the ideational content of the world.

This phenomenological initiative suggests a concern for what today we call the study of the "deep grammar" (Noam Chomsky) or "mentalese" (Jerry Fodor), which are thought to be evolved mental structures that make the higher-level meaningfulness of linguistic discourse possible, and are not objects of wordless meditation. Phenomenology hopes to recover these deep meaning-structures even if they cannot be formulated in terms of the language of which they are the condition. We think symbolically; in phenomenology, we must learn to intuit non-symbolically, so that we can "cash in," to use Scheler's metaphor, our symbols by seeing the experiences of meaning in which the symbols are founded. Scheler expresses the procedure as follows. "The meaning (of a phenomenological discussion) is simply: to bring something to the reader's (or hearer's) intuitive awareness that can essentially only be intuited, and, in order to bring it to intuitive awareness, all the sentences in the

[12] Scheler notes, however, that philosophy is a participation in the world by means of knowledge. If the world in its inner essence could not be the object of knowledge, then participation in that inner essence, if it were at all possible, would have to be by some other means: mystical ecstasy, perhaps, or the deep meditation of the Buddhist or Hindu adept. Cf. "Vom Wesen der Philosophie," *Gesammelte Werke*, Band 5, 69.

book, all drawing of implications, all possible preliminary definitions that go into it, all claims of reasoning and proofs as a whole, have only the function of a pointer that directs attention to what is to be intuitively apprehended (Husserl)."[13] *Linguistic* analysis starts too late to find the underlying structure of experience and its content. Logical analysis gives us the formal structure of sensible discourse, but cannot give us its own foundation. Only phenomenology can bring before the mind's eye the meaning out of which all logical and language are constituted.

This similarity in their conception of phenomenology was disrupted by an ontological issue. Scheler could not accept Husserl's postulation in his *Ideas I* (1913) that the world is constituted in or by the human mind functioning as a "transcendental ego." Philip Blosser puts Scheler's demurral with exceptional clarity and brevity. "The categorial forms articulated in thought are the articulations of the presentational forms of the eidetic structures of phenomena themselves."[14] For these forms are immanent in the phenomena themselves, not in the mind (*Verstand*). The world is shot through with them: however, the mind, "to speak with Kant, creates nothing, makes nothing, forms nothing."[15] Through knowledge of these ideas that present themselves to us in cognition, the human being takes part in the world. Knowledge, for Scheler, is *an ontological relation between a person and the world*. We learn the categorial structures of the world by living in the world, and they become functional in our everyday thought. Hartmann writes in a similar vein,

> [Values] are never merely "invented" … but they are not even capable of being directly grasped by thought; rather are they immediately discerned only by an inner "vision" like Plato's "ideas." The Platonic notion of "beholding" well fits that which material ethics designates as the "sensing of value," that which is embodied in acts of preference, of approval, of conviction. Man's sensing of values is the annunciation of their Being in the discerning person, and indeed in their peculiar idealistic kind of existence. The apriority of the knowledge of them is no intellectual or reflective apriority, but is emotional, intuitive (*Ethics* I, Ch 14 a, 185).

There is no creation of values; they are sensed and discovered. Nonetheless, one finds in Scheler a notion that parallels Husserl's doctrine of constitutionality. This is the idea of a *Fundierungsordnung*, or order of foundation or givenness, a term that is defined with respect to values in *Formalism* (94) and more generally in reference to the concept of the a priori in the posthumous essay "Phänomenologie und Erkenntnistheorie."[16] To say that one essence "founds" another is to claim on the basis of phenomenological givenness that one essence cannot be brought to givenness without the prior givenness of another.[17] In this way, the mind recognizes the logically

[13] "Phänomenologie und Erkenntnistheorie,", *op. cit.*, 391.

[14] Philip Blosser, *Scheler's Critique of Kant's Ethics*, *op. cit*., 31. Scheler's doctrine reminds one of the active intellect in Aristotle: "Knowledge in actuality is the very same thing as the object of knowledge" (de An 3.5. 430[a] 14–21).

[15] "Phänomenologie und Erkenntnistheorie," *op. cit.*, 415.

[16] *Gesammelte Werke*, Band 10, 415 ff.

[17] Scheler does not make clear whether he means temporally or logically prior. His intention is probably the latter; however, that position strikes us as untenable for reasons we argue elsewhere.

interlocked eidetic structures of phenomena and assembles them that they may become functional in the mind's judgments on the natural standpoint. The issue is a metaphysical one, of course. For Scheler, the mind is active, but attempts to mirror the world; it does not add to the given or stand between knowledge and the world. For Scheler as for Husserl, knowledge occurs in the interlocking of mind and world.[18]

Hartmann followed Scheler and Husserl in regard to method, although again, like Scheler, his vocabulary shifts. The philosophical process begins with intuitive reflection upon some theme whose conceptual structures require systematic clarification. First, we must make discoveries within the sphere of language, and then we can ask how the discoveries were achieved, that is, what other intuitive encounters with meaning are presupposed by the discovery. Scheler had turned to an intuitive inspection of the value-essences themselves and our unique receptivity to them. However, he had remained far too long, in Hartmann's estimation, tied first to an extensive critique of Kant, and then to obscure doctrines of cognition, of action, of sociology of knowledge and of religion, and, especially, to his attempt to conceptualize the person as a moral agent but at the same time as an unobjectifiable being that exists only in its acts. As a consequence of this dallying, Scheler failed to clarify sufficiently the foundational phenomena of morals. Hartmann wishes to proceed down a road first pointed to but then inadequately mapped by Scheler. He ignores, criticizes, or supplements those parts of *Formalism* for which he believed marginal to the central issue of ethics, that of the values themselves. Our thesis is, to the contrary, that the neglect on Hartmann's part dilutes the force, comprehensiveness, and even the power to convince of material value-ethics, and that an adequate phenomenological moral theory will include Scheler's theories of value-cognition and action. Indeed, our analysis will begin with Husserl's efforts to lay the foundation of what he calls "formal" and "material" axiology. Scheler's adaptation of phenomenology, his theory of cognition, and his theory of action will then be presented as ground-clearing preparations for Hartmann's work on obligations and virtues.

Husserl's contributions to the phenomenological and linguistic features of discourse about values may be described briefly, but his systematic work is valuable for any material value-ethics that aspires to be comprehensive. He published very little on ethics, yet he lectured on the subject frequently, and his unpublished papers contain reflections on axiology, the form and matter of moral reasoning, and the sources of normativity. These papers and lectures were published only long after his death.[19] Axiology, for Husserl, is the first dimension of a "pure" formal ethics, which studies values without reference to the will. It can be developed in strict analogy to pure logic, that is, as a syntactic structure. Like logic, axiology also has a material phase,

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[18] Cf. Scheler's statements on knowledge and the world in "Vom Wesen der Philosophie," *Gesammelte Werke*, Band 5, section 2, 66 ff.

[19] Two of these lecture series are contained in Edmund Husserl: *Husserliana.* Band 28: *Vorlesungen über Ethik und Wertlehre. 1908–1914*. Edited by Ullrich Melle (The Hague, Netherlands: Kluwer Academic Publishers, 1988). Band 37: *Einleitung in die Ethik. Vorlesungen Sommersemester 1920 und 1924*. Edited by Henning Peucker (Dordrecht, Netherlands: Kluwer Academic Publishers, 2004).

that is, it is a semantics governing the objects over with the variables of the "pure" logic range. Thus "material" axiology is concerned with the objects of discourse, the values themselves, and enables that discourse to be both meaningful and true. When ethics turns to the "practical" phase of ethics, the moral values and virtues that are the objects of will and of moral judgment, its logic is of the modal type, and Husserl developed a logic of necessity, possibility, and prohibition.[20]

This second dimension of ethics, practics,[21] which again divides into a formal and a material phase, presents a special problem, for acts of desiring and willing have no objective real correlate; they are aimed at what ought-to-be-realized. The distinction in Scheler between acts of judgment and acts of feeling is not stressed by Husserl, for whom a single human faculty of reason executes both intellectual acts and acts of evaluation. No doubt for the older man, cognitions of values relate to specific *kinds* of intuitions, as mathematical truths correspond to specific acts of intelligence to which they are given. The "objects" over which the structures of pure formal reasoning range are ideal objects, *viz.*, values. Formal axiology explores what may be called the syntactic structure of discourse about values, structures that enable us to "make sense" when speaking of values and norms. Just as logic does not prejudice the contents of its judgments, so too does pure axiology not prejudice the value-content of the judgments made in its forms and by means of their a priori relations. Moreover, values are not simply that which is given in the correlative acts of feeling; they are also the objects of acts of will, indeed the foundation of all willing. One wills to realize, where possible, what one feels to be valuable; in general, one wishes to realize the good. Husserl's "materiale Praktik" attempts to formulate in all generality the foundation of the logic and moral necessity of right acts of will. His ethics culminated in the concepts of a highest human good and of a Categorical Imperative as the form of the morally righteous will. Husserl gave himself the further task of structuring the entire realm of values into regions of relative worth, as Scheler did. For Husserl as for Scheler and Hartmann, the noetic concept of preference is exhibited as the source of our experience of relative value.[22]

Had Husserl attempted to carry out and publish this research program in ethics, he would have provided first a phenomenology of acts of experiencing, evaluating,

[20] In axiology or pure formal ethics and in formal logic the notion of apodicticity, a term used by both Scheler and Husserl to refer to the certainty of the given, has its applications. At some points, Scheler applies the term to our knowledge of the truth of moral judgment itself, suggesting a moral absolutism that he is both unable and, despite initial claims to the contrary, ultimately unwilling to justify.

[21] "Pure practice" will not do as a translation of *reine Praktik*. Husserl is referring to the process of Aristotelian *phronesis*, the activity of an agent that is guided by practical wisdom. It is the domain of conscious purposive human activity. More generally, *Praktik* refers to this activity. We will render his term "practics" if only to indicate by the neologism that the term "*Praktik*" has no exact equivalent in English.

[22] For an examination of disparities between Husserl's and Scheler's concept of cognitive feeling, cf. Ni Liangkang, "The Problem of the Phenomenology of Feeing in Husserl and Scheler," in Kwok-Ying Lau and John J. Drummond, *Husserl's* Logische Untersuchungen *in the New Century* (Dordrecht: Springer, 2007).

and desiring (where the earlier element makes possible the later: experience makes evaluating possible, and evaluating makes desiring possible) and then a phenomenology of their intentional objects – valuable (and disvaluable) things, valuable states of affairs, and valuable goals, and the typical relationships that obtain between the act of evaluation and the thing evaluated – indeed, a very extensive foundation for a material value-ethics, that is, one that proceeds to the description of the values themselves and their function in moral rules and the virtues.

Examples of Husserl's approach to pure axiology are illuminating. A characteristic of values not found among objects is that each is opposed to a negative value. Thus, Husserl articulates the following law of axiology: "If A is a positive value, then it is not a negative value. If it is a negative value, then it is not a positive value: as related to the same kind of valuation (value-quality)" (*Husserliana,* Vol. 28, 81); and "If doing A is good, so is not doing A bad and vice versa" (Vol. 28, 219). Further, "If it is a positive value that S is P, then it is a disvalue that S is not P" (*Husserliana* Vol. 28, 78). Moreover, distinctions between foundational or intrinsic values and instrumental ones can be made axiomatic: "If W is a value-bearing object or state of affairs, and if A is a cause of W (or the state of affairs W is a real consequence of state-of-affairs A), then the value W is transferred to A, from the effect to the cause, from the real consequence to the real foundation" (*Husserliana* Vol. 28, 78). Such laws can be formulated in a way that relates to the intensification of values, or their summation, or of the excluded fourth (Vol. 28 §12, a & b), or to laws of comparative values: "the preference of something thought to be good is itself is a value, but this value is cancelled when the evaluation of the motivating acts are false" (*ibid*, 91).

Franz Clemens Brentano had formulated earlier some of these "axioms" of formal axiology; Scheler cites these and adds others as the formal foundations of moral theory in his *Formalism in Ethics*. They are as follows

I. 1. "The existence of a positive value is itself a positive value.
   2. The nonexistence of a positive value is itself a negative value.
   3. The existence of a negative value is itself a negative value.
   4. The nonexistence of a negative value is itself a positive value.

II. 1. "Good is the value in the sphere of will that is attached to the realization of a positive value.
   2. Evil is the value in the sphere of will that is attached to the realization of a negative value.
   3. Good is the value that in the sphere of will is attached to the realization of a higher (or the highest) value.
   4. Evil is the value that in the sphere of will is attached to the realization of a lower (or the lowest) value.

III. "The criterion of 'good' (and 'evil') consists in this sphere in the agreement (disagreement) of the value intended in the realization with the preferred value, or in the disagreement (in the agreement) with the value not preferred" (Cited in *Formalism*, 26).

III is curious; it appears to mean that the evil man is the person whose intended action aims at the realization of a value other than those he prefers, or knows to be better. Thus, one can act against moral knowledge. This is controversial, as we shall see in our chapter on action theory, and Scheler appears to oppose the very "axiom" he cites.

As an example of his self-limited material value-ethics, we may take Husserl's distinction between the values of sense and those of spirit. The first are those of enjoyment (*Glücksgüter*), and are permissible only insofar as they do not contradict values of the spiritual person. The second are constituted in the "higher ego," in the intending of what is good, true, and beautiful. All valuing is directed implicitly towards the idea of the highest possible practical good. It is this last idea that Husserl will use in his "reformulation" of Kant's Categorical Imperative in his efforts, parallel to those of Hartmann and Scheler, to found moral normativity in obligation, and obligation in knowledge of values. What Husserl might have contributed to material value-ethics, had it been developed, is greater discipline in formulating phenomenological exhibitions of moral phenomena and the acts in which they are given, and, in general, a greater sense of logical structure, of scaffolding in ethics, and hence greater clarity in our moral discourse.

2.3 Scheler's Phenomenology of Values

Scheler notes that the a priori element in knowledge is connotatively unambiguous – it refers simply to what is presupposed in any cognition, as the cognition of the phenomenon of "life" is a priori to all judgments about living things. So too with values: we first grasp values intuitively, and they may then function in judgments about perceived objects and states of affairs: the dancer is graceful, John's act was brave, and a dog is a noble animal. To unpack such complex judgments, to discover what they mean, we must enter intuitively into the essential structures concealed within them as the a priori ground of their possibility. Hartmann puts the matter succinctly: Ethical values, a type of value that functions in judgments concerning the will, the actions, and the person of a human being, "are not to be discovered in the conduct of man, on the contrary, one must already have knowledge of them in order to distinguish whether the conduct accords with or violates them" (*Ethics* I, Ch 6 f, 99).

The reader will recall that any given value is a material quality, like the physical color blue or the peculiar aroma of roses; they can be experienced directly via the functions of sight and smell respectively. Like those physical qualities, their content cannot be defined adequately, but can only be "exhibited" or "pointed to." Values are not to be confused with the *enjoyment* of a thing that satisfies our needs and desires. Food is, of course, valuable to us when we are hungry, and its ability to satisfy gives pleasure, both physical and intellectual, even pleasures that were not antecedently expected, as in the case of well-prepared food with which we were unfamiliar. The values carried by food are complex, and are related to the physical capacity to taste and smell in animals. Each flavor and its value can be felt intuitively

upon the food: savory, spicy, silken, sour; there is value in the subtlety with which it releases its flavors (each flavor is itself a value: the peculiar flavor of eggs, or of a wine, or of pineapple). The values are what we enjoy in the process of sating our hunger, but they are not identical with the visceral satisfaction of the food they produces in us.

In phenomenological exhibitions of values, the value-noema intended is not, as we observed earlier, a *quale* or the thusness or "being-so" of what appears non-mediately in an experience (*Erlebnis*), but a *meaning-content*: the intuitable matter that founds the symbol in language that is the starting-point of a phenomenological analysis of, say, "brave," "just," or "foolish." The analysis frequently is negative in its procedure: the phenomenon is not this, not that … and continues until the parties to the analysis are confident that their intuitions of the matter are congruent. Since the procedure is asymbolic, there is no way of fixing the outcome of an analysis, except through sentences that allow the reader or hearer to recover for himself the phenomenon intended.

There is nothing mystical in all of this; indeed phenomenology seems to be the most powerful means ever devised of achieving clarity about the philosophy problems that have befuddled ages of thinkers. For all that, although it is foundational in its aspirations, it does not imagine, as did Wittgenstein at the time of the *Tractatus*, that closure is possible for philosophy. The meaning-structure, and the *Erlebnisse* or mental acts in which they are intended, are potentially unlimited in number; phenomenological philosophy will always have something to do, for the world is saturated with meanings that are revealed in things. The ascent from the cave, for philosophy as for science, is never-ending, but it is an ascent from the simple to the complex. One can make progress.

We can draw from this brief account of phenomenology the key question for a material ethics of value: "If I assess a deed of mine, or the comportment of one of my fellows as 'good' or 'evil' either in recollection or prior to its execution, what kind of experience is it that renders the material for the judgment?" (*Formalism*, 163) What is the character of the noetic act of experience, the ray of consciousness, and what is its noema, the object given, which the ray intends and upon which it fixes itself? Let us consider first the value-noemata of moral experience.

Intentional objects can be of several kinds, as we have seen. Scheler identifies three key kinds in *Formalism* (165–66): material values, the meanings carried by objects of sensible intuition, and ideal objects, such as numbers or geometric figures. Material values, as we have also seen, are like ideal objects in that they are essences, or ideal meaning-contents that are not real as such, but which can be brought before the mind as a "species of thing:" trustworthiness, perhaps, just as we can bring the number three as an ideal species before the eye of the mind. But values are not found only as ideal objects. There is only one number three. But values may be intuited on any number of objects, and do not require that we first learn the meaning of the species-concept by reflecting upon its phenomenology. In contrast, we must grasp what numbers are before we can comprehend the number three. For we can see any type of kindness or redness as a "special and peculiar" fact without looking at the species-concept. In this respect, the experience of values differs from

sensible intuition, or the grasping of a quality like blue: "Moral facts, as opposed to the sphere of meanings, are *facts of non-formal intuition*, *not* of sensible intuition, if by 'intuition' we mean the immediacy of the givenness of an object and not necessarily a picturelike content" (*Formalism*, 166). Hartmann agrees: values can be described with respect to their content but not in their picturelike character and quality (*Ethics* II, Ch 6 f, 75).

A value is also not a *relation*. Consider that a thing may be valuable to me. We can determine what that value is, perhaps by how much I am willing to sacrifice for it; but the value does not exist in the relationship between the valued thing and the acts of valuing it practically (*Formalism*, 242–43). As a quality, values stand alone, independent of the objects on which they appear and of the assessments we make of them. We do not "create" values in our assessments, judgments, acts of conscience, or our "sense of obligation." They first appear in our feelings of them and our preferences among them. Otherwise, we could not be mistaken in our assessments of the relative value of things, as we frequently are. When we attend phenomenologically to what is given, we achieve *insight* into their objects. This insight should precede assessments and judgments about goods and duties.

The noetic acts in which pure value-facts are given are phenomenologically "reduced" (that is, attended to apart from their typical carriers, as beauty may typically carried by a painting or by a sunset) *feelings* and *preferences*. What is the relation between the noetic act of grasping a value and the value's giving of itself as the intended noema? Consider first that feelings are *cognitive* and *intentional*, that is, they are a unique form of the intuitive grasping of some content. Three observations will assist us in grasping this remarkable point. First, feelings are a form of knowing; they transcend themselves and go out toward the values they intend. They are distinct from psychophysical states, especially pain and pleasure, and also from the visceral states such as a "twinge of joy," fear, apprehension, disappointment and the like. Rather these states are visceral responses to beheld values, where the "beholding" itself is a mental of spiritual intentional act of consciousness of a unique kind. Physical or visceral feelings are not cognitive or intentional; indeed, they presuppose the knowledge of value given in cognitive feeling, and are *responses* to the object that bears the value. My eyes discern the shape of the object next to me; my understanding grasps it as a vessel. The capacity for feelings makes it possible to intend the value-contents "carried" by the vessel: the workmanship of its manufacture, its usefulness as a vessel, the richness of its material, the beauty of its lines; perhaps, if it is a sacred vessel, the Grail, one will feel the values of the sacred upon it. Here is genuine cognition of value, even if no feeling-states accompany the act of appropriation of values: for example, if the religion that proclaims the sacred role of the vessel is not my own. I grasp its sacred quality, but it does not "move" me as it would if it were proclaiming *my* salvation. Similarly, one may "feel" the beauty of a piece of music and respond to the felt beauty with a physical feeling state, or perhaps not: although one may be just as intensely aware of the beauty without responding to it viscerally. The feelings are *Erlebnisse* in which persons grasp values as independent of them, because

they are not created by our feeling-states, any more than our noses create the smells they sense. Hartmann writes:

> The moral judgment of values, which declares that a breach of trust is revolting or that malicious joy in another's misfortune is reprehensible, does not refer to the sensation as revolting or reprehensible. The judgment is rather itself this sensation, or its expression. What it means is something else, an objective revoltingness and reprehensibleness, which is independent of the sensation. It means something objective, something existing in itself. But, of course, a self-existence that is of an ideal nature (*Ethics* I, Ch 16 d, 225).

Second, feelings are distinct from perceptual and intellectual acts in that their objects are ideal entities, essences (as indicated by the use of "-ness" in the above description) that cannot be apprehended in any way except by the mental beholding that we call feeling – just as abstract forms (say, of geometrical figures) are beheld through the intellect, and physical objects are beheld through the sensible functions of hearing, feeling, and seeing.

Third, the fact that values can only be beheld, grasped, or cognized intuitively in the mode of feeling does not imply that material value-ethics is a form of ethical intuitionism. Such theories maintain that a special intuitive "moral sense" gives us the truth of moral maxims or the rightness or wrongness of specific comportments of a moral agent. Scheler and Hartmann propose no such doctrine. All human thought, though tied to the lived body in ways we will explore in the next chapter, must have recourse to the intuitions of the ideational materials that are carried by actual or possible objects that found our languages. We see the shape of an object, and grasp it intuitively as some conceptual structure for which we already have terms in our language. Similarly, when Meno's slave-boy is asked to assert truths about the relationships among the geometrical figures that Socrates has drawn in the sand, he "beholds" these relationships intuitively, and is able to express truths about them, albeit in a somewhat truncated language. Feelings give us the content of values that we behold upon things in the world, and it is that sense of value that makes it possible for objects to be valuable for us and for that value to determine our behavior towards them. But feeling alone does not intend moral rules. We may feel clearly the injustice of a man's action, and our judgment that he acted unjustly presupposes a prior acquaintance with justice. But the *rule* "do not act unjustly" is not felt; the rule, as Hartmann just noted, is the expression of the sensation of revulsion that is felt when we intuit the injustice of his action. Thus, the experience of revulsion *presupposes* an intuitive feeling that acquainted us with the content of the essence of injustice, however initially vague it may be, and that value-content is *independent* of our feeling of it. Hence the a priority and the self-existence of values.

2.4 The Stratification of the Emotional Life

A phenomenology of values must therefore involve an analysis of the noetic feelings that intend values. Scheler reintroduces at this point the ancient notion of the Ordo amoris, the laws of loving and hating that are "written" upon the hearts of human beings. Feelings are not random, as are our feeling-states, which are visceral

in nature. Husserl had already noted that Kant was wrong to reject as hedonism all morality of feeling because (1) it can never be determined a priori how any one will feel, and (2) because feelings cannot be commanded, as the will can. But values are not given in the experiences of the ego, as hedonism frequently declares;[23] values are carried upon objects and states of affairs, and intended by emotional acts, not by feelings of desire and aversion. These emotions have an order that can be recovered phenomenologically. If indeed feelings have an a priori order, and if the values that are given in pure intentional feeling have an order of preference, then Kant's rejection of a morality based in feeling does not affect material value-ethics. For the emotional life of humankind is stratified, and each stratum opens us in a unique way to the realm of values. Each emotional stratum corresponds to an irreducible stratum of values. Attention to our feelings thus gives us genuine insight into the order of preferability of values and the goods they inform. Hartmann goes so far as to surmise that for each value there corresponds a unique cognitive feeling in which it is given. Scheler writes in a similar vein,

> There can be no doubt that the facts which are designated in such a finely differentiated language as German by "bliss," "blissfulness" [*Glückseligkeit*] "being happy" (the term *happy* is frequently used in the sense of "lucky"), "serenity," "cheerfulness" and feelings of "comfort," "pleasure," "agreeableness" are not simply similar types of emotional facts which differ only in terms of their intensities, or which are merely connected with different sensations and objective correlates. Rather, these terms (like their opposites, "despair," "misery," "calamity," "sadness," "suffering," "unhappy," disagreeable") designate sharply delineated *differentiations* among positive and negative feelings (*Formalism*, 330).

The phenomenology of the stratification of the emotional life confines itself, in a preliminary way, to the identification of four levels of feeling that correlate with the "depth" of the values intended. They are, on the level of *least* depth, the sensible feelings, or feeling of sensations. These are not the feeling-states themselves, that is, twinges, pains, tickling sensations, but rather the feelings that *intend* visceral feeling-states or sensations. As we noted earlier, sensations such as the pleasant feeling-state caused by sugar on the tongue are distinct from the agreeableness of sugar, which is a value "carried" by the sugar and cognized by the intentional feeling. Second are the feelings of the organic body: feelings that intend states of health, weariness, illness or strength, such as the sensation of having or lacking control over one's body and its environment. These feelings have an intentional character, and they may intend the same values when they are directed at our own feeling-states or those perceived upon the expressions of other persons; they are a system of signs for evaluating the changing states of life processes. They anticipate the value of possible stimuli, as the vital feeling of disgust anticipates a considered judgment of what disgusts one. Higher still are psychic feelings, or feelings of the *ego*, such as pride or shame, on which values such as one's self-worth are discerned. Such emotional states of the ego as "sadness" or "joyfulness" do not have to pass through the living body to arrive at the ego, for they pertain to the ego originally. They can stand,

[23] As in the familiar formula, "I like A, therefore A is good." A more sophisticated version of this doctrine is given, e.g., in Spinoza, *Ethics* III, Prop. IX, Note.

however, at various distances from the ego, as the expressions "I feel sad," "I feel sadness," "I am sad" bear witness to deepening states of sadness. Finally, there are spiritual feelings, or what Scheler calls "feelings of the personality" (*Formalism*, 332), in which we discern values that bear upon our spiritual selfhood: the values of justice, beauty, truth, and the sacred. Blessedness and despair appear to be the correlates of our appraisal of the moral value of our personal being (*Formalism*, 343).

Hartmann, too, discovers a kind of stratification of the emotional life in Aristotle's *Nicomachean Ethics*, in which the ancient philosopher correlated the virtues with the depth of feeling with which they are discovered and grasped in terms of their relative value in the constitution of the human good. In Aristotle's listing of moral virtues, each is given a rank of relative worth. The value-predicates, Hartmann notes, give us a sense of this differentiation in its ascending order. They are: "worthy of praise" – "beautiful" – "worthy of honor" – "loveable" – "admirable" – "superb." The vices similarly are listed in a descending scale: "defective" – "not beautiful" – "blameworthy" – "disgraceful" – "hateful." Corresponding to these are shades of emotions that are the responses to the perception of these virtues, as the verbs expressive of them indicate: "to praise" – "to blame" – "to honor" – "to love." "The predicates," Hartmann writes, "and the responses are ultimately only outward manifestations of an existing inner connection between grade and the kind of valuational feeling" (*Ethics* II, Ch 4 d, 59). This procedure of Aristotle, Hartmann believes, although only a beginning, must serve as a model for the renewal of ethics as material value-ethics, which will incorporate a theory of virtue.

Let us return to acts of preference. Preference is the emotional cognitive act that gives us the relative height of a value as feeling gives its content. "The fact that one value is 'higher' than another is apprehended in a special act of value-cognition: the act of *preferring*" (*Formalism*, 87). Preferring is a cognitive act in which two pure values are evaluated with respect to their relative worth. Scheler distinguishes (1) choice, which is a conation or striving toward one good rather than another; (2) empirical preferring, which is between different goods, as when we prefer in general roses to carnations; (3) a priori preferring, which occurs between different values. In this third case, the being-higher of a value appears in the act of preferring it to some other, and this act and the values it intends may be subjected to phenomenological scrutiny. In this scrutiny the value-object must be disengaged from the phenomenologist's "everyday" empirical acts of choice and preference. For acts of preference and of feeling have a noetic structure, and there exists an a priori or essential relation between them. The noemata, the values themselves with reference to their preferability (or inferiority), are not preferable because they are preferred, but because they are essentially higher or lower than others are. For when we prefer the values of friendship to that of mere collegiality, we grasp that the former is evaluatively of a higher kind of human relationship than the latter. We do not experience our act of preference as a positing of the value of the former as higher than the value of the latter, we simply grasp that friendship is higher *in* that act of preference. If we nonetheless choose an inferior value over one that is preferable, we must be subject to a value-delusion or blindness.

Hartmann notes with regard to value-blindness that some people may have an incapacity to discern values and their relative rank as some are unable to grasp a proof in mathematics: the evidence is available, but the agent is blind to it. It is also possible that since, in empirical preferring, the values borne by objects among which we judge the preferability or inferiority are complex, we may choose an object bearing a preponderance of inferior values simply because of the few superior values borne by it. Moral *struggle* (as opposed to uncertainty regarding a choice among goods), Scheler notes (*Formalism*, p. 84), arises from the opposition between the logic of our estimations of moral goodness and our estimations of other kinds of valuableness, for example where a great deal of monetary good can be obtained by a small immorality. Despite these sources of possible confusion about the relative value of objects, the common sense of most people is an adequate guide to the relative value of things. Hartmann writes of this common sense, "There is an astonishing infallibility, a strength of conviction in the sense of relative grade which is enough to justify the old belief in a 'moral organ' (Hemsterhuis), an 'order of the heart' or even a 'logic of the heart' (Pascal, Scheler). It is a unique kind of order, with its own laws, which cannot be proved intellectually, but which equally scorns every intellectual argument brought against it" (*Ethics* II, Ch 14 i, 189).

2.5 The Order of Values

When we take the phenomenological standpoint and bracket interests and goods, and focus on the values themselves while directing the performance of noetic acts of feeling and preference towards them, the order of values appears. There are five classes, given here in their ascending order of relative worth. *Pleasure* and *pain* are the lowest values, the *useful* and the useless are the second lowest, the *noble* and the *base* and the *healthy* and the *unhealthy* are on the third level, the *good,* the *true,* and the *beautiful* and their opposites, the *evil,* the *false,* and the *ugly* are on the fourth, and the values of the *sacred* and the *profane* are on the highest level. These are given in the order of their increasing intrinsic normative superiority. Hartmann observes, by way of a warning to those embarking upon such a description of values, that the most general values, such as the good (he gives as additional examples activity and inertia, harmony and conflict, but they include the five values just named by Scheler as the foundation of each class) have the least specifiable material content, although what content they have is contained in the more complex ones. The more complex content of the disvalue of blasphemy, for example, is contained in the thinner material disvalue of the profane. Since phenomenology cannot convey the quality and character of values but only their content, the thinner more general values have at best a "pale, scarcely perceptual quality" (*Ethics* II, Ch 6 a, 75).

But the *order* of values is intuitively clear, whatever the paleness of their content. It is not possible, Scheler believes, to understand this order of the heart and to deny the validity of this objective order of values, any more than it is possible to understand the number system and yet deny that 2+2=4. What then of the atheist, who denies the value of holiness to the old holy man or to the sacred scripture, because he denies the God to whom these holy things refer? The atheist knows that the values of the holy are the highest values of all, though he denies that they are carried in fact by any item in the universe. He does not mitigate his atheism by that recognition; indeed it brings out what is essential to his position: that humankind's *highest* aspiration is directed toward an empty shrine. Similarly, we recognize Hamlet as a prince through the princely demeanor that the great actor carries upon his every gesture; but we recognize that there is no Prince Hamlet, nor was there ever one. We will understand that vital value carried by the anointed prince even in a future time when there are no more princes anywhere in the world. We may understand and feel with perfect clarity the value of righteousness, even though we accept the word of Scripture that no man is just, no, not one.

Scheler changed the number of value-types at one point, increasing it from four to five.[24] This alone need not be taken as in indication that phenomenological insight lacks apodicticity, but only that it is subject to accretion. One may have insight that is perfect yet incomplete as comprehension of its material. The key question here is whether the added fourth level of value-types – that of the utility values, such as usefulness or worthlessness for some end – and its placement between the fifth and third level is reducible to any of the others (as it ought not to be if it is a primordial phenomenon whose exhibition is based upon phenomenological insight), or whether it is derived, for example, from an augmentation and variation of the class of values of pleasure and pain. This crucial issue, which has implications for our notion of phenomenological evidence itself, seems not to be a decidable one.

Apart from the direct cognition of values in feeling and preferring, there is no "criterion" of their presence on any given item of perception. Values are *sui generis*, and there is no higher category under which they fall; they must simply be felt. Nonetheless, Scheler provides us with a set of criteria for judging the relative height of values in their relationship to things. This list is intended as nothing more than a kind of guide that the individual may use in attempting to re-experience the feeling of values toward which Scheler is pointing. He tells us that values are higher

1. the more they endure;
2. the less the partake in extension and divisibility;
3. the less they are founded through other values;
4. the more deep is the satisfaction they provide;
5. the more the feeling of them is relative to the positing of a specific bearer of "feeling" and "preferring" (*Formalism*, 90).

[24] For further discussion of this ambivalence, cf. Manfred F. Frings, *The Mind of Max Scheler*, *op. cit.*, 28; Eugene Kelly, "*In Lumine Dei*: Scheler's Phenomenology of World and God" in *Phenomenology* 2010*: Selected Essays from North America*, Part I. Michael Barber et al. (Bucharest: Zeta Books, 2010), 160.

Is this list intuitive, and does it withstand criticism by reference to counterexamples? (4) is extremely vague. It demands some means of deciding how the spatial metaphor of "depth" is to be interpreted, although Hartmann believed it was the only one of the criteria that specifies what can become phenomenologically evident in reflection. The others do not give us the evidence itself, which appears only in the congruence of what is given and the act that intends it. (2) provokes some possible counterexamples. Beauty is a high value, and, when it is carried by, say, a great work of art, it does not partake of extension and divisibility – we might say that it is less ephemeral (1) than the values associated with pleasure or good health. Nonetheless, certain forms of beauty are indeed ephemeral. The beauty of a sunset is quite brief, however inspiring its beauty may be, and so is that of cherry blossoms. True, a human life, which both Hartmann and Scheler refer to as the highest value, bears a sense of its own unity and individuality, as we will see in our discussion of Scheler and Hartmann's concepts of the person; we are not a schizophrenia of irreducible and irreconcilable emotional events. (3) suggests that the normative order of values is itself a kind of "order of foundation," which, if true, would mean that Scheler holds it to be impossible to bring even simple values such as those of the useful or the pleasant to givenness unless the agent had a prior grasp of holiness. This notion was rejected by Hartmann, who considered it to be a tenet of the Catholic-Christian horizon of Scheler's ethics.

Indeed, Hartmann subjected each item on this list of criteria to extended analysis. He argues that these criteria are unnecessary for establishing the content of a value and its relative worth. "The feeling of relation of height among values must adhere to the primal feeling for value in such a way that when two values are given, the height of each is given" (*Ethics* II, Ch 4 d, 59). The phenomenology of values and of their relative rank can therefore dispense with criteria; in any case, the task of ethics is not one of deducing value-ranks from such characteristics of values as durability or absoluteness, but of direct intuitive contact with values and the acts of feeling and preference in which they are given. And Scheler, as we have seen, would agree: "The order of the ranks of values can *never be deduced or derived*. Which value is 'higher' can be comprehended only through the acts of preferring and placing after" (*Formalism*, 89). The criteria are merely essential relations between the height of a value and its other properties, not "distinguishing marks" of relative height, as Hartmann claims. In this respect, Scheler has provided us with a useful means of helping the reader re-execute *in mente* the noetic acts of feeling and preference that reveal to us the order of rank of values. Still, Hartmann argues that although a consideration of these criteria may certainly reveal the whole realm of values, "in which the differences of height are naturally greater and more conspicuous" (*Ethics* II, Ch 4 a, 54), they cannot assist us in discerning the finer distinctions among values and their ranks. For such detail, we must simply turn to the phenomenological facts of the case. Moreover, the criteria apply equally to the entire class of *moral* values, all of which are on the level of the spiritual values. As moral values are the chief concern of ethics, Scheler's criteria can give us no assistance in discriminating among them.

In support of his criticism of (4), depth of satisfaction, Hartmann furnishes a kind of test by which we can measure the relative worth of a series of related values.

"If one reviews a series of such values as honesty, truthfulness, goodwill to all and self-sacrifice, an increasing depth of inner assent seems to accompany the review" (*Ethics* II, Ch 4 b, 57). This series is less convincing that it might have been, for the values are not of a similar kind. Self-sacrifice is surely quite different in kind from honesty, for one can be self-sacrificing without being honest, and, in some cases, honesty, the lower value, may require self-sacrifice. Furthermore, an act of self-sacrifice, where the good that is sacrificed is a very small amount of what one possesses (of a few minute's time when one is otherwise engaged in one's pleasures, for example), would generate less feeling of admiration and praise than an act of simple honesty when a great fortune is at stake. Of course, if the idea is to bracket all such considerations of how values apply in given circumstances to some set of concrete goods, and consider only the value-material itself, then we would have to grant that the mere idea of good will to all provokes a greater depth of value-feeling, a sure feeling of its preferability over truthfulness or over honesty. And that, of course, is Hartmann and Scheler's point. None of this should suggests that in phenomenologically reduced acts of feeling and preference we are always easily able to distinguish one value from another, and to assign to each its correct place in the manifold of values. The realm of values, Hartmann observes, is not a lineal one-dimensional affair, like the points on a line. It possesses also a horizontal order upon each level that makes such distinctions more difficult. On the horizontal level of moral values, brotherly love is higher than justice, and personal love is higher than both. How they stand in relative order of preference on this level to such values as wisdom or truthfulness is difficult to discern (*Ethics* II, Ch 34 b, 387). Yet our only guide in such matters is the depth of our preference for each The phenomenologically re-enacted acts of preference are our only cognitive authority in justifying claims of the relative worth of values.

Hartmann, as we have seen, interprets Scheler's third criterion as resting on a religious prejudice, and he rejects it with disgust. He writes, "To found [moral values] upon a higher value is evidently mere metaphysical speculation, contrived as a support for religio-philosophical theses which as such do not throw any light upon aesthetic or ethical reality … it is a bottom a teleological prejudice" (*Ethics* II, Ch 1 d, 28). The prejudice, Hartmann argues, would diminish the peculiar autonomy of values, making them dependent upon something above them. "What is beautiful is beautiful for its own sake" (ibid.), not because its beauty can appear only in its internal relationship with the sacred. The higher values are no doubt dependent ontically upon the lower in some cases; spiritual values can blossom only where the elementary biological values, such as security and welfare, are attained (*ibid.*, 26), and moral values are materially dependent upon non-moral values: we condemn the thief morally because the things he has stolen were valued by their owner. But those things that are valued have their value without reference to the value of the holy.

Scheler would reject this criticism; he takes his position to be phenomenologically evident: the cognition, say, of the value of health or the value of beauty is founded upon the prior cognition of the value of the holy, to which it is stands as an a priori. It is not an ontological claim, *viz.* that the values of health could not exist if beauty and holiness did not. Values are ideal. Nor does Scheler merely claim that

persons could not grasp or realize the values of beauty or health without the value of holiness having been given to them at some prior time. His position is more nuanced. The human spirit, which makes possible the cognitive experience of values, is first awakened by an inchoate sense of the Highest. In effect, the dawning awareness of unconditioned value draws us out of the darkness. Had men no sense of the Absolute, they would be incapable of grasping things as valuable at all. The religious belief Hartmann finds concealed here now seems obvious: God has created humankind in His image, and revealed Himself to them; the breath of the divine spirit becomes the human spirit; everything of value is seen *in lumine dei*;[25] lesser values than the holy take their proper positions in the table of values, and the value of God's holiness unifies all the lesser ones in God as the highest.

No doubt, Scheler's doctrine is religious and not phenomenological in nature. A peculiar passage is found in Dostoyevsky's *The Possessed* (*Бесы*) in which an old captain overhears some younger officers denying the existence of God. "If there is no God," mutters the captain to himself, "how can I be a captain then?" All values must be founded in the highest values, the Holy, if they are to come to givenness as themselves. The scale of value corresponds to the enlightened order of the heart, which, always in a limited and sometimes in a distorted form, informs every human heart. Scheler's religious writings, especially "The Essential Phenomenology of Religion,"[26] support such a view as a metaphysical hypothesis. However, the doctrine deserves considerable study and considerable private soul-searching. It is not intuitively evident, and its ability to convince may reside in its connection with Scheler's claim that, in the order of time, the infant becomes aware of the sphere of the Absolute before and independently of its awareness of the sphere of the physical world. The opening of the human mind to the world originated in an act of love in which we grasp "there is not nothing," and "there is a realm of the Absolute." In these insights all other formal and evaluative architecture of the human spirit originates. However, in the passages of *Formalism* that we are considering here, he offers what he believes is phenomenologically evident. The values of the senses and of the useful are founded in those of vitality (How could we value the good things of this world without first grasping the value of health and control over the living organism that is my body?); the vital in the spiritual (How could we appreciate a healthy life if it did not have a higher resolution in the things of the spirit?), and the life of the mind would be pale, flat, and unprofitable if it lacked an opening into the sphere of the absolute and eternal. The lower or more physical values, Scheler might have added, consistently with his position, if they are to be perceived as valuable at all, must fit into a life that is perceived, upon a higher standpoint, as worth living. Pious people ask God for their daily bread, for it is their participation in God's providence that makes the bread worth eating.

To this reader, Hartmann confuses what is intended by Scheler as a phenomenology of the order in which values are given with a teleological metaphysics that unifies

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[25] As Scheler argues in "The Essential Phenomenology of Religion," *On the Eternal in Man* (*Gesammelte Werke* write Werke, Band 5).

[26] Ibid.

the realm of values by embedding them within a theological system of divine knowledge and divine providence. But Scheler, like Hartmann, attributes to values *no* power to affect processes in the universe; values cannot of themselves draw events towards some divinely ordained higher good, or move individual things to their own perfection. If God exists, He no doubt loves the values borne by all things in His creation; in Scheler's theology, however, neither God nor values play any providential role. Only human beings can act for ends, only men and women can be determined in their actions and their personhood by values. However, Hartmann is no doubt correct that insofar as Scheler may have wished to identify the order of values with a divine order, he has passed beyond what lies within the possibility of our experience.

Hartmann is surely correct in requiring phenomenological justification for the claim that the order of values is a unity. God, no doubt, may perceive a systematic interlinking of values that culminates in a highest value, and is unified under a single principle, but such unity lies at least at present beyond our ken, and may always elude us. Unity, if it exists, can be asserted only after we have exhibited phenomenologically the myriad values that function in the ethos of peoples and cultures, or that could possibly function in them. By presenting the realm of values in this insightful but abbreviated system of five levels, and by not seeking to distinguish and classify further values under this five-level topology, yet suggesting, before all further inquiry, that the framework of five levels is exhaustive of what values the emotions can possibly discern, Scheler gives the impression of an axiological unity and simplicity of order that is as yet unjustifiable. Of course, Scheler recognizes the complexity and the historical diversity of the systems of values of persons and cultures. He is arguing rather that the order of values that underlies that diversity has an innate invariable structure, incompletely understood today, but potentially discoverable by phenomenology, not that all values partake in fact in some unified system; only faith in God assures us of that. A structural axiology does not imply its own completeness.

2.6 Competing Values and Norms and the Unity of the Sphere of Values

The generation of moral norms and obligations from the intuitive experience of values adds additional complexity to questions of the unity of the realm of values. Norms are derived from values by persons who wish to correct the direction of the impulses or conations of persons at whom the norm is to be directed. If the person desires what it is in fact most desirable in some situation, no norm would be generated. Obviously, no one would consider doing what he desires and loves doing as the conformity to a norm. Only when there is perceived to be a desire that runs *against* what is valuable and hence ought to be, will a norm be generated. Thus, Scheler notes, maxims such as Nietzsche's "Become hard!" or "Live dangerously!" were formulated as norms (hence the imperative form) only because he detected a tendency in himself against what he thought was valuable in life: the ability to withstand shocks, the willingness to take risks (*Formalism*, 215). Scheler writes, "This

possibility of variation in imperatives with the same values … may even permit imperatives of opposite meanings to have their foundation in them" (*Formalism*, 215). The point, therefore, is that *if* we are to find a unifying structure in all this diversity, where knowledge of values may function in conflicting norms or imperatives, we must look into the material content of values themselves and the pure or phenomenologically "reduced" feeling-acts that give us insight into them. In this initiative, both Scheler and Hartmann are one.

It is instructive to consider, in this context, Hartmann's presentation of value-*conflicts*, for it demonstrates the difficulty in the search for unity in the realm of values. The conflicts he cites do not appear in our failed attempts to assess moral conflicts, or in the conclusion that many are irresolvable, but in our sympathetic feelings for both sides of the conflicting value-complexes and for their opposing claims upon our way of life. His phenomenology here, while brief, is enormously insightful, and seems to reach into most people's sensibilities and command their sad assent to the perplexing ambivalence we feel between the values most worthy of our admiration and moral aspirations. It reminds us that the aims of persons are heterogeneous, and even the values of individual persons may vary as their moral life develops. If we paraphrase Hartmann a bit, and change the order in which Hartmann lists them, they will correspond to two more general and contrary claims upon our sympathy: that of *activity* and *passivity*, that of the acceptance of *authority* and the urge to *creativity*, that is, to go beyond accepted sources of authority. They bear witness to the initial disunity and need of synthesis of our knowledge of moral values.

Activity as a value	Passivity as a value
The morality of labor, of production	The morality of moderation and contentedness with little
The morality of struggle, of competition, of expression of energy	The morality of peace, of compromise, of charitableness
The morality of the customary severe claims upon one, against which the inclinations and desires of our own nature revolt; the breaking of limits in general	The morality of the highest or most secret desires that never are acted upon; the life of dreams
The morality of the responsibility of seeking for new norms, and of fighting for them	The morality of authority, of subjection to recognized and accepted norms
The morality of active involvement in the present or of one's own immediate environment	The morality of patient waiting for the future, the distant, the ideal
The morality of action in general, of the active life; the virtue of drinking in life's bounties	The morality of appraising values and enjoying them (*Ethics* I, Ch 4 c, 77–78)

Hartmann declares, "Unity of purpose is a fundamental requirement of the moral life" (*Ethics* I, Ch 4 d, 79), but his analysis of these contraries in the moral life hedges doubts and uncertainties about any search for a unity in our moral purpose. A person's life may and should, as we will argue in the chapter on ethical personalism, show unity of purpose, but only in the pursuit of some positive values and not others. Scheler, too, notes that it is not possible for a person to draw his own moral purposes from all five levels of the scale; one cannot be, for example, a saint, an artist, and an engineer. We will analyze this phenomenon in our chapter on ethical personalism.

Yet the moral task of humankind is to seek to understand the more chaotic feelings, loves and hates and their value-objects that we experience in our everyday lives. For only such understanding will assist us in self-healing, that is, in integrating the alienated and resentful self, so that its preferences and attitudes will conform to the objective order of what is loveable and hateable, as Scheler puts it.

Additionally, the increasing awareness of the values themselves that is made possible by material value-ethics will enable us to understand the ethos of persons whose sense of good and evil is different from our own. For Scheler, philosophy has always had pedagogical aims;[27] and the aim of that pedagogy is the restoration of the fractured self, the integration of human purposes, of solidarity among persons and the balancing-out of conflicts among hostile cultures ignorant of or misevaluating each other. Hartmann began quickly the great work of adumbrating the realm of values, establishing the place of moral values in that realm, and disclosing the content of the virtues. Scheler required first a phenomenology of those aspects of the human being that make possible, condition, and potentially distort of knowledge of values. This phenomenology will show how our feelings are embedded in a broader physical biological and intellectual context, and are peculiarly oriented by them towards objects in the world. Our next chapter will examine and evaluate this work.

[27] Cf. for example Scheler's "Die Formen des Wissens und die Bildung," *Philosophische Anschauungen, Gesammelte Werke*, Band 9.

Chapter 3
The Orientation of Human Beings Toward Value

3.1 The Aspiration to Systematic Philosophy

Scheler and Hartmann were both systematic philosophers. Each of their inquiries into the several problems that concerned them were interlinked, and aimed at an integrated and synoptic, if incomplete, vision of the world and the human place in it. Hartmann's *Ethics* and his late *Aesthetics* are products of the same synoptic mind and the same phenomenological attitude that informed the author's works on nature, ontology, and metaphysics. This is not a closed "system of everything" in the Hegelian or Thomist or Marxist sense; Hartmann argues expressly that some aspects of reality may always elude the human capacity for understanding, and Scheler argues at points that new values will continue to emerge as cultures and persons, driven by changing social and historical situations, evolve in their capacity for the perception of values.

Yet both he and Scheler are foundationalists, believing that we can return philosophy to the roots of true knowledge. For any given branch of knowledge, we know where to begin the search for it. We may not be able to know all the branches of the tree and our knowledge of some branches have not yet grown to a point where they can be seen clearly and fully. Indeed, there may be many irresolvable oppositions – Hartmann calls them "aporia" – and it may not be possible to bring our knowledge of the world under a single set of categories. There is always the element of possible disunity; the world and humankind may frustrate our natural aspiration to a unified vision of them. Scheler wrote on the first page of his dissertation with reference to Kant's antinomies that his reflections lack the "solving and saving" power of synthesis, as when we encounter gaps we cannot close between thought and will, between knowledge and action.[1]

[1] *Gesammelte Werke*, Band 1, 11.

E. Kelly, *Material Ethics of Value: Max Scheler and Nicolai Hartmann*,
Phaenomenologica 203, DOI 10.1007/978-94-007-1845-6_3,
© Springer Science+Business Media B.V. 2011

The foundation of all inquiry is the phenomenological analysis of the realms of essence and value and the acts that intend them. On such a basis, a consistent body of doctrines in metaphysics, ethics, sociology, religion, aesthetics and philosophical anthropology may eventually allow us to glimpse an uncertain and somewhat personal vision of the whole of things.[2] Both men are experimental but purposive, tentative but confident. Scheler writes,

> As the author sees it, philosophy should be systematic – but should result in a "system" which does not rest on deduction from a few simple fundamental propositions, but *acquires* an ever-renewed sustenance and content from the searching *analysis of the various domains* of existence – a system which is never closed but *grows in life* and *by* the continual rethinking of life.[3]

Given progressively clarified essential knowledge, philosophy, for Hartmann, proceeds to epistemology and metaphysics and from there to ethics and aesthetics. For his part, Scheler identified philosophical anthropology as the root concern of all philosophy. Two traditional areas of philosophy, metaphysics and epistemology, insight into which is the foundation of all other branches of knowledge, are themselves founded in philosophical anthropology. Anticipating in many of its details Heidegger's phenomenology of *Dasein*,[4] which was for Heidegger propaedeutic to ontology, Scheler began to develop, but did not live to complete, a picture of how human beings exist in the world, which was to serve as the foundation of philosophy and the culmination of his thought. The ramifications of philosophical anthropology, he believed, are especially crucial for ethics. How can we hope to respond to the great questions of ethics if we still have no adequate understanding of our own nature, of ourselves as the beings who aspire to establish the foundations of their behavior and their knowledge? And yet Scheler wrote toward the end of his life, "Never and at no time have human beings had less secure and universally accepted knowledge about their nature, their origin, and their purpose than today; … never did they have reason to view themselves as problematic, as a question mark, than today."[5]

This lack of self-knowledge has its main cause in the unprecedented and uncoordinated growth of the special sciences of man: physical, chemical, physiological, anatomical, psychological, developmental, anthropological, ethnological, sociological and historical. The more we know about ourselves, it appears, the less we understand ourselves. Systematic philosophy demands that from our phenomenological researches a global picture of the human being be made to emerge and serve as the

[2] Cf. for Scheler's doctrine that philosophy properly aspires to a global vision of things, "Die Formen des Wissens und die Bildung," in *Philosophische Weltanschauungen*, *Gesammelte Werke*, Band 9, 85 ff.

[3] *On the Eternal in Man*, preface to the First German Edition, p. 13. *Vom Ewigen im Menschen, Gesammelte Werke*, Band 5.

[4] Cf. Manfred Frings, *Person und Dasein: Zur Frage der Ontologie des Wertseins* (Den Haag: Martinus Nijhoff, 1969).

[5] "Mensch und Geschichte," in *Philosophische Weltanschauung, Gesammelte Werke*, Band 9.

foundation of all other regions of human inquiry. Ethics, the subject of the present study, thus too has its foundations in philosophical anthropology, and must inquire of it: How are persons essentially oriented towards the realm of values, such that values come to function in the human belief and behavior? In order to understand how we become active moral beings, we must examine how human beings exist "in the world," that is, how we are primordially *oriented toward values* of different kinds as they appear to our emotional life upon the objects we perceive, and how that orientation takes the specific forms it does in individuals and cultures.

3.2 Anthropological Foundations of the Human Openness to Values

The ancient Greeks thought they knew themselves. Aristotle, for example, identified the human being as a rational social animal. Their interpretation of these three characteristics was moral rather than phenomenological or scientific; it was based rather on the efforts to identify and realize the good for man, rather than to engage in a dispassionate observation and analysis of the way human beings exist. But Aristotle's reduction of the human essence to these three characteristics is apt. Clearly, human beings are as vitally attuned to their natural environment as is any animal; this attunement conditions their capacity for survival. The lowest values are relative to our *animal* nature, for a disembodied spirit, were one to exist, would know nothing of pleasure and pain and their associated values. The *rational* capacity of humankind allows us to grasp the ideas and values inherent in things and relationships, and focus upon their content – as a material a priori. Only on the basis of the human capacity for what Husserl called ideation, or, following Blosser, the cognition of the eidetic structures of phenomena, can language and norms be developed. Reason of itself aims at the highest values, the necessarily true, the good, and the beautiful. And our *social* nature is so prominent in our behavior that, as Aristotle observed, a man who could live outside society or his *polis* would have to be a beast or a god, either subhuman or superhuman – but not essentially human. Our social being orients us first and foremost toward our fellows as embodying virtues and vices. Human beings, because of this tripartite complexity, face the problem of integrating themselves, and orienting their desires towards the highest good. Success in this effort, as Plato had argued in *Republic*, is possible only under the guidance of reason, either that of one's own, as a wise man or woman, or that of a wise authority willing to be one's teacher, guide, or king.

Scheler's developing thought on the nature of man informs the discoveries he made in his incomplete phenomenology of material values. Just as a human being is fundamentally a *homo religiosis* – not simply a being who prays to an unknown God, a *deus absconditus*, but is himself a prayer, so too are men foundationally animal beings whose awareness of reality is shaped by need and desire. And so too are we moral beings because we are loving beings, and our loves (and hates) are ordered in a specific universal manner *before* vital and social conflicts cause the

initial purity of value-feeling to be narrowed, distorted and subverted, and *before* our primordial knowledge of values is applied in action and determines our sense of obligation and responsibility. Scheler's picture of this orientation, developed throughout his life, lacks the systematic shape that his unwritten philosophical anthropology might have given it. But we can identify several key elements that constitute the human openness to values.

3.2.1 The Ordo Amoris

The first and most primitive characteristic of our openness to the world in general[6] is the phenomenon of *spirit* (*Geist*), which is the deepest foundation of spiritual personhood. Wherever there are persons there is spirit. Spirit's fundamental character is its capacity for knowledge of essence, of absolute and relative being and of value. The emotional capacity for knowledge of the values themselves is founded in acts of *love* and *hate*. These acts open us to the world as such. Within them arises an inchoate noetic feeling through which values are presented in a noematic or objective order of relative worth. These positive and negative values "found" a priori our attraction to, or aversion from, actions and events that could create or destroy objects that carry or embody these values. An initial subliminal emotional groping towards values enables us to identify objects as valuable, that is, as *goods*, and to prefer some goods to others. The human being comes to inhabit a world of value-objects that he may grasp in themselves as objects only insofar as he loves and hates. Hence, each human being, as a distinct spiritual person, possesses an *order* of loves and hates that, for Scheler, is innate, or formed in early infancy, and takes a unique form in each of us. He does not speculate on the mechanics of its construction. He calls this universal order that founds our spiritual life the "objective" Ordo amoris. It is an order of the heart that intends and loves values according to their objective relative worth.[7] Out of it emerge the basic moral tenor of a person, the ethos of his community, and the norms to which he submits.

Hartmann also notices this unique human phenomenon of unity and diversity in the functioning of values within a person's stratified capacity for cognitive feeling. Each of us is inclined towards the realization of ever-different goods bearing those values of qualitatively different kinds and different relative height that function in our ethos. Scheler called the order of an individual person's feelings that lie at the

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[6] In Scheler's view, openness to the world as ontic reality is achieved by the drives; existence as such is given in the phenomenon of resistance to the drives. Animals live in an environment determined by the existent objects that resist their drives or are the objects of them; not having spirit, animals are unable to perform acts of ideation and thereby thrust themselves beyond the environment into a world of objects carrying meanings and values.

[7] Cf. the posthumous essay "Ordo Amoris," *Gesammelte Werke*, Band 10.

root of her personhood, and that may deviate from the universal order of values, the "subjective" Ordo amoris. He speculates that humankind is often deficient in its awareness of the gradational or vertical order of values according to their relative worth, and for that reason the objective and universal order of values, still to a large measure unknown, functions in different ways in different persons and in different social groups. The individual or subjective Ordo amoris,[8] what Hartmann calls the "ethos"[9] of each person and group, is a particular and limited and perhaps distorted emotional structure, for the subjective Ordo amoris refracts the objective order of values differently in different men and women. Human beings will bow down before one item and discard a similar one, depending on which values they believe each possesses. And yet systematic phenomenological study of values and of the human heart can assist us in achieving a clearer vision of an objective Ordo amoris, one less diffused and scattered by spiritual maladies. Hartmann agrees with Scheler and Pascal that the uniformity in humankind's sense of a relative value of things is almost enough to justify St. Paul's idea of a *nomos agraphos*, an objective law of loving and hating written upon the human heart. Scheler refers to Paul also in his essay on the Ordo amoris.

Thus, the first piece of the puzzle of a person's unique orientation to values is this specific and unique *order of loving and hating* of each person and of each culture that makes possible and informs his knowledge of values. The tension between an objective Ordo that can be recovered phenomenologically, and a subjective Ordo amoris that functions in the lives of persons and cultures, has normative force in two ways. First, the Ordo amoris of a person can be broadened and corrected. Originally, each of us is morally oriented toward a specific dimension of values that is deepened as we go through life. One person may have a primitive marked affinity to music that will prompt an exploration, assimilation, and correcting of musical values. Second, there is an objective Ordo amoris that Scheler and Hartmann attempted to disclose phenomenologically, but is postulated by Scheler as a divine order of value.[10] The loves and hates of finite beings can be partial and narrow. They can be distorted by spiritual diseases, such as *ressentiment*, a term given a celebrated application by Friedrich Nietzsche in *The Genealogy of Morals*, and later by Scheler himself.[11] Phenomenological scrutiny enables an individual to see the limitation of

[8] For an excellent analysis of the concept of the Ordo amoris as "doppeldeutig und doppelsinnig", cf. Angelika Sander. *Max Scheler zur Einführung* (Hamburg: Junius, 2001), 62–74.

[9] Hartmann uses the term "ethos" as approximately equivalent to Scheler's "Ordo amoris." Scheler generally reserves the term "ethos" (or plural "ethea") for the value-systems that function in persons and groups, while the Ordo amoris is reserved for the value-orientation of individuals and groups that "found" their ethea, that is, love and its order of valuing is the noetic ground of the possibility of perceiving the world as shot through with value-objects in an order of relative worth.

[10] Cf. *Formalism,* 255*; "Ordo Amoris," op. cit.*, 359: "Thus the object of the idea of *God* … just for the sake of this essential character of all love lies at the foundation of the thought of an Ordo amoris."

[11] "Der Ressentiment im Aufbau der Moralen," *Gesammelte Werke*, Band 3, 33–147. Translation: *Ressentiment* (Milwaukee: Marquette University Press, 1994).

his or her own scale of values. Whatever its specific structure, the Ordo amoris conditions *what* a person experiences of the realm of objective value-essences and *how* this experience is functionalized as her specific preferences – value-prejudices, perhaps – among value-goods and moral norms.

The personhood of an individual is most profoundly described by the structure of his subjective Ordo amoris. To understand the spiritual life and values of a person or a culture is precisely to grasp its Ordo amoris. "*Who has the Ordo amoris of a man has the man*."[12] On what level of values does the person habitually live? Show me what a man loves and hates, and I will show you the man! The subjective order of love and hate conditions how a person first encounters the world and himself and is attracted by the objects that open to him in love and close off to him in hate. These noetic emotional acts reflect his moral being. What a person can do and become lies in his nature as *ens amans*, for love also opens us to the future as a horizon of possible value-objects, where one formulates one's aspirations as a moral being. On the basis of the Ordo amoris a person encounters the *meaning* of her life. The phenomena of destiny (*Schicksal*) and calling (*Bestimmung*)[13] appear within the acts of love and hate of a person as she lives her life. Out of her struggles she may work out a narrative of her life. For when events function for a person as symbols for the possible unity or disunity, or the possible meaningfulness or randomness of his life *across time*, we have the phenomenon of destiny. When a person senses in himself or in others a peculiar vocation that that person alone is called upon to accomplish, whether it is good or bad, whether she is eventually successful or not, we have the phenomenon of *calling*. Because of the uniqueness of the subjective Ordo amoris, individual destiny, and calling, and their closeness to the being of a person, a moral judgment must refer to these three aspects of a person's life, which constitute his very being as a moral agent: "If we attempt in some manner to judge and measure a person thoroughly, we must have before our minds always, along with the universal measures, the idea of the personal calling that is appropriate to *him*, not to us or to other agents."[14] We do not choose our destiny and calling. Both appear to come from *outside* the person, as hers, but only hers. We cannot objectify either of them, or trace them to divine fiat or to providence and thereby hold them at a distance from ourselves. They are *our own*, and must be lived through, for they are rooted in our primordial value-receptiveness as it becomes active in the world. We can of course resist our destiny, and struggle against it, or even struggle against the destiny of the age. Scheler sees the origins of *tragedy* in the phenomenon of *resistance* to one's destiny and calling.[15]

[12] "Ordo Amoris," *op. cit*., 348.

[13] For an analysis of the concept of fate and calling in Scheler, cf. Eugene Kelly, "Der Begriff des Schicksals im Denken Max Schelers," in *Ursprung des Denkens – Denken des Ursprungs,* ed. Christian Bermes *et al.* (Bonn: Bouvier, 1998).

[14] "Ordo Amoris," *op. cit*., 351. Thus, there is necessarily a subjective element in moral judgment. This fact will relate to the conception we will eventually develop of *obligation* and *virtue* in material value-ethics.

[15] Cf. "Zum Phänomen des Tragischen," *Gesammelte Werke*, Band 3.

3.2.2 The Basic Moral Tenor

The subjective Ordo amoris is the structure of the loves and hates of a person, which open her to values and disvalues. It obviously informs her specific moral evaluations and her prioritizing of them. This center of a person's moral life is termed by Scheler the *Gesinnung*, the German term that is translated in *Formalism* as "basic moral tenor." This phenomenon appears through the expression of the body, the words, and the actions of a rational moral agent (*Formalism*, 18–19). The basic moral tenor is the source of judgment of others and oneself, and is the wellspring of the will to act. The concept is not redundant, that is, a repetition of the Ordo amoris. It differs from the latter, for it is less original; it is derived from the Ordo amoris, and, unlike its source, the basic moral tenor is oriented toward specifically moral values. We may, Scheler believes, grasp the personhood of a another by our re-enactment of his loves and hates, but we do not – or ought not – make the person himself an object of *moral* judgment. The person cannot become an intentional object as his attitudes, desires, and actions can be.[16] Moral judgment is therefore directed at a person's basic moral tenor and his will.

We feel a person's moral tenor indirectly, in the expression of his body, but we can grasp its material content directly in acts of sympathy. For example, we see a man enjoying a dog-fight. He is oriented positively towards the moral and situational values and disvalues that appear in the proceedings. We take his presence there as a signal of his basic moral tenor, which we may or may not share. If we do not share his enjoyment, we will likely condemn him as a person for *being able* to take pleasure in such a revolting and painful scene. His "being able" is a function of his Ordo amoris; his signs of approval and his enjoyment-responses are functions of his basic moral tenor. We may grasp his basic moral tenor in his facial expression and gestures, which serve as symbols for his depraved attitude. He wills to be present at the scene, thus willing to realize a lower value (supporting a practice that causes the suffering to the dogs, among other disvalues) rather than to destroy it (by refusing and opposing the practice).

The noetic material apprehended in sympathy is the person's active orientation towards specific values. An action may or may not disclose the person's basic moral tenor; even if it does, it may not even "represent" its orientation, for a person can contradict in his actions his own basic moral tenor. When we discover that this has happened, the result is surprise (or regret) on the part of the observer, or satisfaction (or self-laceration) on the part of the agent. Thus specific actions have only symbolic value for our apprehension of the moral tenor. In this way, the simple observation of a parent that the child "didn't mean" what she did is based in the parent's belief, through intuitive awareness of his child's moral tenor, that she would not

[16] Scheler's position appears to be that a person's Ordo amoris is not subject to his will. Whether he believes that a man's basic moral tenor is subject to his will is, as we will examine in Sect. 3.3 below, uncertain.

have chosen to act in that way under "normal circumstances." Our moral tenor orients and conditions our actions, but does not determine them; for that an act of will must intervene, as we will see in our chapter on moral action.

Quite different from the basic moral tenor is the phenomenon of "character," which is *not* an orientation towards values. That term, Scheler notes (*Formalism,* 117), is a construction, not a given; an inference, not a fact. An observer generalizes about a man's character based on the observation of his behavior; he "objectifies" the unobjectifiable personhood for the sake of dealing with him by quickly assessing his dispositions and capacities, and then by forming specific expectations regarding his probable future behavior. Nonetheless, Hartmann retains the term "character" as central to his virtue-theory.

3.2.3 Sympathy

The basic moral tenor is the second piece of the puzzle of humankind's orientation towards values. Of course, a central concern of any human being's basic moral tenor is the tenor and will of other persons or groups of persons to whom he may be favorably or unfavorably oriented. Our capacity for sociability is quite different from that of other social animals; it is derived from our capacity for *sympathy*, which opens us directly and immediately to the inward lives of other men and women – to their emotions and to their fundamental moral tenor – and enables us to engage in spiritual community with them. We cannot, of course, feel another person's pleasures and pains; we grasp directly the joy or suffering these may cause, and can participate in that joy and suffering without sharing the sense-experience connected with it, unless it is transmitted to us by psychological contagion. And, of course, we share with others at least in part our insights into the realm of values. The ethos of the community is the "space" of these shared values.[17] This capacity for direct and immediate sympathetic understanding of the mental states of others is assumed by material value-ethics.

