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An Examination of

Max Scheler's Phenomenological Ethics

By

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Abstract

This thesis examines the little-known phenomenological ethical theory of Max Scheler, discussed in his *Formalism in Ethics and Non-Formal Ethics of Values* and *The Nature of Sympathy*, also bringing in various other complementary philosophers. It argues that Scheler's theory, when supplemented with complementary ideas, is superior to those offered by contemporary analytic intuitionism and other meta-ethical theories. It argues that a theory of pluralist emotive intuitionism provides a better description of both our experience of ethical value and the logical requirements for the ethical knowledge presumed by that experience.

This thesis places Scheler's theory in the context of ethical intuitionism up until the present. It considers why intuitionism has been generally rejected, looking at outstanding philosophical questions facing ethical intuitionism and previous attempted answers, and discussing current theories of analytic ethical intuitionism and their flaws. It explains the significant elements of Scheler's ethical theory and how it can be understood in its phenomenological context. To demonstrate how Scheler's material intuitionism is better than current theories of rationalist intuitionism, and other meta-ethical alternatives, this thesis looks at two main groups of issues. Firstly, the epistemological issues raised by Scheler's theory and how it offers a possible solution to the problem of ethical knowledge, along with a brief consideration of ontological issues. Secondly, normative issues raised by Scheler's theory: major issues on normative judgement raised but not answered by Scheler's theory and, following this, a chapter dedicated to Scheler's theory of 'persons', particularly with reference to Emmanuel Levinas.

It concludes that an adapted Scheleran theory of ethical intuitionism can be superior to contemporary theories. It explains how the fundamental features of ethical experience may be epistemologically and phenomenologically justified based on objective values. It provides better responses to standard problems raised against intuitionism while also providing a natural explanation for a wider range of moral phenomena than standard meta-ethical alternatives. This demonstrates its superior explanatory power and provides strong arguments for its value as an over-arching meta-ethical theory.

Chapter 1 - Introduction

1. Introduction

This thesis advocates a meta-ethical theory based on that of Max Scheler, and informed by other complementary 19th & 20th century philosophers, arguing that it is superior to those offered by contemporary analytic ethical intuitionism and other meta-ethical theories. It argues that a theory of pluralist emotive intuitionism, like that of Scheler, provides a superior description of both our experience of ethical value and the logical requirements for the ethical knowledge presumed by that experience. It is motivated by a strong belief that Max Scheler's theory has not received the awareness its merits, originality and scope deserve, and that it has great potential for being further developed and improved with insights from other philosophers if only it received greater academic attention.

This thesis focuses on moral discussion and experience but places this discussion within a wider ethical framework of experience of value in beauty, holiness, love and other sources. It argues that phenomenology provides the best methodology for a close analysis of ethical experience, that this experience is given as objective, cognitive and affective, and that it is irreducibly pluralist in both basic principles and practical application.

The thesis begins with a naïve description of the nature of ethical experience, and suggests the basic features of this experience unreflectively suggest a theory like ethical intuitionism. In chapter two it discusses the history of ethical intuitionism up until the present and considers the reasons why this theory has been generally rejected (though retaining some enthusiastic advocates). It looks at the outstanding philosophical questions facing ethical intuitionism and argues that contemporary rational intuitionism has developed convincing answers to some of these problems, while suggesting which others remain unanswered. It looks at the main current theories of analytic ethical intuitionism and outlines the principal flaws that have been identified in these theories. In chapter three it gives the chief exposition of the significant elements of Scheler's ethical theory and how its core features of ethical values can be understood in the context of phenomenology and Husserl's earlier phenomenology.

This thesis is mainly concerned to argue that Max Scheler's theory of material intuitionism is a superior theory to current theories of rationalist intuitionism, and is at least the equal of other meta-ethical alternatives. It demonstrates this by looking at two primary groups of issues raised by Scheler's theory in order to explain and expand on what Scheler himself said. Firstly, in the fourth chapter it looks in detail at the epistemological issues raised by Scheler's theory and how it offers a possible solution to the problem of ethical knowledge, along with a brief consideration of ontological issues. Secondly, in chapters five and six it looks at the main normative issues raised by Scheler's theory. Chapter five looks at some major issues on

normative judgement raised but not answered by Scheler's theory of ethical judgement. Following this, chapter six analyses Scheler's theory of 'persons', particularly with reference to Emmanuel Levinas. An entire chapter is dedicated to the ethical significance of persons because Scheler considered his whole theory a 'personalism': his distinctive ideas about persons are at the core of his ethical vision. But, this can easily get submerged in the focus on the ideas about 'material values' for which Scheler is best known.

This thesis argues that ethical intuitionism can be strengthened not just by adopting and grafting on Scheler's theory, but by applying ideas from other complementary 19th and 20th century philosophers to Scheler's theory to enhance it further. It presents this as a positive theory of how the fundamental features of ethical experience may be epistemologically and phenomenologically justified based on objective values as the object-correlates of acts of intentional feeling and conation. It presents this theory as a superior theory of ethical intuitionism to that usually given in contemporary literature, combining the positive features of rational intuitionism and emotional sentimentalism. And it argues that this is able to provide better responses to standard problems raised against intuitionism (such as motivation, supervenience and emptiness) while also providing a natural explanation for a wider range of moral phenomena than the standard major meta-ethical alternatives.

Throughout, this thesis considers the relationship of Scheler's theory with the major meta-ethical options generally considered (naturalism, non-natural realism, non-cognitivism, Kantian constructivism), and argues for the superiority and uniqueness of Scheler's theory. It considers these alternatives both positively, showing how their better features can be derived equally well within Scheler's material intuitionism, and negatively, arguing that each of them fails to clearly explain a range of phenomena that are key to human ethical experience that can be explained clearly within material intuitionism. This demonstrates the explanatory power of an adapted Scheleran theory and provides a strong argument for its value as a meta-ethical theory.

2. Pluralist Material Intuitionism

The meta-ethical theory advanced in this thesis, based on that of Max Scheler, may be described as a pluralist material intuitionism. Scheler described his own theory as one of 'emotional intuitionism' or 'material apriorism'[1] and this thesis examines how that idea was and can be developed.

In line with Scheler, this thesis particularly rejects the characterisation of 'emotion' and 'feeling' generally as purely internal, subjective, non-directional feeling states. Rather, it takes a view of our affective life as involving complicated intentional, conceptual syntheses of

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[1] Scheler, M. *Formalism in Ethics and Non-Formal Ethics of Values.* Translated by Manfred S. Frings. Evanston: Northwestern University Press, 1973 [1913-1916], p.xxiii

rational and non-rational content. This affective and conative intentional life directly reveal distinct, ideal practical values, whose representation is defined in terms of affective and rational content, in a manner that can act as the basis of ethical knowledge, motivation and communication.

This thesis bases its argument for this theory on the work of Scheler, Levinas, Husserl, Collingwood, Otto, and others. This is because of their importance to phenomenological theory, to the development of phenomenological ethics, or because (despite their differences), they share common features in discussing how a complex unity of reason and emotion in practical thought must motivate and underlie human practical choice. It also draws on contemporary and historical analytic intuitionists.

I refer to 'pluralist material intuitionism' to both evoke Scheler's original theory and make clear that this theory is being expanded and adapted. 'Pluralist', because one of the main strengths of this theory is the ability to provide a substantive explanation of a wider range of ethical phenomena than competing theories. 'Material' refers not to materialism or physical material but Scheler's use of the German 'material', meaning content as opposed to form (in the Kantian sense), which has been often translated as non-formal to make this distinction clearer[23]. This is always the meaning intended in this thesis in such phrases as 'material intuition' or 'material intuitionism'. I also often refer to Scheler's theory, or a Scheleran theory where I mean a theory based on Scheler's principles but adapted (and hopefully improved) in some areas.

'Intuition' in this thesis refers to both 'intuition' in the Kantian sense of how cognition "relates immediately to [its] object",[4] and in the analytic sense referring to 'initial intellectual impressions'.[5] 'Intuitionism' is then the epistemological doctrine that we gain justified knowledge of distinctly ethical facts by direct intuition. This is distinguished from 'empiricism' where we gain ethical knowledge by sensory observation of purely physical, non-practical, non-distinctively-ethical facts. It is also distinguished from 'rationalism' where we gain ethical knowledge through rational reflection and proof by consciousness, and these are not *given* to consciousness by any generative sensory faculty (whether intellectual, empirical, affective or otherwise).

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[2] Ibid, p.xv

[3] Scheler's core concept of material values, is hence contrasted explicitly with Kant's focus on the connection between the *a priori* and form of cognition of judgement. The degree to which Scheler's accusations of 'formalism' against Kant are entirely justified is beyond the scope of this thesis, which largely focuses on Scheler's positive theory of ethics. The relationship between the two philosophers is considered in more detail in chapter three, section eight 'The Relation to Kant's Ethics'.

[4] Kant, I. (2007 [1781, 1787]). *Critique of Pure Reason.* (M. Weigelt, Trans.) London: Penguin Books Ltd, A19/B34.

[5] I don't wish to state these conceptions are necessarily identical or co-extensive but I argue they are sufficiently similar to justify referring to a single set of states as 'intuitions' that would fall in the intersection of the Kantian, Analytic and phenomenological definitions.

This theory bears similarities to both traditional rationalist intuitionism and moral sentimentalism but relies on neither methodologically, rather being based on phenomenological analysis of ethical experience, and placed within the phenomenological tradition. It argues for the objective nature of values, and the order among them, as the basis for a rational ethical theory, but takes no position on the metaphysical question of the nature of the reality of these values. Rather, it concentrates on the epistemological question of explaining the range of human ethical experience and how ethical knowledge and development may occur on that basis.

Within this thesis a broad definition of the term 'ethical' is taken, in line with Scheler's pluralism and his and other philosophers' use of 'ethics' to refer to the full range of human experience of value, including aesthetic, moral, religious and other elements. In this usage it is broadly coextensive with axiology. I generally use 'moral' when specifically referring to questions of human conduct towards other beings in terms of good and evil, right and wrong, as is commonly the case. But I am not taking the border between the two to be precisely defined and I am aware that some writers use them as synonyms.

The main work by Scheler that gives his ethical philosophy, and which is the focus of this thesis, is his *Formalism in Ethics and Non-formal Ethics of Values*, first published in two separate parts in 1913 and 1916. This book is commonly referred to as the *Formalismus*, from the second word of the German title *Der Formalismus in der Ethik und die Materiale Wertethik*, and I refer to it as *Formalismus* in this thesis and its footnotes.

A distinction must be made between meta-ethical and normative theories. This is a distinction, respectively, between theories of the means and nature of ethical knowledge, and substantive theories of ethical content. This is of course already a common philosophical distinction but in ethical works themselves it is often fudged. That is, it is often assumed that certain substantive ethical and epistemological theories necessarily go together when this is not the case, and they are only customarily joined. For example, intuitionism since Moore, and in its contemporary manifestations, is usually taken to support a value pluralist ethical theory. But intuitionism itself could support utilitarianism (à la Sidgwick), or egoism or various other theories, and similar considerations apply to epistemological alternatives such as empiricism or constructivism. The same is true in the other direction: utilitarianism, for example, could be supported by empiricism, or intuitionism or mystical divine revelation. It is merely unusual for this to be the case. Kant and Scheler are examples of two other philosophers whose theories closely merged epistemological 'meta-ethical' and ethical 'normative' ideas and arguments.

This thesis will be defending a theory that is both epistemological and normative, as is Scheler's theory on which it is based. I address the meta-ethical and epistemological issues in this thesis primarily in chapters two to four, and look at central normative issues in chapters five and six, before returning to consider alternative theories in the final chapter.

3. A Naïve view of 'Ethical Experience'

Good and Evil, Right and Wrong, Beauty, Holiness: these make up a huge part of what it means to be human: a thinking, rational and emotional being. From the rules of politeness in our small personal interactions with others, the struggles between good and bad guys that fill our entertainment, our personal choices as consumers, to our political discussions dominated by arguments about fairness, social justice and awareness of great moments of good and evil in our world. Ethical considerations make up a vast part of our mental landscape, our daily lives and our culture, and we all have a keen sense of right and wrong, even if we only deploy it in reference to the good we do and the wrong other people do to us. We also have an awareness of beauty in art, nature, other people; and many people also have an untutored appreciation for experiences of holiness. Ethical judgements and issues range from the almost entirely trivial to the most extraordinarily important issues in the world.

Ethics is an immensely practical affair; as universal, commonplace, and feeling as fiercely real as the physical rocks and trees and other things of the world we live in. The way we 'work out' morality is also equally practical. We sense 'moral' value and right and wrong in the world around us. We don't uniformly reason it from first principles like abstract mathematics, and there appears to be no connection between how much you have studied ethics and how ethical you are, or your ability to appreciate or reproduce beauty, or other values. The most untutored or un-philosophical person can act with more moral insight, and even describe greater goodness, than the most wise of moral philosophers, if probably without the ability to articulate where these principles or insights come from. Ethical experience saturates our experience of the world. We experience all of human reality and society as valuable and structured in terms of ethical assumptions and this structure is widely felt and accessible to persons. And this experience can be as variegated and complex as any experience of merely physical reality.

Ethical experience has particular structural features that distinguish it from other elements of human experience, whether that of physical objects or our inner sense. Morality is felt to be both universal and objective, to apply to everyone and not be under individual decision, to make demands upon the individual that they act or refrain from acting in certain ways and to have fundamental significance in relation to human life. Its demands are felt to over-ride non-moral urges and desires especially in committing certain actions and to have different heights or depths of moral importance for different actions. And it is experienced as something that can be discussed, argued over and of which opinions can be decisively true or false, and furthermore something that most people are innately equipped to at least possibly understand and discuss without the requirement for particular training or expertise.

Other areas of ethical experience such as aesthetic or religious value have their own distinct structural features that are widely taken to define their judgements and statements, and which are also held to be accessible and relevant to every person's individual life, and impossible to summarise in simple, logical principles. Another key structural feature, shared with moral experience, is that the ability to perceive, 'create' or 'instantiate' moral, religious and aesthetic value are taken to be, to a limited degree, open to practical improvement through personal effort, and open to vast intellectual study. But, fundamentally, both of these are relatively irrelevant compared to the personal ability to 'create' or 'instantiate' these values whether in personal holiness, artistic ability or moral goodness.

Despite this, too much reasoning about ethics approaches the subject at the level of abstract principles first and actual ethical experience second. From abstract first principles philosophers work out ethical systems and then apply them, fully formed, to real experience; often finding real experience a disappointment when it does not measure up to the neatness of theoretical vision. But this puts the cart before the horse. Ethics is different to abstract subjects such as mathematics that have some very particular features. We all understand very basic mathematical notions like space and number, but once we go into almost any detail very precise study is needed to go any further to understand the possibility and concepts of more advanced ideas. Almost no-one just trips over the ideas of group theory or set theory, or differential equations, unless they have them painstakingly explained. In complete contrast to this, one meets and experiences the ideas of good and evil everyday without the need for much explanation. These ideas are given and transparent in a way that experience of our ordinary world is, and experience of morality is, but mathematics, metaphysics, and scientific abstractions are not.

There is no such connection with studying philosophical ethics and experiencing morality, or even knowing what is the moral thing to do. All we can say is that people who study ethics can have a better grip of the principles and 'laws' behind every-day moral awareness and decision making, but they are not necessarily any better at doing it. Every-day and immediate ethical experience is primary to our ethical awareness and practice and the theory that lies behind it is more like a scientific explanation for a phenomenon with which we are already familiar. In the ordinary living world we act, we live, we see, we hear, we feel, and do a whole host of other things entirely competently without understanding the theoretical physical principles behind them, and neither do we need to have their concept explained to us to experience them. Understanding physics doesn't make you a good walker, understanding optics doesn't make you see better, though in all these actions it may be applied on the margins to improve it. And there is the same fundamental relation between ethics and moral experience as there is between experience of the physical world and physics, chemistry, biology.

This means that the reality of 'ethical experience' has to be at the centre of any investigation into morality, and rational ethical principles secondary to it. We can deny whether ethics has any

fundamental and essential metaphysical reality. We can argue over the details of our moral intuitions and experiences, like ten people giving their ten different eye witness accounts of the same car crash. But we cannot deny the reality of that ethical experience, of the experience of value we 'see' in the world around us, of our intuitive reactions to new ethical situations and ideas. Nor, again, the different feelings and judgements that come through learning of great moral heroes or villains, or of the way people have morally acted in extreme situations. It forces itself on us as we go about our ordinary lives, whether we want it or not, and as such it bears a totally different relationship to us and our understanding than rationalist abstractions, like mathematics or much philosophy. This must then be the fundamental basis of any attempt to understand our concepts of meaning, good and value in the world in general, in the same way that our experience of the physical world must always lie at the basis of our scientific theories.

We should not adopt a prescriptive approach that starts with a particular metaphysical bias and attempts to force our experience to conform to that, discarding bits where they do not fit, such as usually happens in theories as varied as traditional utilitarianism, non-cognitivism or Kantianism. Our approach must do justice to the messy, real nature of ethical experience. Otherwise we risk whitewashing over the beauty, detail, richness and colour of the practical experience that makes up such a large part of our human life. Only such an approach can be a complete basis for any truly thorough attempt to understand the role morality plays in human existence. Theories that are not built on this basis, despite their undoubted wisdom in this or that instance, should be generally rejected as insufficient.

4. Intuitionism

I argue that the above, although obviously a rather naïve view, is a fair description of the manner in which ethical experience forms a part of human life, unreflectively appears to human consciousness and is taken to justify judgements and actions on (for example) moral or aesthetic grounds. I argue that ethical experience of this type naturally leads to a naïve theory of ethical intuitionism, and in fact that a considerable number of people, if questioned about their ethical commitments, would justify them in a manner that could only be described as a form of ethical intuitionism: they 'just know' certain things are right or wrong. And, of course, ethical intuitionism of a type has a long and respectable history in philosophy dating back at least to the time of Plato.

I believe the reasoning behind this is simple. Most people understand clear ethical ideas, as well as those relating to other areas of human value, without any necessary ability to trace the roots or logic of this information. They also have clear preferences when asked to consider individual moral cases or dilemmas that they believe their mind is supplying to them. This provides clear cases of both what is referred to as 'intuitions' in areas of analytic philosophy and in Kant's sense of something that relates cognition immediately to its object. Even if there are

fundamental principles underlying examples of correct moral reasoning, such as universalisability or utility, these are neither immediately apparent nor felt necessary for justification for personal action or ordinary reasoning on ethical topics. Intuition, like perception, is taken as sufficient initial justification unless someone can then produce a good reason otherwise.

Despite this, ethical intuitionism has fallen out of favour a number of times during its history, and today is widely criticised as a meta-ethical theory, especially among analytic philosophers.[6] However, it has enjoyed a small resurgence of support in the last two decades with a number of philosophers positing a contemporary form of intuitionism and giving defences against a range of traditional criticisms.[7] I argue that this contemporary analytic intuitionism has made significant progress in defending intuitionism as a meta-ethical theory, but due to shortcomings in its approach is incapable of answering the remaining significant criticisms against it. Later in this thesis I will attempt to address these issues, using the tools provided by Scheler's ethics and the work of complementary philosophers. I now give a historical summary of the development of ethical intuitionism, in British empiricist and analytic philosophy, and then the arguments that have discredited it in the eyes of many philosophers. Following this I will discuss which of these arguments I believe contemporary intuitionism has developed convincing responses to and which I believe remain to be challenged and why.

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[6] e.g. Liszka (2002), Jackson (2003), Blackburn (1993), Brandt (1996), Nowell-Smith (1954), Gibbard (1990), Hare (1961), etc

[7] e.g. Stratton-Lake (2013), Audi (2010), Huemer (2005), Shafer-Landau (2005), etc.

Chapter 2 - Analytic Intuitionism

1. The Development of Analytic Intuitionism

Modern analytic intuitionism owes its distant historical origins as an epistemological doctrine to the development of empiricist and rationalist epistemology in early modern philosophy of the 16th and 17th centuries. The idea that something must mediate knowledge between the external world and the mind, carried over into the sphere of ethics, gave the basis for the idea that some moral sense or rational intuition must be the specific basis for our moral knowledge. The initial motivation for this development was also a response to Hobbes, one of the earliest modern materialists and naturalists. Before this, direct moral and metaphysical realism had been assumed and moral principles were deduced straight from metaphysical or theological principles in scholastic or Platonic philosophy.[8]

This developed into British intuitionism that dominated the late 17th and 18th Century, with such philosophers as Hutcheson and Shaftesbury proposing empiricist (moral sense) and rationalist versions of the theory, taking their inspiration from Lockean empiricism and Cartesian rationalism respectively.[9] These philosophers formulated early versions of various arguments relevant to later intuitionism, including the Is/Ought distinction, the logical independence of moral propositions, the naturalistic fallacy, analogies with mathematical intuition and the reliance on initial self-evident principles.[10] This early work was followed by David Hume and Adam Smith who proposed more complex varieties of empirical intuitionism based on a range of emotional affects rather than a single unique 'moral sense'.

This 'sentimentalism' lost ground in the early 19th Century to developments in Kantianism and later philosophers of German idealism. 19th Century British ethics also became dominated by utilitarianism and other naturalist ethical philosophies, promoted by such philosophers as Bentham, Mill and later Sidgwick. But at the beginning of the 20th century rationalist intuitionism enjoyed a brief renaissance motivated by the work of G.E.Moore. Moore was believed to have successfully attacked the naturalist move of equating goodness with some particular natural properties, particularly through the 'Open Question Argument' but also by other methods.[11] His system was doubly based on intuitions of value, which were foundational and could only be assessed in terms of their coherence, and a naturalist doctrine of ethical means and choice, in which means were to be rationally assessed on their effectiveness in achieving the *intrinsic* ends already intuitively identified.[12] However, his intuitionism retained

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[8] Hudson, W.D. *Ethical Intuitonism.* New York: St Martin's Press, 1967, p3.
[9] Ibid, p22
[10] Ibid, p14
[11] Moore, George Edward. *Principia Ethica.* Cambridge: Cambridge University Press, 1903, §1-15.
[12] Ibid, Preface.

strong links to the British utilitarianism that preceded it. He continued to argue for strict consequentialism in ethics, but on a more pluralistic value basis than that assumed by the earlier utilitarians, and denied their belief that hedonism or any other naturalist ethical theory could be empirically proven.

Moore was widely considered to have been successful in debunking naturalism in ethics but his own intuitionist philosophy was not generally accepted for long. Early Analytic philosophy was dominated by positivism and scientism and Moore's meta-ethics, with its belief in the non-natural definition of goodness and its non-scientific intuition, was considered unacceptable. This led to the abandonment of cognitivism in ethics generally: Non-cognitivist theories, whether emotivism, prescriptivism, or optative alternatives dominated for decades within Analytic philosophy. But intuitionism was defended and elaborated through this period by some philosophers such as Pritchard[13] and Ross[14], each of whom proposed slightly different 'intuitive' moral schemas, but agreed on the fundamental points of intuitionism. There was also a revitalisation of 'virtue ethics' in the 1960's pursued by a few philosophers such as Anscombe and Geach.[15]

Ethical intuitionism and moral objectivity more broadly came under further substantial attack in the 1970's, especially through the work of Mackie[16] and Blackburn[17]. They developed arguments against moral realism on the basis of supervenience, motivation, and 'queerness', in addition to traditional arguments from moral disagreement, against non-natural properties in general, and against the 'emptiness' of moral properties in explanation. More recently further arguments have emerged from an evolutionary account of moral intuition that claims our ethical intuition targets personal and social evolutionary advantage, and hence, there is no basis to assume it justifies any realist moral knowledge.[18]

In the last two decades or so there has been a resurgence of interest in ethical intuitionism involving philosophers such as Huemer, Stratton-Lake and Audi.[19] This contemporary analytic intuitionism has developed in response to Analytic attacks since Moore's time and although there is significant variation among different philosophers it is possible to identify a core set of features that this contemporary theory shares. These in particular are that it is a form of direct, cognitive moral realism based on defeasible, rationalist, propositional intuition.

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[13] Pritchard, H.A. "Does Moral Philosophy Rest on a Mistake." *Mind*, 1912: Vol.21.

[14] Ross, W.D. *The Right and the Good.* Oxford: Clarendon Press, 1930.

[15] Anscombe, G.E.M. "Modern Moral Philosophy." *Philosophy*, no. 33 (1958): 1-19.

[16] Mackie, J.L. *Ethics: Inventing Right and Wrong.* Middlesex: Penguin Books Ltd, 1977

[17] Blackburn, Simon. "Moral Realism." In *Morality & Moral Reasoning*, edited by John Casey, 101-124. London: Methuen & Co. Ltd, 1971.

[18] Joyce, Richard. *The Myth of Morality.* Cambridge: Cambridge University Press, 2001, Ch.6.
Geiger, Gebhard. "Why there are no objective values: A critique of ethical intuitionism from an evolutionary point of view." *Biology & Philosophy*, 1992: 315-330, etc.

[19] Huemer, Michael. *Ethical Intuitionism.* Basingstoke: Palgrave Macmillan, 2005.
Stratton-Lake, Philip, ed. *Ethical Intuitionism: Re-evaulations.* Oxford: Oxford University Press, 2002.
Audi, Robert. *The Good in the Right.* Princeton: Princeton University Press, 2004.

One of the leading features of contemporary intuitionism is that its emphases have been largely motivated in response to the meta-ethical debate with opposing naturalist, deontological and non-cognitive theories. This has meant that most of the emphasis of philosophers in contemporary intuitionism has been on structural questions: what features of intuitionism relate to key arguments and debates and how can this be defended at the meta-level. They have been less concerned about the content of intuitionism: how intuitions enters consciousness, what particular information it brings us, how we process this into moral principles, or how this should necessarily affect our everyday moral decision making and practical action.

Related to this feature is the fact that contemporary intuitionism has largely followed Moorean intuitionism in being fundamentally rationalist, drawing its primary analogies from mathematics for example, rather than empirical in the manner of the sentimentalism that was widespread during the first great period of British intuitionism. Contemporary intuitionists seem happy to describe ethical intuitions as something like 'initial intellectual impressions' [20] rather than offering any explanation of how these intuitions may appear to consciousness, whether based on emotional empathy or some form or pure intuition à la Kant.

Moorean intuitionism was also heavily rationalist and more concerned with meta-ethical structure features (as compared to meta-ethical alternatives), but Moore and also Ross and Pritchard were still interested in listing concrete ethical principles that they took as derived from their intuitionism. As fitting his consequentialism Moore gave examples of intrinsic goods that he believed to be the correct aims of moral pursuit[21], and Ross and Pritchard, fitting their more deontological approach, gave examples of fundamental moral principles. Contemporary intuitionism on the other hand seems largely to leave the job of discussing moral principles to separate 'every-day' moral discussion, being itself concerned with defending intuitionism from a meta-ethical, epistemological perspective, and especially defending the reasonableness of objectivity and realism in ethics.