Any ethics founded in a concept of good will, like that of Kant, would be required to make the assumption of the possibility of direct participation in the emotional life of others, that is, without the mediation of an inference to "other minds." Yet Scheler asserts that the possibility of such direct participation does not depend on a metaphysical hypothesis about inscrutable mental powers that enable us to know "other minds," but is an empirical given. The "possibility" refers only to the fact that some of us never and all of us occasionally do not in fact enter the emotional lives of others and re-enact mentally their joy, their despair, their virtues and vices.

[17] The articulated phenomenon of sympathy was the subject of a long early essay, *Zur Phänomenologie und Theorie der Sympathiegefühle und von Liebe und Haß* (Halle: Niemeyer, 1913), which Scheler eventually developed as one of his greatest phenomenological studies, *Wesen und Formen der Sympathie* (*Gesammelte Werke*, Band 7).

Without such entry, however, moral judgment, as material value-ethics envisages it, is impossible, for moral judgment, as we noted a moment ago, is aimed first at a person's basic moral tenor, and second at his acts of will. Sympathy sees through the actions of a person to their roots in his or her will and basic moral tenor. One cannot feel obligation towards a thing that does not possess an emotional life in which one can take part. One neither feels-with or sympathizes (*Mitfühlen*) with a lobster or a clam, nor condemns or respects it morally. For that reason, Bentham makes sense when he asks, in connection with our possible moral obligations to some creature, not whether the creature can reason, but whether it can suffer. We can feel-with the suffering expressed in the eyes of a dog and for that reason feel obligated to help it, but not with a lobster or a clam thrown into a steamer: they do not suffer, and we cannot re-enact in our own mind their emotional states.

Since entry into our fellows' inward life is a condition of our sense of obligation to and solidarity with them, sympathy has a moral function. Lack of sympathetic awareness of others breeds alienation and indifference, and leads to considering them as strangers whose life we do not share. Most of us freely accept obligations to other men and women just because we can share their emotional life. A person in whom there is little effective sympathetic experience of others we would call at best insensitive, at worst inhuman, but never a sadist, for the sadist enters into the suffering of others precisely to be enjoyably aroused rather than distressed by it. Bentham assumes the suffering of an animal, seemingly without having felt it; if this is so, his concept of obligation lacks the personal openness to and involvement with others – even with the dog – that morality everywhere requires. Bentham no doubt knew this, but declined to make sympathy a significant part of his moral theory, as did his near contemporary Adam Smith in his *Theory of Moral Sentiments*. He appears to consider relations between persons on the model of the relationship between autonomous businesspersons, where no such entry or involvement is required. The only sympathetic experience required (if it is required at all, for a person can simply measure the pain of others against what she thinks she would experience in the other's situation) is used to calculate the quantity of physical and emotional pleasures and pains in other persons and not the moral quality of their lives, and businesspersons, like dogs, experience those physical states.

3.2.4 Milieu

The third phenomenon that conditions our openness to values is *milieu*.[18] Our evolved animal natures structure the environment and constrain and limit our openness to the endless number of items that are available to our senses at any moment.

[18] In his discussions of this phenomenon, Scheler adverts frequently to the work of Jakob von Uexküll, especially to his *Umwelt und Innnenwelt der Tiere* (1906), which rewards reading even today for its shrewd observations of living things. Its thoroughly secular scientific world-view is, however, anti-Darwinian.

Milieu is constituted by those objects that fulfill the directedness of our sensible nature – our drives – towards what is necessary for our survival. For only if an organism's "world" is limited to those objects towards which the drives are directed does it become possible for an agent to act. Otherwise, it would be overwhelmed by incoming impressions. The human milieu is that part of the entire ambient perceptible situation that is possibly effective on a person (*Formalism*, 148), that is, milieu objects are those things and values to which an organism is "attuned" by the drives peculiar to it. The milieu of an ant is different from that of a house cat, and the milieu of a statesman is different from that of a tailor, for their drives are differently oriented. "Striving after," "taking an interest in," "attending to," or "perceiving" some object take place from *within* the milieu. Thus what any form of wanting-to-do can aim at as an object of desire or of obligation is conditioned by the "firm wall" of the milieu. We can choose to act only upon those things that can be effective upon us, that is, those that can attract our attention, arouse our desires, or move us to act. Scheler writes that this conditioning by the milieu "is also valid for the sensible contents that appear in the sphere of the milieu. The milieu is *not* the sum total of what we perceive sensibly; rather we can only perceive sensibly *what belongs to the milieu*" (*Formalism*, 148).

Scheler provides some examples of this phenomenon. The milieu-objects are those that condition some specific engagement, as the objects in the forest structure the environment of the hunter; the milieu-objects appear to him as a field in which he may possibly encounter his prey. Acts of interest, attention, and perception take place within a milieu "as something whose contents represent every *possible* material for the contents that vary according to the kinds and degree of acts" (*Formalism*, 144). Within his milieu he seeks out signs of the prey; his attention is directed to places in which his experience tells him that he may see such signs; he perceives what appears in the direction of his attention. There is an a priori order to this process. The milieu of the hunter determines, while he is in the forest, the interest he takes in the things around him. He passes through the forest as the place where game is hunted, and takes an interest only in the objects determined by that milieu, that is, the part of the world that is effective upon him as a hunter. He is attentive to whatever is liable to satisfy that interest, and he perceives in that act of attentiveness the objects given to him as relevant to his aims. This is a clear case where milieu founds or conditions interest, interest attention, and attention perception.

To this presentation Scheler adds the interesting observation that if we subtract from persons the specificity of their milieu, that is, the milieu-structure and the objects in it that determine their interests as hunters or tailors, and consider them simply as human beings, then, as members of specific cultures across history, we get *tradition*, or history as effective upon the people of that culture. The tradition determines the narratives a people makes of its own history. Further, as the milieu-structure that determines the "natural standpoint" of all persons, we get the "relative natural world-view," that is, what has become the common sense of a person or culture, or what it "takes for granted." All history and science begins with the common sense determined by the human milieu-structure.

Since we can strive after only those value-objects in the milieu, Scheler observes,

> objects that become determining factors in acting, i.e., milieu objects, can become such objects only if they are *already* cut out of the totality of world-facts *on the basis of the value-directions* of the *portion of life of the lived body* and its immanent rules of preferring. The *milieu* of a being is therefore the *precise counterpart* of its *drive-constellation* and its structure, i.e., its *make-up*. … The occurrences of *sensible feeling-states* are *dependent* on the *primary drive-manifestations*, which are stirred up by *milieu-objects* that are themselves *selected through drive constellations*. Sensible feeling-states are not causes but *consequences* of these stimulations. (*Formalism*, 157).

Kant, Scheler notes, assumes the opposite: Kant argues that all stimulation of the drives and the structure of their responses are the consequences of the effects of the milieu, such that all drives are specializations of one fundamental drive, *viz.*, to self-preservation. Second, and more important, Kant assumes that physical feeling-states arouse the drives and direct them to objects in the milieu, and thus determine the effects of the objects upon the body. But that would mean that all the values aimed at by the drives could be experienced only through the value-milieu, and not attended to and evaluated cognitively, as rational norms are. If this is true, then ethics would have to splinter the human being into creatures subject on one level to rational moral laws and on another to sensual desire, and this is in fact what Kant does. He divides our relationship to the world of values to those objects that provoke pleasure and pain and are therefore objects of desire and aversion and those that correspond to formal moral laws and are therefore objects of obligation. The *success* of actions aimed at self-preservation (or at providing pleasure or the absence of pain, which is a condition of our preservation) determines the material given to the drives and the direction of our inclinations. Since self-preservation is indifferent to the moral life of a person, Kant concludes that the drives of an individual cannot be part of his moral value. But in this way, Kant loses the possibility of judging a person not just by the action of his will, but by the structure and fullness of his drive-life, as it aims at the lower material values of pleasure, utility and vital well-being – which are still, after all, *values*. For Kant, sense-feeling in the face of a drive-object (one is, say, aroused or excited upon seeing an expensive or well-advertised automobile and the pleasurable feeling of cupidity grows) determines the object in its effect upon our lived body (we move to acquire the automobile, or, if we cannot afford to do so, we fall into *ressentiment*). But this account is mistaken. Scheler concludes:

> Kant assumes that drive-excitations are caused by a sensible feeling state vis à vis a milieu-object and that this feeling-state determines an object in its effect on a lived body. … [H]e must as a consequence divide the whole of value-facts into *formal laws* and *sense-pleasure*. And from this it follows the *fullness* and *structure* of the drive-life of a human being, as opposed to the will's accomplishment in "ordering" it, do not represent a factor in the *evaluation* of a human being. … Kant failed to see a fact that is fundamental in ethics, namely, that a *basic* value-difference among men is determined by which objects *can* have an effect on their possible comportment and hence *can* give rise to sensible feeling-states; and he failed to see that there are differences among those things in which different men *can* experience "pleasure." … (*Formalism*, 158–59).

3.2.5 The Value-Milieu

And yet, fairly or not, we often judge an agent on the basis of what values he is open to and has made functional. Such judgments refer also to the degree to which his drives have embedded him in a limited milieu and made him incapable of looking beyond it. A person who has allowed himself to be captured by his vital milieu we call oafish, limited, and bestial, that is, lacking in values that appear only on the level of spiritual and religious values. Such judgments, we should note in criticism of Scheler, are quite different from more specifically moral judgments. Moral judgment aims at both a person's felt capacity for and his capacity to realize higher values in a situation that gives scope to that capacity, and also at his intention to do what is ideally right in that situation. The moral capacities that are objects of the value-assessment of a person may, of course, pertain to his concern for the lower values. For example, we may praise a man for generosity with his money, or condemn him for his stinginess. But to call a man oafish and limited is to make a different kind of assessment, one directed at his being as a person; such judgments refer to what nature has made of him, and over which he had limited control, if any. We might apply such terms, which we can call borderline moral concepts, to animals, or automobiles. A person can be judged to be ugly, just as a dog or an auto can. Such a term is not intended as blame when directed at the latter two, but in the case of the human being, it is a disparagement of his person that, in some cultures, approaches moral condemnation. Such evaluations, however, would not be a part of morality according to Kant; Scheler insists, falsely, perhaps, that they are.

This phenomenology of the intellectual, spiritual, social, and vital orientation of persons to the world has immense implications for a philosophical ethics, for it describes the conditions through which things take on value. *All* milieu-objects are *value* objects to which we are attuned in a certain order of preference, for our openness to the world is derivable from our capacity for cognitive feeling. The primordial attunement to the world of persons and objects as a world of values is the Ordo amoris, the order of the "heart," i.e., the order of a person's loves, hates, sympathies, and aversions that condition his basic moral tenor. This in turn conditions what things he desires and is averse to in the things that are available to him in his milieu. The lived world is hence populated with values that present themselves upon objects, "carried by" them, as Scheler says, to the court of the human spirit. This order conditions both our social and our vital nature, and determines what will be available to us in our milieu. Distinctions in the scope and function of milieu can be made: there are milieu objects, a value-milieu, and a "momentary" milieu, but a generalized milieu structure is prior to and foundational of all others.[19]

[19] These terms appear at various points in Scheler's writing, but they are not adequately distinguished. It is unclear to this reader how the value-milieu of a person differs from the milieu *simpliciter*, insofar as objects in a milieu always bear some reference to a value.

The phenomenon of milieu also has metaphysical implications. From the beginning of human awareness, the milieu is saturated with values that are given to us through the emotions and carried by the objects that are given to us in perception. Logical positivism was incorrect to assume that a value-*free* universe was “hidden behind” our foolish personal subjective evaluations of it and that the former alone is the proper object of knowledge. Scheler writes, “It is not that a value*less* universe hides itself from developing life, masking itself as merely subjective sensible feelings; on the contrary the realm of values *opens* itself up more and more to differentiating feeling” (*Formalism*, 157). The milieu is the value-world as it is experienced in practice: the milieu of any organism is that part of all that exists that is disclosed in response to the demands the organism, including those of his body, makes upon the environing world as he struggles to live. Milieu is thus the embodiment of the vital harmony between objects as carriers of values and organisms as they are oriented towards specific value-activities. The milieu of an organism is chosen by, not given to, the actions necessitated by its organic being; the direction of the activity of life and the elements in life that matter for the survival of the organism as an activity of a specific kind determine the specific content of the milieu.[20]

3.3 Human Freedom

Since for Scheler the Ordo amoris, possibly the basic moral tenor, and the milieu are not subject to conscious intervention, he effectively denies human freedom. Like the fundamental moral tenor, calling, and destiny, and, as we will see, like an individual's choice of an ideal person as the embodiment of moral value, these features of our orientation toward values can be altered only by a kind of conversion-experience that, like calling and destiny, appears to come from outside ourselves. For the milieu conditions the order in which persons engage themselves in the world about them. It is only from *within* a milieu that a person “strives” after, takes an “interest in,” “attends to” or perceives an object. What the initial “conatus,” or impulse to action, *can* aim at as an object of desire, of an intention, or of purpose, is conditioned by the “firm wall” of the milieu and its value-objects. In this way, our freedom to act is limited by the milieu-structure, for one can take an interest in, be attentive to, and finally perceive and make choices among only those things that can be effective upon one, that is, can attract one's attention, and arouse one's desires.

One sees a fundamental problem here. We are attuned in an a priori order to objects, situations, and persons bearing values. The origin of that attunement to the world as a world of values is the order of the heart, the order of a person's loves and hates. This order determines the basic moral tenor, and ultimately the value-structure of the milieu, that is, what a person in that milieu desires and is averse to in the

[20] Cf. “Der Ressentiment im Aufbau der Moralen,” *Gesammelte Werke*, *op. cit.*, 43.

things that are present and available to him. Yet that which is available to the person is determined not by the human spirit as a personal order of loving and hating, but by the drives, which determine the milieu. Further passages in Scheler suggest that all human knowledge is dependent upon the structure of the human milieu, which, as we have seen, is the foundation of the relative natural world-view. Science, for example, is an extension of our capacity to control milieu-objects by accumulating detailed information about how they work. Phenomenological knowledge gives us absolute knowledge, that is, knowledge relative to the spirit alone and not to the vital drives, but it is unclear in Scheler how such knowledge may function in the achievement of moral autonomy. We see this conflict between life and spirit in their relation to human freedom in the final passages on the concept of milieu in *Formalismus*, 158–59:

> the basic moral tenor possesses a realm of non-formal values, which is independent of all experience and any success in actions. The basic moral tenor determines the world of values of the person. The act of willing within the value-direction of a person's moral cognition may be called a "self-positioning." … The "drive-constellation," however, presupposes the experience of some lived-body organization. If such an organization is given, the material of drive-stimulations is possible only within the scope the milieu allows as conditioned by a drive-constellation.

From whence does the basic moral tenor derive its independence as an object of moral judgment, if not from the drives, and where does it obtain its content, if not from experience? How does the person come to "position" himself in the world of values accessible to him as he wills? And, most importantly, if there is in fact genuine human autonomy, how do the drives interact with the basic moral tenor to produce an action that is free, and hence can be subjected to moral evaluation?

Scheler took up the problem of freedom in a posthumously published paper, "Zur Phänomenologie und Metaphysik der Freiheit,"[21] while in *Formalism* (203 and 238) he mentions it only as the subject of a future project. The phenomenology of human freedom begun in the posthumous essay aims at two related phenomena: the freedom that appears in our sense that we have the power to achieve some end – what in *Formalism* is called the "irreducible" experience of to-be-able (*Können*) – and the sense of freedom that appears to us in the apparent availability of alternative projects among which we may choose.[22] The former founds the latter, for the greater our sense of power to act, the larger will become the number of varying desires and their corresponding alternatives with their differing values. Desiring, writes Scheler, in complete opposition to the Buddhist idea of desire, makes one free.[23]

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[21] *Gesammelte Werke* 10, 155–177.

[22] Scheler notes (*Formalism*, 206) that in the absence of a felt ability to do something, Kant's proposition, "You can, for you ought," becomes at best a readiness to repeat an act of duty once it has been done. "To be able" is the sense of capacity to do one's duty *prior* to undertaking the obligation. The lack of confidence in such ability, Hartmann notes, is why the road to hell is paved with good intentions (*Ethics* I, 280): inconsistency between what one intends to do at one time and what one later feels himself not able to do.

[23] *Gesammelte Werke*, Band 10, 157.

The phenomenon of the to-be-able is the foundation of the phenomenon of virtue. This phenomenology will interest us after we consider the phenomena of moral action, and obligation, and before we take up the individual virtues. However, it will not give us the fact of freedom. Scheler occasionally affirms that it is possible for a human being to escape from his vital life and hence from her milieu by means of spirit, and this possibility suggests that human freedom, autonomy, and moral responsibility first appear on the level of the values of spirit, perhaps with the specifically moral values: the right and the wrong. In his later work, Scheler claims that the spirit can turn against the drives and say "no" to them, forcing upon them, as it were, different, more spiritual desires that capture energy – Scheler adopts the Freudian notion of sublimation – from the lower desires, and allow us to aim at the realization of higher values.[24] But he does not show us how the spirit can be effective in this conscious spiritual effort at sublimation: we are and always will be animals, he says. He notes in the posthumous essay on freedom that if we assume a physical world otherwise determined by natural laws, to make the human will an exception to such determination would be simply incomprehensible.[25] There are of course passages in Scheler that argue firmly for the capacity of the mind to achieve knowledge of the nature things apart from their effectiveness upon us, and that knowledge may influence our conations; perhaps it is this capacity that enables us at least to pass beyond our specific milieux as hunters and tailors but not, however, to escape the necessity of determination by the drives. His phenomenology of action expresses how freedom, even if illusory, is experienced. We will observe this effort in the next chapter.

Clearly, another model than scientific naturalism is required if we are to solve the problem of human freedom and moral responsibility. It is not to the point to criticize Scheler for not having solved the problem of human freedom; no one has. But he seems insensitive to the need for further reflections on this matter. His copy of Hartmann's *Ethik*, now in the Bayerische Staatsbibliothek München, is annotated with more notes to himself where Hartmann engages in a long analysis of human freedom (*Ethics* III) than at any other points in the book. Hartmann speculates that Scheler did not consider with sufficient depth the problem of human freedom precisely because he considered love and hate to be primary in our orientation towards the world. He notes that the assumption of the freedom of a person is *least* apparent when we love or hate another person; consequently, the problem of freedom is less salient to a philosopher whose primary moral phenomena are love and hate. However, he adds that our loving and hating things and persons are emotions that are not as frequently experienced as Scheler thinks they are, and that the phenomenon of freedom appears elsewhere and not in the phenomenon of the to-be-able. In emotions directed towards persons, the *other's* freedom is more visible than our own. Our actions, he writes, are "directed towards another person as towards a being who

[24] Cf. *The Human Place in the Cosmos*, *op. cit*., 37f.

[25] *Gesammelte Werke*, Band 10, 164.

is self-determining, accountable, responsible. … one can see [this] in respectfulness, contempt, honor, admiration, disfavor, jealousy; one can see it still more clearly in belief, self-surrender, in promises, assent, advice; but also in distrust, suspicion of anyone, in deception, misguidance, and so on" (*Ethics* III, 181). Perhaps we are wrong to seek freedom in ourselves; we first encounter it in others.

Hartmann devoted far more of his published work than Scheler to making the source of human freedom lucid.[26] His view on the problem of freedom is too detailed to be given adequate treatment in a book on material value-ethics, which may proceed on the mere hypothesis of genuine or ontological personal freedom. Nonetheless, Hartmann analyzes the problem of freedom as essentially connected to the phenomena of moral action, and, in fundamental agreement with Scheler, develops a limited phenomenology of moral action that we will explore in our chapter on obligation. At this point, let us merely point out what Hartmann takes to be the status of the problem.

Kant demonstrates that the antinomy of the phenomenal sphere (natural causal determination) and the moral sphere (human moral freedom) is a genuine one, and cannot be easily resolved. An antinomy that can be resolved is not a genuine antinomy (*Ethics* III, Ch 9 a, 101).[27] The apparent resolution of the causal antinomy (the third in *The Critique of Pure Reason*) by Kant was possible only by introducing a metaphysical idealism that posits a hybrid nature in human beings, *viz.*, phenomenal and noumenal natures. Our positive freedom consists not in breaking the natural causal nexus, which, *per impossible*, would be an exercise of negative or reactive freedom without its own principle. Freedom must be positive, that is, a determination *sui generis* (*Ethics* III, Ch 4 a, 53). This positive freedom appears for Kant in our capacity to *add* to the causal nexus actions that emanate from our noumenal or rational self and the ideal order of its will. It makes the human being a citizen of an ideal realm of values, external to the phenomenal causal sphere but active within it. Yet once Kant's theory is freed from its idealistic metaphysics, the antinomy returns in its true force and power. The question remains whether another sphere of existence is found in humankind that is not causally determined, but which, through human agency, can produce changes in the nexus that are determinate in nature. We can only provide ourselves with a phenomenological account of the moral phenomena that presuppose genuine ontological freedom without guaranteeing its reality and we can study the metaphysical implications, if any, of that account.

There are antinomies of Ought and Ought, as we have seen in the case of the active-passive antinomy discussed in Chap. 2. These antinomies are undecidable, and cannot therefore determine a rational will by commanding an agent to act in

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[26] For a study of Hartmann's analysis of the problem of freedom and his critique of Kant's position on this issue, cf. Jäger, Richard. *Zur Lehre von der Freiheit des Willens bei Kant und Nicolai Hartmann* (Nürnberg: s.n., 1966).

[27] Hartmann uses the term "antinomy" as a borrowing from metaphysics. Although he does not claim that the term applies in literal fashion to oppositions between values, he finds the metaphorical application of it to axiology illuminating.

some one way that alone is rational in his circumstances. If the moral law could command, our will would cease to be a *moral* will, for we would be constrained to act in the way it commands. The human being must be autonomous with regard to moral law. Kant erred in placing the origin of obligation in the will and not in a sphere external to it, making the human being both the legislator and the executor of the moral law (*Ethics* III, Ch 16 g, 197). But we are not legislators: "Moral commandments do not arise from reason, but are directed toward it" (*Ethics* III, Ch 4 d, 61). These commandments arise only out of the table of values. For only if the will of the agent stands over against the moral law can the agent be free. This is the antinomy of Ought and Will. We will see how this point is fundamental to Scheler and Hartmann's ethical personalism: if the human person were entirely subject either to the ontological or to the ideal realm, moral freedom – the freedom to transgress – would be impossible. For here the phenomenon of freedom first appears: where the human being stands over against his situation in nature and over against the natural moral law itself. Freedom cannot be commanded by a super-individual consciousness, such as Kant's "pure reason," it must lie in the consciousness of the individual acting person (*Ethics* III, Ch 10 d, 126). Material value-ethics is, for this reason, essentially personalist, while Kant's moral theory is essentially impersonal. Freedom and the moral value of the person becomes possible only if persons are capable of acting by fiat, that is, by deciding to act in a way inexplicable by the natural law in the face of an irresolvable value-antinomy. Hartmann writes,

> out of his own resources, here and now, a person must make a decision. As he in fact from hour to hour makes such a decision, there must be something in him that is capable of deciding in this way – independently of the correctness or incorrectness of the decision. … Seen from this point of view, the basic capacity to which responsibility and accountability refer is in fact a metaphysical Plus of determinism; and it is a Plus such as a person alone among all natural entities possesses, both in face of natural law and of the moral law, both in face of ontological and axiological determination (*Ethics* III, Ch 16 g, 198–200).

This metaphysical doctrine is consistent with the phenomenological facts of the case but not implied by them. The phenomena of responsibility, accountability (*Zurechnungsfähigkeit*), and guilt point to it, without, however, justifying it ontologically. It is possible, as Scheler also affirms, that we are mistaken: "Whether apparent freedom is an appearance of real freedom is exactly the point in question" (*Ethics* III, Ch 11 b, 139), and it can be answered only metaphysically if at all.

How should such metaphysics proceed? In Scheler's characterization, metaphysics is a heroic thrusting of the mind beyond the empirical and essential facts to a speculative existential vision of the structure of the whole of things. Yet it must not be unbridled speculation. Any metaphysical doctrine must (1) be consistent with the known empirical facts, although facts alone can never lead beyond the realm of fact; (2) have no competitors in the form of more or equally persuasive theories with implications counter to it, that is, it must be the "best possible explanation;" (3) be consistent with the phenomenological facts of the case. In a similar fashion, Hartmann distinguishes three possible methods of argumentation (*Ethics* III, Ch 11 c, 140–42).

The first begins with a description of the empirical world, the second is a prioristic, and the third analytical. Since metaphysical objects are not part of the empirical world, the first method drops out. The a priori method, which Hartmann appears to identify with phenomenology, can only give us the essential facts of the case: here those facts relate to the phenomena that appear in willing, preferring, forming intentions, and in action. This method cannot assure us of the ontological basis of these phenomena, that is, whether they are manifestations of a real power of autonomy in man, or an illusion fostered, perhaps, by subconscious and unknown causal mechanisms. “Inside the question of freedom is concealed a question as to existence” (*Ethics* III, Ch 11 c, 141).

The analytical procedure, therefore, is the only one that holds out hope for a solution to this problem. This too, Hartmann affirms, has a limited decisiveness, for it proceeds from the real and the ideal, from the conditioned – the empirical and phenomenological facts – to the hypothetical condition of those facts. He places the hypothesis of freedom at the point where the speculative leap beyond them seems persuasive: “Hence if the consciousness of self-determination nevertheless exists universally, there must lie concealed behind it in the constitution of man an absolutely fixed and unequivocal power which keeps the balance among all these tendencies” (*Ethics* III, Ch 12 e, 152–53). This power appears in the opposed tendencies to assert self-determination and to throw off responsibility for our actions. There must be something that keeps this tension alive in us; perhaps that phenomenon of tension-in-balance indicates a power in man of self-determination. This argument is speculative, ingenious, perhaps self-serving, – in the end unconvincing, as Hartmann himself agrees. Yet, as we will see in the final chapter, the notion of tension-in-balance is central to Hartmann’s concept of the moral person.

We might note that the empirical facts of the case are perhaps weightier in the matter of freedom than Hartmann and Scheler generally assume. New discoveries in the physiology of the brain and a growth in the knowledge of how subliminal mental events condition even the apparent oppositions in the tendencies of a person, and evolutionary accounts of how those oppositions may foster the health and survival of human populations have tended toward a corroboration of universal determinism. These discoveries have provided naturalistic theories of human behavior with persuasive arguments in clear competition with those of free-will theory. Moreover, empirical research has also suggested questions for phenomenological and philosophical analysis that could not have been asked before that research took place, and this fact adds to the persuasiveness of its position.

3.4 Conclusions

Another difficulty in Scheler’s phenomenology of the human attunement to values is that he does not – and perhaps cannot – distinguish effectively among the functional roles of the categories he develops to explore a human being’s orientation toward the world of values she inhabits. For example, he argues that we are each

attuned to the values themselves by an order of loves and hates that are a function of the human spirit; this attunement specifies and conditions the kinds of things and actions we may encounter as the objects of our basic moral tenor. The milieu, however, is also an ordered structure that conditions our taking an interest in and being attentive to – that is, evaluating – objects that are practically effective upon us. The milieu-structure and its objects are said to be derived, presumably through the evolutionary process, from our vital nature and our lived body. No doubt, as is fundamental to Scheler's world-view, our spiritual and vital natures are dynamically intertwined; but Scheler makes no adequate effort to show how specific behavioral and intellectual routines are vital or spiritual in nature. He writes that as a person changes his physical environment,

> the structure of the milieu remains as constant as the differences in spatial dimensions … although ever-new things are given in such dimensions. For the same value-qualities are the foundations of our different evaluating attitudes (or attitudes toward value-complexes). It is in their order of ranks, which govern our "inclinations" that we approach altering empirical reality. A Philistine remains a philistine; a Bohemian remains a Bohemian. Only that which carries with it the value-complexes of their attitudes becomes part of their "milieu" (*Formalism*, 143).

Thus, Scheler speaks of Philistines, farmers, Bohemians and hunters as each living in a distinct milieu. No doubt, he is correct that a man with a Bohemian nature will notice objects in whatever physical environment in which he finds himself that correspond to his basic moral tenor: things or persons that are playful, outrageous, and slightly subversive of common mores. Although it is reasonable to speak of a Bohemian or Philistine basic moral tenor, it is more difficult to do so with the attitudes of the farmer and the hunter, for their moral tenors may be quite compatible with those of a Philistine or even a Bohemian, though the farmer is unlikely to be Bohemian even when he is not at work on his farm. Yet the notion that the milieu erects a "firm wall" barring a hunter on holiday from walking through the forest with a Bohemian *joie de vivre* (*Formalism*, 145) seems implausible. And it is reasonable to speak, as Scheler does, of persons possessing an order of values that condition the kinds of value-beliefs that become functional in their moral world-view. Yet the process in which the Ordo amoris, the basic moral tenor, the milieu, and a person's calling and destiny are interlinked, and how these two a priori orders of feeling and its objects may constitute the foundation of an autonomous moral life, remains unclear. More phenomenological work must be done on this issue, or the doctrine of dual a priori orders – one cognitive and one pre-cognitive – of human valuation must be abandoned. In our next chapter, we will consider Hartmann's analysis of the realm of values itself, and how its antinomies and the structure of its ranks of values condition our moral valuations.

Chapter 4
Values and Moral Values

4.1 The Realm of Values

We have seen from Scheler's analysis, drawn from his efforts to gaze with his mind upon the value-features carried by objects given to our emotional noetic acts, that the realm of values and disvalues has a dual fivefold structure. First, it is divided into values and disvalues; to each value there corresponds a specific disvalue. Each vertical level of both realms contains a variety of values and disvalues that are horizontal variations of a single central value, from the lowest, the sense-values, the central ones of which are pleasure and pain, to the highest, the values of the transcendent, the central ones of which are the holy and the profane. He does not subject to independent analysis all of the myriad values that might be found within this structure, nor does he speculate whether additional values might be found that are external to this structure, that is whether all values that are eventually discovered by acts of feeling and preference must find their places in this dual five-step ladder.

Hartmann attempts to build upon this schema in several ways. He intends (1) to distinguish carefully between ethical values and non-moral values; (2) to discover "antinomies" rooted in the nature of moral values themselves; (3) to disclose an order in which some fundamental moral values condition or make possible moral action; (4) to present a phenomenology of the most general moral values; (5) to establish the nature of goodness and moral obligation; (6) to perform a phenomenology of the virtues; (7) to speculate upon possible additional internal structures in the realm of values. In this chapter, we will consider Hartmann's contributions to the first three problems.

Both Hartmann and Scheler declare that ethics is an entirely autonomous discipline, quite in keeping with the spirit of phenomenology that the givens in any realm of experience be "cleansed" of all conceptual baggage and existential belief so that the phenomena may stand naked, as it were, in their presence as such to the mind. Scheler, we recall, claimed that his metaphysics developed out of his ethics and not the other way around. Hartmann, however, embarked upon his ethics only after

E. Kelly, *Material Ethics of Value: Max Scheler and Nicolai Hartmann*,
Phaenomenologica 203, DOI 10.1007/978-94-007-1845-6_4,

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developing his metaphysics of knowledge, and he called upon some key ontological concepts not to justify, but to guide, his emotional exploration of ethical phenomena. We have already encountered one key concept of his earlier work that is used for this purpose, the categories of being. For he claims that the ideal value-essences that form the data of ethics (along with, of course, the acts in which they are given) would be, at least on their most elementary and general levels, isomorphic with the categories of real existence. The following exposition may make Hartmann's reasons for this belief clear.

Again like Scheler, Hartmann believed that knowledge is a relationship between an intentional act and the object given in it.[1] Knowledge takes place in the mind, but, unlike Husserl, he believed it is not constituted in the mind. Knowledge is constituted in an ontological relationship between two existing beings (Seiendes), the knower and the known. The knower grasps an object transcendent of his efforts to know, and pulls it, as it were, into its mental orbit. The grasping of an object takes place via a mental "picture" of it, yet one's attention is always directed at the idea pictured, not at the picture itself. No doubt, this doctrine is fundamentally problematic. How we can be sure that what we grasp as constituting the meaning of the picture refers to a reality independent of our knowledge of it and not to one of our own creations? This uncertainty is an example of what Hartmann calls the "aporetics" of philosophy, that is, the study of seemingly irresolvable problems. Hartmann makes two observations in an effort to resolve the present issue of the objectivity of knowledge. One is that we are drawn to inquiry when our idea of what a thing essentially is does *not* correspond to the object at hand, indicating a difference between them; they cannot be identical. A second is that we discover also that the categories or principles of thought are found again in the presumably transcendent realm of objects, suggesting that the human mind is at least partly constituted in such a way as to make the search for true knowledge of the world possible.[2] It must be noted that just as Hartmann was skeptical concerning the possibility of finding a unifying first principle in ethics, so too is he skeptical about finding some unifying metaphysical principle. Thus, like his American contemporary John Dewey, Hartmann abjured any "quest for certainty" in metaphysics and in ethics. Yet he remains confident that the search for metaphysical knowledge is not a fool's errand, and its goal is not chimerical. The structures of reason and feeling and the eidetic structures of the world permit entities to be grasped as objects of knowledge.

Thus, in approaching ethical phenomena, Hartmann notes that it is not at all surprising that, on a level of great generality, parts of the ontological realm of categories reappear transformed in the ideal ethical realm. These categories – of which

[1] Hartmann adds to this that the objects of knowledge are essentially independent of, indeed indifferent to, their being known. Scheler appears to hold that the notion of a realm of objects that cannot become objects of knowledge is simply incoherent. A necessary condition of being an object is that the object be knowable, even if it is unknown at present.

[2] We recall from our discussion in the previous chapter a similar argument in Scheler for the thesis that our knowledge of such abstract categories of reason as the principle of non-contradiction is derived from the essential self-identity of a thing with itself.

Hartmann claimed to have found about twenty-two – are characteristic of being, not of thought, as in Kant. They are genuinely ontological in that they determine materially the forms and behavior of existing things. They are similar to Scheler's concept of primordial phenomena (*Urphänomene*) or "pure facts" in that their material content is unfounded and can be self-given in a single noetic act; they cannot be reduced to any simple essential contents that found them. Thus, "relation" is such an unfounded ontological category. Its content is extremely general, its material can be grasped in a single noetic or intuitive act, it is not derived from any more elementary categories, and it does constrain or condition items in the world: every intelligible object stands in some relation to others. The categories that guide our inquiries into the most elementary values are quality, quantity, relation, and modality. This capacity of ontology to guide us in ethics may be the consequence of "an external pressure of customary forms of thought," and thus not inherent in the material values themselves, Hartmann concedes. Yet it may also be that the reappearance of these ontological categories in axiological contexts corresponds to and tells us something of significance about the "material" found on the threshold of the realm of values. For on that threshold, the material content of the values is very thin, and does not give its character easily to phenomenological reflection. We can apprehend only their relational or, in other cases, their oppositional nature. Hartmann thus allows himself to arrange what he calls relational (qualitative and quantitative), antinomical, and modal oppositions in the realm of values on the model of the four relevant ontological categories just mentioned, quality, quantity relation and modality.

The attempt to discover and fill out a structured "valuational space" in the ideal realm of being that is accessible to us via reflection or the phenomenological *Wesensschau* is suggested by Hartmann only as a heuristic device. The values themselves cannot be arranged in their proper spaces deductively, any more than ideal geometrical space can be filled out materially by deduction. The contents of space can only be explored empirically, just as values can only be explored by focusing our capacity for feeling and preferring them. What follows is an account of Hartmann's efforts to unearth intuitively some foundational facts about the values carried by persons and things that condition, but are not conditioned by, the moral values carried by purposive human action, using ontological categories as a model for phenomenological analysis.

4.2 The Antinomic of Values

We begin with antinomies among modal relationships. By "modal," Hartmann refers to the ontological categories of necessity, reality, and possibility, each of which stands in a relationship to the others. For example, an existing or real object may contain its own possibility, at least in the sense that it is not self-contradictory; as far as the object is real, the necessitating conditions for it are complete (*Ethics* I, Ch 23 a, 304). However, in the sphere of ideal being, the functioning modal relationships are possibility and necessity alone, which are derived from the relationships obtaining

among ideal objects, such as among some values, or among figures in Euclidean space. Moral values and geometrical forms may possess an absolute necessity independent of their possibility.

Thus, a shadow of these ontological modal relationships and their oppositions obtains in the case of two of the most general moral values, freedom (possibility) and duty (moral necessity). Here the modal categories are themselves values, so far as both are the conditions of moral action: the freedom to choose among options, and the necessity of obligation. Values are ideal objects, but they may be realized either by nature (for example in the occurrence of things of beauty), or by human beings (for example when they execute some actions aimed at the realization of some good). Some values realizable by persons contain in themselves a claim upon human agents, *demanding*, as it were, to be realized. This claim of values upon us every human being experiences in the form of hope or desire (I want to do something), but also in the form of moral duty (I must do it, for it is right). In the notion of an ideal world in which all positive values are realized (Santayana), in the Idea of the Good, which "in strength and dignity rises above experience" (Plato) or in the notion of a "Kingdom of Ends" in which all men treat others and are treated by them as ends in themselves (Kant), inheres the idea of sublime moral necessity, "inaccessible to every compromise" (*Ethics* II, Ch 7 a, 81). Kant was correct, Hartmann believes, in taking the perception of such moral necessity to be the essential distinction of a rational being. "Two things fill me with awe," Kant wrote, "the starry heavens above, and the moral law within." In that moral law, necessity adheres to values in the form of duty. Here Hartmann is concerned only with demonstrating in a phenomenologically lucid manner the connection between ontological and moral necessity.

Human beings sense emotionally that they stand under moral necessity (we shrink, in most cases, from the thought of wrongdoing on our part, and "thou shalt not!" is not simply the invention of ancient prophets), and most of us welcome that fact. Yet, as our discussion of freedom in the previous chapter revealed, moral necessity is ideal, and not real; it is a necessity without constraint. For we experience our freedom to act as we select among apparent options. Here is the antinomy: "It is precisely the essence of compulsion on the part of the Ought which is a value … [Yet] actions[3] to which moral values adhere are only made possible through the absence of power on the part of the unconditioned necessity of the Ought" (*Ethics* II, Ch 7 a, 82). For if there were no moral necessity, there could be no sense of guilt and just punishment for not having met one's obligations, and yet if moral necessity were ontological necessity, one would not be free to perform actions against one's obligations, and one would not deserve one's sense of self-worth and the consequent admiration of others. The antinomy is the point of suspense, where "is rooted the position of the person, together with all the values of which the person thereby becomes the bearer" (ibid.).

[3] To avoid ambiguity, "act" is used throughout the text to refer to the act of cognition, or an intentional act. "Action" is used to refer only to the execution of a human purpose.

The second modal antinomy is that of the real being and the non-being of values. This antinomy consists in the fact that the non-being of a positive value – surely a disvalue, insofar as positive values ought to be – paradoxically possesses a positive value, insofar as its existence may become a project for a human being. If Kant's kingdom of ends existed, or Plato's Idea of the Good were entirely realized, the possibility of the higher values, the moral values and the value of the person, would cease to be. For moral values occur, as Scheler first pointed out, only "upon the back" of human actions that attempt to *realize* things or situations having positive values. This sad antinomy, Hartmann claims, "Lies in the very nature of the metaphysical situation … The paradox of this subtle antithesis is a fundamental feature of the ethical phenomenon" (*Ethics* II, Ch 7 b, 84). From a normative point of view, he adds, the realization of values is self-contradictory, insofar as it involves a depreciation of the value that is being made real; it possessed a value *as non-existent* prior to its realization, which nullified the value of its non-existence. For this reason, there is a value belonging to the struggle itself to attain some valuable end, a value perceived in the peculiar glow cast by the unreality of its aims yet the sublime necessity of them.[4]

Nonetheless, the point, although touching in its pathos, cannot withstand criticism. To speak of a "contradiction" in this case misuses the term; this is not a case of one statement contradicting another. Furthermore, the value realized in the agent, and the goods-value realized in his action, are greater than the non-being of the value thus realized. My heroism in saving a drowning child and the value of the life saved is far greater than the value of the child's being in danger of drowning, which merely served as a material condition of my heroism; it acted as a challenge. The only point that can be made here fairly is that the imperfection of things makes human achievement, indeed moral achievement, possible.

4.3 Relational Oppositions Among Values

In the realm of values there are only analogies to the categories of spatial relations, such as "higher" and "lower," and the oppositions in relationships among values are of a different order than those in the physical world, such as "weight" and "counterweight." Values manifest relational oppositions that are felt as a tension in our moral life. They are antinomies as far as the felt tension cannot be resolved either intellectually or emotionally. They reappear as tensions in all of the more specific moral values that constitute goodness, justice, and the virtues.

[4] Scheler noted this peculiar moral phenomenon also: "An ethics which (like Kant's), bases itself in the concept of the Ought, even more the Ought of duty, and in this Ought finds the primordial ethical phenomenon, can never do justice to the *factual* moral realm of values, for according to it in the very measure that the mere content of an Ought of duty becomes real, for example when an imperative, a command, a norm is realized by an action, the content no longer remains a 'moral' state of affairs." *Formalism*, 185–86.

The first is the antinomy of the carrier of value. Moral values are carried by human agents, or acting persons. The action of an agent is good, or just, or wicked just insofar as that agent knowingly attempted to realize some situation that carried a value or disvalue. His moral worth "shines through" his disposition, and the goodness of his act of will shines directly out of his own person. Yet the intention of the action involves another individual, group, or community; the situational value or good object is good "for" someone who is himself an agent, and who will be affected in his agency by the action in question. Hence, both the actor and the recipient of the desirable or undesirable state of affairs that the action produces are carriers of moral value; put otherwise, moral values appear only when the object of the intentional act is also a subject of acts, or, at least, capable of suffering. The heroism of the firefighter consists in his efforts to save lives, not to save a building.

This antinomy implies that one cannot behave morally towards any other sentient creature than a human being, and that may well be so: thus the argument that one can harm an animal, but not treat it unjustly. Moreover, it suggests Sartre's existential dialectic of the Other[5]: One person's actions always have reference to another person who is also a moral subject and who may interpret the intentions of the agent and their moral value differently from the agent himself. The crisis consists in an agent attempting either to capture the freedom, and with that, the meaning and value of the other person, or to give over his own freedom and selfhood to the Other. This classic existential analysis of an occurrence of bad faith is far from Hartmann's mind, but the antinomy captures nicely this spiritual tension caused by the fact that our moral worth is inevitably tied to the effects of our intentions upon others, and theirs upon us. The antinomy defies resolution. For a person is both a subject possessing moral value – virtues and vices – and is a good or an evil object to others. Virtues presuppose goods, Hartmann notes, for the works of virtue achieve goods for others, and, since virtuous intentions often have valuable effects of this kind, virtues themselves must be classified as goods. One recognizes in one's trusted friend his intrinsic value as a person, of course, but also his instrumental value for oneself, that is, the value of his faithful friendship and his predictably helpful actions. "This is the meaning," Hartmann writes, "of the ancient doctrine that virtue is the 'highest good'" (*Ethics* II, Ch 8 a, 89).

A second relational opposition or antinomy is that between activity and inertia. These two are obviously in tension, and suggest the categorial opposition in ontology between movement and rest, and dynamism and stasis, which, in themselves imply no antinomy. In ethics, however, the opposition between the value of activity and that of inertia fall into dynamic, unsolvable opposition. The value of activity, writes Hartmann, "is a value of preoccupation as such with something beyond oneself, of self-transcendence of the moral substance … and, indeed so far as the transcendence is not instigated from without, but is an original self-movement, a first starting of something new" (*Ethics* II, Ch 8 b, 89). Activity is self-movement towards

[5] Jean-Paul Sartre, *Being and Nothingness* (New York: Philosophical Library, 1956), Part I, chap. 2; Part III, chap. 3.

the realization of some situational value or good, the actualization of a disposition towards value, a teleological movement, one driven by the end in view, i.e., the creation of something that does not yet exist; by that effort, the agent is himself changed. However, a person who is always engaged in activity, however valuable it may be, would in effect be abandoning himself as a moral being. There must therefore be in each acting person an element of counterpoise, a central weight of being, the ontological inertness of ethical substance, however unbearable to the Faustian impulse to be satisfied with nothing. For only then can the selfsame agent persist in his actions. Inertia is "the value of the ethical Being as compared with that of intention" (ibid., 90). Scheler called this inertia, which is not mere passivity, the "self-collection" or concentration of the act-center of the person about itself, which can only be achieved by an act of spirit that enacts its continuity as a person within the process of change. Both the striving and the moral substance of him who strives are valuable, but the values of striving and substance are relationally antinomical.

A third antinomy appears with greater clarity when we approach two fundamental moral values, nobility and richness of experience. Here the conflict is quite abstract, but, as in all the other antinomical relations, it conditions the moral value of an agent. The first element is the *grade* of a value; the second is its *range*. Hartmann is pointing to the frequent conflict in moral agents between the desire to augment a single set of values (as in a person we call single-minded), or to pursue a diversity of values.[6] Both kinds of striving are of value, but they are in conflict; it is impossible to do both simultaneously. The conflict is again an existential one, although Hartmann does not use the term: an agent may wish to participate, as far as possible for a human being, in the great banquet of moral, situational and physical goods, but he does so at the risk of becoming a dilettante, or of dissipating his energies in what Scheler called the moral model of the lowest positive type, the *bon vivant*, or the "artist of life." The augmentation by a person of a single set of related values, as when one dedicates oneself to the military life or the life in medicine, where one may achieve considerably more things and situations of value – and also risk inadvertently producing things of disvalue – may deprive that person of the opportunity to synthesize creatively a broad horizontal extension of values. It is useless to attempt to do both, for human life is short, and the antinomies of intensity and breadth, augmentation and synthesis, are inevitable.

The fourth linear antinomy, that between harmony and conflict, has greater content than the three previous, but, like the others, although they refer to values that abide in the person, these two are not yet moral values. The value of harmony, where it exists in the realm of becoming, was for Plato the product of an ordering force characterizing the highest Form, that of the Good. It is a condition of human happiness, insofar as the perfection of the soul consists in the proper ordering of its functions under the guidance of reason. Hartmann notes that the idea of harmony

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[6] A contemporary reader will recognize in this antinomy the conflict Isaiah Berlin found in Leo Tolstoy. Cf. his classic essay, "The Hedgehog and the Fox," *Russian Thinkers* (New York: Viking, 1978 [original edition 1948]).

"haunted" Aristotle's concept of *teleiosis,* the process of becoming excellent, not as a state, but as a process of consummation, in which he saw the axiological meaning of eudaimonia. Such Platonic harmonious perfection of the soul, when viewed from a distance, may seem beautiful but undynamic. Even Aristotle's wise man possesses a peacefulness of soul that is opposed to the creative urgency of a Michelangelo, whom the ancients might have condemned for his superhuman striving. The ancients saw the harmony of the celestial spheres, Hartmann cleverly observes, but they did not perceive the transfers of energy within it. True harmony requires such transfer of energy; otherwise, there would be nothing further to balance-out and make harmonious. Consider the harmony and apparent repose of architectural structures: a cathedral is a binding together of a structurally diverse manifold of forms from which all excess and surplus is banished, but where tension is still palpable. Such is the case also with human virtue, and is an idea central to Hartmann's ethical personalism.

In ethics the harmony that characterizes the orderly, self-sustaining, and complete human soul who was Plato's ideal philosopher stands against the conflict and unrest that is a condition of change, and, especially, of progress. "As in knowledge a problem is a basic value, although it is the opposite of insight, so in ethical life conflict is basic, although it means incompleteness, disharmony, indeed a lack of indubitable value. … It is that which keeps discernment and the feeling of value alive, and opens up new vistas" (*Ethics* II, Ch 8 d, 94). Moral life, he concludes, is in equilibrium just as it is also always unstable. To ignore the conflicts that demand our attention in the name of an imperturbable inner harmony of soul, which the Stoics thought to be a condition of the highest happiness, is to withdraw from participation in and commitment to values born of struggle. Such a state may be a happy and blessed one, but it is a crime against the conditions of ethical being. The moral struggle, as wise men have often noted, is the effort to keep oneself above the foolish turmoil that rages in the human ocean beneath, to mold and give order to the higher value-conflicts, which are the stuff of all genuine moral striving, and eventually to become capable of offering a unified narrative of one's moral pilgrimage.

The final linear antinomy is modeled on the ontological categories of simplicity and complexity. In Hartmann's ethics, these categories refer to the conflict between two distinctive values. One, simplicity, refers to "inner solidity, and innate unity of structure, a primitiveness and a primitive totality … in personality. This is what we call … absolute directness, undividedness, spontaneity, common sense" (*Ethics* II, Ch 8 e, 96). The other, complexity, is the tendency of an agent to consider all matters in the widest possible context, and to contemplate responses to moral conflicts from the most diverse sources. It is open-mindedness in the sense of seeking out and committing oneself to unprecedented courses of action, if they appear to have potential for resolving a conflict or bringing forth something new of value. This conflict is not the same, Hartmann notes, as that between grade and range of type. The simple man has his tasks clearly set before him, because he has not attained a subtlety of mind that would enable him to consider acting in ways he has not yet tried, or to seek solutions to conflicts that he has not tested. Successful in acting or not, he

does not second-guess. His predictability is of value, and, as long as the conflict he is addressing is a simple one, he will appear more decisive than the complex Hamlet-figure, sicklied o'er by the pale cast of thought.

4.4 Qualitative and Quantitative Oppositions

The idea that qualities can be in opposition to each other seems logically odd. Perceptible qualities, such as the colors red and green or the timbres and tones of musical instruments, may contrast and "clash," as we say, but not stand in opposition to one another. But these logical categories of quality and quantity, when applied to values, enable us to get a foothold in some broad and simple ethical conflicts that are irresolvable, in that both pairs of the opposition present moral claims upon us but cannot both be satisfied in some one situation or class of them. Hartmann identifies several such oppositions, of which we will consider three.

The first is the opposition between universality and singularity. The universal moral claim, based upon the identity of a distinctive mark among humankind, is that of justice, in the sense of the moral requirement of equality before the law. All specific marks of the personhood and merit of individuals must cede to this requirement.[7] With his Categorical Imperative, Hartmann notes, Kant gave expression to this idea of "the value of objective universality binding upon all" (*Ethics* II, Ch 9 a, 99). Yet the value of individuality, while it does not abrogate universality, is nonetheless opposed to it. For the individuals properly equal before the law are in fact unequal as persons and as moral agents; to require by law the equality of all, as is attempted by totalitarian states, usually as ideology and not as practice, would destroy the value of human uniqueness, with its particular duties and claims. These two values each claim supremacy within their domain, and, although they are present in all the situations of life, they clash irregularly. Yet there is a "medial line, at which they touch and clash antinomically in their Ought-to-be. Here man is confronted with a conflict and he cannot avoid settling it" (ibid., 100). This conflict will reappear in the highest moral level, in the conflict between the individual and society, as Hartmann observed, and in the opposition between the intimate person and the collective person, which Scheler described.

Another contrast and opposition, one similar to but different in a subtle way from that between the universal and the singular in ethics, is that between a collectivity and its individual members. This opposition is familiar in Rousseau, who contrasts the individual in the state of nature and his re-creation as a citizen in the collectivity of a state. Hartmann's contrast is between the respective values of the individual citizen and the state. A collectivity or a totality, he writes, has a specific value

[7] This was one of the problems attacked by Scheler's doctoral dissertation, which we will examine later.

independent of the likeness or diversity of its members; so too the individual as a member of the collectivity. Consider the difference between the "individual" and "individualism," that is, between the moral value of the individual person as such (apart from the degree to which he is individuated or "collected" by the totality) and the individual's "rights" over against the collectivity. In the second case, we may find the "rebel," the "rugged individualist," or the "man who marches to a different drummer." No doubt the totality tends to absorb the individuality of its members in a cold uniformity, perhaps to its own detriment; but the individual person always maintains its value within the collectivity, even when he submits its own will to it or rebels against it. The collectivity – the community or state – is the bearer of values on the grand scale. Those values appear in its system of law, education, and in the peculiar character of its cultural personality.

At the time of his writing of *Formalism in Ethics*, Scheler conceived of what he called the "collective person" as a parallel concept to that of the individual person. We will discuss this concept in the context of the value of the person; here we will describe its phenomenology, and mark Hartmann's critique of Scheler's notion. For Scheler, the collective person is the irreducible, unobjectifiable, and hence phenomenologically indescribable essence of an individual social entity, which is constituted in those intentional acts of the individual person that are properly *social* acts, that is, acts only possible on the basis of the interaction of individual person with each other, and to which corresponds an equally individual and irreducible social world. Eleven years after the appearance of *Formalism,* in *Die Wissensformen und die Gesellschaft* (which has still not been entirely translated into English), the notion of the collective person has disappeared. In its place are the twin concepts of the "group soul" and the "group mind." Here the collective person is thought of as the *subject of the knowledge* that is produced in the interaction of the individual persons who make up their community. They are distinguished from each other with respect to their spontaneity: thus verbally reported myths and fairy tales, folk songs and costumes, expressions peculiar to dialects, customs, and the like, which are the products of "semi-automatic psychophysical activity,"[8] are the objects of knowledge of the group soul. The bodies of knowledge falling under the headings of law, philosophy, and science are the products of fully conscious acts performed by the members of a civilization, especially by its spiritual elite, and this knowledge is said to be that of the group mind.

Hartmann argues that the community cannot be a carrier of the value of the human person, for it is not a subject of acts, and to be such a subject is, for Hartmann, if not for Scheler, a condition of personhood. A communal "personality" is borrowed from the individual subjects that constitute it. Hartmann appears to hold, as a consequence, that a state or nation cannot be a bearer of moral values. Scheler's position in this matter is similarly unclear. Nonetheless, the group soul and the group mind, both of which have an intuitable content, possess immense value for

[8] *Die Wissensformen und die Gesellschaft, Gesammelte Werke*, Band 8, 55.

the community whose individuals express through them their common dispositions in such traditional activities as art styles, religion, and folklore. Such traditions cannot be the products of single persons. The question for Scheler is whether they possess existential reality and moral freedom as persons do. Scheler was concerned with the analysis of the group soul and spirit far more than Hartmann, because he wished to discover the process of the functionalization and transformation of knowledge of values in history. What is clear to Hartmann is that the person, as the bearer of moral values, possesses a higher non-moral value than the community does, and that the community is not a subject of acts.

But whether or not the collectivity can be the subject of moral merit and demerit, as the individual person can, the two generate an antinomy, for opposed demands emerge from their activities. Hartmann's analysis of this antinomy is delicate. Let us say that an individual sacrifices his life for the community. The moral value he realizes in himself is achieved by striving for and realizing a good or a valuable situation for his community. But then the higher value – the life of a moral personhood – is sacrificed for a lower value, the good realized for the community (for example, capturing the enemy's citadel), where that good is not the life of another moral agent. This contradicts one of Brentano's axioms, accepted by Husserl, Scheler, and Hartmann, that the moral good consists in realizing a higher value than a lower one, for the value of the community is lower than that of the person. Hartmann's solution to this "paradox of the hero," as we might call it, is to claim that in the sacrifice of himself the hero realizes in himself the highest or supreme value. He "enhances his Being axiologically and perfects himself morally. … [if] the moral value of the sacrifice is not the thing sacrificed [the hero's life], it is then by no means surrendered, but actualized in his surrender [of it]" (*Ethics* II, Ch 9 d, 109–10). This analysis is perplexing, if only because what is in question is precisely the value of self-immolation in the service of a communal cause; that the individual realizes "himself" by sacrificing his life is absurd. What was of the highest value was precisely himself as a person and moral agent, roles terminated by his death. Further, such sacrifice may be in an ignominious cause or consummated for trivial ends, such as the repossession of a flag from the enemy. That the soldier's community may cheer the recovery of the flag is hardly enough to justify the soldier's sacrifice. Hartmann's position seems questionable also because the individual person is a unique irreplaceable individuality, whose destruction is the greatest human tragedy; only the saving of other lives could require and justify its loss. Hartmann is nevertheless correct to claim that a purely communal ethics that neglected the value of the individual would be an ethics not of morals but of success, not a material value-ethics, but a teleological ethics.

This antinomy between the individual and the collectivity, the person and the community, cannot be resolved. Indeed, Hartmann claims that the division of value into those of the community and those of the individual may lend a different value to the same specific axiological material when it functions in the individual and when it functions in the collectivity. Thus such values as honesty, tenacity, energy, obedience, trustworthiness, vary in moral force – in their height and importance, for example – when applied to the community or to the individual. Yet the efforts of

individuals, or the representatives of communal agencies, to resolve the antinomy are among the greatest moral undertakings that humankind faces. For the individual isolated person does not exist; all persons are members of some community from which they borrow materials and enter into the situations in which the meaning and values of their own lives are founded. Their own individuality depends upon their membership in the life common to all. Even the rejection of communal life is a response to that communal life, one founded in a resolve to live not in opposition to but in separation from it. That human beings exist within a collectivity does not imply that the individual must submit to the common will, or to the ethos of the community, but that they are his starting-points. The idea of the community does not include a requirement of absolute submission to it of its members; in fact, a community thrives on the diversity of its members, insofar as they can be productively harmonized within the whole. The uniformity of conduct required of the members of a community as a necessary condition of this harmony is minimal, but however a person may rise in merit, achievement, or leadership, he "must acknowledge and must by all means perceive the foundation of equal claim and equal duty" (*Ethics* II, Ch 9 g, 116). Thus, although the two carriers of value, the individual and the community, rest upon and condition each other, no valuational synthesis seems possible; man's fate is forever to be challenged to foster both, even when the conditions of life render mastery of the opposition impossible.

Similar but not identical conflicts between values carried by individuals and communities occur in the associations found within nations: in their churches, political parties, corporations, and organization of all kinds. Conflicts of this type occur again between the concrete value of the people of the world and the value of the abstract concept of humanity. The recurring idea of a world-state that embraces all of humankind is not only chimerical, when viewed from the dynamics of this value-conflict, but is "profoundly unreal." For peoples express their inescapable identity in their history, their culture, and in their own collective individuality, "inimitable by foreigners." A people may also have a peculiar fate in history. Here Hartmann's analysis appears to borrow form Scheler's concept of fate, although it is probable that Hartmann was unaware of this phenomenology at the time of his *Ethics*, for Scheler developed the concept in his essay "Ordo Amoris," which was first published after his death in 1933.[9] Nations and people, Scheler argued, much like individuals, live within an historical milieu that conditions the tasks that they find significant for themselves. This is the *calling* of their specific ethos; it seeks its *kairos*, its "call of the hour," as Scheler recalls Goethe's phrase, where its latent significance can be fulfilled in action. As in Scheler, Hartmann sees the concept of tragedy as closely related to that of fate, when a situation prohibits a person or a collectivity the fulfillment of its destiny: "A people can also miss its inner determination, its specific values, and its world-task. It can give itself up to foreign ideals, it can be diverted from its own course by overpowering influences, and it can allow itself to

[9] Cf. "Nachwort der Herausgeberin," *Gesammelte Werke*, Band 10.

be spiritually violated. … It is a tragic spectacle, when something goes to ruin which was possible only once, and only in the life of one people" (*Ethics* II, Ch 9 i, 122). A world-state would drown the diversity of human beings in a single constitution, much as individuals can be absorbed in a grey totalitarian uniformity.

As a description of a people seeking the consummation of its ethos in collective action that will realize its freedom, national unity, or the overcoming of its enemies, this romantic nationalism parallels the equally romantic notion of the rugged individualist pursuing his own fate in an uncomprehending world and answering the "call of the hour" in which that fate is realized by decisive action possible only for him. Hartmann, and Scheler also, are contemplating these romantic notions from the standpoint of positive values; yet for every positive value, there corresponds a negative one. History encompasses not only examples of productive conflicts between individuals and national movements that produce positive values, but also of those that are destructive to universal human values. If people have always dreamed of a world government, as Hartmann says, that dream may have been a response to the extreme destructiveness of individual nations each pursuing its own fate through bloody conflict with others. Humankind has profited from some national movements seeking liberty, and from some solitary rebels seeking to raise human awareness, but it has also suffered from its evil rebels and its Francos and Genghis Khans. Unless one is willing to make moral choices here – of which no sign is seen in the passages currently under our review – one will be suspected of affirming national and individual diversity in all its forms, accepting the positive value even of Hitlers and Stalins as having, at the very least, prevented humankind from falling into a tedious uniformity in its ethos.

4.5 Non-moral Values That Condition Moral Content

All moral struggles take place on the platform of these antitheses. But we are not ready, as yet, to approach specifically moral values. For other values serve as the conditions (*Bedingungen*) of the moral ones. The sometimes equivalent terms "condition" and "found" refer, for Scheler, to a logical and not a material or causal condition. The order of foundation is an order of cognition that is in some respects similar to Kant's transcendental philosophy. Thus one could not grasp the notion of plurality without grasping that of unity, that of animality without having grasped the simple essence of life, or that of moral responsibility without grasping that of the freedom of the will. But for Hartmann, the term "condition" seems to have two connotations. The term may refer to existential contingency, that is, to the fact that a moral value could not *exist* without the values that condition them, for these values mediate between the world of values as the Ought-to-be, and the sphere of existence. They are the material conditions of action, or, otherwise stated, the possibility of action is founded upon them. The term may also refer in Hartmann to their *functionality*, that is, to the conditioning values' effects upon the contents of the specific values, causing them to take on one of any number of possible variants.

As an analogy, an existential condition of the value of complex musical compositions is the existence of valued conditions that make possible the making of music, such as the availability of music education and the creation of instruments and orchestras. The values exhibited by the specific styles the composer has learned, and the tones possible upon the musical instruments available to him, will condition functionally the values expressed by the music written. Both forms of conditioning are asserted by Hartmann's phenomenology. These conditioning values possess much greater material value-content than do the members of the groups of value-antitheses that we have just considered.

The most elementary value that conditions the contents of some moral values is *life*. Here, as with all the conditioning values, there is no antinomy among the positive values; here value simply stands against disvalue. Hartmann is speaking of life as a valuational foundation in the subject, not simply, as Scheler would have it, as a material value perceived on such carriers as health, the nobility of thoroughbreds, or the grace of an athlete. Rather, he is noting that the vitality of a person conditions his actions and dispositions as a moral agent. Our moral life does not float upon the air, as is the case with angels, perhaps; human beings are tied to their bodies, and live and evaluate that vital relationship – and its correlatives, old age, death and disease – in various ways that are relevant to their dispositions and actions. It is possible to overestimate the value of vital well being; Plato did so with his metaphor of the health of the soul as the highest human good, and so did Aristotle when he identified the good for humans as vital well-being. Hartmann argues that the reverse of this error is to identify natural vitality and physical desire as evil, and attempt to eradicate the natural and the vital in humankind. Yet such vitality, given to us by nature, is a condition of a valuable life. A sound life "peremptorily demands an ethical approval of whatever is natural and instinctive and a reverent preservation and fostering of the inner primal good which has grown naturally" (*Ethics* II, Ch 11 a, 132).

The second conditioning value is *consciousness*, which in humankind is built up from and is a higher value than life itself. For it is the capacity that enables both the light of seeing and of knowing life, it enables its bearer to peer into her own soul, and to be therefore herself. "For only what comes into light is the spiritual property of man" (*Ethics* II, Ch 11 b, 134). It allows the qualitatively differentiated feeling that opens us to values; that openness to world, to values, and to oneself may, of course, vary in its depth of penetration. Consciousness is the "mirror of the world." It both represents and participates in the world; it is "the miracle of the bestowal of meaning" (ibid., 135). For man is the "measure of all things," not in that he creates or confers value on things. Values exist just insofar as they present themselves to us, that is, are felt and understood by a conscious agent. But the depth and range of a person's consciousness condition his moral participation in the world; they affect his practice. It is therefore of moral worth that a person enhance the energy and worth of his consciousness through mental cultivation, so that he may participate more fully in the values that would otherwise surround him unawares.

Various values manifest themselves in the process of enhancing one's consciousness. There is, first, *personality* (to be distinguished from one's *personhood*), that is,

the unique and peculiar character and ethos of an individual, the value of which directs the person's activity into quarters peculiar to her fate, milieu, and calling. Personality is not itself a moral value, but is that which in a human being gives space to the diversity of human beings, and allows all of us to seek our own way in life. Some courses of action might be justifiable for one person, but not for another. However, this is a notion that renders problematic the doctrine of universal moral obligation, and we will deal with this difficulty further on.

Activities are valuable the less they are random manifestations of mere restlessness, valuable the more they are carriers of *commitment* and *initiative* towards the higher values. Such directed activity is the self-creation of a person, the realization of his ethos, the encountering of his fate. Directed activity tends to perpetuate itself and enhance the life of its bearer. But *suffering* is also a value in activity. Scheler noted that Western civilization has confronted suffering as the greatest evil, and sought to overcome it, but that the Western response to suffering is also tied to Christianity's belief in its elevating and cleansing powers.[10] Hedonism denies the value of suffering, and Hartmann notes that suffering as a positive value was unknown to the ancient Greeks and Romans. Its real positive value becomes clear, however, when one contrasts it with the disvalue of an incapacity for suffering – not an incapacity to feel pain, for pain is unavoidable – but not to be able to bear up under it, to be crushed, lessened, by one's misfortunes. To bear up under suffering is to grow in moral being, to endure, to assert in suffering the value of one's life. A person who can bear up to suffering has his eyes open to the value that had been hidden from him, and that resolution contributes positively to the activity and process of life and consciousness. It enables him to participate in the suffering of others: Hartmann notes that a mother loves her child not less for the suffering it brings her, but more. No doubt, such capacity for suffering has its limits, at which it becomes a disvalue. Only an experienced eye for persons and values can discern where the limit lies.

Strength is the fifth conditioning value identified by Hartmann. It appears in resolution and tenacity in the pursuit of goals. It is not the same as the activity itself, which may lack such features, and is it not to be welcomed uncritically, for strength can be inflexible, or put to foolish ends. It may be unfree, as when a person has been manipulated into a course of action that he pursues tenaciously. It conditions moral actions in that our evaluation of a man pursuing a positively valuable goal may vary with our perception of the force with which it pursues it. Hartmann denies the conclusion that Socrates seems to be moving toward in the aporetic dialogue *Laches*: that a man cannot possess such capacities as bravery and tenacity in the pursuit of an ignominious goal. For independent of the agent's ends, bravery asserts its value. "If anyone should say that [an act of bravery] was worthy of a better cause," notes Hartmann, "he would thereby attest its inherent worth" (*Ethics* II, Ch 11 f, 143).

Unless the action of an agent is directed by a principle to which his autonomous will intentionally adheres, an action can have no moral value. The principle must not determine the will; rather the person must freely choose the principle and freely

[10] Cf. "Vom Sinn des Leides," *Gesammelte Werke*, Band 6.

act according to it. In this way, whether freedom of the will exists or not, it is a value that conditions ontologically the moral worth of persons. It is a value in itself, because it lifts humankind out of the nexus of blind events, grants him a teleological power, and makes some persons worthy of guilt. We see its value when people attempt to "wash away" guilt by claiming that "mitigating circumstances" made them not responsible for what they did: this is, for Hartmann, "at bottom a moral disenfranchisement and a degradation of the man" (ibid., 145). Here too is an antinomy: although we wish to unburden ourselves of guilt of and return to a state of innocence, at the same time we embrace our guilt as our own. Each of these two impulses of the heart, Hartmann notes, is profoundly justifiable. For this reason, the Christian concept of salvation as the washing away of sins is questionable. We cannot be saved from guilt without renouncing our own freedom. Ethics, he concludes, knows of no deliverance from guilt.

The final two values in this series are related: they are *foresight* and *activity in the realization of ends* (*Zweckmäβigkeit*). For Hartmann, these constitute humankind's distinctive character and the foundation of our dignity; indeed, they emulate, in a finite way, the distinctive character of divinity. Only human beings, among all other living things, possess a sense of time that allows them to recall the regularity of past events, to become aware of themselves in the present moment, and to prepare for yet undetermined future events. Divine beings are said to know the future, and can provide for the consequences of fate. Humans can only surmise what the future will bring; their prevision is limited but nonetheless real. "The network of the conditions from which the future arises indeed precedes it and through them it may be anticipated. The course of events is uniform, but this network is wide and no human eye can survey it" (*Ethics* II, Ch 11 g, 149). That uncertainty is crucial for human activity; if one could see the future perfectly, we could not act morally in it. We could do nothing that could condition what comes to be. But our ignorance of the future, if in fact the future is determined either by fate or by causal necessity, allows us our sense of freedom to act; with that, it allows us both spontaneity and a certain 'lightheartedness born of hope.' Nonetheless, every glimmer of knowledge that foresight enables us to cast upon possible future events is also a great good, for it allows us to provide for them. Hartmann pursues this idea into the question of human nature and our place in the cosmos.

Teleology is the characteristic of divinity that gives to God his awesome responsibility for everything that is; some faithful Christians proclaim that He has predetermined that events shall be as they shall be. For prevision and action are the conditions of moral responsibility. And this limited capacity of humankind to predestine events conditions, in the sense of making possible, morally good and bad conduct. Only human beings, in a limited and finite manner, have such teleology. We set up ends or goals of action, based upon an evaluation of their value, devise means to achieve those goals, and mix our conscious actions into the course of events so as to achieve those ends. Yet, as we are not gods, not only is our prevision limited, the efficacy of our goal-directed actions is also uncertain; we cannot always achieve what we set out to do. This, too, is a blessing, Hartmann notes, for just as an ability to see into the future gives us a certain freedom from necessity, so also does

the limited success of our power of predetermination relieve us of a burden of responsibility that, for humans, could be crushingly heavy to bear. An unlimited responsibility for what happens would require an unlimited capacity to bear it. Yet with this teleological power, "[human beings] fulfill their metaphysical role of mediator between the realm of values and reality" (*Ethics* II, Ch 11 h, 152).

4.6 Goods as Values

Max Scheler's table of value included moral values among them. His theory of types of moral persons, which we will study in our chapter on ethical personalism, presents the types in each of the five vertical levels of values in ascending height. But he does not distinguish goods from moral values as carefully as Hartmann does.[11] Scheler's saint, for example, bears the values of the holy,[12] but these values can appear upon objects and situations as well as among persons and gods. The distinction between goods and situations on the one hand, and moral values on the other, is important for ethics, for it is precisely by realizing goods and situations that human beings become the bearers of moral values. The possibility of realizing goods in a given situation conditions the moral value of the person who realizes them. Of course, the value of the goods created is different from the value of creating the goods themselves.[13]

Actions are directed at the realization of gods and situations that are valuable "for something," i.e., valuable in a non-moral way. The value of friendship, as we noted earlier, is an actional value that is carried by the person who is the friend, but that person's action is intended to realize some good for the man who is his friend; it achieves a good to the one befriended. Virtues such as brotherly love are among the moral characteristics of persons, but they are also goods-values for others, insofar as they are of benefit to them. And this relationship between moral and non-moral values holds true in general for the non-moral values that condition contents: "Life, consciousness, freedom, foresight, are inner goods," for they make possible moral values (*Ethics* II, Ch 12 a, 155). Hartmann notes that the moral value of an action stands in no determinate relation to the axiological height of the goods or situation

[11] Philip Blosser has criticized Scheler on his failure to consider moral values separate from non-moral values. Cf. *Scheler's Critique of Kant's Ethics*, *op. cit*., also "Moral and Nonmoral Values: A Problem in Scheler's Ethics," *Philosophy and Phenomenological Research,* 48 (September 1987), 139–43.

[12] The values of the holy also include the value of reverence, which is carried by an act; sublimity appears in Kant's "starry sky above."

[13] Husserl was perhaps the first to stress this distinction; it was part of his refutation of hedonism. He accuses hedonism of confusing the two phenomena, imagining that the pleasure of realizing a value in action was the purpose of performing it, while in fact the purpose of the action was the realization of a value. As a result of this error, psychological hedonists could claim that all actions are driven by the desire for pleasure. This position of Husserl is consistent with that of Hartmann.

the action seeks to realize. A prayer for a sick friend or reading the *Divine Comedy* to him while he is sick has no greater moral value than buying him groceries. Because there is no intelligible relation between the height of the value realized by an action and the moral value of the action, Scheler's scale of values has, in itself, little usefulness for ethics, though much for the general theory of value, or axiology. "Gradations in the values of goods," writes Hartmann, "are relatively alien to ethics, however much the values themselves form the foundation" (*ibid.*, 156).

As the value of life is the most elementary of the values that condition the value of the actions of persons, so is the value of *existence* the most general value that conditions the value of goods. This is not just to point out the obvious. Life conditions the morality of human actions not only by making them possible. Life supplies a platform for the values the existing world carries in profusion, and upon this platform of values humankind exerts its providence. Sublimity, diversity, and even the kinds of causal regularity that gives scope and possibility to activity, freedom, and creative enterprise are valuable characteristics of existence in general. Similarly, the earth is not simply a vast network of static goods and situations, as conditions on the unchanging moon appear to be. Human beings are immersed in dynamic situations, the values of which are contained in the moral challenges before which they place us. Within these changing situations, however, it is necessary for a person to create for himself a more static niche in which he can cultivate the patterns of situations that constitute his own life: lasting relationships, learning, work.

Power is also a goods-value that has significance for moral action. Foresight and purposive action are carried by persons; power lies in the nature of the situation in which the acting person finds himself as the potential for realizing certain ends. No doubt, such a potential in the situation he faces can be both a blessing and a curse even to a well-intentioned person, for the agent may not possess the inner self-control to resist the temptation of utilizing the power available to him beyond a reasonable measure. Power remains a positive goods-value, however. "The will to power – which Nietzsche rightly placed above the will to life, is an impulse *sui generis* in human life, although certainly not the only one, as Nietzsche would have it" (*Ethics* II, Ch 12 d, 159). This power-impulse aims at the *mastery of the situation*, so that one can achieve by means of it the ends one has in view.

Kant regarded *happiness* as one of the "gifts of fortune" that possesses value, but not moral value. Its real value, as a good, according to Kant, derives from its contribution to our moral life. If we are miserable, we may lack the fortitude required to do our duty for the sake of duty, which is the only source of a person's moral value and humankind's dignity. Hartmann agrees that in one sense, happiness is a goods-value, but in another, it approaches moral or actional value. For happiness is a special capacity for feeling value, especially for rejoicing in the higher values, where it takes the form of joy and blessedness. Such happiness may be tempered by suffering, and may but need not be shallow, but one can be ruined by it; there lurks a disvalue in happiness, as Kant perceived: "A man can bear only a limited measure of happiness without sinking morally" (*Ethics* II, Ch 12 e, 161). Yet happiness has a value in itself, otherwise "it would be absurd to see moral goodness and selflessness in the loving attempt to make people happy" (ibid., 162).

Of course, the list of values typically carried by goods and situations does not end with this short survey. Although Hartmann identifies additional classes of them, he does not attempt to list them in order of relative rank, as Scheler thought possible. The rank of any moral value is determinate, of course, and many of their ranks are available to phenomenological intuition. No doubt, the *possession* of any valuable goods determines the wealth or poverty among individuals. *Communal life* is a goods-value; so too are the structures of civil society, such as the institutions regulating law and education, industry and trade. Finally, there is the morally valuable *conduct* of others as goods-values, which enable and condition such goods as trust, honor, and friendship.

This account of goods-values is directed only at those goods that are conditions of the moral goods. Their value is carried by things and situations, which must have value if specifically ethical values, which reside in persons and their dispositions and act of will, are to have value. Some particular poem, for example, is a *good*, one constituted in the aesthetic values it carries: Rhythm, language, suggestiveness, image, metaphor, are all bearers of values and contain an indirect encouragement to moral behavior: hence the idea of the "moral value of art" (for example, its contribution to the moral values of the elevation of the mind and depth of understanding). Each of these values can be explored phenomenologically by re-enacting noetic acts of feeling and preference. For what moral striving aims to achieve is a good for someone (not its own goodness, which is pharisaism): the saving of a life, the good of the knowledge a truthful man provides, the security offered to persons in distress.

A conceptual looseness may be felt at this point. Is Hartmann confusing values with the goods that carry them? If so, he is departing significantly from Scheler's axiology and from the concept of pure phenomenology. We recall that values are real but ideal. They exist in a realm similar to that of mathematical objects. It is the function of phenomenology to re-enact the acts of consciousness that intend the pure values, and thereby grasp the content of the values themselves, the kinds of acts of consciousness that typically intend them, and the nature of the relationships between them. Of course, values condition each other, in that it is not possible to grasp some value without having grasped some others. This is the phenomenological order of foundation, in which values are arrayed from those with the deepest foundation (and with the least material content) to the most founded (and the greatest material content). This order of foundation is an entirely ideal order of values and cognitions of them. It need not refer to value-goods or value-situations at all.

Hartmann, however, is seeking an ontic foundation for values, that is, determining what values must exist in a realized form before other values can be realized. He finds that some goods-values must exist in the world before an agent can display moral values (the value of the objects to their owner or to the thief who steals them causally condition the moral viciousness of the act of theft), and others must exist in the subject (the agent must be fully conscious before he can execute a purposive action). Hartmann's examination of both the conditioning of the content of moral judgment by the values given a priori in feeling and the existential conditioning of moral action by the availability of such goods as consciousness, power, and

existence, is no doubt a permanent and valuable addition to material value-ethics. It supplies insight into the ontic conditions of morals.

Scheler approaches the problem of the material or causal conditions of morality from the perspective of the sociology of moral knowledge. Social givens (geographical, technological, available resources) provide the "real" or causal factors that determine the ways those values of which a population is aware function "ideally" in their culture (in its unquestioned religious, moral, and cultural beliefs).[14] Both Scheler and Hartmann are attempting to show that values are conditioned cognitively and existentially, and how this conditioning takes the forms it does. Hartmann at times overlooks the cognitive or logical relations among the pure values. But, for him, a broad space must be granted in axiology for those values that are moral, hence realized concretely in persons and only in persons. Questions of the existential conditions of such realizations are especially germane here. Scheler does not make this separation clear, and prefers the phenomenological analysis of all pure values and their essential relations kept apart from the conditions of their embodiment in persons and things. But his sociology of moral knowledge gives ample room to the causal factors that conditions the realization of moral values.

A further consideration may help us account for the felt tension in these passages between a pure phenomenology of the content of material value-essences and an empirical study of goods. Hartmann makes a distinction in the case of moral values that Scheler does not make between their ontological and axiological dimensions. The ontological dimension is the *matter* of values, those real variables that are the carriers of the axiological or normative dimension. At first, this seems nothing more than the distinction that Scheler makes between goods and values: the value of beauty, say, and the physical object, a painting perhaps, that "carries" the value. But in the case of moral values, the situation is more complex.

Hartmann takes the case of Aristotle's table of virtues, which presents the results of an analysis of a virtue as a "golden mean" between two opposed extremes of behavior. Thus, courage is a golden mean between the extremes of cowardice and foolhardiness. The ontological dimension here is the natural emotional material that determines behavior: fear and confidence when confronted by danger. The axiological dimension refers to the values and disvalues we tend to feel when we examine a person's responses to confrontations with danger. The golden mean receives our felt approval; the vices of cowardice and foolhardiness we disdain. Material value-ethics is a phenomenology of the axiological dimensions of experience. But in the case of the lower and more general values that condition moral values, an examination of their matter – the natural desires and aversions of humankind and the conditions of its existence – must be included if we are to be able to grasp in feeling the values that are conditioned by them. Since Scheler's attention is turned towards a description of pure values and the laws of their nature and cognition, and not toward specifically moral values, his neglect of the ontological dimension of values

[14] For an account of the doctrine of "real" and ideal" factors in history, cf. Max Scheler, "Problems of a Sociology of Knowledge," *op. cit.,* especially Part One.

is understandable. At the same time, however, Hartmann does not take up Scheler's concept of the conditioning of the givenness of values by an order of foundation in which values are grasped and functionalized as the ethos of an individual or community, as was discussed in Chap. 2. The two procedures complement one another; together they give us an ethics that accounts for (1) the material content of values and the order of rank among them by bringing them to givenness in a phenomenology of pure feeling and preference, and that accounts for (2) how moral values arise from the ontic conditions of human existence.

4.7 Laws That Condition Content

Hartmann believes that ethics is still in its cradle. What is its outlook? After having considered some of the moral virtues, which we will undertake to describe in Chap. 8, Hartmann speculates on the possible unity or completeness of the realm. Do the values that appear at this early point in a phenomenological axiology possess a discernable internal order of some kind, a pattern in the "valuational space" that values "fill out" as it were? And how might these questions be settled?

We noted earlier that, on the levels of the value antitheses and of the values that condition contents, sufficient material exists to make applications of the ontological categories useful in a limited way in the analysis of axiological facts. They may point us in the direction of new ideal value-material for phenomenological reflection. Of course, the ontological and ideal spheres differ *toto coelo*, especially when it is a question of the higher values. Plato failed to recognize this elementary fact. He noted the scope given to dialectics in the very fact that all ideas, whether axiological or ontological, are *symploke*, that is, interwoven; each extends its essence beyond itself, and becomes enmeshed in the entire system of ideas, the highest stratum being the Good. It is the object of dialectics to reveal this structure. Alas, the ideal realm, Hartmann believes, is not amenable to dialectics. For material values are ideal, and their laws are peculiar to themselves; they can only be "seen" in intuition, and cannot be deduced from each other or from the ontological categories. For example, we cannot infer any specific norms from the obligation to be good, for the whole of the scale of positive values is contained in that obligation. The number of ways one can do good is limitless. We cannot (as Scheler also insisted), *infer* one value from another, but we must intuitively seek out new moral material as we intend and exhibit those already known.

Still, on the lower levels of the non-moral values and the simplest moral values (goodness, nobility, richness of experience and purity), there is an "elusive implication" between values, such that a dialectic of values might be useful, and lead us in the direction of new value material and their relation to the ones from which the inference was drawn. A unique intertwining of values can be perceived in the lower valuational relationships. A value is always tied to a disvalue, for example, which is a relationship unknown in the ontological categories. And, where our phenomenologically re-enacted cognitive emotion reveals to us something about groups of

related disvalues, we may be able to make inferences concerning these related values. A value-synthesis may thus be possible.

We noted the germ of this idea in Aristotle, where he passes from two disvalues, one of which represents an extreme deficiency in one's behavior regarding some emotion and the other the relevant excess upon a continuum of emotional material, to the discovery of a mean between them at which a true virtue can be located. The remarkable fact that two disvalues are thus bound to a single positive value will lead Hartmann to some creative rethinking of Aristotle's procedure in establishing the virtues. Such dialectic – the unraveling of the reciprocal and implicative content of categories – is rare in ethics, where the material content is ideal, and bound to the real only in the process of actualizing values by human agency. Clashes and contradictions that occur among the values themselves are merely "ideal, not ontic;" they do not appear in the realization of values by human actions. I may not be able physically to save both of two drowning men, but there is no clash of *values* here; it is a clash of possibilities. Yet the value of justice and love of neighbor are "ideally" opposed.

Nonetheless, Hartmann borrows from ontology some types of regularity in the table of known values that he believes have implications for further explorations of values. The relevant ontological laws fall under three groups:

Group 1 1. Laws of stratification
2. Laws of foundation
Group 2 3. Laws of opposition
4. Laws of complementation
Group 3 5. Laws of valuational height
6. Laws of valuational strength.

These six sets of laws interconnect, in different ways, the values that we are already aware of, and suggest, perhaps, some that are still to be discovered. The first group is relevant to the most general values, that is, the antinomical values and the values that condition contents. We can therefore consider Group 1 here, as we have presented these values in this chapter, and will return to the others when we have completed our survey of obligation and of virtue.

The laws of stratification, which parallel the concept of subsumption in logic, refer to the recurrence of a lower value in a higher. They function in the most elementary strata of values, but only where there is sufficient concrete material.[15] There are four: recurrence, transmutation, novelty and the distance between levels of value. The first asserts that the lower value-levels recur in the higher as partial factors, and may not be visible in them (*Ethics* II, Ch 35 c, 395). We note, for example, that, on the level of the basic antinomies, the values of communality and individuality recur among the higher virtues, most of which can be discerned as pertaining either

[15] To clarify this point consider that "life" is a value, the first of those that condition the content of moral values, but it is also an existential category; the axiological and the ontological elements are incommensurate, each possessing its own material and subject to essential laws of its own.

primarily to the collective or to the individual, as, respectively, the virtue of justice and the virtue of loving one's neighbor. Further, since some of the lower values condition the higher moral values, as we have seen, we may expect to see a "shadow" of the lower upon the higher, as, for example, the value of power reappears in the virtue of leadership as a shadowy presence.

An example of transmutation, similar to the concept of sublation, a basic concept of the Hegelian dialectic, appears in the virtue of nobility, which, on a higher level, reappears transformed in the love for another person. Goodness and purity of motive, typical of nobility, are visible in personal love. This process of transmutation enables us to discern the origin of the distinction between the lower, earthly, or erotic love, and the higher spiritual love, as discussed in Plato's *Symposium*. In this process, the higher values cannot be reduced to the lower, for there is always something new in them, an irrational surd, an *Urphänomen*, which can only be seen with the discernment possible for feeling and never deduced or inferred dialectically from a preceding synthesis. The law of novelty asserts that the recurrent elements in the higher values vanish in the glare of the novelty that appears in them. Who notices the nobility of the young lover in his passion for and his pursuit of his beloved?

Stratification is a relationship of a different order than that of the conditioning relation, which concerns in general the ways in which a moral value in the subject is conditioned by non-moral values or goods. A goods-value conditions a virtue, but does not reappear in it in the moral strata. For example, the goods-value of the alms one gives to a beggar – the amount of buying power it represents – does not reappear in the moral disposition of compassion for the poor that prompted the almsgiving. The compassion "hovers" above the alms or the good it produces, or as Scheler describes the matter, the action of giving "carries" the virtue that motivated it. This "hovering" of one value over another reappears in aesthetics, where aesthetic values, e.g., those manifest in a play, such as suspense, the comic, or tragic conflict, hover over the moral values manifest in the characters, as those hover over the goods and values in the situation depicted. The stratum between them is unique and unbridgeable by dialectic; we grasp these values in their entirety without being able to synthesize them or to reduce one to the other.

Note again that in recurrence the lower moral value is actualized when the higher is, as the value of solidarity (a lower value) recurs when acts of brotherly love (a higher value) are realized. This is not the case in the foundation relation: the value of truth is the condition of the moral value of truth-telling, but the moral good carried by one's efforts to tell the truth is not affected by the fact that the speaker is mistaken about the truth he reveals. Finally, the grade of the moral value involved in an action, its relative worthiness of praise, is dependent upon the lower situation-value in some cases. For example, the moral value of almsgiving is conditioned by and is raised to a still higher level of value if the strength, effort, sacrifice, or determination that appears in the execution of the action is the greater. A sum of money that involves no sacrifice on the part of a rich donor has the same qualitative value, but stands on a lower stratum of moral value than when the same sum comes from a person for whom it is a sacrifice. Here we see moral values – sacrifice, compassion – emerging from the non-moral value of the good transmitted to the beggar by the alms.

It seems therefore that the realm of values lies in an axiological, many-dimensioned ideal space, in which discontinuous strata of different types are found. The relationships among these strata are vertical – rising in relative worth – and horizontal – relations of values of similar relative worth. Scheler's phenomenology of values is of this former type; he identified five dual strata of pure ideal values and disvalues, and only a few of the horizontal extensions of the central types: Pleasure/pain, useful/worthless, vital/sick, beautiful, true, good/ugly, false, evil, and holy/profane. He claimed that the strata are unfounded and cannot be derived from each other, but that there is an order of foundation of our subjective awareness of them; we must have emotionally grasped a higher stratum of relative worth before we can grasp the one below it. For Scheler, each stratum contains values potentially realized by goods, situations, and persons, as we have seen; the moral values present no specific stratum of their own. We will study Scheler's development of the idea of the table of values in our chapter on ethical personalism. For Hartmann, the basic hiatus in the realm of material values is that between the moral, on one hand, and the goods and situational values on the other; both realms are stratified, and the lower stratum, the goods- and situation-values, conditions the higher, in two senses: the lower values make the higher possible, and thus they are "founded" in them. The lower reappear in some cases in a transformed and novel way in the higher; thus they are "stratified." In all cases, material values function as an a priori in the ethos or the Ordo amoris of persons and communities. We must now turn to the question of how values function in our emotionally intuitive knowledge of right and wrong, knowledge that in turn functions in our sense of obligation to do right and to shrink from wrong. For that inquiry, we will first study Scheler's phenomenology of practical action.

Chapter 5
Action Theory and the Problem of Motivation

5.1 The Problem of Action

Scheler's early reflections on the nature of the human being proposed that we are embedded in and open to the world in three ways: biologically, psychically, and spiritually. We are evolved organisms, whose evolution has attuned our bodies to our physical environment in phenomenologically discernable ways. As in all the higher animals, we are attuned psychically by attention to and resistance from within the milieu we happen to inhabit. As spiritual beings, we are attuned to values of a certain kind and in a certain order, which Scheler calls the Ordo amoris. This order conditions our *Gesinnung*, or basic moral tenor. All three of these attunements, as we may call them, are present in any purposive human action. They must be brought to givenness in phenomenological reflection in any effort to judge morally an acting person. The whole human being, and not simply the maxim of his will to act or the success of his actions, is subject to evaluation and moral judgment, in Hartmann's and Scheler's ethics, and it is for this reason that the structure of morally relevant actions and the process of their execution by a person must be discussed before we turn to an analysis of norms of obligation.

Scheler is an unsung pioneer in inquires into the ontological structures of human existence that were later pursued, with different vocabularies, by Martin Heidegger, Jean-Paul Sartre, Maurice Merleau-Ponty, Arnold Gehlen, Helmut Plessner, and many others. The phenomenological account of acting persons that these thinkers present has the advantage over the linguistic accounts that pervade Anglo-American philosophy in that it ties an account of action to a more general philosophical anthropology. Contributions to this effort have been made not only by philosophers: empirical psychology has put flesh on how such a priori structures, first explored by Scheler, as attention, retention, subliminal linguistic awareness, "urges" or conations, even the process of moral ratiocination itself, work themselves out in human behavior. An adequate account of being human is in any case propaedeutic to ethics. Progress in the human sciences had rendered questionable the anthropological basis

E. Kelly, *Material Ethics of Value: Max Scheler and Nicolai Hartmann*,
Phaenomenologica 203, DOI 10.1007/978-94-007-1845-6_5,
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of Kant's account of moral action, and Scheler prefaces his phenomenological exhibition of action with a thoroughgoing demonstration of the inadequacy of Kant's picture of the acting person. With that, he renders questionable Kant's account of what constitutes moral behavior. Whether, perhaps against his will, Scheler undermines entirely Kant's moral philosophy, and is thereby forced to abandon an ethics of obligation or create a new one on a different platform, will be considered in the following chapter.

5.2 Hartmann's Action Theory

Hartmann contributed to action theory an account of its value-dimensions, culminating in a phenomenology of the value of moral goodness and its constitution as virtue in human action. We observe first that there are ambiguities in our use of the term "good" or "goodness" in reference to human action that require clarification in terms of the essential phenomena that found it. When we say about an agent, "He has done (some) good," we usually refer *both* to the positive moral quality of his intentions (this is the *moral* value) *and* to the value of the outcome of his action, that is, for the non-moral "good he has done" (this is the *goods*-value or the *situational* value). As was discussed in the previous chapter, the two are neither identical nor indifferent to each other; the first, the moral value of the agent, depends upon the non-moral value present in the situation upon which one acts. It is morally wrong to steal, for the objects stolen have goods-value for the former owner. The goods-value of the objects therefore *conditions* the moral disvalue of the theft. *The value of the intention is not the value of the intended outcome*. Rather, the moral quality of the intention depends upon its *own* content, that is, upon the desire to do good or evil (*Ethics* II, Ch 14 g, 182–83). The happiness of a person, for example, is not the highest good, but it is morally good to foster another's happiness, as it is wicked to attempt to destroy his happiness. "It is only the intentional fostering [of happiness], not the happiness of the other, that is [morally] 'good'" (ibid., 182).

To be good in this moral sense is a universal obligation, but the material content of goodness is very slender, just because it cannot derive its goodness from the goodness of what it achieves. As a phenomenon, it appears upon the purposive actions that realize any value or destroy any disvalue whatever. Note also that an action itself may have value (it may be executed brilliantly, hesitantly, etc.), but this is again a non-moral or situational value. Persons may be praised for their talent or laughed at for their clumsiness, but these are non-moral values, for they are carried by the action and not by the intentions of the agent. The excellence of an agent in carrying out his purposes is a capacity for evil as much as for good. Other moral values that may condition an agent's intentions are the value-qualities of purity of heart, uprightness, courage, and self-control, which all are forms of virtue. They do not *constitute* goodness*,* for moral goodness appears only on the intentions of the agent, and not on his power to carry out his intentions. Moral action is hence dependent upon the values inherent in the situation and the effectiveness of the agent, but

the moral quality of the action rests upon the purposes that the agent directs towards the realization of the higher or lower values that are possible for him within that situation. Again, the relative value of what is aimed at by the agent does not determine the moral value of the intention. It is obviously not morally better to give a friend a priceless gift than a simple one.

Life is not simply an ontic fact that conditions the being of a living thing, but is a goods-value. The material conditions of moral action should be recalled here. For example, the vitality or the fullness of life animating a person (or lack of either) conditions her consciousness and extends (or limits) the range of activity possible for her. Yet vitality or fullness of life is again clearly not a moral good. Hartmann writes, "the value of the action as such [the vitality, foresight, etc. that the agent brings to it] has nothing to do with the content and the direction of the intention, and it therefore does not determine the normative quality of the intention." (*Ethics* II, Ch 14 g, 183). These non-moral values condition the moral value of the person only because an action is more or less potent in its effects as these values function in it. The intentions of the agent may bear the above values to any degree. The acting person may be vital or sick, broadly or narrowly conscious, weak or strong; she may display a capacity or incapacity for suffering, embrace freely or deny the responsibility incumbent on freedom of the will, possess both a measure of foresight or hindsight required to make provision for action and the technical mastery required to make the action efficacious in realizing its end – and yet the agent's intentions may be wicked and the outcomes cruel.

Material value-ethics, fundamentally an ethics with its roots in the concept of the person, obtains from Hartmann's analysis of the valuational conditions in the human subject a platform of both material factors and the values they carry that function in the coming-to-be of the person as a moral agent. From this Hartmannian standpoint, we can study Scheler's phenomenology of action. For in his case as in Hartmann's the moral goodness of the person derives from the moral values carried by his intentions, the non-moral values or goods intended, and the power or virtue through which his actions are carried out. His account of the power (*Können*) and process by which an action is executed is more nuanced than Hartmann's. What, then, is the essential structure of action itself?

5.3 Scheler's Critique of Kant's Concept of Action

Purposive human action is the process whereby a person is initially goaded to action by a subliminal sense of need, or urge. This term, which we used earlier, refers to a phenomenon frequently expressed by the Latin term *conation*, and expressed in German as *Streben*. Upon arising, conation passes reflectively, emotionally, and physically through a process whose aim is the achieving of some state of affairs in which values or disvalues are realized or destroyed. The phenomenological account of this process may include a study of all human actions, even those that have no specific moral qualities (although they may achieve valuable or disvaluable ends, as

when one senses that the room is getting cold, and moves to close a window), or are performed unawares, mistakenly, or involuntarily. Scheler's account of action will not require reference to processes and events outside of the awareness of the acting persons themselves, such as to brain events, to learned associations, or to processes in a purported unconscious mind. It will, however, presuppose and be an application of the phenomenology of the a priori structures that condition the human person and his orientation to the world that were discussed previously.

Scheler begins his phenomenology of action by taking issue with Kant; he attempts to correct two of Kant's "errors." The first concerns a superficial but historically persistent criticism of Kant's moral theory that most scholars today would dismiss as groundless, for Kant had the resources to respond to it adequately. Kant famously argues in the *Groundwork* that the good will is the only intrinsic morally good feature of a person; all else a person may possess – wealth, intelligence, character, health and well being – may be turned to evil ends, as he says, "without a good will to correct the influence of these [possessions] upon the mind, and to rectify the whole principle of acting, and turn them to its end," that is, to the adherence to the moral law for its own sake.[1] The criticism asks how a mere will to do what is right in some situation (even, or perhaps especially, when tempted to do what is morally wrong) could count as moral achievement (or demerit) for an agent where, for reasons perhaps not under his control, the intention is not carried out. Is simply *intending* to be moral sufficient for the moral merit of an agent?

Scheler considers a man who desires to save a drowning child, let us say simply out of respect for the moral law that commands us to help persons in distress. However, he can do nothing, because he is crippled or extremely aged. He may have good will in the Kantian sense of reverence for the moral law, yet he cannot execute his intention to obey the law. Clearly, the man would possess *some* moral merit in desiring that the child be saved. His basic moral tenor, manifest in his cursing his inability to help, is admirable. Compare another crippled or aged man who wishes only to enjoy the sight of the drowning child, and is sorry he does not have the capacity to drown the child himself. If his thoughts are worthy of condemnation, then the good intentions of the first man are surely worthy of some praise. Scheler would no doubt agree. However, the Kantian problem for Scheler concerns the judgment of two men with good intentions, one of whom executes the rescue while the other does not because he cannot. It appears that the only alternative to asserting the equality of the moral merit of the man who desires to rescue the child but cannot with the one who possesses the same intention but in fact saves the child, is an ethics that would "count" as contributing to the agent's moral merit the *success* of the action. But Kant's moral philosophy famously insists that only the will and its maxim, not the good or ill achieved by action, are a measure of moral worth. If the success or failure of the action counts towards the moral worth of the agent, ethics would be empirical and contingent – a prey to "moral luck" instead of

[1] Immanuel Kant, *Groundwork of the Metaphysics of Morals*, First Section.

a priori and necessary.[2] Scheler once condemned the ancient Stoic who told his companions that they must strive always to be worthy of happiness by willing to be good, even if bad luck in life renders them unhappy because they are ineffective. They are guilty of pharisaism, a modern form of which he relates to Kant's dictum that good will constitutes the condition of our worthiness of happiness, however ineffective that good will may be in making ourselves or anyone else happy.[3] Moral merit, measured by norms, must involve the execution of the will's intentions.

The second issue in ethics that Scheler addresses in his theory of action concerns what he calls the false intellectualistic theory of action (*Formalism*, 130 n. 16). This he traces to the atomistic psychological theory of David Hume and his followers, which, he believes, was uncritically assumed by Kant. Very schematically, the theory proposes an analytic reduction of all human behavior to mechanical interactions among psychological events (e.g., "impressions"), each of which is the causal condition of the one temporally prior to it. Psychological laws associating a series of impressions determine our expectations as the series progresses (we eat bread and expect to feel nourished), and lead us to claim that the earlier members of the series caused the later. Thus Kant imagined that a physical impression associated with pleasure or pain caused by an external event causes an agent to formulate (represent to himself) a response, and then to will the motions presumed to bring the action to completion and succeed in its end. The process is not deterministic because, as we have seen, the noumenal or rational self for Kant can supervene on the process and direct the will to the realization of its own ends, the adherence to the moral law. The theory, Scheler believes, is a "construction," that is, one not based in the evident phenomenology of action that he will now propose, but rather based in the desire for simplicity and for its coherence with Kant's metaphysical prejudices. It is false to the facts of the case, and incapable of accommodating the specifically moral aspects of action. When applied to jurisprudence, he notes, Kant's doctrine erases the distinction between willing an action while foreseeing that the action has consequences counter to the law and willing an action that is against the law. If Kant's theory of action is false, then material value-ethics may be able to counter the Kantian objection to it that such an ethics, lacking as it does a concept of a noumenal self, is inevitably empirical in nature, just because if an action is motivated by a desire for a concrete pleasure-producing end, then an agent's moral worth is entirely contingent upon the success or failure of the action.

Throughout his work, Scheler claimed that intellectualism in action theory and psychological atomism in epistemology were instrumental in fomenting errors at several crucial junctions in the history of philosophy. Hume failed to see the "effectiveness" of one billiard-ball on another and the unity of the causal process as we

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[2] Cf. Bernard William's and Thomas Nagel's discussion of this concept in their separate articles entitled "Moral Luck," which appeared in *Proceedings of the Aristotelian Society,* Supplementary vol. 50, 115–35 and 137–55. Williams' essay was reprinted in *Moral Luck* (Cambridge: Cambridge University Press, 1991).

[3] Max Scheler, "The Rehabilitation of Virtue," *American Catholic Philosophical Quarterly*, 79, no. 1 (Winter 2005), 21–37.

experience it. Other thinkers argued that we are forced to perform an inference from our own mental states to the mental states of other persons in order to assure ourselves of the existence of "other minds," when in fact the phenomenon of mind in others is given to us directly and noninferentially through their physical features. Such phenomena as causality, other minds, and purposeful action, are not "made up" of atomic elements and "run through" by an agent as he perceives, grasps, or acts; he experiences these phenomena as a unity. We see the effectiveness of the falling stone upon the glass, we grasp immediately the emotion of a friend on his eyes and gestures. The assertion, "John saved the day," refers obliquely to a unified event in which John's actions functioned in some way that was beneficial to some group of people. We experience the process as a unity, not as a lawfully structured set of psychological and mental events. Kant, like many other thinkers, allowed their metaphysical biases to impose an account of what "had to be the case" upon the phenomena, rather than examining intuitively what in fact is given in the phenomena.

These observations concerning the critical aims of Scheler's action theory should not obscure the immediate goal of the phenomenology of action: The bringing to givenness or the gaining of clear intuitive awareness of the elements that structure an elementary human process: the willing of states of value and fact, and the performance of an action to achieve those ends. The subtext of Scheler's analysis is the combating of Kant's "errors" that, he believes, have resulted in a false alternative between a formal a priori ethics and a material a posteriori one. The result of this double vision, creative and critical, on his part is a frequent shifting of perspective, occasional repetition, and uncertainty of reference, all of which make for very difficult reading in a phenomenological analysis almost entirely bereft of illuminating examples, and raise the possibility of irresolvable ambiguity. We shall proceed slowly, and follow this phenomenology of conation, representation, and purpose into a phenomenology of will and action that follows upon it, and, eventually, to its application to moral judgment. We begin with Scheler's account of the phenomenon of conation, which is found also in the biological and psychic nature of animals, and then turn with Scheler to the elucidation of the phenomenon of moral action.[4]

5.4 The Structure of Action

All action begins with *conation*. "Conation," Scheler writes, "here designates the most general basis of experiences that are distinct from all having of objects (representation, sensation, perception), as well as from all feeling (sates of feeling), etc." (*Formalism* 30, fn 24; 52, fn 2). Conation is the restless urge that awakens our attention and sends it in a certain direction, even before we "represent" to ourselves a specific

[4] The phenomenology of action is presented by Scheler in two sections of *Formalism*, the first called "Purposes and Values" (Part I, Chaps. 1, 3), and the other called "Material Ethics and the Ethics of Success" (Part I, Chap. 3).

object towards which it may be directed (*Formalism*, 294). It takes place within the structure of the milieu, that is, its possible value-objects are those contained in its milieu. The urge can arise from a stimulus within, as when we feel a sense of thirst even before we are conscious that we are thirsty and desire something to drink ("What's wrong with me?" we sometimes ask ourselves in such circumstances), or when we feel the growing darkness of the room, even before we think of doing something to relive it: open the blinds, turn on a light, etc.

Conation may be entirely undirected (a "dumb urge"), or it may move towards or away from an unobjectified external or internal state, as with an inchoate desire or fear. They "rise up within us" without representational origin or specifically evaluative content. Conations are not of a single kind. Their differences in content arise out of the initial urge, and do not depend initially upon differences in their representations of specific content; such representation occurs only subsequent to the direction of the conation toward a value of some sort. (In this respect, conation is different from *desire*, which always "pictures" its object.) The initial direction in conations, which is that by which they can be differentiated, is always toward a *value* of some kind that is felt as desirable or as undesirable – again even *before* we discover it upon an object, or represent to ourselves a state that Ought-to-be. "The *values of things* are given to us prior to and independent of pictorial representations" (*Formalism*, 294). This point is made again by Scheler when he develops his phenomenology of religious belief, noting that he had already demonstrated it in the passages currently under consideration. We grasp the value-being of God *before* we flesh out conceptualizations concerning His nature.

A conation may also have a *goal*. Imagine a conation away from the weariness of labor towards "taking a vacation from labor." The weary man turns an unspecific urge towards the goal of the value of relief, which floats in front of the mind before imagination "fills in" the desire with specific value-states of activity that could make up the relief from work. Such a "goal" is not yet the performance of an act of will, for no ontic content that could function as a purpose has yet been posited. But in the conation or urge a picture of such relief begins to form, i.e., some imagined state of affairs; the former founds the latter, in that the choice of picture is differentiated and determined as appropriate or inappropriate to the values toward or away from which the conation moves (*Formalism,* 34). Scheler summarizes: "The conations themselves … are determined and differentiated by (1) their *direction*, (2) the *value-component* of their 'goals,' and (3) the *picture-* or *meaning-content* arising from this value-content" (*Formalism*, 39).

"*Purpose*" does not only designate the active purposes of a person, for one may think through in one's mind how a purposive action could be performed without having any thought of carrying out the act oneself. ("How might a robber gain access to this bank?", a detective might ask.) However, in the notion of purpose is the further notion of an Ought-to-be or not-to-be, and hence of a value: We could not grasp some process as the carrying out of a purpose unless we already grasped the notion of realizing some thing, situation, or state perceived as an "Ought-to-be," as the robber (but not the detective) perceives the positive value to himself of gaining access to the bank. That phenomenon of Ought-to-be must already be *present to* the acting person.

When I imagine myself, however vaguely, satisfying my thirst by going to the refrigerator and taking a drink, I grasp in an emotional cognition the value of satisfaction, its Ought-to-be. Thus, conation founds goals, and they found purposes.

Purposes involve the representation of a state of affairs, but thinking about or visualizing a thing does not necessarily involve a conation toward it, or the positing of it as a goal. Goals, as we said a moment ago, are "in" conations of a certain kind. Scheler puts the key issue as follows.

> What distinguishes 'purpose' from a mere 'goal' which is already given 'in' conation itself and in its direction [the goal e.g., of thirst-quenching] is the fact that a goal-content (i.e., content already given *as a goal* in conation) is *represented* in a special act [that is, one 'runs through' by representation a variety of possible 'actions' that would quench one's thirst]. It is only in the phenomenon of 'withdrawing' from conative consciousness toward representing consciousness, as well as toward representing comprehension of the goal-content given in conation, that the consciousness of purpose comes to a realization (*Formalism*, 39–40).

Conation therefore is not an *analogue* of purposeful willing; it has its origin in the biological, psychical, and spiritual life of persons. Conation is structured differently from the cognition of purposes and their willing-to-be. We noted earlier that not all purposes lead to acts of will. Representations of purposes remain a mere dream unless the representation is also given to the agent as to-be-realized: not simply as having a specific value, but as a value that offers itself to the agent as the object of a purpose. Only when both are given is there a *purpose*. A goal does not yet speak to the will, and neither does its representation. Values, therefore, are not dependent upon or arise out of our purposes, they found the goals of conation, and are hence the foundation of purposes. "A *material value-ethics* is, in contrast to the entire *picture* content of experience, *a priori*, because both the picture-contents of conations and their relations conform to non-formal values and their relations" (*Formalism*, 41). This is consistent with the idea of the qualities of a milieu, which is *already* shot through with values before any set of milieu-objects becomes the focus of our attention.

An objectivist theory of value, such material value-ethics, is especially concerned to show that the existence of a value is not dependent upon conation. Our urges do not "create" the values of the objects towards or away from which they move; they presuppose the presence of values. In Plato's *Gorgias*, Callicles claims that the term "goodness" is simply a token for whatever (thing, state of affairs, or sensation) a person likes; the liking for the thing "creates" the value, or makes the entity liked "good" for him. Liking or disliking things, in this view, is a necessary condition for the existence of values. Scheler believes he has demonstrated that values can be felt independent of a conation (e.g., liking, fearing) (*Formalism*, 36); it is precisely the capacity of persons to feel cognitively values and their content apart from any biological or psychic need or attachment to them that renders them spiritual beings. No doubt, Scheler adds, we tend to overestimate the value for us of those things for which we possess a positive conation, and underestimate the value of things for which we possess a negative conation: even more, we underestimate the value of things for which we have a positive conation, but know we cannot obtain: they are "out of our reach," and yet we still feel on some level of our stratified emotional

receptivity their high value. This phenomenon is the source of value-*distortion* called *ressentiment*.[5] Value-feelings, however, do not found conations, for we often discover and grasp values only while striving after them. The striving does not create the value, but it may precipitate a kind of self-awareness that reveals to us the order of our loves and hates, as in the familiar phenomenon in which a person near to us leaves us, and we experience more lucidly the great value she had for us in the longing that we feel for her.

This phenomenology of conation conforms to Scheler and Hartmann's dismissal of Kant's model of human behavior as simplistic: he believed that what he called the "inclinations" of a human being are a chaos of desires and aversions associated mechanically with events in an organism's prior history in which they were satisfied or thwarted. Only a pure and good rational will, he taught, which constitutes the dignity of a person and which subjects these inclinations to a rational moral law, can open human beings to the possibility of righteousness. But, as Scheler's analysis is intended to show, our "inclinations" are (1) not a chaos at all, but subject to an ordered sense of values, and (2) not productive of values as tokens of the objects of desire, but possible only upon the *prior* givenness of a realm of values given in feeling and preference, the stratified openness to which is the Ordo amoris.

5.5 The Essential Phenomenology of Action

We turn now to action itself as a *unity* of meaning and representation, and can begin with a consideration of Scheler's phenomenology of a simple unified cognition. He shows in *Formalism* via a phenomenology of the perception of a cube (55–60) that what is given when one perceives a cube is the cube as a whole. The mind does not "synthesize" its elements; they are given mediately via the perception of the cube, and it takes many analytical steps to lay bare such posterior phenomena as the element of the "perspectival" sides of the cube, of the "sensation" of color, of the "spatial elements," and the like. We do not "perceive" the color and shape, for "to perceive" is a function of a definite kind, one that yields the cognition of an object *as* something or other. We cognize the cube as a cube "through" the physical characters of color and shape that are given to the function of sight.[6] Only after one perceives the cube as a cube, that is, grasps what it is in one cognitive act, can one proceed to identify its color and its shape, and describe the parts of it that are given to my perceptual stance, or angle, upon it. The elements have no meaning apart from that of the whole experience in which they function as integral parts. Scheler's point is again the correction of Kant and of psychological atomism: the cube is *not*

[5] Cf. Scheler's "Das Ressentiment im Aufbau der Moralen," *op. cit.*

[6] This is similar to Hartmann's phenomenology of aesthetic experience, where, he claims, we see directly and immediately the emotional meaning of a work of art "through" its surface structure. Cf. Nicolai Hartmann's *Aesthetik* (Berlin: Walther de Gruyter, 1966), especially Erster Teil, I Abschnitt.

a "synthesis" of all these supposed "atomic" elements that are first given as sense-data and then organized by the activity of the senses and the mind to render the "synthetic" cube. Rather, the perception is a unified experience in which the cube gives itself to the perceiver through a single, non-temporal[7] act of apprehension in which all essential elements of the cube are pre-given, and each can be brought to givenness in phenomenological reflection.

Similarly, when a person performs an action, the process is perceived as a unity of meaning or sense. It flows from an initial bodily and psychic state to conation, and then, via the apprehension of the situation into which one acts, to the performance or deed (*Handlung*). We may take the following situation as typical of a unified action that has moral content. A runaway van overturns on the street, the gas-tank is broken, and gasoline drips to the street. The driver lies unconscious in the van. A passer-by experiences an emotional arousal, a conation: Danger! The gasoline could explode! That conation is not initially aimed at any specific end. It is an attunement of attention directed toward an external event in the milieu; as yet, it is arousal without specific purpose. The passer-by then grasps the danger to the driver, assesses the danger to himself, rushes to the van, flings the door open adjusts his movement to the vicissitudes of the situation, and, with others, carries the driver to safety. Moral assessment, Scheler argues, requires that this action be viewed as a unity or process, and not, as Kant assumes, as a synthesis of drive, intellection, will, movement, physical coordination, and the like. Such models assimilate human behavior to that of a machine whose mathematical laws render its operation lucid; but it submerges and makes invisible the organic unity of the action.

Upon this analysis of conation and of action rests the hope of (1) rescuing material value-ethics from the charge that it is teleological in nature, and (2) establishing the foundation of material value-ethics in the being of the acting person. What we value is the person enacting the rescue, not its success in achieving a valued end, *viz*., saving the life of the driver. And we cannot locate the moral value of the acting person in his good will alone, conceived as a as a free and isolated "force" in a causal process in order to insulate the moral agent from the contingencies of fate, or luck. Kant's purposes in advancing the latter thesis is noble, for it establishes a kind of moral equality among persons: each person is entirely responsible for what he wills; no one can be responsible for the factitious outcome of acts of will. The success or failure of the rescue attempt, or even the risk involved in it, has no bearing on the agent's moral worth. Kant appears to have thought that the only moral theory that could offer an alternative to his concept of will as the sole bearer of a priori and necessary laws dictated by reason would be teleological in nature, that is, it would be an "ethics of success," where the value of persons and their willed actions are dependent upon the practical consequences they have, that is, their efficacy. But Kant's moral focus on will alone loses sight of the other diverse values realized in the process of the moral action. Moreover, Scheler argues that the phenomenology

[7] Scheler later developed the concept of "absolute time" to characterize lived experience. Cf. for example, "Idealismus-Realismus," in *Späte Schriften*, *Gesammelte Werke*, Band 9, 235 f.

of action shows why material value-ethics need not fall either into a formalistic theory like Kant's, or into a eudemonistic ethics in which the value of the agent is measured by the success of his actions in producing desirable goods.

What, then, is the structure of moral action? Perception, as we have seen, is founded in milieu and in value-feeling. The elements in an action or deed (*Handlung*) taking place within those spheres are as follows (*Formalism*, 120). We follow Scheler and apply each element to the narrative of the rescue-scenario.

1. *The presence of the situation and the object of the deed*. In an action, a conation is first directed towards some "practical value-objects" that have appeared to the agent within the a priori range determined by the agent's milieu and basic moral tenor. In our situation, a conation directed toward the value of the imperiled life of the driver may be prominent. The agent senses: "Something must be done," without, as yet sensing a demand on *him*. The practical object in the situation is given as *resisting* or "with-standing" the conation, which aims at saving the driver's life; otherwise, no action would be needed, and a "willing to do" could not be formed. This resistance need not be physical; the mere will of another can resist us, or, in some cases, the qualities of the situation itself. One desires, for example, to win a lottery, but the numbers that come up resist the will. The phenomenon of resistance is normally found in the following order: it is placed (1) in the object *beyond* the ego and body of the agent; (2) in the body itself (one cannot run fast or far enough); (3) in the psychic sphere (the will may be conflicted; one wishes, after all, to preserve one's own life). Scheler notes a deviation from this order in a man whose car is out of control and about to hit a tree. In his confusion he does not "will" to turn away, but stretches his hands against the steering wheel as though the obstruction was in himself (or in the car) and not in the tree.
2. *The content to be realized by the deed*. Here, along with their concomitant values, a "picture" or pictures arise in the mind in which possible courses of action appear: "running away from," "running towards" the stricken driver, "seeking protection."
3. *The willing of one set of compossible value-contents.* The path of the decision leads from the moral tenor, through intentions, deliberation, and resolution. The moral tenor of the agent may incline him to accept the risk to his own life of an attempt to rescue the driver. On the level of intention, he experiences the rescue of the driver's life as an Ought-to-be that founds his purpose. He then deliberates as to how to effect the rescue, and resolves to take one course of action.

   Scheler also notes in this context that the picturelike contents of the will, that is, what the acting person proposes to himself to undertake, is determined by two factors. Selection of the content is first made from the value-qualities that are a priori possible for the person, given his milieu and basic moral tenor. One cannot propose to oneself to act counter to one's moral self ("I can't imagine myself doing that!"). This is not of course to say that one need not be watchful over one's capacities, learn to know them intimately, and seek to extend them. Second, the content is determined by the sense of one's own capacity for action, that is, the experience of what one is capable or not capable of doing (*Formalism*, 128).

An agent disposed to assist the trapped driver would only imagine himself performing a rescue that is within the range of his power. He might imagine himself running to the rescue, but not flying there. Scheler emphasizes that this experience of capacity or incapacity is an immediate sense, and is *not* dependent upon one's success or failure in conducting a rescue in situations similar to this one. The "to be able" is phenomenally given as a special *kind* of conative consciousness, one that selects courses of action open to oneself. In this way, Scheler distinguishes himself from what he takes to be the position of Kant, that the sense of my capacity for responding to some situation is produced via recollections of past performance. For Scheler, the experience of being able is simple and unique, like the sense of being alive (*Selbstgefühl*). Neither experience simply gives us a piece of knowledge, and neither experience is constituted by or in such states as vitality or weariness. The state of "being able" cannot be improved by exercise and practice; it determines what activities we will practice and develop, and how we will execute them.[8] If a sense of impotence intervenes and the agent realizes that he is too weak or fearful to help, he would not succeed in picturing to himself the course of the rescue. Clearly, whatever the status of the agent's metaphysical freedom, it makes no sense, in Scheler's view, to speak of the freedom of a person apart from the limiting conditions determined by the organic life and psyche of the organism.

4. *The class of activities directed toward the lived body that leads to a movement of the members* (*the* "*willing-to-do*"). Here is the beginning of physical movement required by the resolution to effect the rescue. The agent moves beyond mere intention (a wish that the driver be saved, or that she "ought to be" saved) and a decision to engage in the realization of the values that are possible and desirable in the situation. Willing itself is a conation in which a content to be realized *by me* is given. It is a willing to *do* something. The will-to-do is a willing of an *action* – not the willing of its outcome, which may be beyond the agent's control; he only *desires* to succeed. If he is wise, the agent will calculate his chances of achieving a given outcome, but he wills the *action* in the hope that it will have that outcome. A "misdeed" Scheler notes, is failing to do what one wills to do, not failing to achieve a certain end. In the latter case, we can still take pride in our action: "At least I tried," we might say.
5. *The states of sensation and feelings present during the execution of the selected action*. The transition from a willing-to-do to a performance of the action takes place across feelings and sensations, such as the bodily movement of the agent, or his sense of strength or weakness. These do not require a representation of the bodily movements required to perform the act. Just as we experience the effectiveness of the stone upon the window as a single process, and do not have to synthesize disparate elements of the process (the movement of the stone, the sound of the crash and the shattering of the glass) in order to grasp it, so do we *immediately*

[8] This issue between Kant and Scheler may be undecidable. No doubt, the sense of physical capacity is derived in part from my experiences of what my body can do. Like a cat warily measuring the distance to a ledge to which it intends to jump, a human agent has experiential knowledge of what he can do, and not just an intuitive sense, of, say, how far he can throw an object.

(non-mediately, *unvermittelt*) sense the effectiveness of our resolution upon our body. "There is an *efficacy* of willing that acts on our lived body and *issues forth into movement*" (*Formalism*, 130). The kinematic sensations and visceral events direct or specify the impulses that are contained within the intention; they may change as the action proceeds. These states have moral relevance: the agent may desire to come to the rescue and may imagine a course of action, but feel reluctant; alternatively, he may be overly fearful, triumphant, selfless, or foolish.

6. *The experienced realization of the content* (*the "performance"*). The object for the sake of which the action was initiated is joined with the content of the will-to-do: the trapped driver is or is not reached, grasped, and pulled free, as the intention of the will-to-do. The realization is that of success or failure of the action, or the rescue could be frustrated by something unforeseen; the agent could, e.g., trip and fall before he accomplishes anything.
7. *The states and feelings posited by the content realized.* Joy or sadness, satisfaction or regret. Note again that the *effects* of the action do not *belong* to it. In our example, the attempt at saving the driver may succeed or fail. However, if the *agent* survives, his feeling of success or failure in what he tried to accomplish belongs to the action. We tend in fact to admire an agent who, in such circumstances, would belittle his role in the success of his action, or be aggrieved at his failure. Such evaluations are directed at the moral values borne by the agent, not at his success or failure, which outside observers would simply welcome or regret. Those observers would of course rejoice at the sight of the saved driver, but that is not to evaluate the rescuer.

5.6 Consequences for Moral Judgment

The teleologist in morals, who proclaims that the action was good because the man was saved, is simply untrue to the values we feel and the judgments we in fact make when we perceive the action. The deontologist who says merely that the action was good because the agent's will was good offers an inadequate account of the agent's moral worth; he leaves out morally relevant value-material. If this phenomenology of action is correct, material value-ethics is able to argue that the moral worth of the action is not located in the formal intention of the agent alone (respect for the moral law, the sense of obligation to help a person in distress), but also that it is not dependent upon the success or failure of the action. The moral value is found in the *person*, who acts *throughout* the execution of the action as described. Of course, the central feature of the unified act is described in point 3, in which the value of the content possibly present in the situation (the life of the driver as a value) is *willed to be*. It originates in the basic moral tenor of the agent, from which his conation leans towards the realization of some content he apprehends as valuable. Point 4 elevates action above a mere wish that things be a certain way: In wishes a material value-content is no doubt given (I wish there were no hungry people), but there is no resolution to do something to realize that wish; it does not terminate in action.

The phenomenon of knowing oneself "to be able" to do something, which also appears in the action, is given a separate treatment by Scheler when he begins to consider specifically moral actions. This phenomenon plays an important role in his account of virtue-based morality, and it is related to the imperative of duty. He resists the notion that the sense of our own power is derived from experience: "The ultimate, irreducible modality of conation called 'to-be-able' is different from a mere knowledge, on the basis of past experience, of being able to do something, and differs also from a representation of a content of something to be done plus a memory of having realized this content before and an expectation of realizing the same again on a given occasion" (*Formalism*, 232). For the phenomenon of to-be-able is a response to a conation, to an impulse towards or away from something that we sense ourselves capable of obtaining or escaping. A mere knowledge of being able to do something (I could purchase a new home, though I have no intention of doing so) has no element of conation, gives no pleasure, and it requires only the representation of a value-good and a state of affairs plus an assessment of my current and past condition. But the to-be-able is an experience of my ability to satisfy my present conative goal, even if I do not choose to do so at the moment. The to-be-able causes pleasure in itself, apart from the pleasure obtained through its realization. People rejoice in their felt capacities, their sense of control, even more, perhaps, than they do in their achievements. To develop Scheler's example, a person who strives after wealth rejoices more in the sense of being able to control a market, produce commodities, etc. than he does in the tangible goods that his success may produce: life is in the doing, not in the passive enjoyment of goods. "The contentment that comes from 'being able to'," he writes, "is much deeper and nobler than the enjoyment of manifold realizations of what one was able to do" (*Formalism*, 233). The nobility of this enjoyment is not far from, though morally lower than, the nobility of virtue itself, which, as we shall see, is the feeling of one's own capacity to realize high values or destroy negative values.

What are the implications of Scheler's characterization of an action as a unity? Of course there are phenomenally distinct phases that can be identified within the action, and, in the action we have taken as a model, there may be other factors, indeed random and incomplete ones, such as the agent's hesitation, his sense of fear, self-questioning (why get involved?), which do not in themselves dissolve the unity of the act. We must keep in mind that the unity Scheler is speaking of is a unity of *sense* or *meaning* possessed by the action when we think of it as a whole. And yet that claim seems trivial because analytically true: Insofar as I speak of the experience of anything at all, I unify it under some category or other: "The life of Lincoln," "My trip to Canada," "The action of the man who saved the driver." All these phenomena are experienced as unities, no doubt; but they are not grasped in a single intentional act (*Erlebnis*); such *Erlebnisse* are unities in a more fundamental sense, because they are directed toward a single essence (*Wesenheit*).

Scheler's insistence upon the unity of the action derives from his fear that if we divide the action into a chain of events, where one part of it is the act of will that "causes" the action, then the action could not bear any moral value, for the will alone would bear it; all else would be a causal outcome of the act of will, given

favorable circumstances. The moral philosopher would then be forced to choose between a deontological and a teleological ethics: the act is good either because the will was good or because the outcome was good. But for material value-ethics, as long as the agent is engaged in the act, he bears moral merit or demerit throughout it, until events pass "out of his hands" to where he no longer has effective control, and where he no longer "acts." This analysis of action, which achieves a *broadening* of the human being's moral life beyond the adherence to moral rules or to the outcome of action, is a chief characteristic of material value-ethics. Action theory shows how this broadening of moral vision may enable us to pass beyond deontological and teleological ethics.

Moreover, by insisting upon the unity of action, Scheler is combating, in addition to Kant's doctrine, an associationist theory of mind, which has its roots in the atomistic psychology of the eighteenth century. In its simplest form, this theory, in Scheler's interpretation, considers actions as a causally linked nexus of individual experiences of internal and external sensations. This psychological account of mind has been abandoned in greater part today, except for some of the assumptions that underlie the laws of association of stimulus-response mechanisms in animals and humans. However, contemporary philosophy of mind, basing itself on experiments in brain physiology, would deny all unity to action, as it sees the key elements of macroscopic behavior in human beings as emanating from electrochemical events in different parts of the brain. Such theories deny the existence of a unified "agent" who directs the process through force of understanding, feeling, and will; rather, many distinct parts of the brain collaborate to direct the human organism towards its goal. This is, perhaps, a more potent threat to Scheler's notion of the unity of an action as an ontic reality of some kind.

However, Scheler makes no reference in this context to the physiological sources of mind. For his phenomenology aims at a description of the meaning- and value-elements in experience, that is, of those elements through which objects and events are realizations of the purposes aimed at by persons in whom an order of values and a basic moral tenor function in the constitution of their a priori milieu. The discovery of the physiological or biological causes of experiences cannot establish their meaning and value. An effort to account for moral judgment by reference to its psychological or physiological causes will not give us grounds for the correctness of that judgment or its meaning and value. The only phenomenological question that can be asked is, "*What* is given in experience?" In our moral assessment of a person, we normally ask ourselves, "What values are given as present in or carried by his action as a meaningful whole? What situation is he attempting to bring about? Is his action free and purposive?" And the justification of that judgment will note such phenomena as determination, skill, and fortitude, and a basic moral tenor that made it possible for him to discern in acts of feeling the positive values that he willed to realize. We sense the moral worthiness of this person as he carries out his deed; we look upon what he accomplished by the deed, even if its outcome is failure. Calling this experience of the action a "unity" adds nothing of significance to our evaluation of it and of the agent, so long as we distinguish between the reflective experiences of the meanings and value carried by the action, which are the objects

of our moral judgment, and its ontic conditions, presumed to be necessary but non-experienced elements of and processes in the physiological organization of the human organism.

In sum, then, the agent seeking to rescue the trapped driver does not will that he be saved, for that is impossible. Rather he wills to perform an action aimed at saving him, whose values, purpose, and technique he grasps and visualizes before or as he moves towards the driver. He experiences the realization of these plans during and after their execution. The success or failure of the action is out of his hands; he can only say that he did what he could. His moral merit or demerit lies in the values functional in his person, which condition his moral attitude, his fortitude of will, and his response to the outcome of his action.

5.7 Moral Motivation

Our knowledge of material values, Scheler believes, arises out of the acts of love of the spiritual person, which open him to knowledge of absolute essence and being.[9] Knowledge of values are given in acts of feeling and preference. All conation originates in the love and knowledge of values peculiar to the acting person. Now, consistent with his belief that a narrow definition of moral obligation is unnecessary for an ethics of value, Scheler maintains that the driving force in the motivation of action is not respect for the moral law or simply the love of one's neighbor, but insight into what is a priori valuable. Such insight, Scheler claims, arises from neither reflection nor rational moral deliberation, and, moreover, deliberation does not determine an action. Rather, a value that is self-given to the emotions (feeling and preference) *immediately* determines the will to pursue in action the actualization of that value, where the given circumstances allow. He writes as follows:

> If a value is self-given, however, willing (or choosing in the [special] sense of preferring) becomes necessary in its *Being*, according to laws of essential interconnections. And it is in this sense alone that Socrates' dictum is restored – that all "good willing" is founded in the "cognition of the good," and that all evil willing rests on moral deception and aberration. … [Judgmental] knowledge of moral norms is *not* determining for willing. Even the feeling of what is good determines willing only if the value is given adequately and evidentially, i.e., only if it is self-given. What is wrong with Socrates' formulation (not with his knowledge of the good, whose *power* over willing was so clearly demonstrated by his death) is the rationalism, which implies that the mere concept of what is "good" has the power to determine the will. …If all moral comportment is built based on moral *insight*, all ethics must go back to the facts lying in moral cognition and their a priori interconnections (*Formalism*, 69).

This doctrine that once an agent knows what is good he will act to realize it has been called the "Socratic" fallacy of motivation. This is the doctrine that for the morally correct determination of the will theoretical knowledge alone must be present in the agent. Knowledge of what is the greatest good possible in some situation

[9] *On the Eternal in Man*, *op. cit*., 95.

determines the will to pursue it or to destroy lower values that threaten it. Thus, for Socrates, virtue and knowledge are biconditionals, as it were; each is sufficient and necessary for the other. He thus identifies practical and theoretical reason. The corollary of the doctrine is that wickedness is founded in ignorance. The evil man does not know what the highest human good is; he is ignorant of what as a matter of fact is best thing to do in the circumstances in which he acts. If he knew, he would will to realize it. This notion may appear to be merely a logical claim, i.e., the claim that when a person acts, what his action aims at must be by definition the best in his estimation (otherwise he would not aim at it). But Socrates implies the existence of an objective good of which the wicked man is ignorant, and against which his action can be measured morally.

Scheler agrees with Socrates that knowledge in the form of insight must determine the will for actions to be moral. But Scheler's Socratism takes a novel form and escapes the usual criticisms brought against it. First let us consider the usual objections to the Socratic position. The fallacy in the Socratic doctrine is supposed to be twofold. First, the claim is empirically false, as Aristotle argued; many people have observed that we often choose the evil path even when we are fully conscious of the righteous one. Aristotle no doubt saw the attractiveness of the thesis, as Socrates saw it: how could it be that "if knowledge is in a man, something else could master it and drag it about like a slave?"[10] He tried to resolve the question by noting that a man could possess knowledge yet not be using it, "as when he is asleep, mad, or drunk."[11] Second, it is deterministic, proposing that the will is determined by a factor, knowledge, which cannot itself be willed. In that case, the action could not be judged right or wrong, since moral merit presupposes freedom to act otherwise.

Scheler holds that values, as we have seen, can be given in various degrees of adequation, extending to a value's self-givenness, that is, given with "absolute evidence." And he asserts that where a value is self-given, willing to realize it becomes necessary in its being. Yet Scheler recognizes the justice of objections to the Socratic "fallacy." He notes in his own position an "antinomy:"

> A subjective aptitude for moral insight *presupposes* something that can only be the product of moral insight, namely a whole system of means to eliminate sources of deception, so that moral insight can become possible (*Formalism*, 327).

This seems to lead to an infinite regress, where the conditions of a thing presuppose what they condition.

In as essay published in 2003, Jean Miguel Palacios criticizes Scheler for taking this Socratic position. The notion, he argues, relies on three related claims concerning the nature of willing that Scheler makes during the course of his phenomenology of moral action. As we have seen, in an act of will a goal of conation is first given that has two components: a *picture* of the state of affairs aimed at, and a *value* to be realized. These two elements are related in the following way, writes Palacios. "First with respect to the order of knowledge the value-component is given with *perfect*

[10] *Nicomachean Ethics*, VII, Chap. 2.

[11] Ibid., Chap. 3.

clarity and distinctness in the conative act, while the picture-component either need not be given at all, or can be given in all possible grades of clarity and distinctness." In our example of a man striving to save a person's life, the *value* of the life is clearly present to the agent, while the *process* whereby she is to be saved may be unclear, uncertain, or not given at all. "Second, in the ontological order, the value-component determines and limits the sphere of the possible picture components in which they can realize themselves, such that the picture is always founded in the value." The agent will only note those things in his environment that are relevant to the carrying out of the rescue. "And third, in the order of becoming, since the values are grasped in intentional feeling and such feeling is always immanent to a conation of this kind, the value-components grasped in the feeling necessarily exert final causality [*Zugkausalität*] with respect to the picture-component or the meaning of the conation."[12] The more clearly the value immanent in conation is given, the more we are drawn to create the conditions in which the value can be realized.

Palacios does not note that Scheler says that willing or conation is determined morally only when a value is self-given. He notes only that, according to Scheler, the value-component in a conation is given with perfect clarity and distinctness. Nor does he offer a citation in which Scheler asserts that there is a *quantitative* relation between the degree of clarity and distinctness of the knowledge of the value immanent in the component of conation in which the values are felt and the motivating force of that knowledge upon action. As representations of Scheler's intentions, the first notion seems unlikely, the second probable. But there is no doubt that Palacios has conveyed a fundamental feature in Scheler's position: the deeper our acquaintance, through reflective acts of feeling and preferring, to the realm of values, the greater our moral vision and the greater our capacity for virtue, that is, our determination to strive after what ideally ought to be in the various situations of life. Thus not conation as such, but morally good conation, is determined by whether a value is self-given.