The type of intuitions that contemporary intuitionism are based on are generally propositional intuitions, statements of moral truths such as 'cruelty is wrong' that are taken as basic and at least prima facie justificatory. This reflects the rationalist basis of this intuitionism as well as a general bias in analytic philosophy towards considering linguistic propositions as the only possible bearer of knowledge. A wider perspective of considering pictorial, sensory, imaginative, affective intuitive content is not taken. Intuition is characterised along the same lines as in reference to intuitions in analytic philosophy of mind, rather than, for example, the alternative Kantian sense of defining an intuition as an impression through which cognition relates immediately to its object[22]; and hence regarding ethical intuition itself as approximating

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[20] Huemer, Michael. *Ethical Intuitionism.* Basingstoke: Palgrave Macmillan, 2005, p102.

[21] Moore, George Edward. *Principia Ethica.* Cambridge: Cambridge University Press, 1903, Ch.6

[22] Kant, Immanuel. *Critique of Pure Reason.* Translated by Marcus Weigelt. London: Penguin Books Ltd, 2007 [1781, 1787], B33, 34.

perceptual input. The exception to this has been some recent papers on the possibility of an 'affective intuitionism' looking to emotion in a very similar way to that Scheler did.[23] However, this seems to remain a relatively small current with recent analytic intuitionism itself, which itself is still a relatively small strand in meta-ethics in general.

2. Objections

In this section I outline various objections to historical and contemporary analytic intuitionism that have been prominent in the literature opposing intuitionism and have been discussed by intuitionists themselves. In the following section I then discuss counter-arguments that have been raised from within the analytic tradition. These objections are not completely distinct, as will be seen, but over-lap at various stages, so the divisions I make are more for convenience of understanding than reflecting absolute logical distinctions between each objection.[24]

By *Epistemological Commitment* I mean situations where moral realism or intuitionism is discounted not on the basis of any specific argument against it but on the basis of positive commitment to incompatible epistemological or metaphysical ideas. This may take both moral and non-moral form.

The moral examples that are most pertinent to analytic intuitionism are naturalism (or reductionism) and non-cognitivism (in line with its analytic biases Kantian deontology receives much less attention). Naturalism is the theory that the intrinsically good is some identifiable natural property or set of properties, such as pleasure, and opposes any metaphysical non-naturalist theory of what is morally good. The most historically popular type of naturalism has been classical utilitarianism, which holds that human pleasure or preference (broadly defined) is identifiable with 'The Good'. Non-cognitivism argues that moral statements are not judgements about some property, but neither true nor false (in their standard sense) statements with some non-rational force or function. This approach is generally negatively justified on the basis of the supposed implausibility of realist accounts. The most popular forms of non-cognitivism have been emotivism, prescriptivism or projectivism, which respectively argue that the main achievement of moral statements is either to express the emotional attitude of the person

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[23] Tappolet, Christine. "Ambivalent emotions and the perceptual account." *Analysis*, 2005: Vol.65, No.3, pp229-233.
Mulligan, K. "Emotions and Values." Edited by P Goldie. *The Oxford Handbook of Philosophy of Emotion*, 2009.
Doring, Sabine. "Seeing What to Do: Affective Perception and Rational Motivation." *Dialectica*, 2007: pp363-394., etc.
[24] One particular omission from the following section is arguments particularly raised from the Kantian or constructivist perspective. This is for a particular reason. Discussion around analytic intuitionism often ignores Kantian constructivism as an alternative, focussing on an argument between naturalist, non-naturalist and non-cognitivist theories. However, Scheler, in particular, was deeply concerned with questions arising from Kantian ethics, which he saw as the springboard and basis for his own (albeit radically different) theory; so, where these questions do not come under the arguments described below, they will be considered in some depth in the next chapter during the discussion of Scheler's ethics.

towards the object in question, to prescribe a certain action regarding the object in question, or to project the person's emotional attitude about an object onto it as a supposed property of it.

These were the almost-orthodox meta-ethical theories in philosophy for periods of the 19th and 20th centuries that intuitionists first had to rebut to gain a hearing for intuitionism. Philosophers are often convinced of the truth of one of these alternatives on its merits as a descriptive or prescriptive ethical theory and hence exclude intuitionism on that positive basis, though generally buttressed by some or other of the negative arguments described below.

To give a non-moral example, logical positivism held the verification principle, that the only statements that are meaningful are those which can either be empirically demonstrated or are logical tautologies.[25] This doctrine implies that intuitionism is epistemically incorrect and moral realism is metaphysically incorrect, but it was not formulated or accepted for any reasons particularly involving consideration of the nature of morality. It is arguably internally incoherent since it necessarily rests on a claim that is neither tautological nor empirically demonstrable. Regardless, logical positivism and similar ideas dominated in analytic philosophy in the period that Moorean intuitionism collapsed in popularity. Indeed, I consider it highly probable that the reason for this collapse was as much because it was not seen to fit with the assumptions of ideas such as logical positivism as due to any particularly devastating specific philosophical arguments against it.

A related objection bears particularly against the non-natural properties that are often taken as revealed by intuitionism. This has become more popular in recent decades as the specific commitments of such philosophies as logical positivism have given way to a generalised analytic commitment to naturalism and physicalism in metaphysics. In this environment where naturalism and physicalism are taken to be as good as proven independently it becomes largely sufficient to reject intuitionism on these grounds alone. In fact, various current defenders of moral realism (more generally) have focussed considerable effort on arguing that they can be made coherent with naturalism and hence should not fall foul of this objection.[26]

The *Argument from Moral Disagreement (or against Dogmatism)* is used in an overlapping manner against moral realism and Intuitionism specifically. In its simplest form the argument simply contends that the sheer quantity and apparent intractability of moral disagreement would be unlikely if there were actually any objective moral facts that people were attempting to reach. More specifically it posits that a faculty of moral intuition, however defined, must be even less likely than moral realism generally because it posits a direct mechanism by which persons have access to moral truth and hence the one thing it should preclude is intractable and widespread moral disagreement. This is sometimes expressed as a criticism of the apparent dogmatism and

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[25] Ayer, A.J. *Language, Truth and Logic.* London: Victor Gollancz Ltd, 1936.
[26] E.g. Cornell Realism such as Brink, David. *Moral Realism and the Foundations of Ethics.* Cambridge: Cambridge University Press, 1989.

infallibilism of intuitionism, whereby intuitionism is accused of depending on infallible or obviously self-evident moral ideas. The objection in this case is that these ideas leave no room for moral discussion, moral improvement or disagreement when such things are an omnipresent and significant part of our ethical experience. Empirically there just aren't any universally held or apparently self-evident moral ideas.

Metaphysical and Epistemological Queerness is the objection that for non-natural moral properties to exist they would be "queer" entities "of a very strange sort". Metaphysically queer, meaning of a kind different to physical matter or psychological states, and epistemologically queer, meaning that because these properties are metaphysically unlike ordinary properties there would need to be some unique "queer" intuition to explain knowledge of them. Specifically, Mackie objects to the fact that moral properties are "authoritatively prescriptive", they rationally have "to-be-pursued-ness somehow built into [them]" where this feature is shared by no non-practical objects. Real, non-natural moral properties are hence sufficiently different in type to natural properties we readily accept, and the epistemic means of their discovery so unexplained, that they would require a very high threshold of evidence and coherence to justify belief in them. And in light of other objections to a naïve description of them, such as the motivation and supervenience arguments, this level of evidence and coherence does not exist. [27]

The *Motivation Argument* is not specifically aimed at Intuitionism but generally at realist moral theories, of which intuitionism is one. The argument is based on claiming that the features moral facts are recognised to have are logically incompatible with the psychology of human motivation. It is based on three premises. The 1st of which is known as the 'Humean principle' that factual beliefs alone are never sufficient for motivation, but that human motivation also requires desires. The 2nd premise is the Humean idea of the Belief/Desire gap, that beliefs are logically independent of desires such that no factual belief entails any desire. The 3rd premise is that for moral values to have the properties we ascribe to them they must be internally motivating, which means they intrinsically motivate us to act, independent of any further desires. Obviously premise 1 & 2 contradict premise 3, meaning that 1 & 2 cannot be true and there exist moral values as described in 3.[28]

The *Supervenience Argument* can be articulated in a stronger and weaker form. In its weaker form it points to a supposed failure to explain how, if real moral properties exist, they are meant to 'supervene' on non-moral properties. If we make a moral judgment about a situation, that a theft was wrong, for example, then we are stating that there is something about the arrangement of the natural facts in this case, the objects and persons involved and what was done with them, that means that we are correct in judging the activity to be morally wrong. We are claiming that the moral property of this event, 'wrongness', supervenes on the natural facts, but, a non-natural

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[27] Mackie, J.L. *Ethics: Inventing Right and Wrong.* Middlesex: Penguin Books Ltd, 1977, p38-42.
[28] Huemer, Michael. *Ethical Intuitionism.* Basingstoke: Palgrave Macmillan, 2005, Ch.7 – Practical Reasons

realist claims, is separate from those facts. The objection's stronger form, as originally given by Blackburn, rests on a disparity between two observations. Firstly, intuitionists want to claim that no natural property entails any moral property, as argued against ethical naturalism. Secondly, Blackburn defines moral supervenience as the claim that the moral facts of any situation are fixed by the naturalistic facts, such that the moral facts change if and only if the natural facts change. So the moral facts are not entailed by any naturalistic facts, but they are logically fixed by the natural facts. Blackburn argues that moral realism can have no explanation of this whereas non-cognitivism can give a natural explanation for it.[29] Both this argument and the motivation argument trade on the concept of the logical independence of natural and moral facts, classically described by Hume in the Is/Ought distinction, and which is itself a core tenet of non-naturalist moral realist philosophies such as intuitionism, attempting to turn this claim against non-natural moral realism itself.

Emptiness is one of the main accusations against intuitionism and moral realism that has been raised in the last century. This takes two forms: firstly, that allegedly intuited non-natural moral properties add nothing to explanations of events and people's actions and hence are theoretically unnecessary. Secondly, that particular theories of intuitionism themselves fail to explain or predict the moral phenomena that make up our ethical experience more than just naïve reflection, and hence are unproductive even if we accept common-sense moral realism. This is a view commonly held by proponents of non-cognitivism or moral error theory.[30] The first argument contends that specifically non-natural moral properties add nothing to an explanation of events. It can be seen to be connected to the motivation and supervenience arguments above. It holds, for example, that our sympathetic feelings alone are enough to explain our desire to reduce the suffering of others, and provide sufficient reason to do so, without needing the logical backstop of claiming that we do so because we pick up specific moral properties that rationally require it. Moral properties then become a hypothesis that adds no explanation, and can be discarded under Occam's razor. The second objection is less commonly stated, but I argue that it provides a significant subconscious reason for why intuitionism is not accepted as an meta-ethical theory, even if it coheres with the evidence available as well as any other theory. In the sciences a theory generally is needed to demonstrate superior explanatory power if it is to replace an older theory, and I believe that it is the relative failure of intuitionist theories to do so in ethical debates or concrete situations that largely explains its unpopularity. It is not enough to be no worse than opposing theories, it is necessary to provide positive reasons to adopt a theory in terms of greater explanatory power.

The *Evolutionary Argument* against intuited moral properties actually accepts the existence of moral intuitions of a certain sort, but argues that they can be evolutionarily explained in a

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[29] Blackburn, Simon. "Moral Realism." In *Morality & Moral Reasoning*, edited by John Casey, 101-124. London: Methuen & Co. Ltd, 1971, p106.

[30] E.g. Mackie, Blackburn, Ayer, Hare, Timmons, etc.

manner that does not point to any real, objective moral properties. This argument accepts the existence of moral intuitions and that they can be used in moral reasoning but contends that they originate from evolutionary psychological effects directed at promoting reproduction and survival among a human social community and not in a manner that would reliably pick out rational morally relevant facts. In other words, it is a form of 'error' theory. In this theory moral intuitions are the feeling-states that have evolved because they promote action that supports reproduction among human (and animal) social communities in the same way that the feelings of hunger encourage animals to eat and thus to survive long enough to reproduce. Particularly this argues that we are programmed to emotionally value other human beings on the basis of primarily visual recognition of similarity, the stronger the closer they are in terms of family, and to hold a general sense of fairness in dealings. These motivate us to act in co-ordination with other human beings to organise and balance our needs and responsibilities socially in order to promote the survival of the community as a whole. The complexities of human moral behaviour and reasoning then emerges as an application of these basic motivating feelings, in the same way that the complexities of human cuisine emerge from basic motivational drives to avoid hunger and seek nutrition to preserve life and facilitate reproduction.[31]

3. <u>Some Met, Some Not.</u>

In this section I now go over some of the counter-arguments that have already been given to the objections outlined above, some by analytic intuitionists and some by other philosophers, on which analytic intuitionism can draw to defend its theory, and comment on which of these counter-arguments I think are stronger and which leave considerable work to be done. This is by no means a comprehensive survey but just an introduction to those objections and counter-arguments which I have found particularly relevant, and with which I will be assuming acquaintance in the latter chapters of this thesis.

In accordance with the features I have mentioned previously, contemporary intuitionism is at its strongest when arguing against the *Epistemological Commitment* to naturalism and non-cognitivism. Intuitionist arguments are strong when discussing the damage non-cognitive accounts do to our natural moral discourse compared to straightforward realist, cognitive accounts. Traditional emotivist[32] or prescriptivist[33] theories deny that moral statements can be descriptive when prima facie they are simple descriptive statements and have always been considered both philosophically and popularly to be so and discussed as such, and when their grammatical semantics are such and they can be logically manipulated as such. Traditional non-

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[31]Geiger, Gebhard. "Why there are no objective values: A critique of ethical intuitionism from an evolutionary point of view." *Biology & Philosophy*, 1992: 315-330.

[32] Ayer, A.J. *Language, Truth and Logic.* London: Victor Gollancz Ltd, 1936.

[33] Hare, R.M. *The Language of Morals.* Oxford: Clarendon Press, 1961

cognitivism hence has an explanatory mountain to climb to replace the common-sense explanation of the role and function of moral language.

It is highly likely that initial non-cognitivism was not motivated by even-handed considerations about the nature and function of moral language, but rather by epistemological commitment elsewhere. Severe epistemological commitments like logical positivism required non-cognitivism. But logical positivism was internally inconsistent and naïve and was eventually abandoned by even its most famous advocates: "I suppose the most important [defect]...was that nearly all of it was false", said A.J.Ayer in 1979[34]. And without the theory of meaning of logical positivism, or something similar to it, there seems little reason to insist that moral language can be neither true nor false when it has been widely understood in this way since the dawn of human civilisation, though under a wide range of different guises.

The fundamental implausibility of traditional non-cognitivism as a dogmatic statement has prompted the development of continually more sophisticated and generally steadily more 'quasi-realist' and quasi-cognitivist versions of non-cognitivism such as those of Gibbard, Timmons and Blackburn[35] that bear eloquent witness to the acceptance of the critique of non-cognitivism even among its continued proponents. These forms of non-cognitivism bear less of the initial implausibility of traditional non-cognitivism by accepting large parts of the cognitivist elements of moral language as meaningful but adds the implausibility of attempting to marry cognitive language with a non-cognitive theory of what it means. There have been numerous complicated attempts to construct a theory of how this works, even to explain the 'apparent' logical semantics of moral discussion by appeal to an equivalent non-cognitive 'logical semantics' of attitudes and emotions. But this merely introduces another dose of complication compared to the manner in which traditional cognitive accounts, of which intuitionism is one, simply explain our moral usage. This enterprise can only be motivated by a strong epistemological commitment that moral realism is false that must be justified elsewhere initially before non-cognitivism can be seen to be plausible.

Even then however there is confusion around what exactly non-cognitive theories are stating if they are to be taken to be outlining a distinctive meta-ethical position. Intuitionism can accept that moral statements both express emotions, attitudes and prescriptions and optatives as well as expressing beliefs and descriptive statements. Non-cognitivism also cannot define itself by claiming that moral statements and arguments attempt to make descriptive statements but fail due to the non-existence of moral facts, leaving only the expression of emotions, because that in itself would be a type of cognitivist error theory.

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[34] A.J.Ayer, interview by Bryan Magee. *Men of Ideas* (1978).
[35] Timmons, Mark. *Morality without Foundations: A Defence of Ethical Contextualism.* Oxford: Oxford University Press, 1999.
Gibbard, Allan. *Wise Choices, Apt Feelings.* Cambridge, Mass: Harvard University Press, 1990
Blackburn, Simon. *Essays in Quasi-Realism.* Oxford: Oxford University Press, 1993

Contemporary intuitionism is also particularly strong when defending the independence of moral discourse from naturalist, reductive descriptions of ethics. The most well known statement of the independence of ethical and descriptive statements continues to be Hume's remark that:

> "In every system of morality, which I have hitherto met with […] the author proceeds for some time in the ordinary ways of reasoning, […] when all of a sudden I am surprised to find, that instead of the usual copulations of propositions, *is*, and *is not*, I meet with no proposition that is not connected with an *ought*, or an *ought not*. This change is […] of the last consequence. For as this *ought*, or *ought not*, expresses some new relation or affirmation, 'tis necessary that it should be observed and explained; and at the same time that a reason should be given; for what seems altogether inconceivable, how this new relation can be a deduction from others, which are entirely different from it."[36]

This Is/Ought dichotomy, sometimes known as Hume's Law, can be formalised as the postulate that no evaluative or normative statement can be entailed from purely non-evaluative or non-normative premises, but only from a set containing at least one evaluative or normative premise. Hume makes this statement without any particular proof or argument, and indeed almost as an afterthought at the end of a section of his *A Treatise of Human Nature*. It has however been widely (though of course not universally) accepted ever since by philosophers and other readers from a wide variety of backgrounds, and this is a testament to its plausibility. This plausibility is in turn reflected in the basic differences in the vocabulary and grammar of purely descriptive and evaluative statements, such as that between indicatives and imperatives. Not because this proves anything in of itself, but because it demonstrates that Hume's intuition is widely accepted and even diffused in the basis of our language. This difference is further expressed in such basic facts of philosophical history as the long, independent investigation into 'the Good' and 'the True' as separate subjects, the traditional distinction between theoretical and practical philosophy and the long history of popular and philosophical debate into the meaning of the subject.

In this context Moore's arguments in his *Principia Ethica* on the Naturalistic Fallacy can be seen as an extended defence and support of the intuition underlying Hume's Law. Moore's 'Open Question' argument is often quoted, but he also gave three other connected arguments against various attempts to identify the meaning of 'Good', taken as the basic ethical predicate, with any naturalist feature. The open question argument is the postulate that there is no definition of 'Good' in natural terms that is clearly and obviously interchangeable with 'Good' in all evaluative sentences such that they become tautologous, and hence equivalent in meaning

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[36] Hume, David. *Treatise of Human Nature.* Cambridge: Cambridge University Press, [1739] 2009, Book 3, Part 1, Sect.1

with 'Good'.[37] Ethical claims about 'the Good' will always be synthetic claims, but this generates a burden of proof that any naturalist theory must meet to justify that synthetic link.

His other arguments support the open question argument by bringing out the logical distinctions relevant to claiming a certain substance is good or the Good, which are often ignored in naturalist attempts to prove such a definition. These arguments make clear the hurdles that a naturalist theory would have to cross and by outlining how strong such a statement must actually be these arguments explain why the Open Question Argument is so plausible and difficult to counter.

Firstly, he argues that for a naturalist theory, to take the example of hedonism, it would not be enough to prove that pleasure is good, because this does not preclude other things also being good; nor even that something is good if and only if it is accompanied by pleasure, because that only entails constant conjunction, not identity of substance.[38] Secondly, he argues from the basis of the principle of 'organic unity', meaning that Goods can only be understood as organic wholes, and particularly that if various parts of a whole are seen to have no value on their own, but to have value when combined with some other part, it does not follow that all the value is contained in the other part. For example, a painting may be considered to have no value if it does not cause pleasure when perceived, but to have great value when it does cause pleasure, but this does not entail that the entirety of the value is in the pleasure, and not in the painting, and a fortiori it does not at all support any stronger claim that only pleasure can be valuable.[39] Thirdly, he argues that given any naturalistic feature, a world can be imagined that contains only that feature, but that no such world could be imagined that could not be plausibly further improved by adding other objects of our universe, thus refuting the suggestion that any such one property can be solely or analytically identified with the Good.[40]

A more formal, algebraic argument in favour of the independence of ethical and descriptive statements was given by Toomas Karmo in 1988. He gave a proof that no argument from (1) true, (2) purely non-evaluative premises (3) entails an (4) evaluative, (5) non-trivial conclusion. It runs thus: assume there are two types of statements, evaluative and non-evaluative. Given any 'mixed' statement such as 'Denmark is larger than France or all undertakers ought to be shot' it is evaluative if its truth depends on the truth of an evaluative statement, and non-evaluative if it does not. Possible worlds are assumed then to consist of a pair, labelled (w & v) of non-evaluative facts w, and a value system v. Finally, given any w and v and any statement then either $(w\&v) \rightarrow S$ or $(w\&v) \rightarrow \neg S$.

The proof proceeds by *reductio ad absurdum*. Assume there is an argument satisfying 1-5, and $S_1 \ldots S_n$ are its premises, with conclusion S_{n+1}. There is a possible world w and values systems

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[37] Moore, George Edward. *Principia Ethica.* Cambridge: Cambridge University Press, 1903, §13
[38] Ibid, §10
[39] Ibid, §18
[40] Ibid, §55-57

v_1, v_2 such that $(w,v_1) \rightarrow S_{n+1}$ and $(w,v_2) \rightarrow \neg S_{n+1}$. Since $S_1,\ldots, S_n \rightarrow S_{n+1}$ this means that under v_2, S_i in $S_1,\ldots,S_n$ is false. But since S_{n+1} is evaluative and its truth has changed depending on the change of the truth of S_i, by assumption S_i itself must be evaluative. But this contradicts (2). Hence there can be no such argument.[41] The credibility one gives this result will depend on whether one agrees with the simplified model given in the premises. I think that this model is simple but not simplistic and does justice to the issue.

These arguments by no means provide incontrovertible proof as to the logical independence of ethical and non-evaluative statements nor the details of how or why this separation occurs. But I believe they do provide strong support for this theory, and leave a serious burden of proof for any postulated naturalist theory to meet should it wish to repudiate Hume's Law.

Another area in which contemporary intuitionism is strong is in combatting the traditional charge of *dogmatism and infallibility*, a charge somewhat justified by certain intuitionist statements such as that of Samuel Clarke[42], or Pritchard[43]. On this charge intuitionism claims the solution to all ethical problems to be an immediate appeal to universal, infallible, self-evident intuitions, which at a stroke rules out moral disagreement, moral improvement and moral discussion. Contrary to this standard characterisation of Intuitionism, contemporary intuitionism tends to stress the fallible nature of intuitions in general. Contemporary intuitionists have been keen to stress that intuitions have justificatory force in the same sense that initial perception does, provisionally on rational analysis and clarification, and in a manner that can be assessed against other conflicting evidence, but that they do bear initial justificatory force for claims of knowledge on ethical matters.[44]

Contemporary intuitionism does use a theory of self-evidence for intuitions. But this theory is disconnected from a traditional description of self-evidence as characterising ideas no rational person could disagree with, an empirical claim, instead referring by this term to an epistemic function of propositions being logically self-supporting.[45] Another way of taking this is to describe intuitions as propositions about universals, where a correct understanding of the nature of the universal and its interconnections guarantees that the subject will have some correct intuitions about it.[46]

By abandoning infallibilism, whether in defeasibility or self-evidence, and replacing it with a description of how rational intuitions may be critiqued, replaced and refined, contemporary

[41] Karmo, Toomas. "Some Valid (But no Sound) Arguments trivially span the 'Is-Ought' Gap." *Mind* 97 (1988): 252-257

[42] Clarke, Samuel. "'On Natural Religion'." Edited by L.A.Selby-Bigge. Indianapolis: Bobbs-Merrill, [1705] 1964, p6.

[43] Pritchard, H.A. "Does Moral Philosophy Rest on a Mistake." *Mind*, 1912: Vol.21.

[44] Audi, Robert. *The Good in the Right.* Princeton: Princeton University Press, 2004. Huemer, Michael. *Ethical Intuitionism.* Basingstoke: Palgrave Macmillan, 2005. Etc.

[45] Bedke, M.S. "Ethical Intuitions: What they are, What they are not, and How they Justify." *American Philosophical Quarterly*, Forthcoming.

[46] Huemer, Michael. *Ethical Intuitionism.* Basingstoke: Palgrave Macmillan, 2005, p122-127.

intuitionism avoids many of the traditional problems of dogmatism. These include providing a theory of moral disagreement and moral progress, achieved by weakening the claims made for ethical intuition while retaining their justificatory core and commitment to moral realism, and thus providing a basis for ethical knowledge. Cognitive biases, inadequate grasp of the relevant universals, and incomplete information about the subjects at hand can lead to incorrect inferences even when based on correct initial intuitions. Rational assessment of the coherence of intuitions and moral beliefs, and reference to external physical or metaphysical principles to contextualise intuitions can explain the possibility of moral improvement. Indeed at this point it can be argued that intuitionism is in a better position to explain moral progress and disagreement than alternative non-cognitive theories that must explain how determinate moral progress can occur, or moral disagreement even be described or explained when individuals have either literally nothing, or nothing but expressions of personal opinion, to discuss.

In reference to the modern philosophical arguments against moral realism and intuitionism contemporary intuitionism has made variable progress. Against the charge of *Metaphysical Queerness* I believe contemporary intuitionism can mount a strong defence by pointing out the subjective nature of this accusation, the fact it tends to beg the question in favour of metaphysical naturalism, and that our universe and cognitive space are in fact widely taken to comprise of objects with a range of fundamental features. Mackie particularly objects to the idea moral properties must be intrinsically "authoritatively prescriptive", and supervene on natural properties, combined with a general objection to the fact that objective values would contradict metaphysical naturalism/physicalism and epistemic empiricism.

This is subjective in the sense that to many people nothing seems more every-day than the notion there are non-arbitrary, intrinsic practical reasons about what one ought to do as well as theoretical reasons about what things exist. It begs the question in favour of naturalism and empiricism because, when taken as a dogmatic metaphysical commitment naturalism is not a common and obvious consensus about the nature of reality. Rather it is a particular, disputed, metaphysical hypothesis, to which a majority of the world's population, including a great many highly educated and aware people, and indeed many philosophers, do not agree.[47] The obvious example would be the existence of God, but even ignoring that there is no consensus even among non-religious philosophers, scientists or mathematicians that strict naturalism or physicalism is true: plenty of Platonists, Kantians, Thomists, and phenomenologists may wish to disagree, for a start. Even Mackie himself admitted that a fair counter-argument to *metaphysical queerness* would be to point out that many concepts such as "essence, number, diversity, solidity,…,power and causation"[48] may themselves be unexplainable within the simple

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[47] Pew Forum. *The Global Religious Landscape.* December 18th, 2012. http://www.pewforum.org/global-religious-landscape-exec.aspx (accessed May 10, 2013).

[48] Mackie, J.L. *Ethics: Inventing Right and Wrong.* Middlesex: Penguin Books Ltd, 1977, p38-42.

empiricist framework "of Locke and Hume" that Mackie wants to rely on. He offers no solution to this issue, but merely hopes one may become clear in the future.

On the *epistemological* side I believe the accusation of queerness has been less thoroughly countered, precisely because of the rationalist bent of the analytic intuitionism and its unwillingness to discuss where our ethical intuitions come from and what makes them trustworthy. However, there do already exist some counter-arguments to Mackie's suggestion that moral awareness could only be by "some special faculty […] utterly different from our ordinary way of knowing anything else"[49]. This is only initially true if one assumes that all "ordinary" knowledge must come by simple empiricism. Kantian 'practical reason' and phenomenological 'essential intuition' are just two examples of coherent epistemological theories that can provide space for moral knowledge within their general theory without postulating some extra, otherwise unnecessary faculty. Analytic intuitionists have also given their own interpretations of moral intuition. Huemer, for example, describes intuitions as "initial intellectual appearances", and places it within a general theory of our knowledge of universals and of abstract reason that broadly agrees with the manner in which Kantians and other non-empiricist philosophers would justify moral knowledge, as one of various branches of *a priori* knowledge.[50]

The *Arguments from Supervenience and Motivation* have both required a significant quantity of attention from intuitionists. Against the *Argument from Motivation* intuitionists have raised a number of objections that call into doubt various strong assumptions made in the argument's premises, such as the Humean psychology underlying it and the conflation of normative and motivational reasons for action. Without these strong premises the argument is not valid and all of them can be reasonably disputed.

Huemer suggests the motivation argument trades on confusion about different types of 'reasons' for actions in its 1st and 3rd premises. Persons may have either motivational or normative reasons for action, where a motivational reason to eat would be something like hunger, and a normative reason not to eat would be something like the knowledge that one is fat and needs to diet. He agrees with Hume that beliefs do not provide motivational reasons for action (as in the 1st premise), but argues that our concept of a 'moral belief' only intuitively demands that belief provides us with normative reasons to act, not motivational ones, in which case there is no contradiction.[51] The motivation argument is only intuitively plausible if one interprets the concept of a moral value as demanding 'motivational' internalism (in these terms), whereas if one accepts our definition of moral concepts as only demanding 'normative' internalism then the argument is no longer valid. Especially since, as Frank Snare has demonstrated, the

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[49] Ibid, p39
[50] Huemer, Michael. *Ethical Intuitionism.* Basingstoke: Palgrave Macmillan, 2005, p122-127.
[51] Ibid, p158

motivation argument is only valid if the 1st or 3rd premise holds as a necessary claim[52] and the onus is certainly on the proponent of the motivation argument to demonstrate this.

Another connected argument is that the entire point of moral judgements being independent, and indeed the entire motivation behind the queerness argument above, is that they are different from normal descriptive beliefs, which of course cannot be motivational. However, evaluative beliefs can be normatively motivational and should not be judged on the basis of an intuition that originates from consideration of generally non-evaluative beliefs. Some philosophers may wish to disagree with this, but in the absence of some persuasive argument otherwise there does not seem to be any good philosophical reason to accept their intuition on the subject to that outlined here.

Even if one demands that normative reasons purely on their own cannot motivate, but that additional input is required to make them motivational, this input may then be absolutely minimal. A basic desire to honour the logical consequences of one's beliefs would be sufficient to render moral beliefs motivating in general, just as a basic desire to be truthful is sufficient to motivate one to alter one's beliefs on the basis of logic or argumentation. In turn this initial desire may necessarily come from a correct understanding of what it means to have normative reasons for something, just as the initial desire to believe what is true and supported by logic and argumentation itself arguably just follows from a correct understanding of what logic and argumentation actually are. I argue that this would be sufficient to undermine the *Motivation Argument.*

A further argument may be aimed at the strict belief/desire gap that is necessary for the argument. Hume's doctrine was a strong 18th Century psychological assumption that reasons and motivations were necessarily separate, hence his statement that " 'Tis not contrary to reason to prefer the destruction of the whole world to the scratching of my finger."[53] This is because if beliefs and desires are totally separate then desires cannot be rationally assessed at this basic level, and hence it is nonsensical to say they are rational or irrational when reason has nothing to do with them. But this is just not the case. Desires can be rationally assessed as suitable or unsuitable, just as beliefs can be evaluative and hence arguably normatively motivating. Furthermore desires, once assessed as unsuitable or just plain wrong can be changed by rational effort. They are certainly more or less 'sticky' but they are not necessarily unaffectable by reason.[54] While none of these criticisms alone fatally undermines the motivation argument they do steadily call into doubt the credibility of its premises. There has however been no seemingly

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[52] Snare, Frank. "The Argument from Motivation." *Mind* 84 (1975): 1-9.

[53] Hume, David. *Treatise of Human Nature.* Cambridge: Cambridge University Press, [1739] 2009, Book 2, Part 3, Sect.3

[54] The entire religion of Buddhism, for example, is based on the idea of altering one's desires through meditation and spiritual exercises to reduce one's attachment to material reality. Of course Buddhism's central claims may be false, but they are certainly not obviously or trivially false, and certainly many Buddhists seem to make considerable progress in altering and reducing their desires.

comprehensive rebuttal of the charges laid by the motivation argument, versions of which continue to enjoy a considerable amount of support with many non-cognitivist philosophers.

The *Argument from Supervenience* has drawn somewhat less attention. This is probably due to the fact that whereas the argument from motivation itself relies on strong claims about the nature and motivational ability of moral and factual beliefs, the supervenience argument rather points to a supposed lacuna of explanation regarding the relation of moral to non-moral facts and hence requires a more difficult and more positive response to rebut. One possible response to Blackburn's form of the argument is simply to deny supervenience as logically necessary. Blackburn claims it is "logically impossible"[55] for "natural" and moral features to vary independently, that is, there is no possible world where the moral facts could be different given the same natural facts. This is a difficult claim given the possibility that ethical properties are multiply realisable. It's surely the case that there are different possible worlds where different natural facts subtend the same moral properties, say one where certain natural facts are accompanied by a sense of a demand of duty or feeling of sympathy, and morally significant, and one where they don't but other natural facts do. Hence the subtending property of supervenience does not hold with logically necessary force over all possible worlds but only nomologically within any one possible world. It is certainly conceivably so, given the very different theories about what is morally good in our world,[56] and in the absence of any positive argument to support the very strong form of necessity Blackburn's argument relies on, again, I argue that the burden of proof must remain with the non-cognitivist.

Once supervenience in this very strong sense is denied, leaving one with only metaphysical or nomological supervenience within the actual world, then there is a clear explanation for the two statements Blackburn has outlined. To borrow a truth from the sciences, correlation, even perfect correlation, does not imply causation. Both the moral and natural facts about objects may be taken to be fixed by higher-level metaphysical facts about them, in which case the moral facts will not vary independently of the natural facts, because they are consequences of the higher level metaphysical facts, but still the natural facts will not entail the moral facts.

A final approach to the supervenience problem is to appeal to 'companions in guilt', which means other examples of supervenience that are not taken as mysterious or indefensible. In particular Huemer gives the analogy of the concept of a 'good' move in chess. Given rules of chess are defined, then what counts as a 'good' move supervenes upon the arrangement of pieces. A 'good' move is rationally, indeed mathematically definable, and given that the rules

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[55] Blackburn, Simon. "Moral Realism." In *Morality & Moral Reasoning*, edited by John Casey, 101-124. London: Methuen & Co. Ltd, 1971, p106.
[56] Hills, Alison. "Oxford Faculty Page - Dr Alison Hills." *Oxford Philosophy.* May 10, 2013. http://www.philosophy.ox.ac.uk/__data/assets/pdf_file/0008/11699/Supervenience_and_moral_realism.pdf (accessed May 10, 2013).

are (admittedly contingently defined) what is a good move follows necessarily.[57] Another example would be the manner in which logical validity supervenes on the arrangement of logical symbols in a formal proposition. Again the truths revealed are objective and, given the definition of the symbols are set, follow necessarily. Supervenience is not taken to be a problem for formal logic, despite the fact that facts about logical validity are entirely different in type to facts about the arrangement of symbols. [58]

The approaches that have been taken, whether denying supervenience as a necessary claim, or drawing analogies to other examples of supervenience, have gone some way towards countering this objection but I do not believe they can be considered as decisive as they share the issue of the vagueness of the whole problem.

I believe that contemporary analytic intuitionism poses a respectable challenge to opposing meta-ethical theories of moral nihilism, quasi-realism and reductionist naturalism. It has the advantage of doing less intrinsic damage to the naïve moral discourse and, by weakening its claims away from infallibility, I think it succeeds in providing a more natural fit and consistent explanation of various moral phenomena. These include belief in moral objectivity and duty and moral argument and discussion; but also moral disagreement, moral development, value pluralism and other features. Against more recent philosophical arguments, such as those from supervenience and motivation, various philosophers have between them offered arguments that at least call into doubt all the objections raised, if somewhat unsystematically. Considerable work does remain, though, against these and other objections if moral realism and intuitionism is to demonstrate superiority to alternative viewpoints and not just hold its own.

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[57] Huemer, Michael. *Ethical Intuitionism.* Basingstoke: Palgrave Macmillan, 2005, p205
[58] Ibid, p209

4. Those Issues that Remain

However, analytic intuitionism still has significant shortcomings that I believe can be largely explained by the analytic biases it has carried over from its wider background. It refuses to look into the content of ethical intuition, both in the ethical sense, of what is revealed by this intuition, and in the epistemological sense, of how this intuition comes about and in what sense it is given to human consciousness. This has a number of negative effects.

The simplest problem with this is that it leaves ethical intuitionism still open to the one other main charge against it, that of *Emptiness*. Compared to the complexity of moral argument and discussion Moore's intuitionism already seemed to add little to ethical debate in terms of any knowledge of, or insight into, the Good. Contemporary intuitionism seems to have retreated even further from actually providing a taxonomy of the Good or insight into actual moral arguments that would demonstrate ethical intuitionism's explanatory strength as a theory, though this is not to disparage the value of analytic intuitionism in mounting a robust defence of ethical realism and objective knowledge. One other argument that analytic intuitionists have so far made little progress in combating has been the recent *Objection from Evolutionary theory*. I believe this to be one of the stronger objections made against realist moral intuitionism, and one not thoroughly countered by current literature.

As I said previously analytic intuitionism can draw on various interesting criticisms of the *Motivation, Supervenience, Queerness* and other arguments against moral realism I have outlined above, but these have largely been piecemeal and lacking a comprehensive approach. I suggest that this problem itself stems from the lack of interest in explaining the content of either intuition or intuitions themselves. The scientific ideal is to explain properties and examples of phenomena from more fundamental theoretical properties in as naturally flowing a manner as possible. Because analytic intuitionism has no thorough theory about how intuition occurs or what it uniquely reveals it has no reserves from which to create a comprehensive response to arguments such as *Supervenience* and *Motivation*, both of which can be seen to be attempting to turn the independence of moral values (which intuitionism holds as one of its core tenets) against the realist position. It is not enough to cobble together counter-arguments to sceptical arguments, but rather a general alternative positive theory is required from which solutions will naturally flow.

I argue that this lack of interest in fleshing out intuitionism beyond its relative meta-ethical commitments is self-reinforcing. Because it has no such interest it struggles to improve the credibility of its position, such as by answering the questions mentioned above. But I also think that it is biased against even trying because, due to its analytic origin, it would not like the kind of answers it would get. I argue that these answers must be broadly more along 'sentimentalist' lines but utilising phenomenological ideas of empathy, the constructed *a priori*, intuition in the Kantian, and 'essential' phenomenological sense, pictorial, and imaginative content to construct

the concepts that only in their end would result in propositions. The bias of simple analytic empiricism, against which contemporary analytic intuitionism has only partially rebelled, has left an unwillingness to accept content on this basis as epistemically significant or possibly truth-generating, and hence an unwillingness to look into it at all, that is logically and phenomenologically unjustified. Ironically among analytic meta-ethical theories it is quasi-realism that has been almost willing to embrace this content but, I believe, due to similar epistemological biases, and a simplistic phenomenological account of the emotions, both refuses and is not capable of looking at it in terms of supporting actual knowledge.

This shortcoming has led analytic intuitionism to only refer to a foreshortened list of moral issues and possibilities that it also shares with its analytic heritage. Of particular note is its almost complete failure (the one exception being Audi[59]) to engage in a dialogue with the Kantian deontological tradition and moral, epistemological and metaphysical theories that derive from that, generally only considering itself in reference to non-cognitivism and reductive naturalism in ethics. Its bias towards propositional knowledge and disinclination to make normative statements about ethical value have also led it to take a very simplistic stance towards the variety of the Good, and to ignore the rich connections between moral and other human values that influence it whether love, aesthetics, religious consciousness, or the difficulties that simple conceptions of the Good may come into when faced in extreme moral situations where every-day moral rules break down.

I argue that the shortcomings of analytic intuitionism that I have outlined above could be remedied by abandoning the analytic biases I have mentioned and attempting to expand the theory, and thus hope to systematise it in a constructive way. I suggest that it could do this by taking on material from the Continental tradition that has been more willing to investigate into these areas. Max Scheler's work provides a pre-existing wealth of material that in many core features coincides with analytic intuitionism from Moore onwards, and also in terms of earlier British sentimentalism, but which goes far beyond it in some of the ways I have mentioned. The phenomenological tradition retains a degree of analytic thoroughness that could be claimed to be lacking in other areas of continental philosophy, and phenomenological ethics is strong in precisely these analyses of the non-propositional content of moral intuition and cognition (more generally) where analytic intuitionism is weak. This material also bears significant overlap with analytic intuitionism's historical arguments against reductive naturalism and other irrealist meta-ethics.

This would further improve the potential for a synthesis between the two that would be able to fill in the theory of ethical intuitionism and provide resources to then go back and answer many of the questions I have mentioned above. This should improve the over-all credibility of the

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[59] Audi, Robert. *The Good in the Right.* Princeton: Princeton University Press, 2004.

theory as a meta-ethical alternative compared to moral nihilism, reductive naturalism or varieties of non-cognitivism.

I argue that this is also true for contributions from a range of other modern continental philosophers who have advanced a better mixture of rationalist and empirical content in their philosophies of various forms of value realism and cognition. Between Scheler and Levinas the continental tradition arguably offers a richer analysis of a wider range of our intuitive grasp of the morally good, both in terms of persons and values, in the variety of ways that it appears to human consciousness than Moore or the other modern intuitionists. I argue that Husserl's theory of universals provides a crucial resource for understanding the nature of ethical values, while Zahavi has much to offer about the complexity of the subjective-objective nature of moral discourse and the inter-subjective nature of objectivity. And that Otto, through his work on the Holy has given an excellent template of the manner in which non-propositional intuitive content may be rationally schematised, debated and extended over time, better than that offered by the purely propositional view of intuition in the Analytic tradition.

In the next chapter of this thesis I will begin this process with an exposition of Scheler's theory of emotive *a priori* ethics. I will first discuss this theory on its own merits before arguing that Scheler's phenomenological analysis does not have a number of the weaknesses current in analytic intuitionism and argue that it can be merged with an analytic intuitionism such as I have described above to give an over-all stronger positive theory. I will describe various continuing weaknesses in Scheler's theory and then go onto discuss the work of other continental philosophers, such as those I've mentioned above, and how they may add new perspectives on these issues that can further strengthen the theory as an over-all meta-ethical alternative.

5.   Contemporary Theories of Ethical Intuitionism.

Having discussed the arguments against ethical intuitionism and moral realism in general, I am now going to discuss the current popular theories in terms of their positive explanation of what intuitionism is and how it works, and the criticism that has been recently made of this. This is not just for the sake of completeness but because I argue that an appreciation of the shortcomings identified in recent criticism, and the features that would be required to overcome them, illustrate the relative merits of Scheler's theory that I will be discussing hereafter. I will be looking at the theories of self-evident propositions, advocated by philosophers such as W.D.Ross[60] and Robert Audi[61]; the theory of 'perceptual intuitionism', advocated by Audi[62], McGrath[63], Cullison[64] and others; and the 'seemings' theory advocated particularly by Michael Huemer[65], as these have been the most influential recent intuitionist theories.

The first important contemporary theory of ethical intuitionism is that advocated by Robert Audi in his book *The Good in the Right*, as well as by various other philosophers. Audi advocates basing ethical knowledge on our awareness of self-evident ethical propositions. These are *a priori* ethical statements that are epistemologically self-supporting, meaning that through proper understanding and reflection one can 'see' that they are true and be justified in believing them on that basis. Audi explicitly considers his theory to be an updated version of the theory of W.D.Ross advocated in *The Right and the Good* in 1930. For Audi moral knowledge is justified through 'adequate understanding' of self-evident moral propositions, particularly Ross' seven principles of ethics outlined in *The Right and the Good*. The intuition then (in this intuitionism) is the intuition that a certain self-evident proposition is true[66].

As mentioned earlier in this chapter Audi advocates a relatively weak form of intuitive self-evidence: Through full understanding and reflection on a self-evident proposition one gains justification for believing it to be true. One does not gain intuitive evidence either for whether the proposition itself is self-evident, or for whether it is necessary[67]; nor does this mean that the proposition must be epistemically basic (i.e. cannot be supported by inference or arguments), only that at that point one gains evidence for it without the use of inference or argument from other truths. It could also be separately known by inference or argument[68]. Neither is the

[60] Ross, W.D. *The Right and the Good.* Oxford: Clarendon Press, 1930.
[61] Audi, Robert. *The Good in the Right.* Princeton: Princeton University Press, 2004.
[62] Audi, Robert. "Moral Perception and Moral Knowledge." *Proceedings of the Aristotelian Society* lxxxiv (2010).
[63] McGrath, Sarah. "Moral Knowledge by Perception." *Philosophical Perspectives*, 2004: p209-228.
[64] Cullison, Andrew. "Moral Perception." *European Journal of Philosophy*, 2010.
[65] Huemer, Michael. *Ethical Intuitionism.* Basingstoke: Palgrave Macmillan, 2005.
[66] Audi, Robert. *The Good in the Right.* Princeton: Princeton University Press, 2004.
[67] Ibid, pp41-45
[68] Ibid, p81

justification provided either infallible or indefeasible, it can be undermined by other arguments or intuitions from oneself or other individuals[69].

That only tells us what self-evidence intuitionism is not. It does not tell us what it is or how it works. Audi describes the method of gaining this justification as gaining a full, often reflective, understanding of the proposition in question. The depth of understanding necessary will vary with the complexity of the proposition, but one must have the precise proposition under discussion before one's mind[70]. Interestingly, Audi rejects the common 'perceptual' analogy of intuition in many cases because these intuitions of self-evidence are more like instances of close observation rather than a fleeting glance. Audi explicitly states that intuitions may both be immediately given in single moral examples and given on global, holistic acts of reflection on the totality of a situation[71]. He even argues that one should be able, perhaps with further thought, to give the 'ground' for any intuitively given duty in terms of the empirical circumstances, or to explain the particular premises and inferences that would separately justify the proposition[72]. 'Intuition' in this model then seems to refer more to an act of cognitive judgement about an ethical proposition or situation, rather than an act of quasi-perceptual 'intuitive' insight as intuition is often regarded. Audi and Ross focus on general moral propositions, like Ross' seven ethical duties and Audi's affirmation of the Categorical Imperative, but Audi claims that there can also be intuitive moral knowledge of particular cases[73]. However, he focuses his discussion on the more high level, general ethical statements.

Audi's theory draws on analogous models of justification with reference to, on the one hand, the understanding of analytic propositions and the intuition of basic mathematical or logical truths, and, on the other hand, acts of conclusion drawn from holistic reflection on a subject in empirical cases. There has been strong criticism of applying this model to cases of substantive ethical propositions though, or, where this sort of judgement may occur, describing it as an intuition (defined in Audi's terms as a proposition that is non-inferentially taken to be true).

The first criticism is based on the idea that ethical propositions (like Ross' seven principles) are just not the type of things that could feasibly be justified by understanding alone. Compare other analogous examples given: analytic propositions are self-justifying through a proper understanding of them because they are tautologies, non-substantive propositions that already contain the information they express in the terms used, such as 'all squares have four sides'. The same would be true for non-substantive ethical propositions such as: 'murder is wrongful killing', because that is just the definition of murder. Substantive ethical propositions, whether the utilitarian principle, or Ross' seven principles, or any other, are synthetic, which is elsewhere

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[69] Ibid, p44
[70] Ibid, pp32-36.
[71] Ibid, pp45-48.
[72] Ibid, p140
[73] Ibid, p150.

universally taken to mean that they require a ground of justifying synthesis separate to themselves. It is not clear how this could possibly be provided by mere understanding, or even reflection, on global ethical principles. Unless we are dealing with analytic propositions something more is required than mere conceptual understanding of a proposition.[74] This is even something that Audi partially seems to accept, with his statements about being able to supply the ground of an intuitively given moral duty, and reflecting on the holistic context of a proposition, but he does not apply this to his ideas about self-evidence.

Basic mathematical or logical truths are commonly thought of as intuitively justified when taken as *a priori* truths of logic or mathematics but these truths are grounded in countless concrete examples that back-up the *a priori* intuition, such as perceptions of concrete triangles or squares, or empirical experiences of counting or adding physical objects. The intuitions back up the *a priori* case seemingly as a limit of, or at least supported by, these individual, demonstrable empirical cases. The closer a physical triangle gets to an ideal mathematical triangle the closer its properties get to those geometry ascribes to an ideal triangle. As such it seems credible to intuitively accept those properties as belonging to ideal triangles. But nowhere in *The Good in the Right* does Audi explain where the equivalent ethical details would come from. This is especially important given Audi's stated commitment to methodological particularism[75], basically the idea that moral reasoning goes from specific to general cases. In a more recent article, Audi advocates perceptual intuitionism in specific cases, the ability to directly see moral properties such as injustice in a situation, in the same manner in which we can perceive complex, particular properties such as recognising someone's face, or seeing that someone is angry.[76] This helps explain how general moral propositions may be justified self-evidently but only at the cost of increasing the theoretical commitment, seemingly placing the burden of originating moral knowledge from self-evidence onto specific moral perception. It also creates a further problem with regarding self-evidence as involving a kind of intuition at all.

Robert Cowan argues that Audi seems to be left with describing something that is a type of inferential justification, merely a complex, holistic reflectional type and thus not strictly 'intuitive' by Audi's own definition. If justification is gained by considering the complete context and reflecting on this and arriving at a judgement then surely that is a (holistic) inference from that context, albeit not a direct one of the form proposition A implies proposition B.[77] Take, for example, the empirical analogies Audi uses: he talks about looking at a poem and through reflection judging whether the language sounds stilted.[78] One may not be able to point to the

[74] Cowan, Robert. *Intuition, perception, and emotion: A critical study of Ethical Intuitionism.* PhD Thesis, Glasgow: University of Glasgow, 2012, pp57-64

[75] Audi, Robert. *The Good in the Right.* Princeton: Princeton University Press, 2004, p70.

[76] Audi, Robert. "Moral Perception and Moral Knowledge." *Proceedings of the Aristotelian Society* lxxxiv (2010).

[77] Cowan, Robert. *Intuition, perception, and emotion: A critical study of Ethical Intuitionism.* PhD Thesis, Glasgow: University of Glasgow, 2012, pp64-68

[78] Audi, Robert. *The Good in the Right.* Princeton: Princeton University Press, 2004, p46.

specific examples that together justify that judgement but I argue that case is still a form of inference from details even if those details are only expressed as a synthetic whole of the poem's overall form and structure. In the equivalent ethical case Audi's model seems to have no recourse to the equivalent ethical details of form and structure that justified the judgement unless in the form of a holistic inference. In that case by Audi's own definition self-evident judgement is not intuitive, even if this is the manner in which ethical knowledge is formed.

This then brings us to the second theory I wish to discuss: perceptual intuitionism. Audi seems to rely on this theory as a source of moral knowledge about specific examples and, due to his methodological particularism, also as the genetic source of the general concepts that will then be epistemically confirmed through their own self-evidence. Audi, in common with other philosophers supportive of perceptual intuitionism, argues that moral perception occurs on the same basis as other perception of complex phenomenal properties. We can perceive that someone is angry, that a tree is a certain species, that a particular collection of features is a face we recognise, etc, despite the fact none of these properties are directly the objects of our phenomenal experience in the same primary and basic way shape and colour are. These, and other complex or even abstract properties, are perceived by those with the skill to do so through the direct recognition of certain structural features of each situation, which can be relatively simple such as the visible sight of cruelty in a husband slapping his wife, or in more complex cases such as the visual and auditory recognition of injustice in a kangaroo court room.[79]

Sceptics of ethical perception are generally motivated by a commitment to the Is/Ought distinction and the belief that ethical perception would require the perception of uniquely ethical properties. This is combined with the assumption that sensory perception is our only perception and that this is a purely natural, physical process, hence yielding only natural, physical properties. Thus, they argue, there can be no ethical perception. For ethical naturalists ethical perception is trivially obvious, because ethical properties are just natural properties, and everyone agrees that we have perception of natural properties, so this only becomes a contentious issue for those philosophers who wish to both support distinctively ethical properties and ethical perception. Despite the initial confidence of the previous paragraph Audi, Goldie, Cullison, McGrath and other perceptual intuitionists still struggle with this primary and intuitive objection to ethical perception, and end up recognising in their own arguments certain limitations to their theories.

I argue they are correct to state that phenomenal-ethical perception definitely occurs. That means that people do have perceptual ethical experiences, in fact, extremely commonly. That much should be an uncontroversial fact. The difficult question is whether this could be accurately representing ethical properties, or is just a matter of psychological projection. Peter

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[79] Audi, Robert. "Moral Perception and Moral Knowledge." *Proceedings of the Aristotelian Society* lxxxiv (2010).

Goldie argues that we have ethical perception that is phenomenologically non-inferential, i.e. ethical properties are phenomenally represented as immediately present rather than as a result of any conscious inference or judgement, but that gives no proof as to whether they are epistemically non-inferential, i.e. their contents provide direct, original justification for knowledge based on them[80]. Andrew Cullison defends a weak form of moral perception whereby we do not directly perceive moral properties, but we do "have perceptual knowledge that moral properties are instantiated" because we perceive the natural properties that are regularly correlated with moral properties[81]. Sarah McGrath begins her argument for moral perception by assuming the existence of moral knowledge and then arguing that non-perceptive sources cannot account for all of our moral knowledge, thus demonstrating that there must be a perceptual component.[82]

While all these arguments posit (I believe correctly) that moral perception does occur, they all share a lack of confidence or positive argument for this perception being, what Robert Cowan calls, epistemically 'generative': the original source for information that can provide the initial input to moral knowledge.[83] If they do not achieve that, but only project moral judgements and concepts that have already been internalised, then perception cannot form the basis for moral knowledge in general because the appeal would be circular. Alternatively, if moral perception is just a matter of conceptual recognition of certain complex patterns of non-moral properties, as Audi seems to argue, then this theory is reduced to a type of naturalism with the attendant problems with that view raised by Hume, Moore and others. What the non-naturalist moral perception view lacks in order to be generative is a description of what the content of epistemically generative moral perception would be if it is to base complex moral judgements on something other than purely natural, physical properties. In other words, what is the phenomenology of an ethical perception that distinguishes it from a physical non-moral perception? Only by answering this question will it be able to assess whether moral perception does have any original content. I believe that this problem is solved by Scheler's theory of ethical perception of values through intentional feeling because it provides the missing link between the strong intuition that we do have moral perception, the question of what content this perception could have, the relation to the physical non-moral properties of perception and the complex conceptual properties that form moral judgements.