If Palacios is correct in his analysis, then Scheler falls prey to the two blades of the fallacy, that it is untrue to the facts of the case, and deterministic. Yet Scheler's position on this matter is a bit more complex than it appears in Palacios' description. Note first that Scheler said that *judgmental* knowledge is not sufficient for willing. Scheler distinguishes between moral insight and its formulation as norms by ethicists. Palacios also cites the passage from *Formalism* relevant to this distinction, in which it is claimed that people tend not to rely on the wisdom of moral teachers the way they do on the wisdom of astronomers for knowledge of the stars.[13] For the evidence for moral facts is completely unlike the evidence for empirical knowledge. The former is founded in feeling and preferring, love and aversion, that is, in the emotional life of persons. If one is told that the sun is, on average, about ninety-three million miles from Earth, we accept that fact on the authority of the astronomers – although

[12] Juan-Miguel Palacios. "Vorziehen und Wählen bei Scheler," in *Vernunft und Gefühl: Schelers Phänomenologie des emotionalen Lebens*. Bermes, Christian, Wolfhart Henckmann und Heinz Leonardy, eds. (Würzburg: Königshausen & Neumann, 2003). The translations of the passages included here are by the present author.

[13] *Ibid*., 145.

it is always possible to be skeptical, and seek out the evidence for oneself, or at least for the observations and inferences upon which knowledge of that fact is based.

If, however, one is led through the proof that the base angles of an isosceles triangle are equal, and if one sees with insight that the conclusion follows from the specified definitions and self-evident axioms, then one has no choice but to affirm the conclusion as true. Similarly, a child may be skeptical when her teacher says that lying is morally wrong. But when she develops moral *insight*, when she feels the values involved – respect for the autonomy of others, their interests in the truth, the moral disvalue of ignorance and the possible harm such ignorance could cause – then she finds that one cannot deny the norm expressed by the maxim, and her will is determined to act accordingly. For that reason, Scheler notes that no human being becomes "good" by *ethics* (*Formalism*, 69). Consistent with this idea, he argues later that ethics merely formulates the practical moral wisdom of an age, which emerges from its collective order of feeling and preference; "it cannot subject that wisdom to criticism, for it is its factual basis" (*Formalism*, 308) – any more than we can criticize the insight that is the basis of our theorems in geometry. We can only transform our moral wisdom by returning to its sources in feeling. Socrates was wrong, in Scheler's view, if he meant that a conceptual or rational knowledge of the good is sufficient to determine the will. Kant's doctrine that one cannot will to lie if one knows that the maxim approving of lying contradicts itself when universalized, is not enough in itself to *determine* the will. The value-qualities in which the evil of lying is founded must be *felt*.

Yet how can one develop such moral insight if a condition for it is moral goodness itself? Palacios believes that Scheler does not resolve this antinomy. Scheler writes, "The theoretical solution to this antinomy consists in the fact that all good *being*, *life*, willing and acting presuppose the *fact of moral insight* (but not an 'ethics'). But the subjective aptitude for this insight presupposes on its part a good *being* and *life*. Here we find no analogy with theoretical cognition, which does not have those sources of deception" (*Formalism*, 327). Palacios adds: "Is this really a solution? Let me thus close, in the manner of Socrates, with a question-mark."[14]

For Scheler there is no question. He believed that the sources of moral knowledge and of moral deception overlap with, but are also different from those in the natural sciences. Ignorance in morals stems from the fact of failure to turn one's feelings towards the values carried by persons and things. Deception, however, has its roots in the interests of individuals and groups. We "tend to adjust our value-judgments to our factual willing and acting (and our weaknesses, deficiencies, faults, etc.)" (*Formalism*, 327). This is what we today call "rationalization," borrowing from Freud: we construct arguments *ad hoc* to justify what we in fact tend to do; we are too lazy or too frightened to seek out moral insight into the values peculiar to our situation and its possibilities. We resist seeking genuine moral insight, a fact that, as Scheler noted in his doctoral dissertation, had been observed by Meinong.[15]

[14] Palacios, *ibid*.

[15] *Frühe Schriften, Gesammelte Werke*, Band 1, 117fn.

Hence there is room is Scheler for human weaknesses that impede moral insight, where there is no similar space in Socrates. Moreover, these sources of moral delusion are by no means irresistible; on some level, we are able to focus upon these weaknesses themselves, and struggle against them. In two early essays, whose analyses we will not have time here to develop in any detail, "Der Ressentiment im Aufbau der Moralen"[16] and "Die Idole der Selbsterkenntnis,"[17] Scheler discusses these sources and thereby contributes to their identification and overcoming in individuals and groups.

If we read a bit further in the passages that precede Scheler's affirmation of the "intellectualist fallacy," we encounter a central theme of his development of material value-ethics that responds to the antinomy in an additional manner. The moral value of authority consists in the acceptance of the moral instruction of agents who are perceived by the pupil as having moral insight greater than his own, that is, are one of "those whose *personal being* is grasped as in moral insight" (*Formalism* 327, italics mine). Such acceptance of authority is mot morally blind:

> … within the entire sphere of moral problematics the being of an authority is the indispensable condition for the entrance of evidential moral value-estimations, … into the region of factual insight, for they are *first* practically executed without insight into the mere commands of an authority … But in such a case of pure obedience to authority it is presupposed that the moral value of the commanding authority … is itself evident to the one who obeys (*Formalism*, 328).

Of course, there is no resolution here; critics will still point out the absurdity of expecting moral insight into the personal being of a teacher on the part of his pupil who has no such capacity (for which reason he is a pupil), and of ignoring the possibility that each generation of pupils and moral teachers may simply perpetuate the same moral idiocies. However, if there is genuine and absolute moral insight, as material value-ethics claims there can be, it should be possible, Scheler claims, to communicate that insight through the "being and life" of the person who possesses it. In fact, moral instruction normally proceeds in that way. Scheler is insistent upon the necessity of the moral education of youth by value-models as indispensable for the uplift and the solidarity of communities. We will speak of the role of such model value-persons in material value-ethics in the final chapter. Moral values do not become real until they become functional in the lives of exemplary persons and visible in their virtue. Moral progress is only possible by fostering moral insight into value, for it alone determines the will to aim at the highest values open to it. The Socratic notion that knowledge has force to determine the will may be deterministic, but it is neither unintelligible nor absurd, as Nietzsche once pronounced it to be. Moral progress is fostered by the progress of moral insight and wisdom.

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[16] In *Vom Umsturz der Werte*, *Gesammelte Werke*, Band 3; English translation by William Holdheim, L. Coser, ed. (New York: The Free Press of Glencoe, 1961). For an excellent treatment of the phenomenology of ressentiment, which has no parallel in Hartmann, Cf. Manfred F. Frings, *The Mind of Max Scheler,* 143–66.

[17] *Ibid*.

Confusions can be found in Scheler's efforts to correct Socratic intellectualism of another kind than those identified by Palacios. First, in any concrete situation, several values may be given; there is no reason why each cannot be given with the highest adequation. If so, one may hesitate in fashioning a course of action, for it may be possible to realize two opposed values of equal relative height in that situation. This possibility was noted by Hartmann, and, I will argue, is essential to his teaching on virtue. A lie, he argued, may be justified if by lying one may achieve a higher goods- or situation-value than if one were to tell the truth. That is, of course, a quantitative matter; and judging in advance what one may achieve by lying is a chancy matter. May a person's private conscience justify the lie-telling that she proposes to herself?

Second, although Scheler is surely right in his belief that a mere conceptual grasp of what is good may be insufficient to determine the will, the feeling of value may not be able to determine the will either, if by feeling one means, as Scheler does, a noetic act directed at a pure value and not a visceral feeling caused by the presence of the object or the thought of my possibly realizing it. My ardent desire for an object of lower value may overwhelm both my knowledge and love for the of higher values possible in that situation and also my knowledge of the shamefulness of my action. For the "absolute evidence" about the nature or the relative height of some value that is given in acts of feeling and preference is quite different from the visceral desire for the realization of some valued object. This conflict is also quite different from those that are caused by such human weaknesses as *ressentiment*. Note here that the will to act depends upon (1) knowledge of the factual content of the situation and the values present in it, (2) the opportunity to act in more than one way, and (3) the probability that a given possible course of action in this situation will have a certain valued outcome. The will-to-do may also vary with (4) the visceral engagement in the situation, that is, the physical desire for a certain outcome. Emotional knowledge of values is of course presupposed by these four causal conditions, but even perfect knowledge in intuitive feeling of the values carried by the situation, we must conclude against Scheler, is insufficient to determine the will, which is still subject to (4). Scheler has not shown how the self-givenness of a value *always* determines the will.

Nonetheless, we have taken a major step forward in our account of material value-ethics, Moral knowledge and moral action are related. The resolution of the dispute in the Socratic dialogues as to whether goodness can be taught can at least be given a foundation: the phenomenology of value brings us closer to the essential content and preferability of the values themselves, and in so doing enables but does not guarantee acts of will that draw from that knowledge, and are inspired by it. In his later work, Scheler will speak of how the spirit offers to the drives, which are the natural origin of our visceral feelings, the higher values that our mere animal existence cannot know. By disclosing those higher values, the spirit may draw the human animal in their direction.

Chapter 6
Goodness and Moral Obligation

6.1 Values and Norms

We have seen that the primary access to a realm of values is through acts of feeling and preference that are directed upon objects and persons bearing values. Some values become functional in human consciousness, while others are ignored. Only elements, never the whole, of the entire realm of values can become functional in a given community or in an individual person and inform their value judgments, indeed their conscious experience of and actions toward, valued objects and persons. Some of the values that can be carried by persons are moral values, and, in some cases, when their realization has become habitual, are called virtues and vices. Reverence for excellent or exemplary persons of high virtue, notes Hartmann, is "the historic form of the current consciousness of value" (*Ethics* I, Ch 14 f, 198) and constitutes its ethos, for such persons represent the loves and hates, the preferences, in a word, the values most revered by cultures and nations.[1] Again, two central tenets of material value-ethics are that humankind's moral awareness is subject to change, development, and evolution, and that nevertheless the a priori order of values remains constant throughout such changes of ethos. The profile of a saint, an artist, or a warrior varies culturally and historically, but the values such persons embody – the sacred, the spiritual, the vital – are preferred by all humankind in that order of rank.

Some of the values felt at a given time and place become functional as the *norms* of a culture or of an individual. We do not love and hate, prefer and abhor only things and persons for the values they bear, but also the actions of men and women. Norms are usually thought to represent a minimum standard of such actions if they

[1] See the discussion of Scheler's phenomenology of "models and leaders" as the primary source of the ethos of cultures in Chap. 10. It is unclear to what extent the observations of Hartmann borrow from Scheler's earlier work.

E. Kelly, *Material Ethics of Value: Max Scheler and Nicolai Hartmann*,
Phaenomenologica 203, DOI 10.1007/978-94-007-1845-6_6,
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are to be moral. Since many persons in any given human population do not act according to the norms functioning in its ethos, to these norms are added sanctions, such as prohibitions, threats of punishment, and verbal opprobrium in an attempt to force adherence to the community's norms upon its recalcitrant members or upon those that show a marked tendency to ignore them and act on their own inclinations. In this way, obligations emerge from a person's or people's experience of values, and function to achieve a more harmonious behavior among the citizens of a community. In this chapter, we will explore the efforts of Hartmann, Husserl, Dietrich von Hildebrand, and Scheler to exhibit the essential kinds of obligations, the values from which they are derived, and the relationships that exist between them. On this basis, they will establish a somewhat frail normative theory of obligation. In the common vision of these thinkers, as has already been foreshadowed here, obligation, though a valid moral category, is not the central category or highest value of moral theory as it was thought to be throughout the modern world.

Hartmann and Scheler are quick to make the claim that norms are derivative. They argue that what we ought to do can only be answered in terms of what is valuable in life, whether the conditions of such a valuable life exist at present or not. *Thus knowledge of what one ought to do presupposes an original familiarity with values.* Obligation is hence not the primordial moral phenomenon, as it was for Kant. Hartmann notes that "the inner attitude of man, his ethos as deciding for or against, as acceptance or rejection, reverence or disdain, love or hate, covers an incomparably wider area" (*Ethics* I, Introduction, 34–35) than mere moral action. The ethos embraces life in its fullness and the world's permeation with value, which invite us to participate contemplatively in things and events in the world even before we take a *stand* on them. An ethics such as Kant's, which makes moral rules the fundamental moral category, or as Bentham's, which derives obligation from the few values of disinterested altruism and of pleasure and pain, misses the fullness of life, and ends in pessimism.

For all the importance of obligation to a moral community that wishes to remain sane, we cannot derive a system of ethics from it alone. Obligation derives from value, and cannot answer the question of how to live valuably simply by uttering the categorical order, "Do your duty!" Indeed, any person who asserts a moral obligation is forced to face the question, "What value will be realized from an agent's adherence to this duty?" If she cannot respond with clear insight into the values governing the obligation, then the asserted obligation would be rejected as empty. For we can always ask, "What value is realized, what good is posited, by this command?" In an imperative-based philosophy such as Kant's, where adherence to commands *constitutes* the highest moral good, the question would be impossible. "It is time to stop talking about these problems [of the normative force of morals] from the standpoint of a sergeant!" (*Formalism*, 582, fn 289).

Large sections of Scheler's *Formalism* are dedicated to a critique of the starting-points of axiological systems whose aim is the establishment of normative moral theories and the goods they aim at. The ethics of "success," the ethics of obligation, and eudemonistic ethics are three such systems with long histories. Each finds the key source of evaluation, including moral evaluation, in places where they do not

appear to phenomenological vision, argues Scheler. Consider the experience of *success in action*. Success reinforces behavioral dispositions (a concept that is the source of pragmatism, Scheler notes), and causes the agent to repeat his actions and consider them "good." This psychological doctrine "makes the value of persons and acts of willing – indeed of all acting – dependent upon the experience of the [positive] practical consequences of their efficacy in the real world" (*Formalism*, iii). It limits value-experience to the merely useful and vital values, or reduces all other values to this class. Thus the values of the sacred or the spiritual are simply other ways of adding useful pleasures or superfluous pain to human life. The result is the *impoverishment* of our moral vision, the exclusion from it of spheres of value independent of the success or failure of an agent's intentions.

Consider secondly an ethics of *obligation*. It places the origin of ethics in our deep sense of moral duty, and reduces of all other values and value-goods to the status of instruments for the fulfilling of our duties. In that case, the moral value of sex, for example, consists solely in its role in meeting obligations to one's spouse and in procreation, for only those things are valuable morally that are conducive to the meeting of one's obligations. Consider finally the ethics of eudemonism, which reduces all value to that of happiness, and claims that moral action must be judged upon its capacity to maximize happiness in all its myriad forms. Eudemonism, Scheler notes, in agreement with Hartmann, inevitably degrades to hedonism, that is, to the pursuit only of those constituents of human happiness, pleasures, that can be easily manipulated. But it is false as a matter of fact that people value only pleasure, or things that promote or produce pleasure; we often value dutiful behavior even when it leads to no happy states at all.

Scheler argues in great detail that all of these theories fail in two significant ways: they are inconsistent with the phenomenological facts of the case, and they are internally inconsistent. Values, he believes, cannot be reduced to a set of goods and states, as naturalist philosophers attempt to do: to "pleasure" or "happiness" or "avoidance of pain." For such tokens of success or of experiences of pleasure or happiness can have value attributed to them only if we come to them with a *prior* sense of the values they bear. Obligation, again, is a *derivative* value, that is, it is not a primordial, unfounded essence, as some of the material values themselves are, but it presupposes knowledge of values in feeling. The value of obligation itself simply makes no sense unless (1) the obligation is aimed at producing a value higher than what presently exists or the destruction of a value lower than what presently exists; (2) its assertion is intended to produce action in the direction of the value where no desire to so is present.[2] An action can be obligatory for a person *only* if she can perceive the value in what she is obligated to do and to achieve. Otherwise, she is simply "obedient." If Adam and Eve had *no* knowledge of the values of good and evil before they ate the forbidden fruit (an act presumed to have first given them

[2] This suggests that the obligation comes from someone other than oneself. Whether it is possible to "command oneself" is discussed by Scheler, but not entirely resolved. For this discussion of duty as a command to oneself, cf. *Formalism*, 191–94.

such knowledge), they could not possibly have known that it was evil – or even imprudent – to defy the will of God. And that knowledge of what is valuable is derived, as we have seen, from an initial cognition of values within the order established by the unique direction of an individual's loves and hates.

6.2 The Negativity of Obligation

Let us consider again the remarkable idea, shared by Hartmann and Scheler, that an ethics founded upon the Ought of obligation must end in pessimism. It is given further content by Scheler. Even lawful prohibitions may, often as not, result in defiance: instead of encouraging the ones coming under the prohibition to seek out the good or realize in action higher values than currently exist, they are placed before *negative* values. Prohibitions suggest to a "pure heart" the evil that they forbid, and thus bring an evil as a possible project closer to the will (*Formalism*, 214). Presumably Scheler has in mind parental prohibitions of licentious sexual behavior, which suggest what they prohibit, and impede the development of a more healthy and valuable sexuality.

Scheler's point that an ethics of obligation is essentially prohibitive can also be illustrated by the Biblical prohibition against murder, which enjoins persons not to produce something of negative value (the death of the victim). It condemns the act that carries out the murder as evil. The prohibition assumes, by its very nature, that many or most persons have murderous inclinations that must be suppressed; if not, no prohibition would be needed. All positive assertions of obligation thus contain a reference only to a *disvalue*, that is, the non-being of a positive value. If this is so, then obligation itself cannot tell us what positive values are aimed at by it: how, for example, could we take the true measure of the value of human life, truth, or personal property, if we are told only that a person must not be murdered, lied to, or robbed? How can we measure what human goodness or virtue consists in, if we are told only that we must not be murderers, lairs, or thieves (*Formalism*, 211)? Ethics must therefore begin with values, not seek to derive them from obligations, and an education in virtue must begin with the study of the myriad positive values, embodied by model persons, that the learner *could* make functional in his own life. Then pessimism about the value of life will evaporate.

6.3 The Phenomenology of Obligation

Now Hartmann and Scheler will attempt to account for the ways in which obligations can in fact be traced to and derived from certain value-experiences that are central to specifically moral philosophy. Hartmann, ever the metaphysician but one with a discerning eye for the phenomenological facts of the case, begins his account of obligation by noting that value-essences are of the same kind as the a priori

principles of existence, that its, the ontological categories such as space, time, causality, or materiality, but unlike these, values have no sway over the course of events. No doubt, nature can be prolific in the production of things of high value, but it is nonetheless indifferent to values. It does not aim at them *because* the states they embody are valuable; it produces valuable items and states accidentally, as it were, in the course of embodying the causal and material necessities to which it is subject. George Santayana's illustration of this feature of existence is the "babbling brook" that, driven along in its course by internal and external necessities, enters into unspoken connivance with the stones it meets along the way and creates ravishing music for the ear of the passing wanderer. To our human mind, Hartmann notes, values appear to call out to nature and to stand as a reproach to it, uttering a demand inherent in their ideality that they be heard and realized. Similarly, later in his life, Scheler argued that spirit offers a "bait" to nature, encouraging it to realize the values intended by it.[3] Yet the only being that can hear this call, one that is itself a product of the inexorable processes of nature, is the human being.

The foundation of the idea of oughtness (that which is morally obligatory) arises in stages, according to Hartmann, that begin when a person senses the tension between the two realms, nature and value. At first, his discernment of value enables him to see that the world about him and he himself are not the way that they ought to be. Values that should be are not; values that should not be are. In this tension, Hartmann believes, arises the phenomenon of *conscience*. If feelings are the source of our knowledge of values, conscience is the source of our knowledge of moral values. Conscience is clear evidence for the ideal existence of moral values, which are the condition of its possibility (*Ethics* I, Ch 16 f, 230), for if we felt no values, we could not experience conscience. Conscience is the point at which the felt tension between nature and value gives rise in persons to a demand to act rightly. The phenomenon of obligation does not initially arise as a command but as a pure value-possibility possessed by the acting person. It is directed toward establishing real goods, with the person of conscience as a possible agent in their realization: he is encouraged to intervene in nature and aim at the creation of some higher value that does not exist, or at the destruction of some lower value that does.

But if an Ought is not a command backed by sanctions, then how does it motivate action? Hartmann introduces some distinctions, which Scheler applauds for having added nuance to his original analysis (*Formalism*, 28, fn 10), which we discussed in our chapter on action theory. The initial form of obligation is the Ought-to-be (*Seinsollen*). "Every person ought to be honest, straightforward, trustworthy" – even where no one in fact possesses these qualities. The moral requirement they posit would not cease even if all persons possessed them. The judgment has the form of an Ought, but the Ought is "contained" in these value-qualities of honesty, straightforwardness, and trustworthiness, which exist ideally. So should men and women be! Hartmann writes, "That a man ought to be honest, straightforward, and trustworthy is something which does not cease simply because somebody actually is

[3] Cf. for example Scheler, "The Human Place in the Cosmos", *op. cit.*, 40 ff.

so…. 'He is just as he ought to be'… expresses a valuational judgment that is sensible and perfectly clear… and has the form of an Ought" (*Ethics* I, Ch 18 a, 248). Where persons do *not* possess these qualities, the Ought-to-be becomes *positive*. Conscience calls upon us to take a stand: we should not allow these values to be *merely* ideal. The Ought then stands before conscience in opposition to reality as a demand for those values to be realized; the normative ideals of human behavior they represent are not yet real, but they point in the direction of those values and demand that they be realized as the content of the Ought. As in Scheler, Hartmann holds that values motivate their own realization when a person heeds their call as a demand upon her conscience. "Value is the power that stands behind the energy of the Ought-to-be" (*Ethics*, Ch 20 a, 272).

For Scheler, who does not include the notion of a positive Ought-to-be in his account of obligation (although it will reappear in a different form in his ethical personalism), the ideal ought alone is the foundation of obligation, that is, the felt necessity of an Ought-to-do: I ought to realize a possible positive value upon some object or state of affairs. Of course, an ideal Ought as such need not give rise to an obligation. Not all cases where valuable goods and actions that ought to exist, but do not, arouse conscience in us. For example, "There ought to be a hell for evildoers." This "ought" is directed upon no one. It is founded in the perceived value of retribution, or justice requiring punishment for a crime. The speaker of the judgment perceives the fact that evil men escape retribution and should not; he calls for a system to eliminate that injustice, but the call is directed at no one. Hartmann would call this an assertion of a positive obligation, but not of an Ought-to-do, for it is incumbent upon no one to create Hell. Obligation, as we have seen, cannot determine positive values; judgments of obligation are aimed always at the elimination of negative values, as here the Ought-to-be is aimed at the failure of proper retributive justice (*Formalism*, 209).

Scheler, unlike Hartmann, deals with the matter of existing valuable states, dispositions, and things under the heading of "right" rather than of "ought," and then only in a footnote, where he observes that the "right" and the "rule of law" are again merely negative concepts that exclude "wrong" and "illegal." "'Rightness'," he states in the text, simply "consists in the coincidence of a value that ideally ought to be and the existence of this value" (*Formalism*, 208). Hence, the cognition of rightness derives from oughtness, which in turn is derived from values delivered to feeling and processed by conscience. The disagreement here seems relatively slight, but the absence in both men of a developed notion of "right" as "justice" as *requiring* or *necessitating* the agents to meet their obligations will cause some objections to be raised against their notion of the authority of positive obligation.

Scheler distinguishes nicely between forms of the Ought of duty, or the Ought-to-do. A familiar form of the latter is a simple command, as, for example, an order given to a subordinate in the military. The officer may say that he wants this or that to be done by his subordinate, but he is not merely communicating a fact about his will, he is acting to influence directly the subordinate's behavior without reference to the subordinate's own will. *Advice* may contain reference to an ought, but not to an ought of duty, for advice is not universal, as what we call perfect

obligation is; advice is directed at an individual or individuals where they experience uncertainty about what to do or what is in their own or their community's best interest in some context. It is, if sincere, aimed at realizing values that are in the interest of the one advised. Unlike the military order, it appeals to the free will of the person advised, although advice given by a teacher to a pupil may need to take the "illusory form" of an order to be effective. Advice always contains some expression of the will of the advisor, even if attenuated. *Counsel*, in contrast, is not an expression of will, it is intended as a form of assistance that helps the person counseled to see what should or should not be or be done, usually in a moral context. A *recommendation* lacks all expression of will or moral knowledge, and a *proposal* states a technique for the realization of some desired state that the speaker believes is instrumentally the best that can be achieved under the circumstances.

6.4 Moral Education and Authority

If we accept Scheler's proposition that obligations are founded in an ideal Ought-to-be, and these are founded in the values that draw to themselves the well-ordered heart, then it may appear that the question, "Why should I do what ought to be?", perhaps first raised in the Gyges myth in Plato's *Republic*, can be answered in each case of an obligation. For if the Ought were founded simply in a command, the question would be a tautology: You ought to do what you ought to do (=what you are commanded to do). If all we can say about lying is that it is wrong, we are not saying much,[4] for "wrong" is a value having very little material content. But in fact, the command must be based in the ideal value that the command intends to realize through the commanded person's action. If the one commanded does not see the link between the command and the value of what he is commanded to do, then he obeys blindly or refuses defiantly to act. If the value he is commanded to realize is perceived with perfect insight, then the will is freely determined and acts according to the command or moral law, but not because of it. To act without insight is, in Scheler's analysis, to discredit the value of the agent, for he is not the free author, but the mere executor of the act. Only if the agent does not see the value of what he is being told to do, will he ask the question Plato proposes with respect to Gyges, "Why should I do what I ought to do, that is, what the person in command or the putative moral law requires me to do?" If he does not ask, he has allowed himself to become a mere means to his commander's ends, rather than as a partner with him toward the achievement of some common good.

Neither Scheler nor Hartmann wish to condemn all exercise of moral authority. The discipline of a stern commander may serve youths in developing their own

[4] For the *locus classicus* of this point, cf. Bernard Williams, *Ethics and the Limits of Philosophy* (London: Fontana, 1985).

insight, by means of cultivating the capacity for emotional intuition into what is valuable. But the command becomes superfluous once the agent achieves insight into the ideal Ought-to-do that he is commanded to realize. And this should be the intention of all moral education. The *only* justification for a person to command another to perform an act is the case where the commanding authority or teacher perceives a tendency in the subordinate or pupil *against* what is commanded, or an unwillingness to submit to the mental discipline required for insight. If the commander issues his command to persons who have insight into the ideal Ought-to-do and are inclined to act to realize it, then the act of commanding has negative moral value. Even more, the one commanded is likely to feel the order as a grave offense (*Formalism*, 214), especially when the act lies in the direction of something that he or she already loves. It appears, therefore, that an imperativistic ethics (e.g., the morality of "do's" and "don'ts" that is taught to children) fails on Scheler's premises and a different kind of foundation for ethics must be found. To provide this, of course, is the aim of material value-ethics.

6.5 The Authority of Obligation

However, material value-ethics must respond to the criticism that an ethics that is not based upon obligation renders questionable any sanctions that back laws as retributions for serious failures to meet one's obligations, that is, for crimes. Only if a social entity is unsuccessful in leading its citizens to moral insight is criminal law required. In fact, Scheler notes that the value of justice cannot found the idea of retribution: "Insofar as the pure essence of justice is grasped, it does not require the reprisal of evil through bad deeds. … Therefore the boast of a purely moral origin on the part of both reprisal and punishment is without any inner foundation" (Formalism, 363). Hartmann, too, is clear that a system of justice that commands punishment for crimes cannot be based upon universal standards of right that are thought to exist outside of shifting historical conditions. Moreover, justice must be continually willed and actualized by the citizens in solidarity with each other; each is responsible for the whole system and for the punishment meted out to the individual wrongdoer.

> To punish the criminal, to render him innocuous, to kill or banish him, is an embarrassing duty for the one who, jointly responsible, has to fulfill it, that is, ultimately for every citizen. The various attempts at penal theory, which for all their differences are equally unsatisfactory, fail at this point, because they start exclusively from the position of the collective unity and from responsibility for it, while they leave out of account responsibility for the criminal, a responsibility which has in itself exactly the same import (*Ethics* II, Ch 19 e, 235).

A true ethical personalism, at which material value-ethics aims, wishes to bind together all members of a solidarian community, where everyone gladly meets its reasonable constraints upon their behavior. It remains therefore unclear how punishment is to be justified, if at all; certainly not, in their view, by a notion of retribution, which seems not to be possessed by material value-ethics except as a negative vital

value. It is at best an undesirable expediency where efforts that are more humane fail to return the criminal, rehabilitated, to the community as quickly as possible. As clear insight into values is not universal to humankind, moral blindness exists, and as crime is a frequent phenomenon, punishment is an irremediable feature of any human social and legal system. We should be able to hope that philosophy, so long concerned with the concept of justice, would lend its voice to the agonized discourse among citizens about how punishment is to be properly administered.

Material value-ethics seems at this point to lack a sufficient basis for justifying and commanding the very moral obligations that most persons recognize as binding: the positive obligation to feed the hungry or to help those in mortal danger, for example, or the negative injunctions against murder or lying, even where the murderer or ruffian realizes disvalues by his actions. Education and rehabilitation are the only legitimate "weapons" against crime. It may be that phenomenological insight into the universal order of love and hate may, when subject to adequate refinement, reveal to all of us the true order of values that rightly govern the behavior of humankind, and knowledge of that true order will determine the will to achieve the higher value in any circumstances. And it is clear that the model of the moral person, in solidarity with others, who is engaged in the performance of what his loving and happy heart teaches him to be right, is inspiring. Yet we recall that, according to Scheler, the Ordo amoris of each person is different, and that individuals are driven beyond the ethos of their community to morally questionable or anomalous actions. We recall also that a variety of norms, even some in opposition to others, can be derived from the same material values, and come to function differently in the ethos of different peoples. And we recall that Hartmann and Scheler assign an important role to individual conscience in rightly determining actions. We appear therefore to be close to anarchy in ethics. However, we are not simply to follow untrained impulses. Scheler asserts that justification by conscience is limited by the demands of objective norms: "Everyone is free to listen to his conscience when the question involves solutions which are *not* regulated by the *objective and universal part* of evidential value-propositions and the norms based upon them" (*Formalism*, 324). What are these norms, and how are they to impose themselves, that is, "trump" personal conscience, and justify the condemnation of those who defy them? And since moral norms are derivative, how can their authority be absolute?

Now the role of conscience as a motive to action, founded as it is in the individual person, is *positive* in its role in action: It tells us, "You must achieve this!" while commands are negative, that is, prohibitive. We turn to the voice of conscience when we are uncertain as to whether our personal existence – our fate, or calling, or the uniqueness of the situation in which we are presently involved, and where we lack perfect moral insight into the relative worth of the values – justifies our present inclination to action: "Here I stand; I cannot do otherwise." Clearly, such a call of conscience could be a moment of value-discovery and of moral progress, including the free adherence to moral norms. But if the agent lacked insight into values, he or she could not understand, or feel obligated by, the constraints imposed upon him or her by law, and to which society requires her to submit her conscience. The action of such an agent would escape all possibility of rational moral criticism. Different

responses to this central question of ethics were given by Dietrich von Hildebrand and Edmund Husserl from within the general axiological standpoint of material value-ethics.

6.6 The Contribution of Dietrich von Hildebrand to the Problem of Obligation

The fear of relativism, and the moral anarchy bred by material value-ethics because of its rejection of absolute norms of obligation and its displacement of the knowledge of value from reason to feeling, may lead us to argue that it fails as a moral theory. Ethics, it is argued, must be a theory of moral constraint, and if necessary of the restraint of the inclinations and passions; it teaches where, short of legal sanctions, voluntary adherence to a set of norms is required of persons even when they do not wish to comply. By supplying such norms, ethics gives us a basis for criticizing those persons morally whose behavior transgresses them; who, for example, selfishly betray their friends, or take advantage of the innocent by lies or fraud. Material value-ethics appears to be unable to account for a primary phenomenon of moral life, the existence of *absolute* obligations such as truth-telling. The German Catholic philosopher and one-time friend of Scheler Dietrich von Hildebrand (1889–1977) sought to correct this individualist feature of material value-ethics.

Von Hildebrand's early work was with Husserl, Scheler, and the Göttinger Kreis. In 1916 and 1922, he made two large contributions to ethics in the *Jahrbuch für Philosophie und phänomenologische Philosophie*, which was edited by Husserl and Scheler.[5] Von Hildebrand attempted, like Scheler, to found obligation in the values themselves and human moral goodness in the hearing and responding to the call of values. Just as each unique value is given in and only in an emotional act of a distinct and unique quality, so too does the emotional act of cognizing a specific value require of us a specific response: an affirmation or rejection of some kind. Thus, when I experience emotionally the kindness of some action of a person towards some other person or other sentient creature, the moral value of kindness is given to me, and I respond to it in a specific act of affirmation. Similarly, once I grasp the validity of a demonstration of a theorem in mathematics, I naturally respond not only with intellectual assent, but also with a determination to use the theorem with confidence as a premise in further demonstrations. So too the adequate exhibition of a truth in ethics – that it is morally obligatory not to cheat on examinations – requires not only moral assent, but the agreement of my will not to cheat.

Von Hildebrand would therefore disagree with Scheler's "intellectualism," that moral knowledge in emotional feeling of values is sufficient to determine the will. Something far greater than a mere cognition of value must take place when the

[5] The articles in question are "Die Idee der sittlichen Handlung," Band 3 (1916) and "Sittlichkeit und ethische Werterkenntnis," Band 5 (1922).

emotional act grasps the pure value and before the will is determined, namely a value-response. Some responses, von Hildebrand argues, are a priori impossible; enthusiasm, for example, can never be a response to a negative value. The higher, spiritual values bring with themselves a transformative power directed at the ego that grasps them in an emotional act. One senses the greatness of the obligation they impose upon us; they transform our prior dispositions, and make us sense the fineness or nobility of contributing to their realization. They allow us the nobility of submitting to something higher than ourselves: to the necessity of behaving as commanded: I *must* take care of my aged mother, not because she is my mother, not because she deserves it, or is the person she is, but because children must take care of their ailing mothers. This theory affirms a simple legalism hat defies all excuses, and that may be unwelcome, but whose rules are categorically commanded.

For von Hildebrand, moral badness lies primarily in the absence or refusal of the required value-response (as distinct from moral blindness), and in approaching all affairs of life exclusively from the point of view of values that are merely subjectively satisfying.[6] And, no doubt, if there is such a call – that is, if this notion is to serve as a fundamental and foundational category of obligation, or of axiology in general, then we will have to decide whether and how this call may be filtered through the hearing of different agents, and how the value demanding a response may be applied to the situation in which the agent finds himself. No doubt, a person may recognize the nobility of being magnanimous and can understand emotionally that it is far better to give than receive, but that person may in fact prefer the comforts that successful selfishness obtains for him. The willing response of the will of the agent to the call of the value is itself a carrier of moral value and it belongs among the virtues. As such, von Hildebrand's theory appears to be in fact a virtue theory that aims to uplift, rather than to command, and does not offer, any more than Scheler and Hartmann's theory does, absolute grounds for punishing the wicked either in prison or in Hell.

6.7 Obligation in Husserl

Husserl was concerned in the earlier volume of his lectures on ethics[7] with problem of the origin and authority of moral necessity – of a "thou shalt" that is directed at the will of each person. Necessity is a concept in logic denoting a relationship between well-formed sentences in some logical language. No doubt, we use the term in ethics to suggest the necessity of action, as when we say, "You must not lie." However, a liar does not do what is logically or physically impossible; he merely does what he ought not to do, and thereby transgresses the moral rule. But the necessity

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[6] Cf. also Dietrich von Hildebrand. *The Nature of Love*, trans. John F. Crosby (South Bend: St. Augustine's Press, 2009), 350.

[7] *Husserliana*, Vol. 28 *Vorlesungen über Ethik* (1908–10) (*op. cit.*).

of moral law is not founded in logic or in science; it is not a natural necessity. For Husserl as for Kant, the obligatory nature of morality is founded in our own immanent reason, or, perhaps, in the a priori structure of our moral consciousness. This moral consciousness can be explored phenomenologically with increasing lucidity. Unlike Kant, however, Husserl founds the moral law in the concept of a highest human moral good, a concept, he believed, which can also be the object of phenomenological reflection.

Material practics, the phenomenology of moral discourse about the human will and its actions, does not culminate in the establishment of a formal rule of moral action, a Categorical Imperative. It establishes the formal a priori conditions of right action apart from the material values it reasons about. As such, it is an interpreted logical language. However in general, Husserl speaks only about how we correctly reason about the nature of what an agent ought to do, not about what he ought to do in some concrete situation; about how we deliberate about the nature of virtue, or good character, not about the material content of good character.[8] Husserl rarely exhibits the material values themselves. But material practics has a phenomenology of the formal structure of an "objectively right" will, that is, a will to realize the highest values available to it. Expressed as an imperative in what Husserl calls a "popular" sense, that structure is, "Do do the best among all achievable goods: in the entire practical sphere [this is] is not only comparatively the best, but the only practical good!"[9] It requires a reference to the agent, the moral subject that wills to realize objects and states of affairs that bear values that demand realization. When the agent's will is directed at the achievement of the highest harmonious combination of the values realizable then and there, his will is "objectively right." But then Husserl adds an element of self-searching to that of adherence to an imperative. The best in any situation might be "absorbed" by a still higher network of compossible values that is not immediately apparent. The agent must therefore consider all aspects of the practical situation in which she finds herself, and what capacities she possesses that would enable her to realize what her moral insight presents to her as the best. One must not take for granted that one's immediate assessment of the values present in the situation has exhausted its possibilities. One must, if one is to be moral, possess a will to moral lucidity.

The notion of "one's situation" contains morally relevant elements that do not seem to be considered by Husserl at this point. Consider one's current situation; one has a family (or not), one is working for a living (or not), one is rich or poor, and so on. Each of the general situations limits by its facticity some part of the realm of value that is possible to achieve by the application of reason and the impulses of love. Now some part of one's situation has been chosen by that individual. One chooses to marry, to work at a particular task, and so on. Perhaps whatever good a

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[8] For a discussion of Husserl's idea of the description of values, cf. Henning Peucker, "From Logic to the Person: An Introduction to Edmund Husserl's Ethics," in *Review of Metaphysics*, Vol. LXII (Dec. 2008), 307–25.

[9] *Husserliana*, Vol. 28 (*op. cit.*), 221.

person can do as, say, a university professor, is dwarfed by what that same person could have achieved as a social worker, or as a defender of human rights, or as a doctor or lawyer to the poor and indigent. Has the professor done wrong? Perhaps. No doubt the professor's situation allows for the realization of higher values. But to "do insightfully one's best," by its very nature, requires one to choose the kinds of situations in which one is liable to find oneself. Moral deliberation should provide us with a global vision of what are the best forms of life a given agent should strive to enter into in order truly to do the best. Scheler's and Hartmann's ethical personalism will give us a means of filling this lacuna in Husserl's ethics by providing a deeper account of the moral person and her situation.

But Husserl's ethics engages the acting person also, albeit more abstractly. He believes that persons have a variety of deliberative means to access the wellsprings of their behavior and can and should mold their action through moral deliberation. His 1920 lectures on ethics terminate in a vision of the highest moral good and of a secular vision of human blessedness. He notes that the commandment, "Do your best" is only a *relative* good, and the obligation to achieve it only a "hypothetical" imperative.[10] What is needed is the self-judgment of the person as he constitutes himself as a person; this is the source of his virtue. Husserl's initiative in this regard will be considered in the chapter on virtue.

6.8 Love and Obligation

In a perceptive and well-argued article that seeks to return a strong sense of obligation to material value-ethics, John Crosby finds an "anti-authoritarian" strain in Scheler that he resists in the name of an absolute obligation founded in a respect for persons. Such an obligation, he writes, "must be much more centrally situated in our moral existence as an integral and intrinsic part of it"[11] than Scheler allows. When Scheler severed moral philosophy from the Kantian formal rational principle of duty, he attempted at the same time to "rehabilitate" the inclinations, denying that all inclinations are rooted in the vital and unconstrained life of the senses, as he believes Kant claimed. According to Scheler, persons may be "inclined" toward the higher values. Knowledge of moral values, as we have seen, arises through love and hate, emotional phenomena that are not rational,[12] but that have their *own* order no less rigorous than that of reason, *viz*., the order of the heart, the objective Ordo amoris. This order is thought to be as good a guide to righteousness as the Kantian notion of practical reason. Value judgments, where emotionally lucid, can therefore be as

[10] For a study of Husserl's "transition" from his earlier to his later notions of obligation, cf. Ullrich Melle. "Husserl: From Reason to Love", in John J. Drummond and Lester Embree (eds), *Phenomenological Approaches to Moral Philosophy* (Dordrecht: Kluwer, 2002), 229–248.

[11] John Crosby, *op. cit.*, 106.

[12] Understood as a capacity or means for drawing valid inferences from given data.

generally reliable as a guide to moral behavior as reason and observation are to judgments of fact. Moreover, value judgments are subject to a correction peculiar to themselves, at least where the inclinations of the heart are rightly ordered, and where feeling perceives values in their true nature and order of rank. As Crosby correctly interprets Scheler's point, loving inclinations toward goodness "belong entirely to our moral existence and in fact qualify us as morally good, even more than dutiful actions do."[13] Crosby concedes that this may be so, but argues that by playing off value experience and the order of the heart against obligation, Scheler "weakens the seriousness of our moral existence … [and interferes] with an adequate account of what it is to show respect for persons. … My *relation to the other* suffers when I set aside obligation to him … [and] *my own freedom* suffers as a result of trying to live beyond obligation."[14] I must, therefore, submit the value of the peculiar individuality of the order of *my* loves and hates and the values they intend to the value of other persons, and recognize an absolute obligation to them that limits my freedom to act. Crosby thus insists upon an element of universality and necessity as a condition of any action considered to be moral. If material value-ethics lacks that element – and, as we have seen, both Hartmann and Scheler seem ambivalent on the issue, sometimes affirming the absoluteness of obligation as central to ethics, sometimes seeming to overrule it in the name of the individual person, his conscience, his unique situation, and his, let us hope, loving heart – they will fail to account for the element of ideal necessity in obligation.

What is at issue may be expressed in terms of a kind of parable, in which two persons act identically towards a third person but out of contrasting moral motives. The third person asks each of two persons to give him assistance at a moment of crisis, assistance which the two persons of whom it is demanded are in a position to deliver. Offering the assistance will cause considerable inconvenience for them both, but nothing more. The first person asked responds to the request by offering to help simply because he feels brotherly love towards the needy person. He acts out of a properly motivated loving heart and an objectively structured Ordo amoris. He acts spontaneously, for the love of his heart alone is sufficient to move him to perform the actions desired. If he adds to his assent that he feels no obligation to help because the person needing help had done nothing to help him and had even attempted to harm him in the past, his forgiveness neither adds nor subtracts anything from his moral merit, for forgiveness is natural to love. Nor does the difficulty in attending to the needy person add to or subtract from the merit of the action, for love knows no difficulties, and the agent rejoices in his efforts.

The second person who is asked for help offers to help out of a sense of obligation alone. He has no sympathy for the person in need of help; indeed, he despises him, is strongly disinclined to help, and finds that the consequences to himself caused by the assistance he brings are quite burdensome (e.g., carrying a wounded enemy soldier to safety). He acts because he judges that he must. His good will

[13] John Crosby, "Person and Obligation," *op. cit.*, 94.

[14] *Ibid.*, 108.

shines through his offer to help and his efforts in doing so; his moral merit is added to neither by the fact that his respect for the moral law overcomes his initial disinclination to help – the law must be obeyed however strong are one's inclinations to transgress – nor by the degree of difficulty he faces and overcomes in the performance of the assistance. His action no doubt earns special merit not for the effort he puts into it, but for the inner struggle to overcome inclinations and to keep his will pure. The merit arises not for the act of will itself, which does what it must, but for the basic moral tenor from which the good will becomes possible. The good will – the will to do his duty – can only then shine through the otherwise reluctant assistance he provides.

Which of the two helpers deserves higher moral praise? No doubt Kant would choose the second person, who heeds the call of duty alone, "Help the needy!" against his own inclinations. Loving the one he helps, a Kantian might add, would add nothing of moral merit to his action, though it may make the action easier. Love cannot be commanded by reason and obeyed in an act of will, as a moral law can be, for love is an inclination. Scheler and most likely Hartmann would think the first person deserves more praise as a moral person than the first. He is motivated solely by love for his fellow suffering human being (though not by a thankful love), and does not have to pass through a "thou shalt" to act rightly. A command to do so would be an affront to him, for he was already disposed to act rightly. One may still object that the first person should willingly accept the burden of necessity that obligation places upon him – a willing affirmation that he must, in *any* case so act, even if he were not so disposed by love and by knowledge of what is truly valuable.[15] But in this case, the order of his own heart corresponded to the objective normative order of values that is available to phenomenological scrutiny. He sees clearly that the value of the person he is assisting is higher than the value of comfort that he will sacrifice for him. That rightly-ordered love of the higher values that are carried by the needy person overcomes, without inner struggle, the memory of having been at one time harmed by the one he saves (e.g., the injured enemy soldier killed one of his comrades). Scheler believes that, in any case, nothing is added to his moral merit by the difficulty to the agent of the action, as when the helper must overcome his revulsion at the one he helps, or put himself in jeopardy. It is more significant for questions of moral merit that a man or woman act out of a loving heart and with complete moral knowledge than that one be a reluctant hero, or even possess an heroic respect for the moral law that commands the right action to an unwilling and unloving heart. The first agent has the moral insight that his "brother" is the proper object of his love, loves him, and immediately acts rightly out of that love. For him, the one he assists is not the object of a universal obligation to one's fellows that constrains him to act and trumps his sense of having no obligation to those who may be unworthy of it; he believes that it is *right* to help the people he loves, but he is under

[15] This is what Crosby insists upon, if I understand him rightly; my sympathies are with his position.

no *obligation* to do so. Yet the objection of rule-based moral theory argues that without a universal imperative and the necessity of adhering to it if one is to be moral, a system of ethics would lack an essential feature.

We should not draw too much from the stark contrast limned by this contrived example. If the underlying moral teaching is that we should cultivate ourselves so that moral behavior comes naturally to us out of overflowing love of what is truly valuable rather than through self-submission to rules, then perhaps that is a consummation devoutly to be wished. One is reminded of a paragraph in the *Analects* of Confucius in which he looks over the decades in which he had cultivated his own humanity and concludes, "at age seventy I was able to follow the dictates of my heart without fear of transgressing."[16] Yet the contrast points to a deep divide in Western moral theory, between the "serious world" of law, divine command, and moral obligation, and the more Bohemian life of freedom, creativity, moral adventure and, perhaps, a happiness that edifies the spirit and creates a willingness to care for others. Of course, both Hartmann and Scheler, like von Hildebrand, would insist that moral values call to us, make demands upon us, require us to show reciprocal concern for other persons and for the world in which persons live. But the first two would not see these values as generating absolute obligations, as Crosby does and von Hildebrand appears to do. The sense of obligation is part of that call: we should try to make things better where we can, try to create things of higher value than currently exist where an inclination to do so is lacking. This sense of disparity and distance between what is and what ought to be creates, in at least those human beings who are motivated by love and capable of joyousness, the need to engage themselves with others and with the world. Education plays the role in material value-ethics of reinforcing or destroying this natural tendency of the heart; it encourages us to think of what we can positively do and be in the realm of values. The negative command of the "voice of reason" that discovers moral law, and the "reverence" that requires the setting aside of base instincts and acting according to universal law, may contradict our own sense of our calling and destiny, our unique moral way in the world.

This indeed sounds like relativism, in that it asserts the moral freedom of individuals. Alas, many persons have a "unique moral way in the world" that would fill the majority of us with horror. Yet despite the affinity of material value-ethics for moral freedom and moral adventure, Scheler and Hartmann never deny that they have space in their theories for a limited concept of universal moral law and its absolute necessity, and that there is a role for it in any human life. Yet their affirmation, as we will see more clearly in the chapter on ethical personalism, of formal rules of obligation is so qualified as to render it almost meaningless. Scheler notes in several places that universal moral rules properly constrain our behavior insofar as these "rules of reason" aim at higher values than selfish inclinations usually do. They do not trump knowledge of values, but a properly ordered heart would constrain itself, that is, would act in conformity with its moral knowledge of the values

[16] Confucius. *The Analects*, 2.4.

aimed at by moral rules unless one's conscience allows him to consider that his is a special case (*Formalism*, 489–94).

The French Scheler scholar Maurice Dupuy offers a useful insight in this context.[17] Although of course Scheler's affirmation of moral rules is qualified by critiques that limit their scope (548), he intends adherence to moral rules to be preparatory for the more serious business of the moral life: "to understand and realize one's personal calling is not simply the crowning achievement of a moral life whose substance is determined sufficiently by respect for universal values; to the contrary, that respect does not seem to introduce us by itself to the arena of true morality. It conditions access to it, disposes of obstacles to it; but it loses most of its value if one forgets the 'individual' ends to which it is the means" (550; translation by the current author). Moral rules, it seems, may be discarded when one is able "to understand and realize one's personal calling."

Hartmann of course also affirms the authority of persons over norms. No doubt, he writes, "the orientation of our whole personal life according to the scale of values is the objective ideal of goodness," and that "this goodness forms a kind of fundamental moral claim, which is made upon everybody" (*Ethics* II, Ch 14 k, 190). But he would criticize a man or woman who refused help to a needy person more for his lack of a properly ordered loving heart than for his lack of reverence for the moral law as such. The lack of love is more significant in the assessment of the person than a lack of reverence for moral law. To account for this added significance requires a broader picture of human moral life than is possible for the category of obligation alone, and it is to meet that requirement material value-ethics culminates in ethical personalism.

Despite the derivative and propaedeutic nature of obligation, one may still be puzzled: what *are* these universal norms, this fundamental command of goodness, to which both Hartmann and Scheler make reference, and which they think constrain behavior in the name of morality? Does material value-ethics identify the norms that make specific kinds of action obligatory in all circumstances? Can one legitimately plead that one's own case – one's own peculiar fate or calling – justify murder, or treachery, or fraud? Are there rational laws that rightly supervene on our personal conscience and moral insight, and tell us that our conscience and insight must be wrong in this case: that there is a norm that forbids what the heart demands and our conscience allows, and to which we must always submit out of pious reverence for the law? Presumably there are. Yet neither Scheler nor Hartmann identify what they call "universal rules" and their "fundamental moral claim." Whatever these norms are, they are few in number and extraordinarily general. Scheler writes,

> … all universally valid values (universally valid for persons) represent … only a minimum of values; if these values are not recognized and realized, the person cannot attain his salvation. … The true relation between *value-universalism and value-individualism* remains

[17] *La philosophie de Max Scheler: Son évolution et son unité* (Paris: Presses universitaires de France, 1959).

> preserved only when every individual moral subject submits those value-qualities that he alone can grasp to a special moral cultivation and culture, though, of course, without neglecting universally valid values (*Formalism,* 492).

Universal moral rules are a necessary but not a sufficient condition for the salvation of which Scheler speaks in this passage, for adherence to them helps relieve the impediments to genuine moral insight into absolute moral values, some of which appear, in Scheler's understanding, to be both absolute and individual: one may be the only person to be obligated to perform an action in a certain way in some situation (*Formalism*, 209). In this case, George Washington's apocryphal first-person statement, "I cannot tell a lie," would refer to the impossibility for him of breaking a universal obligation because of that obligation, and also to the fact that the speaker was George Washington, for whom lying is impossible. If this is what Scheler means, then the obligation to tell the truth is universal, but only *prima facie*, that is, one is forbidden to lie, but the rule could be trumped by certain persons in certain situations. If Washington on a later occasion decides that lying in some cases is indeed a possible option for him, then that option might well be the good for him yet be impermissible for others. For *the* good is always the good of a person, or, for Scheler, a collective person, not to "humankind" in general. What alone is universally required of all is goodness, not adherence to specific moral norms. Hartmann writes:

> Moral goodness is realized in [a person] only as the value of rightly directed behavior. In this sense, everyone builds entirely his own moral being – for good or bad. … The Ought-to-be in man is strictly universal. … Goodness leaves unlimited scope for special moral values, for values that are by no means materially completed in mere goodness. It is only a minimum as regards definite content, but on that account a maximum as regards the extent of its claim (*Ethics* II, Ch 14 k, 190).

That last claim appears to be absolute and universal; at this point, exceptions are impermissible.

Clearly, this moral minimalism, with its "definite" but unspecified "content" must be the settled position of Hartmann and Scheler. There is obligation, it is universal, and founded in values, but unlike the values themselves, it possesses no specific material content. Such a position is unacceptable to men like Crosby. They dislike what Scheler described and yet dismissed: that without giving priority to universal moral rules and turning over the moral justification of actions to the conscience and insight of individuals, we will be unable to "distinguish between *true oughtness* and mere capricious impulses on the individual (covered up by the form of an 'ought' and a 'duty' in self-deception) unless we agree with Kant and regard the *true* ought as one whose content can be a *universal principle* of the ought" (*Formalism*, 489). Yet the price of agreeing with Kant is too high for Scheler. Kant locates the good only on the "universality (and necessity) of willing [and cannot] recognize a good for me as an individual person" (*Formalism*, 491). The anti-authoritarianism of material value-ethics is founded in its insistence upon the moral autonomy of the person. But it is also derived from a certain concept of moral relativity.

6.9 The Relativity and Universality of Values and Norms

According to material value-ethics, phenomenological knowledge of value is possible for all persons whose capacity for feeling is normal, and who are unburdened by such spiritual diseases as ressentiment. Since the order of the healthy heart is thought to be the same in its *structure* if not in its total *content* as the objective order of values, there is potential increase in knowledge of the relative worth of things and actions, given adequate effort to be sensitive to one's emotions and the values they intend. This doctrine implies that disagreement about the nature of values, which is frequently cited as ground for affirming moral relativism or value-subjectivism, or both, is possible only where one party to the disagreement or both is wrong: perhaps due to value-blindness, bad faith, or a psychiatric malady. Value-blindness can affect the moral vision of whole peoples. Both positions, relativism and absolutism, seem outrageous to most of us today; how, we ask with incredulity, could moral rules be purely relative to cultures? Yet how could some group of people (moral philosophers) be in charge of a body of genuine moral knowledge that eludes a large swath of humankind?

The strategy that Hartmann develops to respond to these difficulties and to maintain the core doctrine of value-absolutism, is twofold. First, we must acknowledge that a reevaluation of one's situation and one's core values is always possible. Although there is genuine and perfect knowledge of values, he asserts, new values are continually being discovered. The whole of humankind is constantly at work on the primary discovery of values, and indeed without pursuing this work as an end: every community, every age, every race does its part, within the limits of its own historical existence (*Ethics* I, Ch 6 a, 88). No one is in a position, therefore, to claim that his moral insight is complete and perfect. Yet this evolution of value-insight does not justify a universal relativism. We are unlikely to say, for example, that because of the errors in the views of the physicists 100 years ago physics is "relative" to a time and place. There is moral progress (or decline), in which previously honored positive values are forgotten or "relativized" (as less or more important) with reference to newly discovered values. For example, the growing value of utility among European capitalist classes paralleled a loss of functionality of the value of chivalry and nobility among the aristocratic classes before the French Revolution. These are still recalled today as having been represented by the nobility, but they remain functional only among the remnants of those classes and relative to them, for whom nobility is the *highest* of the vital values. To the capitalists, nobility and chivalry were recognized and perhaps admired, but considered as relatively unimportant. Among their representative values, which became functional in many "rules for living," were parsimony and inventiveness (Benjamin Franklin). Changes like these are not revaluations of values, Hartmann writes, but a revaluation of the forms of *life* (*Ethics* I, Ch 6 a, 88).

Second, the realm of values has great scope. No "community," no "age," no "race" or individual can be aware of the entire realm of values. In a metaphor that

reminds one of Heidegger's uses of "unhiddenness" to refer to the emergence of being into openness as truth, Hartmann speaks of consciousness of value as casting

> a little circle of something seen. And this little circle "wanders about" on the ideal plane of values. Every valuational structure, which enters the section of the seen and vanishes from it means for the evaluating consciousness a reevaluation of life. … In this way, it happens that actions, dispositions, relationships, which yesterday passed as good can today appear as bad. Neither the real nor the values have changed; the only change has been in the assortment of values which are accepted in the standard of the real (*Ethics* I, Ch 6 a, 89).

Hartmann adds that as the range of values perceptible to an individual or a culture increases, the intensity with which specific values are felt decreases. What varies in history therefore, is the range or spectrum of values that function in the lives of communities and individuals, and the felt intensity and assigned priority of specific values in that range. We can, for example, understand perfectly in phenomenological re-enactment the value of honor that makes, say, a French nobleman challenge another to a duel for the slightest affront to his honor. We need not share that value, that is, it does not have to function in our own form of life.

Scheler's treatment of relativism is more radical than Hartmann's in that he asserts the impossibility of justifying universal norms with which to criticize one's own or another culture's functioning norms. His position is also more detailed, in that he establishes dimensions of the relativity of value judgments in history, and seeks to develop forms of sociology for their systematic exploration. Clearly, be discovered by living beings. Life is a genuine essence, he writes, and correlated to it are values such as those of ascending and declining life (weakness and strength), eudemonia, nobility, and vulgarity (*Formalism*, 106–07). The error of earlier thinkers was either to reduce these values to those of pleasure and pain, the agreeable and the useful, or, conversely, to reduce them to spiritual values (the latter was attempted by evolutionary theorists such as Spencer or Nietzsche, notes Scheler). Life itself has a value, and to reduce all values to life would obscure that fact; for a thing can have no value if all other values are reducible to it.

The independence of objective value-essences from things or from the actions to which they are said to be "relative" is evident, Scheler argues, just as there is the color blue and blue things. What varies in history is not only the assignment of specific values to specific objects, but humankind's consciousness of values and the way that consciousness functions in their moral life. Now human consciousness functions across five dimensions of values, each distinguished as to their relative height by phenomenologically reduced acts of preference, and each requiring a separate a priori study. A remarkable feature of this analysis is its implications for the sociology of knowledge, and, with that, for cross-cultural studies. We noted in the first chapter that Scheler criticizes Hartmann for not attaching material value-ethics to a science of the forms in which material values become a living part of communities and individuals in different historical epochs. For if material value-ethics is concerned only with the values apparent in its own epoch, it risks becoming parochial, and falsely absolutizes its own ethos. The phenomenological method permits the re-enactment of the intentional acts of other peoples and places, and thus the grasping in feeling of the foundational values of the ethos of those cultures.

This study makes possible one of the crucial projects of Scheler's last years, that of a balancing-out of tension between the great cultures and worldviews that threaten humankind: the tensions between East and West, youth and old age, men and women, workers and capitalists. How better to reduce this tension, to mark it paid, as it were, than by representative scholars entering sym-pathetically other cultural and social unities and grasping the structure of values that function in the "foreign" ethos? Such mutual understanding will not, of course, defuse the material conflicts between nations. Yet the "circle of light" cast by each culture will shine into the value-consciousness of other cultures, and perhaps widen the realm of values functional in one's own. This is surely not moral relativism, but it locates the universality of ethics at first not in moral norms but in the realm of material values.

Scheler notes that it is an assumption of the Kantian school that only a formal ethics can account for the variation in moral judgments in history. It maintains that those who deny the formal rules posited by the Categorical Imperative are either non-rational beings, or vicious, or malignant, while any material value-ethics must lapse into historical relativism, for insofar as any material values at all can determine the will, any material values chosen by the will would be judged good for that will alone. The contrast, Scheler adds in a pregnant footnote (*Formalism*, 296, fn 66), is packed with confusions: it confuses "changes in values with changes in estimations of units of goods and actions bearing those values" – as though the concept of beauty would change as people's estimations of what kinds of things are beautiful change. Second, it makes "false inferences to change in value from changes in norms," for example, that a variation in the norms governing marriage implies a change in the value of marriage itself. Third, it falls prey to an "erroneous inference from a lack of universality [of moral judgment] to a lack of objectivity and insight." As we have noted, one may have insight into a moral truth that is valid only for that single person without sacrificing the validity of his insight. Finally, there is in this contrast "a failure to see that already in the mere value-estimation of 'willing' and 'action' (in contrast to being) and of norms of duty (in contrast to virtue) there is present a truly variable material element." This variability in the will to act and the norms and duties that are acted upon are central to Scheler's study of the dimensions of moral relativity, and his claim that beneath the apparently relative lies a permanent structure to which norms and duties are "relative."

These dimensions of moral variability are as follows:

1. The relativity of variations in the ethos of a community. The ethos of a community is founded upon and gives expression to its deepest shared feelings of value. Whether Scheler intends the ethos to be denotatively equivalent to the subjective Ordo amoris, that is, the order of feeling of individual or collective persons in some time and place, is difficult to determine. He calls the Ordo the "root" of the ethos, indicating some difference between them. Further, we recall that Scheler once wrote, "Who has the Ordo amoris of a man, has the man,"[18] that is, has his

[18] "Ordo amoris," in: *Gesammelte Werke*, Band 10.

deepest spiritual nature, his fundamental loves and hates. It may also be that the ethos is the descriptive Ordo amoris of the "group soul," a concept he developed in the sociology of knowledge.[19] This concept is surely related to his studies of existing cultures, which are based in a phenomenological reenactment of their Ordo amoris. Such studies are found in brief essays descriptive of cultures different from his own, for example, of Russian Orthodoxy,[20] of early Buddhism,[21] and of the French national idea,[22] all of which articulate a unique way of loving and hating that become functional in the moral beliefs of these disparate cultures. A key to the group soul is its isomorphism with the "relative natural Weltanschauung" of a culture, that is, its unique way of understanding the world, its intellectual life, and its "living faith," upon which its theology and its system of religious dogma is founded. (*Formalism*, 299, fn 73). All this inquiry is part of a program for understanding, indeed for taking part in and validating, the cultures of the world and their differing intellectual and spiritual milieux, which are relative to their Ordo amoris and to their way of life (as desert dwellers, seamen, farmers, or merchants).

2. The relativity of the *ethical* sphere, that of the sphere of value judgment, in which the values functioning in the ethos of a community determine its typical evaluations of persons and things, and condition its typical moral judgments of actions.
3. Variations in the ways in which morally relevant institutions, goods, and actions are understood in a community. Marriage, for example, is a unified moral institution, that is, it has a complex value-essence felt by members of a community and unified by its judgments. Every marriage in that community bears that value-complex, and any given marriage is judged to be a good or bad one upon the platform of those values. The definition of marriage is thus founded upon the community members' subliminal feelings of the value-complex associated with the institution, and their articulation of those values as norms may deviate from the articulation of that value-complex by other communities. Thus, today most of Europe thinks of marriage as an institution whose norms contain the possibility of divorce and in some cases as open to persons of the same sex, whereas in many other communities marriage is not so conceived.
4. Variation in the practical morality of a people. The standards of judging right and wrong in specific cases occurring in a given community can be judged only in terms of *its* ethos. By understanding its ethos, we are able to understand the force and point of moral judgment in a community. "Nowhere," says Nietzsche's Zarathustra, "did [I] encounter a greater force in the world than good and evil… A table of goods hangs over every people."[23] Yet, thought Zarathustra, few

[19] Cf. *Gesammelte Werke*, Band 8, 54 ff.

[20] "Über östliches und westliches Christentum," *Gesammelte Werke,* Band 6.

[21] "Vom Sinn des Leides," *Moralia, Gesammelte Werke*, Band 6.

[22] In "Nation und Weltanschauung," *Gesammelte Werke,* Band 6.

[23] Friedrich Nietzsche. *Also Sprach Zarathustra* I, "Von Tausend und Einem Ziele".

peoples understand their *own* table of goods, although they are gladly willing to judge the "goods" and "evils" of their neighbors as mere insanity. This attitude bears witness to a misconceived moral absolutism. Material value-ethics claims to have the means to understand both our neighbor's ethos and our own. Yet even without a phenomenology of values, Scheler observes, moral geniuses, though initially acculturated by the practical morality of the community, may transcend the practical ethics of their time and place and achieve a deeper and more genuine insight into the values that found the reigning ethos of their peoples. Perhaps Nietzsche himself was a case of such a moral genius; upon announcing the death of God, Nietzsche's "madman" says he "comes too soon." Such a man or woman will be welcomed by most or all in his community as a prophet, teaching them what they had once aspired to but had left fall into forgetfulness (Socrates, perhaps), or be condemned by most or all, and stand thereby in a tragic relation to his era (the early Reformers).

5. Variations in the mores and customs of a people or a class. The validity of mores and customs, says Scheler, is rooted in the tradition of a people. They are capable both of transmitting genuine moral wisdom about the deeper value-levels of its ethos and of being praised or condemned morally. Hartmann, too, notes the special values in customs and conventions as "profoundly necessary to life" (*Ethics* II, Ch 29 a, 304).

The significance of this lucid phenomenology of the dimensions of relativity of values for the assessment of humankind's moral way of being in the world and for cross-cultural studies cannot be overestimated, despite the enormous difficulty (due in part to differences in language among cultures) in carrying it out. For our purposes, however, we note that the level of foundation upon which obligation appears is above that of normativity, and it stands in no clear relationship to it. Any number of differing norms can be derived from the values that function in an ethos. We cannot therefore expect to derive universal rational laws definitive of moral oughtness from a phenomenology of the values themselves. Indeed, the moral norms that function among humankind give initially the impression of chaos, for they appear to lack any rational order as they emerge out of a culture's evaluative nexus. Yet, Scheler concludes with an interesting metaphor:

> It may well be that this "palette daubed with paint," [i.e., the realm of values] when seen from a correct distance and with proper understanding, will gradually assume the interconnection of sense of a grandiose painting, or at least of the fragments of one. And in this painting, one will be able to see mankind, mixed as it is, beginning to take possession, through love, feeling, and action, of a realm of objective values and their objective order, a realm that is independent of mankind as well as of its own manifestations" (*Formalism*, 296–97).

If we see moral obligations only in isolation from a culture's ethos and its forms of life, we will see only moral chaos, and conclude, "all is relative." If we can trace those norms to the subjective Ordo of a culture and from there to the universal Ordo amoris, a common structure will appear amidst all this diversity.

Yet a further reason that the search for a strong concept of moral obligation is not to be found in material value-ethics can be easily understood if we recall the

value-antinomies that Hartmann finds at the very root of the moral life. These antinomies are found, somewhat transformed, in all the higher moral values. They condition both our efforts at moral synthesis and our natural desire for a unified moral system, such that every moral conflict could be resolved, if not by reason, then by lucid cognitive acts of feeling and preference. Alas, Hartmann argues, we have not come so far in our exploration of values that we can determine whether a synthesis is theoretically possible. We can proceed dialectically, drawing out the implications of the material content of the values that are currently available to intuition, but such an exercise is empty if we do not cultivate the ability to feel the "missing" values in the table of values that our dialectic posits – if indeed they are there to be felt. Dialectic merely fills in those spaces with values we have been unable to feel, cannot name, and hence do not possess. Phenomenology must always precede dialectic in axiology, otherwise we have mere dialectical speculation with no relevance to our moral life, which is essentially founded in the feeling of values.

Consider, Hartmann argues, the idea of the "noble lie." In itself, lying is always wrong, for truth-telling is a value of supreme importance, and the obligation to tell the truth cannot be abrogated by pleading special circumstances. But Kant was wrong to maintain that a person does not do well who takes upon himself the grievous fault of lying where he clearly perceives that a great disaster is a certain consequence of telling the truth. "There are situations which place before a man the inescapable alternative either of sinning against truthfulness, or against some equally high, or even some higher value" (*Ethics* II, Ch 25 c, 284). If upon being asked, I tell an enraged spurned lover the whereabouts of his betrayer and her new paramour, then he may kill her; if I refuse to speak, he may well kill me. I therefore lie, and send the maniac off in the wrong direction. A formalist ethics would say I acted wrongly; Hartmann insists that there is no theoretical solution to this conflict; truth-telling is a value, and so is human life; no synthesis appears possible. This is not the moral relativism of intellectuals; it is the only possible sane assessment of such an all-too-human situation.

In sum, obligation emerges from the value of justice, but it is not an absolute value that trumps all other moral concepts. In this chapter we have tried to come at this position from various theoretical perspectives that characterize material value-ethics. Despite their affirmation of universally obligatory moral rules, Hartmann and Scheler both decline to identify the *process* in which they emerge from the value-ception and become evident to us, and to give them specific content, e.g., injunctions against lying, murder, rape, and the like. Such things are wrong only in that a properly ordered heart would not love them. Material value-ethics does not offer some assurance that an act of murder or highway robbery *could not be* a course of action that an agent could know with proper insight to be a morally mandatory one for him to take. The refusal to do so suggests that when material value-ethicists go on holiday, they seek to imagine some individual person in some situation with some absolute moral insight who, given his personal being and these circumstances alone, would be justified in setting aside any of Kant's rational moral laws, as in our example of lying to the spurned lover. Moreover, material value-ethics rejects other sources of moral authority, e.g., the obligation to achieve some high human good

such as happiness, for it insists that it is an a priori and non-teleological ethics. To be sure, Scheler pictures flourishing humanity as a kind of telos; we alluded to this passage earlier:

> The final meaning and value of the *whole* universe is ultimately to be measured exclusively against the pure being (and not the effectiveness) and the possibly being-*good*, the richest fullness and the most perfect development, and the purest beauty and inner harmony of *persons* in which at all times all forces of the world concentrate themselves and soar upward (*Formalism*, xxiv).

Without a universal human telos, that is, without giving specific content to the idea of *agathon anthropos* sketched in this passage, and without the command of reason to achieve goodness, all actions, ends, and their evaluation would be entirely self-determined.

6.10 The Limits of Moral Autonomy in Scheler

The question of the choice of one's situation in life was first raised by Aristotle. He argued that the virtues of a person develop out of rational activity in accordance with a good overall plan of life. How is such a plan arrived at? In his two posthumous essays, "Ordo amoris" and "Zum Phänomen des Tragischen," Scheler took up this problem under the concept of fate, as we encountered it in Chap. 3. It is one of the forms of our moral orientation to our future life. In our daily life, we encounter events, persons, situations as possibilities for action. Many, indeed most of these situations mean very little to any one of us; we pass them by. Others, however, appear to call to us, make demands upon us, impose obligations upon us. In a recent interview, the actor Philip Seymour Hoffman told of how, at the age of 14, he was first taken to a stage play. He experienced an epiphany: he was taken by the entire situation of men and women acting out roles in a play. Can such a thing really be? he wondered with amazement and enthusiasm, and from that moment, he dedicated himself to a life in the theater. The phenomenon of fate appears to all of us at some moments or other; we discover something about ourselves, about our Ordo amoris; we learn what we can and must do or become. As with all values, fate comes to us from outside of us; we do not create it, but we are bound to it by our inner nature. Scheler appears to use this phenomenology of fate to help justify his view that even a genuine moral obligation could be based upon unique and personal insight into values. As we have noted, he holds that an objective moral norm could apply to one person only. In this case, what is good-in-itself would be good-in-itself *for me* (*Formalism*, 290), that is, a genuine moral duty, but one that I alone have, one to which we are called and fated to realize as genuinely our own. Thus our autonomy is thought to be preserved: I must … become myself! How might this affirmation of moral autonomy work in practice?

A madman might believe that he is fully justified in killing some person who, he presumes, is the Devil. He judges that he alone is justified in setting aside the moral prohibition of murder, for he presumes that he alone knows the identity of the individual, or that he is uniquely situated to carry out the killing. He encounters the

requirement as his "call of the hour." However, the madman should agree that *anyone* with such knowledge and so situated would be justified in the killing. That he has this knowledge and is properly situated is a contingent fact; the killing is not a requirement of his *person*, as in the case of fate. Scheler believes that the conditions exist under which one person alone is justified in an action that breaks some moral law, in this case the law against homicide. Yet Scheler may be confusing the obligation placed upon me by my being uniquely situated to perform a good deed (say I alone have the knowledge of facts and the proper authority to "blow the whistle" on malfeasance at my workplace, and feel called upon morally to do so), with the possession of moral knowledge that applies to me alone, such that others could never judge themselves similarly obligated. The latter seems impossible by the requirement of universalizability: If I claim I am morally obligated to act in some manner, and it is morally right for me to do so, then I must also affirm that anyone in my situation would also be so obligated and so justified. But Scheler *denies* this. He writes, "It is quite possible for *one* individual to have full evidence of the content of an Ought which refers only to *him* and which is valid only in this particular 'case.' And it is quite possible for this individual, who is completely aware of this content, to know at the same time that this content is *not* appropriate as a principle of *universal legislation*, that it is evident *only* to this particular individual and *only* in the case in question" (*Formalism*, 274).[24] This seems preposterous, and Scheler does not provide us with a phenomenology of such unique moral knowledge that makes clear how the moral insight and the resulting behavior of one man and no one else can be morally justified. Scheler's notion of moral autonomy seems at this point in our inquiry to be confused.

Had Scheler and Hartmann proposed a minimal list of moral rules or of universal and absolute moral duties, such as Kant did in the *Groundwork of the Metaphysics of Morals* – injunctions, based in reason, against murder suicide, theft, and lying – they could have called upon material value-ethics to develop what is called in constitutional jurisprudence the theory of a "broad penumbra" cast by these laws, and would have thereby furnished for ethics an absolutist position: *no* persons could claim justifiably to void the rules in any situation. That Scheler and Hartmann do not assent to such a doctrine can be traced to their beliefs that values are prior to norms, and for that reason norms cannot trump values, and to their belief in the moral autonomy of persons. There is hence more than an anti-authoritarian strain in material value-ethics, as Crosby claimed. Hartmann and Scheler grant an enormous role to the human individual in making moral judgments. There is no place for humility and reverence before the "moral law" as such; such reverence is due to the acting person. Yet material value-ethics does not terminate in the whims of individual persons. It aims at the perfection of the person, not at the perfection of the rational will. And to this perfection of the person we must now turn.

[24] Kierkegaard's notion of a teleological suspension of the ethical – the call to Abraham alone – is quite different from Scheler's concept of fate, and only makes sense in a religious context, that is, where there is a moral authority the value of whose commands are, by virtue of his infinite goodness, completely transcendent of human feeling and reason. Without that context, Scheler is faced either with the suspension of obligation in individual cases in the name of personal autonomy, or with the simple denial that there are universal obligations at all.

Chapter 7
The Concept of Virtue and Its Foundations

7.1 The Conflict of Reason and Emotion in Scheler

Since its earliest beginning, philosophy, like science, has asserted the value of truth. Efforts by philosophers since Nietzsche, who famously declared that the search for "truth" is founded in a will to falsity, to deny the value and possibility of truth have been hailed as a liberation from a fetish. These efforts have also encouraged the spirit of anomie, of intellectual pessimism, moral cynicism, and nihilism. Max Scheler's earliest efforts in philosophy, his doctoral dissertation of 1897, "Beiträge zur Feststellung der Beziehungen zwischen den logischen und ethischen Prinzipien,"[1] located a persistent source of this modern denial of the value of truth in the supposed opposition between truth in logic and science on the one hand and in morals on the other. If moral and logical claims are in fundamental opposition, such that truth in one area contradicts necessarily the truths discovered in another, then can the edifice of human knowledge be genuine, harmonious, whole, and stable? And, if it is not, how do we overcome the impulse to the nihilism that Nietzsche fought? Scheler attacked this question by embarking upon a study of virtues and vices in relation to the "logical" concept of truth as opposed to error, as in the sciences, and the moral virtue of truthfulness as opposed to the vices of falsity and deceit.

Consider, he argues, that truth, a fundamental concept of logic, corresponds to truthfulness, a fundamental concept in ethics. Yet a loving concern for others may require that one not be truthful when the disclosure of factual truth will produce harm. Truth may hurt; where it surely will, one ought not to be truthful. The situation is similar with regard to justice. A "scientific" or logical scrutiny of a situation in which justice is due, as when one acts as a disinterested judge, requires that the case be scrutinized from all sides, except from the side of the personhood of the one accused; he or she must be viewed simply as an acting self-conscious and

[1] *Gesammelte Werke*, Band 1, 9–160.

E. Kelly, *Material Ethics of Value: Max Scheler and Nicolai Hartmann*, Phaenomenologica 203, DOI 10.1007/978-94-007-1845-6_7,
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responsible subject. Yet then doing what justice demands will require self-imposed untruthfulness, that is, a refusal to consider, for the purpose of justice, the personal dimensions of the case, some knowledge of which is inevitable for any human judge. Such antinomies are endemic to all human efforts to do the right thing.

This apparent opposition of "heart" and "mind," which fretted Scheler throughout his life, is tied to the fate of Western civilization, and perhaps causes nostalgia for an original state of unity of body and soul. We lament the lack of wholeness that manifests itself in the opposition between the heart and the head, between our desire for virtue and our inclinations toward vice; we sense our inability to reconcile the requirements of stern justice and the love of mercy. Socrates presumably believed that a single principle, analytic reason, was sufficient as a tool for inquiries into both theoretical and evaluative matters. For Socrates, disciplined reason had no equivalent in feeling. Feeling failed entirely when we ask how we should live; reason alone can reveal the logical essence of virtue, and, perhaps, give motive and unity to our action. Hartmann also noted the tensions in human moral insight despite the systematic demands of philosophy and despite his own aspirations to discover an underlying unity in the realm of moral values. Scheler's reflections in this early work suggest not only a denial of the unity of moral and intellectual experience. They deny the possibility of the unity of reason, which the life-work of Husserl asserts throughout, and they face the impossibility of resolving in a rational manner the moral conflicts that life thrusts upon us.

The antinomy of head and heart, shifted to an antinomy of spirit and life, animates Scheler's later work. However, he discovered in his *Formalism in Ethics* the form that must be taken by any possible resolution of the problem of "head" and "heart" that he had first formulated in his doctoral dissertation. The "logic of the head" and the "logic of the heart" are founded on *different* principles, but not *opposed* principles. "Head" and "heart" are independent logical orders, the first founded in reason and aimed at the elucidation of truth; the second founded in feeling, and aimed at the elucidation of value. Each possesses a rigorous and evidential logical order. The order of the second kind Scheler calls, as we have seen, the objective Ordo amoris, following Pascal's famous dictum, "le cœur a ses raisons," where the heart's "raisons" are based in its knowledge of the order of values that is given in acts of feeling and preference. Feeling is not, in any case, a realm of irrational passions or blind impulses that can only lead to vice and error. Hateful and beastly passions my indeed lead us into vice, but loving and joyful passions are the foundations of virtue. Reason and feeling can no doubt fall into errors peculiar to themselves. Just as there can be paradoxes in logic and incompleteness in axiomatic systems, so too can there be irresolvable conflicts in morals. Neither is due to the influence or the misapplication of logic to ethics or ethics to logic. If reason and feeling are seen as possessing a logical order that are parallel features of the human spirit and possessing equal dignity and equally valid claims to truth in their own domains, then the supposed opposition between them vanishes; each is valid in its own domain even where the domains themselves conflict.

The conflict discussed in the dissertation appears again, however, in the mature work just where it might be expected: in the phenomenology of the virtues. Scheler's

contributions to virtue-theory appears in four places: the early dissertation, in *Formalism in Ethics* where the concept of virtue itself is exhibited phenomenologically, in the early essay on the Christian virtues of reverence and humility, and in his essay "Vorbilder und Führer,"[2] where he exhibits the virtues and vices that are embodied by model persons representing each of the five value-levels and their corresponding disvalues. The task of a comprehensive phenomenology of individual virtues that might fill out Scheler's limited account of the virtues was undertaken by Hartmann. In this chapter we will present Scheler's exhibition of the phenomenon of virtue itself, and proceed to Hartmann's discussion of the non-moral values that condition the appearance of virtues upon human behavior. Finally, we will offer some reflections on Husserl's thoughts on moral excellence. These analyses will serve as a basis for an examination, in the next chapter, of Hartmann's lengthy presentation of the virtues, to which we will append a discussion of two of the virtues analyzed by Scheler himself.

7.2 The Phenomenology of Virtue

The ancient Athenians observed that some men are superior to others in the various important tasks of life: the affairs of war, the capacity for political leadership, strength or nobility of character, creativity in the dramatic or poetic arts, and the like. Such differences attracted the attention of Socrates, who identified some of these capacities as virtues or excellences, and inquired as to what their nature is and where the source of such capacities might be found. Furthermore, people tend to admire the possessors of some of these capacities more than the possessors of others. Thus a great political leader or anointed king will be admired, listened to, and obeyed more readily than the astute general, and he more than the clever poet, and he more than the expert artisan. Thus, each capacity has a value relative to the others. Possibly various systems of caste in the world's civilizations arose from sentiments and preferences of this kind.

When the Greek philosophers began to inquire systematically into the nature and means to the possession of superior virtue as the key to human happiness, they had many models of virtue, and of levels of preference among them, to draw upon in their reflections. The warrior-kings of Homer, the just landowners of Hesiod, the citizen-soldiers of Sparta, the dramatists of Athens, and the Athenian citizens themselves, displayed virtues that were everywhere admired. The Athenians' capacity for successful self-government required the virtues of temperance, intelligence and willingness to compromise and sacrifice. The philosophical questions that were pursued tenaciously and systematically by Plato and Aristotle especially concerned how to disengage these virtues from each other, then to establish the relationships

[2] *Gesammelte Werke*, Band 10. English translation, "Exemplars of Person and Leaders," in *Max Scheler: Person and Self-Value. Three Essays*, trans. Manfred S. Frings (Dordrecht: Martinus Nijhoff, 1987).

among them, to consider the correct order of preference among them, and, most importantly, to discover how, if at all, the important virtues could be taught to and realized by both individuals and the *polis* itself. They do not seem, however, to have considered the essence of virtue itself, and how it is experienced in the souls or in the behavior of persons and states.

Scheler possessed remarkable insight into the nature of virtue itself, the order of intrinsic preferability among them, and the way in which our feelings and our intellect may conflict regarding our evaluation of the relative importance of each of the virtues. This insight seems to have been a fortuitous product of Scheler's initial phenomenological turn, for it emerges from sustained reflection on how virtue is experienced, and how, from that experience, meaning-elements precipitate that can be ordered foundationally and cleansed of extraneous elements. We may try to reenact the phenomenology in the following manner.

Virtue is clearly not a capacity or ability *simpliciter*, as one may possess the capacity to walk long distances, or the ability to operate complex machinery. These capacities and abilities are what Scheler calls "competences" (*Tüchtigkeiten*), which come with training and practice, and are indifferent with regard to values. At most, they make the achievement of some higher values (or disvalues) or the destruction of some lower (or higher) ones possible, as the ability to operate complex machinery may enable one to save or destroy a life. Nor is virtue a more or less permanent attitude or moral tenor (*Gesinnung*) alone, which, as we have seen, is for Scheler the source of acts of will and the first manifestation of the moral center, the Ordo amoris, of a person. For the permanent attitudes of a person may be evil ones; virtue is essentially a moral good, a capacity for which an agent rightly earns praise. No doubt, as Hartmann notes throughout his *Ethics*, virtue can be a non-moral good also, for one man's virtue may be to another man's benefit, as the soldier benefits from the great general's capacity for wise leadership. Is virtue, as Socrates held, an excellence for which some knowledge about the essence or nature of some specific virtue, or of all of them, is the sufficient condition? This Socratic doctrine makes virtue an intellectual capacity that motivates agents towards positive values and makes their achievement possible.[3] It does not, however, describe the phenomena upon which virtue appears, that is, the phenomena intended when one reflects upon acts that can be characterized as virtuous, and upon their emergence from the spirit or minds of persons.

We saw earlier that Scheler rejected Socratic "intellectualism" as a theory of moral motivation, specifically the notion that knowledge of the good determines the will to do good, on the grounds that, for Socrates, knowledge of the good was purely intellectual in kind; only when the knowledge of what is the right thing to do in some given situation is entirely adequate, and given in an intentional act of feeling rather than in discursive reason, does this knowledge determine the will to act accordingly.

[3] In Plato's *Republic* Socrates speaks: "Vice cannot know virtue too, but a virtuous nature, educated by time, will acquire knowledge both of virtue and vice: the virtuous, and not the vicious, man has wisdom – in my opinion."

If this is so, then virtue cannot be a state of the healthy soul that consists in the permanent capacity to apply knowledge to action, much as the knowledge possessed by the physician capacitates him to heal the sick. Moreover, virtue on Socrates' account is said to be a condition of happiness: if a person possesses moral knowledge and thus is enabled to be virtuous or is necessarily virtuous, then that person will be happy. For happiness, he argued without proof, is a consequence of possessing a well-ordered and healthy soul whose rational function possesses knowledge that commands his actions towards this end. The identification of virtue as the sufficient condition of happiness makes the experience of happiness subsequent to the intellectual learning of virtue. The unwise do not know goodness, only wickedness, and they are unhappy. Again, if the Socratic position maintains the unity of the virtues,[4] such that it would not be possible, say, to be courageous without being just and pious, then there can be no partial knowledge or experience of virtue. One's soul must perforce be elevated all at once into the knowledge of virtue, much as in the Buddhist experience of "sudden enlightenment," with all its immediate effects upon one's nature, behavior, and well-being.

This doctrine seems counter-intuitive. There are times when a person discovers in acting that he has resources of courage or justice that he did not know he had, a discovery which would be impossible if knowledge of either was required for courageous action. Yet Plato dismisses such behavior as accidental knowledge, as when one correctly guesses the answer to a question without knowing it. In addition, it seems possible for a person to be very courageous when fighting for what he knows to be an unjust cause – a bold gangster facing down the police, for example. Scheler seeks a formulation of virtue that avoids these difficulties by (1) disengaging the virtues from concrete if imaginary persons (the courageous general, the just lawmaker) and attaching them to the typical value-realizations they make possible, a strategy which is seconded by Hartmann, and (2) by considering them as types of moral values that first appear on the back of an agent's intentions. This strategy eliminates also the absurdity of asserting that a "truly" virtuous agent will always give wise counsel in any situation.[5] A judge who hands down a ruling in some specific case before him acts justly insofar as he intends to create the greatest good possible in this case by the correct application of the law; the justice of his action is independent of the importance of the case or the ultimate effects of the judgment. As we have seen from our discussion of moral obligation, goodness is tied to the agent's intention to realize the highest value, and this link is a fortiori true for the virtues. The virtues each designate a kind of moral goodness relative to some specific context. Justice appears as moral goodness in the context of social and political practice, courage in the context of interpersonal conflicts, piety in the context of the

[4] For an excellent account of the doctrine of the unity of virtue in Plato's *Protagoras*, cf. Terence Irwin, *Plato's Ethics*, Chap. 6 (New York: Oxford, 1995).

[5] Note that Socrates argues against the idea that a person needs good luck as much as virtue to live a good life. The wise man is free of the contingencies of life. Cf. Socrates' discussion with young Clinias in Plato's *Euthydemus*.

service of God, or compassion in the context of suffering humanity. In each case, the activity aims at the highest values possible. The phenomenology of the virtues considers the forms of human intentions to act rightly as tied to, but independent of, the goods-values that appear in these kinds of situations.

What then of virtue in general? What is the key phenomenon that appears in all the contexts in which virtues of different types are perceived? Scheler's genial observation is that we experience virtue as a measure of the power we sense in ourselves to achieve the highest good that this situation permits. He writes as follows:

> 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. Virtue is the immediately experienced *power* to do something that ought to be done. The concept of *vice* originates in the immediately comprehended contrariety of an (ideal) Ought and what can be done, or, in other words, in the immediate comprehension of *not-being-able-to-do* or *impotence* vis à vis something that is given as an ideal Ought (*Formalism,* 205).

In the scenario that accompanied our analysis of the theory of action, a man finds himself in a situation in which another man is in palpable danger, and any attempt at rescue would put himself in danger. The agent perceives the values in the situation: that of human life, of danger, of compassion and brotherly love, and he perhaps formulates the physical strategy required to effect the rescue. None of this implies that he will in fact act to save the endangered man. What is of great significance for moral virtue is that the man confronted with the values appearing in the situation experiences himself as having or not having the power to do what the situation morally requires of him, and then willing to act either to save the man, or to run to safety. Should he attempt to save the man, then virtue "shines forth," to use the Kantian phrase. Of course, it may not shine into the world, for a disinterested rational observer cannot clearly discern any of this. To an observer, the act of rescue may appear under other categories: the rescuer is a fool, or likely to do damage. To the rescuer, as we have described him, the action emerged from two phenomena: the sense of his own capacity for action in this situation, and his will to do what he knows to be right, that is, what Kant called the act of Good Will. To grasp them, an observer must re-enact the acts of the agent that intended them, and that may or may not be possible.

In Scheler's assessment of Kant's view a man in the same situation as our rescuer who equally desired to do what is right, i.e., who was motivated by Good Will to fulfill one's obligation to assist persons in distress, but who could not effect the rescue for conditions over which he had no control, perhaps a paralyzing fear, or a physical incapacity, would be as morally virtuous as a person who in fact attempted the rescue. This Scheler wishes to deny. For the *capacity to achieve* (*Können*) is also a moral merit of the agent; it is precisely his *virtue*. Virtue requires the knowing capacity for right action – that one *can* do what one *ought* to do. Thus a necessary condition of virtue is the adequate knowledge of the good the agent can do in some situation, a good that is founded upon the values inherent in a situation, but that knowledge is not *sufficient* for virtue. The agent also needs the thrust of capacity that is founded on physical ability, of course, but also upon a rightly disposed personhood, one manifesting a willingness to attempt what she can do and ought to do. Virtue is not for Scheler, as for Socrates, a condition of happiness, but rather

happiness is a condition of right action. The good man is good *because* he is happy. As Scheler writes,

> The most central feeling that accompanies the value of the person is the "*source*" of willing and the direction of his moral tenor. Only the *blissful* person can have a *good* will, and only the *despairing* person *must* be *evil* in his willing and actions. … All good volitional directions have their source in a *surplus* of positive feelings at the deepest stratum; all "better" comportment has its source in a surplus of positive feelings at a comparatively deeper stratum. (*Formalism*, 348–49)[6]

The causal priority of happiness over virtue may stem from the fact that Scheler's ethics is more tightly tied to love – which is known to accompany "blissful" or "positive" states – than to virtue. Von Hildebrand's and Husserl's ethics manifest a rather different approach to moral goodness.

7.3 Von Hildebrand and Husserl on Virtue

In a little book entitled *Sittliche Grundhaltungen* published in 1954, von Hildebrand summarizes many decades of close work in phenomenological ethics. He identifies five virtues basic to moral character: humility, faithfulness, consciousness of responsibility, truthfulness, and kindness (*die Güte*). He considers kindness to be the highest among these virtues; it is a secular form of Christian charity (*agape*), which, like the equivalent German term *Nächstenliebe*, distributes bountiful works of compassion and assistance to everyone who comes the kind person's way. It does not aim at the good of a specific person, one who may be loved in and for his individual personhood; it aims simply at the humanity of one's neighbor in the face of his neediness. This fundamental quality of character is foundational to the others. Kindness both prompts, even if it does not make possible, the virtues of humility, faithfulness, truthfulness, and a consciousness of responsibility, and it is incompatible with falsity, denial of responsibility, arrogance, and untruthfulness.

For von Hildebrand, consciousness of responsibility is a key moral virtue. In his essay, "Die Idee der sittlichen Handlung,"[7] von Hildebrand considers the cases of Sancho Panza and Don Quixote. Sancho is a decent man, though perhaps capable of a bit of harmless wickedness. He is loving towards his master, even when he finds him frustrating or laughable, or likely to put them in danger. He is quick to see advantage for himself, but he is considerate towards others, tells the truth when he has to, and, in general, loves life, is affable, and always full of maxims that give his life meaning, direction, and value. One might say that he is spontaneously good. Don Quixote, in contrast, is anything but spontaneous. He has internalized the rule-books of moral law and virtue that he extracted from the old tales of medieval

[6] Husserl agrees that blissfulness accompanies good will, but as its effect rather than as its cause. The issue cannot be phenomenologically resolved.

[7] *Jahrbuch für Philosophie und phänomenologische Forschung*, Band III, 1916.

chivalry that depict heroes and maidens acting according to high models of nobility, love, chastity, and justice. The Don monitors his behavior as he seeks to conform to those high values; Sancho monitors nothing about himself except weariness and hunger, and he has no monitor to speak of in any case: whatever ideals he possesses are both rudimentary and flexible. Persons who are morally watchful, like Don Quixote, grasp the earnestness of the demand placed upon them for action. The nobility of the other virtues, where they exist spontaneously in a person who takes no notice of their origins and their demand, is but a borrowed glory, a reflection in a glass of what virtue requires: eternal vigilance and eternal self-measurement. This was also the position of Husserl, and will be given an interesting application in Hartmann's ethical personalism.

It is not our intention to present Husserl's ethics with any adequacy, but there are key elements in it that are useful for a comprehensive theory of material value-ethics.[8] We have already noted his contributions to the languages of values and norms that culminated in a notion of a Categorical Imperative and of virtue or, perhaps better, of righteousness. It seems that in the years after the war Husserl's thought on ethics underwent a change in direction. It is unquestionable that Scheler's thought on the epistemological function of love and the idea of the person as moral agent, while not taken over by Husserl, influenced his thought on the wellsprings of human knowledge of values and the moral evaluation of the human person.[9] The concept of a Categorical Imperative as a command to the will now plays less of a central role in his thought than it did in the lectures from 1908 to 1914. We may therefore say a few words about this development and its significance for our assessment of material value-ethics, especially for the theory of virtue and of ethical personalism.

Husserl notes that the questions "Am I a worthwhile person?" and "Am I a moral man?" are quite different.[10] My life may be worthwhile in comparison with another, and I may have achieved some great good for humankind, but "being worthwhile" and "achieving value-goods" can be predicated even of non-human agents. Similarly, as we noted in the previous chapter, Husserl appears to hold that his first statement of the Categorical Imperative, "Do the best attainable," is inadequate just because it neither refers to the agent as a rational personal spirit nor to his motives. Now it is

[8] For more adequate presentations of Husserl's lectures on ethics and more generally his moral philosophy, cf. Joaquim Siles i Borras, *The Ethics of Husserl's Phenomenology* (London and New York: Continuum Press, 2010); Janet Donohoe, *Husserl on Ethics and Intersubjectivity: From Static to Genetic Phenomenology* (Amherst: Prometheus Books, 2004); Ullrich Melle, "The Development of Husserl's Ethics," *Etudes Phénomélogiques*, 12–14 (1991), 115–135; Ullrich Melle, "Husserl's Personalist Ethics," *Husserl Studies*, 23 (2007), 1–15; Henning Peucker, "Husserl's Critique of Kant's Ethics," *Journal of the History of Philosophy*, 45, no. 2 (April 2007), 309–319; Henning Peucker, "From Logic to the Person: An Introduction to Edmund Husserl's Ethics," *Review of Metaphysics* LXII (Dec. 2008), 307–25.

[9] Cf. Edmund Husserl. "Annotations dans le *Formalismus* de Scheler," édition et traduction de Heinz Leonardy. *Etudes Phénémologiques*, nos. 13–14 (1991), 3–57. Leonardy tells us that Husserl read Scheler's *Formalismus* only in 1921, although he was an editor of *Jahrbuch für Philosophie und phänomenologische Forschung* when Scheler's work first appeared there, in 1913 and 1916.

[10] *Husserliana*, vol. 37, *op. cit.*, 246.

evident that a correctly motivated, supremely lucid and insightful will is better than one that is simply right. We would not say that a person who knows some fact has knowledge; she must be able to give an *account* of that knowledge, a justification of her belief. Similarly, it is not enough that a person who can properly judge actions from a moral point of view have a good will; he must be actively seeking the moral horizons of his situation and developing his will to act rightly. This morally "better" will places the moral burden upon the agent personally: not to do the right thing alone, but to do the right thing – the best possible in his current circumstances – intentionally and insightfully, with the weight of one's whole being behind it. And here we approach a true Categorical Imperative, one that demands both right action and right motivation, and, indeed, an orientation towards one's possible future actions. "Choose insightfully the best among what is achievable!"[11] He writes,

> To act morally belongs a higher level, such that should the occasion arise one acts upon the universal will and with a will habitually disposed to act that way. This implies, however, that a Categorical Imperative with some general content is oriented towards one's entire future life. (*Husserliana*, Vol. 37, Ch 10 § 49, 247).[12]

We must live willing to think, to evaluate, to desire *insightfully*. This imperative asserts the element of moral necessity demanded by the critics of Hartmann and Scheler – an element of necessity that commands even the loving and willing heart to accomplish what he is already inclined to do. Here a parallel with Aristotle's teachings would be helpful.

On the side of the subject, as Aristotle argued in the *Nicomachean Ethics*, moral behavior requires a good character, one that is the result of long training and rational effort and does not simply act out of a Kantian rational will. A "categorical rationality" and a will to do good must supervene on the inclinations arising from one's natural animal and social life and guide our behavior, especially as it tentatively moves toward virtue as a mean between extremes. Aristotle's excellent man, possessing all virtues, acts not simply in accordance with right reason (for a person could so act simply under the command of a rational agent, much as we follow rightly the orders of our physicians, perhaps without understanding the reasons for them, while recovering from an illness), but in a way that involves the use of right reason in his situation, that is, he deliberates about the situation he is in and his capacities as an agent. For only such persons as have good character are able to deliberate effectively and are motivated to realize the good in the right way at the right time just because so doing is fine (*kalon*). The possession of moral goodness, the execution of right actions and the capacity for right reason are bound tightly together. Husserl makes this binding together of disparate elements the moral requirement of persons; it "founds" all moral judgment in conformity with the moral law.

Motives can be active or passive, that is, they may emerge actively from the conscious human person as he acts upon his encompassing world, and hence are rational,

[11] *Husserliana*, vol. 28 (*op. cit.*), Beilage X, 357.

[12] All translations of Husserl's texts are by the current author.

or from purely passive irrational sources, such as associative memory, where one connects a past gratification with elements in his current situation. But reason can question the ego about the justification of its acts:

> As a moral being, the ego is and lives only insofar, one may say, as it judges, approves, or condemns, that is, reflects, and only insofar as it is determined in its future behavior through such reflective judgments and is an ego that determines itself. I said: an ego that determines itself (*Husserliana*, Vol. 37, *op. cit*., 161–62).

To the moral man, reason's authority over his actions do not appear to him to arise from within his own ego. Its constraint appears to a rational person as emerging from an original source of rightness. And yet the model against which any individual must judge himself must be constituted by him as a rational agent. As in Aristotle, virtue comes late. Before virtue, according to Husserl, one must train oneself in moral deliberation and willful acting. We speak of virtue of character only after such righteousness becomes habitual. The moral measure of anyone's life lies in that person himself, or, as Husserl writes,

> the individual acts of will and their execution can be entirely moral, but the moral personality is the idea of the subject in the universality of his life, in all of his action, and the empirical subject is moral only in its greater or lesser propinquity to this idea, and through the determined will not to compromise but the desire to posit himself as this idea (*Husserliana*, Vol. 37, Ch 10 § 48, 246).

The authority of reason alone is not absolute, as it was in Kant; the agent must question its range and applicability to the action whose rightness he is evaluating. This is Husserl's ethical personalism; it demands the same autonomy insisted upon by Scheler and Hartmann, and asserts that whatever authority moral law possesses must come from the willingness of the agent to take a moral standpoint upon his life and to measure his own human capacities. It is the autonomy of this ego before reason and inclination, then, that is the highest noetic object of practics: the unification and the moral perfection of the individual human subject under the formal law of right, the Categorical Imperative. It is, however, unclear to this reader the extent to which Husserl's self-constituting subject impresses upon her ego universal rational laws and the extent to which she impresses her own intelligible personality – "the idea of the subject in the universality of his life" – upon the virtues she has chosen to incorporate in his life. What is the balance between universality and individuality?

We note in Husserl the same distinction that was made earlier by von Hildebrand, that between a person who actively seeks to adjust his action to the idea of himself under a Categorical Imperative (Don Quixote) and the person who lives morally well but spontaneously (Sancho Panza). The conscious striving after the best, which is typical of the rational and self-critical agent, gives a higher context to the idea of moral obligation. For the acting person has not only the task of obedience to the principle of all principles, Do your best!, and of striving to realize the best values available in his situation. He is also confronted with the moral task of integrating rigorously the levels of feeling and value in the totality of his conscious activities in order to become a self-conscious and autonomous self that stands under norms of

right and wrong. This supplies an element not present in Scheler: the binding of emotional receptivity to the intellect, such that in every case of right action the values given in feeling and preference motivate the rational will.[13] It is not enough for an agent to love the values to be realized, there must also be rational assent, not simply to the action, but to the activity of constantly enlarging the sphere of one's knowledge of values. The rigor with which this process is overseen by the ego determines the moral excellence of the person: "There is nothing higher in the world than a good will."

Husserl introduces an interesting analogy to the rigor and conscientiousness that ethics requires of us. The scientist places himself under the rules that constitute the logic of verification and justification. He does so freely, as an autonomous agent. He of course need not apply the same high standards required by his research to the quotidian dealing with facts and claims that are irrelevant to his researches. The moral man is similar in rigor and conscientiousness as the most demanding scientist, but his concerns have greater scope. He places himself freely under the values and norms that constitute his intelligible person, he seeks a lucid assessment of what he can become, and he measures himself rigorously and conscientiously against his conformity to that idea. This is his "profession" as a human being per se, such that he becomes not simply "of good will," but possesses a will to the best. Should an evil fate overtake him, he will stay the course to the end.

> What matters … is that I recognize that I am producing a will that acts on universal norms [einen universalen Normwillen] that once and for all erects this categorical imperative before me: from now on, do the best without hesitation, the best for evermore, grasp it with a proper knowledge of norms, and will it with a will that is conscious of norms (*Husserliana*, Vol. 37, §48, 253).

Not only must we always strive to achieve the best our situation and capacity of deliberation and action allow, we must also always strive to place ourselves in a situation in which our potential for achieving the best will be enhanced. Then there is the anxiety caused by the nebulous quality of "the best," which we are called upon to realize in any situation. We cannot be satisfied by what immediately appears to us as such; we must proceed in three stages: we must monitor our acts of feeling and preference to reveal to us the value-qualities inherent in the situation, determine through right reflection what their priorities are (that is, to prefer rightly among them), and deliberate rationally upon the right means to achieve the best harmony of values that is possible. Yet the values possible in a situation are nearly limitless in number, and the outcomes of the most carefully planned action are uncertain. This is not to say that Husserl's account of moral rectitude is impractical or practically unachievable, but that it places a moral burden upon us that is, perhaps, greater than any other moral theory.

We may now turn to Hartmann's account of foundational moral values.

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[13] For an evaluation of this point, cf. Alois Roth, *Edmund Husserls ethische Untersuchungen, Dargestellt anhand seiner Vorlesungsmanuskripte* (Phaenomenologica 7: Dordrecht: Kluwer, 1960), 143.

7.4 Hartmann: The Moral Context of Virtue

In Chap. 4, we considered Hartmann's phenomenology of the non-moral values that are the conditions of moral virtue. The possession of moral goodness, in Hartmann's view, is possible only if a number of value-goods or situations have already been realized or are present, such as the value of freedom (realized in a constitution and a system of laws), and the capacity for prevision and for purposive action. Value antitheses determine moral conflict, values condition the behavior of the agent by drawing him to action, and values condition the goods the agent is trying to realize or destroy (that is, he is aiming to realize goods possible for him to achieve in his current state and situation). In addition, virtue is conditioned by the fundamental moral values of goodness, nobility, richness of experience, and purity that he or other agents possess. These values are very general, and their content is very thin, yet they condition and reappear in most of the virtues themselves. They first appear just on the threshold of virtue, for they are the stage upon which the agent creates himself as a moral being. Virtue appears upon agents only in a realm conditioned by these conflicts and goods.

7.4.1 Goodness

We will now take a small step beyond the non-moral values that condition or make possible the moral values, and which are themselves conditioned by the oppositions and antinomies described in Chap. 4. Thus the series of conditioning non-moral values culminates in goodness, and serves as the basis of the moral values. These fundamental moral values – the good, the noble, diversity of experience and purity – are not themselves virtues. They are the conditions of, and function in, the ancient, Christian, and modern tables of virtues.

Now we have already noted the link between goodness and obligation. Yet goodness appears to have no specific content, and resists all classification, although we may say of the positive values that the good is included in them a part of their content (as it is generally good to be noble, or to be pure in one's intentions, or to love one's neighbor). The good is not exhausted by its participation in them, however; it appears to have a value in itself, though its material content is not given to us in feeling.[14] Of course, we can say what the good is not: it is not itself a good, it is not the useful, or the highest value, or the sum of all possible values. Nothing is added to acts of goodness by saying that goodness is the highest value, for no comparison

[14] This last fact is one reason that Dhar is mistaken in claiming an affinity between Scheler's position and that of G.E. Moore, who held that the good is a non-natural intuitable quality. Cf. Benulal Dhar, *Phenomenological Ethics*, *op. cit.*; also the present author's *Max Scheler* (Boston: Twayne, 1977), 93, where the significance of the contrast between material value-ethics and Moore's position is taken up.

within righteousness is possible. Sacrificing one's time to help a blind man cross the street is hardly the realization of some high human good; the action is simply good as such. For goodness is the point at which teleology or goal-directed action enters the human condition and makes a person's goodness or badness possible. Moral goodness and badness attach themselves to a disposition of the mind to act for the realization of some value or disvalue. At the most, we can say about the value of goodness that it is the pursuit of, or the disposition to pursue, positive values as ends (*Ethics* IV, 14 e, 179), or, correlatively, goodness is the conversion of a higher value into a concrete end. Goodness, despite its lack of explicit content (we cannot demonstrate how one is to be good, or what values goodness requires), calls upon us to be good in some measure, indeed, Hartmann notes, we are obligated to be good.

Nobility, diversity or richness of experience, and purity are similar to goodness in that they are broad and thin in their specific content, although less general in content than goodness. If they appear to be specific and, in some cases, function in the values represented by classes of men (nobility in aristocracies, or purity in children or in monks), then we are conceiving of them too narrowly. If we simply identify them with goodness, then we are ignoring the richness of the thin but real content specific to each of them alone. And this context Hartmann wishes to consider.

7.4.2 Nobility

Hartmann begins his phenomenology of nobility with an attack on Scheler. In his table of values, Scheler identifies the noble with biological nobility, that is, with the values of physical vitality, well-being, the perfection of biological type (as the thoroughbred, or the healthy lion as the perfection of the line of felines, or the blue-blooded aristocrat or warrior). But Hartmann considers these values, in conformity with modern thought, to be entirely non-moral, quite unlike the Homeric Greeks who considered a person's beauty and godlike stature as a part of his moral virtue. To grasp nobility as a moral value, we must contrast it not with the sickly or the malformed, but with the *common*. The noble man characteristically seeks the uncommon, the rare, what is difficult to obtain. He despises compromise, and is immune to what is mean or cheap in human behavior. No doubt, the ambition of the noble man can be aimed at evil ends, or ends of little value, as at the honor obtained from a duel, from which danger the common but not the noble man will shrink. Yet such striving after the lofty and uncommon is part of nobility: and, although striving for what is the higher is a characteristic of goodness, it is by no means identical with it. When nobility aims at the higher values of beauty, goodness, or truth, it aims at a narrow spectrum of values on its favored level, commits itself to them, feels disdain for all that is lower ("pleasure" or "physical comfort" is disdained by the scientists, the artists, the saints), while admiring the value of what is above him. Darwin was noted for the single-mindedness of his scientific researches, yet his concern for truth was manifested also in the noble honesty he displayed in his dealing with others; he also respected religion's high aspirations while not accepting its unverified claims.

The noble man acts as a pioneer in the search for new values in his chosen domain; he loves what is lofty and new just because it is uncommon. He forms noble friendships with others like himself in pursuit of their chosen ends, and they strive together to draw along with them the common herd of men without, however, mixing with them out of fear of being sullied as they pursue what is lofty. When their ends are achieved and what was rare and lofty has become the common possession of all, noble men will turn from it, and seek new goals. For that reason, the values noble men pursue vary with the ethos of their culture and its achievements. Finally, the noble man is willing to take responsibility for his acts, though not before the councils of lower men; he gladly accepts the burdens of his pursuits, knowing that the noble is as difficult as it is rare. "The noble man must rely on himself; his conception of honor is severe, elevated, and wholly inconceivable by commonplace men" (*Ethics* IV, 15 f, 202). Thus, we have a brief phenomenology of a very general, but foundational moral value.

7.4.3 Richness of Experience

The next two moral values that found the virtues, richness (or diversity of experience) and purity, have this much in common: they do not involve human purposiveness,[15] an important category for all morality. For morality evaluates the conscious attempts of beings who possess foresight and purposive efficacy to create or to destroy purposely goods bearing values different from those that existed as they went to work. Diversity of experience and purity are values that inhabit and appear upon the basic moral tenor of persons rather than upon their disposition to activity. They must nonetheless be considered as having moral value, without reference to the non-moral value that the possession of them by some person may have for others. For to have a full existence or to be pure is a moral good in itself.

The purposiveness that is so prominent in the striving of the noble man to reach the lofty or the uncommon is nonetheless quite limited in its scope. The noble man pursues, though no doubt with vigor, tenacity, and even heroic self-sacrifice, only a narrow class of values. The life of the person of rich and diverse experience, in contrast, consists

> not in unity of effort … but in the all-round participation in values as ideal [the connoisseur], the ethical exploration of the life that understands and embraces everything [the poet], and with this also axiological richness of content and development of personality, ethical greatness in the sense of spacious capacity for everything that is in itself valuable, positive breath of valuational judgment [the "artist of life"] (*Ethics* II, Ch 16 a, 206). [Bracketed material by the current author.]

[15] Hartmann uses the word "teleology" for the human attempt to realize values. The term perhaps misleads because of the varied uses that have been made of it in Western intellectual history. We will use "purposiveness" throughout, to indicate that we are speaking of the activity of human beings conscious of their own past and their own character, having plans and aspirations for the future, and seeking to realize something of value or disvalue.

The order of relative worth of values fades in importance; rather broadness of vision, and with that a lessening of depth, characterize this spiritual boulevardier, critic, and perhaps dilettante. He appreciates all aspects of life, as Proust's Marcel enjoyed the study of the tactics of war, the symbolism of a cathedral, the mores of diverse social classes, and the origin of place-names. He is no scholar, no Christian, and has no fixed place in life that might serve as a hindrance or a limitation to his broadness of vision. Like Saul Bellow's character Humboldt, whom he calls the "Mozart of conversation," the person of this disposition finds himself at home in every context where he can draw some broader significance from the things he chances to encounter.

This richness can appear to be inwardly disengaged from its objects, concerned only with the virtuoso effects it has on others, and thereby to be lacking in commitment to and pursuit of the highest values, while taking merely an intellectual or aesthetic interest in their manifestations. This disposition effectively cancels the awe for what is great, while it nevertheless seeks to win from life the greatness of life's multitude of values. "Its passion springs from reverence for the unbounded abundance of the things that are of worth, it is knowledge filled with gratitude" (*Ethics* II, Ch 16 c, 210). Perhaps such is the Leibnizian "best of all possible worlds:" a world characterized not by manifesting the highest values alone, but the greatest unity of the greatest diversity of compossible values.

Of course, he who inwardly pursues richness of experience is faced with one great task: finding some unity in all this diversity, lest the diversity and sheer multitude of the many-sided values to which he is open overwhelm him. Some pursuit of synthesis, of some unity in the life lived, must be undertaken for this moral value to have positive effect upon the person, so that his act of appreciation does not dissolve into a kind of starry confusion. He must see himself as "a building-stone in a larger structure" (*Ethics* II, Ch 16 b, 208), similar, perhaps, to the "*Allmensch*" in Scheler's late concept who, through the clarity and diversity of his knowledge of the essential valuational and ontological structures of the world, contributes, in some unfathomable manner, to the coming-to-be of the Ground of Being itself as Spirit.[16] Yet Hartmann would have disdained Scheler's theology. For ethics requires no theology, no theodicy, no eschatology. The man of diverse moral experience can do nothing more than establish himself as a kind of moral monitor for others. He is a person in whom experience and knowledge of, and a struggle with, values both high and low, good and bad, have endowed him with depth, perhaps wisdom, but rarely with the honor due to achievement; it is the "idler's work." Yet moral conflict, however merely of an inward nature, is a necessary condition of rich experience, for it alone can discipline the receptive emotions, and thus "widen one's valuational vision" (*Ethics* II, Ch 16 c, 209).

For the sake of the value of richness and diversity of experience, even what is wicked and evil becomes part of the participation in life. What is evil does not

[16] Cf. "*Die Formen des Wissens und die Bildung*," in Philosophische *Weltanschauungen*; also Die Stellung des Menschen im Kosmos. Both essays appear in *Späte Schriften, Gesammelte Werke*, Band 9.

become good because it adds to diversity of experience, nor is evil simply part of the wise man's knowledge, though lacking his participation in it, as in Socrates' notion that the good man will know wickedness without being tainted by it. Evils are real, yet the negative values they bear should be emotionally grasped as part of possible human experience. The sufferings of the innocent are not justified because they are an inevitable part of life, but we must not turn our backs upon the sufferers and the bringers of their suffering just because the latter are evil – out of fear of being defiled by them – even in cases where we are powerless to prevent them. Hartmann calls the value of richness of experience the "axiological justification of man in his imperfection." But failure, injustice, pain, sorrow, irresolvable moral conflict are all disvalues that have a differently dimensioned quality than badness, and they are justified by and only by the depth and richness they give to a person who seeks inclusiveness, and accepts even the burden of guilt or defilement as a disvalue in this dimension. The value of this richness consists not in an agent's disengaged observation of a great dissonant variety of values in a limited unity, that of the person who appreciates them. It is rather an attempt to do justice to the myriad values with which life is full, to "win from life its greatness" (*Ethics* II, Ch 16 c, 210).

In this connection, Hartmann demonstrates the phenomenological fact that justifies Scheler's opinion that moral instruction cannot make a person good. The absolute limit to the principle that virtue can be taught, Hartmann believes, is the subjectivity not of moral knowledge, but of the marks that the moral struggle leaves upon the individual soul. No one can hand over to another his moral experience, which he has lived through and suffered, in its inner meaning. Phenomenological knowledge can of course be re-enacted by others, for it is knowledge of essence. But our struggles in life, although they point to a universal realm of value-essences beyond them, are too particular and too personal to terminate in a body of knowledge that could be taught as life's wisdom. Like Scheler, he believes that virtue requires knowledge; but Scheler believed that all knowledge consists in the adequate intuitive grasp of the values themselves in intentional acts of feeling, while Hartmann holds that the peculiar moral unity that may be found in persons of rich value-experience can be obtained only through their struggles with the stuff of life itself, and with the values that appear on each of life's conflicts. It is a tense struggle that prepares us for the kind of virtue we will find in Hartmann's ethical personalism.

7.4.4 Purity

Purity, Hartmann notes, is a clearly intuitable phenomenon, one possessing a high moral value, although it possesses no content. It exists essentially as a negation. The person who is pure of heart is characterized not by a striving after some positive value, but simply by a turning away from all evils instinctively and without understanding them. He is not tempted by the things that most of us are: possessions, honor, or power over others. Such purity cannot be striven after, just because it is a state in which striving to reach goals of some kind does not exist. If the pure man

nonetheless aims at some end, he does so naturally and without reference to his own self as the bearer of moral values; he is not self-reflective. The pure do not conquer evil, for although they are aware of it as such, they are not tempted to confront it. Unlike Kant's man of good will, who acts for the sake of the moral law over against whatever he may be inclined to do, the pure man feels no inclination to act otherwise than he should; he follows the moral law spontaneously. To that extent, he has no moral merit.

Nevertheless, Hartmann notes that the pure in spirit have an immense goods-value, for they draw goodness to themselves, as does Jesus in the Gospels: "Nothing works so powerfully, so convincingly for the good, and so transforms others in their inmost character, as the mere presence of a pure-minded person who goes uninhibited in the direction of righteousness just as he sees it and understands it in his simplicity" (*Ethics* II, Ch 17 c, 214). He is only a monition, a wandering conscience for the impure mind. Like an angel come to life, he reminds us that goodness is possible, even easy, for human beings. For the man hardened by his diversified experiences in the realm of values, the pure man represents to him, even in his spiritual poverty, the possibility of redemption for which he longs, but which he can never achieve. Like childhood, once spiritual purity of soul is lost, it can never be regained.

To this attractive picture of purity we may make two related objections. First, when the man of experience, hardened if not by sin and guilt then by the moral ambiguity of many of his life's enterprises, longs for moral purity, he does not wish for moral and spiritual poverty. He wishes, rather, to stand apart from the evils of this world and the objects of temptation aroused by the passions. He desires to achieve such a state not by failing to understand such things, but by having overcome his ego, which is the origin of suffering, defilement, and moral pollution that ties us to the things we desire to have for ourselves. By denying that the search for spiritual purity is possible, Hartmann misjudges its nature, and dismisses the thousand-year old traditions of Buddhism, in which learners appropriate through long discipline the purity of the Buddha, who was not simple-minded, but ego-less. They do so by disengaging their spirit from the ego, such that the latter dissolves and the mind becomes free of the selfish craving that defiles it. Second, the longing that the sinner feels for purity of heart may easily lead to a weary cynicism that destroys the capacity of the sophisticated man to believe in his own moral worth. Recognizing the moral ambiguity of his own actions, he smirks at all spontaneous idealism, and where it is not the genuine purity of a child, he comes to consider it as a fraud that conceals greed, lust, or the desire for power. If he is nonetheless successful in attaining inner purity, it is not reached, as Hartmann correctly observes, by realizing some specific value. Rather the attainment of moral purity requires the transformation of one's own Ordo amoris through the acquisition of new moral insight, and overcoming the particular ego-cravings that distort one's moral vision.

Although purity as such cannot be striven after, Hartmann notes that it can be preserved at least in part, for purity and impurity are contraries, and do not exclude each other entirely. Only in its extreme form, as with children, is purity lost forever once moral experience is gained. In its less extreme forms, purity stands in a dialectical relation with the value of richness and diversity of experience (*Ethics* II, Ch 17 f, 220).

Both are characterized as lacking purposiveness and, as contrasting forms of the ethos, they require each other. As the mature, tested person may long for the simplicity of childhood, so too does the growing child sense and long for the rich life of its elders. Each is the "inner destiny of its own ethos" (*ibid.*). As value phenomena, they cannot be synthesized; they have no higher resolution, no redemption; sin cannot be washed away, and adulthood cannot be purchased. Any synthesis will be due to the human subject himself, where a person manages to retain something of innocence and purity amidst his complex and burdensome moral experience.

Despite the impossibility of recovering purity, to the experienced man there is still a vast realm of virtues that can be honestly and selflessly striven after and attained. In this striving and attainment, the goodness of the agent's moral virtues appear "upon the back" of his actions. In this attainment, the virtues "hover" over her character as the consistency of her intentions. And to the phenomenology of these virtues we must now turn.

Chapter 8
Virtue Ethics

Virtue-based ethics distinguishes itself from all rule-based ethics, whether formal, like Kant's, or eudemonistic, like utilitarianism, in its deeper penetration into the being of the person. Its primary concern is not with the actions of an agent, which it nonetheless pretends to encompass, but with the agent's basic moral tenor and his competence or effectiveness in translating the moral tenor into concrete actions that aim to realize or destroy goods bearing the values and disvalues that his emotional acts intend. Whereas rule-based theories, or theories of obligation, are intended to evaluate, according to universal norms, merely the actions of all persons in every road of life – all persons, whatever their circumstances, are commanded not to lie, or to increase the total human benefit wherever possible – virtue theory often adjusts its moral judgments of agents with their circumstances. What counts as temperance, say, or as brotherly love, will relate to the entire narrative of an agent's life, whose circumstances condition the form of expression such capacities may take. Virtues are therefore carried not by specific actions of an agent, or by his intentions having a specific aim, but by the more or less permanent attitudes directed at the life-conditions in which the agent ordinarily finds himself. The expression of a single virtue may take on different shapes in different communities without the loss or submersion of its a priori content.

It is the aim of material value-ethics to exhibit the a priori content peculiar to each virtue. The description of how these virtues become functional in different communities is one of the tasks of Scheler's sociology of knowledge; Hartmann confines himself to an examination of their content and their interrelationships as he seeks to find some order in the many-dimensional table of moral values. Yet it is important to call attention to this historical variability of the virtues – a variability in their forms and functions, but not in their essential nature – which is unknown or marginalized in theories of obligation.

When the virtues first became objects of systematic study, their description and the ordering of their relative worth corresponded to the ethos of the inquirers. This is not to say that the virtues are relative to a particular period and not to others; each

E. Kelly, *Material Ethics of Value: Max Scheler and Nicolai Hartmann*,
Phaenomenologica 203, DOI 10.1007/978-94-007-1845-6_8,
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epoch and each class has a table of virtues that it hangs over its children. The social, political, and intellectual conditions in which the virtues appear or call attention to themselves vary, of course, from one epoch or one people to another, and these affect the appropriation of values – their becoming functional among them. Some of the virtues that Hartmann exhibits appear in epochs uncongenial to them, or do not become functional at all, for the forms of life needed to make them effective in the demands they place upon human behavior may be lacking, as we noted in the preceding chapter. As we have noted, the value of nobility usually appears among aristocratic descendants of warrior castes. The forms nobility took among those people – deference to rank, warlike demeanor, specific tastes in art – will hardly be effective in a modern state. In the conditions typical of republics today, nobility appears in the way defeat or victory in war, politics, or sport may be lived out, or the responsibilities and obligations of high office accepted without demur. The chivalric code of virtue under which Don Quixote lived lacked, in his day, the forms of life that once made such practices reasonable and genuinely noble; that is one of the reasons why Quixote's ideals and his behavior in their service are so amusing to us. But the a priori value-content of these ideals had not in every case ceased to exist; they often took on different forms and blossomed anew in social structures, ones that were congenial to those forms, without, perhaps, suspecting their historical provenance or the conditions under which they were first discovered.

Hartmann extracts from Western history some twenty-four virtues. They are taken from the Platonic and Aristotelian corpus, the Christian tradition, and from modernity. We will not attempt to analyze each of them, but we will identify a good number of them in terms of their significance within the entire realm of moral values as Hartmann presents it. Finally, we will engage critically with Hartmann when he resubmits to inquiry the question of the possible unity and order of values.

8.1 The Platonic Virtues

Every college student can identify the virtues that are topics of analysis in Plato's *Republic* and throughout his Socratic dialogues: justice, courage, temperance, piety, and wisdom. Plato believed that these virtues and their corresponding vices characterize not only certain individual persons, but also some entire social orders, those of the Greek *poleis*. Hartmann is primarily concerned with the forms these virtues take in shaping and governing behavior in individuals and in social units, but especially as forms of moral categories, even where they do so as standards for systems of positive law. Justice in this latter sense, however, is not a moral but a situational value, that is, it functions in the good shared by all who live under a just legal order. For that reason, Hartmann believes, the *polis* or state itself cannot be "virtuous," that is, cannot carry moral predicates, only individuals can. Plato himself was quite aware of the distinction between private and public virtue. Hartmann notes that when Socrates argues against the sophistical claim that justice is nothing more than a useful situation in which a citizen can claim his "rights," he asserts that it is better

to suffer wrong than to do wrong. With this remarkable idea, Socrates understood justice to be a moral value that constitutes the dignity of the person, that is, as one moral excellence of the person (*Ethics* II, Ch 19 f, 230).

8.1.1 Justice

Justice was for Socrates the highest of the virtues. In one sense, however, justice is not the highest value but the lowest. To advert to its content, like adverting to the value of goodness, is to say very little, for its content is minimal. Justice normally serves, Hartmann and Scheler believe, merely as a prohibition, not as a positive ideal. We ought all of us to be good, and we ought all of us to injure no man: this admonition is merely conservative of the lower goods-values, such as property, life, family, and liberty. The prohibition of injustice is of course categorical, but it is difficult for us today to find in the virtue of justice the highest health and beauty of the soul, as it seems to have been for the Platonic Socrates. Justice merely gives scope for the higher moral values by guaranteeing to each of us the continued possession of those goods that make the higher virtues possible. The laws that require conformity to decisions of the state are in fact counter to morality, insofar as they coerce and enforce behavior that, if it is moral, must emerge from the agent's free intentions. We see here on a more complex level the truism that the virtue or vice of the intention does not depend on the value of what is intended. The theft of property by one person from another does not depend for its immorality on the value of what is stolen, but upon the intention to dispose unjustly of another's property, and thus to violate that person's sphere of right. The inviolability of that sphere does not make its violation by due process immoral (say by exercise of eminent domain); the immorality lies solely in the intentions of the thief.

Just laws are not merely objective goods-values that guarantee to all, as best they can, the fundamental needs of life. Justice plays a further role in our moral life, one that ties it to the community at large and makes the community a moral order not of itself, but of its members. That is the value of solidarity, the indwelling of a common will to make and maintain the law, and to accept responsibility for criminals. For the citizen is not only subject to the law, he bears responsibility for it. The constitutional order of a nation and its treatment of those who trespass against it express a common moral intention of its citizens. The fundamental form of that order is cooperation. When a people agree to be ruled by the laws generated by their own moral reasoning, where those laws are at least minimally rational and recognized by most citizens to be just, they achieve a moral good that is far greater than mere social order. Solidarity "is the strictest and most absolute value conceivable in its universality, because the uniformity of the dominant moral claim inheres in its very essence" (*Ethics* II, Ch 19 e, 237). The dominant moral claim may be disputed by individuals, as happens in times of social conflict, but even then, there is room for a cooperative enterprise that may be more or less just.

8.1.2 Wisdom

As the ancient world developed beyond its Hellenic roots, the concept of wisdom as a moral value lost the importance that it had for Plato, who considered it the means by which the highest desire of the soul, the rational desire for knowledge, most efficiently reach its object. Wisdom was therefore conceived both as the manifestation of a living urge and as its attainment. In time, the wise seeker after knowledge was thought to be its master, and, since the possessor of knowledge was presumed to be better able to act effectively than the unwise, wisdom, Hartmann notes, came to be falsely identified with prudence, or shrewdness in worldly matters. These confusions have led to a profanation of what is a "high and genuine ethical ideal, a moral quality of a unique kind" (*Ethics* II, Ch 20 a, 238). For wisdom, such intellectual values as insight, truth, and knowledge are instrumental only when they serve the inner quality of wisdom; insight into disparate things, many truths, vast bodies of knowledge, are of secondary interest to the wise man. His mind seeks out the characteristics, the values, and, especially, the possibilities in things, where they are not visible in the given situation. He possesses an intelligent curiosity: he knows, we might suggest, how to ask good questions.

Much like Scheler's identification of love as the pioneer of the mind that discovers new and higher values in given things, so does the wise man, impelled by Plato's notion of Eros, greedily absorb all that the world has to offer that is lofty, interesting, and delightful. Like the Epicureans, he rejoices in the things nearest him; like the Stoics, he is selfless, but by nature and not by training. He is a synthesis of the Stoic and Epicurean ideals of the Good Life. He is absorbed in the world and not in himself, but he demands nothing of the world that he cannot live without: he is not fearful of loss or hopeful of gain. His virtue does not consist in knowledge alone, for, unlike Scheler's Socratic intellectualism (Cf. Chap. 5), the wise man recognizes that virtue requires resolution, effort, and what we properly call strength of character. His essential characteristic, according to Hartmann, is best conveyed not by the Greek *sophia*, but by its Latin translation as *sapentia*, which includes the notion of taste: "*Sapentia* is moral taste, … the refinement of moral capacity insofar as this capacity, directed towards fullness of life, signifies appreciation of everything, and an affirming, evaluating attitude to whatever is of value" (*Ethics* II, Ch 20 c, 239). The wise man is happy, but not because he seeks happiness; it is the natural effect of good taste, independence from external goods, and the fullness of a life of inquiry and appreciation.

The term "wisdom" is rarely used today except ironically, or as a term of derision. But Plato's examination of the nature of wisdom discovered it to be the achievement that enables reason to seek effectively what it desires, *viz*. understanding. That same excellence functions today in the learned capacity of the scientist or other researcher to conduct her research well. Her wisdom consists not in the knowledge she has accumulated and extends, but in her ability to understand and to apply with energy and an open mind the scientific method that is appropriate to her field. Wisdom, like nobility, is not dead; those material values still govern judgments of the moral qualities of men and women, but they have taken different forms and are applied to new materials as social arrangements change.

8.1.3 Courage and Self-control

These two are "enabling" virtues, in that they make possible the achievement of moral values. Without courage, the wise man would become a mere observer of the world and a profound observer of its values, much like a critic who understands and appreciates the values presented to him at a museum or a theater, but who would not engage with them publically in writing or oratory. That engagement takes some courage, for the critic makes himself a target. Similarly, a person lacking *sophrosyne*, self-control, will never achieve a platform for moral action; his actions are determined by his passions or impulses, rather than by the rational self who takes charge of its passions. However, courage and self-control are not conditioning values; they are genuine virtues that are visible on those of an agent's actions that involve either risk or passion or both.

Courage involves a spirit of adventure and the ability to take risks for the sake of higher values than those that would be lost if the risk were to fail. Hartmann adds to this quality the spirit of perseverance and tenacity. The Greek term *andreia* derives from the manly courage demanded by war, but it has come rightly to refer to the ability to fight for what is of high value or for right to prevail, even at the cost of safety, comfort, life, and acceptance by one's fellows. Courage, like self-control, allows a person to be not self-directed but outward-directed, towards the goals of action and the risks they require. Its happiness lies in having courageously taken on responsibilities for others, in being able to bear up, for their sake, against disasters, sacrifices, temptation, and possible guilt in the case of failure. Self-control is directed inward, but it is not just the suppression of the drive for pleasure or for honor. The drives, Scheler notes in his late work, are not necessary evils that must be overcome; they give us rather the material, or the energy, we might say, that must be transformed purposively for the sake of living a valuable life.[1] The ancient ideal of *apathia*, or the Christian ideal of asceticism, taught that we must dismantle the drives, such as those for honor or property, so that we may have inner peace or freedom for prayer. Yet the drives make an active engagement with life possible. What is required is not the destruction but the reconstruction of the affective life, the harmonizing of the disparate demands it places upon our behavior. Self-control is its handmaiden: it redirects and refines the drives so as to make conscious purposive action and the autonomy of the human agent possible. Such a man is steadfast and predictable, just because he is in control of himself. As Nietzsche noted, such a man is able to make promises.[2]

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[1] Scheler develops the Freudian concept of sublimation for this purpose. Cf. *The Human Place in the Cosmos*, *op. cit.*, 47–51 and *passim*.

[2] For an example of Nietzsche's teaching on this point, cf. *Zur Genealogie der Moral*, 2, § 1.

8.2 The Aristotelian Virtues

Plato chose to analyze the virtues that were assumed by most Greeks of his time to be the foundational values of persons and *poleis*. He appears to have been moving toward a systematic theory of the unity of the virtues, in that each is a necessary and sufficient condition of the others: if one possesses one virtue, one will have all the others. All of the virtues could then be shown to fall under the highest category or Form, that of the Good. Aristotle's approach to the virtues begins not with the direct intuition of the virtues themselves and then the demonstration of their foundation in reason, but with the investigation of the virtues as they appear upon persons. He then attempts to draw general conclusions about them. However, he applies as a heuristic device an ingenious structure to assist us in his analysis. A schematic of oppositions among human passions directs our attention towards the places in which virtues should appear before our minds. In some cases, we do not have words either in Greek, German, or English for the points to which our attention is directed. A word may be coined for them, if in fact we are able to discern there the value-element in question – a word to serve as a placeholder, as it were for phenomenological experience.[3] Hartmann describes Aristotle's procedure as follows.

8.2.1 *Aristotle's Procedure*

A virtue is said to be a mean between two extreme ways of responding to an affective state, *viz*., one in which a good or evil of some kind is presented to us, and we are strongly motivated to pursue or to flee it. To pursue or to flee a thing in an unmeasured or extreme way is a vice; virtue appears upon an agent when the measure of his or her response is near the mean of the two extremes, the *mesotes*. Thus, for example, Aristotle locates the familiar Greek wisdom of "moderation in all things" as the mean of behavior when goods or evils are presented to agents and cause affective responses to them. Moderation stands between the vice of apathy or dullness, a deficiency of response to an affect, and the vice of licentiousness, an extreme response to a strong emotion. Greed is a form of licentiousness that a person exhibits who responds excessively to the natural desire for material goods; placid indifference is a form of vice that consists in the deficiency of the natural desire for the enjoyment of the goods of life. Of course, the degree to which we judge an agent vicious in the latter case will vary with the extent of his indifference to wealth or his greed, and with the nature of the goods he desires or to which he is indifferent, but the nature of the vice is the same in all cases. Aristotle notes also that

[3] Gadamer once noted that Hartmann found in Aristotle "eine Art von phänomenologischen Helfer bei seiner von Max Scheler inspirierten Ablösung vom Neukantianismus." Hans Georg Gadamer. *Gesammelte Werke*, Band VII. *Plato im Dialog* (Mohr Siebeck, 1991), 121.

the mean may lie slightly off-center, that is, inclined toward excess or deficiency, depending on the virtue in question. The *Nicomachean Ethics* explores twelve virtues, five of which are nameless, each as a mean between extremes. Aristotle tells us neither whether his list is exhaustive nor whether all possible virtues are a mean.