The third main theory of contemporary analytic intuitionism is 'Seemings' theory, advocated by philosophers such as Michael Huemer and Philip Stratton-Lake[84]. Seemings theory argues that

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[80] Goldie, Peter. "Seeing what kind of thing to do: Perception and Emotion in Morality." *Dialectica*, 2007: 347-361.

[81] Cullison, Andrew. "Moral Perception." *European Journal of Philosophy*, 2010.

[82] McGrath, Sarah. "Moral Knowledge by Perception." *Philosophical Perspectives*, 2004: p209-228.

[83] Cowan, Robert. "Perceptual Intuitionism." *Philosophy and Phenomenological Research*, 2013.

[84] Stratton-Lake, Philip. ""Self-evidence, Understanding, and Intuition"." Presentation at Colloquium, University of Warwick, 23rd October 2013.

all our knowledge and beliefs are fundamentally based on the way things mentally 'seem' to us. It perceptually seems to us that the sky is blue, through memory it seems to me that I am wearing a different shirt to yesterday, in introspection it seems that my thoughts and emotions are a certain way. Seemings theory argues that in addition to sensory, introspective and mnemonic seemings we also have intellectual seemings, that roughly correlate to the intellectual intuitions of mathematics and logic, both in the foundational sense and in the sense that it 'seems' to us that any given argument is either decisive or sound or not. Along the same lines ethical intuitions are considered a type of intellectual seeming. The theory argues that all our evidence for statements about internal and external facts are ultimately seemings of one kind or another and we are otherwise blocked from access to the world. As such our ethical intuitions (or seemings) are of the same kind as other seemings, whether perceptual or mnemonic, that are taken as prima facie justifying evidence for our beliefs i.e. if one sees something one believes it unless presented with good evidence the sighting was a hallucination or illusion of some kind, and the same for one's memories or introspections. As such ethical intuitions should also be taken as prima facie justifying. Seemings theory claims that due to the fundamental similarity between ethical seemings and non-ethical seemings it is inconsistent to reject ethical seemings alone as all arguments that would disallow ethical seemings would also apply to non-ethical seemings and introduce a general scepticism that is not accepted.[85]

Michael Huemer also introduces two supporting arguments for this view. He bases the epistemology in a realist theory of universals: "the existence of universals is a trivial truth"[86], under which the possession of a rigorous concept defining a universal necessarily produces at least some correct intuitions about that universal. Accurate ethical seemings are thus the product of possession of the concepts of Goodness, Justice, etc. This view would seem to beg the question to some degree. Fictional concepts, such as that of the Unicorn, will presumably also generate intellectual seemings under this theory. Huemer advances a Moorean counter-argument to this. Ethical seemings are not wavering or un-common, they do not come with an awareness of their falsity as seemings about known fictional characters will do. Our core ethical seemings, such as that of the evil of unjustified murder or, to take a historical example, of such an event as the Holocaust, are strong, consistent and represent themselves as both true and important[87]. Moore argued that the common-sense truth of one's physical body, or the external world, should be accepted because the immediate evidence for that existence is more plausible and compelling than the complex idealist arguments advanced to discredit it[88]. So, on the same basis, our immediate awareness of the evil of the Holocaust and the value of human life is a

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[85] Huemer, Michael. *Ethical Intuitionism.* Basingstoke: Palgrave Macmillan, 2005, Ch.5.
[86] Ibid, p125.
[87] Ibid, Ch5.5
[88] Moore, G.E. "A Defence of Common Sense." In *Contemporary British Philosophy' (2nd series)*, edited by J. H. Muirhead. 1925.

more plausible and compelling truth than the complex irrealist arguments advanced to discredit it.

Just as self-evidence theory appeals to largely uncontroversial examples of self-evident propositions in other areas of knowledge (whether logical, mathematical or analytical) Seemings theory fundamentally argues on the basis of an innocence by association strategy with other, generally accepted seemings. Robert Cowan and Michael Bedke have in turn advanced similar arguments against Seemings theory as those discussed above. They mainly aim to drive a wedge between ethical seemings and other generally non-controversial seemings by demonstrating that it is possible to distinguish between types of seemings on the basis of relevant internal epistemic properties rather than ad hoc scepticism. This then undermines the necessary innocence by association enjoyed by ethical seemings.

Bedke claims an initial difference between types of seemings is that for some seemings, such as visual perception, the seeming is defined by the content of the experience, e.g., if it seems that one sees a tree that is because one's visual content itself contains a tree. Intellectual seemings are different however. One can hold a logical argument before one's mind and it can seem true, whereas one can also hold the same argument before one's mind without it seeming true. It does not seem true because one's intellectual content contains truthfulness, whatever that would mean. The seeming attitude for intellectual seemings appears to be an addition to the object being considered, not contained in the content of what is being considered.[89]

Bedke further argues that among intellectual seemings we can also distinguish two types. The first type involves those where the seeming-ness stems from conceptual competence with the ideas involved, from those where there is merely a felt phenomenological appropriateness to the seeming. That is seems true that triangles have three sides is based on competent awareness of the definition of a triangle. Once one understands the proof of a mathematical theorem then it seems true due to one's competence with the logical structure of the proof. If before one understood the proof it also seemed true, then one had a positive seeming, but it was not based on conceptual competence, rather, Bedke argues, it could only consist of the proposition carrying a certain phenomenological state of feeling true, rather than being directly based on some accepted conceptual competence.[90]

Bedke argues that if ethical seemings justify then it can only be through this third, weaker sense of propositional attitude, whereby the seeming merely phenomenologically felt true, and not in terms of conceptual competence or because one's ethical intuitions contain the truths involved. These distinctions mirror the previous examples given relating to self-evidence theory. Analytic propositions are concept-competence driven intuitions and simple sensory perceptive intuitions

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[89] Bedke, Michael. "Ethical Intuitions: What they are, What they are not, and How they Justify." *American Philosophical Quarterly*, Forthcoming, p11.
[90] Ibid, p21

are trivially content-based intuitions. Mathematical and logical intuitions are a more complex example, but the direct intuition of the properties of triangles or arithmetic intuition consist of a mix of content-based intuitions, such as a triangle having three sides (when imagined geometrically) and concept-competence based intuitions in axiomatic mathematical cases and logical examples, such as where theorems are derived from mathematical axioms.

These arguments undermine the 'innocence by association' of ethical seemings by emphasising differences between them relevant to the bases on which they may claim to be justificatory. However, they cannot undermine the basic Moorean plausibility of our intrinsic realist moral sentiments. Without cognitive, realist ethical standards our political arguments, our legal arguments, our historical interpretations, our view of education, our religious arguments, all make no sense. Our ethical truths are not things that can be simply excised from our human experience, a redundant philosophical hypothesis; they are core to our whole range of social organisation. As such the Moorean argument that the evil of the Holocaust is a more salient and convincing fact than queries about the justificatory status of ethical seemings compared to concept-competence based (or other) seemings must carry weight. These sceptical arguments only render the status of ethical seemings unproven, once the support of related, accepted seemings has been removed, but the burden of proof must surely lay on sceptics, due to the consistency, strength and plausibility of core ethical seemings. It is still plausible to regard ethical seemings as the basis of a standard realm of ethical knowledge despite remaining foundational questions, in the same way that sensory seemings and intellectual seemings found areas of empirical and rational knowledge despite remaining sceptical questions regarding the foundational basis of those areas.

In order to undermine the plausibility of ethical seemings in general it would be necessary to demonstrate a basis for ethical seemings in general that was actively morally irrelevant. Of all the important contemporary arguments against moral realism only the evolutionary argument seems to do this. By presenting a plausible complete alternative origin for the entire range of human ethical seemings this theory threatens to shift the burden of proof back onto ethical realists and intuitionists. To re-establish the plausibility of intuitionism and moral realism we must provide a description of what is the nature of these intuitions and their phenomenology. This must positively demonstrate an objective ethical basis that does not primarily rely on innocence by association with other, unproblematic cognitive areas, as well as preferably answering the other outstanding issues previously mentioned in this section. This thesis argues that a theory based on Scheler's phenomenological theory of material *a priori* ethics provides this positive account of the basis of ethical knowledge that neither contemporary self-evidence, current theories of perceptual intuitionism or seemings theories can provide, while also giving a more detailed and wide-ranging explanation of ethical phenomena than evolutionary or other theories.

Chapter 3 – Scheler's Ethics

1. Phenomenology

In this chapter I give an overview of the main ideas of Scheler's ethics and begin to explain their application to current questions in ethics. I examine these ideas further in terms of their epistemology, ontology, and normative implications in chapters four, five and six. At the end of this chapter I also briefly consider the relation of Scheler to Kant's theory. Scheler took Kant's theory as his starting point and inspiration and throughout this chapter I contrast Scheler's theory and Kant's at key points.

This thesis is primarily based in the phenomenological school of philosophy of which Max Scheler was an early prominent member, and the phenomenological method is absolutely central to understanding his ethical theory. I also argue that the phenomenological method is particularly suitable for ethical investigation in general, as mentioned in the previous chapter. Therefore, before I begin the explanation of the core features of Scheler's theory, I will now briefly explain why I believe this to be the case, and what phenomenological doctrines are particularly important to Scheler's philosophy, and hence any theory developed from it.

The phenomenological method originated with Edmund Husserl in his *Logical Investigations* of 1900 and 1901[91]. Husserl sought to produce a genuinely fundamental philosophical analysis. He aimed to concentrate on the immediately given phenomenal content of human experience by abstracting all content from experience that represents any scientific, philosophical or naïve theory or inference. This is because while all such content of an experience may be doubted, the existence of the phenomenal content of the experience itself is beyond doubt.[92] For Husserl all mediate content must then be phenomenologically understood from this initial immediate content of consciousness. His phenomenology attempts an analysis of the mind and experienced world from the first person perspective in an attempt to understand the basic constitution of that world from that individual human subjective position. Furthermore, Husserl argued that since each person views the world solely through the perspective of individual subjectivity, to abstract from that subjectivity is to erase the fundamental source of human knowledge.[93]

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[91]Husserl, Edmund. *Logical Investigations Volume 1.* Translated by J.N.Findlay. Abingdon: Routledge, 2012 [1900-1901].
[92]Edo Pivcevic, *Husserl and Phenomenology.* London: Hustchinson & Co, 1970, p13.
[93]A.D. Smith, *Routledge Philosophical Guidebook to Husserl and the Cartesian Meditations.* London: Routledge, 2003, p17.

Husserl's methodological starting point for this process was two core concepts. Firstly, the concept of intentionality: the recognition that human consciousness is the consciousness of an object: one sees something, one hears something, one remembers something. An object is always intended. This demonstrates an intimate connection between mental action and the objects of the external world and the mind, and demonstrates that mental content and phenomenal experience are fundamentally and inseparably linked. Thus a fundamental analysis of human mental action and phenomenal experience requires an analysis of those mental intentional acts that link the two.[94] The second core concept is the phenomenological reduction that occurs through *epoché*. Epoché is the subtraction of all theoretical and inferential content from experience. All theoretical inference must be bracketed, whether scientific, philosophical or naïve, everything that we cognitively layer onto the immediately given content of external and internal experience, in order to leave the core phenomenal content. He was not advocating scepticism of scientific or philosophical knowledge, but rather attempting to lay these to one side to analyse the most basic question of how we build our everyday world from phenomenal consciousness, which all such knowledge presupposes. The epoché in turn makes possible the phenomenological reduction to and exclusive focus on only that content left un-bracketed.[95]

Scheler himself credited Husserl with the invention of the phenomenological method that he used, but apart from that he almost never referred to Husserl in his work and certainly saw himself as an independent thinker, rather than as a student of Husserl in the manner Martin Heidegger or Edith Stein were.[96] Practically, he followed the outline of phenomenology described above. But he was not concerned with the details of the phenomenological method in the way Husserl was and almost never mentioned or defined either the phenomenological reduction, intentionality, essential intuition, horizonality or other key methodological concepts. The focus of his phenomenology was also totally different. Whereas Husserl focussed on the phenomenological basis of theoretical cognition, Scheler primarily focussed on human practical (moral and emotional) life.[97] He was a realist phenomenologist who had no interest in Husserl's later theories of transcendental phenomenological idealism and criticised Husserl for continuing the phenomenological reduction until only the transcendental ego remained as real[98].

The key phenomenological concept for Scheler's own phenomenology is essential intuition. Like Husserl he argued that the phenomenological method revealed that we experience reality not as a confusion of sense-data that is stitched together by consciousness, as empiricists and Kant believed in different ways, but as a plethora of material objects and essences that we directly access, and can clarify through the phenomenological method.[99] In both theoretical and

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[94]Ibid, p68

[95]Zahavi, Dan. *Husserl and Transcendental Intersubjectivity.* Ohio: Ohio University Press, 2001, p11.

[96]Scheler, M. *Formalismus*, pxix.

[97] Ibid, pxiv.

[98] Ibid, p78.

[99] Ibid, p63.

practical cognition we have direct intuitive access to these essences and the prime phenomenological task is then to closely, qualitatively analyse and describe them and their interrelations and how these constitute our world. Scheler argued that we have both intuitive access to the every-day world through ordinary experience, and intuitive access to essences through phenomenological experience, and this doctrine is absolutely key to his ethical epistemology.[100] The core concept of Scheler's ethics is that of material values: they are how good and evil manifest and they are how Scheler's material ethics transcends the limits placed by Kant's arguments of the *Critique of Practical Reason* (which Scheler considered the peak of philosophical ethics before his own work).[101] And, they are textbook examples of phenomenologically intuited essences. Scheler argues that the un-reflexive experience of these values (and other essences) is common even to children and animals but they and their interrelations only become clear through phenomenological analysis.[102]

I argue that phenomenology as pioneered by Husserl and practised by Scheler is uniquely suited to analysing the nature of ethical experience and obligation. The phenomenological method is superior to both purely empiricist and rationalist approaches to ethics because of the elements of both that it combines. Empiricist approaches to ethics will always struggle with the fact that ethical statements are widely taken to be universal, necessary, *a priori* statements based on 'empirical' evidence that is nowhere near sufficiently universal or conclusive to justify such statements about the nature of value e.g. utilitarianism. Rationalist approaches, such as Kantianism, will also struggle with the nature of ethical experience as I described in my naïve sketch in chapter one: an experience that is not based originally on deduction from any logical principles, but rather has the nature and force of immediate experience, which only later works back to theory. Ethics is as fundamentally practical (in both the ordinary and philosophical sense) as any philosophical subject can be, and I argue it only enters consciousness in the experience of other persons and objects as valuable. Regardless of the questions about the metaphysical status of values or human free will, practically we are inescapably agents, and so ethical analysis has no choice but to precede on that basis. If ethics is to be both *a priori* and universal but also grounded in the realisations of personal experience then neither of these methodological approaches will be suitable. Phenomenology, on the other hand, has a doctrine of the substantive *a priori* that neither ends up denying its existence, as much empiricism often does, nor bases it in the independent action of rational minds. Rather, it bases it in the intrinsic rational ordering revealed in the detailed structure of phenomenal experience of reality by phenomenological analysis.

I argue that ethical experience of value provides an even more natural ground for applying the phenomenological method than the constitution of physical experience. Without the ability to

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[100] Ibid, p67.
[101] Ibid, Ch 1.
[102] Ibid, p105.

quantify our experience in terms of measurement in space and time (as we do with our physical experience) we can only analyse our ethical intuition and experience through considering its structural properties. This is both in relation to our own immediate experience of these essences i.e. values and their interconnections, and the manner we constitute and schematise that experience into the partially rationalistic concepts of our ordinary life, e.g. evil, courage, beauty. Phenomenological qualitative analysis is particularly designed for bringing essences to clarity and contrasting their structure. Consequently it offers the most thorough source of data from which to build a fruitful analysis of moral experience in all its individual richness. Furthermore, to argue negatively, phenomenology of theoretical experience and judgements will always struggle to abstract to the phenomenologically relevant detail of experience from the overwhelming torrent of ordinary perceptual information. Practical phenomenology, although it has to deal with a weight of existing moral commitments that are often held with great emotional strength, does not have to abstract from the same quantity of contingent perceptual information. This should make the phenomenological task relatively easier and clearer in ethics.

2. Essences and the *A priori*

The central epistemological commitment of Scheler's ethics is to the phenomenological intuition of essences. This doctrine is connected to, but distinct from, Husserl's phenomenological theory of universals as ideal objects and I believe that both need to be considered together to get a clear idea of the epistemological commitments that Scheler's theory takes on. This is because although Scheler argues that not all essences are universals, many are, particularly various essences relevant to ethics, and Husserl himself devoted considerably more detail to describing the phenomenological method, in this regard, than Scheler himself.

Husserl's theory of universals is opposed to both metaphysical and epistemological realism about universals and to conceptualist and extreme nominalism. For Husserl, universals are objective existent entities, but ones that have a purely ideal existence.[103] They are the objects signified by the intentional acts of thought that are the content of our minds. When we think of a triangle we cannot imagine or draw an abstract triangle that is not-scalene, not-isosceles, not-equilateral but it can be the object and meaning of our thought (or drawing). It exists ideally in the way that logical or mathematical objects exist, and are intended by each notation or symbol that represents them. It is this same way one can represent and prove a logical truth with mere marks on a page.

He contrasted this strongly with the epistemological realism of Locke and the metaphysical realism of Plato, both of which generate paradoxes by explaining universals as real objects.

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[103]Husserl, Edmund. *Logical Investigations Volume 1.* Translated by J.N.Findlay. Abingdon: Routledge, 2012 [1900-1901], Investigation 2, Ch 1, §2

Locke argued that universals existed as 'general ideas' that formed the real contents of the mind.[104] Husserl argued that even a real, existent, external object cannot be conceived as part of the act that thinks it i.e. the picture in our mind we imagine that represents the universal object. On the contrary, just as the real, external object is (as the language suggests) the meaning intended by specific thought and not the thought itself, so in general or ideal thought the universal is the object but not the content of the universal thought in one's mind. The universal is the ideal object meant and intended by that thought, just as the real object is the object meant by certain particular thoughts.[105] By this means one can, entirely consistently, have before one's mind triangularity as such, and logically consider that, even though if we have a corresponding image before one's mind it cannot be a general triangle but must be equilateral, isosceles or scalene.

There can be both particular real objects (a table) and particular ideal objects (the number 2). There can also be universals based on either of these forms of real or ideal objects e.g. the universal of tables, or integers, respectively. All of these types are existent in the ordinary sense that they are indispensible to thought of the phenomenal world. All can have true statements predicated upon them and all can be brought to givenness in intuition whether through ordinary sensory perception, categorial or essential intuition. Real particulars themselves are mysterious without universals because universals and essences are key to both distinguishing and grouping together particulars on the basis of 'alikeness' and to the use of basic logic (the idea of 'All X' or 'An X').[106]

Nominalist theories historically rejected universals in an exaggerated response to Locke's internal realism of 'general ideas' in the mind, or earlier Platonic and Aristotelian external realism. However, this reflected a false dichotomy. They failed to realise that universals are correctly the intended meaning of thought-acts not the acts themselves. Nominalist theories correctly see the Lockean or Platonic ideas as a confused notion. However, like Lockean 'realism', they fail to distinguish the intending mental act from the intended ideal object meant by it, and the combination of these two ideas leads them to, incorrectly, reject universals entirely. This leaves them only able to interpret general thinking in terms of psychological-causal explanations of how universals are recognised through abstraction from individual objects, but without any theory of the logical object of general thought.[107] The correct response is to turn to the Husserlian alternative to both external and mental 'realism' about universals and the nominalist theories that discard universals entirely.

Husserl first argued in his *Logical Investigations* not only that universals exist in a perfectly respectable sense, albeit ideally, but they become the objects of knowledge as the intending

[104] Ibid, Inv. 2, Ch 2, §9
[105] Ibid, Inv.2, Ch 3, §14(a)
[106] Ibid, Inv.2, Ch3, §16(c)
[107] Ibid, Inv.2, Ch 2, §7

mental acts towards them are fulfilled in intuition, particularly categorial and essential intuition. We can detach essences from passive sensuous intuition by actively concentrating on specific properties the object instantiates. These can be recognised as essences that can then be fulfilled both in particular objects: 'This Red', 'That Red' that I see on particular objects in front of me, or removed from those objects as universals: 'Red' i.e. as properties that could be instantiated exactly the same in other particular objects. While the experience of the basic real particular that one is observing remains an "overreaching act of identification [brings] all such single acts of abstraction into one synthesis"[108] and through this "objects of Sort A become present to us"[109] (meaning as the essence 'Sort A') in addition to the perception of the particular that remains subsidiary. Universals or ideas can be perceived analogically in an image drawn to aid understanding but if "the consciousness of mere analogy"[110] vanishes we have direct perception of the universal.

These considerations apply to both the theoretical essences that Husserl was mainly concerned with and the practical ethical essences that Scheler is concerned with, as Scheler put it, "on the basis of a far-reaching analogy for values and willing"[111] with the theoretical. Fundamentally, Scheler's practical essences are not either universals or particulars just as Husserl argued that theoretical essences such as 'Red' can be given as 'Red' in general, or 'This Red' or 'That Red' particularly. In both cases the essence is experienced *as an essence* once brought to givenness through the phenomenological process of clarification. This applies to all essences just as a colour can be brought to givenness on a particular object as a particular shade, or just as a 'universal' quale of that colour before the mind.[112]

Like Husserl, Scheler argues that essences are directly intuited through "phenomenological experience"[113]. All propositions and truths must be connected to an intuition of "facts themselves"[114]. *A posteriori* statements must be connected to ordinary perceptual experience; *a priori* truths must be connected to essential facts given in phenomenological experience. This is the manner in which we access essences and thus gain *a priori* knowledge. It is only phenomenologically clarified experience "that exhibits as a fact of intuitive content what is already contained in natural [experience]"[115] but is usually hidden, namely *a priori* intuition of the essences that fundamentally constitute our experienced world. (Here 'natural' means experience that has not been phenomenologically purified.) This *a priori* content is not to be identified primarily with those truths that do not depend on any particular empirical

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[108] Ibid, Inv.6, Ch.6, §52
[109] Ibid, Inv.6, Ch.6, §52
[110] Ibid, Inv.6, Ch.6, §52
[111] Scheler, M. *Formalismus*, p60.
[112] Ibid, p12.
[113] Ibid, p51.
[114] Ibid, p50.
[115] Ibid, p47.

experiences, as in the Kantian definition, but rather "those ideal units of meaning and those propositions that are self-given by way of an immediate intuitive content"[116].

Scheler claims that the ideal object of essences that is immediately given in this manner through phenomenological experience cannot be given as a more or less accurate model or observation; rather it is either given truthfully or not given. The *a priori* truth of essences is independent of the quantity of observation or description and is not dependent on propositions but "belongs wholly to the 'given' and the sphere of facts"[117]. The *a priori* intuition is a form of non-inductive, direct experience that is distinguished from the *a posteriori*, inductive experience that is usually what is referred to by empiricism. Indeed, "it is a criterion of the essentialness of a given content that it must already be intuited in an attempt to observe it"[118], because it is the basic stuff of cognition that is always present, but is merely hidden and confused in pre-reduction consciousness. Phenomenological experience of essences yields facts directly and immediately without any sign, symbol or picture. In phenomenological experience alone there is "no separation between what is meant and what is given"[119]. These two points are connected. In ordinary experience everything is overlaid with posited symbolism and inference and it is precisely this content that separates what is given from what is meant in that experience. The phenomenological reduction by stripping away that content gives us access again to the essences that underlie it.

What is important about these essences for Scheler is not any particular ontological opinion about their role in fundamental reality, but the epistemological and phenomenological assertion that they are an unavoidable and indispensable part of our cognition of phenomenal reality. The doctrine of *a priori* truth that comes from this also fundamentally differs from the conception, broadly held by both British empiricists and Kant, that *a priori* truth is an ordering inflicted by the rational mind onto the chaos of sensation, by one method or another. On the contrary, for Scheler the general 'chaos' of sense-data is a damaging myth, and the *a priori* ordering of both the natural and moral world is something given in the immediacy of intuition as an "objective structure"[120]. This structure then requires examination and clarification through the phenomenological method, not invention through some synthetic activity of human reason. Scheler strongly criticises both empiricist sensualism and Kantian constructivist approaches to the *a priori* in general and particularly in ethics[121].

These epistemological doctrines, when applied to the ethical realm, will be the fundamental basis of his positive description of an ethics of values, his defence of the objectivity and material nature of that ethics, and his criticism of both empiricist and rationalist alternatives. All

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[116] Ibid, p48.
[117] Ibid, p49.
[118] Ibid, p50.
[119] Ibid, p51.
[120] Ibid, p66.
[121] Ibid, Ch 2, A 'The *A priori* and the Formal in General'.

these doctrines reappear throughout this thesis, though generally implicitly, as they underlie all Scheler's arguments and statements about values. Through this chapter and the next chapter (on epistemology) I go into the specific details of how value essences are perceived as practical essences. For now I merely hope to have made clear what is being referred to in my following explanation of Scheler's ethics.

3. Values

Scheler's ethics places morality squarely within a larger view of the experience of value. Where other ethical theories argue that practical reasons, or sentiments, or pleasure and pain, or prima facie duties are the fundamental building blocks of ethics[122], for Scheler this central role is taken by values. These values range across the whole range of human practical experience and some are experienced even by children and animals.[123] Values can be identified as part of the wider family of phenomenologically recognisable ideal essences. They are the affective, practical side of this family and are indispensable to practical cognition (as essences in general are to cognition in general) and form the basis of rational understanding of ethics. These values are experienced as embodied in objects but through phenomenological reflection can be brought to givenness separately from any object, and can then become the basis of an *a priori* ethical theory.

When I consider a piece of food, for instance, I look at it as a thing and I can think about it theoretically as having a certain size and shape, of consisting of certain chemicals that I know my body can usefully digest. Through remembering various feelings and experiences my brain represents it as being likely to be sweet or savoury, and through feelings of hunger pushes me to eat it. But those feelings of hunger do not push me to eat it on the basis of its size or shape or chemical composition, or even, fundamentally, on the basis of its taste, but on the basis of it being recognised as 'food'. What is this recognition of food-ness? Scheler argues it cannot be broken down into any theoretical or even feeling statement but can only be accurately described as a recognition of the object bearing a certain valuable essence, in this case that of 'food' or 'nourishment'.[124] This designation cannot be nailed down to any particular physical facts about the object or even feeling facts but is clear none the less. One could even clearly imagine a different animal for which, due to differing body chemistry, entirely different objects are food, but that regardless this essence of 'nourishment' remains the same and entirely recognisable. Of course this is not the sole story of any item, it will also have at least the agreeable values of sweetness and savouriness that dictate precisely how alluring it appears to me, but these are secondary and dependent on the original recognition of it as food.

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[122] Scanlon's Buck-Passing theory, sentimentalism and non-cognitivism, hedonism, and Ross' deontological intuitionism respectively.
[123] Scheler, M. *Formalismus*, p105
[124] Ibid, p19.