Hartmann analyzes a few of the Aristotelian virtues that fit this model of a mean between extremes: courage is a mean between cowardice, the deficiency of self-confidence in the face of danger, and foolhardiness, the extreme of self-confidence. These arise from the frequently conflicting natural desires of self-preservation and self-assertiveness. An interesting case is *nemesis*, which Hartmann translates as "morally justifiable participation in what befalls others, in their happiness and sufferings" (*Ethics* II, Ch 23 e, 262).[4] It is like justice, but it does not aim at another's behavior or possessions, but at her happiness or unhappiness. We do not appear to have a single term for this virtue, though it stands between two familiar extremes: that of rejoicing in other people's misery, which we call Schadenfreude, surely a vice, and that of being miserable at another person's happiness, which, in certain conditions is close to what we call envy, surely also a vice. But Aristotle appears to see that the situation here is more complex. True *nemesis*, which we might try to capture with the term "disinterestedness" in judgment, is not marked by misery or happiness at the sight of another's fortune or misfortune, but rather by confirming in our own emotions the rightness by which some person, in whose fate we have no stake, gets his just deserts – gets "what he has coming to him." Whatever term we use to describe it, Aristotle has clearly seen a moral feature of persons that exists in the direction of nobility: "There is such a thing as a right attitude towards another's enjoyment and suffering, … a kind of inward justice which enters sympathetically into another life, in proportion to his worthiness and desert" (*ibid*.). In all cases, virtue does not require, in Aristotle's view, as much knowledge as it requires training that prepares us both for insight and for action, for rational self-control, circumspection, and the proper attitude towards the world and oneself. Virtue does not come naturally or easily to us, but it does not appear to be essentially corrective, either. Human nature is not recalcitrant, but it requires training to perfect.[5]

8.2.2 A Problem: Ontological and Axiological Dimensions of Virtue

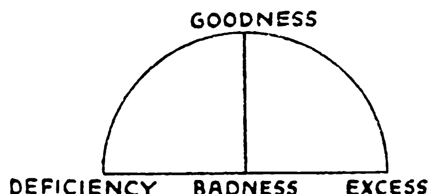
However, there is a problem with Aristotle's procedure. Courage is said to be a mean between two extremes. But if courage is a mere mean between the extremes of excess and deficiency, then courage itself must not be an extreme; extreme

[4] From *nemein*: "to get what is due."

[5] For an account of recent discussions of whether the Aristotelian virtues are essentially remedial or corrective, cf. Paula Gottlieb, *The Virtue of Aristotle's Ethics* (Cambridge: Cambridge University Press, 2009), I, 3, 52 ff.

courage (as opposed to foolhardiness) would have to be a vice, whereas of course it is not. If we extend this thought to other examples of virtues that function as a Golden Mean, we see that paradoxically it would be wrong or vicious to be too virtuous or too good. Aristotle solves this problem, Hartmann claims, by his doctrine, "virtue (*arête*) is a mean, considered ontologically, by reason, but it is an extreme considered from the point of view of the best and of the good generally."[6] There cannot be too much goodness.[7]

This distinction between the ontological and axiological features of virtue suggested to Hartmann that Aristotle had discovered where the ontological and the axiological realms cross, like lines. In an unpublished doctoral dissertation of 1923,[8] Maria Louise von Kohoutek, a student at Marburg where Hartmann was a professor, developed a genial technique for presenting Aristotle's root idea, a presentation that Hartmann developed to make remarkable extensions to the theory and phenomenological technique of material value-ethics. She employed a diagram that can be rendered as a hemisphere standing upon its horizontal diagonal, from which a perpendicular is dropped from the apex to the center of the diagram.



The horizontal represents the ontological dimension; they are the measures of the behaviors of an agent regarding his or her response to some affect, from the deficiency on the left to the excess on the right. The vertical line represents the axiological plane, in which a human character or action and the emotion it prompts may be preferred or thought less of. The degrees of moral approval or disapproval are marked by the height of the points on the hemisphere that rises from the left of the diagonal to meet the perpendicular at the apex and falls to the diagonal at the right. Thus for Aristotle, the essences of each of the human excellences consist in their double position at the apex, midway between the extremes on the ontological plane and at the axiological height. This is the place of the Golden Mean; it is a form of conduct and character, and is a bearer of moral value. For when the evaluative dimension is added to human action, we reach into a different plane than the ontological, that is, into the axiological dimension, that designated by the arc extending

[6] *Nicomachean Ethics*, II, 6, 1107a, 5–8.

[7] Again, it is apparent that the quality of a virtue – the amount of axiological value we attribute to an agent's basic moral tenor in some set of circumstances – may vary independently of the goods that it aims at.

[8] Maria Louise von Kohoutek. *Die Differenzierung des* anthropos agathon: *eine Studie zur Werttafel der* Nikomachischen Ethik (Marburg, 1923).

about the vertical axis. The degree of excessiveness or deficiency of an act may lie anywhere along the ontological plane; its position there determines its position on the axiological arc. Perfect self-control, the "middle" between extremes, manifests itself axiologically as the apex of the hemisphere, the Golden Mean between the measurable behaviors of the agent with regard to the feeling states corresponding to the virtue. *Arête* is therefore neither qualitatively nor ontologically extreme; it is the axiologically highest point from which there can be descent in either direction. Virtue has its foundation in something real, human passion and behavior, but it extends into the axiological or normative realm of material values.

This heuristic schema allows us to explore in feeling the many varieties of human goodness and wickedness. The exploration would proceed phenomenologically, not linguistically or empirically, for both language and our judgments of persons and situations are possible only because of a prior intuitive awareness of values and meaning, which are precisely the objects of phenomenological reflection. As Scheler insisted, only the self-givenness of a value to intentional feeling can give us the value itself. The schema suggests *where* we may profitably turn our ray of affective consciousness to seek out and re-experience virtues and vices intuitively. In that way we redo systematically what the human spirit does in any case: we seek out the permanent values in things and in persons.

8.2.3 The Minor Virtues

Aristotle's notion that ethical values appear at the intersections of two realms as a Golden Mean between the axiologically excessive and deficient responses to our ontic passions, or affective states, is especially useful, Hartmann observes, when the virtues are "more special and less central." Thus, Hartmann continues his critical survey of the minor Aristotelian virtues of magnanimity, liberality, ambition, and shame, each of which can be seen as a mean between excess and deficiency. Aristotle is careful to note that these virtues do not apply to each person equally. Shame is a passive emotion that is appropriate to the young, but it is a mean between the vices of shamelessness and what we would call today "rationalization," i.e., a denial of responsibility for one's shameful acts. A wealthy man who cares for every penny is a miser, for, example; he suffers from a deficiency regarding the feeling-states aroused by money. The virtue here is liberality and generosity. A poor man who cares for his small resources would of course be considered thrifty, a virtue for the poor, while miserliness is a vice of the rich. We should note parenthetically that it is possible for a poor person to be a miser; one need only search in Dickens. For cases of that kind, we would normally be willing to forgive such overvaluation of wealth as the product of deprivation. Their receptivity to this variety in our moral judgment demonstrates that neither Aristotle nor Hartmann intend to apply the schema mechanically; it serves simply as an aid to seeing. For it is intuitively clear that some virtues may experience a shift in their relative value as the condition of persons to whom they apply varies. In this instance, the moral tenor associated with the

negative value of miserliness shifts on the axiological dimension to the positive value of parsimony where the conditions of the bearers of these moral values shift with respect to their possession of money as the ontic basis of this virtue. We have already seen how the negative values of inertia, or a refusal to act, so well personified by Goncharov's remarkably lazy character Oblamov, may shift to a positive value where it is a question of the moral steadfastness we observe in persons of strong character and self-collection. Such shifts, and the contrasts they produce in the axiological dimension, will play a role in Hartmann's return, at the end of Part II of his *Ethics*, to the question of whether moral virtues possess a systematic structure. There too von Kohoutek's diagram gives us a visual presentation of a possible integration of moral values.

8.3 The Christian Virtues

These virtues, unknown or neglected in the classical world, ride upon the peculiar moral insights the Jews and early Christians brought to the collapsing civilization of antiquity. Nietzsche argued famously in *The Genealogy of Morals* that early Christianity's resentment of Roman power caused them to turn the values of antiquity on their heads, such that the palm of virtue was given to the weak and humble rather than to the proud and powerful. In a footnote, Hartmann agrees that Scheler's essay on *Ressentiment*[9] successfully refuted Nietzsche's position by showing that the specifically Christian concept of brotherly love, at least, is without foundation in the classical virtues (*Ethics* II, Ch 24 d, 273fn). Indeed, the contrast between the two tables of values, the Greco-Roman and the Christian, is striking. No doubt, the remarkable broadness and complexity of Western moral teaching, and the frequent value-conflicts that take place within it, derive from the long effort to accommodate one to the other. Judeo-Christian values normally function in the laws that govern behavior (as exemplified by some of the Ten Commandments, which place restraints upon what one may do) and not in a table of virtues, which identify what kind of habitual tendencies to action we ought to possess. However, it is possible to abstract a table of material values descriptive of Christianity's way of life and the permanent moral attitudes and developed capacities it teaches and fosters. Hartmann identifies these material moral values as brotherly love, truthfulness, trustworthiness, fidelity, trust and faith, modesty, humility, aloofness, and the values of social intercourse. We will consider his treatment of these briefly.

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[9] "Das Ressentiment im Aufbau der Moralen," *op. cit.*

8.3.1 Brotherly Love

This is the German *Nächstenliebe*, the translation of the Greek *agape*, which is the term Jesus uses in the New Testament Greek when he commands us to love one another. It is usually translated into English as "charity," and understood as the virtue that aims at the highest good of one's fellows, perhaps specifically expressed in action intended to foster their salvation. This value and the love of God are the two highest values in Christianity. *Agape* contrasts, according to Hartmann, with justice as the highest value in Classical Greece. Hartmann does not wish to claim that Christian values in general are higher than those of antiquity, but he finds it obvious that *agape* is a higher value than *dikaiosume*. Perhaps his belief derives from the more personal quality of charity than that of justice, and is thus closer to the ethical personalism towards which material value-ethics tends. Brotherly love is still not entirely personal, however, and for, the sake of ethical personalism, will need to be supplemented by a phenomenology of personal love.

A difficulty presents itself to Hartmann: The transcendental orientation of Christian values makes it difficult to extract their purely moral content. The Aristotelian virtue of temperance or moderation that emerges from reason's successful overcoming of passion is "submerged" by Christianity under the religious teaching of sin and grace, of humankind overcoming the fallen state by the grace of God. Similarly, the virtue of courage is submerged under that of faith (*Ethics* II, Ch 24 a, 267). Both temperance and courage are forms of steadfastness in adversity, as is reliance on God in the face of sin. Brotherly love, however, is a new moral value. It is not to be confused with the erotic love of another, or with the love of a friend, or, even less, with the Stoic notion of friendliness. For *agape* aims at the universal in humankind, and is not directed toward a lover or a friend, but toward whomsoever one may encounter. It contains no reference to the quality of the encounter, or to the personal love, intimacy, or friendship it manifests, for it aims solely at the other's well-being for its own sake. Brotherly love manifests itself in "consideration for [the other] as a person, in intercession for him as for oneself" (*Ethics* II, Ch 24 a, 268). It is close to Scheler's concept of solidarity, in which each member of the community takes responsibility for himself and for all the others. For Scheler, *agape* in this form characterizes what he considered the highest form of human community.

We recall that Scheler was concerned in his doctoral dissertation with the conflict between truth in science and truth in morals. A specific example of such a conflict was precisely that between the demands of the moral values justice and truthfulness, on the one hand, and the demands of the values of love and mercy on the other. Similarly, Hartmann notes that justice is concerned only with recognized claims and the rights of others, and not with the personal being of individuals. Brotherly love is concerned with the person him or herself, and for his own sake, without respect to his rights, deserts, or worthiness.[10] Hartmann does not attempt to resolve this conflict.

[10] Scheler noted at one point the "amazing" concern of Jesus for thieves, whores, and moneylenders.

He notes only that while Kant's Categorical Imperative tried to bring the morality of law in conformity with the morality of loving intentions, it "remained suspiciously close to justice. It could not draw into itself the spontaneous creativeness of love" (*Ethics* II, Ch 24 c, 271).[11] Justice, as we have seen, is negative; it is founded upon legal trespass and issues prohibitions and exacts punishment. Brotherly love assumes the sinful nature of humankind, but it is positive, embracing, encouraging, and ready to forgive. The content of brotherly love is richer than that of justice, just because it peers into the heart of a sinner, and seeks the light of his personal good without loving him personally. Justice sees the accused simply as a citizen of the community, and is blind to the personhood that stands before the bar; for it aims only at the communal good. Justice refers to law as its criterion of judgment, brotherly love to the intentions of the agent, whose actions emanate from a center to which the law is and must be blind.

In agreement with Scheler's analysis of the self-transcending of persons in *Wesen und Formen der Sympathie*,[12] Hartmann notes that *agape* penetrates the veil that separates persons. It enables one person to enter the emotional life of another, and pass the sphere of feeling of one person to that of another. This mysterious possibility of self-transcendence in brotherly love is the foundation of personalist ethics while lacking its normative element; the brother loves his brother freely. But here Hartmann is content to insist only upon the autonomy of brotherly love as a basic value-phenomenon, one that is irreducible to the good to others in which it may result, or to its outcomes in general. Christ, we recall, made no effort to assure that the adulterous woman he freed from stoning in fact "sinned no more" and did not go on to destabilize many more happy families. But brotherly love, whether successful in a worldly way or not, increases the joy we all feel when embraced by a loving community, and it enables us to feel that our personal fate in life is not a lonely affair, untouched by the genuine unconditional concern for us of persons beyond our immediate family and friends.

8.3.2 Truth and Truthfulness; Reliability and Fidelity

Some years ago, the Princeton philosopher Harry Frankfurt had an essay entitled *On Bullshit* reproduced for the public, and it quickly became a best seller of sorts. Frankfurt defines bullshit provisionally as talk having "lack of connection to a concern with truth, an indifference to how things really are."[13] He notes that this lack of concern with truth comes "short of lying." Indeed, we may be offended by talk

[11] A related sentiment is expressed by Scheler in his brief essay on Kant, "Vom Verrat der Freude," *Gesammelte Werke*, Band 6, 73–76.

[12] Max Scheler, *Wesen und Formen der Sympathie*, *Gesammelte Werke*, Band 7, A IV 3, 79 ff.

[13] Harry Frankfurt, *On Bullshit* (Princeton: Princeton University Press, 2005), 33–4.

without concern for truth and we turn away from it with impatience or irritation, but a lie, once uncovered, "causes outrage in its victim, and a sense of having been violated" (50). Hartmann offers a phenomenology of the virtue of truthfulness (*Wahrhaftigkeit*) that shows why this is so.

The good that truthfulness aims at is truth, which is the non-moral value of knowledge of some existing state of affairs; it is a goods-value insofar as knowledge has practical importance. Lies, the "bearing of false witness" of the Ten Commandments, are products of the intention to deceive another person for one's own benefit. They can be told not by words, but by one's comportment, insofar as it conveys a conviction one does not possess, or even by silence. The person lied to feels outrage not only because he is led astray, but because his having been led astray and caused harm was the intention of the liar. In the lie, the one lied to senses lovelessness, a lack of brotherly love and of moral solidarity where he had thought they had existed. To be unloving is to lack a virtue, but to pretend such brotherly love when it does not exist at all is an odium that extends beyond lovelessness: we are forced to change our opinion of the liar. He lacks integrity, he cannot be trusted; his "worth as a witness is impaired" (*Ethics* II, Ch 25 a, 282). Our opinion of the person who lies is further lowered by the cowardice that inhabits all lies. The liar wants something that he cannot obtain straightforwardly. Truthfulness requires courage. No doubt, one can lie out of a loving concern for the person lied to, as when one lies to a child to shelter him from a truth that he could not manage, or as one tries to achieve some supposed higher value, such as the security of the state.[14] Yet then the relation of trust is forever impaired: a person willing to tell lies to another on one occasion may do so again at any time.

Reliability (*Zuverläßigkeit*), fidelity, trust, and faith, are important virtues in Christianity, though not as peculiar to Christianity as is brotherly love. Trustworthiness is the virtue which, when perceived in a person, inspires in others a willingness to believe in his word; his statements of what he will do are accepted as his real intentions, whether he is able to carry them out or not. His word is his guarantee. Trustworthiness is essential in the constitution of continuing selfhood, for outsiders experience this virtue in a person as a constancy of will that does not change with the circumstances of the agent. To be true to one's word is to be true to oneself, to the person whose words they were. Fidelity is a wider virtue, for it does not relate only to one's words, but to one's relationship to other persons in general. "Every avowed disposition – good will that has been shown, love that has been manifested – carries with it the expectation of its own continuance" (*Ethics* II, Ch 26 c, 289). As Scheler argued, love is always *sub quadam specie aeternitatis*, and not the manifestation of a transient mood that is genuine only in the immediacy of its feeling but has no reference to the will of the person, whereupon love, like honesty, becomes a fraud.

Trust and faith are the virtues of the recipient of the one who receives avowals of intentions from another person. The Christian virtues of trust in God and faith in His

[14] We recall Hartmann's treatment of the "noble lie," *Ethics* II, Ch 25 b, 283–85.

word honor God in their execution; in them the believer surrenders himself to what he perceives as unlimited and unconditioned being whose perfection is incompatible with the intention to deceive. "This gift [of trust] is comparable to that of love, and, as a value, can even transcend it" (*Ethics* II, Ch 27 a, 292). For in trust, we do not merely love, we put our lives into the hands of the one trusted, and this presupposes our moral strength. Dante quite rightly placed those guilty of betrayal in the deepest circle of Hell. Faith functions to strengthen the will to do good, insofar as others may be inspired to measure up to the faith placed in them. When trust is reciprocal, it is the foundation of friendship. Far more than purity and simplicity, it is the foundation of optimism and hope. Trust, when it occurs in a morally mature person, is not the product of innocence, yet it innocently seizes upon the good in others, thinking that its expectations will be fulfilled. Trust and faith can, Hartmann also argues, easily become a vice where the trusting and believing person has no adequate justification for his willing reception of another's word. The value then shifts; it is then called gullibility, foolish credulity, or, at the least, imprudence.

8.3.3 Humility

Hartmann considers the virtue of humility, commended in the Beatitudes, along with modesty and aloofness (*Distanz*). As Scheler dedicated part of an essay to humility and reverence, we will use the two men's phenomenology of this virtue to supplement one another. Hartmann initially treats modesty, humility, and aloofness as counterbalances to the other Christian virtues, which, insofar as they are all forms of a charitable concern for another's well-being, may become aggressive, and impose too strongly upon the private sphere of others. Aloofness is needed to keep this tendency, where it exists, in check. The case is similar to that of the classical virtues of wisdom, justice, valor, and pride, which have a "secret tendency towards vanity and haughtiness" (*Ethics* II, Ch 28 a, 298). Here modesty and humility are required as a "counterpoise" to the temptation to overextend one's power of action. It is notable in the Socratic admission of ignorance and, further, in Socrates' assumption of his interlocutor's own moral worth. It is important, Hartmann notes, not to confuse modesty with humility. The modest person is always aware of values far above what he has achieved, for his eyes are always raised upward. He measures himself not by others, but by standards he recognizes as the highest, even if he is unable to achieve them. In this, he distinguishes himself from self-satisfied and arrogant persons, whose aims are far lower, for they wish only to trumpet the achievements they already possess. The modest person is capable of feeling reverence for the value of moral saintliness and for the persons in general who bear a higher worth than he does. Humility, in contrast, has no reference at all to the achievements or moral status of others. It lies rather in the recognition that one always falls short of the highest values and their infinite possibilities, indeed of the Infinite itself, which a person can discern cloudily but never grasp. Humility and

pride are not antinomies, for a person needs to feel pride lest his humility become self-abnegation, and yet feel humility lest this pride became arrogance and vanity.

Scheler's phenomenology of humility and reverence is both more grandiose and more fundamentally Christian than Hartmann's.[15] Humility is the willingness to serve in the great affairs of life, a willingness to place oneself beneath all things and assist them to achieve their own perfection. It is the key step in the imitation of Christ, in whom God freely became man, giving up greatness and majesty to become the free and joyful servant of every one and every creature. The humble person "lets go" of her ego, dimly confident that this selfless imitation of the divine may serve her own salvation. This is not to say, Scheler adds, that through humility we make ourselves *worthy* of salvation, or of eternal happiness. For the truly humble man, every joy is a gift. A certain pride is fully compatible with humility. Scheler agrees with Hartmann that pride even in one's wealth or family is natural and proper. Pride becomes demonic only when it is pride in one's own moral value as supreme; that is the vice of the fallen angel. Such a man looks down upon everything until he has only his naked self to admire – and finds it empty of value! Since he looks down even upon the picture others have of him or upon his role in society, he is too proud to be vain. Love alone can bring humility into the proud heart, says Scheler, for it teaches that things other than ourselves have value and are deserving of our service. Pride is damaged by the thought that other things and persons are as valuable as oneself, but humility relaxes the will and opens the spiritual eye for all the world's values.

This "opening of the spiritual eye" suggests that, for Scheler, humility like love has *epistemic* value: it prepares us for the objective, that is, ego-less vision of the realm of essence and value.[16] Even more weighty in its implications for human knowledge is the value of the Christian virtue of reverence as a means to selfless knowledge. It serves not simply, as for Hartmann, as a great moral virtue because it is the capacity of the soul to feel awe before the truly awesome. Rather, reverence is the virtue in which the concealment of God becomes "negatively" visible, that is, as transcending all possible human cognition. When directed at the world itself, it is the virtue or capacity for perceiving the "*mystery of things and the deep value of their existence.*"[17] Reverence assures us that the world contains more treasures than those of which we are presently aware. In that way, it encourages us to look more deeply into things, even into our own persons, to find what values may be lying beyond one's ken. The agnostic or the positivist, Scheler claims, has no reasons other than practical ones to conduct inquiries, for he sees the world simply as it appears to his present vision. He seeks only more useful detail. Granted, reverence,

[15] "Zur Rehabilitierung der Tugend," *Gesammelte Werke*, Band 3, 15–31. Translation "On the Rehabilitation of Virtue," *American Catholic Philosophical Quarterly* 79, no. 1 (2005): 21–37.

[16] This notion was developed by Scheler with reference to the Buddhist doctrine of selflessness in the 1923 additions to his "Vom Sinn des Leidens," *Gesammelte Werke*, Band 6.

[17] "On the Rehabilitation of Virtue," *op. cit.*, 32.

similar to shame in that it conceals from vulgar interests what is beautiful and mysterious, may thereby impede scientific progress. The reverence for the stars or for the human body impeded the calculation of celestial motion or the dissection of cadavers until these objects become more familiar to us. Reverence recognizes that our ordinary and practical way of looking at things may be shameful, a kind of rape of nature, and therefore the reverential mind seeks more adequate objects of its elevated gaze. It redirects its inquiries toward regions beyond its current understanding, at dark matter, perhaps, or genomes. Our feelings for such mysteries cannot yet be put in concepts, and the conceptual structures in which we frame our questions about them may be inadequate for what we seek to know. Reverence for nature in these ways, Scheler concludes, urges on our understanding, and does not inhibit it.

8.3.4 Social Virtues

The second, "Christian," group of virtues, as we have seen, has at its root *agape* or Christian charity, for other Christian virtues that appear in our dealings with our fellows can be traced to it. They are not personal virtues alone, as are the Greek virtues, which are capacities and excellences of character. They touch others as friends and as fellow citizens, who rightly admire their possessors. The central Christian virtues that embrace *agape* touch instead the unique immortal souls of one's neighbors. The final virtues in this second pantheon are no doubt superficial and not peculiar to Christianity, but they reappear and condition the unfolding of virtues higher than themselves. Hartmann refers to the virtues that appear on an agent's reasoned adherence to social conventionalities, customs, and social expectations that, although transient and variable, identify and specify the character of specific classes and cultures. Aristotle was well aware of their importance in his own historical context, and he enumerates some of this type as further examples of a Golden Mean between extremes. Good humor is a mean between sourness and frivolity, and sincerity is a mean between forms of self-depreciation and diffidence (the deficiency) and forms of self-exaggeration we call boasting (the extreme). The Golden Mean of willing participation in discourse stands between diffidence, the deficiency of refusing to state an opinion, and the excess of dogmatically insisting upon one's own convictions.

Customs have a virtue that transcends social urbanity and good form. They provide a source of reliability, which is a virtue that is parallel to integrity, honesty, and trust, although it is of far less moral value. A person who sins against custom, who refuses to adhere to manners and conventions because of their triviality, impedes the unfolding of the deeper moral values. His refusal distracts his fellows from the more important aims of civilized exchange. The adherence to demanding customs and elaborate ceremonies that characterizes the Confucian civilization of China has always perplexed the Western mind. Yet the far simpler social conventions of the West, which are seen in the commemoration of birth, death, and marriage, in the inauguration of a president, or in the coronation of a king, have the same end: they

define, regulate and fix the significance of these items of social and political life. Their impress in ritual expresses externally their inner moral value, and prepares and educates their participants for the deeper task of rejoicing, grieving, raising children, or doing the business of government.

8.4 Modernity: The Third Order of Values

Hartmann analyzes the virtues within groups or orders not only because of intuitable affinities between the members of each group, but also because they are characteristic of epochs of Western civilization. These affinities are due, possibly, to the special weight given to some one of the broad virtues in each of the three identifiable historical and cultural epochs in Western civilization: justice in antiquity, brotherly love in medieval Christianity, and the belief in progress or what Hartmann calls the "love of the remote" (*Fernstenliebe*) in modernity. We must not make much of these historical recollections, as it were, for fear of biasing our capacity for intentional acts of intuitive feeling and preference. Although Scheler criticized Hartmann for not considering sufficiently the dynamics of how values become functional as the a priori structures of moral reasoning in specific historical circumstances, Hartmann, too, realizes that one cannot escape the historical and cultural process in which certain values, moral rules, and virtues become weighted in human affairs, however much the values themselves are universal and available to intuition at any time.[18] For values – in this case, moral values or virtues – first become visible to the mind in and upon the words, intentions, and behavior of persons, whose moral life is conditioned, as we have seen, by their value-milieu. Only phenomenological reflection can measure their content and relative worth precisely by its refusal to posit them as determining the will, as the eidetic reduction "brackets" the existence of what consciousness intends. Phenomenology executes intentional acts in the spirit of contemplation.

Each of the values of the third group constitutes a genus in itself. Typical, perhaps, of modernity, each reaches beyond the ken of our intuition into the realm not of the perfect form or the divine mind, but into what may be called the irrational, insofar as the nature of these virtues is diffuse and only partly intuitable, and as what each aims at goes far beyond what we can clearly see and know. Nietzsche's famous aphorism, in which he threatened to "transvalue" Christian values under which the West had suffered the burden of seeking otherworldly or even anti-worldly aims, seems designed to shock, for it opens upon unclear horizons. But Hartmann believes that Nietzsche discovered material values that are worthy of the attention of a phenomenological axiology.

[18] Universal with regard to content, but not universally *valid*. Validity is a function of the ethos of a particular group, culture, or person in which certain values more than others guide the moral reasoning of its members. Piety, for example, is a universal value, though one not functional in a community of atheists: it is not a valid virtue among them.

Two of the virtues of this third kind are in fact drawn from Nietzsche. The first is the "love of the remote" – *Fernstenliebe* – which Nietzsche contrasted to *Nächstenliebe*, the Christian love of one's neighbor. The second, "radiant" virtue – *die schenkende Liebe* – is the love that imparts its gifts to others. The final and highest moral values, which perhaps we ought not to call virtues at all, are personality and personal love. We will discuss these two in our final chapter, when we consider the difficult question of whether material value-ethics proposes a personalist ethics as superior to, or in the place of a virtue-based theory. If this is so, then what, we will ask, is the nature and content of personalist ethics?

8.4.1 The Love of the Remote

This virtue "requires an ethos consistently above the average," because in it are "combined a life, viewed in the light of ideals, with a cool eye for the actual and the possible" (*Ethics* II, Ch 30 b, 312–13). Like Scheler's metaphysical vision of man functioning as a microcosm to achieve one of the ends of the spirit, the coming to be of God as Spirit, the person who loves the distant finds his destiny in participating in the re-creation of the world. He loves what is great in the things that can be done in the future, however distant, and he strives to realize it. His belief in and vigorous pursuit of distant ideals is built upon his nobility of character much as brotherly love is built upon the purity and goodness in a person. Love of the remote overcomes any inertia in one's character, and drives one to action. But Nietzsche, who was the pioneer in the exploration of this virtue, aimed even higher, according to Hartmann. Impelled by the Platonic Eros, Nietzsche's love wishes to participate in immortality through "deep absorption in the Idea, great passion for it, personal commitment to it" (*Ethics* II, Ch 30 c, 314).[19] Unlike brotherly love, the lover of the remote does not seek out the negative values carried by others – their personhood as needing care – but future values "still asleep in the non-existent."

There is a superhuman quality in such striving, for it requires the conquest of all that is petty in men who are satisfied with the world as it is now. The love of the distant may be related to the Enlightenment enthusiasm for the scientific progress of humankind, but it is more romantic and less specific in its aims. It aims first at the creation of noble men with self-assurance and power over themselves and others, who are ready to fashion what is new and great. This striving for the "transvaluation of values" is not solipsistic, not the affair of such a lonely wanderer upon the mountaintops as Nietzsche's Zarathustra. Solidarity with the creative men and women of the future is required if this moral responsibility to future generations and distant

[19] One is reminded by this phrase of the wonderful character of several of the Russian thinkers portrayed by Isaiah Berlin: Herzen, Belinsky, and Bakunin, each striving passionately to realize for a future Russia the values that their reason and feeling commanded them to respect. Cf. Isaiah Berlin, *Russian Thinkers* (New York: Viking Press 1978).

people is to be effective. This bond of loving solidarity among great minds is a weaker and more restricted bond than the one that unites persons in brotherly love or in a common love of justice, just because most human beings and their statesmen are morally immature, and unable to overcome their immersion in the Here and Now. Love of the remote is "a love which knows no return of love, which radiates only, … which lives in the high yearning that cannot be fulfilled for the one who loves, but which knows that there is always a future and that indifference to it is a sin" (*Ethics* II, Ch 30 e, 319). And yet the distant future, wrote Hartmann in 1926, is humankind's greatest task. Had he and the creative men and women he worked with only been prepared to encounter their near future!

Nietzsche's insight into the virtue of love for the remote has implications beyond an idealistic and passionate extension of brotherly love to future generations. It appears to generate a value-antinomy that Hartmann thinks can yet be resolved. Love of the remote "transvalues"[20] the central values of antiquity and Christianity in that it stands in an antinomical relation to them. For it proposes a future world in which great values will be created and a new and higher community of men and women will be forged out of the crude earth of our times. Nietzsche's love of the remote is revolutionary, and willingly abandons both justice – which, by treating all mean as equal would level humankind if entirely successful – and brotherly love – which, as it is aimed at the good of any person, great or small, would disallow the cleansing and revitalization of humanity that the love of the remote desires. But the abandonment of brotherly love such as Nietzsche proposed ultimately weakens the love of future humanity. Will pity and brotherly love be absent from the souls of future men and women? Can we love them in anticipation, if that is so? Nietzsche's formula for this self-overcoming of Christian pity, which after the Holocaust was placed on a wall in Auschwitz, was "We must become more evil."[21] Love of the remote requires us to unlearn our Christian pity, our Aristotelian justice, and our Kantian respect for the moral law, indeed to become as evil as Nietzsche thinks we should be.

Hartmann notes that the positive moral value of the love of the remote consists in its intentions as a kind of love. Its moral value rises with the strength of commitment brought to the ideal, Hartmann argues, rather than with the greatness of the ideal aimed at: "The height of the value (of the loving disposition) as such stands in no discernable relation to the height of the intended value" (*Ethics* II, Ch 30 i, 328). Yet the horrors perpetrated under such once beloved remote ideals as manifest destiny or world communism should remind us that it is possible to choose one's ideals

[20] Hartmann believes, as Scheler did, that values cannot *change*. Rather our Ordo amoris can change from clarity to darkness or the reverse. Hartmann calls this a "trans-orientation" of our feelings in regards to the relative grade of the value (*Ethics* II, VII, Ch 30 g, 322). Such a transorientation from light to darkness was effected by Hitler.

[21] The statement was given in English without reference. Perhaps intended was the phrase from *Der Wille zur Macht*, I, §98: "Der Mensch ist leider nicht mehr böse genug."

unwisely or not to consider with sufficient earnestness the conditions of the realization of one's ideal. The ideals even of good persons, to them perhaps unawares, frequently demand an unacceptably high price.

A possible resolution of the antinomy between love of neighbor and love of the remote begins by noting that in both cases the intention of the virtue is the same: in the former, one loves and intends to benefit one's neighbor by helping him realize his highest value; in the latter, the love intends to perfect humankind. The morality typified by the Command of God or the Categorical Imperative, which overcomes vulgar egoism and requires each person to do justice and treat all persons as ends in themselves, must not allow itself to be overcome by a love for the citizens of a future community that can come to be only on the ruins of the present one. Despite Hartmann's efforts to resolve the antinomy, there is a real opposition here, one profoundly explored and illustrated in its effects by Dostoyevsky: cases of men who love profoundly the future perfection of humanity while not able to love the person standing next to them, consigning their neighbor, as it were, to the ash-heap of history while readying themselves with unwavering conscience to welcome some future humankind assembling happily under the willow-tree. To say, with Lenin, that one can only make an omelet by breaking some eggs does not resolve the antinomy, it intensifies it. Hartmann, it is clear, has not thought through the question of how the loving intention to create a better or perfect future stands in an axiological relation to the values to be created and, especially, to the means chosen to create them.

8.4.2 Radiant Virtue

Nietzsche was again the first to sense the values that found this virtue, called *die schenkende Tugend* in German, a term that could be rendered more suggestively in English as the gift of giving. It is illustrated by the celebrated children's story about the giving tree, which bestowed freely to all its gifts of shade, leaves, and fruit, and even, after having been felled, offered its stump as a place for a weary traveler to sit and rest.[22] The person of radiant virtue possesses the capacity for giving spiritual gifts to others. Such persons, when encountered, are unforgettable: the great teacher, perhaps, or Socrates himself, whose own spiritual riches burst forth upon those capable of recognizing them. A person of this kind need not be a genius, for his gifts are unplanned and spontaneous; he serves simply as an inspiration to others. He gives of himself not because he loves others (Hartmann notes that such persons rarely give *themselves*, only *of* themselves; they do not become the friends of those whom they enlighten), and his gifts are only those of ideas, of insights.

The giving person seeks no practical ends: what he offers is useless as such, and yet companionship with him is the occasion of one's own enlightenment and moral

[22] Shel Silverstein, *The Giving Tree* (New York: Harpers Collins, 1964).

effectiveness. Hartmann quotes Nietzsche's observation that this virtue is like gold, which is valued higher than all metals, for it is uncommon, always radiant, and of *no use*: Radiant virtue has no end in view other than to allow the qualities it possesses to shine forth. It is related to and partially founded upon the virtue of the fullness of life, in that it is the meaning the fullness of life acquires through its overflow (*Ethics* II, Ch 31 c, 337). Much like Socrates, the man of radiant virtue loves companionship not only among those who are capable of receiving his gifts, but among those who are "ethically imperfect, unripe, unspent, and flexible," (*Ethics* II, Ch 31 e, 338) and yearning for a life of the mind and spirit that they do not yet clearly grasp. Nietzsche's Zarathustra, who has radiated his author's gifts for generations of young people, once said that he was weary of giving. However, as with the gift of love, one is never impoverished by one's spiritual giving.

Though spiritual gifts are as useless as gold, persons who possess them play an important role for those who long not just for enlightenment, but who love the distant and strive after the perfection of humankind. For the lover of the remote, whose life consists in sacrificing himself (and perhaps others) for a distant ideal, must wonder whether the meaning of the lives of future men and women, gathered in some workers' paradise, will find the meaning of *their* lives in the struggle to realize *other* distant paradises – or will they have no concept of history, no sense of a past or future different from their own? The point is that life must also have meaning in the present, else life would be axiologically a futile sacrifice and surrender for the sake of a goal that recedes as we approach it. The man of radiant virtue, to those who strive after a future ideal state, is the promise of the ideal, indeed the vindication of the dream. He is the ideal living in reality before us. We see in him what men can be: full of spirit, cheerful, confident, independent, and overflowing.

8.5 The Structure of the Realm of Value

Having sketched Hartmann's phenomenology of the dimensions of moral value, we must return to the question of the structure and unity of the realm of values it disclosed. We have already spoken, in the chapter on moral obligation, of some of the structural elements that are visible among the moral values subjected to phenomenological analysis. They included relationships of foundation and stratification. We saw how in many cases the "thinner" material values (for example, goodness and purity) recur as the foundation of the "thicker," that is, more content-laden strata of material values. We saw also how Hartmann added many new value-phenomena to the horizontal dimension of the table of values than did Scheler, who was concerned only with exhibiting the vertical structure, that is, the five ascending levels of material values that may be intended in acts of preference. We see now the specifically moral values – that is, the values carried by persons – and the values that condition them are placed in a separate category by Hartmann. They are distinguished from object- and situation-values that are carried by non-personal beings. The values carried by both personal and non-personal entities may be found on any of the levels of

relative value in Scheler's table. Thus the specific value of the craftsman consists in his capacity for and orientation towards the creation of value-objects that are useful; great craftsmen such as Stradivari are capable also of bearing a vital moral value, such as genius, when they are able to create objects bearing spiritual value.

Hartmann claims that there is a lack of systematic structure in what he and Scheler have achieved, and that we must leave the question of the unity of the realm of value for future inquires that will add content to what they have exhibited only partially. He nonetheless offers some new and remarkable observations concerning the structure of that realm before leaving value-theory and passing to the metaphysics of human freedom.[23] Let us take a moment to inquire into the idea of the unity of values. For that, we must return to Socrates.

8.5.1 Unity of the Virtues in Plato's Protagoras

The starting-point for the study of the question of the unity of moral values is Plato's *Dialogues*. The search for the interconnectedness and possible unity of the virtues is discussed in *Charmides*, in *Laches*, in *Protagoras*, and in *Statesman*. *Protagoras* contains the most focused discussion of the matter. At 329 b–d, Socrates asks Protagoras "Is virtue a single whole, and are justice and temperance and holiness parts of it, or are these latter only names for one and the same thing?" Three possible ways of answering this question are considered. We may assert the substantial identity of the virtues (each is a different name for the same thing), their logical reciprocality (one implies the others essentially, and is implied by them), or their organic interwovenness of function (as parts to whole). Protagoras answers in the third sense: "Virtue is one, and the qualities you ask about are parts of it, as parts to whole," that is, organically, as the features of the face to the whole face, each feature different from the others in function, but each contributing to the integrity of the whole. None of the virtues will conflict if they are properly ordered in a fully-functioning human being.

Protagoras denies the virtues are reciprocal, the second option, while Socrates appears at first to maintain a limited form of it: Socrates notes that wisdom requires temperance for its achievement, as justice requires wisdom. No one possessing wisdom would fail to act justly. Cases purported to the contrary would be thrown out a priori: either Andrew Jackson was not a truly brave man or it was not unjust to keep slaves. However, Protagoras' idea of organic or functional identity does not imply reciprocity; perhaps a man can have one feature of virtue but not the others, as one can be sharp-sighted but still partly deaf, or may, as in Gogol's short story, lack a

[23] Hartmann notes in the preface to the Third Edition of *Ethics* that these analyses are, to his mind, the most important part of the second book.

nose entirely, and yet still have a face. Socrates attacks the analogy by reference to the fact that although a nose does not resemble an ear in either form or function, holiness significantly resembles justice. He arrives at this point (333 b, c) by noting that each thing can have only one contrary and, since it is agreed that wisdom and temperance are both contrary to folly, they must be the same, and he wins assent to this idea from Protagoras.

Socrates eventually attempts to establish the unity of virtue in the first manner, by specifying the *common content* of all things believed to be good, such as the virtues, hence their substantial identity. This common content of all things that are good he identifies as their *pleasantness*. All striving after virtue as the final end of all action requires knowledge of the pleasant and the means to achieve it. Since life with one's fellows is essential to one's own happiness, a calculation of what is pleasant will be other-regarding as well as self-regarding. A similar reductionism is found among naturalist philosophers of a pragmatic kind, who see the unity of values emerging from the common structure of the drives. All values are different names for what serves and satisfies the system of needs and urges that emerge from the evolutionary process.

8.5.2 Oppositional Relations in Hartmann

Such a reduction of the good to a single phenomenon, that of the pleasant, or, later, to the "Greatest Happiness Principle" or to the Categorical Imperative, brings good and evil to a point, as Nicolai Hartmann calls it, that is, to something simple and plainly comprehensible, and gives to moral striving a unity of purpose. This unity is a fundamental moral requirement, for without it little could be achieved. True, human purposes are many, and "all types of morality are necessarily exclusive and tyrannical" (*Ethics* I, Ch 4 d, 79). Yet philosophical ethics must stand above exclusive and heterogeneous moral claims, and be their unity.

Hartmann's attempt at finding a unity in the realm of values is synthetic in nature. It seeks out oppositions in values, and questions whether, in individual cases, a means to synthesize the values in opposition can be discovered. Values are not isolated material a priori facts. They are always *interrelated*: to each positive value, there stands a disvalue. They also stand in *opposition* to each other on different levels. As purity and fullness of life, or as brotherly love and justice, they may be *complementary*, as are the values of trust and trustworthiness, or faith and fidelity; they may be related *reciprocally* with respect to strength: "The most grievous transgressions are those against the lowest values, but the greatest moral desert attaches to the highest values" (*Ethics* II, Ch 38 d, 452). This last example of the reciprocality of values may be questioned. No doubt the act of thievery is a great transgression against a low value, that of property, but only because it is the violation of a person. A thing of beauty may represent a high spiritual value, but its creation need not earn great moral credit. As complex examples of the reciprocal relation, Hartmann offers heroism: it is extremely admirable, but lack of it is dismissed as mere human weakness;

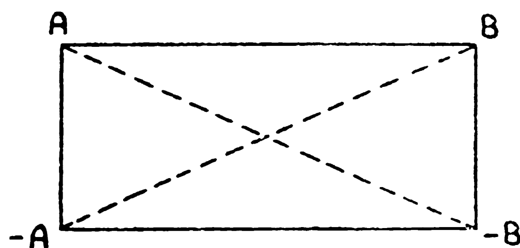
trustworthiness is merely commendable, but breach of trust is despicable (perhaps because the former is thought to be less purposive and willful than the latter).

Note also that there are five kinds of *contrast* among values. (1) The first of these contrasts takes the form of a *plus* and a *minus*, in the sense of the polarity of value and disvalue: right and wrong, love and hate, courage and cowardice. (2) There is also a range of neutral points that contrast with the values and disvalues of the same kind, however much such a concept may seem implausible at first sight. For are not all values either positive or negative? No, for axiology stands on a rule of excluded fourth, not third. A third possibility in the relation value-disvalue is not excluded middle [(p v~p)], for an indifference-point ("valueless") may come between a positive value and its contrary negative value. Thus on the scale of values we have positive, negative, and without value; there is no further possibility. The position of the indifference-point shifts on the scale of each polar opposition of value/disvalue, for (3) some oppositions among values are not simply between positive values and disvalues, but among positive (or negative) values (or disvalues) on the same horizontal dimension of a given stratum of values (or disvalues). Brotherly love and the love of the remote may be on the same positive stratum (Scheler's fourth level, the spiritual values) but they are antinomic. The latter opposes treating all men equally; love of the remote favors those persons who have greater importance for the efforts to realize future values. Brotherly love affirms the equal worthiness of all. (4) Yet in cases of such an opposition we also note a shift in strata and the invasion of one stratum by another. For the love of the remote as a virtue requires the practical efficacy of a human being for the achievement of the remote values (a lower stratum, Scheler's second, practical dimension, invades the first). Brotherly love, in contrast, is immediate, spontaneous, and not at all concerned with practice – and yet both brotherly love and love of the remote have the same intentions, a loving concern for the bettering of humankind. (5) Similar and parallel to these are the values of humanity and of the nation, which stand in quantitative opposition to each other – yet one can love both humankind as such and one's own homeland. A specific culture and way of life is mediated by the idea of the nation, and these values are submerged in the general idea of humanity.

The exploration of such patterns enables us to see some of the structural properties of the realm of values. These are structures that may – or again many not – be visible in and embrace in some manner all of its members. Thus a pattern appears on what initially was a chaos of bright and colorful, but unrelated, points of light cast by the values themselves, each sovereign in its own sphere. Hartmann's work recalls Scheler's observation about the realm of value, that this "'palette daubed with paint,' when seen from a correct distance and with proper understanding, will gradually assume the interconnection of sense of a grandiose painting, or at least of the fragments of one" (*Formalism*, 296–97). The merit of Hartmann's undertaking is that it does not attempt to discover an a priori system in this realm. He is modest, for he recognizes the small extent of the values it has exhibited. He stresses, however, that one kind of a general relationship among values is apparent: the order of foundation, or what he here calls the "recurrence" of a thin moral concept in a thick one, where the former founds the latter.

8.5.3 Recurrence in the Realm of Values

Now the multi-dimensional oppositions perceived among positive values can be mapped to corresponding differences in the dimension of disvalues. Surprisingly, the stratification, foundation-relations, and oppositions of the positive values discussed in Chap. 4 are not always mirrored in the corresponding negative values. We will confine ourselves in our analysis to the relations of value-disvalue and the value-relations (oppositional, complementary, and foundational) *where they exist*: for such relations, as we have seen, are contingent: not every positive value stands in any or all of these relations with others, although each value has a disvalue. Hartmann begins by asking whether a relation appears between the universal value-disvalue relation and the contingent antinomical relations among values and among disvalues. To illustrate these oppositions in terms of metaphorical "evaluative space," Hartmann again turns to a diagram of such a space, one quite different from von Kohoutek's diagram of Aristotelian ontological and axiological space.



A rectangle has opposed values A and B on the top left and right corners; the corresponding disvalues –A and –B at the bottom left and right corners. The antinomy between the two disvalues, as with Aristotle's the extreme-deficiency antinomy, lies in the horizontal dimension. But this opposition, where it exists, must recur in some way in the horizontal dimension separating the two corresponding values to which they are the disvalues. The oppositional relation disvalue-disvalue would, by means of the general value-disvalue opposition, be drawn into the oppositional relations of the corresponding positive values A and B (*Ethics* II, Ch 36 c, 411). Would there also be a diagonal relation between A and –B or –A and B? If so, this fact would point to an unsuspected systematic character in the realm of values. However, this is not so.

Let us see why this is. The positive material values of (A) justice and (B) brotherly love exclude each other, as we saw earlier. Yet it is possible (without inner conflict) to be both (−A) unjust and (−B) a misanthrope. Only one of the two sets of diagonally related values and disvalues show no opposition: one can be (A) just while (−B) despising others, but not unjust (−A) while loving others (B). The loveless just man is easily thinkable, however morally odd or crippled we may think him to be. But how could one be unjust to one's brother or love the person to whom one is unjust? The opposition on the diagonal between (A) justice and (−B) misanthropy or lovelessness rests on a double negation. The disvalue (−B), misanthropy,

stands in a contrast to its antithesis, the positive value (B), brotherly love on the one hand and the negative (−A), injustice, of its positive counter-value (A), justice (*Ethics* II, Ch 36 c, 411). This third relation weakens the contrast between the three while not permitting a real synthesis, hence the oddness of a just misanthrope.

We saw earlier also that (A) purity and (B) fullness of life are positive values in antinomic relation; they exclude each other, for the latter involves an understanding of evil that is foreign to the first. (−A), impurity, and (−B), poverty of life, are antinomical to (A) and (B) respectively, but they are compatible with each other; one can be a morally limited and impure person. There is also no incompatibility of (−A), impurity, with the positive value (B), fullness of life, for an impure person may be axiologically broad, that is, have a strong and full emotional grasp of the value-possibilities everywhere about him. One can also be pure (A) but have a morally impoverished life (−B).

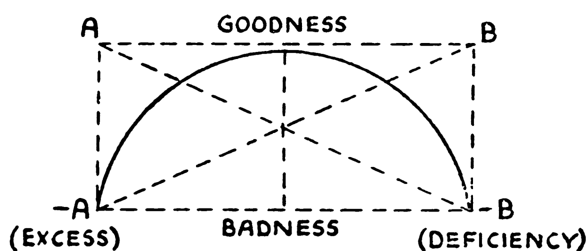
The consequence of this reasoning appears to be that the relationship between values and disvalues, although universal – every value has a corresponding disvalue – is not a perfect mirroring of each other by the two dimensions, for the antitheses and complementarities are not regularly related in the disvalues. Hence, there is a lack of system in the "inner dependencies" in the realm of values. "The antithetic of the values corresponds to no antithetic of the disvalues" (*Ethics* II, Ch 36 d, 412). And, of course, the formal arrangement of the diagram applies only to cases of pairs of positive values, A and B, in which an antithesis appears.

However, if we incorporate in this diagram the one used by von Kohoutek to represent Aristotle's schema, a new possibility for discovering essential or a priori relations among values appears. We noted earlier that in this diagram the horizontal opposition is the ontological one, and the vertical opposition is the axiological one: Justice is an axiologically higher value than injustice, as brotherly love is a higher value than lovelessness, while justice and brotherly love and injustice and lovelessness are also existing dispositions to action. As Hartmann noted, Aristotle referred to the material of the value, its existential form, as the ontological element. In Aristotle's schema, cowardice and foolhardiness are both negative values and existing dispositions to action: as negative values they are ideal, but as dispositions they arise from the visceral emotions of fear and confidence. They are extremes, and courage is the mean between them. Hartmann now asks whether in the axiological opposition of two contrary moral vices such as cowardice and foolhardiness we can find two positive values opposed to those vices. The highest moral value relative to them, the Golden Mean, would then be a mean not between two disvalues alone, but also of two positive values in each case.

8.5.4 An Illustration

If we take Aristotle's schema, modeled by v. Kohoutek, and place it within Hartmann's rectangle of oppositions, we find two positive oppositional values at A and B corresponding to their negative values, with the Golden Mean at the center of

the upper horizontal (the dimension of the antinomous positive values). So, for example, with respect to cowardice and foolhardiness, the corresponding positive values, Hartmann claims, would be prudence and boldness. Courage, then, would be not simply an axiologically higher mean between two vices, but also a synthesis of two positive values. To be courageous, one needs not only to be neither cowardly nor foolhardy, but also, first, to be bold (the coward is simply not a man who runs away, but may be one whose boldness fails him when it should not), and, second, to be prudent (the foolhardy man is not restrained by an effort to know what is possible in the situation). So the courageous person is a mean between two vices, and a synthesis of the two virtues that represent the values opposed to the disvalues of the vices. Thus courage requires a synthesis of boldness and prudence to overcome cowardice and foolhardiness. Similarly, self-control is the mean between and axiologically above the vice of licentiousness and emotional apathy. Above licentiousness, as its positive value, would be a passionate enjoyment of the emotions, and above emotional apathy, as its positive value, would be something like what is designated by abstemiousness.[24] Like many of the virtues, self-control is a far more complex phenomenon than Aristotle imagined. Virtue may be a synthesis of positive and negative moral materials.



Hartmann is arguing here that to conceive of a virtue as a mean between two emotional materials posed as extreme and deficiency does not do justice to the complexity of moral action. For a phenomenology of other dispositions to act – other habitual virtues – are needed to make clear the complex sources of our behavior. The courageous man is ready for action, but without boldness, his courage would be paralyzed; he would not run, but he also would not advance. If he acts boldly, but without prudence, his act would lack measure or restraint; we would praise him for his courage, but his action might well have missed its intended mark just for lack of prudence. This demonstrates the inadequacy of Socrates's "intellectualism:" having knowledge of courage alone is not sufficient for truly courageous action. There must be a capacity (*Können*) for an impulsive push and a measured restraint. Hartmann's analysis shows these facts nicely. He notes some further advantages of his supplementation of Aristotle.

[24] We are trying to intuit material values for which we often do not have words because of limited moral experience; for phenomenology, the givenness of essences or values to acts of intuition and feeling is prior to language.

First, the supplementation shows how demanding virtue is.

> …Morality imposes on man complex claims, which, through an inner oppositional relationship of constituent values are raised high above the constituents themselves. Both sides of an alternative are always required of man at the same time. … Not until there is a synthesis of the values in one and the same disposition of the man is there real virtue (*Ethics* II, Ch 36 e, 415).

The synthesis is, at this point, ideal; the ontic materials are the dispositions, upon which function the synthesis of material values. They must be brought together in the *person*. Secondly, the attempt to discover in emotional intuition more complex materials in the virtues helps avoid misunderstanding their relative value. Because the Stoics, Hartmann notes, thought self-control to be close to dullness or placidity in content, they mistakenly thought of self-control one-sidedly, and raised *apathia*, or lack of feeling, to a virtue, whereas it is a vice, a lack of natural human emotion, perhaps the refusal or learned inability to weep at the death of a friend. Similarly, if one does not seek out the positive and negative moral contents of genuine virtues, one is liable to confuse imprudence with boldness, while cowardice resembles prudence. But boldness without prudence is worthless, for imprudent boldness is more likely to fail than succeed in its ends, and prudent cowardice is also worthless, for the timorous man, however prudent he may be in assessing his chances, will never initiate action.

Thirdly, the synthetic view of the virtues reflects the longing for unity and wholeness in the human person. This desire exists in every person who wishes to do the right thing: in order to act rightly, one must successfully synthesize moral materials that may be opposed. The failure to do so in some given situation where action is required leaves an agent with a sense of partial moral failure. Scheler believed that no human being could incorporate in a single life the five categories of heroes and leaders, each of whom corresponds to one of the levels of material values in his schema. In that sense, no complete satisfaction of the desire for wholeness is possible. Every choice and enactment of a coherent moral vision requires a rejection of others that might have been possible for a person. We seek out mercy as a kind of synthetic mean between the positive but antithetical virtues of justice and brotherly love, but one can succeed only more or less: justice requires a sternness that brotherly love abjures; brotherly love requires a consideration for the individual one is confronting, a sentiment that is foreign to the sense of justice. Hartmann's analysis justifies Scheler's youthful fear: the values of the "heart" and the "head" at times exclude each other in human practice, and the diagonal of oppositions show no way of synthesizing the oppositions of the values they represent. If there can be synthesis, it will most likely not be the discovery within and by the phenomenology of values, it will be the achievement of persons in their capacities as moral agents. Further discussion of that possibility will be left to Chap. 10.

Fourthly, the aspiration to a synthetic vision in morals, which stresses the complexity of the virtues and the manifest antinomies among them, has itself moral value. It reminds us of the dangers of one-sided adherence to single virtues.

"All valuational elements, taken in isolation, have in them a point beyond which they are dangerous, that they are tyrannical, and for the true fulfillment of their meaning in their real carrier, there is always a counterweight" (*Ethics* II, Ch 36 g, 424). We run the risk that our desire to be courageous and our capacity for it may cause us to forget our vulnerability to pain and our lust for honor, which no overcoming of cowardice or foolhardiness can eliminate without rendering us inhuman. Our love of justice may overwhelm the requirement to love our brother, or our love of our brother may make us forget our obligation to be righteous. Even the Golden Mean between justice and brotherly love, which we proposed to be mercy, should not allow us to forget how fragile mercy is, and that it is possible to be merciful *without* doing justice and *without* loving one's brother. The ideal of a unified system of values, which would make possible the requirement that true virtue tolerates no moral imperfection, is also theoretically desirable; however, it is harmful in practice, as persons are capable only of approximations: the desire to be perfectly just is vain.

In sum, there is a two-sided character in all morality: it is both prohibitive and creative. Moral rules designate obligations, and are negative, as Scheler argued. They require us not to offend against the lower values of life, property, or pleasure and pain. Yet without this negative command to respect the lower values and to allow ourselves no injustice or no licentiousness, the higher values of brotherly love, greatness of soul, radiant virtue, or personal love could never unfold. The need to secure the foundational values of life conditions our freedom to pursue the higher. Thus the price of creating and realizing moral greatness and fullness of experience is obedience to law. An ethics of obligation is a practical necessity, not the fulfillment of a human life. For the purpose of obligation, Hartmann argues, is to protect those lower values – the goods-values of life and property – that condition higher civilization. Transgression of those obligations results in serious disvalues. Here the human need for an intellectual synthesis is most apparent, and Hartmann calls the antinomy requiring a synthesis of freedom and obligation fundamental to the synthesis of the preference for the higher and the lower values. "Who wills the height must first will the conditions" (*Ethics* II, Ch 38 i, 462).

This search for a synthesis of the antinomies that trouble our moral life is most strongly felt in the antinomy that troubled our discussion of moral obligation in Scheler's and Hartmann's material value-ethics. The antinomy was felt between the value of persons and universal moral principles. We value the autonomy of individuals, honor the right of each to seize upon her own fate, to "become what she is," to respond personally to the call of the hour. Yet at the same time, we sense that each person must submit to universal moral law and uniformly obey them. Ethical personalism explores, but does not solve, this antinomy. What would such a synthetic moral theory, a synthesis of individual autonomy and universal moral law, look like? Hartmann writes in this context: "The universal type of these syntheses has at its foundation the double demand: on the one side, so to act as all ought to act; and on the other, within this type of action to have in all one's conduct a distinctive mark, which could not and should not be found in everyone's conduct" (*Ethics* II, Ch 36 g, 421).

We have yet, however, to consider the human person as such and as the only known bearer of moral value, the only being that can act rightly or wrongly, and as the only entity that bears the highest moral value, that of personhood. Only for the individual human person is synthesis possible. It is in the theory of the person as a synthesis of the universal and the particular that material value-ethics culminates. To assess that culmination, we turn first to the phenomenology of the person, and then to the person as the highest value, that is, to a personalist ethics.

Chapter 9
The Phenomenology of the Person

The subtitle of Scheler's *Formalism in Ethics* is "A New Attempt toward the Foundation of an Ethical Personalism." What does ethical personalism add to material value-ethics? It is remarkable that in much of the literature on Scheler little effort is spent on formulating personalist ethics and defining its normative content. Wolfhart Henckmann dedicates a section of less than a page to the concept in his *Max Scheler.*[1] Angelika Sander devotes several pages to the concept in the course of her analysis of the person without offering a formal definition of ethical personalism or attempting an application of it.[2] While Peter Spader's *Scheler's Ethical Personalism* is dedicated to the problem and convincingly applies Scheler's *Formalism* to specific situations, he does not attempt to define the concept and its normative force abstractly.[3] Manfred Frings's last book on Scheler, *The Mind of Max Scheler*,[4] contains perhaps the best analysis of Scheler's phenomenology of personhood, yet again it does not attempt to describe or define how ethical personalism would function as a normative theory, that is, as we discussed the matter in Chap. 1, as a theory that would limit human freedom in the name of standards of what is right, obligatory, or virtuous beyond those established by deontological moral theories, some of which refer centrally to the human person.

This problem of the normative force of material value-ethics has occupied us throughout our analysis. We have seen that the theory establishes an order of goods-values and moral values that are given in an a priori order of preferability to the phenomenologically purified intentional consciousness. The norms derived from values are quite limited in their force and scope, and different norms may be derived from any set of values, that is, the same values can function in different normative rules in different communities. Virtues offer a normative standard against which to

[1] Wolfhart Henckmann, *Max Scheler* (München: Beck, 1998), 122–23.

[2] Angelika Sander, *Max Scheler zur Einführung* (Hamburg: Junius, 2001), 88–108.

[3] Peter Spader, *op. cit*.

[4] Manfred S. Frings, *The Mind of Max Scheler*, *op. cit*.

E. Kelly, *Material Ethics of Value: Max Scheler and Nicolai Hartmann*,
Phaenomenologica 203, DOI 10.1007/978-94-007-1845-6_9,
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judge a person's basic moral tenor or will, but they do not function as obligations. Yet ethics is intended to provide measures against which acting persons can be measured morally. How does this application come about? The possibility arises, according to Henckmann, in the fact that in individual persons

> love can fall into error regarding the objective order of values, such that they become morally atrophied or unsuccessful (*verfehlt*) as moral beings. Here appears something of the normative content of Scheler's ethics, a mirror image of the claim to the absolute that stands behind all relativism. Fundamentally, the person is not to be understood simply as an individual standing for himself alone, but as one who knows himself to be tied primordially to God, directed in love toward the entire world, and united in solidarity with the whole of the world of the spirit and of humanity (*op. cit.,* 123. Translation by the present writer).

The person as a whole, distinct from her will or disposition, becomes an object of moral evaluation so far as her subjective Ordo amoris reflects in her own way the objective Ordo amoris, and loves herself and her fellow humans in God. Thus this evaluation takes place upon the background of the absolute order of values – the universal Ordo amoris – by measuring the personal form the Ordo amoris takes in an individual. Moral dysfunction may be the result of hatred or ressentiment, which causes a shift in the individual Ordo amoris and with that the perversion of an agent's ideal self-image or intelligible personhood; she loses a coherent personhood as the measure of what she Ought-to-be. But for this reason we must pass behind the objective moral law and the objective order of virtues to the idea of human personhood, to the person who, open to the world in acts of love and able to grasp the order of values, may yet "fall" from what he essentially is and can be. We begin or analysis with Scheler's phenomenology of the person as a moral agent and as part of a moral community.

9.1 Scheler's Phenomenology of Personhood

Despite the initial obscurity of Scheler's Person, it is fair to say that it is Scheler's greatest contribution to the phenomenological literature. It has become a seminal concept in twentieth-century European philosophy, having left traces upon many thinkers, as we noted earlier, and upon Hartmann himself, who appears to accept the concept from Scheler with the caveats we will describe in a moment. Much of the impulse to philosophy in Scheler is his belief that only a philosophical anthropology can raise the questions with which all philosophy must begin. Yet he believed that all philosophy has misunderstood the nature of the human person.

Let us attempt a phenomenology of the person on our own and without references to the often-cited passages in *Formalism in Ethics* in which the person is exhibited. Some of these abstract formulations may become clearer once we have developed an intuitive sense for what Scheler has before the eye of his mind. Scheler notes that a kind of "negative theology" prepares us best for intuiting some phenomenon; this idea may apply to the phenomenon of the person. It approaches a phenomenon by determining what the phenomenon is not i.e., by excluding

characteristics that one expects to appear on the phenomenon but do not. Thus by "person" we are not referring to the locus of discussions of personal identity in the past, namely to the soul. This concept, which originated among the Greeks as a "breath of life" that was thought to be the source of the "animation" of living things, came to be identified in the human being as the seat of reason, and, in some cases, as the bearer of a human being's moral value. In Christianity it was thought to be an individual spiritual entity, supernatural in its being, that bears the moral essence of the unique person and that survives the death of the body. It then passes to a place where it endures for all eternity in glory or misery.

In the modern era, the soul or spirit was often conceived as the universal principle of mind, the ontological ground of the possibility of mental acts that all human beings possess in finite form. Mental acts arise from this ontological foundation and are executed by an agent as their subject. Of course, we cannot become conscious or mentally aware of the origins of our conscious acts. One may become aware of "oneself" as an ego, that is, as an empirical selfhood with its preferences, actions, and experiences that manifest itself across the time of one's life, but one cannot return to the origin of this selfhood "in" the soul-stuff; such stuff is not phenomenally given. It is not surprising, therefore, that Hume – and later Russell – claimed that he has no impression of a "soul" or "mind" as the subject of mental acts, and therefore dismissed it as an illegitimate philosophical concept. This development left thinkers unable to account for the human subject, its personality, its continuation in time, its function as the bearer of moral values in a person, and, of course, for the possibility of its transcending or surviving death.

Scheler attempts to respond to some of these concerns by offering a new account of the ego and the person, while trying at all times to stay as close as possible to the phenomena that appear when we reflect upon our being in the world. He notes that an ontological ground of cognitive acts, the "subject," cannot stand behind the person as the point from which acts emerge. For then the person would be a function of this subject, the Cartesian "thinking thing," which would absorb the axiological essence of human beings, their concrete individual personhood, into itself as its ontological "foundation," of which it would be a contingent manifestation. In the context of this analysis, Scheler criticizes those who, in order to arrive at the essence of the human think they must go past the person and get *behind* it, as it were, to a universal ground of spirit, mind, or soul. But this misses what is remarkable about the human phenomenon: that each of us is a unique axiological reality: the essence of man is the individual person and not a function of something else. Each human person, similar in a way to the medieval doctrine of angels, exists *sui generis*, and cannot be reduced to a form of thinking substance, absolute mind, or noumenal self.

Whatever reflection, reasoning, remembering, loving, and hating a person may enact, he does so while living out of an animal body (*Leib*). The body is a fixed item in the world like any other physical thing. Yet a person's relation to his body is unlike his relation to any other thing. I do not "own" my body; my body is me as a functioning organism. The ego executes acts of inner perception and possesses mastery of the lived body – my actions are performed "through" my body. Language tends to corroborate that fact: I can say that I throw a rock off a cliff, but I would not

say that I throw my body off a cliff; I would rather say I throw myself. And, indeed, the self or ego, as an objectifiable psychic process in a human being, is the correlate of its body, and it evolved alongside the bodies of other evolving animals.[5] As the senses function, they give the self some features of the external world, and the self executes internal perceptions that give it psychic impressions of bodily events and states – bodily twinges, hunger, weariness. The ego undergoes experiences that can affect it permanently; one does not "have" memories; rather one has an ego that has been affected by past experience. These experiences, Scheler notes, can be recalled either in their time frame *as past* (I visited Barcelona as a child; it was then present to me), or as the *contents of a memory* (I remember visiting Barcelona) (*Formalism*, 426, fn 64). In the first case, the visit is still active in the ego as the past, and it situates itself in the present as an event that took place at a certain time in the past, a present surrounded by a "being past" and a "being future." Thus the past is not lost, for the ego is not a stream of consciousness into which it is possible to "import" external memories or anticipations; it constitutes itself in and through its experiences, each one of which functions in the present ego. As I write here, the immediate physical environment (or its contrast with other remembered or anticipated surroundings) and the familiarity with and subliminal awareness of my body fills my psychic environment with content that is uniquely my own. Scheler notes that if I were about to make a grave decision, or faced a fatal moment in life, my ego would tend to "collect about itself" and sense itself (*Selbstgefühl*) in terms of its entire life, its experiences, its values, its loves, hates, and purposes. When we are distracted in play, for example, or are weighed down by fatigue, self-collection is at its nadir; the self becomes lost in its body.