Values, like that of 'food', cannot be defined in terms of physical properties, but also cannot be defined in terms of internal feeling states either. The feeling states of hunger or the experience of a certain taste does not define 'food', rather these are the subjective states whose object is the essence, food. One can recognise food, and eat, without any sense of hunger, and without appreciating its sensuous taste. In the previous discussion of Husserl's theoretical universals the object of universal thought was not the thought but the ideal object intended by that thought, the ideal universal. So in this case the value is the object of the intentional feeling responses, the ideal essence, but not the feelings states themselves. The difference in the practical sphere is that this representation occurs largely through affective and conative material rather than in theoretical outer or inner sense, as is the case with theoretical essences. This is the basis for Scheler's arguments for the objectivity of value ethics that are explained later in this chapter and the next, particularly in section 4.7, titled 'the objectivity of ethical knowledge'.

Values cover the whole range of human practical experience. At the basic level there are the modalities of 'agreeable' values, 'vital' values, 'mental/spiritual' values and 'holy' values.[125] These different modalities are always naturally experienced through bearers, but can be brought to immediate and separate givenness through phenomenological reflection. They are attached to a whole range of different possible bearers, particularly the 'agreeable' to things, the 'vital' to living beings, and the 'moral' to persons.[126] They are not just attached to objects either, but also acts and interconnections.[127] Within each of these modalities there are numerous distinguishable individual values that cover every element of human practical reason. Examples of these basic categories would be the agreeable value of comfort, the vital value of health, the spiritual value of beauty, and the holy value of faith. Scheler's vision of our ethical world is one richly drenched with different values that we are all used to dealing with and experiencing on a daily basis but which, like theoretical universals and essences, only reveal their particular, precise nature after a process of phenomenological clarification. The values Scheler refers to are the practical essences like nourishment, or courage, or beauty that we all commonly are aware of and interact with, and as such are commonly referred to in ethical theories besides his own. What Scheler adds is the thorough phenomenological analysis of these values that alone can accurately clarify their nature and relations.

This seeming embarrassment of riches when it comes to essences in Scheler's ethics is actually, I argue, a great source of strength. This pluralism makes it a more thorough and adaptable ethical theory, reflecting the richness of the human experience of value in its varying forms. It also provides the next part of the argument for the objectivity of an ethics based on values. The recognition of qualitative variation among values themselves means it is possible to describe a rational ordering among values based on their structural features, as clarified in

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[125] Ibid, p105.
[126] Ibid, p86.
[127] Ibid, p67.

phenomenological analysis. This mirrors one of the key means by which we recognise external physical reality as objective despite the subjectivity of individual perceptive experience. That is the ability to make rational statements about physical reality that are independently assessable by other elements of physical reality, as well as on an intersubjective personal basis. We measure a length with a wooden ruler as 1m, walk out of the room, come back in and then measure the object on a totally separate basis with a tape measure and it is still 1m. In other words its length is objective, it has a structured and stable relation to other objects that does not alter wildly dependent on our experience of it. Statements about the qualitative relation of values, what Scheler refers to as their *a priori* ordering, can play the same role in demonstrating the 'objectivity' of value-relations and hence their use as a foundation of an objective ethics.

Values are always given in ordinary experience through the objects, acts or persons that bear them, referred to quite naturally as their 'bearers'. Scheler argues that we experience objects always as a combination of 'good' and 'thing' where the thing-ness of the object is its physical, theoretical profile and the good-ness of the object is its practical dimension of instantiating a certain value, as valuable.[128] Objects are naturally experienced as a unity of these two perspectives and only through reflection are the value nature of objects and their theoretical nature distinguished. All objects are experienced as goods, as bearers of values, whether physical or mental acts, persons, things, conations or feelings. But values do not yet appear clearly in goods. "A good is related to value-qualities as a thing is to the qualities that fulfil its properties."[129] It is only phenomenological reflection on the value-complex given in the good that allows the values themselves to be brought to immediate givenness, just as this is possible with the theoretical essences of physical things. Values, once clarified, can then begin to be analysed and compared in terms of structure and just how qualitatively valuable they actually are, which can then form the basis for an *a priori* and objective ethics in the manner I briefly described, and consider further in chapter four.

4. <u>Value Perception</u>

Scheler argues that values are accessible for persons through two main affective mechanisms. These provide direct, intuitive access to the content of values in a manner that combines what is usually considered both reason and sentiments. Values are not accessed as empirical, physical facts, or through an *a priori* rational intuition of uniquely 'moral' properties. Rather they are accessed through intentional, affective intuition of the 'goods' of phenomenal experience that is then clarified through phenomenological reflection to reveal the values hidden within.

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[128] Ibid, p22.
[129] Ibid, p20.

The two affective mechanisms through which we access values are 'conation' and 'intentional feeling', and through these two we are constantly in contact with material values that guide our practical cognition, our willing, our wishing, our choosing, and how we experience reality as valuable.[130] They differ somewhat in terms of their relation to those values though, while neither intentional feeling nor conations are constitutive or foundational of values. They are means through which values and their respective heights are revealed to us in experience. (The 'height' of a value is the qualitative measure of the intensity of its value, and whether it should be preferred above or below other values. This concept will be explained in section five of this chapter and in chapter five.) Scheler takes his inspiration for these ideas from Pascal's concept of the "Ordre du Coeur" or 'order of the heart', defined by Pascal's statement that "The Heart has its reasons of which Reason knows nothing"[131]. Scheler interprets this to mean that there is an *a priori* ordering in practical reason, based on feeling and striving, that is totally separate from the rational ordering of theoretical reason. Scheler criticises traditional ethics for believing that morality must be either rational and absolute, or emotional and empirical. He claims this is a false dichotomy and instead phenomenology reveals, through intentional feeling and conation, an ethics that is "emotional and absolute".[132]

Scheler describes values as "clearly feelable phenomena",[133] but in a particular and unique sense of 'feeling' i.e. intentional feeling. Intentional feeling can best be understood by distinguishing it from non-intentional *feeling-states*. Such feeling-states largely follow the traditional empiricist or Kantian conception of feelings. Feeling-states, particularly sensory bodily feelings, are purely internal and have no direction outside the self, nor do they present themselves as such. They are generally spatially extended over an area of the body, like touch or taste or pain, and whether mental attention is directed at the feeling itself or not does not fundamentally alter its state, though it may lessen or increase its vividness in consciousness. They are given and accepted as subjective, restricted to a single person and often highly transitory. They form a continuous manifold of sensations that cover a huge range of types. The lack of direction outside themselves is their defining characteristic. If I have a headache and concentrate on my pain, the only thing that is given is the pain itself, if that pain disappears, then that feeling-state is just gone.[134]

Intentional feelings are very different to this. They are feelings that are intentionally directed, with values as their constant objects, whether of the agreeable, vital, mental or holy. In phenomenological reflection these feelings are identifiable as intrinsically relating to objects of feeling that are not identical with the feeling itself, rather these feelings are the manner in which we perceive these objects i.e. values, in the same manner that through vision physical objects

[130] Ibid, p33 & 256.
[131] Pascal, Blaise. *Pensees.* New York: E.P.Dutton & Co, 1958, §274.
[132] Scheler, M. *Formalismus*, p254.
[133] Ibid, p16.
[134] Ibid, p256.

are represented as fundamentally separate from the act of seeing that sees them. An example is the perception of beauty in a sunset or painting. Certainly the perception is carried and accompanied by unique feelings, but these feelings are not themselves beauty, rather they have as their object the value, Beauty, borne by the sunset or painting itself. Intentional feelings vary widely depending on the value they are aimed at. They are 'least' intentional when aimed at agreeable values, such as those relating to the body, of sensory pleasure or food. They are 'more' intentional[135] when dealing with vital values relating to the living being, such as health or vigour, more again in mental or spiritual values and most in values of holiness. In each of these levels the feeling is given more and more as representing a value as its object that is independent of and separate to the feeling itself. Also, the revealing of that value becomes more and more responsive to, and capable of, being disrupted by the mental attention being directed at the feeling of the value rather than the value itself. For higher values any attempt to do this immediately detaches the person from the value itself. If one attends to the feelings that indicate the beauty of a sunset, one is dealing with a totally different object to that beauty itself, and hence one loses sight of it. The perception is disrupted, whereas whether or not one attends to a feeling-state it is unaffected because it entirely refers to itself.[136]

Feeling-states and intentional feeling are two areas of affective experience. These are highly variegated at both levels and both concepts should be distinguished from the common conception of emotions. In Scheler's view emotions, as we usually refer to them, would be a limited type of intentional feelings, as they are usually externally directed and contain an immediate representation of the value of the object. Common emotions themselves would not exhaust the range of intentional feeling though. Rather identifiable, distinct emotions would be one particular subset of the wide range of intentional feeling, much of which will not have a clear definition and common name. Another different form of affective experience would be the feelings that support empathy, sympathy and emotional identification and have as their objects not values directly, but rather the thought and feeling of other persons, living beings or communities, and through which we gain access and knowledge of other persons.

"Values are given first of all in feeling"[137] and this is the primary method by which value perception occurs but not the only one. Through *conation* values themselves, or features of values such as their particular 'height', may be revealed, and any conative movement always has values as its logical basis. Conation is a rarely used term for the aspect of the mind directed to change and action: impulse, drive, mental striving, volition and will in the broadest sense, whether conscious or unconscious. It is contrasted with the affective, feeling based faculty of the mind and theoretical reason. Will is the most commonly referred to form of conation in

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[135] I use 'more' intentional here and elsewhere despite traditionally 'intentionality' being seen as a binary concept: something is either intentional or not. I hope this passage makes clear the relative sense in which I am using this in relation to value objects.
[136] Ibid, pp256-260.
[137] Ibid, p35.

general usage, but Scheler regards 'will' as a relatively advanced and particular form of conation whereas the entire faculty is a much broader and more basic area of human function.[138] Basic examples of conations would be the subconscious impulses that drive us to choose between certain objects, whether members of a group on entering a room, food choices on a menu, or the differing goals we seek to complete at the start of a day. The subconscious impulse that drags us towards something of beauty, or which drives us away from an act that we know is wrong, reveals value even in the absence of clear feeling, or clear understanding of why we are doing it.

Scheler argues that it is an essential connection that every value accessible through conation must be accessible through feeling but no converse relationship holds: there are values accessible through feeling that could never be realised by any personal conation, for example "the sublimity of the nocturnal sky and the stars" or "the morally valuable personality of a human being".[139] Conation is still a common and important means by which values are revealed and affect human experience. Neither intentional feeling nor conation are constitutive of values, they are rather both methods by which the objective values may be brought to subjective clarity e.g. the joy we feel when someone enters the room who we weren't aware we cared for until that moment.[140]

Whereas 'will' always has as its object some pictorial representation as its 'purpose', conation in general only has a 'goal' that requires no such representation but must essentially have some scale of a value as its object. (By pictorial representation I mean some actual explicit theoretical objects that are represented as the object of that will.) For conation the value-goal can be implicitly given in the most basic conation, or given clearly in value terms but without any picture-content attached, or with a pictorially represented purpose as in cases of 'will', but it always still has the fundamental value-goal founding the impulse. Scheler argues that an immediate connection to a value is necessary for conation, but that picture-content is neither necessary nor sufficient for conation. The fact that picture-content is not required for conation, though it is for will, is demonstrated by the uncountable occasions when we feel conative impulses that do lack this content, and are driven towards something that can be clear in terms of its value while lacking clear pictorial image. This can be either low-value conations such as the impulse towards food, without any clear image of any particular food, or it can be a very high-value conation, such as the impulse towards union with God, and dwelling in Heaven, that is overwhelming in value terms even when no clear vision of God, or Heaven, may be at all possible in this life. The fact that even acts of will must have value-content as their fundamental driving force is shown by the fact that the driving impulse can be just as strong in instances of conation that lack any pictorial content, or have only a confused picture-content while the value

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[138] Ibid, p41.
[139] Ibid, p173.
[140] Ibid, p38.

is entirely clear. However, pictorial content on its own overwhelmingly lacks any conative impulse except in those cases where a strong perception of value simultaneously occurs.[141]

5. <u>Value Preferment</u>

One will note that up until now there has been no mention of 'Good & Evil' or moral choice in Scheler's ethical theory. We have discussed 'goods' i.e. valuable objects, but not the distinctly moral Good & Evil. Confusingly, these are two non-identical uses of 'Good' in Scheler's ethics. There is 'The Good' that we can experience, which is broadly all possible or actual goods i.e. valuable objects, instantiating all positive values, and there is also 'Good' that is the specifically personal, moral value revealed, as I'm about to describe, in people preferring higher values over lower ones.

This is because Scheler argues that 'Good & Evil' as concepts only make sense in reference to the ethical realm of existing individual values.[142] Moral theories that leap directly to the issue of personal moral choices without taking stock of the manner in which cognition of value occurs will always give only a foreshortened theoretical description of ethics. It is most likely they will be giving an incorrect view of ethics precisely because they fail to take into account the great detail of value cognition that precedes moral choice and hence misrepresent this basic material. Theories of morality such as Kantianism that state that normative oughts, the commanding or prohibiting of acts, are the entirety of ethics make the further mistake of not ignoring but actively denying the existence of the majority of ethical cognition that involves no sense of an immediate normative command.

In the cases of values we have discussed so far there has been consideration of only one particular value and so there has been no possibility for ethical choice. Ethical choice occurs when multiple different values are given in a single situation as providing alternatives for acts. To give an example: I was once walking home with my girlfriend at the time; on this particular day that involved pushing her in her wheelchair a mile uphill in the pouring rain. The rain had just come on suddenly and pushing someone in a wheelchair you have little ability to hurry, so we were resigned to getting increasingly cold and wet for the next 20 minutes. I was about to cross the road when we were overtaken by a young Asian lady I did not know walking under an umbrella. The young lady gave us one glance, thrust the umbrella into my hand and marched off across the road and through the rain before I could respond at all.

Anyone at all could recognise that experience, despite its relative triviality, as an act of profound goodness. Scheler argues that this immediate awareness cannot be reduced to any calculus of expected outcomes of happiness or other metric, nor any internal view of the mental

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[141] Ibid, pp38-44.
[142] Ibid, p25.

process of the lady who helped us, but is immediately apparent on the apprehension of the choice made between values in that instant. She sacrificed her own comfort to prioritise the comfort of struggling strangers, even though she had no bond of friendship or other link to us, and even though we could be thought responsible for our own fate by failing to prepare for autumn English weather. Her act instantiated the values of kindness and generosity and Scheler would argue that it is in the immediate apprehension of these personal values, the sacrifice and service to others, as qualitatively higher than the purely agreeable value of her own comfort that the recognition of the goodness of her action appears.[143]

Scheler argues that moral 'Good' appears specifically and only in the preferment of higher positive values over lower positive (or just negative) values and 'Evil' in the preferment of lower values over higher ones. They do not appear independently at any point as a direct feature of objects, whether things, acts or persons. Objects are intuited as more or less positively or negatively valuable i.e. as goods, but that does not constitute 'Good or Evil' in the specifically moral sense. 'Good' and 'Evil' are specifically values of persons and no other objects because only persons are capable of preferment among values. Scheler flatly rejects Kant's view that only the 'will' can be good. What we will is rather dependent on our ethical cognition and especially our value preference. This means it is a good person who has a good will, rather than the other way round. This does not mean that 'Good' or 'Evil' can be defined in terms of persons. Like all values they are "clearly feelable" essences that can only be known through experience and any attempts to essentially define them in terms of non-evaluative physical characteristics are doomed to failure. It merely means that persons and their acts alone are essentially the bearers of these uniquely moral values. They are the unique moral values revealed through value preferment, whereas all other values are non-moral ethical values revealed through a wide range of bearers.[144]

Preferment among values does not just happen in terms of active moments of choice among acts, as in the example I described, but is a constant and largely implicit process of cognition that occurs in all recognition of values. Whenever a value is intentionally recognised through conation or feeling it is immediately either preferred to or placed after other known values in terms of 'height' i.e. qualitative intensity of value. This mental act does not occur directly through feeling or conation, it is a distinct form of value cognition whereby "the height of the value is 'given', by virtue of its essence, only in the act of preferring"[145]. But this does not constitute the absolute height of the value because that exists objectively in the essence of the values themselves.[146] As such value preferment can go wrong, and indeed systematic incorrect

[143] Ibid, p27.
[144] Ibid, p28.
[145] Ibid, p87.
[146] I am aware that the concept of value height itself may be considered contentious by some. There is insufficient space to consider this problem here but I dedicate my 5th chapter to considering some of the

preferment, or value-deception as Scheler calls it, would be the core failing of moral cognition and the most fundamental driver of moral failure (to which phenomena like 'weakness of will' would be secondary).[147] The near automatic and invisible act of cognition should be considered the default way in which value preferment occurs, separately to any external actions or choices. It can also occur spontaneously when faced with a choice or conation that brings to consciousness at that moment values that had never before been perceived or ranked. Usually, though, preferment does not occur in an act of choice, but rather previous acts of preferment themselves dictate the moral choices that we can or will make when certain situations arise.

Preferment is importantly different to choice, in a similar way to the previous distinction between 'will' and the more fundamental and broad conation. Choice between things, persons or acts is always based on underlying preferment among values, but choice implies an act in conation or conscious thought based on perceptually represented objects. I choose to see one movie over another, even if I cannot give distinct reasons for my decision. But that choice itself is only possible because I have already made preferment among certain values, and in complicated goods among certain complexes of values, that immediately guides my choice.[148] It is possible to talk of preferring among goods, such as "I prefer roses to carnations" that refers to no act of choice, even an imagined one, though it does then act as the basis for any particular choice. Preferment is a near automatic act of value-cognition that is only revealed through implicit conative acts and consciously through choice.

Preferment among values does not necessarily require the presence of more than one value either. In the cognition of a certain value it may be given as 'high' without the values that it is higher than being clearly given in intuition. A value may also be given as though there could be certain values that were higher than it, even if those values are not clear. Also, the act of preferment is not purely dependent on the giving of values in feeling or conation; rather the preferring itself shapes and is shaped by those values that are accessible to the person in feeling through the mechanism just described. In the process of preferring or placing after the person intuits the 'space' occupied by other values in the ranking of values and from that opens the possibilities of these values being directly identified and clarified in feeling.[149]

Values are originally revealed and clarified through conation and intentional feeling. They are 'ranked' through the emotional act of preferment that also provides space for the identification of new values within the areas already disclosed by feeling. Beyond any of these elements are the acts of Love and Hate. Scheler does not consider love and hate just to be emotions, or modes of valuation, or the perception of values. Rather loving and hating are the "highest level of our

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complexities raised by Scheler's relatively simple outline of his connected ideas of Value Height and Value Preference.
[147] E.g. Ibid, p37.
[148] Ibid, p26, p41.
[149] Ibid, p89.

intentional emotive life"[150]. Love is the most intentional, object directed of emotional states, the most distant from the self-referential and contained nature of feeling-states. Love of any person is a movement towards the highest possible value in that person, a revealing of their value-potential that is indifferent to whether these are values they already instantiate. Love as such has the unique role of revealing radically new areas of value previously un-encountered. Love primarily applies to human persons but can also apply to all bearers of higher values such as nature, art, knowledge or God[151].

Acts of preferment allow discovery of neighbouring values by containing references to the spaces in the value structure they may occupy. But love acts "as a pioneer and guide",[152] going ahead of feeling and preferment in flashes of creative insight that reveal whole new territories of values as yet unimagined. Whereas, for example, the phenomenological method relies on analysing experience that is already given, and so can clarify, but is not radically creative. Love opens up these new realms to be thoroughly 'mapped' in acts of feeling, conation and preferment and so widens the ethical possibilities and potential for that person to heights of value previously un-thought. Conation and intentional feeling, preferment, and love all then have vital roles in "circumscribing" our wider ethical awareness, and hence both our specific moral choices and the whole universe of such choices that are a practical possibility for us.[153]

Hate, on the other hand, has an analogous but opposite role and effect. In hate positive values are actively closed off and withdrawn from all possibility of perception or cognition. The world of positive values the person can experience is thus more deeply and widely impoverished the deeper the hate is and the farther it stretches. In doing so it also hides its own action so the person does not realise how impoverished they are. They can lose all sight of those values to the point of becoming totally unaware of what they no longer have access to. It can only possibly be right to hate disvalues themselves, to hate evil as such, never to hate positive goods or values, though it is doubtlessly seductive to do so because goods are easier to identify than specific negative values.

Scheler sharply distinguishes the wider layers of moral intuition and moral cognition from the more specific areas of moral comportment and ethics as a field of study. All persons have moral intuition and cognition for moral knowledge, but only ethicists require ethics "by which, obviously, no human being becomes 'good'"[154]. Actually being 'good' is a matter of one's love, one's value insight in feeling and conation and the strength of one's will. Philosophical ethics may help one in a small way, but in the same limited way that a knowledge of the science of sport may help make one a better rugby player. Scheler richly distinguishes differing areas of

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[150] Ibid, p260.
[151] Ibid, p155.
[152] Ibid, p261.
[153] I consider the role of Love in greater detail in Chapter 5, in the discussion of the details of Scheler's theory of Value preference and hierarchy.
[154] Ibid, p69.

ethical experience without which he argues we can have only a confused view of ethical knowledge and practice. On the side of values he further distinguishes various levels at which we must both distinguish and consider the inter-relation between our awareness of values and our actual moral actions: in terms of 'Ethos', 'Ethics', 'Morals', 'Practical Morality' and 'Mores and Customs'.[155] I believe this richness of description to be a great strength of Scheler's ethics because it gives the breadth and flexibility to both include the insights of other theories within it and to surpass them in terms of the range of ethical experience it clarifies.

Value preferment is the core concept of moral ordering in Scheler's ethics. I have presented it in simple terms here for brevity but the questions it raises are central to a proper assessment of Scheler's ethics. Value preferment can occur between values of different modalities (Agreeable Vital, Spiritual, Holy) but also occurs between all values within modalities. In concrete situations choice will often not be based on simple preferments between two values but between complexes of values instantiated in goods. There is also a second axis of importance of value in addition to the modalities among pure values. Among bearers Scheler argues for a clear hierarchy of values of Persons (which can be individual or collective) as the highest values, over the values of Acts, over values of Things.[156]This then raises questions as to how this interacts with the modalities previously identified. A further issue appears when dealing with 'quantities'. Value preferment is a profoundly qualitative theory of ethical decision making, but how does this cope with quantitative ethical questions, such as whether one should save one life or five? Moral dilemmas could involve all of these issues in one single piece of decision making. These questions are so important that I dedicate chapter five of this thesis to beginning to provide answers to some of them.

6. Oughts

Scheler argues that value preferment is the fundamental basis on which moral and ethical choice occurs. But this fact only becomes apparent in phenomenological reflection on these issues. This is because most people do not consciously think of ethical issues in terms of pure values or even value complexes, which are the objects between which preferment occurs. Rather they think in terms of the goods and objects of the ordinary world and in ethics often in terms of propositions relating to these objects, whether through commands, norms, laws or other formulations of statements about what one ought or ought not do.

These moral 'oughts' or 'ought nots' are not merely equivalent to value statements for Scheler. Unlike in theories based on moral propositions like Kantianism or Ross' intuitionism, it is value cognition that founds the ethical and moral ought, and only in a restricted range of cases. There

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[155] Ibid, pp299-300.
[156] Ibid, p100.

are numerous acts of value perception and cognition that cannot be rendered into a moral ought as usually considered.[157] For example, when one states that a person is good or a landscape beautiful that is an ethical statement but it does not necessarily imply any duty or particular thing that I ought to do. He also argues that value cognition is essentially independent of these normative 'oughts' because pure value cognition itself is indifferent to the question of whether the values intuited and cognised are done so through currently existing bearers or not.[158] Values perceived and cognised through fictional examples are as clear as those intuited through real, immediately present bearers, but they cannot produce any immediate moral obligation.

There is however a sense in which value cognition is intrinsically connected to 'oughts' but this is different to the sense of the moral normative ought of duty: the ought that says 'I ought to do this'. He distinguishes between this normative ought and the 'ideal ought'. The normative ought states that 'I ought to do this' whereas the ideal ought states that 'this ought to be'. It is a sense of pro-attitude, or an ought-to-care about the thing rather than a moral ought of particular action. In this second sense all values essentially found an ought of this type based on the following simple axioms: positive values ought to be, negative values ought not to be.[159] The ideal ought differs from cognition of pure values because it is intrinsically concerned with the existence or non-existence of values. It entails that those values ought to be instantiated in goods but does not necessarily turn into the normative ought of an immediate moral command. For example, if a friend asks me to drive them to hospital because they have injured themselves I ought to do so. This is an immediate normative ought. When I consider the image of the new heaven & new earth in Revelations when God "will wipe every tear from their eyes. There will be no more death or mourning or crying or pain, for the old order of things has passed away"[160]: this too is given as something that ought to be but not that I ought to do now. Indeed, such an interpretation is meaningless because, in the Christian view, it is impossible for any human being by their own power alone to create this vision: it is only possible for God. Ideal oughts also exist in relation to the past, the present and the future, as well as to categories, like that of Revelations, that may be thought to exist outside time entirely.[161] I can say that the Atlantic slave trade should not have existed but obviously this does not, on its own, generate any moral obligation upon me, though it may parallel moral obligations relating to present day situations of equivalent values.

Ideal oughts can be further distinguished from normative oughts because multiple ideal oughts can be simultaneously true, though only one normative (all-things-considered) ought can. This is because ideal oughts are based on value preferments, the cognition of some currently absent good as higher than that currently existing. This difference in height generates the ideal ought.

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[157] Ibid, p185.
[158] Ibid, p206.
[159] Ibid, p206.
[160] Revelations 21:4, NIV.
[161] Scheler, M. *Formalismus*, p207.

But multiple different values can be higher in different degrees than those currently instantiated. Each of these generates a legitimate ideal ought compared to the present situation. I can say "extreme poverty ought to be eliminated" and I can say "moderate poverty ought to be eliminated" without any issue because they are not exclusive goals, one is just a higher goal than the other. But in normative terms I am in particular circumstances with particular resources and hence must face one single, all-things-considered, normative ought relating to this situation i.e. what specific thing I ought to do to progress towards these goals.

Kant famously argued that "You can, for you ought!", that we cannot say we ought to do something unless we can do it.[162] Scheler argues that this is correct only in relation to normative oughts. There is an entirely legitimate sense, the ideal ought, in which we can use 'ought' regardless of our personal ability to act because all 'ought' is justified originally by value cognition.[163] Normative oughts, on the other hand, relate to the action possibly taken by individual persons in relation to real goods rather than general statements about goods based on value preference. This depends not only on the external situation itself, but on the state of the will, feeling, conation and value cognition of the individual person involved for whom the normative ought may be occur. Different persons may have different skills and capabilities and awareness of the values involved and so face different normative oughts.[164] This is not to say that normative oughts and ideal oughts are unrelated. They are intensely related. All normative oughts originate from ideal oughts, which themselves are apprehended in value cognition. All normative oughts are based on ideal oughts incarnated into specific circumstances. Scheler also says that all normative oughts are equivalent to a precise class of ideal oughts, "every duty is also an ideal ought-to-be of an act of the will".[165] But normative oughts are unique in that they are given only to an individual in their specific circumstances and vary according to that difference, whereas ideal oughts hold generally because they are defined primarily by *a priori* value insight.

Despite the fact that every value founds an ideal ought Scheler argued against any idea that the ought in either of its forms can be the equal or original basis of ethics: "The ought can never itself determine what positive values are".[166] Phenomenologically we experience perception and cognition of values and from these derive ideal and then normative oughts. This can be seen in situations like the apprehension of beauty, or the innate value of persons. These perceptions give us an ideal ought with regard to them but this potential derives from the original perception. In experiencing a work of art we immediately sense the beauty of the object and

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[162] Ibid, p206. This is apparently not an actual quote from Kant, but a paraphrase originating with Schopenhauer (*The Two Fundamental Problems of Ethics*, 2010) and then reported as a quote by Scheler, Brentano (*The Foundation and Construction of Ethics*, 1973) and others.
[163] Ibid, p236.
[164] Ibid, pp213-214.
[165] Ibid, p203.
[166] Ibid, p209.

from this derive that it ought to exist. We do not immediately sense that the object ought to exist and from this derive it must be beautiful. The logical and phenomenal priority remains with the perception of value. Hegel argued that any philosophy that based ethics in oughts meant that any good once accomplished becomes ethically indifferent because it can no longer be an ought.[167] But we have clear experiences of the goodness of our successes after they have been achieved. God created the world "and saw that it was good",[168] and this statement is not mysterious in any way. We have, hopefully, all had similar experiences that require no justification in reference to some related ought.

As well as certain earlier theories such as Kantianism and Ross' intuitionism, this Scheleran theory also contradicts T.M.Scanlon's 'Buck-Passing' account of values. Scanlon's theory eliminates substantial values by re-defining them. In this theory "to call something valuable is to say that it has other properties that provide reasons for behaving in certain ways with respect to it."[169] Or, more simply, properties of the object directly produce 'oughts' relating to the object, and to say something is good is merely to say it produces these oughts. Thus, we can still use terms like good, but they are purely nominal and refer to no substantive features.

The problems with this are clear from Scheler's own arguments about the origin of the 'ought', arguments shared almost exactly in recent debate on Scanlon's theory by others[170]. The first problem is phenomenological. Values are felt and experienced in many different ways and forms through sensation, affect and conation. They are certainly phenomenologically substantive, and psychologically motivating and hence cannot be defined away as mere nominal terms. The value component of a situation can be clear to us without the precise combination of physical properties that instantiate that value being clear to us at all. Or without being able to propositionally form any 'reason' the value gives us. Children and even animals experience (relatively low) values and act upon them, but in an entirely non-propositional, qualitative register. We can experience the value directly and have that motivate us. It is clear that something being heroic, noble, kind, courageous provides a reason to do it, but I doubt anyone could exactly explain what properties an action must have to give me reason to do it that matches those values, certainly not without just mentioning some other values.

The sheer diversity of values also means we need to understand the nuances of the values and of the relations between values to understand ethics, even, as Scheler says, when abstracted entirely from the goods they appear in. We can consider values separately to any particular object through which they are experienced, as was demonstrated as far back as Plato's

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[167] Ibid, p210.
[168] Genesis 1:4, NIV.
[169] Scanlon, T.M. *What We Owe To Each Other.* Cambridge, Mass: Harvard University Press, 1998, p97.
[170] Tappolet, Christine. "Values, Reasons & Oughts." Edited by Maria E. Reicher & Johan C. Marek. *Experience and Analysis, The Proceedings of the 27th International Wittgenstein Symposium.* Vienna, 2005. 395-402.
Liao, S.Matthew. "The Buck-Passing Account of Value: Lessons from Crisp." *Philosophical Studies*, 2009: 421-432.

magnificent portrayal of sight of 'The Good' alone in the *Symposium*.[171] And although all values tautologically give us reasons to value them, this can be sensed in the abstract value itself i.e. it would be good for this value to be instantiated in whatever objects. There is no necessary connection between the value giving us reasons to value it and the properties of the object that instantiates the value, although as a matter of fact all consciousness of values will originate in certain 'objects' before they can be abstracted. But these objects are not necessarily even things, they can be acts, or emotions or relations, or any of a large number of other possible states.[172]

It is easily possible, however, to see the motivation behind this kind of theory. A Scheleran could agree with Scanlon's that something is good if it has properties that provide reasons to act positively towards it. Yes, that is the case, as long as one understands that those properties are the values instantiated by the object, not mere physical properties on their own which we could never recognise without the prior experience of the value. Scheler's theory is a more complete theory of our experience of values, it implies Scanlon's description of values, and goes beyond it by rejecting its reductionism, in the same way it can account for the features emotivism describes in ethics but goes far beyond it. The Scheleran also of course accepts that there is a rational connection between something's properties and whether it is good or not. Values are not arbitrary or subjective and hence do have specific logical connections to certain properties. For example, the fact a person is considered physically beautiful can be based on certain facts about our biology as a species and the relation of certain physical facts to fitness to reproduction, etc. But it is not from knowledge of those facts that someone is valued as beautiful, rather we go from the immediate knowledge of what beauty is and what it means to us and from that investigate the, often extremely diverse, physical properties that accompany this reality.

There is an intermediate layer of ethical statements that occupy the middle ground between the normative and ideal oughts in Scheler's theory. This is the layer of norms, commands, maxims, laws and other guiding social ethical principles. These general ethical propositions are also the main content of certain ethical theories, such as the self-evident duties that underlie analytic intuitionist theories such as W.D.Ross[173] or the Categorical Imperatives produced by a theory such as Kant's[174]. These principles are not exactly ideal oughts because they do not relate directly to values and what should be regardless of present existence. Nor are they normative oughts because they are not individual instances of duty. They are rather general principles that operate as social normative oughts in order to require particular ethical behaviour. They are

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[171] Plato. *Symposium.* Translated by C.J. Rowe. Oxford: Aris and Phillips Classical Texts, 1998, 211-212

[172] However, this only speaks to the phenomenological role of values in our cognition. It does not eliminate the possibility that our experience of values, and reliance on that experience, is just a cover for the kind of fundamental metaphysical reality about values that Scanlon suggests. Unfortunately, this sort of metaphysical question just cannot be determined at the phenomenal level at this stage.

[173] Ross, W.D. *The Right and the Good.* Oxford: Clarendon Press, 1930.

[174] Kant, Immanuel. 1997 [1788]. *Critique of Practical Reason.* Translated by Mary Gregor. Cambridge: Cambridge University Press.

useful in as far as they reflect accurate perception and cognition of values, but they are secondary to the direct perception and cognition of values and it is always possible that they will be overturned by greater insight into values. This is because they are both too specific, not being clearly related to value insights as ideal oughts are, and not specific enough, in not relating to the specific goods and circumstances that normative oughts relate to. They occupy a vague middle ground between these two determiners of moral oughts.

Not only can existing norms be replaced by norms derived from more profound value insight, they can be circumvented entirely in ordinary ethical conduct. Scheler argues that commands, for example, only have force in order to counter some contrary conation within us. We only need to be told not to steal if we have an urge to take that which is not ours in the first place. If we have a value insight and conation in the same direction as that insight that convicts us to the extent we have no contrary urge, we have no need of the command. Because of the material nature of our experiences of values our inclination can follow the insight of value perception (contrary to Kant), of which conations are one form, and in this case obliterates all need for norms or commands or normative oughts in general.[175] In terms of ethical knowledge and action all such norms, commandments or maxims are thus profoundly secondary to personal and social value awareness, as socially and heuristically useful though they may be as guides either to specific actions or to developing personal virtue.

As we move from value cognition to ideal oughts to normative oughts we move into more concrete and familiar territory. Why then have such a complicated system, why not eliminate one or more of these categories? The answer is that they are both usefully and phenomenologically distinct. For example, each refers to very different objects: value cognition to pure values, ideal oughts to complexes of goods, and normative oughts to individual acts. They allow us to conceptualise the different stages of ethical experience and reasoning separately and thus construct a more complete ethical theory without losing the detail of each section as required. Collapsing these and other important distinctions can only lead to paradox as crucial distinctions are blurred. Particularly, ethical theories often conflate the distinction between ideal and normative oughts entirely. This leads to confusions, primarily involving moving too simply directly from general ideal oughts to assuming specific normative demands. Means are thus sacrificed to ends without taking sufficient care of how multiple different value-facts, and hence multiple ideal oughts, may determine the specific normative oughts for specific persons. In the 20th century great suffering was caused by those who sought to directly create paradises on earth, whether political and secular or religious, on the basis of ethical visions that may have been positive, but which were not directly achievable (if at all), and which caused great harm and injustice in their pursuit.

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[175]Scheler, M. *Formalismus*, p213-214.

7. Persons

In this penultimate section of my overview of Max Scheler's ethics I look at his doctrines of the 'person'. Scheler placed great importance on the idea of 'persons', what defines a 'person' and the unique role of individual 'persons' within ethics. His main work *Formalism in Ethics and Non-formal Ethics of Values* is subtitled 'A New Attempt towards the Foundation of an Ethical Personalism' and a large section of the book is given over entirely to a phenomenological analysis of what defines 'personhood' compared to other philosophical definitions.[176] Scheler's ethics is objective but still contains a unique and active role for individual persons in a number of important ways. I extend this important analysis further through a dialogue with Emmanuel Levinas in chapter six.

Scheler argues that someone cannot be defined as a 'person' either by possessing a soul, or an ego, or a rational mind, or by belonging to the human species. Rather the personhood of someone is based on them being the subject, the author, of intentional acts that are understandable as chosen by that person.[177] Not all humans are necessarily persons, and not all persons are necessarily human. The acts of non-persons are causally explainable but not understandable as acts informed by both theoretical and practical cognition i.e. ethical insight and judgement. A 'person' acts because they have weighed up the options and made a choice (though one doubtlessly based on sub-conscious acts of preferment), the 'lunatic' or an animal acts because his madness or his instincts mechanically compel him.

Scheler chooses this definition to emphasise that personhood, as opposed to the 'self' or the soul, is based on being a creative and responsible moral agent, and it is this that connects to the highest values. The personhood of someone is sharply distinguished from their soul or ego or lived body because all those elements of an individual can be thematised as objects but their nature as a person can never be fully known as an object. The person is the "concrete unity of all possible acts",[178] "the immediately co-experienced unity of experiencing";[179] the subject understood as responsible for those acts and hence can never be an object in the sense of being a thing because he "exists solely in the pursuance of his acts".[180] Whereas all objects, and especially all things, can in principle be fully known even if not in practice, the person has "a sphere of absolute personal privacy, which can never be given to us".[181] This does not mean the intuition of the person is given as (negatively) lacking some element, rather it means that the

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[176] Ibid, pp370-476.
[177] Ibid, p476.
[178] Ibid, p29.
[179] Ibid, p371.
[180] Ibid, p29.
[181] Scheler, M. 1923. *The Nature of Sympathy.* Translated by Peter Heath. New York: Archon Books, p10.

person is given positively as having a part of himself that is fundamentally and absolutely inaccessible to any outside intentional act, as fortressed from any possible epistemic invasion.

The individual person can be considered from two perspectives based on the manner in which he is known. Those elements of a person that are defined and co-experienced through his relationships with other persons are his 'social person'. This includes all elements defined by his culture, his profession, his nationality, religion, class and every means by which he is known or defined by public features. But he also has an 'intimate person'. This is his "peculiar self-being" (and self value) "which towers above this whole and in which he knows himself alone",[182] the unique perspective we all have on ourselves. Within this level there is also a distinction to be made. Each individual person has an absolutely intimate core that is knowable only to himself in solitude but also has relatively intimate levels. These levels become revealed only through love. The social means of relationship reveal the other by some, in principle, public features in terms of attributes and qualities. In love the person is revealed unitarily as a person by "joining in the performance of his acts" of love; "we must love what he loves and love it with him".[183] Only thus do we penetrate to part of the intimate personality of the person. This understanding transcends our purely external knowledge of the person because it is driven by direct intuition of them as person, not as object. For example, the only one who understands the person Jesus is his disciple. However many facts someone knows about the 'historical' Jesus one who does not enter into his acts of love cannot know him as a person and the same applies to all persons. But yet through Love the person is clearly and intimately revealed (as far as ultimately possible) despite any or all differences of culture, place or time.[184] But there is still a limit as to how far this perception can penetrate. There is always still an absolutely intimate core to a person that is positively beyond all knowing except to them. Each individual stands together with other persons both publicly as a social person and privately with some others as a relatively intimate person, but is known and valued (or disvalued) in absolute solitude beyond that in a manner they can never entirely share.

The person cannot be understood as a thing, but it is also not known purely empirically or *a posteriori* at all. Scheler argues that essence as such transcends the concepts of universals or particulars and founds both of these types of entities. It is only when the essence is referred as the essence of something that it becomes definitely either particular or universal. There is in fact a unique value-essence of each individual person that defines them uniquely as themselves. This is a value-essence "whose objective essence and value-content contain a reference to an individual person"[185] and defines the good that he is and the good he is capable of fulfilling. The ideal ought that is based in the insight of the good of that person is thus only precisely for that

[182]Scheler, M. *Formalismus*, p561.
[183]Scheler, M. 1923. *The Nature of Sympathy.* Translated by Peter Heath. New York: Archon Books, p168.
[184] Ibid, p167.
[185]Scheler, M. *Formalismus*, p490.

person and is experienced as their "calling" or vocation and the complete possible fullness of this value essence is revealed only through "the full understanding of the person based on love".[186] This love can either be self-love or the love of another person who sees in me, and thus reveals to me, a potential value that I could not see in myself. Thus there is a unique place within the moral universe, a unique 'call' of "actions, deeds, and works" for each individual person based on their unique value essence in addition to general goods and responsibilities.[187]

This value essence is the good-in-itself-for-me in broad ethical terms and we can either fulfil this essence by carrying out the oughts derived from it or not. But our current moral status, whether we are a good or evil person, is not defined by this. This too is experienced as an essence of a person: their 'moral tenor'. The moral tenor can be thought of as our basic moral disposition but it is not an average of our acts but rather an essence of our person that can be given in intuition. The difference is that our moral tenor is given as enduring and constant despite any individual act or intention we have in a particular instance. We may know someone to be a good person and thus seek the reason for an apparently evil act they commit. Scheler distinguishes the moral tenor in particular from 'character', which he takes to be an empirically developed picture of a person, rather than an intuitively given essence of their nature. Moral Tenor is revealed to us by a person's moral actions, feelings, gestures or other features but it can be revealed entirely through one single instance that shows them as either good or bad. The moral tenor is not fixed permanently, it can change over time through a process of profound moral conversion or development, but it is not transitory and does not change necessarily through any one act.[188]

The moral tenor is important because it is the level, tied to us as persons, between our ordering of value preferment and our intentions and actions. It is defined by our value insight and preferment and then in turn constrains what intentions, purposes and deeds are possible for one to experience: it delineates a "material *a priori* field for the formation of [our] possible intentions"[189] limited by the value insight that underlies the moral tenor. But it is not just a shorthand for our value insight, it is an essence given directly in intuition as fundamentally part of someone when considered as a person. It has its own values as well, and these moral values permeate our intentions up until they are instantiated in their own fulfilled act-values, and hence the moral tenor is visible in our intuition of those intentions, feelings, gestures, etc.

For Scheler the person is the centre of all the most ethical values and acts. As discussed previously Good and Evil are values that can only be properly attached to the being of persons, because they alone can prefer among values. Persons alone have the higher capacity to reveal infinite further realms of value through love, the highest, most intentional ethical act. The

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[186] Ibid, p491.
[187] Ibid, p490.
[188] Ibid, pp111-118
[189] Ibid, p115

highest levels of value modality are also connected essentially to persons. Scheler states that holiness is always "directed towards persons [...] no matter what content [...] of personhood is implied". Holiness is "by essential necessity, a 'value of the person'".[190] By this he means that unlike lower values holiness always refers back to some person, however obliquely. A holy book such as the Qur'an or Guru Granth Sahib is only holy in so far as it refers back to God, the Person of Persons. Scheler also connects the next level of values, that of the mental or the spirit, with the self and mind. Whereas the 'agreeable' applies only to things, the 'vital' to living beings, these higher moral values also are visible solely to persons and refer back to them, albeit possibly obliquely. [191] This is in addition to the unique individual personal value essence discussed just before.

Persons are not just important in general because the highest values are essentially attached to persons but each person is important because of the role they may have in revealing values. Each individual person has a unique value essence and a unique complex of oughts or 'call' related to it, not only across their whole life but in each particular moment and opportunity. Each person has historically unique nuances of values given for them in each particular time and place that pass away in that historical-moral moment if not grasped, 'preferred' and acted upon.[192] This drives Scheler's value-personalism, the doctrine that the value of any society is primarily defined by the extent to which it offers space for individuals to realise their highest possible values, and which is opposed to value-collectivism, where the value of the individual is primarily measured by their contribution to a community, however defined. No general community or group can possibly replace the unique role of individual persons in realising values, among various reasons because the community lacks the faculties of affective and conative value insight, and the fundamental privacy and uniqueness of the individual person.[193]

This point can be further illuminated through two examples. Not only can unique individual values be given to one person at a particular historical moment, but universal values can also be given first to one person at a historical moment. Through particular acts of love a certain special person can perceive values hitherto unglimpsed in value insight by any person and thus enlarge the moral horizon of all humanity.[194] On a more mundane level, Scheler opposed the idea of eugenics, the application of science to breed a 'better' human, which was popular in his time, because he argued no scientific process or method of determination could replace the role of sexual love as the highest insight into vital values in the selection of partners.[195] To think otherwise was to ignore the essential nature of values and of persons in preference for an entirely value-less empirical process. Again, the role of individual value-insight is fundamental.

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[190] Ibid, p109.
[191] Ibid, p86.
[192] Ibid, p493.
[193] Ibid, p504.
[194] Ibid, p272
[195] Ibid, pp115-116.

What follows from the unique value-nature of individuals is the existence of unique ideal and normative oughts for individual persons. Kant was entirely wrong not only to argue that universality must be *the* fundamental feature of morality, but also to argue that it must be *a* fundamental feature of morality. There are unique moral oughts that apply only to single individuals that are still objective because they are still based in insight of objective value essences.[196] There are two senses in which oughts may differ between persons that must be distinguished. Firstly, persons may be capable of experiencing different oughts because they currently have different levels of value insight, and hence experience different ideal and normative oughts. For a person cannot experience a duty relating to a value he has no insight of. Secondly, even assuming full value insight different persons should experience difference oughts based on the unique nature of their personal value essence and all the details of their capabilities. These mean there are unique bits of good for each person to do and unique nuances of value for them to reveal while still being truly and objectively ethical.

While all the highest values a person can realise are values of the person, and particularly those revealed in his own value essence, this does not mean that the person's own value should be his intentional object, in fact, precisely the opposite. It is in being directed beyond himself at others, and those goods and values external to himself, that a person enhances the values that define him. The personhood of someone cannot be understood as an object because it only exists in his creative ownership of his actions. This means attempts by the person to take as his object his own sense that he is good or evil must fail, Scheler argues, and lead only to misplaced personal pride or selfishness, which he labels as 'Pharisaism'.[197] A person should of course hope and aim to improve himself, to be better, but he cannot do so by doing things because they will make him good. He can and must judge what things are good and do them. His attention must be outside his own person. Great saints (religious or secular) are characterised by giving no thought to their own goodness and position but great thought to what must be done, and hence they *achieve* goodness.

One of the reasons for this is that those values that are highest are least open to immediate influence by the will. This becomes harder as one moves from low levels of values to the higher. Values of the useful and agreeable, where values such as 'comfort' are simple and concrete, can be achieved by simple acts of the will. Vital values are, so to speak, dispersed over our whole physical and psychic being and are hence less improvable by acts of will. Among the spiritual values this is extremely difficult, and among the Holy it is entirely impossible. One can never act to make oneself more holy (or have my own holiness as the object my will), one can

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[196] Ibid, p193
[197] Ibid, p27.

only act to embrace God and others because that is the right thing to do and so *become* more holy. And values of persons, as the highest values, share in this difficulty.[198]

Individual moral action and cognition must be considered separately in order to understand how individual freedom interacts with our relation to objective values. Kant only recognised one type of autonomy or heteronomy, that of the will. Scheler argues that the difference between moral cognition and moral comportment allows the distinction to be made between autonomy of cognition and autonomy of the will. Heteronomy in the first case corresponds to action without moral insight, mere blind whim; in the second case it corresponds to our acting according to someone else's will. It is the autonomy of insight that is morally relevant not that of the will. We can act of our own free choice but unless this is guided by prior value insight it is just capricious whim. We can act according to the will of another person, but if we do that because we intuitively recognise the ethical value and authority of the source of that command then we act with autonomous cognition, and rightly, though with heteronomy of will.[199] However, if one does follow some command or suggestion of a good deed without any insight what is lost is the moral relevance to that person. The act itself is still good or evil but its nature cannot be attributed to that person as autonomous. This means, in a moral community of agents, guilt and merit cannot be entirely individualised but are shared, to a degree, by all. As I influence and am influenced by the community around me I am actively co-responsible for all the acts that occur within it. The community as a whole has a collective guilt or merit that cannot be reduced to the sum of that of its individual members. We have real moral solidarity with those around us that we must always take into account, in addition to our unique ethical call.[200]

The individuality of the ethical call places an especial importance on individual ethical insight as the source of moral knowledge and action. It follows that ethics as a philosophical discipline can never give a complete guide to action. Individual wisdom and moral insight in values will always trump systematic and structural description in the relevant places. "Ethics can never replace individual conscience, nor should it."[201] Ethics rather has a separate descriptive task of understanding values and their essential interrelations, their rankings and the general conclusions that come from this, while always being aware of the limits of that theorising. This is partially because just telling someone what is good or evil cannot alone make them good. They must also see it for themselves.

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[198] Ibid, p507.
[199] Ibid, p494.
[200] Ibid, p497.
[201] Ibid, p494.

8. <u>The Relation to Kant's Ethics.</u>

At various points in this chapter I referred to crucial differences between Scheler's ethics and Kant's, which Scheler used as a basis for his own ethics, even if only to establish a contrast. This, hence, seems a good place to sum up the differences Scheler saw between them that motivated his ethics, before moving on to the final summary of this chapter.

The first question to address is that of the accuracy of Scheler's reading of Kant. Scheler is concerned with the overall spirit of Kant's theory much more than specific textual details. As such, to a limited degree, his target is his own interpretation of the core implications and commitments of Kant's theory rather than the full detail of Kant's theory. It could be argued that Scheler's reading is not precisely accurate, or unsurpassably charitable. To a limited degree this does not matter, if Scheler and Kant agreed more than Scheler thought then that is good, and 'Scheler's Kant' still exists as a hypothetical position that contrasts with the positions Scheler is positively advocating. However, I think Scheler's critique of Kant is largely accurate to the overall sense and implication of Kant's theory, as far as is generally possible in any work as concerned as the *Formalismus* is with presenting its own broad theory and considering a wide range of influences and alternatives, rather than close textual analysis of another work.[202]

Scheler did not consider his work to be "anti-Kantian" but to "go beyond Kant"[203]. Kant was the foundation on which Scheler built, though admittedly by rejecting wholesale Kant's final conclusions. Scheler agrees with much of what Kant says in the *Critique of Practical Reason* but feels that his arguments step from peak to peak missing the true nature of the terrain in between where the substantive content of objective ethics can be clearly found. Particularly, he agrees with much of Kant's arguments *against* previous ethical theories while believing Kant missed the clear *positive* space possible for *a priori* ethics and thus produced a foreshoretened theory of what is possible in ethics. Foremost, Scheler accepted Kant's demonstration that ethics could not be built on pursuing empirical goods and purposes but believed he was totally wrong to deduce general formalism in ethics from this.

Kant was concerned that any ethics of goods or purposes could only be based on the desire of the agent for pleasure, and driven by no other source, and hence be a matter of contingent self-interest and in no way a 'Law'. This stemmed from his pure psychology that divided reason strictly into the pure and empirical, where the empirical in practical thinking was related to material objects that could affect our sensual feeling of pleasure (admittedly of different forms) alone. For Kant, pure practical reason must then mean reason judging without any material content at all i.e. formally. And the form of a 'Law' for Kant is that it applies universally, and so universalisability must be the complete principle of the practical law. This fits in with his

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[202] I rely for this assessment on my own reading of Kant and Scheler's works and Philip Blosser's excellent *Scheler's Critique of Kant's Ethics (1995)*, which considers the relation between the two philosophers in much more detail than I can in the space available in this thesis.
[203] Ibid, pxxix

general view of the *a priori* as the formal structure of experience that pervades his conclusion in each of the three Critiques: whether relating to pure reason, practical reason or judgements of beauty. [204]

But Scheler argued this created a false dichotomy based on the limitations of his theory of feeling and of reason. Scheler argues that *a priori* material values exist and are encountered neither in purely empirical desires, or pleasure, nor in pure, which always for Kant means formal, reason. They lie on a different axis outside this division entirely. Kant had no thought that the *a priori* conditions of experience could be present in *a priori* but material essences encountered in intuition and clarified through theoretical and practical phenomenology (with, perhaps, the exception of his view of pure intuition in the first Critique). Scheler argued that Reason is always embodied and the lawfulness of theoretical and practical truth is present in the experience not just in the action of a pure mind. These values are experienced separately from mere goods and contingent empirical purposes driven by pleasure and the mere form of correct judgement. The formulation Kant demands of the accurate use of reason in the first critique as necessarily involving both concepts and intuition holds equally for practical reason.[205] Indeed, ironically, his ethics of practical reason arguably betrays in its conclusions a pietistic, protestant spirit both in its original form and in the mutated one in which it became the basis of the austere, individualist enlightenment ethos. Scheler's ethic is comparatively broad and baroque in its structures and catholic in its resemblance and inspiration.

Scheler was more right about the good though, which Kant almost entirely deletes as an *a priori* body of ethical experience and knowledge. The conclusions of Kant's practical philosophy have always been the hardest part of his ethics to follow, even among people who must appreciate the beauty and rigour of his argument, e.g. the lie to a murderer. But these conclusions follow entirely logically from the mistakes in defining his space of possible options, itself taken, as Scheler correctly says, from the traditional philosophical distinction between sensibility and reason. Once this has been ejected there is not sufficiently good reason to eject the truth we all know: that the Good is clear and visible to us in more than a perfect will, but in actions, emotions, and insights, among many other moments, such as of hope, love, courage, kindness, etc. Even just considering the 'will', Kant starts from arguing that the only true good thing can be a good will[206], and combines this with his argument that the practical reason's 'Law' can only be a formal principle. This forms his conclusion that the only good is defined by a will following a law because it has the form of law.[207] Now, most people would accept that a good

[204] Kant, Immanuel. *Critique of Practical Reason.* Translated by Mary Gregor. Cambridge: Cambridge University Press, 1997 [1788], Ch 1 – On the Principles of Pure Practical Reason.

[205] Kant, Immanuel. *Critique of Pure Reason.* Translated by Marcus Weigelt. London: Penguin Books Ltd, 2007 [1781, 1787], Ch.1 –Idea of Transcendental Logic. 1.Of Logic in General

[206] Kant, I. (1997 [1785]). *Grounwork to the Metaphysics of Morals.* Cambridge: Cambridge University Press, p7.