Scheler's discussion of the ego and the lived body are propaedeutic to his discussion of the person. He wishes to correlate the ego with the lived body and separate the phenomenon of person from it, lest empirical psychology declare its potential for explaining the entire behavior of human beings upon mechanistic and associationist bases, such as behaviorists were to do. The person escapes even phenomenology;[6] it cannot become an object. If it were, the unique human person as a moral agent would be lost to philosophy. For

> the associative-psychological explanation of psychic being and a mechanical explanation of outer natural phenomena have one assumption in common: they claim to give a symbolic image to things in such a way that, of the full givenness of intuition, only *those elements which are immediately controlled and directed by a personal-embodied being* … are to be made independent variables of being and events or "principles" of their explanation (*Formalism*, 475).

Yet on these assumptions we cannot account for vital unities in human behavior such as an action, and we are certainly not enabled to speak of the unity of the person. The person cannot be "controlled and directed" except in the most unusual cases.

[5] Cf. *The Human Place in the Cosmos*, *op. cit*., 52–53.

[6] Hartmann also takes this position: "There is no proper phenomenology of the person" (*Ethics* II, Ch 24 b, 319).

The being of the person cannot be a "variable." The whole of human personhood could never emerge from associationist psychology. Both the "ingathering" of the ego, as a vital unity, and the person, as an ideal spiritual unity of acts, are lost by associationism. And yet these are the centers of human life and human being.

In each encounter with a fellow human being, we understand his selfhood or ego as living a life "in" his organism. This life has a history, which we may or may not come to learn, a vocation, perhaps, and he or she has certain visible characteristics of sex, age, health or illness, and like, that enable us to "place" the person in a variety of social and personal entities that are more or less recurrent features of the life he is living: a parent, a wife, a working woman, a shopkeeper, a Democrat, a Jew, a New Yorker. The meaning and structure of such unities and the ways each human being lives them out, have in fact not been derived from an associationist or behaviorist psychology, or reduced to a set of "dispositions" to actions that past behaviors have fixed in the social behavior of this person. True, these theories situate in a social and biological context the unities of meaning in which the meaning of a life as the life of a person is constituted, but they have not been able to derive the content of that meaning from those contexts.

The human person is of a different order from the lived body and the ego. For it is only on the level of personhood that the *meaning* of the unified ego-qualities and the social structure in which the person is situated become possible. To be a parent is to fill a social role in relation to another person or persons. This role gives rise to broad expectations for behavior that function within a community. Through this and other communitarian roles the ontic self is objectified, and comes to givenness as a social being. But for the concrete individual parent, there is an additional question of what being a parent will signify for him or her, and how it fits into his or her sense of calling and fate. These questions are personal; they are moral and not psychological in nature. Being a parent, a New Yorker, or a shopkeeper are choices and roles that may or may not have a moral sense for the individual, who lives within them willingly – or perhaps unwillingly. Other individuals understand their fellows as *living* in these roles, and the moral opinions a person initially expresses about the behavior of himself or another are first meaningful so far as they pertain to those social structures and roles: one is a "good" parent, and "honest" shopkeeper, an "insufferable" New Yorker. These roles structure the moral milieu in which the values appear that a person may choose to realize or destroy through his actions.

We cannot form an adequate concept of being human without stepping beyond the ego living its life – the proper object of empirical psychology – to the person as the unobjectifiable foundation of the moral horizon of that life. And we cannot account for that moral horizon without extending ourselves beyond the lived body and ego in which a human life is lived to the person as spirit, which appears in a human being and only in a human being. For one encounters not only shopkeepers and New Yorkers and parents, but persons acting out in each her own way her social roles, responding to the constraints and the possibilities of her own body and to her random experiences in ways that are subject to moral praise or condemnation. The ego collects itself about its lived roles and experiences as it inhabits a milieu; the person, in contrast, is an ideal unity that inhabits not a body

but a world. A social role is a continuous milieu-driven entity; the person appears in his society's roles and lives them out in his world as he executes intellectual and emotional intentional acts, cognizing its objects and values in ways unique to himself, but in a way that overlaps broadly the cognitions that constitute the world of his fellows. The person is forever incomplete, yet entirely present in each one of his acts.

I observe a man looking at a horse; his act of cognizing the physical horse as a horse, i.e., placing it under the category "horse" is completely comprehensible to me as an identification of a thing; our worlds overlap. But I also know that his unique person is present in that act of cognition in a way that I cannot objectify, and that presence gives his cognition a unique ineffable character. At best, given knowledge of the man, I may try to re-experience the horse the way he does, try, in a word, to reenact *his* experience of the animal. This may seem strange, but it is a quite familiar phenomenon in everyday life; we all recognize both that other people grasp things differently than we do, and also that we are able in fact to enter the cognitive and emotional life of another person, especially when we love him. But we recognize also that such efforts can be only partially successful, for a person is always at a distance from others cognitively and emotionally; he or she cannot be made an object in the way an essence can be self-given as an object of intuitive reflection. However much we may try to intuit the life and the cognitive acts of another person, we can never bring those acts and the persons who execute them to self-givenness. A person is never either a soul-substance or a behavioral mechanism; he escapes our metaphysics and the empirical sciences equally.

Having pointed out such relatively simple phenomena relative to our experience of the personhood of other persons, we can summarize Scheler's conclusions regarding this unobjectifiable phenomenon. Scheler begins the section entitled "Person and Act" with a definition:

> *The person is the concrete and essential unity of being of acts of different essences* which in itself … precedes all essential act-differences (especially the difference between inner and outer perception, inner and outer willing, inner and outer feeling, loving and hating, etc.). *The being of the person is therefore the "foundation" of all essentially different acts* (*Formalism*, 582 ff).

These words point obliquely to the phenomenon Scheler has in mind, one that is an objective and intuitable essence or abstract idea, although each instance of that phenomenon, some individual person, is neither objective nor intuitable. The world "concrete" does not refer to reality; personhood, an ideal meaning-entity or essence that appears "on" persons does not exist as such, any more than the number three exists as such, although it is a single concrete objective and intuitable ideal phenomenon that appears "in" our contemplation of number systems. A given person cannot be made an object insofar as her moral being is always changing and developing, and is always unfinished. Its unity is ideal in the sense that the ideal of that person's completed and perfected personhood could exist in idea in the mind of God (or in the mind of anyone who loves him), but completion in fact always escapes

the concrete person. Yet, Scheler insists, the person appears completely in its cognitive acts:

> The person *is* and experiences himself only as a being that executes acts, and in no sense is "behind" or "above" acts … like a point at rest. … This picture always leads to a substantialization of the person. But the *whole person* is contained in *every* fully concrete act, and the whole person "*varies*" in and through every act – without being exhausted in his being in any of these acts, and without "changing" like a thing in time (*Formalism*, 385).

The presence of the person in each of its acts as a personal spirit founds the acts themselves, that is, spirit is the ground of the possibility of acts. Cognitive acts (as opposed to psychic acts of the ego) are spiritual in nature, and hence require the presence of the finite personal spirit of the person who executes the acts. We always experience our own personhood as an unchanging presence in our actions, an abiding sense of ourselves as an ideal unity as we execute intellectual and emotional acts. Only a person wills, prefers, loves, or grasps an item as something or other. If I believe that another person is grasping the horse *as* a horse, I must imagine that his entire person is present in that act – otherwise, I would have to think of him as an animal directed toward the horse as a possible meal, or as a robot responding to an input of color and shape in ways determined by its program, or a "pure understanding" correctly predicating an empirical concept to an object – but not as a person. Yet, again, when I grasp the person "in" his act of cognizing the horse, I do not have his personhood as an object. I can grasp his personhood only by re-performing his cognitive acts, and then I still cannot objectify his personhood, for there is no unity there to grasp: this act of his is one in which his personhood "varies" in the direction of its ideal unity. As when I focus on myself, I grasp his person as a *direction* towards an ideal unity. His "identity" lies solely in the qualitative direction of this "pure becoming different." The qualitative direction of acts is *anschaulich*: it appears to my mind intuitively, I see obliquely his personhood in his glance, in the mobile quality of his face, of the meaningfulness of what he says to me. His person is a *trace of essence* that neither he nor I can escape, even as he – and I – are present in and yet transcend ourselves in each of our acts.

Note that the person is present "in" every act, but is not in time. Yet what could non-eternal but atemporal time possibly mean? Scheler first approaches this question phenomenologically and not metaphysically as he did later, where he speaks of the phenomenon of "absolute time" as the foundation of "*Werdesein*," the becoming-being of the cosmos.[7] Careful reflection will bring to givenness this experienceable quality of atemporality as an intuitable character of the non-objectifiable person.

To approach the phenomenon of atemporality we must return to the analysis of action itself (Chap. 5), where we noted that the action of rescuing the taxi driver was an atemporal unity, not a succession of thoughts and actions. The unification of a

[7] Cf. "Idealismus-Realismus," Teil III, 2, *Gesammelte Werke*, Band 9, 216–36. For an extended discussion of Scheler's phenomenology of time, Cf. Manfred S. Frings, *LifeTime* (Dordrecht: Kluwer, 2003).

complex concept seems to be timeless, also, in that a number of temporally isolatable meaning-elements that found the concept are “brought together” in a single cognition when one grasps and predicates the concept “rescue” of a unified process of human action within some state of affairs. Similarly, the person is a unity of meaning, one not objectifiable (as is an object or a concept), or executable (as is an action), but a trace of essence that is present and varies in each of its cognitive acts and physical actions. The person is not the “observer” of its acts, for then it would be temporal, as the objects of observation are. The person bears a unity of sense and meaning that can be intuited (but not objectified and fixed in time or completed) by a loving re-enactment *in mente* by another person. In this way, perhaps, we are “timeless.” There is no soul that “holds us together” as the selfsame person, for our personhood is an ideal: each one of our acts moves towards or away from that ideal. This account of the person seems contradictory, insofar as it claims that we are “in” our acts in one sense, but not in them in another.[8] Yet it seems true to the way we in fact exist as persons.

There is a mysterious quality in every human person that is conveyed by Scheler’s marvelous phrases and metaphors: “trace of essence,” “foundation of acts,” “ideal unity,” “pure becoming different” – all intended to bring us closer to the everyday phenomenon of personhood, without enabling us to hypostasize an objective, enduring thing that subsists in this “succession” of presence and yet in absence from these cognitive acts. The mystery, for most of us, lies in an *absence*: there is again no question for Scheler of a mind-substance or soul that could provide the basis for a doctrine of life after death, or for a “subject” that could bear the entire damnable moral burden of an individual’s being. Although Scheler does not refer to the Buddhist conception of the no-self in *Formalism*, he was deeply influenced by Buddhist thought and his concept of the person shows traces of the Buddhist concept of *sunyatta*, or “emptiness” of all things.[9] No one can summarize one’s own life or personal being and put a stamp of completion upon it. But we are not entirely empty. Like empty space, we are hedged around with continuity and possibility without owning them. Perhaps for that reason we tend to feel more comfortable with the characters in a novel, where a summation of a life is possible, than with real persons or even with ourselves, where it is not. The thought of being “founded in God,” as Scheler believed persons to be at the time he composed *Formalism in Ethics*, gave him some comfort in the face of our incompleteness, absence, and unobjectifiability, for the idea of a loving God who can see our ideal person and whose love inspires us to grow into that image as we come to recognize it as our own, allows him the conceit that our finitude is tied inwardly to the unconditioned.

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[8] The expression reminds us of Sartre’s remarkable phrase, “we are what we are not, and are not what we are.” Note Scheler’s phenomenology and metaphysics of the “void,” *Gesammelte Werke*, Band 9, 219: “The emptiness of the heart is, strangely, the primordial datum for all concepts of emptiness. … A particular kind of non-being [μὴ όν] seems to precede every positively determined being just as its foundation: the empty space.” Compare Sartre’s café from which Pierre is absent.

[9] Cf. Eugene Kelly, “Opfer und Werdesein in Schelers Buddhismus-Kritik.” In: Becker, Ralf, und Ernst Wolfgang Orth. *Religion und Metaphysik als Dimensionen der Kultur* (Würzburg: Königshausen und Neumann, 2011).

9.2 Hartmann's Critique of Scheler's Concept of the Person

Hartmann believed that Scheler's ethics was tied to his religion, as we have noted. However, Scheler never claimed that his ethics was founded in metaphysics; to the contrary, his ethics led him into metaphysics (*Formalism*, xxvi). The same could be said for the relation of Scheler's ethics to his religion. The idea that an act of love opens persons to the realm of values deepened Scheler's concept of the Christian God rather than originating from it. Henckmann is no doubt correct when he says that for Scheler, "the person is, by means of the universally extended love that is oriented toward God, called to be both a microcosm and a microtheos."[10] But this calling does not found the authority of ethics. In the *Formalism*, religion orients the acting person towards a Christian supernatural vocation similar to the function of ethics in Scheler's later non-theistic metaphysical eschatology, in which the human person participates as spirit in the coming to be of the Deity as spirit. Ethics looks out in both cases, in Scheler's view, upon a religious horizon. Nevertheless, Hartmann, while accepting Scheler's phenomenology of the person while disputing the absence of a continuous subjectivity (*Ethics* I, Ch 24 e, 327 f.), imagined that Scheler, counter to Scheler's explicit statements, founds ethics in religion. He would agree with Henckmann's statement of Scheler's position on humankind's "calling" while condemning it. A personalist ethics, he believed, that founds itself in theology does so to its detriment, for the weight of divine judgment inevitably destroys the human autonomy that is central to ethics. An antinomy exists between religion and ethics, Hartmann believed.

9.2.1 God and World

Hartmann interprets Scheler as deriving the axiological standing of the person as the highest value from the notion of a macroscopic absolute person, who is the noetic correlate of an objective, absolute and single world, and whom acting and knowing human persons mirror as a microcosm.[11] Scheler's argument for this view was initially hypothetical: If, by essential law, every noesis must intend a noema, if every person must intend a personal world, then, if there is a single concrete world, there must be a concrete person who intends it; and this would be God (*Formalism*, 396–97). Now Scheler nowhere asserts God's existence except in this hypothetical manner, for, as he points out in the passage just cited, there is no phenomenological evidence that there *is* an actual concrete world that encompasses the worlds of all

[10] Henckmann, *op. cit.*, 132.

[11] For a discussion of Scheler's view that we see the world and ourselves in the light of God: Eugene Kelly, "In lumine dei: Scheler's Phenomenology of World and God," in M. Barber, L. Embree, and Thomas J. Nenon (eds.), *Phenomenology 2010: Selected Essays from North America, Volume I* (Bucharest: Zeta Books, 2010), 155–71.

possible concrete persons. Yet most people are persuaded that there is such, and if their persuasion is true, the existence of God follows from the "law that every object must have as its correlate an intentional act." Hartmann would reject this conclusion, if drawn, as "a metaphysical outgrowth of idealism" (*Ethics* I, Ch 25 a, 332).

9.2.2 Subjectivity

Hartmann's own realist metaphysics is of course in conflict with this "metaphysical outgrowth" of Scheler's phenomenology. He assents to Scheler's proposition that "the" truth can only be a "personal" truth, insofar as the personal world is a segment of the self-existent world, a segment that is, of course, unique and relative to each person. Each person encounters that personal world as "his" world. But this is not all that can be said about "truth" and "world." "It is of the essence of the existent as something determined for all time in itself and unequivocal, that there can be only one, and indeed only an absolute truth in regard to it" (*Ethics* I, Ch 24 e, 331). This principle applies a fortiori to the world. There need not be a noetic act for every intentional object; the world can exist on its own without any form of consciousness. This is not to say that the world is a thing in itself; it is to challenge the phenomenological principle – asserted by Scheler and others – that for every kind of object there must be a corresponding act. Here one must take precautions not to become entrapped in language. The term "*Gegenstand,*" English "object," suggests that the object is there "for" someone, it stands "over against" her. If there is an object in this sense, then there must be an act of knowledge that intends it. Scheler no doubt meant the above principle in this hypothetical manner. But Hartmann believes he has successfully denied the "subjectivity" that is apparently required by the "objectivity" functioning in this hypothetical statement: an object does not consist merely in its being-an-object (for someone). Its reality transcends consciousness of it. For Hartmann, "the real world exists, even when it is not beheld, even when it is present to no one" (*Ethics* I, Ch 24 e). He thereby thought to eliminate the residue of idealism in Scheler's *Formalism in Ethics*.[12] It is fair to say, however, that Scheler himself did the same in the metaphysics he sketched at the end of his life where he posits *Drang*, or the life force, as the Ground of Being. Spirit is *Gleichurspünglich* or equal in primordiality to the *Drang*, but entirely without power to cause events: Events in the world are independent of the acts of spirit.

But Hartmann's claim goes further than a rejection of idealism. He appears to disengage himself from the phenomenology of both Husserl and Scheler, for whom being is inseparable from thought, noema inseparable from noesis. For Scheler, it is interesting to note, this inseparability was based in part on the belief that all cognitive acts have a value-component. Nothing can come to givenness without the

[12] Note that Scheler argues that God, unlike the microscopic human being, is not confronted with an "external world." *Formalism*, 480.

knower coming to what it knows with values that function a priori in his judgment of it. Even God knows the world only as an object of love, hence as a value-object. For a world conceived simply as a region of space, time, and matter, as an ontological but not an axiological reality, would have been incomprehensible to Scheler of the *Formalism*. To Hartmann, in contrast, the real and the ideal are distinct realms. This single absolute world to which many of our propositions refer is not a "postulate" of ethical personalism, an entity that requires acts of a single absolute loving personal being as its noetic counterpart. Its ontological status is autonomous and independent of God, should He exist, for it requires neither mind nor an ideal realm of values for its existence.

9.2.3 Subject and Person

The most serious of the three objections Hartmann raises against Scheler's concept of personhood threatens, if successful, to weaken the case for material value-ethics. The first two objections concerned the metaphysical horizons of Scheler's phenomenology of the morally acting person. The third is aimed at the concept of the person itself. In de-objectifying the person, he argues, Scheler misconceives both the very nature of ethics and the phenomenological facts of the case. Persons *must* be intuitable objects if they are to be assigned moral predicates, and persons *are* objects that exist in the world along with things. Only a continuous and immutable subjectivity can be made morally responsible for its purposive actions. Such personal subjectivity gives a moral and personal solidity to the person, which moral judgment requires. The immutability of the purposively acting subject confronts that responsibility as long as he lives. It cannot avoid responsibility as though his personhood were not an object like others, one able to bear predicates. Scheler would have it that the person transcends the phenomenological facts just because it cannot be given in intuition. But for Hartmann, ethics requires an entirely autonomous subject of moral choice and judgment. If the ideal image of an agent, and if the moral perfection to which she aspires as the person she is, is posited by God, then ethics becomes heteronomous. These theological remnants of Christianity in Scheler, Hartmann maintains, are at the root of Scheler's belief that the idea of the holy permeates and makes possible all other values, thereby effectively overturning the evident fact that the lower values make the higher values possible.

This misconstrual of the nature of the subject as lacking the conditions of autonomy and responsibility infests also Scheler's notion of a collective person, argues Hartmann. Any "person" that is not an individual, such as Scheler's collectives, which include nations, communities, and families, is an abstraction. Personhood should not be imagined to "freely float" over the collectivities, as Scheler does. There is no "higher" personhood. No doubt, Hartmann concedes, one can speak of nations acting as individual persons do, or of the ethos or the art traditions of a community, but they are corporate structures or communal styles of life, not persons. As such, they lack a conscious subject, which, like the other conditioning values, gives life and efficacy to personhood.

The metaphorical "personalities" of such corporate or communal entities is as thin in content as our representation of the person of God. As in evolution, where the complex and higher living mechanisms rest genetically upon the simpler and lower ones, so too the acting subject is the presupposition of the axiological person, and so too the "collective spirits" of nation and community require as their presuppositions a human subject. "The subject is the 'I' of consciousness, an entity which has its inner world in contrast to the outer world … an entity which can know, feel, love, hate, tend toward a goal, feel and do." *Ethics* I, Ch 25 c, 337). A collective person has none of this.

Hartmann of course asserts the centrality of the human person to ethics, for it is the bearer of the highest moral value, as for Scheler, and each person is both axiologically and ontologically unique. Only persons bring moral value into the world. But ontologically they are each simply the subjects of their acts, and the objects of other persons. Individuals stand in a unique relationship to their fellows. We are related to others as a "thou" and not as an "it." Indeed, persons are not typically objects of knowledge, as some specimen is the object of a naturalist's scrutiny. They are objects of the interests, dispositions, and actions of others, which acts presuppose the objective presence of others. And it is not the case, as Scheler claims, that the person is the concrete subject only of the acts of *inner* intuition. Scheler writes, "[The person] *experiences* all being and life – including so-called psychic experiences – but the person is never an *experienced* being and life" (*Formalism*, 482–83). To the contrary, according to Hartmann, we make objects of persons when we judge them – and not only in terms of the universal principles of justice; we judge them (and ourselves) as concrete moral beings and not as an ideal unity of acts. "[The person's] actively transcendent acts (disposition, will, content) are just what are subjected to valuational judgments; they are what constitute the object of the judgment of value. Ethics takes over this attitude from concrete moral life itself" (*Ethics* I, Ch 24 b, 320). Persons are "embedded in a communal world of real objects. They share the same mode of reality with things and the relations of things. That they do not exist except in the execution of acts makes no difference" (*Ethics* I, Ch 24 c, 321). As such, they are real and are possible objects of knowledge.

Hartmann's ontological realism regarding the person has the advantage that persons can be held responsible for actions that they performed a long time ago, for the human subject is continuous. Moral practice and the "moral life" agree with that position. Such continuing responsibility is hard to maintain in the context of Scheler's view that the bearers of moral values are essentially incomplete. Of course he believes that an ideal and presumably eternal image of each person is possessed by God, an idea compatible with Christianity's insistence that the individual is morally salvageable up to the moment of his death. That doctrine does not imply that his previous crimes were of no significance and simply forgotten. Any reasonable assessment of the "moral life" would conclude that criminals can be pursued as the same agents for many years, and that they may seek and perhaps eventually receive redemption even in this world. But the problem of one's continuity as the selfsame person is an acute one for Scheler, and the problem became a deeper one for him when he renounced

the personal God of theism later in life. Still, he affirms that we can and properly do make moral judgments of unobjectifiable persons:

> For every moral assessment of another consists in the fact that we measure his actions *neither* exclusively by universal norms *nor* by an ideal picture that hovers above us through our own doing, but only by the ideal picture that we form by bringing to their end, as it were, the *basic intentions* of the other person which have been obtained through a central understanding of his individual *essence* and which we unite with the *concrete ideal value-picture* of the person given only in intuition. And it is by this picture that we measure his empirical actions. (*Formalism*, 488)

This passage demonstrates that one may engage in the moral evaluation of persons without reference to an objectifiable subject that, on Hartmann's assumption, we encounter directly in a person without necessary recourse to a re-enactment of his acts. Yet for Scheler, such re-enactment, in which we catch a glimpse of his ideal personhood, is the highest form of moral judgment of a person, because it involves sympathetic involvement with the Other, making him present to me as one is to oneself. Only in this way is it possible to transcend the Christian injunction against judging one's neighbor as one would if one thought of his nature as fixed. This form of judgment, central, as we shall see, to Scheler's ethical personalism, was noxious to Hartmann. Perhaps Scheler would add the proviso that such sympathetic judgment be made only when the other's actions are in conformity to the moral law. If not, the actions, even though performed in conformity with the conscience of the agent, would be rendered at least morally problematic. To understand is not yet to forgive! The question remains, however, whether Scheler's nebulous person is more in keeping with the phenomenological facts of the case than Hartmann's person-subject. For both men, the object of judgment, the personhood of another or of oneself, is present to the faculty of judgment either directly or via a sympathetic re-enactment of her acts.

Scheler's concept of the ego could take on some of the functionality of Hartmann's subject and make the person both the object of moral judgment (as an ego) and also as the object of sympathetic participation in his life (as a person).[13] However, the crucial matter of moral responsibility would be rendered less clear, for Scheler's ego cannot be made responsible for its failure to realize the *higher* values of reason or holiness, which are intended only by spirit. But consider in defense of this idea, first, that the subject is merely assumed as an ontological category in the *Ethics* and not phenomenologically exhibited by Hartmann, whereas we have Scheler's extensive phenomenology of the ego (*Formalism* Ch 6 A 2 and 3f) as the correlate of the lived body (*Leib*). The material contents of the ego are relative in their existence to all the lower values (pleasure/pain, utility/disutility, health/sickness). The intentions

[13] Michael Gabel has written that Scheler would most likely agree to the proposition that the person also encompasses the function of a transcendental ego, that is, a foundational subjectivity in which an act and object are constituted. Cf. Michael Gabel, "Personal Identity as Event," forthcoming.

of actions that seek to realize these values are hence more directly accessible to an external observer. Secondly, Hartmann tells us that the subject is the ontological ground of the axiological person. But, though he does not use that vocabulary, Scheler's ego functions as the ontological ground of the spiritual person. Scheler may hold that the person, though not experienceable as an object, is as real as the spirit it manifests, yet is also ontologically and axiologically independent of the ego in ways Hartmann would not countenance. For Hartmann, there is no person without a subject, whereas in the *Formalism* Scheler maintains that God and the collective person are persons without an ego and without a corresponding body and inner awareness.[14] However, Scheler's ethical personalism would lose nothing if his postulation of an egoless God were dropped, for such an entity is not phenomenologically evident. But the collective person, whether or not real, is phenomenologically intuitable, and it possesses some axiological value. And it is fair enough to object that Scheler's efforts to distinguish ego and person are indistinct and needing further phenomenological research.[15]

Hartmann's doctrine that the possibility both of knowing higher values and striving to realize them is conditioned by the realization of the lower ones, just as the higher value of the person is built upon the lower value of the subject, could perhaps find acceptance by Scheler. There is no phenomenological evidence, we might point out, for Scheler's belief that the higher values are given *first* to the human spirit. The idea is theological in its implications, as Hartmann insisted, and Scheler later abandoned theism. In his early work, Scheler held, perhaps in the manner of Wordsworth, that the temporally first act of human awareness of value intends the value of the holy, and, as such, imitates the act in which God first loved the world. But knowledge of the holy is not just temporally first, it possesses epistemic priority over all the other values. Our ability to grasp lower values is *founded* in the cognition of the value of the holy (*Formalism* I, Ch 2, B 3), hence the lower values could not be intended without a prior cognition of holiness. He may have meant simply, as we noted earlier, that we would not and could not concern ourselves with the world and with living in it if we did not begin with an inchoate grasping at its holiness. Thus it is only through love of the highest values that we become aware of the lower. However, Scheler grants that the spirit can take personal form only through the evolution of life and the achievement of a conscious ego (which is also present in the higher animals). And this is Hartmann's point: the lower values of life and consciousness are the causal condition of the functioning of spirit and its openness to the values of beauty, truth, goodness, and the virtues. First came matter and life, then mind!

Nothing concerning the content of values themselves or their functionalization in moral beliefs is touched by this metaphysical or epistemological dispute. Its origin is a confusion of the *genesis* of spirit with the a priori structure of spirit. It is surely conceivable, if not phenomenologically evident, that an organism like a human being

[14] Note that Scheler's later metaphysics, in which Spirit and Life are the ontological dualities from which the world "evolves" in absolute time, was unknown to Hartmann at the time of *Ethics*, and it is not presupposed in *Formalism in Ethics*. Scheler of course eventually moved away from the Christian theology that Hartmann sees as an obstacle to ethics.

[15] For a more complete treatment of ego and person, cf. M. Frings, *The Mind of Max Scheler*, *op. cit.*, 86–90.

could not bring to givenness the value of pleasure and pain unless she was primordially aware of the essence of the holy. She would suffer pain, like an animal, without having a value-predicate for it. Scheler's concept of the ego and its phenomenology are perhaps closer to the phenomenological facts of the case than Hartmann's indistinct concept of the human subject and its relation to the human person. At the same time, Scheler can maintain that the spirit, as the foundation of the person and as metaphysically distinct from the ego/lived body, unfolds its existence according to the order of foundation of knowledge of value that Scheler sketches in *Formalism*.

The doctrine of the unobjectifiability of the person was no doubt anathema to a philosopher who, like Hartmann, requires a distinct awareness of the intentions of some subject in order to assign moral responsibility to him. Hartmann carries this criticism to Scheler's claim that higher unobjectifiable personal entities exist between the individual and God. Persons act in sympathy and solidarity with others, and from the common "worlds" they each uniquely intend, the irreducible[16] phenomena of communities, societies, and nations arise, each of which has the character of a person. In a partial concession to Scheler's position Hartmann agrees that a nation as such can act, execute tasks, quarrel, and have debts (*Ethics* I, Ch 25 b, 336), and in those capacities some personhood, however thin, is evident. Note, however, that Hartmann does not say that a nation can acquire guilt, which is a higher value. For in these cases there is lacking a subject, which is the foundation of the person in the full sense of the term, in which the possibility of moral responsibility appears. Lacking subjectivity – a consciousness, a Self, an inner and outer world – no such a phenomenon as "collective guilt" can appear. No doubt, also, says Hartmann, a collective spirit is embodied in the art and religion of the culture of a community, but all of the culture's works are the works of individuals that find resonance in the minds of others. The values of these cultural artifacts stand high above the lower values of pleasure and pain, usefulness, worthlessness, and harmfulness, but the higher are dependent upon the lower for their existence, Hartmann maintains, just as a person could not exist without the fulfillment of the lower conditions of his existence, including that of being a subject.

In connection with this doctrine, Hartmann makes a useful theological observation. God, if He exists, is not the highest person as Scheler maintains. For since God is absolute, He experiences no world external to Himself, as Scheler also noted, has no fellows, and is not the subject of his acts; He experiences no overcoming of resistance, and therefore must possess only the absolute minimum of personhood. Metaphysical personalism, according to Hartmann, degrades man by seeing the highest values not in the individual but in higher collective entities, and finally in God. This belief of Scheler's, says Hartmann, threatens the moral autonomy of persons. To develop this antinomy between human and divine moral being, we must turn to ethical personalism as the culmination of material value-ethics.

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[16] As discussed in the first chapter, "irreducible" refers to phenomena that are not founded in phenomena whose givenness to an intuition are presupposed by them. Community, Scheler believes, is just such an irreducible phenomenon. It appears essentially in the execution of acts by human beings (it is evident to all that we are not isolated individuals, but part of some social structure), and is presupposed in such higher, i.e., less deeply founded, phenomena as "sympathy," "friendship," and "obligation."

Chapter 10
Ethical Personalism

10.1 The Empirical and the Ideal Person

Despite their disputes concerning the phenomenology and metaphysics of the person, there is much agreement between Hartmann and Scheler regarding the axiology of the person. For both men, the phenomenon of "personhood," that which distinguishes each human organism from all other persons qualitatively, is the highest value. Moreover, as Scheler's unique "trace of essence" in each person, or as the "ideal personhood" of which both of them speak, the person functions as a kind of norm that demands an emotional response and an act of will. It obligates us to become what we (ideally) are, although our actual moral being always falls short of our ideal (*Ethics* I, Ch 32 b, 343).[1] As we have seen, acting out of obligation has no or only slight moral value if the value to be realized through meeting the obligation is not grasped by the agent himself as the highest value capable of being realized in his situation. Yet if he does grasp it, obligation becomes either superfluous or irrelevant to his moral merit. If he is forced to act, he bears no responsibility. This doctrine applies also to any "obligation" to realize our ideal personhood. No doubt, our idea of ourselves usually and properly functions as a kind of beacon that leads our moral efforts to "become what we are," to measure up to our potential for good. For "the realization of the ideal ethos of a personality is a moral value" (*Ethics* II, Ch 32 b, 344). This ideal personhood has an "intelligible character" in that it can be intuited as the meaning and the value of a person. The moral value and its implications for ethical personalism of this "intelligible character" or "ideal personhood" are the themes of this chapter.

[1] Hartmann notes here that a person falls short of his ideal personhood to "the exact extent to which he falls short of the claim of the general moral values which the Ought makes." But how is it then possible that a person's ideal can ever come in conflict with the ethos of his community? If it cannot, the moral ideal of every person is identical with that of every other person in his community or with that of Kant's pure practical reason. Hartmann does not seem to have thought through the implications of this claim.

E. Kelly, *Material Ethics of Value: Max Scheler and Nicolai Hartmann*, Phaenomenologica 203, DOI 10.1007/978-94-007-1845-6_10,
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This idea is differently articulated by the two men. Both Scheler and Hartmann agree that this "norm" constitutes a "good for me," a good that, perhaps, no other person may know of or share, and that only I can realize. The distance between the empirical individual and his ideal value may alter as the person varies in and through his actions, but on the side of the ideal, it is fixed. Its ideal value stands fast, like all ideal being, and "calls out" to be realized (*ibid.*). It is not surprising that a Christian like Scheler would identify this ideal intelligible character with the idea God has of a person – the person God created him to become. This idea of himself has for a person a normative value but not an obligatory character; it focuses his efforts to understand himself as God understands him in his deepest and most valuable potencies, against which his success or failure in growing into that ideal can be measured. Even without this theology, the concept of the ideal personhood has moral force. But is this theological theory the only legitimate measure of the value of the person, that is, does a person's value consists only in his realizing the vision God has of him?

A distinction will help us grasp the phenomenon of ideal personhood. We must take care not to confuse *personhood* as a value with the value of *personality*. Personality is the value peculiar to an individual person, as her empirical selfhood, with its talents, proclivities and it uniqueness. Her personality could be expressed by no other person except by imitation, which would result in the falsification of the imitator's own personality. A person may neglect those activities that alone can give scope to her unique intelligible personality and become forgetful of what makes her a unique individuality. Then she sins against herself and causes a loss for humankind. Of course we can fail to understand our personality, and we can fail to express it authentically even when we do.[2] Person*hood* is the ideal moral self that transcends the empirical self; it is the person one should strive to become. Hartman believes that the ideal personhood of a man or a woman cannot be purposively striven after; its achievement, which requires stretching oneself beyond one's current activities and achievements, precludes an occupation with oneself as such. It must be approached by an individual obliquely, by immersing himself in the activities to which he willfully attaches himself. To capture this oblique journey as the normative requirement of persons is to capture the highest normative horizon of material value-ethics. Yet the achievement of one's ideal moral nature is not impossible or even difficult. Hartmann writes, "while every man individually in his own way and according to his own feeling pursues values in general, he is thereby actualizing his individual ethos" (*Ethics* II, Ch 32 c, 347). The struggle lies in his lifelong pursuit

[2] One is reminded of the Hasidic tale of the dying Zaddik. He expresses his fear at meeting God, and his disciples comfort him: "Zaddik, you are as holy as Moses, as wise as Solomon, as learned as Hillel – how can you be afraid to meet God?" "Yes," came the answer, "but even if that is so, God did not ask me to be Moses, or Solomon, or Hillel: he asked me to be me." What saves this tale from being an ironic joke is the assumed *separation* and dialectical *interaction* between the empirical and the ideal person, between what one is and what one ought to become. We are both a specific moral potency and a specific reality; one conditions the other.

of what he knows to be valuable *for* himself, and not in the pursuit of *himself*. Such a pursuit of self may in fact falsify one's personality, for the person is initially directed *outward* towards the world, and more specifically, towards his moral and social milieu. Self-absorption falsifies that directedness. How these two pursuits – growing into one's ideal self and achieving and achieving what is valuable for oneself – may be brought into harmony will be discussed later in Sect. 10.3.5.

10.2 The Self-execution of Moral Personhood in Scheler

We have seen that the human being is oriented toward the world in both its bodily nature as an animal, as an ego and its drives, and its spiritual nature as a person with its rational and emotional openness to a world. Individual persons possess a public character, which enables others to predict, in a general way, the course of action a given person is likely to choose in some situation. The more a person's behavior is irrational, that is, lacks a continuous character, the more we have to resort to causal and psychological explanations of his behavior, and the less his behavior seems meaningful to us. A rational person's actions can *make sense* to others, even if they are "out of character," but of course, they are ultimately unpredictable, for personhood, from which they emerge, cannot be given as an object, as ego and character can. The person realizes itself only in the execution of cognitive and emotional acts. Persons can undergo profound alterations in their characters and basic moral tenor, they can be creative, be "reborn," all without a loss of the unique personhood that in effect becomes what it by living within such objective structures as character, ego, and milieu.

The tendency of our emotional and intellectual life is a unique ideal value-essence that can be understood at least in part by those who love us. This value-essence, or Hartmann's "intelligible character," is the subjective Ordo amoris, calling, and fate executing itself in its moral milieu. It is, for Scheler, the road this person, and only this person, may take. It leads to salvation, a term Scheler used frequently when he was a Christian, or to living the life of a complex inner harmony. In this doctrine of self-execution in a social milieu we see a hint of the Aristotelian idea that the gap between man-as-he-is- and man-as-he-could-become-if-he-realized-his-*telos*.[3] The normative value of personalism lies in its positing of a personal entelechy, a moral good for each of us that love knows of and that conscience urges us to achieve and constrains us from neglecting. This moral goal is unique in each of us: for that reason, the achievement of the virtues that are possible to me alone must transcend

[3] A concept we noted earlier in Philip Blosser's "Is Scheler's Ethic an Ethic of Virtue?" (In: Blosser et al., op. cit.). Blosser's genial analysis does not do justice to the normative value of the personalist element that the present work attributes to material value-ethics. Neither did this author's previous work on Scheler's ethics.

both the Aristotelian idea of perfect virtue and the Kantian idea of the good that consists solely in the adherence to universal moral laws. Scheler writes

> There is also the possibility of an evidential insight into a good whose *objective* essence and value-content contain a *reference* to an individual person, and whose Ought therefore comes to this person and to him alone as a "call," no matter if this "call" is addressed to others or not. This therefore is to catch sight of the value-essence of my person – in religious terms, of the value-picture, so to speak, which God's love knows me to have and which God's love draws out and presents to me insofar as this love is directed to me. … [This is] the evidential knowledge of a "good-in-itself" but precisely in the sense of a good-in-itself-for-*me* (*Formalism*, 410).

The aim of a personalist ethics as bearing upon conduct is therefore the creation of conditions that will enable persons to fulfill the Christian injunction to love one another, not because Christian or brotherly love is the highest good (we saw in Hartmann that *agape* is not the highest good), but because only when such conditions exist that it becomes possible to know and to mutually foster the unique value-personhood of each person, the achievement of which constitutes the highest moral achievement of each. The moral law, or what Hartmann called the broad principle of justice, represents only a minimum – one with very uncertain content – of what is required for moral justification.

Thus we can see more clearly what appeared paradoxical about material value-ethics at the end of our chapter on obligation: universal moral laws are "trumped" by the value-essence of a person as he stands before a unique situation that calls him to realize a value that is given with complete adequacy only to him, revealed through his knowledge of what is obligatory for him, and perhaps for him alone. Obligation does not vanish with the autonomy of the person, though, as we have seen, it loses its universality; to the contrary, obligations to realize positive values are freely chosen as *one's own*, unless, hating himself, one is no longer able to see one's own value or that of others, and lapses into apathy.

10.3 Moral Autonomy and Social Milieu

The phenomenon of the autonomous person as an ideal value-essence may be considered normatively under six rubrics. Scheler considers them as antinomies, in an effort to separate out from them what is true and what is false in ethical personalism. We will simplify by presenting his own doctrine under six theses, which we will then consider separately (*Formalism*, 501–02). From the discussion of these theses, the outlines of Scheler's personalist ethics will emerge.

1. The realization of the highest person-values should be the goal of the historical and political process.
2. The individual person can only reach his own highest value by not acting to achieve it directly.
3. The achievement of the highest value-persons is possible only based on an economically well-regulated and equalitarian community.

4. The moral solidarity of individual persons within a collective social person is a condition of individual moral achievement.
5. The bearer of the highest moral value is the intimate person, not the individual as a social person.
6. The assessment of a person's moral value may demand special reference to "ideal" persons bearing material values, whose phenomenology is a proper object of moral philosophy.

10.3.1 The Goal of History Is the Realization of Persons

Value personalism teaches "the ultimate meaning and value of community and history lie precisely in their providing conditions within which the most valuable persons can come to the fore and feely bring about their effects. For value-personalism, all history has its goal in the *being and activity of persons*" (*Formalism*, 505). A corollary of this proposition is that *mechanization* should be applied to liberate men and women from the necessity of impersonal toil. Solidarity of interests at the level of goods would make such mechanization easier to achieve. Presumably, Scheler means – perhaps contrary to historical evidence – that the more people are able to agree upon what constitutes the necessities of life, the easier it will be to realize such goods and thereby to release in some measure the personal spiritual capacities of each individual. Scheler attempts to distinguish his theory of what constitutes such spiritually liberated persons from "great men" theories (such as Carlyle's) that measure the value of the person upon his service to the greater community or to "history." Such theories he characterizes as "value collectivism." In this respect, his ideal of spiritually realized persons is closer to Kant's Kingdom of Ends, a community of persons of rational good will, or to Nietzsche's community of self-realizing "overmen." Yet Scheler's theory attempts to go beyond both of these ideals.

10.3.2 The Realization of a Person Cannot Be Achieved Directly

Scheler distinguishes ethical personalism from all forms of individual self-worship, in which men and women make their own betterment or even their own salvation (as in cloistered communities) the goal of all their activity: A person must "*never purposely* intend his own moral value" (*Formalism*, 506). This thought is consistent with his denunciation as pharisaism all attempts to act morally for its own sake. Scheler expresses this idea plastically: God glorifies Himself in the loving creation of the world, but He does not create the world to glorify Himself! It is consistent also with the fact that the higher a value, the more difficult it is to realize it by planned effort. Action that creates works of great beauty or goodness must necessarily be spontaneous in nature; it must emerge from the being of the person.

The achievement of the "perfection of the person" through acts of conscious will is absolutely excluded. One may will to be a good philosopher, that is, study hard, consider carefully the evidence for and the implications of what one maintains, respond rationally to objections, etc., but one cannot will to achieve one's personal self-value in a similar way – one can only seek conditions that allow one's self-value to emerge from other goal-directed activities to which one freely commits oneself. "Become what you are" is a powerful moral precept, if it encourages "you" to have an elevated idea of what you are and can become.

10.3.3 The Need for Equalitarian Communities

The proposition "there is for every person, individual, or collective an individually valid good that is no less objective and evidential, and for whose comprehension we utilize 'conscience'" has peculiar consequences for Scheler. It is a specification of the means by which a person encounters the "good in itself for her" that we spoke of in the previous section. We are each different – and different in *value.* But here, as we also saw in Hartmann, the principle of individuality is raised to a moral requirement:

> In terms of the moral "ideal" *each person must comport himself as ethically different and different in value from every other person under otherwise similar organizational, psychic, and exterior circumstances* – and he must do so without violating the universally valid series of norms coming from the idea of the value of the person in general (*Formalism*, 509).

Moreover, it gives rise to a further moral mandate, this time directed to the state. The passage concludes with one of Scheler's more famous sayings.

> The following may be regarded as the result of our analysis: men should become all the *more* equal and therefore "obtain" as equal in value, as those goods and tasks in relation to which these men are taken to be subjects of "possessions" (for the goods) and subjects of obligation (for the tasks) become *lower* and more *relative* within the ranks of the value-order. To put it plainly, aristocracy "in heaven" does not preclude democracy "on earth" (*Formalism*, 509).

The "lower" values are those borne by such commodities as food, housing, and clothing, and perhaps also (since Scheler does not specify), education, social welfare, medical care, and public infrastructure. Scheler also does not specify what tasks the "subjects of obligation" will undertake, but one might opine that all who work will be subject to taxation that will, in part, provide a transfer of goods and services to persons unable to provide on their own the wherewithal to live decently. This equality of condition regarding needs allows the unique value of each person to shine forth. And this state reaches the highest meaning of its existence (higher in value than the *economic* activity within the state) in the rational regulation of the needs of life of a community or a people (*Formalism*, 511). "As member of an always individual and in itself *un*equal realm of free spiritual persons, a realm that is in itself also unequal in value, the person is therefore in *all* respects *above* the

state, and, we may add, above law" (*Formalism*, 512). For the social person is *not* the rational person as such, as Kant wrongly believed, for which reason he also believed that the moral law applies to all equally. For Scheler, the value of the personal spiritual being is the *measure* of all moral and statutory law in the matter of justice, but it is not the *source* of law, which is derived from the lucid emotional and phenomenologically purified intuition of material values. Law itself, he may have held, has only utilitarian value.

It is useful at this point to set off Scheler's ethics from that of Nietzsche, whose teaching of the Overman as the "meaning of the earth" Scheler recognized as personalistic in nature. Unlike Kant, Nietzsche viewed individuality not as what is "left over" as a surd after the measure of a person's adherence to the moral law is subtracted from him, namely mere "personal" inclination, but as the orientation of the human being toward a possible *increase* in value. His value consists in his assertion of the Will to Power, of which he is an individual "locus." This is similar to Scheler's view of the value of the human being. But the key difference between Nietzsche und Scheler is that, for Nietzsche, as for many of the later existentialists, man is not just a bearer of values but a *creator* or *positor* of values. Hartmann, too, notes the absurdity of Nietzsche's "transvaluation of all values." What alone can be transformed are not the values themselves, but the way values are functionalized in one's community. Prophets do not create values, they point to values already existing but neglected or forgotten in the community and make them living or functional; the prophet *reminds* the people of their *own* neglected values. Further, the assumption of Nietzsche that a fundamental *in*equality prevails among men and women is correct, according to Scheler. But Nietzsche's love of the "heroic" type of man as the highest type led him to neglect the personal value-types of a higher order: the saint and the genius. He neglected also to foster the compassion of the heart and the material equality among men as the necessary conditions for men to become great. This narrowness of Nietzsche, Scheler argues, arises from his failure to recognize the principle of *solidarity* and *co-responsibility*, which are central to any personalist ethics.

10.3.4 Solidarity and the Collective Person

The idea of a "collective person" may, as Hartmann maintained, be metaphysically barren. But it refers to an intuitable phenomenon that is a bearer of moral values. The chief question regarding such a collective person for a personalist ethics regards the optimum relationship between the individual and the community. In pursuit of an answer to this question, Scheler presents a phenomenology of the a priori structures founding such a relationship.[4] His treatment of the collective person is far

[4] This phenomenology was later significantly developed and modified by Scheler in *Die Wissensformen und die Gesellschaft*, *Gesammelte Werke*, Band 8, 510 ff.

more nuanced than Hartmann's presentation of the same phenomenon. There is no question for Scheler that the collective person is different from and independent of individual consciousness. For the collective person is not an individual of wider scope, or a synthesis of individual persons. Rather it is contained in the social consciousness of the individual person as one possible direction of his acts – the direction towards those experiences that can only be had in mutual co-experiencing among persons, that is, in interaction with other persons in a communal setting. This occurs when one thinks of the meaning of one's family, one's community, or one's nation, and when one thinks with one's fellows about the spirit of such shared entities. This idea will be developed in reference to the "intimate" person. These collective entities correspond to an equally individual and irreducible social world that carries values peculiar to it.

An entire community or even a nation may be engaged in some large undertaking in which the individual senses himself to be a part of a moral reality that draws him on, whether by contagion or by conscious self-commitment to the achievement of its ends. In every act, "the person is given to himself in self-experience as a *member* of a *community of persons which encompasses him*" (*Formalism,* 519). This encompassing social community appears to individuals in the co-experience and co-feeling of the community. Its members execute the acts that constitute the community, but it takes on a kind of personhood of its own that, like all individual persons, is unobjectifiable, but intuited obliquely by re-experiencing its typical acts. As with the person, the community is constituted as the various centers of experience "in" living together. People speak of such entities as "the Obama administration" or "Ancient Rome," the "Mafia," each as a kind of person, perhaps as the spirit of a communal person within a specific moral milieu. The community's actions can be *understood* as freely willed and rational actions of the communal body, the "We." The communal person "has" a "history" whereas individual persons have a fate; the communal person has purposive activity, for it can command and obey within its milieu; it may have a "calling" or a "mandate" within its milieu. As a phenomenal reality, the collective person includes but transcends the individuals that make it up, as no one person, or all its members taken as a class of individuals, is "the Obama administration."

Of the four levels of living together – the mass, the life-community, the society, and the collective person, which are part of Scheler's theory of the a priori structures of all possible essential social unities – the final one, the collective person as such, bears the highest value. Scheler believes the solidarian collective person was achieved within the social structure of early Christian communities. These formed a "*unity of independent spiritual and individual spiritual persons 'in' an independent, spiritual and individual collective person*" (*Formalism*, 533). What makes this kind of community the *highest* value-type is the level and kind of moral responsibility attached to it. Since individual members of the community are self-aware individuals, they are entirely responsible for their acts (as opposed to the simpler "life communities," such as a village or an army, where responsibility rests on the community as a whole; the individual is "submerged" in it). In such a collective community, "every individual is also co-responsible for the collective person (and for every

individual in it), just as the collective person is co-responsible for *each* of its members" (*Formalism*, 534). In a *society*, individuals alone bear responsibility for their actions, and relationships between persons are regulated by written law and private contracts. But in the collective person, individual co-responsibility exists for all individuals as unique persons, and not as representative of the society in some objective way, as, say an administrator or as a police officer. The moral imperative asserted by the principle of solidarity, Scheler argues, can be formulated as a question: "What would have occurred (what values would have been realized) *if I as a spiritual individual, had grasped, willed, and realized the* '*good-in-itself-for-me*'… in a *superior manner*? (*Formalism*, 534)" Here "superior" refers to the mobilization of all my talents and capacities, not as one representing a "place" or a functionary within society, but as the unique individual I am.

The normativity of the principles of solidarity and co-responsibility rests on two theses. The first is that the collective person is constituted in the *mutual co-experiencing* of individuals, and its personhood belongs to, but does not exhaust, the personhood of each of the persons who constitute it. Part – and only a part – of the unique value of each individual inhabits the collectivity, giving and receiving material content from it. Responsibility for the community inheres in each individual as one of the directions of her beliefs and actions, indeed of her moral awareness as a member of the community. Membership in a community is an inescapable and a priori condition of individuality. The possibility of solidarity arises from the conditions in which a community itself arises.

Second, there is an essential *reciprocity* in solidarity. The advantage of one member must benefit and elevate the others. For that reason, the measure of the normativity of the spiritual community of persons as a collective personality cannot be its material *success*, as is the measure of utilitarian theories of justice, or of the fairness of its *constitution* and system of law, as in contractual theories of justice. The measure must be drawn from the highest idea we can form of the flourishing human being as each member of the community develops freely her ideal personhood, and each has regard for the others. The state, as the collective will of the people, founds the material conditions of such flourishing, and the normative value of the state is limited to a role in the promulgation of positive law to that end. Hence, ethical personalism, like the person itself, transcends the sphere of positive law to give space to the intimate person, who is the "remainder" of the social person.

The extralegal reciprocity of individual and community of which we spoke in the preceding paragraph is essential for the achievement of a normatively higher state, and is not contingent upon the laws (as reciprocity occurs when I find myself in a particular legal relationship with another person that is contingent upon the reading of the laws). The moral relationships into which persons as persons enter *demand* acts of reciprocity, perhaps in von Hildebrand's sense that values demand responses. Similarly, love and esteem require a response from its object, even if the response is negative (I cannot love or esteem you) for "one still bears responsibility to others for the negative value lying in the non-being of the positive value of responding love" (*Formalism*, 537). Such reciprocal acts change the person's *being*, that is, the degree of virtue in her as a power to act and respond to the actions of others within the

moral social structure. She responds not only as an obedient citizen to the community's demands (as in the life-community), or as a private individual having responsibility only to herself and to others as required by law (as in society), but as the person she is. A deep solidarity with others must be spontaneous; it cannot be created by contract, except ephemerally (as in a professional sports team with its "team spirit"). The conditions of solidarity can be achieved, but it must emerge from the process of living together, a process that the Christian Scheler adds, takes place before God as that Being to which both the individual and the collective person are responsible. It is perhaps this confidence in the achievability of solidarity and the mutual co-responsibility it implies that is the source of Scheler's willingness to deny the centrality of absolute obligation for material value-ethics. Obligations naturally arise out of membership in a community; without such community, obligation would be in any case ineffectual.[5]

10.3.5 The Social and the Intimate Person

When Hartmann wishes to give greater resonance to the exhibition of some phenomenon, he will normally refer to this own earlier researches, specifically to his doctrine of categories in his *Grundzüge einer Metaphysik der Erkenntnis.* Scheler, while referring often to his published or planned works, refers more frequently in his phenomenology to the metaphysical errors drawn from a misreading of the phenomena by older representatives of the history of philosophy. In this section, he argues that Wundt and Hegel erroneously measured the "moral value of a man on the basis of the individual's relation to a collective world of goods, a collective will, or collective logos" (*Formalism*, 570). The opposite error, he claims, was committed by Tolstoy, who finds not in the social person but in the eremite the exemplar of moral perfection. Such theories miss the fundamental complex structure of the concrete person and the way he lives – as *both* a social person embedded in a variety of collective persons and in history, and an *intimate* person. Fatherhood, citizenship, tenure as a judge or a professor, make moral demands and confer moral status such as esteem, respect, good name, honor or dignity (or sanctions), upon individuals, insofar as they live up to what their status demands (or fail to).

In contrast, the phenomenon of the intimate person appears in the interior space in which persons take council with themselves and before God. It is essentially closed to entry even to close friends. Persons are, of course, able to enter the mental states of other persons by re-enacting their acts. But even this technique fails to enter the self-being of another.

> Everyone feels (in some measure) – if he attempts to have a clear view of these kinds of [social] membership [family, office, vocation, citizenship, class, etc.] and of his own being – a

[5] Such is the interpretation of Maurice Dupuy. Cf. his *La philosophie de Max Scheler*, *op. cit.*, 551 ff.

> *peculiar self-being* [Selbstsein] (similarly a self-value and a self-disvalue), which towers above this whole and in which he knows himself (descriptively speaking) *alone*. And what comes to givenness in this essential form of possible self-experiencing is what I call the *intimate person* (*Formalism*, 561).

One cannot theorize about the moral nature of the person without attempting to encompass both aspects of personhood – the social person and the intimate person. It is this inner person that Scheler no doubt had in mind when he condemned those modern philosophers beginning with Descartes, who believed that to get at the essence of the human one had to go *around* the person to the *ego cogito* and its attributes and modes, forgetting thereby the social *and* the intimate person; yet these lie at the core of the concrete human individual.

The collective person also exists as both social and intimate: a nation can experience itself in an isolated form and itself as a member of the realm of collective persons. It seems unclear what phenomena the philosopher had in mind when he spoke of an "isolated or intimate collective person" appearing to a community beyond, perhaps, such phenomena as the psychological response of its citizens to a state of siege, or the familiar reflections of Jews on the issue as to "what it means to be a Jew." Perhaps, as we noted earlier in regard to Scheler's theory of the constitution of the collective person, such a self-experiencing of an intimate collective person refers to nothing more than to the acts an individual performs in conversation with some of his fellows when reflecting on the meaning and value of the group to which they belong. Their "group spirit" (as distinct from and opposed to their intimate or social personhood) is enacted thereby, and its content is in effect constituted for the interlocutors in exchanges such as these, though surely not for the community or all its members. Hartmann's criticism of Scheler's idea of a "subjectless experiencing" seems with respect to these phenomena quite appropriate.

Scheler also affirms that a nation can possess an *intimate ethos* by virtue of the cultural collective person that belongs to it. Again, in what class of phenomena this "belonging" is given is left unclear by Scheler. The concept relates, however, to the purported phenomenon of the "relative intimate person" possessed by an individual who is a member of one collective person with reference to another collective person to which he also belongs. Although Scheler does not give us any examples of those phenomena, he may have in mind such phenomena as that of the intimate sphere one belongs to as, say, the mother of a family, relative to that to which one also belongs as a member of a group or a profession. Both collective persons have intimate spheres that are "closed" to outsiders, while the acts executed in their respective social spheres (chastising a child, voting on union dues) are "open" to members of other groups in their substance and their effects – they can be "observed." Yet these spheres are still not directly cognizable, since they are constituted in intentional acts and thus can be approached only by their re-enactment. However, Scheler's text is not sufficiently detailed to bear this interpretation with any certainty.

The phenomena in which the social person becomes visible are encountered in our self-experiencing as a parent, citizen, or judge, that is, whenever we execute acts peculiar to these roles. We experience the social person neither as the image of each person in the other, nor as a "spirit" that emerges from members of a group or a

family, nor as a cultural unit as its members live and work together. Each person experiences him or her*self* as a social person. As such, each person appears to herself as a bearer of the values peculiar to the group. These values emerge from or become real through the activities of the group, and they demand out of their own nature a response from the larger group to which this group belongs, which larger group may esteem, honor, or condemn the social person that executes itself in the activities of the smaller.

Thus, a "dignity" pertains to the individual social person as a citizen of a state, and this value pertains to and is carried by all alike. It can be denied or violated, as in the case of an unjust government, or disallowed, as when a citizen is found guilty of a capital crime, but never extended formally by the state to the citizen, because it is the presupposition of all other values an individual can possess as a social person. Yet the intimate individual person appears most clearly when we consider the difference between the satisfactions or dissatisfactions felt by an individual with regard to the values and disvalues recognized by the collective persons of which he is a member and the sense of *intimate* despair or ease of conscience, of "inner peace" and contentment of soul or "unrest" that he may feel in moments of sweet or bitter silent thought. Yet the harmony of the individual intimate person with his social person is a great moral value. Hartmann appears to miss entirely this value of inner moral harmony in his table of virtues, but it appears indirectly in his ethics, as we hope to show later.

Scheler generates few normative principles from his description of the intimate person. However, he might easily have done so. The link of the intimate person to Scheler's idea of an obligation to "comport oneself as ethically divergent and different in value from every other person" is clear.[6] The notion of the intimate person is also similar to Hartmann's teaching that achieved individual personality is a virtue (*Ethics* II, Ch 32 a, 346). The success of a person in achieving the moral possibilities buried in the divine image of himself or in his ideal personhood will depend on the social conditions in which he lives, and those social roles he is compelled or expected to follow. No doubt this condition of the unfolding of the spiritual person functions in Scheler's claim that a just society must foster the obtaining of the material basis of human existence. However, he insists that no socialization of such means, however complete, and no solidarity among men and women, however keenly felt, could ever make the intimate person of any individual indistinguishable from his social roles. Intimate personhood cannot vanish from our sense of being, even in the young Nazi fanatics saluting their Führer.[7] The intimate person is a primordial phenomenon, an existential feature of the human condition. And Scheler makes two moral claims concerning the intimate person: that it is above judgment, and its highest

[6] A similar idea appears in Hartmann: "The axiological individuality and uniqueness of the ethos in each person are, as such, of value; in these is rooted all moral diversity" (*Ethics* II, Ch 9 a, 100).

[7] An interesting imaginative reconstruction of the consciousness of one of these young men is given in a passage in Sartre's novel *Le sursis*. The intimate person is submerged but not invisible in the wild enthusiasm of one man for the being of another.

state is that of personal love. The second of these claims, we will see shortly, is supplemented in spectacular fashion by Hartmann.

Scheler interprets the scriptural admonition, “Judge not, lest ye be judged,” as phenomenologically tied to the intimate person. The line from Scripture assumes a divine judgment that humans may not usurp. But it does not deny to judges their role in imposing judgments upon the “social man” who is a criminal, or to persons their rightful demands for relief from injustices they have suffered. Those judgments are of the person as a citizen. But we cannot, because of the nature of the person, indeed, because of the nature of cognition itself, which intends only *objects*, enter the sphere of intimate personhood. Love alone may enter that sphere effectively, but it does not judge. In this spirit Scheler writes,

> Every ultimate judgment of the finite person that assesses the moral value or disvalue of the other is self-contradictory. Of *necessity,* there is no cognition of the absolute intimate sphere of the other. … Only the social person and the *relatively* intimate person can be subjects of a (possibly) evidential value-comprehension. Thus to *withhold* the ultimate moral assessment of the other is the *duty* of all finite persons (*Formalism*, 571).

The profound recognition of the elevation of the core of personhood above human judgment, even when judgment of the social person is clear, is a central tenet of all ethical personalism. It serves as an effective criticism of social philosophies that would submerge the intimate person in his social praxis, a criticism that is effective even without the reference to the idea of God as the Being who reads one’s soul adequately and knows whether one is saved or damned. The idea of the intimate person is prominent in Scheler’s writing at the time of his major publications on the phenomenon of the person in *Formalism in Ethics, The Nature of Sympathy*, and *The Human Place in the Cosmos*. In Hartmann, parallel concerns with the core of the person and its moral value are visible in his treatment of what, “among life’s manifold riches,” possesses the highest intrinsic value: personal love. First, we must turn to another aspect of the self-realization of persons in the moral milieu: the education of children. Throughout our exposition, we will be concerned with the issue of moral freedom, which is especially acute in education, where the recipients of instruction are morally immature and only slightly self-reflective.

10.4 Models and Leaders: Education in Material Value-Ethics

Scheler was concerned with education throughout his lifetime, but especially after the collapse of the German imperial government in 1918. Many writings on this theme are collected in the fourth volume of the *Gesammelte Werke*, entitled *Politisch-Pädagogische Schriften*. It is not surprising that in philosophy he sought out the ways in which values take shape in human consciousness. He found an answer in his doctrine of models and leaders. Scheler maintained that it is possible to develop models or ideal persons of the highest positive and negative types of individual and collective personhood. These types are independent of historical experience and hence a priori, and they have normative value. They do not function as obligations,

that is, as an Ought-to-*do*; they are types of ideal persons that function as an Ought-to-b*e*, or obligation as appearing in personal form. What later become norms of behavior originally have the personal form of the model. Again we see that for Scheler, persons are the primordial moral phenomena, not norms.

Models are *prior to* virtues and vices and to moral rules and prohibitions. Neither virtues and vices nor moral rules and prohibitions would ever be recognized and effective in human affairs if they were not first encountered in moral persons. He writes, for example,

> There can be *no norms of duty without a person who posits it* … there can be no "reverence" for a norm or moral law [as there is in Kant] that is not founded in reverence for the *person* who posits it – founded ultimately in love for this person as a model. … And so the following holds generally: all norms have their value and disvalue in accordance with the possible positive or negative value of the *exemplariness of the person* who posits them; and the positive or negative value of the model's content is determined by the positive or negative value-essences of the person who functions as model (*Formalism*, 573–74).

Scheler's treatment of this theme is quite disorganized, and his presentation shifts at points in its content and its vocabulary. We begin with the chief phenomena in which the Ought-to-be is constituted, which Scheler identifies in *Formalism in Ethics* and in "Vorbilder und Führer."[8]

Moral models range over a scale of types from abstract to concrete. *Models*, or *pure value persons*, are embodiments of the five irreducible levels of value (with corresponding counter-models for each of the five disvalues). They are a priori in that they are derived from the five a priori values in the vertical scale of relative worth. Their moral contents are hence quite thin, for they contain no more than the shadowy figures that "embody" the primordial values themselves: the "holy man or woman," the "spiritual" person, the "vital" one, the masters of the "useful" and the "pleasant," and their relative disvalues. *Concrete exemplars* of models are not a priori, for they have "drunk the blood from the wells of historical experience."[9] These are the peculiar forms that pure value-persons take in a given culture. They are usually first described as mythic or semi-divine figures glowing out of the dim fog of a culture's ancient poetic tales. Thus, the thin contents of the pure value-persons that function in the ethos of individuals or cultures determine a priori the moral outline of the exemplars that *can* appear to their imagination and function in their literature and their aspirations. The exemplars are provided with specific moral content by the historical and social situation in which they appear and function. The exemplar of the hero, which appears on the level of vital values, takes different imaginative shapes among persons and cultures whose ethos and whose traditions are structured in specific ways by the conditions of their lives. For example, the

[8] Cf. the posthumously published article by Scheler, "Vorbilder und Führer," *Gesammelte Werke*, Band 10; for essays on Scheler's educational philosophy cf. *Die Bildung der Gesellschaft*, ed. Ralf Becker et al. (Würzburg: Königshausen und Neumann, 2007).

[9] "Vorbilder und Führer," *op. cit.*, 142.

schematic form of the heroes of the *Iliad* (the "god-like" Menelaus), the hero of Bunyan's *Pilgrim's Progress*, and the hero of the *Ramayana* have different moral shapes. Each bears a variety of configurations of virtues and vices. These and other are exemplars are found upon each of the five irreducible levels of value types and their counter-types. The sacred and the profane are imaginatively embodied in the *saint* and the *demon* and its types, the prophet and the holy man, and its counter-types, the devil, the false prophet or the witch. Spiritual values appear in such disparate types as the *artist*, the *genius*, or the *composer*. The vital values appear in the concrete forms of the *hero* and its archetypes, the warrior, the knight, the man on a "quest"; their disvalues appear in such counter-types as the villain, the coward, the hunchback, the "bad guy". The utility values are exemplified by the "leading minds of civilization," (statesmen-types) whose negative counterpart is the demagogue, and, for the value of pleasure and pain the *bon vivant* or "artist of life" and his negative counterpart, the philistine or the prude.

Historical *model persons*, in contrast, have more specific moral content. Scheler uses the term to designate those individuals who come close to embodying a concrete exemplar of a specific kind; he or she might be considered a "representative" exemplar in a certain epoch, or class, or profession (Einstein as "the" scientist, Picasso as "the" artist, Verlaine as "the" *poète maudit*). Scheler did not attempt to embody his table of virtues in persons representative of them, but it would not have been difficult to do so.

Pure value-persons, exemplars, and model persons do not function simply in the education of children, as they have always done – most remarkably in the epic poetry of peoples, whose brave warriors, faithful wives, wise mentors, resourceful adventurers, and their disvaluable counterparts, gave to generations of youth personal if imaginary embodiments of the ethos of their culture, oriented their own still malleable basic moral tenor, and gave content to their fate and destiny. Models are also the primary referents of attempts to fill out with content the values desirable in persons carrying out social functions of various kinds. Thus, we have the concrete models of the good doctor, the bold robber (Robin Hood, Stenka Razin), the strong worker (Paul Bunyan, John Henry), the wily statesman (Bismarck, Talleyrand). When such moral content is attached by folklore to historical personages, they become bigger than their historical reality and fix themselves in the minds of people simply as representing a set of values, while their actual historical activity is largely forgotten.