[207] Kant, Immanuel. *Critique of Practical Reason.* Translated by Mary Gregor. Cambridge: Cambridge University Press, 1997 [1788], Ch 1 – On the Principles of Pure Practical Reason.

will is important, but I argue it makes more sense to interpret this as a will that is driven by awareness of what is good i.e. true insight into *a priori* material values.

Scheler also criticised all theories that made 'Oughts' the main basis of ethics, and specifically 'Assessment' theories (held by men such as Herbart and Brentano). [208] These theories claim that what makes a correct moral judgement is not that we judge in conformity with the moral facts of the matter. Rather, that we judge with the correct form a situation that in itself has no intrinsic value, and thus by the fact it conforms to a certain form of judgement we know it contains a moral obligation. Although Scheler used a different term this largely coincides with the modern school of constructivism derived from Kant: Christine Korsgaard defined constructivism as the idea "there are answers to moral questions because there are correct procedures for arriving at them".[209] While it is true for ethical judgements to be correct they must follow a correct methodology, this is true of all judgement, but is always insufficient to dictate the result, whether by universalisability or by other criteria. It is a necessary but not sufficient condition. The correct logical method must be followed, but logic is a methodology, a 'garbage in, garbage out' system, and without the correct input of ethical facts cannot produce any useful results.

It is also incorrect to state that universal ethical insight requires any judgement at all, certainly not in terms of a universal rule determined by reason alone.[210] There are moments of evidentiary ethical insight where even previously entirely unseen values flash out, which rely on no judgement at all, and can correctly and accurately motivate moral acts and justify moral knowledge without any hint of a rational law or correct form of judgement. Nor, as Scheler said, could such a system explain the sheer range of connected ethical and moral values, instantiated as they are in myriad different ways that cannot be restricted to the form of judgements or imperatives e.g. persons, emotions, dispositions, etc. Any constructivism must presume the values that are the necessary material on which such judgements must be made. The correct form of judgement or law-making has a role, but one that requires it to be applied to correctly identified values, which can themselves arguably be known *a priori*. Indeed, the motivation for constructivist theories often seems to be to retain a realist, cognitive approach to ethics without having to commit to uniquely practical facts. This approach is unnecessary, however, because value-facts, from the agreeable to the spiritual, are a clear and well-attested element of our experience, regardless of what ultimate metaphysical reality they may possess.

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[208] Scheler, M. *Formalismus*, p181.
[209] Korsgaard, Christine. The Sources of Normativity. Edited by O O'Neill. Cambridge: Cambridge University Press, 1996, p36.
[210] As some have argued is true, in a different sense, for Kant originally as well, given his statements in *The Groundwork to the Metaphysics of Morals* (1997 [1785])

9. <u>Summary</u>

That brings this overview of Max Scheler's ethical philosophy to an end. Before I move on I am going to briefly summarise what I see to be its main points. Then in the next chapter I look in further detail at Scheler's ethical epistemology, with reference to current discussion of affective intuitionism, and demonstrating a framework of ethical knowledge. In the two chapters after that I look at some of the main normative issues raised in Scheler's theory of values and ethical choice, particularly in chapter six his idea of 'Persons'. For brevity's sake I have restricted myself in this chapter to what I believe are the fundamental features of Scheler's ethics, ignoring particularly his extensive non-ethical analysis of the phenomenological concept of the Person in the *Formalismus*.

The most well known and important part of Scheler's philosophy is its focus on values: for Scheler material values essences are the basic facts of all our practical reason in the same way that physical facts are the basis of all our theoretical reason. Values ultimately inform all our ethical thinking. They are not in any way mysterious entities. For Scheler they are a fundamental part of all practical reason, even that of animals, and he considers them to be a near constant part of all our experiences and accessed in ways that are intensely familiar: through object directed feeling and conation. It is only the attempt to clarify them phenomenologically as pure values, abstracted from the goods in which they are instantiated, that they become something that may seem unfamiliar. But Scheler's theory places moral and ethical thinking fluidly within the entirety of human practical experience and motivation. Scheler is aware that his theory is radical but he argues that actually ethical thinking has always taken place in terms of values. This fact has just never before been presented clearly due to, what he calls, historical philosophical prejudice against the idea of an emotional *a priori*, and the lack of the phenomenological method, the vital means to clear away the fog of confusion that has surrounded philosophical ethics.

Scheler's philosophy is generous in the detail and richness with which it paints human ethical life, particularly in the sheer quantity of essences and essential relations it describes. This stands in stark contrast with many historical ethical philosophies that have attempted to reduce ethical life to as few principles or mechanisms as possible. For Scheler these efforts substantially miss the point. Human ethical life is richly complex and interconnected and so attempts to render it in any one simple term will inevitably be not just simple but simplistic. Scheler believes that all such over-simplified theories will inevitably end in paradoxes they cannot explain when they come up against actual human ethical experience, such as utilitarianism suggesting the murder of innocents if sufficient pleasure should be derived from it, or Kant demanding one tells the truth to murderers. There is always the risk that any complex ethical theory will merely end up losing clarity and philosophical rigour through its complexity. But Scheler's philosophy is not

just arbitrarily complicated but intensely detailed in each of its analyses, a mark of his phenomenological background, and this helps maintain the rigour of his theory at both the broad level and that of individual features.

Scheler supports this richness of description with his focus on the importance of direct ethical insight. He argues that *a priori* ethical intuition is as significant a part of human experience as theoretical perception. Ethical knowledge is not based in judgement or acts of the will but in direct ethical perception and cognition that exists prior to any ethical action, to the extent of shaping our possible experience of obligation. This opens the possibility of accurate ethical knowledge being a part of everyday ethical life while separating this individual normative ethical knowledge qualitatively from that which forms the content of philosophical ethics and from that of social moral norms and rules. It allows him to explain a wide range of value statements within the same ethical framework, while separating out their distinct features in detailed phenomenological analysis: such as that between ideal and normative oughts, between the personal value essence and the moral tenor, among many other examples.

This focus on insight leads to Scheler's emphasis on the individuality of ethical obligation and the central role of persons in ethics. For Scheler this is both itself a matter of direct ethical intuition and a natural corollary of the richness and complexity that he finds in the entirety of human ethical experience. Just as different elements of ethical cognition and motivation bear qualitative differences, so do different levels of pure values, and so do different individual ethical calls. The qualitative uniqueness of the ethical call goes hand-in-hand with the uniqueness and importance of persons within his ethical framework. The highest levels of values are accessible only to individual persons and because insight is a function of individual persons they always have the potential to override the ethical knowledge of their society with deeper ethical knowledge.

Finally, Scheler combines a belief in the diversity and individuality of ethics with a constant commitment to the objectivity of individual ethical insight and philosophical ethical knowledge. He argues that "material *a priori*sm" can give both the rigorous knowledge offered by rationalist ethical philosophies and the connection to the complicated nature of emotional life offered by empiricist or sentimentalist theories. His unique ethical epistemology combines the objectivity of values but the relative subjectivity or goods and norms. The very pluralism and diversity of his analyses would seem to suggest a subjective ethics but the detail he displays counters this interpretation, as he attempts to ground that pluralism in the objective phenomenology of actual ethical experience. The epistemological claim that underlies this objectivity is that Scheler alone has isolated the true ethical facts of experience in material values essences that alone can ground a truly, accurately, objective and complete theory of human ethical experience in all its rich complexity.

Chapter 4 – Epistemology (and Ontology)

1. Introduction

One of the major attractions of Scheler's ethical theory is that it offers a new approach to the problem of ethical knowledge. Such a theory raises questions about the nuts and bolts of the epistemology, questions that Scheler does not give a great deal of time to. This is partially because most of the *Formalismus* discusses the way his theory relates to ethical alternatives, not epistemological ones, and partially because they involve meta-ethical questions that were not considered important in Scheler's time. In this chapter I go into more detail about these epistemological issues to boost the argument that a Scheleran intuitionism provides the elements necessary for ethical knowledge better than other major theories. In particular I talk specifically about the nature of 'values', feeling's role in cognition, the conceptualisability and schematism of ethical intuition of values, and fallibilism and infallibilism in an ethical intuitionism. Finally I summarise the argument that this theory better provides the elements necessary for ethical knowledge and the arguments, already hinted at, for the objectivity of this knowledge. I finish with a note on the ontological issues raised by Scheler's theory. I argue that this theory answers the charge of epistemological queerness, discussed in chapter two, raised against objective ethics in general. It does this by explaining how ethical knowledge draws on uncontroversial rational and sentimental sources, and by placing it organically within our affective, conative, practical rational faculties.

A theory of objective ethical knowledge requires a number of elements. It must identify independent material ethical facts, it must demonstrate how persons reliably access these facts, this must then be expressible in particular judgements and decisions, and finally it must be socially dispersible as knowledge. I believe that the failure of many alternative ethical theories can be substantially traced to their failure to meet these requirements. Some theories such as Kantianism, non-cognitivism or error theory deny there are any independent ethical facts relevant to ethical knowledge to be grasped, others such as ethical naturalism and Moorean intuitionism incorrectly describe the nature of these facts and, from that, how we gain access to them. I argue that Scheleran affective intuitionism comes closer than any of these theories to correctly describing these elements of ethical knowledge.

Most traditional ethical theories can be divided into two types. Rationalist theories state we use empirical or abstract reason to derive ethical propositions that are hence justified as knowledge but are divorced from our emotional motivations[211]. And sentimentalist theories state that ethics is based on acts of feeling or emotional attachment, which hence cannot be counted as

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[211] Kantianism, Utilitarianism, Natural Law ethics, Rationalist Intuitionism.

knowledge, but are obviously psychologically motivating[212]. Scheler rejects these two options as a fundamentally false dichotomy. Ethics can be both based on affective states and constitute rational knowledge. This is because objective ordering and lawfulness is not only present in theoretical reason but is also present in acts of "intuition, feeling, striving, loving and hating" and hence these can be made both "exact and evident" to produce genuine "moral decisions and laws"[213]. Philosophers have often neglected this possibility because they have been committed to the ancient and early modern dualism between reason and sensibility, between thought and matter, and between spirit and flesh where, roughly, the first term is privileged over the second. However, this simplistic view of human faculties and psychology is refuted by an even-handed examination, and particularly a phenomenological examination of those faculties. Scheler describes this with a phrase borrowed from Pascal: the 'Ordre du Coeur', the order of the heart, or in more concrete term, the objective *a priori* ordering and interconnections among the values perceived through intentional feeling and conation, as described in the previous chapter.

Scheler's theory was set out in his 1913-1916 *Formalismus* and was unique at that time and for decades after. However, in the last twenty years a group of philosophers have emerged advocating an affective intuitionism in ethics that mirrors many elements of Scheler's theory[214]. However, the virtue of Scheler's work, as well as preceding most of this literature by several decades, is that it is more comprehensive than these more recent efforts: not only giving a detailed analysis of how value intuition occurs and relates to feeling, but also discussing the different types of values and their interrelations, the way values relates to persons, and how affective intuitionism relates to a range of other major ethical schools. Although it can cause confusion, Scheler's strength lies in its breadth, in the range of results he produces in concrete ethics, and in the range of his influences. Scheler draws not only on the philosophical history of Europe, but also its religious history including men such as Martin Luther and St Francis of Assisi, and on figures as wide-ranging as Buddha, Freud, Muhammad, Goethe, Lao Tzu, and Darwin.[215] The result is a broader view of ethics that better encompasses the real human experience of value in love, religion, aesthetics and literature, and is the more convincing because of it. I suggest that not only is Scheler's ethics the most impressive and convincing affective intuitionism available, but also is better than the other intuitionist theories I discussed in chapter two because it offers a more complete and productive explanation of ethical knowledge, as is presented in this chapter.

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[212] Subjectivism, Egoist Hedonism, Moral Sense theory, Emotivism.

[213] Scheler, M. *Formalismus*, p255.

[214] Tappolet (2005), Doring (2007), Teroni (2007), Mulligan (2009).

[215] Zahavi, D. (2010). Max Scheler. In A. Schrift (Ed.), *History of Continental Philosophy III* (pp. 171-186). Edinburgh: Acumen Press.

2. Values

A comprehensive ethical theory of rational-affective intuitionism alone would be enough to constitute a bold philosophical manifesto, but it is not the crucial element of the theory. Even given the above it is not feelings, even intentional feelings, that Scheler identifies as the elements of ethical knowledge. Even though our affective life is not the blind, order-less mess that it is often portrayed as, it is still intrinsically subject-related and hence unsuitable to be the basis of ethical judgements and knowledge. It is not the intentional feeling but rather the intended objects of our affective life, the practical values of the agreeable, the vital, the mental and the holy, that form, ultimately, the content of ethical knowledge[216]. The 'facts' that ground that knowledge are always, at their basis, facts about values and their interconnections, and these, as the objects of, but not identical to, our intentional feeling and conation are separate from any individual's experiences and, hence, objective in the most literal sense as well as the more usual definition.

These values are identified by our feelings but their material content and identifiable features are a complex mixture of affective, conative and rational content. In defining a value, for example, 'justice' or 'health', there is both a 'feeling' content that defines the sense of the value itself, and rational properties of the value that can be expressed in theoretical propositions. In other words, justice and health both are correlated with recognisable phenomenological feelings in which they become intuitively accessible; we know what being healthy feels like, and we know what justice feels like, and it is from this basic affective content that we try to grasp these contents in propositional terms. But, these values are still expressible in rational concepts. One can say that justice is balanced and proportionate, giving each one his due, or, people are healthy when their body is properly functioning, and agree or disagree on the appropriateness of these descriptions. They have a dual rational-affective nature that both has an immediately understandable practical hold over us and a body of ordered interconnections between them that forms the basis of rational ethical knowledge. Indeed, I argue that these are necessary features for any accurate theory of morality and ethical epistemology. Ethical notions are neither purely rational nor non-rationally sentimental, but combine elements of both throughout. The ordering among values is independent of the subjectivity of feelings about values, and the transient goods we recognise as valuable; both in the sense that they are not ontologically dependent on individual subjective feelings and valuations and in the sense that differing feeling states can provide access and occur as a response to the same intuited values. The ordering of values is thus both affectively based and one level detached from the subjectivity of personal feeling. We are far more in agreement about the nature of justice and its relation to other pure values than whether particular laws or actions are just, i.e. instantiations of that value.

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[216] Scheler, M. *Formalismus*, p19.

As argued earlier, values, for example the value defining our experience of something as 'nourishing', cannot be defined in terms of physical properties, but also they are not certain feeling-states either, though they are represented directly through intentional feeling. The feeling of hunger, or the experience of a certain satisfying taste, do not define my sense of the essence 'food'; rather these are fallible subjective states whose object is that essence that is instantiated in all things I recognise as food. One can recognise something as nourishing as such, and eat, without any sense of hunger, and without appreciating the sensuous taste of the food. The values are the ideal meaning-contents that are the objects of intentional feeling, but they are not those feelings themselves, they are distinct and separate from them. The value is not our subjective feelings or emotions in the same way that physical objects are represented directly through our visual experiences of colours and shapes, but are not these subjective sensations. This applies to basic values of goods, like but also equally to more abstract ethical values such as 'freedom', and indeed all essences that have a primarily practical meaning. They are defined through, but are not equivalent to, affective states mixed with propositional content.

Also, the content of my thought of a value is not the value itself in the same way that theoretical essences are the object of theoretical universal thought, not the acts of thinking themselves, nor our mental image of the object (if any). Consider the example of colours: my understanding of red is dependent on retrieving an experience of a shade of red that represents 'Red', but is not 'Red' because Red is an ideal universal. However, I can still reason correctly about the essence 'Red' that is my intentional object. The connection is very close but the distinction is vital, phenomenologically, and logically. It means we can separate the value as a logical meaning-object from the feeling it is felt through and predicate and argue about it rationally in a state of justified knowledge stemming from the original intuition.

Values are the proper entities referred to as the 'formal objects' of the emotions in some recent work on affective intuitionism by philosophers such as Teroni, Mulligan and others[217]. What distinguishes Scheleran intuitionism from various recent theories of affective intuitionism is the degree to which it emphasises this point that our awareness of values themselves, the formal objects of emotion, is at the same time constituted by affective content but not identical to acts of subjective feeling, emotion and striving. The result of this is that objectivity obtains among the ideal values and the interconnection between values, independently of the subjectivity and changing nature of our emotional and feeling-states, and our empirical experience of values through feeling. This independence of values from specific feeling-states is further demonstrated by the fact that I can relate to the same value through different emotions. Depending on what type of person I am envy and admiration can both be feeling-responses through which I perceive someone's virtue. Values cannot be correctly conceived as just our

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[217] E.g. Mulligan, K. (2009). Emotions and Values. (P. Goldie, Ed.) *The Oxford Handbook of Philosophy of Emotion*. &
Teroni, F. (2007). Emotions and Formal Objects. *Dialectica* , 395-415.

emotions interpreted as objects e.g. shame/shameful. There is no one-to-one correspondence between emotions and values[218], and neither does there need to be.

On a brief side note: this results in a duality in ethics similar to that described by Moore in the *Principia Ethica* between the first principles of ethics: what is good, which is a matter of intuition, and the secondary principles: how do we achieve the good, which is more of an empirical question about means and methods.[219] In the same way the first, *a priori*, question of the height of values and their interconnections can be separated from the second, more empirical, question of what goods actually do instantiate these values and to what degrees, though both are matters of direct value insight. However, there is a crucial difference. Moore's intuition of value is often accused of being arbitrary and bearing little difference to a purely subjective assertion of value. Indeed, it is this that historically motivated the development of non-cognitivist theories in early 20th Century Britain. Scheler's theory, alternatively, does not merely assert the value of objects simpliciter but analyses the different qualitative forms of different values such as the agreeable values of taste, the vital, the beautiful and the ways these relate to different acts of feeling and pleasure. It also establishes criteria to analyse the height of the values separate from the mere assertion, and to relate it to these different levels of feeling and conation, and these commonly understood categories of aesthetics, thus arguing for their position in a manner that does not resort purely to assertion, or the sheer hope of consensus.

Why do we have access to moral values? We have access to moral values because, more basically than their role in specifically moral thinking, values in general are an essential element of all our practical decision making. They are the objects of practical thinking through which we take on practical choices and projects. Scheler advocates a fundamental unity in terms of the process of reasoning between moral and non-moral experiences of value. Values are, in fact, such a ubiquitous part of our mental life that we generally do not even notice them, or confuse them with elements of particular emotions or general subjective feelings. Even animals and small children almost certainly experience values, at least the values of the agreeable and vital that are necessary for the maintenance and propagation of life. Conceived in this way it is also easy to see how specifically moral discussion and reasoning should emerge out of general practical reasoning as an intensification and specialisation of this wider cognitive area. The question about what duties we have towards people arises from the question of what we should do generally, not in the ethical sense but in the sense of our own self-interest and preservation. In the same way that our gifts of rational discrimination allow us, with training, to gain advanced scientific or mathematical knowledge, so the development of our affective faculty allows us to develop finer moral, spiritual and aesthetic discriminations that reveal more of the width and depth of the realm of values. This allows us to undergo ethical progress in all areas of

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[218] Mulligan, K. (2009). Emotions and Values. (P. Goldie, Ed.) *The Oxford Handbook of Philosophy of Emotion*

[219] Moore, G. E. (1903). *Principia Ethica.* Cambridge: Cambridge University Press, Preface.

human life. All intrinsically rely on values that are rational-affective ideal objects, but that cover a wide range and that have an immense range of different details in their phenomenology and properties

One of the core advantages of basing ethics on an affective access to values is the fact that 'values' as a category are sufficiently neutral, and the affective and conative faculties through which we access them sufficiently broadly based in our cognitive make-up, to do justice to the breadth and detail of our ethical experience. Alternative ethical theories inevitably limit the range of objects that can have ethical significance. It is not just actions, or maxims, or acts under our own control, that can have ethical significance. As Scheler correctly identifies ethical significance applies to acts, functions, reactions, emotions, objects, propositions, collective social entities, individuals, relations, preferences, conations, assessments, features of character, pleasures, etc[220]. And many of these categories come in a range of shades like the possible variation of colour or music, the precise individual variations of which can be temporally and personally unique. But this is not some baroque philosophical extravagance, it correctly replicates the messiness and diversity that is apparent in actual ethical experience, rather than arbitrarily restricting ethical relevance to acts of will, or pleasure, or preferences, or propositions, or human emotions alone. The oscillations that have bedevilled ethics: between rationalism and sentimentalism, between means and ends, between deontology and teleology, can then be approached afresh in the realisation that in none of these cases does the answer lie entirely on one side or the other, but that there is the possibility to integrate all these elements of our ethical experience into a coherent theoretical structure.

A distinct value is a particular form of the worth of something, in the multiple dimensions possible in our practical life. This concept can hence be usefully applied to all aspects of our practical life which we can identify in our attention. This means value ethics does not pre-judge that value is to be found everywhere, or what form it must take, but is open to it being found anywhere, which I believe must be the correct approach to a genuinely open ethics that does not seek to prejudice its conclusions. This is not just trivially so because the idea is empty either. Husserl's theory of essences as the ideal meaning-objects of acts of thought can be naturally applied to practical thought, and coheres well with Scheler's own comments about values as the objects of our affective and conative faculties, as I discussed in the previous chapter. Phenomenological theory, developed by Husserl and Scheler,[221] also explains how values can be brought to givenness on their own, through the goods that bear them but not just as nominal abstractions from properties held by this or that selection of goods. This, importantly, frees a

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[220] Scheler, M. *Formalismus*, particularly p100-103.
[221] Husserl, Edmund. *Logical Investigations Volume 1*. Translated by J.N.Findlay. Abingdon: Routledge, 2012 [1900-1901], Investigation 2

theory of values from the dependence on transitory goods or feeling-states that Kant (and Scheler) recognised as destructive of an objective *a priori* ethics.[222]

It is possible for us to access this information because of the interlinked complexity of affective and conative life and the way we express emotion in and through all these elements of our life.[223] This gives us the ability to make surprisingly fine distinctions of values attaching to a wide range of objects. In comparison, some critics of affective intuitionism have argued that we cannot perceive values because we can feel 'contradictory' emotions to the same events, such as feeling happiness and unhappiness towards a colleague who has received a promotion[224]. But of course this dramatically under-estimates the complexity of feeling and of values. Numerous goods will contain complexes of positive and negative values of many different sorts that can be separated in reflection. One may be aesthetically attracted to someone, or something (say a film or painting), while being repulsed by their moral character, or *vice versa*. Happiness and unhappiness themselves are too basic terms, they are, taken properly, genera whose species can vary independently: there is the pleasantness of an agreeable taste, the happiness of a vital sense of health, the joy of an appreciation of musical beauty and the bliss of a moment of religious or spiritual contact, and all their negative mirror-images.[225] However, even if we narrow down to the individual case where we may perceive a value and its precise opposite in a situation there is not necessarily a problem due to the way values are defined relatively to one another. I may see an option as dangerous, but as less dangerous than the surrounding options and so, relatively, a source of safety. The lesser disvalue is preferred and hence, as Scheler described, the judgement is good, even though absolutely both are negative values. When we look closely at our ethical experience, and consider it in terms of the precise nature and height of the values revealed, the sense of contradiction vanishes and it becomes clear that we are dealing with a complicated ordering among values that cannot be properly explained in more simplistic terms.

There can be, though, a sort of contradiction in the ethical experience, but this just confirms, rather than degrades, the analogy between affective perception and ordinary sensory perception. That can be the contradiction between the information presented by feeling, and the person's belief about the situation (or indeed, the true reality of the situation), e.g. when suspended in a cable car one can feel fear, while believing oneself to be perfectly safe. As Sabine Doring argues, this is entirely analogous to more familiar sensory perception. Our eyes present the world as a certain way, but we can believe or know it is another for whatever reason, whether some form of cognitive illusion such as the Muller-Lyer illusion, some clever piece of scenery,

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[222] Scheler, M. *Formalismus*, Ch.1 Ethics of Goods and Purposes.

[223] Collingwood, R. (1938). *The Principles of Art.* London: Oxford University Press.

[224] Morton, A. (2002). Emotional Truth. *Proceedings of the Aristotelian Society* , Suppl.Vol.76:265-275.

[225] Scheler and
Tappolet, C. (2005). Ambivalent emotions and the perceptual account. *Analysis* , Vol.65, No.3, pp229-233.

or a 'trick of the light'[226]. In the ethical case and the physical case this decision to believe otherwise is never arbitrary though, but based on previous background experience and connected reasoning of the same type, whether ethical or physical respectively. Our affective experience does not dictate beliefs but it does provide evidence for them of a uniquely ethical type, while we retain the ability to rationally critique and evaluate that same experience. It acts as a justification, not as a desire, or as some unconscious influence. This feature is, hence, important to establishing affective experience as a route to ethical knowledge.

3. Feeling's Role in Cognition

How can feeling be a source of knowledge of values, given the common traditional view of emotion as irrational? The common traditional negative philosophical view of emotion (epistemologically speaking)[227], and the affective faculty more widely, is effectively bankrupt. Our 'feelings', in the widest sense, are not an irrational force attempting to prejudice us in the direction of pre-existing and uncontrollable personal desires, as portrayed in numerous historical discussions of ethics such as Kant's. They are an essential part of our rational faculties that do a significant part of the processing of our relationship with external reality, especially in terms of our practical life: our choices, our ranking of priorities, our value-significant beliefs about the external world, our relationships with other people, our personal projects. They are certainly less flexible than our powers of thought but in compensation more deeply rooted in our psychology and arguably more powerful for that. Our affective motivations and judgements, whether those of trust, hunger, gratitude, etc, act as more stable and deep-rooted elements than the more transient and lightly rooted judgements of thought, but essentially do the same job. Persons who do not have feelings or emotions, or have substantially reduced or repressed emotions, are not rationally superior to ordinary human beings in terms of their practical decisions or theoretical beliefs. They often suffer problems ranging up to being profoundly crippled and unable to prioritise and function in society in various different ways.[228] This is certainly not to say that our feeling or emotion is infallible or even necessarily information-carrying, but then neither are our sensory experiences or processes of thought.

It is worth considering how, in reality, our cognition differs from the traditional dichotomy of sense and reason identified by Scheler. In reality very little of cognition falls simply on one side or another. Looking at the elements identified by Huemer, Bedke, etc as seemings: sensory perception, introspection, logical judgements and decisions[229]; we see that all these elements

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[226] Doring, S. (2007). Seeing What to Do: Affective Perception and Rational Motivation. *Dialectica* , pp363-394.
[227] Kant, Leibniz, Ayers, Hume, Mill, Descartes, Russell
[228] Taylor, Bagby and Parker. (1997). *Disorders of Affect Regulation: Alexithymia in Medical and Psychiatric Illness.* Cambridge: Cambridge University Press.
[229] Bedke, M. (2010). Intuitional Epistemology in ethics. *Philosophy Compass* , p1069-1083. &

take the form of qualitative, intuitive content that can be expressed in propositional terms but originally and fundamentally are qualitative contents each with a distinctive phenomenology. This is true of our cognitive functions as well as our affective ones. The 'feeling' that an argument seems to hold or a body of evidence seems convincing is in reality a unique type of feeling that we, sometimes correctly, associate with arguments and evidence. Individual emotions and sympathetic recognitions of emotions in others also have the same basic structure and rely on a non-propositional content that can then be tied down and articulated by logical statements but are not such statements originally. These statements are complex schematisations of the original intuitive content. Nor, alternatively, are almost all of these elements entirely free of propositional, conceptual components. Emotions, even entirely subjective personal sensations such as hunger or pain, carry a basic and most primitive form of rationality as they are intrinsically meaningful for us. Analogues to thought, inference and (rough) deduction can all occur below the mental level of the propositional concepts and language that have been traditionally identified with rationality. Human beings did not begin to reason when they developed the ability to talk, animals 'reason' (though admittedly at a limited level) and even rational adult humans will regularly take decisions (such as what to eat for lunch), adopt attitudes (e.g. they 'instinctively' approve of an idea), or complete a hundred other cognitive tasks in an entirely qualitative register below the level of language and the use of clear denotative terms or propositions.