Scheler is not, however, trying to identify or to extract historical examples of such figures, whether real or imaginary, and then to study their educational or sociological effects; our examples – and they are our own – only serve to guide the reader. Through the possibilities opened by his initiative, he will attempt an a priori study of fundamental ethical phenomena. The moral content of pure model persons is derived from the value-types they represent as persons. They are prior to moral norms, for they condition only indirectly what persons try to be or become, and cannot themselves be directly imitated. The model must already be subliminally effective in a person, that is, echo in his basic moral tenor and awaken his sense of calling and his fate, before he can be "imitated," and then only in the social context of the

"imitator" (Cf. *Formalism*, 578). Thus, values become functional in an individual or culture through its models; the realm of values enters the lives of people via the model persons they dimly discern. They make entry not by the application of practical reason, but by the *subliminal encounter* with model persons. They draw or repel the emotions of young persons, in effect instructing the emotions about what is to be preferred and abhorred in men and women. Models mediate between the values themselves and their reception and functionalization in individuals and cultures; values *address us in the form of a person*.

Scheler formulates the mode of existence of a model as follows: "It is, in its content, a structured value-complex in the form of the unity of the person, a structural thusness of values in the form of the person – but according to the exemplariness of the content, the unity of a requirement of Ought-to-be that is based on this content" (*Formalism*, 578). Note that Scheler speaks of the form of the unity of the person, signaling that the unity is perceived as external and complete, hence not that of an actual person, who cannot be an *objective* unity, but is always encountered as an ideal unity. The model is encountered directly as a figure bearing an obligation; the Ought-to-be appears to me in the experience of the model as "it obliges me to follow" *without* reference to my autonomy. The model simply determines my goals according to the value perceived in it. There is not yet a desire to "be like" the model, such as we often attribute to children: "Gee, I would like to grow up to be just like her." If this is all so, then it would appear that the values of persons and cultures are the products of compulsion; the model determines psychologically and causally, on a level beneath the free control of individuals, what they will value, and how they will seek to realize values: as "disciples" of the model person (Cf. *Formalism*, 574).

This conclusion is consistent with Scheler's claim, studied in Chap. 5, that adequate knowledge of value immediately determines the will. One's spontaneous encounter with a model person whose values draw one's own moral tenor into their orbit and make them functional as norms leads to discipleship with the model. The model becomes central to the disciple's moral milieu. The milieu, as we recall, is neither freely chosen nor escapable, except by a profound revolution of one's Ordo amoris and of one's moral milieu. Scheler adds to this idea in a footnote to the passages in *Formalism* on models and leaders that, although it is possible consciously to will the bad as bad, "it is *not* possible consciously to *prefer* what is given as bad to what is given as good" (*Formalism*, 583 fn 291). The proposition seems analytic. Nonetheless, his language suggests otherwise, in that the choice of a model is an action by the moral agent: the model is "grasped" by a person, or "seized" by him (*Formalism*, 583).

Does this imply a loss of moral autonomy vis à vis the model? Our knowledge of moral law or of the virtues does not appear to be founded solely upon our encountering an adherence to specific moral laws or the achievement of specific virtues in the model person, and our being consequently incapable of formulating alternative norms and virtues. Scheler seems agreeable to this observation, for he insists, albeit without sufficient phenomenological evidence, that the autonomy of the disciple is not forfeited in his discipleship. "His autonomous will is preserved because the

primary transformation toward the good concerns not willing and acting, but the *being* of the person who achieves fidelity [as a disciple] as the root of all acting" (*Formalism*, 575). However, the distinction between being and acting that is foundational to this passage is in logical tension with Scheler's doctrine that all moral action is founded in the deeper levels of a person's being, that is, in his general moral tenor and his Ordo amoris, over which the agent has no direct control. Thus, an interpretation of the role of models that preserves the capacity of individuals to fashion freely their basic moral tenor is questionable.

To attempt nonetheless a charitable interpretation without being unfaithful to Scheler or to the phenomenological facts of the case, we may say that the model attracts the disciple as an objective complete or completed possible human person, that is, as the stuff of finished legend and not as a concrete unobjectifiable living human being who exists as a person only in the execution of his acts. There is hence a fundamental moral discontinuity between the model and the disciple. Moreover, the model is not a lawgiver; he demonstrates through his actualized personhood only how a valuable life *can* be lived. Hence, the historical actions and power of the model to realize values play a secondary role in the determination of the being of the disciple. What the disciple primarily perceives in the model are positive values that he, the disciple, could execute in his *own* way in the situations that he finds himself in as he passes through life. Yet he "seizes" them, and is moved and inspired by them.

Now it is one thing to say that it is impossible, as Scheler says it is, to prefer what is given as bad to what is given as good, and another to say that an embodied positive value in the form of a model person "draws" us when we are quite young such that we could not prefer values counter to it. For the former takes place in the light of full consciousness, and does not inhibit our freedom. I could not, given my present moral milieu and moral tenor, prefer the values exemplified by a dictator to those of saint, or the goods-value exemplified by a comfortable chair to that exemplified by a great work of art, but there is surely no more compulsion here than in my inability to deny a demonstrated theorem in geometry. In contrast, the model exerts its influence upon us subliminally, and, despite Scheler's claim that "in all consciousness of exemplarity there is at least a *tendency* toward insight" (*Formalism*, 579, fn 280), he does not settle the issue of one's *responsibility* not only for one's actions, but for the values I live and affirm as my own. Scheler is again too little troubled by the metaphysics of freedom.

Consider as a concrete exemplar of moral value "honest" Abe Lincoln, a man who has served as a model of rectitude and a spiritual inspiration to generations of Americans. What one perceives in the bearing, demeanor, and speeches of this man is primarily such a value as honesty, *apart from* the specific judgments and actions in which Abe's honesty manifested itself. The "disciple" – the American child being told stories about the murdered president – learns about the value of honesty in the sense of straightforwardness and personal integrity from these stories, and he is "tugged" in the direction of honesty by the thought of the man who manifested it so thoroughly in his being. But there is no question of "imitating" Lincoln, for the disciple cannot live Lincoln's life, given its unique historical context. *Through*

discipleship, and not *before* it, he perceives the fineness or even the beauty of the moral law, "Do not bear false witness," and the nobility of "having the courage to speak your mind," and the value of truthfulness even when it may not be in your interest to speak it. It always remains possible to disengage oneself from discipleship by extending one's knowledge of the realm of values by phenomenological inquiry into the values themselves as given to self-reflection. Scheler insists on the value of the metaphor of the models "drawing" to themselves the disciple's heart (as opposed to the metaphor of "commanding" of the citizen by the state or of the faithful by God or of children by their parents) in our efforts to understand the foundation of individual moral being.

Scheler's doctrine of pure model persons must be considered in the following way to evaluate it as a normative doctrine. Each of the five vertical dimensions of pure values (and their disvalues) represents a model against which goods-values are measured. The relative holiness of a divine teaching, the beauty of a work of art, the usefulness of an invention, the physical pain of an injury: each of these values "call" to us to realize or eliminate them. Models are the precipitations of such values upon the being of persons, each of whom represents these values in its own way. They become concrete models within the living ethos or Ordo amoris of distinct individual persons and cultures as its a priori models of human achievement (or loss) on the various levels of its emotional life. Distinct persons may become "exemplars" of these concrete models on the level of the ethos, and those exemplars are pointed out to a younger generation by its elders as possessing virtues (or vices) that are worthy of emulation (or abhorrence). Some youths may feel themselves more called to this emulation than others, but again each in his or her personal way. Each loving heart resonates to the image of what human beings can achieve of goodness and excellence on different value-levels; the basic moral tenor of the boy or girl takes clearer shape; the loves and hates of the heart may undergo an alteration as the spirit executes for the first time acts of emotional cognition that intend heretofore unknown values.

Any moral teaching, if it is not manipulative propaganda, must appeal to the freedom to accept or reject it on the part of those who are taught. Now material value-ethics has an obvious problem on this account, that the grounds of the acceptance or rejection of a moral doctrine cannot be empirical or rational, for knowledge of values is not given through the senses or derived by logical analysis. If its teachers are to appeal to the freedom of its students, they must, therefore, invoke a different ratiocinative faculty.

This faculty, for Scheler, is found in the heart, whose intentional feelings and preferences, however much they may be distorted by passion, by narrowness of scope, or by ressentiment and self-inflicted oversight, are guided by a priori laws that constitute the universal order of the heart that phenomenology can reveal. Reason, of course, is required to apply these laws of relative worth to the situation in which one finds oneself, and action must be preceded by acts of conscience. Moral teaching, therefore, must be based upon revealing to the learner those universal moral and situational values that are already functional in his or her own heart in a unique but limited form. And the best way of achieving that teaching is by the

teacher's appeal not to the values themselves, but to the moral exemplars that embody those values. Much as Plato's Socrates called upon persons to "turn their souls toward the eternal things," and much as Kant awakened in us a sense of our universal rational nature that should dictate the moral law to us, so Scheler's pedagogy for material value-ethics first appeals to the "eternal" personal models of values that the learner can recognize as calling to her own inchoate personhood. These values do not dictate but draw to themselves not her reason, but her emotional being, and help her to grow into the ideal person that she already is and can still become.

Yet Scheler's later doctrine of the impotence of the spirit makes this charitable interpretation of his doctrine difficult to maintain. For it is hard to see how persons could freely disengage themselves from the subliminal influence of models if the human spirit has no powers except those it borrows from the blind drives of life, as Scheler proposes in his late metaphysics.[10] Even in the phenomenological works, the spiritual influence that determines an individual's basic moral tenor seems to come from outside him, and to do its work without the participation of the personhood of the disciple, which is given structure and direction in this very process of subliminal discipleship. In the phenomenological work, Scheler speaks of values "tugging at our hearts," and their "drawing" the disciple by the model that embodies them and in the later metaphysical work he employs the metaphor of "bait" of values that draw a fish, embodying the drives, towards themselves. However, here the "bait" is offered by the impotent spirit of a person in the hope of drawing to himself the life-energy it needs to realize the values that the spirit intends. There is no mention of moral values being embodied by persons. In the essay "Vorbilder und Führer," Scheler holds that the drawing power of the exemplar may cause a modification of our basic moral tenor, which seems, again, to be beyond the capacity of acts of will, for acts of will are formed *within* the limits of the moral tenor itself. We evaluate and act to achieve what is valuable, but always only within the limits of our moral milieu.

In sum, the key motives that animate Scheler's phenomenology of models and leaders are fourfold: *epistemologically*, to provide an understanding of how values become functional in an individual or collective person as its ethos; *morally*, to demonstrate the motive force of exemplars in determining adherence to moral laws or standards of virtue in action; *pedagogically* or *practically*, to make suggestions for the moral upbringing of children; *axiologically*, to establish the human person as the seat of morality, and to assert that neither reason alone, nor a concept of the highest human good, nor a calculation of benefits and harms, provides the foundations of ethical reasoning.

We take the first two propositions to be adequately founded, and that Scheler is also right to claim that moral instruction in theories of right and wrong or explorations of the highest human good generally fail pedagogically in comparison to presentations of what great men and women can and have achieved. But his pedagogy

[10] Cf. for example, *The Human Place in the Cosmos*, *op. cit.*, 40.

is mired in the murky waters of subliminal suggestion. Scheler believes that psychoanalysis may be effective in learning "reflectively *what* is effective or post effective as a model both in our own case and in that of another. In individual cases, this requires difficult technical methods. These cannot be developed here…" (*Formalism*, 579 fn 282). If that is so, then again moral action seems to be removed from the area of free choice. It is possible, therefore, that the phenomenological clarification of values, which Scheler offered as a cure for the moral illnesses caused by ressentiment and the idols of self-knowledge, is in fact incapable of doing so. For the moral exemplars that draw us toward them at an early age may have nothing of the phenomenologist in them. No doubt, a new exemplar may cause moral rebirth in a person, but whether the person perceives this new exemplar as an exemplar will depend upon the exemplars that currently have sway over him, for they determine the direction of his fundamental moral tenor and with that his ability to perceive values of certain kinds. Frings, who takes up this problem of moral freedom in Scheler, similarly does not appear to have solved it, though he believes it is solvable. If so, the solution will lie in Scheler's claim that an exemplar is not blindly followed, but rather that the force of the exemplar upon his personal being is recognized at some level by the disciple, so that he can encounter this force and this influence as it draws himself to it critically, that is, by intuitive reflection upon the values carried by the exemplar. The various and painful approaches we have taken to Scheler's concept of freedom seem to terminate at this dismal conclusion.

The fourth proposition is the key to Scheler's ethical personalism: moral values do not exist until they are realized in the self-execution of persons through their intentional acts and according to the moral beliefs that function in their ethos. That self-execution, and not the norms and virtues realized thereby, is itself the highest value. Exemplary persons embody values in their very being; they are the possessors of what Hartmann called "radiant virtue," which, we recall, imbues other persons with the power of the human spirit, and gives lesser men and women hope that a truly moral life is a possible for human beings. Hartmann does not assign to radiant virtue the pedagogical value and the moral power to draw towards itself the being and actions of persons, as does Scheler. Hartmann, we recall, criticized Scheler for threatening moral autonomy by affirming a divine being as creator of the universe. But the threat to autonomy posed by Scheler's personal exemplars as the source of moral consciousness appears to arise from his willingness to seek the origins of the ethos of persons in sources beyond rational determination. For Hartmann, human freedom is everywhere postulated. Morality is encouraged, not "learned," and it is situated in the person's being-virtuous (or vicious); dispositions to virtue (and vice) condition praiseworthy and condemnable actions. Persons possess the teleological capacity to bring values consciously and purposively into the world and virtues into themselves. Moral values, like all values, possess an ideal being of their own apart from human consciousness of them, but their real existence becomes possible only through autonomous human beings and their purposive actions.

10.5 The Intimate Person and Personal Love

Scheler insisted that love opens us to knowledge of the world, and is not an intentional emotion or feeling-state, or even an intensification of sympathy. It is the original manifestation of spirit in the form of the person. Love is the *pioneer* of the emotions; it is that which impels our feelings to seek out the values that are presented to the mind upon the empirical objects and persons our senses encounter. Scheler writes,

> [The act of love] presents us with … a *movement*, in whose course *new* and *higher* values, i.e., those still completely unknown to the given subject, light up and flash before his eyes. Thus, the act does not *follow* the acts of feeling of value and of preferring, but goes before them as their pioneer and leader. Insofar as this is the case, we must ascribe to it a *creative* capacity, not of the values, which exist in and for themselves, but of the circle of values and their contents that can be felt and preferred by a subject at a given time (*Formalism*, 261).

One can feel the values carried by a thing or person without loving or hating it, but love always opens us to and orients us toward whatever higher values are possible for our own selves to achieve, or toward the possibilities inherent in the ideal personhood of another person. In loving another person, one sees through the empirical person to the self-being of the person loved, however incompletely. Hate closes us to the positive values and reveals the disvalues in a person. More generally, love opens the spirit to all of being and essence *as* valuable and worthy of reverence, and for this reason it is the deepest foundation of science and philosophy. Hartmann expresses an idea similar to Scheler's when he writes that love or Eros seeks out the ideal self-being of persons or things, not their actuality (*Ethics*, Ch 33 a, 368–69).

In *The Nature of Sympathy,* Scheler described the process by which love opens us to the ideal possibilities inhering in empirical persons. Love is not blind, he observes; the lover is better sighted than the man who does not love, although he may not be able to say what it is that love reveals in a thing or person he loves. The lover sees what others do not see: the outline of the ideal personhood of the beloved, that is, what he could become if he achieved his intelligible person, his ideal self-being. Love is a seeing-through what is empirically given into this *telos* of the person; it is not a striving, or act of will, for the lover does not consciously and purposely try to help the beloved grow into the ideal. Such striving by the lover would make the beloved person's achievement of it a condition of the continuation of love, and love knows no conditions: The lover sees what is there, his love reveals what could be there, and he rejoices at his beloved. The experience of personal love in a concrete situation is a feeling-with the beloved. An example of this love is given in *The Nature of Sympathy*, where parents are standing over their dead child:

> They feel *with each other* the *same* suffering, the "same" pain; i.e., not that the one feels this suffering and the other feels it also, and in addition they both know that they are feeling it, but rather this is a *feeling-with-each*-other. The suffering of the one is not given to the other in any way as an "object," as is the case with the friend who comes up to the parents and sympathizes "with them" or has pity "on their pain."[11]

[11] *Wesen und Formen der Sympathie, Gesammelte Werke,* Band 7. Translation by the present author.

In the section in *Formalism in Ethics* where Scheler is analyzing the phenomenon of the intimate person, he speaks briefly of personal love, that is, of an intimate love and friendship between two persons as the highest perfection of the idea of friendship and marriage. Such love, he believes,

> is *accompanied* by a religious community and a community of culture and state … and so represents forms of the most intimate proximity and community, which finite persons can share. … And it may well be that this factor is what gives true experiences of marital and amicable love a transcendent touch and a sense of eternity in the contents of the intention directed toward their essence, which poets of all ages have experienced and praised (*Formalism*, 565).

This idea of *transcendence* is taken up by Hartmann in his phenomenology of intimate love. Here Hartmann rises to a high eloquence, which is familiar in him. Yet he never loses his total control over his linguistic medium and never becomes flowery or overwrought; he always keeps his mind's eye upon the phenomenological facts of the case and describes them with precision.

We recall that for Scheler values such as honor and esteem are not bestowed upon a person, they are values belonging to certain social functions. They demand (if unsuccessfully) reciprocity. So, Hartmann observes, even more is this so in the case of love. For intimate personhood is a value that demands reciprocity. A person finds his own worth in being *for* someone who offers himself in friendship not merely with the esteem or respect that is due to the social person, but with a love for his unique and intrinsic worth. Personal love "is the value complementary to personality, a communication to it of its own being" (*Ethics* II, Ch 33 a, 369).[12] Only in this one empirical person is found that which approximates what love reveals as his unique ideal personhood. No one else, indeed nothing else in the universe, possesses that singular personal being and no one else could respond to the unique love it is offered.

Perhaps because of this uniqueness of each case of personal love, a remarkable and unique phenomenon appears in it. We recall the incommensurability Hartmann discovered between the moral value of a willed action and the goods-value the action achieves. A person may display high moral excellence in achieving a relatively slight value, or moderate moral value in achieving something of relatively high value. But in personal love, and only in it, the essential disparity between the value of the intention – its moral worth – and the value of the thing intended – the thing valued – disappears! The value of personal love is intrinsic to what it loves – the person of another. "For the achievement of personal love is the moral Being of the loved one" (*ibid*., 375). The moral value of love is the power of the lover to uplift the person he loves towards his ideal being; the measure of the value of the former is its achievement in the latter as the response to it. This achievement is possible, Hartmann believes in agreement with Scheler, because the loving gaze of the lover

[12] As truthfulness is the virtue complementary to the value of truth, so personal love is a virtue complementary to the person, whom it exalts.

peers behind the empirical person to the ideal – not to something standing behind the beloved person as a kind of shadow, but inherent in the essential value-tendency of the beloved, his unique being-towards value – his Ordo amoris. Love guarantees the achievement of this higher moral being toward which the beloved tends, and draws the beloved on to achieve it. How could one "become what he is" if no one loved him? The natural stirrings of self-love of an unloved person would be frozen, and the decline of the person to disvalues would begin.

Love possesses a positive power of amelioration; it is the wellspring of all human moral goodness. It has "the tendency to draw to itself and into its service a person's entire volitional energy" (*Ethics* II, Ch 33 c, 372). The only way to lead a person to moral virtue is by liberating and fostering his capacity to love, which is itself an achievement of love.[13] In part, this volitional energy expresses itself in the will to kindness and in the devotion placed in the service of the beloved. For love offers to the beloved something that his own will can never be to himself, a goad and an admonition. One can be watchful over one's behavior, but, as we have seen, no one can will himself to be effectively "good." The attempt would be precisely the pharisaism that Scheler condemned. But to be loved by another leads a person to virtue. The lover offers the beloved "a will, a striving, a guidance, a creating directed toward [the beloved's] unfulfilled moral being, his personality as a value" (*ibid*.). In this sense, love is not merely dependent upon reciprocity (one can love without being loved); it is also a power, a capacity, a virtue. Moreover, love possesses normative moral force; it liberates us from egoism, for the worth of the love is not conditioned by what it receives from the beloved. It can give more than what it receives without loss to itself.

Scheler had discovered from Goethe that love has this morally edifying effect; it raises in value both the lover and the beloved. He cites Goethe: "Wer im Stillen um sich schaut, lernet, wie die Lieb‘ erbaut," which may be rendered in English, "Who looks within when all is still'd, learns how love our heart doth build." From Scheler's Christian perspective, the spiritual love of a person enables us to grasp the idea of a loving God:

> [In the spiritual love] of a person, there is the joyful advance from value to value in the [beloved] object, accompanied by a growing sense of peace and fulfillment, and the termination in that positive form of striving, where every new enticement of a fancied value results in the abandonment of a previously given one. … An essentially infinite process of love – however, it may be interrupted, bound, and individuated by the organization of its specific bearers – demands for its satisfaction an *infinite good*. Thus, the object of the idea of *God* (seen form the formal two predicates of good and the infinite form of being) lies at the root of the concept of the Ordo amoris, just because of this essential character of all love.[14]

[13] Here is Hartmann's answer to the question posed by first by Aristotle and then by Scheler and von Hildebrand as to how a vicious circle can be avoided: knowledge of virtue presupposes a disposition to virtue, and yet a disposition to virtue presupposes knowledge of virtue's value. The state of being loved awakens a person to his self-value, and with that, to all being and value.

[14] "Ordo Amoris," *Gesammelte Werke*, Band 10, 359.

The edifying power of love has primordial normative power, Scheler believed, insofar as it, by looking through the real into the ideal, enables us to intuit higher vales than those that are at present real, and this loving vision inclines the beloved to their realization. He writes in "Ordo Amoris" that

> no reproach can hurt us so much, and serve as much as a goad to the core of the person to develop himself in the direction of a perfection at which he is aiming, as the awareness of a loved one that he is not at all, or only partly measuring up to the ideal vision of love that the lover holds before himself, and, indeed, that he borrowed from him. Immediately an urgent need arises in the core of the soul to grow into this picture.[15]

In God's love for his creation, Scheler believes, we catch a glimpse of ourselves in our possible perfection as spiritual beings:

> Of course we love ourselves still, but always only as we would stand before an omniscient eye, and only so far, and insofar, as we can stand before this eye. All else in us we hate – that much the more as our spirit penetrates into this divine picture of ourselves, the more gloriously it grows up before us, and the more strongly it deviates from that other picture that we find in us beyond the one that is enduring and divine. The hammers that we devise to reform and re-cultivate ourselves, hammers of self-correction, of remorse, of mortification, strike each part of us that sticks out beyond the shape that this image shows us of ourselves before and in God.[16]

Hartmann speaks solely of the love of one person for another. There is joy in this love, and an element of striving, also, he believes. Yet both the achievement of love and the relation of love to happiness are often misunderstood. No doubt love "is the purest and most elevated joy, the deepest happiness" (*Ethics* II, Ch 33 d, 375); to the one who loves "it gives the triumphant consciousness of being for the beloved the highest which one can be for another" (*Ethics* II, Ch 33 c, 374). Like Scheler's collective person, the love between persons "can grow in power far beyond their combined wills and capacities, and can even determine their destiny; there is a law of a higher order which rules in it, which is also individual but never coincides with that of the participating personalities" (*Ethics* II, Ch 33 b, 371). People become lost in their milieu and in their social persons until love reveals to them the absolute uniqueness and the intrinsic value of their personal being. Happiness and unhappiness, next to this elevation and self-revelation, are secondary. Love contains both pain and joy. Yet, as Max Scheler revealed in his phenomenology of the stratification of the emotional life (*Formalism* II, Ch 5, 8), persons may feel negative emotions of a lower kind while feeling positive emotions of a higher kind: thus, I may enjoy the taste of a glass of wine while enduring a headache. And I can love my friend while quarreling with him or her, Hartmann observes.

> It is quite possible for those who are bound in personal love to irritate each other superficially. … [Love] can also suffer under them; into its emotional values the savor of pain can enter. …For love is capable of suffering, it can endure and bear; it is not rooted where conflicts have their root; it is embedded in a different stratum of our moral being (*Ethics* II, Ch 33 e, 377–78).

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[15] "Ordo Amoris," *Gesammelte Werke*, Band 10, 359.

[16] "Ordo Amoris," *Gesammelte Werke*, Band 10, 354.

It is remarkable that Hartmann uses the word "stratum," which clearly refers to Scheler's phenomenology of the stratification of emotional life without crediting him for the insight. He may be borrowing the term from his own ontological notion of levels or strata, but that is from another context, and it use does not apply here.

Without having the reference to God ready at hand that came so naturally to Scheler, Hartmann establishes the moral power of love to edify and transform the being loved, though in less grandiose terms:

> To the loved one, [love] is what his own will can never be to him, a will, a striving, a guidance, a creating directed toward his unfulfilled moral being, his personality as value. … It is a supremely real and decisive power in the life of the beloved, an actual leading up to his true moral being. No one who has experienced it will deny that genuine, deeply felt love has the power to transform him morally whom it is directed toward, to make of him what it sees and loves in him (*Ethics* II, Ch 33 c, 373).

This is a power, we might add, that often fails to achieve its potential.

It is surprising when, in his chapter on personal love, Hartmann also does not credit Scheler for the notion of the cognitive or epistemic value of love, which was a chief discovery and development in Scheler's major phenomenological works of his middle period. Further, it is surprising that Hartmann, who throughout his works is skeptical about God's existence, comes close to Scheler's notion that there is a personal relationship to God inherent in the finite person when he loves. This approach proceeds as follows. Hartmann notes that love is able to comprehend the ideal person in the real person; love opens his eyes to it. The knowledge of the value of the intimate ideal person of the beloved makes possible the lover's spiritual participation in the intimate depths of the beloved. This participation has a transcendental dimension: "To this participation corresponds the sense of eternity and to the elevation beyond pleasure and pain. … It touches, like soft light, the primal source of human life" (*Ethics* II, Ch 33 e, 377). The transcendent linking of man to man occurs in no other relationship: justice, brotherly love, and love of the remote all touch the other persons at whom they are directed, but only at their surface. For to love another is to touch the depths of both the lover and of the beloved, and from there to touch the eternal and unconditioned. "Like radiant virtue, [love] gives an ultimate meaning to life; it is already fulfillment in germ, an uttermost value of selfhood, a bestowal of import upon human existence – useless, like every genuine self-subsistent value, but a splendor shed upon our path" (*Ethics* II, Ch 33 f, 381).

According to ethical personalism, justice and human goodwill, and the spiritual ties among persons that Scheler calls the collective person, though of great value, are insufficient for ethics if they do not give place of honor to the morally and spiritually transforming states of friendship and marriage, in which love, he believes, most clearly appears. For ethics must concern itself for the conditions of the highest moral uplift of both the social and the intimate person.

10.6 Hartmann's Ethical Personalism

Some thoughts about the axiology of the empirical person as a value – that is, as the value of a unique personality – and of the intelligible ideal personhood that stands over the empirical person as its unique moral value are peculiar to Hartmann. We will try to isolate his thoughts on the person, for they appear to suggest a moral teaching that has greater normative content than Scheler's.

Hartmann begins a turgid and uncertain phenomenology of the person with the simple observation, "Every man is by nature a personality, that is, he has a certain human attribute which does not reappear outside of himself" (*Ethics* II, Ch 32 a, 341). Personality and its value may vary qualitatively in two dimensions. The *universal* and *objective* value of personality is that each person is an individual. Of course, nations and corporations are individual entities also, but in the human person the individuality of each man and woman is a value; it is good that we are each not indistinguishable from the mob, and that the life of each of us should bear a unique value, one different from all others. Now the human personality may vary in its distance from the typical: In some persons, personality does not extend beyond that of every man or woman, the "average Joe" or Jane. What characterizes the unaverage person, one in whom personhood as an objective value is most visible, is the peculiarity of his value-preferences. Like Bunthorne in Gilbert and Sullivan's *Patience*, the unusual man, the "character," delights in the unusual, and scorns what most people like just in order to be different. Many men and women in fact possess little to distinguish themselves from others; they do not attempt to stand out from the crowd as distinct individual persons. Even great men, after all, may be rather dull – their greatness consists in what they *do*, not what they *are* – and small men, like Bunthorne, may possess unforgettable personalities. His empirical personality shows a high degree of deviation from the norm. That is a good, but it does not come to his moral credit.

But each individual, as we have seen, also possesses an ideal or intelligible character from which she stands at a distance.[17] This is the "subjective" moral value of personhood. That ideal personhood or intelligible character beckons her to become what she could be if she realized the unique moral potential of her own ideal. Thus the "Georgia-as-she-could-be-if-she-realized-her-ideal-personhood" acts as a normative standard, a *telos*, as it were, for Georgia's personal being. Georgia may have struggled mightily to grow into the idea of God in her, she may have become a great woman, and this is to her moral credit, however outwardly uninteresting she may be. There are variations in the degree to which a person approaches his ideal personhood, as there are variations in the degree to which one succeeds at being an individual. Some succeed in "approaching themselves," and yet possess little in the

[17] Hartmann says this concept of an intelligible character or personhood is what is left when the "thought of God" in man, i.e., the divine image of the highest fulfillment of the individual personality, falls away (*Ethics* II, Ch 32 b, 344fn). With this theological disclaimer, Hartmann is in clear agreement with Scheler regarding the moral telos of the individual person.

way of moral fulfillment, if their ideal ethos, like their personality, is pedestrian and they are morally uninteresting; yet they remain, heeding Polonius' advice, "true to their own selves." Those who possess a highly individual ideal personhood without ever actualizing it may appear as failures, even as morally repulsive, yet in the uniqueness of their personhood never cease to fascinate. Some of us have "a highly individual ethos with little actualization of it," and others attain a high degree of actualization with little individuation (*Ethics* II, Ch 32 f, 355). Gilbert's Bunthorne is an inwardly fraudulent yet fascinating aesthete, but he is far from becoming anything but what he presently is.

The two characters in Kierkegaard's *Either/Or* may serve as examples of what Hartmann has in mind by this contrast between the value of the empirical individual as standing nearer or farther from the average person, and the value of this individual as standing at greater or less distance from his ideal personhood. The judge, the universal bourgeois, is a self-realized and righteous but dull everyman who "holds to his category" as he approaches his ideal personhood as judge, husband, parent, and householder; for him work and duty are almost the same. His "young friend" is an artist of life, who enjoys all sorts of intellectual and moral oddities, even, it seems, the seduction of a young woman he does not care about just for sake of adventure. Yet he never succeeds in becoming himself or anyone; he is merely an interesting enigma to others, who cannot perceive his ideal personhood beneath the wild contrasts of his empirical personality.[18]

Personality, Hartmann observes (*Ethics* II, Ch 32 g) appears as a distinct moral *virtue* when these two dimensions, the distance from the typical and the propinquity to one's ideal self, grow and converge. Then there is in a person a distinct and self-realizing personality, and progress is made towards its achievement as a unity of actuality and possibility. Personhood thus constitutes two ideal values, the idea of the realization of which contributes a kind of normative element to ethical personalism: We ought to stand out as individuals, and we ought to realize our intelligible personhood as the unique essence that we are. Yet this twofold normative moral requirement resident in the idea of human personality generates an antinomy. This fact has been visible since our analysis of the limits of obligation as a category of moral theory. The antinomy is between personal value that is universal – each person is a valued individual personality among others in a community – and the value of the unique intimate individual person as ideal. The value of an individual's empirical personality must, like all values, be universal, for all values are ideal essences, while any given person possessing that value is an individual, that is, he bears that value in a unique way. He is absolutely unique – but he is also one face in the crowd.

[18] One wonders whether the personal love of the judge brings to his wife and children approaches the fraudulent but spiritually elevated love that Johannes created for his beloved from smoke and mirrors. While she thinks she is loved by Johannes, she is elevated; she grows into adulthood and glimpses her ideal personhood as reflected in what she foolishly takes to be Johannes' love for her. The judge, perhaps, interprets his love to his family as the obligation to provide for them and their reciprocal obligation to obey him.

The antinomy, for Hartmann, is parallel to the moral antinomy between brotherly love and justice. The second considers the individual simply as one among many. We are each obligated to obey the same laws, and we will each be judged accordingly: that is the equalitarianism expressed in Kant's rational moral law. But we also have an obligation to be true to our ideal personhood, even where that truth will lead us beyond or above the law. This antinomy is often not felt, however; that depends upon the extent to which some individual in fact distinguishes himself from other persons, and touches the potentialities within himself. The antinomous twofold value of human beings as personality and as person brings us further into the complexity and even the mystery of personal being. We follow Hartmann a bit further in this direction.

For Hartmann, the *subjectively universal* value of individuality is "valid for every subject that grasps value" (*Ethics* II, Ch 37 c, 347), but valid also in the sense that *if* the value of some individual is given to an observer, it is given in its true nature. In this context, the dispute between Hartmann and Scheler about the concept of the person reappears. For Hartmann, to know a person is to intend and grasp his unique empirical self as an acting subject. For Scheler, to grasp another person requires the re-enactment of her unique subjective Ordo amoris, that unique function of loves and hates that founds her moral tenor and her specific judgments of value. Yet only some men and women are capable of achieving clarity about the content of own their basic moral tenor, its calling, and its virtue, or those of others. In fact, many, perhaps most other men and women achieve or execute their intelligible character, whatever it may be, to a greater degree than others do without ever becoming self-consciously aware of their own nature. They perfectly and genuinely embody themselves without thought or effort.

The moral value of personhood in "the strict sense" is "nothing else than the uniqueness of commitment to values and, indirectly, uniqueness of the valuational perspectives with which a man permeates his sphere in life. … He sees the world in the light … of his preferred values and he lives in accord with them" (*Ethics* II, Ch 32 f, 354). Analogous to the value of a work of art, the value of personality is an enigma; yet, like the work of art also, the individual is valid in its truth for anyone who perceives it. A person may try to get around or shut down the uniqueness of this value, to become, as it were, "everyman." To do so is precisely to be untrue to oneself. For each of us is one particular individual who, in acting, puts in balance (or loses balance) the values she is cognizant of in the specific real conditions of her life and to which she is attracted on some level of his spirit. If we conceive of moral human beings as rational only, as did Kant, or as motivated solely by rational self-interest, then the moral value of a person would consist solely in doing what was morally required or prudential in some situation, to do as "anyone" would do who thinks about the matter "properly," that is, rationally or self-interestedly. "Whoever is under the spell of the universal value is always prone to misjudge the worth of personality" (*Ethics* II, Ch 32 h, 356). But the value of one's own ideal personality and its achievement by an agent is for material value-ethics a *higher value than that of rational agency*. Doing right and being prudent are perhaps conditions of such achievement, but not its essence. Values constitute a manifold of many dimensions

(Ethics II, Ch 32, 350 fn2), and the individual conscience of an agent will always have space to seek out moral solutions that are correct "for the agent," and for him alone. For

> every personal ethos brings with it preferential trends in specific valuational directions; every ethos neglects other values which are also at stake. And still in its way each one is right – and not only subjectively; for at any given time no one can do justice to all the values concerned (*Ethics* II, Ch 32 e, 351).

This is Scheler's idea of a value the achievement of which is valid for this one person alone. Further, "the moral Ought-to-be in man is not spent in that of the general moral values. It is not fulfilled until it reaches a culminating point in the special moral value of 'this' particular person" (*Ethics* II, Ch 32 d, 349). Hartmann emphasizes the notion of "putting in balance" the values that draw an individual to himself in a way that is true to himself – living a life that is morally coherent despite the initial confusion among the myriad and frequently opposed value-claims that call to him. This balance is an achievement, and arises from the struggle to be moral without becoming pharisaic. Such a life is not achieved by aiming at such a balance in ourselves, but by learning how to be true to ourselves by achieving the values that, given our ethos and basic moral tenor, "call" to us the loudest, as it were, and this despite their disparity. We cannot become anything at all, or be all we possibly can be; we must therefore balance our activities, such that we achieve in life the most and the best of compossible values that speak to the deepest strata of our emotional life. No doubt these inward strata must themselves be put in balance with our external activities.

The moral agency peculiar to an individual – his value as a personality – usually takes a horizontal direction that is perpendicular to the order of rank The values in art that some individual artist pursues and her pursuit of them takes a certain form. Her attempts to realize aesthetic value are peculiarly weighted by the artist herself and summarized by what is called her "style." For another example, one who pursues justice habitually may do so in an order peculiar to oneself: this is Hartmann's version of Scheler's idea of the "subjective" Ordo amoris. Some pursue under the heading of justice the humane treatment of animals, others the assistance of the needy, still others the prevention of the mistreatment of children. Rarely does one commit oneself to all of them at once; one or the other of these ends seems more important to an individual. Such a personal ethos is not a deviation from the vertical order of value; otherwise, any individual pursuit of values other than the highest would be immoral, and craftsmen would be of less value than composers or monks.

What of "putting in balance" the universally human and the uniqueness of each human person? Here the question again arises of a conflict between the validity of universal law and that of individual fate. Far from attempting a *synthesis* of the two values of individuality and community, Hartmann believes that the authority of the ethos of the community and the autonomy of the individual injects a lively *conflict* into the affairs of life. Partisans of the "individualist" ethos caricature their "communist" opponents as fostering the gray equalitarianism of a labor camp, where the rules are simple and always the same for everyone; the "communards" caricature

their opponents as fostering the Rabelaisian chaos of a community where each does as he pleases. Equalitarian justice and a Categorical Imperative, say the communards, are necessary for humankind; its law, as law, is the highest. But law without individuality, law without leaving space for something in our conduct for our aspirations to a morally worthy life that is good for each of us alone, would make of human existence a mad and lamentable affair. Personalism tempers the rule of impersonal law. "Temper" is a vague term, but it is the best that philosophical ethics can do. Hartmann formulates the Categorical Imperative (the Ought-to-do) in the light of these vagaries as follows: "So act, that the maxim of thy will could never become the principle of a universal legislation *without remainder*"[19] (*Ethics* II, Ch 32 h, 357, italics by the current author).

10.7 Virtue as a Balance-in-Tension

The great achievement of Hartmann's ethical personalism as a normative theory, and not simply as a phenomenological axiology that describes the value of the individual person as such has not yet been touched upon. To do so, we will have to stretch his theories a bit and perhaps lead them into a dimension beyond those articulated in his *Ethics.*

Let us return once more to Hartmann's search for the possible synthetic unity of the system of values. We may apply the notion of synthesis to the question of the value of the individual person both as an individual and as an achievement of his latent possibilities, hence as a realized virtue. In Chap. 8 we examined Hartmann's concept of the synthetic unity of values. He had discovered the Aristotelian virtues to lie not only in the synthetic "mean" between the disvalues of two vices, but in the further synthesis of the positive values that are opposed to the vices. Thus courage was conceived as a synthesis not only of the vices of cowardice and foolhardiness, but also of the values opposed to cowardice and foolhardiness, namely prudence and boldness.

Consider now a new case. In the opposition of the collective (the state) and the individual, one thinks of Socrates, who was a participating citizen of a collective, Athens, and an individual whose guiding values seem to emanate from an invisible community of ideas. During the latter half of his life, he lived in tension with these two claims upon his loyalty, yet he achieved a Golden Mean of moral presence and absence from his fellow citizens that has no name. We might describe the unnamed Socratic virtue regarding this dialectic of presence and absence as one involving his skill in remedial or ameliorative social action in the cause of the yet unborn value of

[19] Oddly, Hartmann, after formulating this principle twice, then attempts to remove the Kantian conflict between the universal and the personal values by arguing – unconvincingly – that Kant's Categorical Imperative in fact contains an antinomic within itself, insofar as each situation is absolutely different from all others. One cannot say that one should will as all others in that situation ought to will, for no one else will ever be in just that situation.

self-examination (which gives to people what they need but do not yet know they need). But the opposition between political presence and in absence from great undertakings in government is not as simple or as dramatic as that between the politics of the many and the conscience of the individual, as Socrates' moral dilemma is usually depicted. In its Aristotelian form, we may describe Socrates' dilemma as involving an opposition between (1) the vice of excessive participation in a community (that is, allowing oneself to be absorbed in a cult or mass; this is a deficiency of individualism) and (2) the vice of excessive individualism (that is, Aristotle's "beast or god" who dares to live outside of all community, Zarathustra on his mountaintop, a lonely rebel, or a hermit).

But as Hartmann discovered, positive values exist correlative to those that function in the vices. These intensify the tension that Socrates must master as he negotiates his way about Athens. Above the vice of those who immerse themselves in the mass is the virtue of its great representatives: the great citizen, the statesman, or Scheler's "leading mind of civilization." Above the vice of those who live a socially sterile existence on a mountaintop is the isolated genius, the creator, the fashioner of value-objects intended for but not yet comprehensible to his fellow-citizens. These two virtues have claims upon each of us; and yet the vices of abandoning the mainstream and live apart from humankind, or of jumping mindlessly upon some political bandwagon, may often tempt us. We must each of us balance those interests in our own way. At the very least, we should strive to be a creative part of our community while preserving space for our intimate personhood and its unique character and interests. Similarly, generosity is not simply a question of overcoming a tendency to the vices of either greed or wastefulness, but also one of how to apply their virtue-correlatives, skill at the proper husbanding of resources and sympathetic open-handedness in one's giving. Other moral balancing-acts of this kind could easily be developed.

To balance such conflicting values, possibilities, and temptations, which arise out of membership in a community, by giving to one's life the stamp of its uniqueness even while living in fellowship with others, is to create a unique personal value-synthesis. To be a free citizen of a free society while living in both solidarian fellowship and friendly individualistic opposition with others is surely part of living the moral life. It is a virtue peculiar to that individual, Socrates, and it illustrates what appears to be Hartmann's unspoken initiative for a normative ethical personalism founded in material value-ethics. It is a moral teaching that requires rational knowledge of values, many of which cannot be synthesized intellectually, but which can be balanced in a person's life.

In Plato's *Protagoras*, which we discussed in Chap. 8, Socrates and Protagoras appear to be seeking an external criterion to unite the virtues. As a phenomenologist in axiology, Hartmann does not abandon the search for objective synthesis of material values. But the moral life Hartmann proposes in contrast requires a personal criterion of unity: a synthetic unity that bears the imprint of personal moral struggle. Such a synthetic unity of one's actions in terms of the person one is and has chosen to become is possible only through the great adventure into the world and the self. We give ourselves a synthetic unity during the course of this adventure by achieving

our "intelligible personhood" as a synthesis of otherwise antinomical values. A person of good will, who lives in this tension-in-balance between simplicity and complexity, innocence and understanding, inertia and activity, coldness and enthusiasm, establishes the foundation for a morally fecund life.

This obligation of achieving unity in tension gives a new moral meaning to human life. Virtue is conceived by Hartmann is the balanced but tense personhood of the individual citizen. It is the Apollonian order and meaning of a human life, forged from Dionysian oppositions in what one loves and hates. These are the "complex claims" that morality imposes upon us. Only a personal synthesis of the values that function in our basic moral tenor can real virtue in a person become possible. This personal synthesis balances individuality and universality, and expresses a personal ethos that overlaps with that of one's community. It cannot be a synthesis of all values; consequently, no complete satisfaction of the desire for unity or wholeness in one life is possible.

There are broader consequences of this interpretation of Hartmann's moral vision. The very aspiration to a synthetic vision in morals, which stresses the complexity of the virtues and the manifest antinomies among them has itself moral value. This is precisely the self-examination demanded by Socrates, where the individual is called upon to give a coherent account of his beliefs, his values, and the endeavors consequent upon them. Such a self-accounting may discover the imbalance among the value-alternatives to which one is initially driven. Moral balance requires wisdom, but also self-limitation. It reminds us of the dangers of one-sided adherence to single virtues. Philosophical ethics strives to be universal, yet we recall Hartmann's admonition that all valuational elements in isolation have in them a point beyond which they are dangerous. We run the risk that our desire to be courageous and our capacity for it may cause us to forget our vulnerability to pain and our lust for honor, which no overcoming of cowardice or foolhardiness can eliminate without rendering us inhuman. Our love of justice may overwhelm the requirement to love our brother, or our love of our brother may make us forget our obligation to be righteous.

Instead of seeing in this impossibility of being perfectly good the grounds for declaring the necessary failure of the human enterprise in the spirit of Sartre's declaration, "man is a useless passion," Hartmann sees in the tension of antinomical and co-impossible values the greatness of human aspirations. Each of us may give personal shape to the otherwise disorderly realm of value and achieve a personal synthesis among the values that compete for our attention. The idea that morality is the requirement to adhere to rules that tell us what to do, or the requirement to embody standards of virtue, misreads the moral life. Ethics cannot tell us what to do or how to live. Its deepest function is the phenomenological description of values and the conditions of their realization by persons. It helps us see values more clearly, and to respond to what is valuable by creating value-goods efficiently. The condition of our moral freedom is precisely the nonexistence of the Holy Grail of moral theory, a principle of right and wrong, of character or action that is rational, intelligible to all, and able to justify our condemnation of the "evil man" who, like Thrasymachus, argues that wrong is right. Material value-ethics releases and saves

us from the fetish that each of us is either good or evil, and unambiguously worthy of either Heaven or Hell, and allows us room to experiment with ourselves and our values while still remaining true to our ideal ethos. This achieved personhood is what we may call *stability-in-tension.*

10.8 Material Value-Ethics and the Good Life

We may now summarize the normative features of material value-ethics in its function as ethical personalism. Its teaching is not, as might be surmised, solely descriptive of the moral agent, but is derived from phenomenological descriptions of normative principles of living and acting. In this respect, material value-ethics is certainly anomalous; it is a unique search for lucidity in morals. There is nothing like it in the prior history of philosophy. It is an ethics that appeals to the modernist mentality, which stresses the uncertain and the experimental in human life. What normative force it possesses resists being reduced to a formula. But we can say at least the following:

All moral behavior is founded in knowledge of values. In order for an action to be moral, it must conform to an Ought-to-do derived from clear intuitive knowledge of the relevant value-phenomena. Additionally, the agent must be aware of the values inherent in her situation, and of her own capacity for action in that situation. The agent must further be motivated by the will to achieve the realization of the highest possible values (and this motivation is part of her virtue as a person), and in general to realize the best possible moral life for herself in a community of men and women. The agent must possess this knowledge, for otherwise her adherence to an Ought-to-do would be involuntary or commanded by another person, and she would be undeserving of moral praise. The application of moral norms to the specific situation must be left to the autonomous conscience of the agent.

Beyond conscious willed adherence to moral law, moral value is represented by the virtues and vices that may be embodied in concrete model persons. These model persons, for Scheler, represent the deeper cultural values of the collective persons existing in a given epoch, and they form and express the cultural and moral milieu of individuals. Persons can be morally assessed not only as moral agents, that is, in terms of their acts, but also in terms of their being as persons. The latter includes an assessment of the model persons that have drawn them to them, and whom they have seized and allowed to function in their ideal image of themselves. Scheler and Hartmann believe that the virtues and models do not command, but draw us to them, and at most require, as von Hildebrand argues, an appropriate response from us. Material value-ethics, starting from the phenomenology of values, is a kind of moral education that motivates action by encouraging persons to develop adequate cognitive feeling of the world of values that surrounds them and to respond to it by seeking to achieve the highest goods and situations possible. Such intuitive knowledge overcomes value-deception, and leads the emotional center towards moral lucidity. The more we understand the material content and the order of values, the greater our

options for action, and, perhaps, the more the human spirit can attract the drives and direct them to the achievement of the highest values possible for persons: that which is good in action, demeanor, and life. To be so habitually directed is what Socrates called the perfection of the soul. Indeed, material value-ethics give Socrates' idea a greater thoroughness of definition and a greater clarity regarding the nature of the "soul" or the individual intimate person.

Ethical personalism thus rests upon the foundation of moral knowledge obtained from the phenomenology of the Ought-to-do, the ideal Ought, and the moral virtues. However, human life cannot be measured by the adherence to an Ought or the achievement of virtue alone. Moral behavior and personal excellence are valuable because they foster the capacities of the person who strives to achieve them. The morally self-controlled person imprints upon selected values the unique trace of essence that is his personhood by executing actions that are intended to realize them. The Good Life is one that is lived in the awareness of and in the will to realize all the values to which a person or culture has access and can consistently seek to realize. We may nonetheless extract from the phenomenology of the person as the highest intrinsic value certain norms pertaining to the person as such that lie beyond virtue and universal obligations beyond, as it were, "good and evil." Despite its reliance on personal conscience, material value-ethics does not have as a consequence that each person ought to follow his own impulses in the achievement of the Good Life. Acting on mere impulse would render any continuity of meaning and purpose in an active life impossible.[20] Following our presentation, we can now identify normative principles peculiar to material value-ethics as an ethical personalism.

10.8.1 Political Principles

Because the individual as an intimate and as a social person bears the highest value, certain moral constraints are placed upon political institutions.[21] These include as a minimum, first, the fostering of individuals as spiritual persons through public education at all levels, even at higher educational facilities for the working people (*Volkshochschulen*). Second, the state is required to seek the means to supply all citizens with the material conditions of life and to liberate them as much as possible

[20] One thinks of Socrates' example of the man who "gets what he wants in life without regard for what others think" – Callicles' definition of the Good Life – by scratching himself all day long in the marketplace (*Gorgias*, 494 c). Perhaps, Socrates suggests by means of this example, we have not even begun to examine what we want and ought to want: that kind of life that is morally the highest for a person. To exhibit what the human heart in all its forms may in fact desire and yet what values it ought to desire and prefer in all their myriad forms is the intent of material value-ethics.

[21] For a thorough and insightful analysis of Scheler's theory of the person in the state, cf. Stephen Frederick Schneck, *Person and Polis: Max Scheler's Personalism as Political Theory* (Albany: SUNY Press, 1987).

from a life of unrelenting toil. The state has no responsibility for fostering the higher values; they are to be left to the people, for these values must arise spontaneously from the genius of individuals.[22] The specific means for achieving these two ends must be decided within the political process and within the limits imposed by the availability of resources. But to neglect these two general ends of communal activity would be inconsistent with ethical personalism, for the individual must be given scope to develop himself morally and intellectually.

10.8.2 Spontaneity

Ethical personalism requires moral spontaneity in persons. Spontaneity requires lucidity about one's moral milieu and one's spiritual being as a unique order of loving and hating, as a calling and as a fate. An artist does not follow his impulses; his spontaneity emerges from a life of discipline. Spontaneity is opposed to conscious striving to be virtuous; that is pharisaism and pride, the pride of persons who wish not to be happy but to be worthy of happiness.[23] Striving is always toward the realization of what is best in a situation, not towards self-realization of moral excellence. Pharisaic striving after virtue is quite different from the self-satisfaction an artist experiences upon apprehending her growth towards congruence with her creative ideal and her efforts to achieve works of the highest value she can. This is not self-absorption or a will to self-creation. One cannot in any case choose to be an artistic genius or a saint, for such capacities, if they exist in a person, arise from her moral center, and can be fostered but not created. Indeed, the attempt at sainthood is usually comical.[24] One can only allow oneself to be drawn spontaneously toward the realization of one's intelligible character, learning intuitively about its shape and content as one proceeds in life.

10.8.3 Social Diversity

Consistent with the moral constraints upon society and the requirement of spontaneity, society should cultivate diversity and spiritual and intellectual inequality among the citizens. Despite Scheler's criticism of the "bourgeois" order,[25] his preferred social

[22] For criticism of this idea of Scheler's, cf. Eugene Kelly, *Structure and Diversity*, *op. cit*., 216 ff.

[23] Cf. Scheler's criticism of Kant and the "German spirit" for its "betrayal of joy" in a yet untranslated essay, "Vom Verrat der Freude," *Gesammelte Werke*, Band 6.

[24] One thinks of the sad character Tarrou in Albert Camus' *The Plague*, who wishes to learn how to become a saint.

[25] Cf. Max Scheler "Der Bourgeois," and "Die Zukunft des Kapitalismus," both in *Gesammelte Werke*, Band 3. M.F. Frings' commentary on Scheler's hostility toward capitalism is very useful. Cf. *The Mind of Max Scheler*, *op. cit*., 167–80.

order is one he calls "liberal," which encourages the upward striving of talented individuals. This moral teaching is not derived, as in some forms of utilitarianism, from the idea that distribution of resources according to merit tends towards the creation of a happier (or at least wealthier) society. Scheler's point, rather, is that the liberation of talents from the constraints of material and spiritual equalitarianism is alone consistent with the moral diversity, inventiveness, spontaneity, and spiritual uniqueness of persons. The equal distribution of goods and tasks "corresponding to the more urgent needs" of men and women is favored by Scheler, for "*precisely because of this* [equality], their differences do not remain concealed and hidden with respect to *absolute* or less relative values of being and with regard to the higher goods and tasks connected with faculties of *higher* value" (*Formalism*, 510). This principle, he concludes, will have important applications to theories of society, politics, and law. It also requires, we may add, moral flexibility: a constitution stipulating a single set of minimal but universal norms applied flexibly but predictably by courts of law.

10.8.4 The Collectivity

The phenomenology of the collective person offers a normative principle if we subtract from it the metaphysical implications that Hartmann found so distasteful. For here Scheler and Hartmann demonstrate the origin of forms of solidarity, in which persons are self-consciously united with others in respect to their basic moral tenor in the pursuit of common values. As we noted, Scheler traces the idea of a solidarian community to the early Christian communities in the Greco-Roman world. However, the idea is also deeply founded in the Aristotelian ideal of friendship. Its normativity appears in the requirement that individuals and groups achieve a state of unity in mutual respect and love, and willingly struggle together as one for the achievement of an inner harmony among their individual aspirations and each other's latent gifts. This is the idea of a latent *telos* of human beings that we noted earlier in Scheler. The perfect development of a person requires the active well-being of the individual in a flourishing community. For the moral being of the individual is inconceivable without the moral being of the community (*Gemeinschaft*), the nation, and the state.

This *telos* also has normative force. To achieve such a condition for humankind, concern for phenomenologically evident moral norms or moral constraints upon self- and other-regarding behavior would be secondary. The natural constraints that human love and understanding places upon an individual's behavior, Scheler feared, were becoming lost in modern society (*Gesellschaft*), which links men by external law and contract alone, and thereby encourages the expression of egoism, greed, and the realization solely of the lower, more material values of pleasure and usefulness. It is therefore not surprising that the "enlightenment project" of justifying moral norms by philosophical ethics became so important, for they are the "rules" that restrain individuals from wickedness. Such a "contractual" capitalist society

has little need for the spiritual values, or for saintliness. The life of the mind is turned to science simply for the sake of its practical ends, and religion is turned to the practical end of relieving of individuals of their natural fear of death and satisfying their demand for uniformity of world-view. It is also not surprising that today we see religion, as far it is functional in our thought, through the prism of evolutionism, that is, as a social survival mechanism that survives by fostering those positive values that facilitate the flourishing of a community and, even more, that encourages its members' material prosperity.

10.8.5 Love

The values of radiant love and personal love, which the phenomenology of the intimate person reveals, are, as Hartmann noted, useless, yet they bestow upon all human life a glowing sense of self-value. Moral theory has tended to ignore the intimate person and its aspiration not just for pleasure or simple happiness (which, Nietzsche scornfully noted, only Englishmen pursue as the highest value) but for living joyfully and, it may well be, for a joyful sharing of one's intimate person with another individual without, as far as possible, judging him or her. Father Zossima, the character of a monastic elder in Dostoyevsky's *The Brothers Karamazov* taught his monks to "seek rapture and ecstasy, water the earth with your tears of joy." That, seeking, too, is a normative teaching of ethical personalism.

10.9 The Problem of the Unity of the Table of Values Revisited

At the outset, we noted that few scholars have attempted to foster a confrontation between Scheler and Hartmann because of the great distance between the two men in matters of metaphysics, religion, and the theory of the person. Such a confrontation is nevertheless quite useful, for, as we have tried to show, in ethics the doctrines of the two men supplement each other and are generally consistent with the thought on ethics of at least two of their contemporaries, Husserl and von Hildebrand. The result has been the construction of a large philosophical platform upon which the work of axiology, deontology, virtue-theory, and social philosophy can be fruitfully conducted. It is an orientation toward value that conducts a phenomenology of the specific structures and content of the human consciousness of value.

We are left with the question of the unity of the objects that consciousness intends, the realm of values. If Scheler is right about the existence of an objective and universal Ordo amoris – in effect the realm of all values in the order of their relative worth, as the intentional objects of divine consciousness – then should there not be potentially an order in human awareness of values that corresponds to it? Consider also that Scheler and Hartmann imagined that our knowledge of value could only grow in scope and extent as material value-ethics was practiced by a

succession of thinkers. Perhaps an underlying unity of the realm of value is yet to be discovered? Scheler's belief in this matter seems to be as follows. Each discovery in the phenomenology of values, when a value-phenomenon is given with complete adequacy, increases our knowledge of the table of values. Because of contingent sociological conditions, a given value many not function in a given community, but it can be known by persons in any community, and known apodictically. As our knowledge of values and their specific content increases, we will discover new ways of synthesizing values that initially appeared to be in disorder and conflict. We will find that there are no irresolvable antinomies in ethics, no need for a balance-in-tension. The achievement of such awareness has often been thought to be the foundation of all right behavior, in that by correctly knowing the objective order of values, our basic moral tenor will possess the right orientation towards value, one analogous to that of God. People could be of good conscience when they act in accordance with their knowledge of what they ought to do and can do; they could live as moral agents completely without conflict, guilt or regret. The idea has historical resonance: Aristotle wondered about such conflicts, while apparently concluding that a good man will be free of moral conflict[26]; Kant declared genuine moral conflict to be impossible.

There is some ambiguity in this notion of living without guilt or regret; only in some cases are guilt and regret the results of a conflict of values. The antinomies recorded by Hartmann in *Ethics* I, and which we studied in Chap. 2, do not give us reason for guilt or regret. Hartmann's antinomies cannot be synthesized, but they can be put into a dialectic in which one supplements the other. Occasional moral adventures give depth and material to moral awareness, and moral inertia restrains the lust for adventure so as to make our adventures coherent. As Hartmann noted, inward inertia is the value antithetical to that of personal adventure. Virtue requires steadfastness, and that in turn means leaving other possibilities of life undone. Santayana's criticism of Goethe's Faust as engaged in random romantic adventure without a metaphysical structure is not entirely fair. Faust remains throughout the man he is. He engages profitably on occasion in restrained contemplation of the meaning of life, and learns enough, and possesses a soul sufficiently coherent, to be saved in the end.[27]

To "live without guilt or regret" may also mean that an agent overcame all temptations to do what is evil through a long moral struggle with himself, in which he was fortunate never to be tempted more than his powers, at that point in their development, were able to resist. Or it may mean again that the agent is fearful of finding himself in a moral conflict where it is possible to act rightly only under the condition of doing something wicked or shameful (the cable-car conundrum, for example). This conflict is possible only where the situation-values cannot be synthesized so that the conflict vanishes, and this is rarely the case. Hartmann's synthetic analysis of the Aristotelian

[26] *Nicomachean Ethics*, IX 4 1166 a 18–35, where the relation of a good man to himself is discussed. "He has, so to speak, nothing to repent of."

[27] George Santayana, *Three Philosophical Poets* (Cambridge: Harvard University Press, 1910).

virtue of courage would be an example of such an axiological and personal synthesis. However, if the realm of values as a whole lacks unity, such a synthesis would be in certain cases impossible, and the agent would have to choose, as Hartmann says, by fiat and accept the guilt and regret contingent upon it. A person is simply required to "take the initiative, even if by his initiative he becomes guilty" (*Ethics* III, Ch16 g, 200).

Scheler's initial hope and belief was that such synthesis would always be possible because of the moral unity of God. But Scheler eventually abandoned his theism, and with that, the notion of the universal Ordo amoris as the noetic structure of the divine mind and the notion of human person as the finite knower of values, went into eclipse. Scheler never returned in later life to the phenomenology of values, and we cannot know whether he continued to believe in a unified ream of values. Hartmann, lacking any concept of a divine being, is dubious about the unity of the realm of values. Perhaps this is his deepest criticism of his former colleague Scheler. If these theologically weighted concepts of an objective divine love of an objective and unified world vanishes, will material value-ethics lose its normative value?

Perhaps we should concede the point, and look upon the concept of an ultimately disunited and incoherent realm of values as a liberation. The desire to find order in the realm of values and to achieve coherence in our knowledge of it was long based upon either the metaphysics of a morally ordered cosmos – or one moving in the direction of moral order – or a loving, all-knowing God. The Jewish and Christian idea of Paradise and Damnation were based upon a belief in a final judgment, when a man or woman's personhood would be put in the scales and measured against the immutable scale of values in their proper order of rank as seen from a God's-eye perspective. Yet the lack of final unity of the realm of values and the loss of moral certainty certifies the ambiguity of the human moral state and assures us, perhaps to our advantage, that no one may claim to know all the moral answers.

Scheler himself was plagued by the problem of disunity in his own life, a typical manifestation of a weakening or waning of faith.[28] The disunity that he felt as a philosopher appears especially in his theory of model persons. The five pure value-persons that precipitate out of the scale of values represent *incompatible* ideal value-types, that is, it is not possible to achieve all the virtues typical of each of the levels in a single lifetime. Thus, while it may be possible to be both a saint and a hero (Jeanne d'Arc, St. George), or a genius and a hero (Scheler names Frederick the Great), it is not possible to be both a saint and a leading mind of civilization, such as a statesman or an artist) or a genius and a *bon vivant*. For while these value-levels each represent a moral value, an Ought-to-be, as *virtues* they are not compatible in the life of a single person.[29] No doubt, the lower the virtues exemplified by a model,

[28] Scheler complained that he could not find "die lösende und erlösende Kraft der Synthese" (*Gesammelte Werke*, Band 1, 11).

[29] The ancient Athenians, according to Thucydides' representation of them, were proud of their virtues as warriors and men of action, and as thinkers and artists. They would have praised neither their saintliness nor their being masters of the practical; they produced neither a man like St. Francis nor a man like Edison.

the easier it is to realize them: it is easier to become a *bon vivant* or an inventor; becoming a genius or a saint always appears to us as a kind of *gift*, not as something willed by the possessor of saintliness or genius. Our sense of our unique calling and our fate acts as a kind of restraint to our moral aspirations, in that we cannot and would not want to be good in all the ways that it is possible to be good.

With his structured account of the major virtues, Hartmann proposes a kind of response to this disunity that does not promise the "release and salvation of synthesis" that Scheler could not find. It is a *personal* unity, a balance-in-tension of antithetical virtues that incorporates the excellence of a single life. We can find such a balance in narratives of the lives of many excellent men and women. The fundamental moral antinomy, he finds, lies in the idea of the Good itself. Of course, there is a strong preference for the higher and more spiritual goods, that is, for such as the holy, the noble, the radiant virtue. This preference coexists with an unconditional preference for the lower goods of pleasure, usefulness, or social order. These lower goods are the reverse side of the Good, a desire for the Good "which looks to the security of its own foundations" (*Ethics* II, Ch 36 h, 460). For only the satisfaction of the lower sort assures the possibility of realizing the higher sort. Here the note of the tragic enters Hartmann's thoughts also:

> The one-sidedness of the one [the preference for the morality of justice, self-control, renunciation, purity] is as humanly finite as that of the other [the preference for the morality of bravery, wisdom, fullness of experience, of fidelity, love or moral greatness]. Each is only a half of morality. Not until the two preferential trends are joined in a synthesis could a system be called moral in the full sense of the word (*ibid.*).

This work of moral synthesis, where possible at all, must always begin with lower and more insistent human need, the need for *goods*. Just as Scheler argued that an aristocracy "in heaven," i.e., with respect to the higher values, must be built upon an equality "on earth," i.e., with respect to the basic human needs, so too does Hartmann argue even more insistently throughout his *Ethics* for the value of overcoming human material need. Yet the meaning of morality can never be exhausted in the work of maintaining the social substructure; its end and meaning lies in the high culture erected upon it and in the fullness of the life of the human persons who live within it.

Thus the work of establishing the conditions of moral excellence of all kinds must be made by the community as a whole, where the skills and knowledge of all are utilized in realizing positive value of all kinds, and where those who assure the continuation of those conditions are not despised as cultureless drones, and where the "drones" do not scorn the higher culture as worthless. "To aim at synthesis is a task of far greater magnitude than to attach oneself to the one side and despise the other" (*Ethics* II, Ch 36 I, 463).

Those who seek a closed system of moral rules and virtues that can ease our conscience if not reassure our hopes by marking the entranceways to heaven and hell beneath criteria of righteousness and wickedness will be disappointed by material value-ethics. Its value lies in its phenomenology of material values, which enables us to feel more clearly what we already value and despise, indeed to perfect

our capacity for clear moral experience in all its diversity and structure. Its exhibition of the table of values in all its manifestations and perhaps eventual disunity allows us to enter cognitively and emotionally the value-structures of distant and past cultures by bringing to givenness their ethos. It will not give us a system of adjudicating moral conflicts, if only because values are prior to laws and human persons, as the highest of all values, may, at times, stand above the laws. Persons, moreover, stand in a tragic clearing; we see and love what is higher, but cannot realize all that ought to be, or all that we could be. All these assumptions sit at the foundations of ethics today as it probes moral concepts and seeks to understand the structure of the values that function in the moral lives of our fellows and ourselves.

Personalist ethics celebrates the unique value of the individual person without issuing normative commands founded in universal reason other than those that are required to foster the flourishing of that value. It discovers the origin of normativity in the human emotional receptivity to value. It reveals the content but also the conflicts among the obligations we stand under, among the virtues that are normative for human behavior, and the diversity in what constitutes a healthy and realized soul. Only the individual can decide how these obligations apply to her situation, what kind of virtue it is her fate to realize, and in what her own ideal personhood consists. It gives a great deal of freedom to individuals to pursue their own fate, yet it fears no moral chaos. It points out the normativity inherent in the phenomena of justice and virtue, yet it does not itself command justice, or virtue, or the Socratic perfection of our souls.

Nonetheless, it provides the highest service an ethics can produce. In Husserl's Scheler's, von Hildebrand's and Hartmann's hands, the a priori forms through which moral judgments are uttered, our knowledge of what is valuable in life, how we obtain such knowledge, the order in which a priori values become functional in the world in cultures and in individuals, how values are related to one another, and, perhaps most important, what the virtual dimensions of the relative worth of values are and how we cognize them, experienced an enormous expansion. Ethics improves us by allowing us to see more clearly the values that function in our own ethos and basic moral tenor, and how to unlock in ourselves the motivating force of such knowledge in acts of love. If any secular axiology and moral theory can be called edifying, it is material value-ethics. It is a moral philosophy that talks well about "no little thing," but about how we can and should live, and act, and be, within our communities and ourselves. It is deserving of the epithet "humane."

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*Because of the policies of Springer Press, normal capitalization rules for English titles and the use of quotation marks for the titles of articles have not been followed.

E. Kelly, *Material Ethics of Value: Max Scheler and Nicolai Hartmann*,
Phaenomenologica 203, DOI 10.1007/978-94-007-1845-6,
© Springer Science+Business Media B.V. 2011

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