In the same way sensory intuitions also involve cognition. As Husserl and other phenomenologists argue we do not consciously perceive the shapes and colours that are primordially present in our visual field but rather perceive complete objects that are already laden with cognitive, conceptual meaning. The same is true of the information of our other senses, and as Collingwood and Kant argue[230] our minds are constantly adjusting the raw information we receive through our senses to produce a somewhat coherent picture well below the level of conscious inference. As Kant said, concepts without intuitions are empty, intuitions without concepts are blind[231], but in reality we almost never experience anything that does not involve some combination of both intuition and concept except, possibly, in a tiny minority of cases of pure, meaningless sensation or entirely abstract mathematical or logical inferences. As Scheler said, the same is also true of our affective intuitions. 'Lawfulness' is intrinsic to our emotions and our wider affective experiences, but this is not surprising as all our intuition is structured (and *vice versa* our rational inference is only possible through the material of intuition).

Huemer, M. (2005). *Ethical Intuitionism.* Basingstoke: Palgrave Macmillan.
[230] Collingwood, R. (1938). *The Principles of Art.* London: Oxford University Press, Book 2, Ch 10.
[230] Kant, I. (2007 [1781, 1787]). *Critique of Pure Reason.* (M. Weigelt, Trans.) London: Penguin Books Ltd, Book 2, Ch.1.
[231] Ibid, B75

Scheler describes the 'lawfulness' of our affective faculties as though it came from some entirely separate psychological source to our 'logical', theoretical faculties: "there is an eternal and absolute lawfulness of feeling, loving and hating which is as absolute as that of pure logic, but which is not reducible to intellectual lawfulness"[232]. But he never clearly identifies the manner in which the objective orderliness of feeling differs fundamentally in kind from the rationality of thought and sensory perception. I suggest that it would be better to take the type of theory outlined by Collingwood in his *The Principles of Art*, whereby conceptual, logical thought and feeling do not occur as discrete, separable faculties but are experienced together as elements of a single cognitive continuum in one stream of experience[233]. In other words, all the relevant experiences contain greater or lesser elements of clear conceptual thought and non-conceptual feeling content together in one intentional experience. Some experience will be more purely logical and conceptually clear, some more qualitative, affective and non-conceptual. But almost all experience in persons will contain both elements, and most everyday experience contains substantial quantities of both elements. For example, on a walk one day I am confronted by an angry dog: I have a sensory intuition of the dog and its manner. I make rational inferences recognising the dog and other elements of the scene; I have the emotional intuition of the anger of the dog, the danger I am in and feel the fear this motivates and I make further rational inferences about these sensory and emotional facts such as the wisdom of backing away slowly. It is not that there is a 'lawfulness' of feeling separate to 'logical' lawfulness of thought but rather that rationality richly applies to our ethical intuition as well as our sensory intuition. This helps to explain the nature of our experience of values: they will contain a rational, conceptual element, a material element given through intentional feeling, and connection to various external sensory images. In the same way a theoretical proposition will contain a purely denotative, conceptual element, a content taken from sensory intuition, and an emotional colouring that only together constitute the full significance of the proposition to cognition. What fundamentally differs is the proportion and direction of the nature of the practical or theoretical proposition, value or concept.

It is important to remember that 'feeling' in this context does not just refer to what is commonly called 'emotion'. In the manner Scheler uses it, and the way I am using it, it has a broader meaning referring to the entirety of our affective faculty, of which emotions (as the term is often used) are a subset. The term emotion normally refers to a limited list of recognised states: anger, pride, love, gratitude, contempt, joy, disappointment, etc. But taken at face value this represents only a portion of our affective life. The feeling of hunger is a feeling, but it is not emotion. The sense of intuitively recognising something as a courageous act is a feeling, but it is not an emotion. The sense of recognising a proof as valid in mathematics is a feeling, but it is not necessarily an emotion. The emotions, as they are generally recognised, refer to a

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[232] Scheler, M. *Formalismus*, p254
[233] Collingwood, R. (1938). *The Principles of Art.* London: Oxford University Press, p161.

particularly significant, well-recognised and widely discussed subset of subject-based affective states. Values are also, hence, not emotions because values are ideal objects represented through feeling. They are not subjective feeling-states. Of course what any particular person is feeling at any particular moment is probably also not just one of the widely recognised emotions because our internal life is much more complicated and richer than that. We may be feeling a complex combination of various different emotions forming a unique mixture, or our internal and external sense may be dominated by some feeling that is not an emotion at all. And it is not just emotions but also the full range of possible affective states that have the potential to both point to values in acts of intentional-feeling and be the material that constitutes our representation of values. Of course one could already use emotion in this wider sense, and that would not be wrong. I just wish to clarify the breadth of the phenomena I am referring to.

In chapter two I discussed the problem of motivation that has been raised in reference to moral realism.[234] I argued that although powerful attacks had been made on the strong Humean principles required for the argument to work, it would be better for an ethical theory to have ethical motivation follow naturally from the theory. Scheler's theory does this because ethical values are accessed through affective or conative experiences that are intrinsically practically motivating. They are experienced through these feelings and conations but they are not these subjective feelings. They are rather ideal, logical objects that can be experienced through a variety of differing feelings and conations, and can, after their experience, be brought to mind without needing those feelings and conations to be externally triggered again. They are never just sentimental and affectively motivating either, but have their own ordering and 'lawfulness'. They are typically fused with rational and propositional content that makes them the basis of beliefs and knowledge: 'reason' does not just mean theoretical reason. Values are not physical, natural objects but through their instantiation with bearers they are closely tied, metaphysically and phenomenologically to natural objects.

The argument, as I outlined it in chapter two, is flawed in each of its premises and concepts. Theoretical beliefs are not sufficient for motivation but practical beliefs are as long as they are connected to genuine value awareness and insight. Only where they are parroted without any insight in feeling and conation to the values involved are they possibly lacking in motivating power. Our desires, or more accurately put, our motivating feeling and conation, is not an irrational force to which we are merely subject, rather it defines our beliefs and is shaped by our own beliefs, choices, experiences and will. And finally, while practical beliefs taken in abstract are of course not themselves immediately psychologically motivating, intuitively grasped values most certainly are by the mechanisms already described at length in this thesis. This means that

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[234] To briefly recap. This involves three premises: 1st, that factual beliefs alone are never sufficient for motivation, desires are required. 2nd, the Belief/Desire Gap, meaning no belief entails any desire. 3rd, a coherent concept of moral values requires moral beliefs alone to be intrinsically motivating, contradicting premises 1 and 2.

practical beliefs are just not comparable to theoretical beliefs in the way Hume and others want to compare them and so the motivation argument collapses.

It is apparent that persons can use ethical statements and reason about values without currently or necessarily ever having had the relevant feeling or conation to understand them. It is possible that the necessary feeling can be communicated to them, but if this has not happened or only happened partially, they will discuss the rational, propositional content of the value and so quite probably misunderstand it to some degree. This is how people can understand and use moral truths in a logical sense without being motivationally moved by them. It is also possible for someone to affirm an ethical truth and act logically to respond to it without in any way being 'motivationally moved' by that truth itself, but rather act as a response to their commitment to being consistent to their beliefs. Finally, it is possible to act out of a burst of emotion towards or against something in question without being at all able to rationally explicate the principles involved in rational or propositional form, but still act justifiedly and correctly. Of course in most cases people will grasp both the propositional and emotional content of their values, and will act on them as long as these are not overwhelmed by other motivations. Indeed, one can go from not understanding a value, to experiencing it through feeling and hence understanding it, to losing affective connection to it but still rationally affirming the value as a concept, and using it in discussion without being motivated over it. It is further possible, at some later date, that one could re-engage emotionally with that value and thus regain the true understanding and motivational force of it. The affective and conceptual aspects of understanding values can come apart, be communicated, and come back together all in the same person. In fact it seems rather likely that we all go through this process with certain values at one time or another.

4. Conceptualisability & Schematism

There is no black and white division between those parts of our experience and cognition that are conceptual and non-conceptual and those that are qualitative and non-qualitative. Both sensory intuition and cognition, and emotional, ethical intuition and cognition involve all these elements to greater or lesser extents. The information given by our senses is not even necessarily theoretical or practical (in the sense of being involved either with what is or what ought to be). For example, our visual information is often agreed to be solidly theoretical in nature. Our sense of touch is also largely theoretical, but it is very close to our sensation of pain, which still has theoretical relevance, but is also of practical significance, it bears an intrinsic disvalue, and its very sensation is similar to those sensations of emotional pain or pleasure, or other emotions, whose significance to our cognition is overwhelmingly practical: they identify values in goods. But this passage from the one group of information to the other is clearly a continuum.

Traditional philosophical vocabulary, with its strict distinction between intuition/concept, and between reason/experience, is not necessarily best suited to expressing this continuum, which is important to understanding Scheler's core idea of a 'lawful' intuition of value and how ethical ideas reflect rational, conceptual, but also emotional, material content. In this view we are capable of applying a rational concept to intuition precisely because intuition already contains an ordered structure. This is key to the possibility of ethical knowledge. John McDowell, in his book *Mind and World* suggests a new way of thinking about the rationality of experience that helps to break down the distinction between the conceptual (i.e. rational) and non-conceptual (i.e. irrational) by describing a different, weaker sense in which we can discuss a conceptual, and hence ordered or 'lawful' structure in qualitative experience itself. Firstly, he denies that intuitive experience is generally non-conceptual because he believes the traditional, strong form of concepts: denotative, linguistic concepts, are not the only form of concepts. McDowell argues for a second weaker category of concepts that he calls 'demonstrative' concepts. A traditional *denotative* concept is one that can have a general name, such as 'horse', 'orange', it represents a class of objects, and it can hence be discussed with context-independent language. But if one wishes to refer to a particular shade of the brown of my desk, I perhaps cannot simply describe it, but I can *demonstrate* it to another person in the room, by simply pointing at it. From that I can store that particular brown in memory and it can be referred to, communicated and compared with other such colours without requiring both to be present at the time. Or, to be more succinct: I have a concept of it.[235]

There is a notable difference though between the stronger, traditional denotative form of concepts and the new, weaker demonstrative sort, described by McDowell. Denotative concepts are publicly, linguistically communicable to anyone, anywhere; they are detachable from their

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[235] McDowell, J. (1994). *Mind and World.* Cambridge: Harvard University Press, pp60-70.

origin. Demonstrative concepts are not. They are communicable in the sense that if someone else is in the room I can point him to my desk and specify 'that brown!', and then we can continue without reference to the object, but if I am outside the room speaking to someone who has never seen it I am stuck. This is particularly an issue in dealing with the practical concepts and intuitions that make up the cognitive content of ethics, though here the problem is even greater. Theoretical objects can always be externally specified in one way or another. One may point at an object to specify a particular shade of colour, but if in a situation I intuit a new value that I have never experienced before, maybe I see a unique form of beauty, or I am overwhelmed by a depth of personal nobility I have never felt before, then in that situation I cannot point someone else to it in any simple way. In a weak sense this experience is still conceptual because I can take that unique moment of value and take it, detach it from that instance, and compare it to other situations and thus make people understand in a similar manner to that McDowell describes, but communication is harder. This is not to say communication is impossible, but just that it is not done by just pointing to objects, it requires something more imaginative and expressive to hope to communicate those particular ethical concepts. Great literature or drama would be the obvious example of something that has the power to morally convince us of situations we have never beheld through its great expressive power.

This problem is reinforced by the fact that our language has not developed primarily to deal with ethical concepts or experiences. Our language is basically for the purpose of discussing external physical objects as from our long past up to the present day that has overwhelmingly been the focus of human life for almost all people, almost all of the time. Its application to more complex, abstract issues is still largely a bolt-on to that basic structure, and that includes our ethical life. Particular theoretical technical areas can define their own vocabulary (and do in vast numbers) to get round this problem, but they still borrow hugely from the vocabulary of ordinary, external physical life. Of course we do have many easily understandable words for very general ethical concepts, particularly the emotions, but for more fine-grained distinctions our language is much less well resourced and this contributes to the difficulty in communication. In discussion of the near-impossibility of linguistically describing values, values of the Holy are often referred to as particularly hard to nail down, and this is true. Even our common language terms for these values e.g. 'Holy', etc, are effectively ideograms for concepts of things that must be experienced, and otherwise defy easy communication.[236] But I believe this is also true of the unique shades of ethical value of all types and modalities that fall between the broad ethical and emotional terms we have.

These ideas are useful for clarifying the different ways that rational orderliness can enter into our cognition. It is key to Scheler's phenomenological affective intuitionism that in both the

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[236] Otto, R. (1923). *The Idea of the Holy*. London: Oxford University Press, p 19, 26, etc.

theoretical and practical spheres of our cognition rational order is given in the intuition itself. It is this that makes the application of denotative concepts justifiable and allows the formation of linguistically expressible knowledge. There are various possible ways of expressing this truth about our affective life, it would be legitimate in McDowell's sense to refer to the intuition itself as demonstratively conceptual. Historically, though, concept and intuition have been contrasted with one another by definition. If we stick to this historic distinction then we must say that it is precisely that the intuition is 'rational' despite being non-conceptual that is the remarkable feature of Scheler's theory. But we can apply McDowell's use of 'conceptual' to describe the intuition while maintaining the difference between this 'weak', demonstrative form of conceptual and the stronger idea of detachable, linguistically encoded, denotative concepts.

This discussion is further confused by the fact that I am talking about the logical and phenomenological priority of the intuition in our ethical knowledge. In practice, however, by the time we are modern, adult humans almost every thought we have and every object we relate to is over-laid, to the point of saturation, with strong concepts that we can only separate out from our intuitions with noticeable effort. This overlays every feeling or conation based value experience we have with information based on the conceptual connections we already have relating to similar values. In this state we can both access the value of something through immediate feeling or recognise it rationally through previous experience, or even communication from others. To a certain degree then, just as with our theoretical senses, we experience what we expect to experience, we see what we expect to see, as much as what is actually there to be seen or felt.

Our affective states recognise objects intentionally as goods instantiating certain values. These values are never mere feeling-states, they are, properly, ideal objects. But concepts without intuitions are empty and even ideal objects are not necessarily cognised clearly and distinctly at first. At first these are only unclearly recognised and their description owes far more to the physical objects we associate with them than to their clear concept and rank. It is only with reflection, experience and social expansion that, over time, values, originally the groping objects of feeling in animals and infant children, become developed, schematised with concepts and rational attributes and turn into the elevated and distinguished ideas of the various human ethical realms: aesthetics, morality, religion, and the agreeable arts of taste. But these values, although properly ideal objects, are still fundamentally, at the basic level, cognised through, and hence also materially represented through, unique acts of intentional-feeling and conative striving.

This is itself a two way process. The core feeling state that provides the material of a value is connected to various sensory images and concepts, either analogies e.g. Justice brings to mind a woman blindfolded, a pair of balanced scales, an eye for an eye, fairness, etc; or concrete instances where the value, e.g. Justice, has been given and defined for a person through a

particular instance of it. But each of these subordinate images and concepts, these instances of, or analogies for, the original value, Justice, has essential interconnections and its own connected feeling content. These in turn feedback and help define and limit the precise nature of that particular value, distinguishing it from other similar values. Socrates gives the first example of deliberate investigation into the precise nature of values, with his dialectical investigations into the Good and the Pious. But throughout the history of society, philosophy and religion we have examples of people developing and refining their view of values and thus picking out new, more precise values and discarding old analogies and conceptions, if without the deliberate analysis of Socrates. This is how ethical progress (or just change) occurs. The phenomenological investigation championed by Scheler is just a new, more rigorous method of looking into the material and concepts that define values.

It must be reiterated that the affective, conative content of values and goods is not irrational: it is non-rational in the sense of not being based on concepts (in the denotative use) that are imposed by the rationally active mind. It is rational in the sense of being given as containing an ordering or lawfulness (in Scheler's words); or alternatively in McDowell's language a weak conceptuality, which can be (and is) the basis of rational knowledge. This original intuitive content is intimately joined with the conceptual, both in human surface experience and also at the essential *a priori* level, as intuition and concept are intimately joined in almost all human cognition "like the inter-weaving of warp and woof in a fabric", to use Otto's striking metaphor[237]. The extreme closeness of this is demonstrated by the fact they cannot be prised apart in practice, however much one may try, but can only be correctly and separately identified in retrospect abstract thought. This intuitive content has its own ordering and objectivity that is distinct from that of theoretical reason just as the material it applies to is distinct. This conjoined process of development does not just develop the rationally imposed representations of the value but also the very intuitive material of it, refining and variegating this intuition, analogously to the way one may develop one's taste for food or drink. Improvement in the fineness of our given intuition in turn allows us to sharpen the accuracy and suitability of the concepts and rational ideas with which we express and schematise this material, but without this material our ethical ideas are like birds trying to fly in empty space, as Kant said of theoretical concepts, and will certainly go astray[238]. As Otto identifies in terms of the Holy, any approach that excludes this intuitive affective and conative content ends up vitiating it, so it is with any other theory of some realm of ethics e.g. aesthetics, morality, agreeable taste, eroticism by removing the material that connects it to our deep-rooted practical motivations[239].

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[237] Ibid, p46.
[238] Kant, I. (2007 [1781, 1787]). *Critique of Pure Reason.* (M. Weigelt, Trans.) London: Penguin Books Ltd, A5/B8
[239] Otto, R. (1923). *The Idea of the Holy.* London: Oxford University Press

5. Dogmatism and Infallibilism

Intuitionism has traditionally been criticised for advocating dogmatism or infallibilism: the belief that ethical questions can be infallibly and simply answered by direct appeal to intuition. As I discussed in my second chapter, while historical intuitionism may have deserved this charge to some degree, contemporary analytic intuitionism has stressed the defeasible nature of the justification given by intuitions, and that this justification can be strengthened or refuted by rational argument and consideration of other evidence and intuitions. This is generally an advance on previous theories but I argue that actually, taken dogmatically, it introduces an important weakness into any intuitionism. Or, to put it another way, there must be an infallible element in any true intuition.

According to intuitionism, knowledge is originally based on a direct link between the knowing subject and the facts of that particular matter (though once established it may be communicated on the basis of well-founded trust). The obvious example is immediate sensory intuition, which is taken to lie at the basis of all our empirical knowledge of the external world. In the Kantian definition of the term that is just what an intuition is: cognition immediately, non-inferentially relating to its objects. If intuitions are strictly provisional, at least in principle, and can be refuted by non-intuitive evidence and alternative intuitions, then surely they are not establishing this direct link to facts that must be the basis of knowledge? Take the analogy to sensory intuition: although inferences and propositional beliefs and statements based on sensory perception are intrinsically defeasible, the phenomenological experience of the perception itself is not. One can doubt what object one sees, but not the phenomenology of the experience itself. And it is to this indubitable phenomenological residuum that the fallible inferences must then be traced in some sense. It is because sensory perception gives us immediate access to the external world that it can justify some mediate knowledge of that external world, even if the propositional statements of that mediate knowledge themselves can never be entirely perfect. Ethical intuition needs to have this connection as well otherwise it cannot properly be considered an intuition: a direct, immediate access. But, just as certainly this cannot apply to the mediate statements about various objects that are derived from the phenomenological content of the intuition. These must always be fallible and incomplete. What this means is that there was a degree of wisdom in the early assumption that an intuitionist theory must contain some sort of indefeasible connection to ethical facts, but also wisdom in the modern thought that the idea of a generally infallible ethical intuition claims too much, and certainly more than it needs to.

I suggest then that ethical intuition must have a similar immediate phenomenological content that enables it to ground mediate knowledge. If we pursue the analogy with sense perception it would suggest that the residuum ought to be the phenomenological content of the intuition. In

Scheler's theory this content is clear: values are directly "feelable"[240], but in analytic, rationalist intuitionisms this is not the case. Their intuitions have no material accessible to mental inspection, consisting solely of the fact that certain propositions come with the tag of true-ness. There is no phenomenological what-it-is-like-ness to these intuitions below the level of formed propositions that can serve as the immediate, intuitive basis for those mediate propositions. As such, as Scheler argued in relation to Kantianism, they find themselves unconnected to the ethical facts and hence unable to properly ground their claims to 'knowledge'. The overall intuition is like hearing a tone of sound. This does not infallibly tell us what made the sound, but it does put in immediate contact with the content of the tone itself. This does not allow us infallible knowledge of statements made about goods, or even guarantee that we rank the value correctly but it does provide immediate access, more or less clearly, to the content of the value itself.

In his criticism of seemings-theory, Michael Bedke distinguishes between content-based seemings, like sensory perception, and the weaker propositional attitude seemings, such as the ethical ones described by Michael Huemer and other advocates[241]. This is because their 'intuitions' are the defeasible, propositional concepts or statements that are built on, but are not identical to, the affective-rational content of intuition that Scheler correctly identifies as the material of intuition. Scheleran intuitions, unlike Huemer's seemings, have a content through the intentional feeling that provides the ethical concepts later figuring in propositions. The sense of value or disvalue is in the intuition itself seen through the intentional feeling and conation, but not just a 'thin', generic intuition of value and disvalue but as part of a 'thick' intuition of a full-fledged specific value. All these values have a 'height' or 'valence', which gives the degree of 'Good' or 'Bad' they are but they also have an entire rich texture of emotional content and associated analogies. The valence or height is like the volume of a piece of music: important, but a relatively small piece of information about the over-all music. This means Scheleran intuitionism is back in the category of content-based intuitionism, and significantly improves the analogy with physical sensory experience, improving the 'innocence by association' of ethical intuition of values. As Bedke states, and I briefly discussed in my second chapter, being a content-based intuition makes it a much better candidate for basing objective knowledge. This is because rather than merely relying on a phenomenological tag of true-ness, which one could imagine toggled on or off without otherwise affecting the experience, the goodness or badness of the intuition is in the content of what is experienced itself, and hence cannot be removed without thoroughly distorting the whole experience.

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[240] Scheler, M. *Formalismus*, p16.
[241] Bedke, M. (2008). Ethical intuitions: What they are, What they are not, and How they Justify. *American Philosophical Quarterly* , 253-272

6. The Elements of Ethical Knowledge

It is not in terms of pure values themselves though that most particular ethical statements or propositions can be made, in terms of either individual action or general social rules. For a start, particulars are always goods, things that instantiate value complexes, rather than pure values. Statements describing the essential interconnections and ranks between values are important, but they are often not the ethical statements we need in practical life. Those come from describing the relations between goods, what goods are more valuable and should be prioritised over others, in general, and when considering them in a particular perspective. When discussing the possibility of ethical knowledge it is statements at this level that are usually meant. This raises an interesting question as to what exactly can be ethical knowledge. Ordinary moral statements can be traced, according to Scheleran theory, to insight into the nature of the values instantiated in goods through feeling and conation. This brings knowledge, firstly, of the value-nature of those goods, secondly, of the values themselves, and thirdly, of moral Good and Evil in the preference of goods over lesser goods in the myriad ways we encounter them. Knowledge is possible about all of these levels.

The elements of our ordinary ethical knowledge can then be broken down in the following way. Firstly, this knowledge is based on indefeasible acts of value insight through intentional-feeling and conation that directly connect one to values themselves, the ultimate 'facts' of ethics. These acts are not indefeasible in the sense that the particular object in question necessarily does instantiate that value to that degree, but in the phenomenological sense that the experience of the value itself cannot be doubted. If we take ourselves to be seeing a dog, that does necessarily mean a dog is there, but it does mean we experienced a dog-like appearance; when I feel someone to be brave, this does not necessarily mean they are brave, but it does necessarily mean I am directly acquainted with the value 'bravery' and this can provide the basis of knowledge of this value, its interconnections and its rank regardless of the status of this particular incident. Our basic feeling and conation of values is indefeasible but this is only true as far as they are immediate, ceasing as they become schematised or expressed in propositional form. These acts connect us directly with a wide range of ethical values, ideal objects, which are distinguishable from that feeling and conative content. This independence is demonstrated by the fact that we can access the same values through different acts of feeling or conation.

The second stage of ethical knowledge comes in the schematism of this basic intuitive, affective experience of values in feeling and conation with rational concepts and ideas. As I discussed previously the basic affective or conative experience is the material that becomes saturated with rational concepts, images, examples and analogies that allow the values to be discussed, analysed and applied in denotative propositions and social discussion. All such predication of the original experience of value is, by definition, mediate and defeasible however, including the empirical statement of whether that particular entity actually instantiated that value. Through

this process "belief [is] possible in contrast to mere feeling"[242] but because it adds to the immediate content of intuition it always undergoes a process of development as ethics itself advances. Only through these schematised values can we account for all the features we naturally expect from ethical knowledge. Firstly, values are intrinsically motivational due to the conative and affective means by which we access them (though this motivation can be overridden by other factors). Secondly, we can also discern a rational ordering in their structural features and the interrelations between them that mean ethical debates are rationally amenable to reasons and argument. Thirdly, they are distinctively ethical and practical, meaning they avoid the problems, clearly identified since at least Hume, that attend all forms of naturalism; but, finally, they are closely related to natural properties and can do justice to the wide-range of possible states that can be ethically relevant due to the great diversity of feel-able values. Alternative theories inevitably cannot reproduce all four of these features, sacrificing one or more for the others.

Thirdly, the complex categories of values are analysed into ethical propositions that rank and compare different values and goods in both specific and general forms e.g. "murder is always unjustifiable", "That was a good thing you did", "Allied terror bombing of Germany in WW2 was wrong", etc. All such propositions are originally based on preference between values and values complexes, but expressed through the rational concepts and concrete examples that they have been schematised and instantiated through. Also, at this stage philosophical analysis of ethics can occur: both of the nature of ethical facts and cognition itself (meta-ethics) and also the laws and ordering that occurs among values (theoretical ethics). It is in this third and final stage that most ethical discussion occurs and at which most people would think of ethical knowledge. But knowledge is possible and real at all the stages of ethical knowledge. The intimate, immediate connection to value given in insight in the first stage is justified as knowledge by virtue of the immediate connection with values, even if, in some cases, this cannot be fully expressed in sentences. This is particularly, paradigmatically true of experience of values of the Holy, but I believe also applies commonly to instances of experience of other values that do not fit neatly into ethical categories we are already familiar with. The schematised content experienced at the second stage will also be knowledge or not depending on the appropriateness of the concepts and examples involved. Appropriateness can only be tested by improvements of insight, phenomenological (or Socratic) reflection and close consideration of the rational side of a value. In terms of insight this can mean clarifying a value from another related value, or cleansing it of negative elements in a manner that produces a 'higher' value, a purer notion of love, courage, justice, etc.[243] On the rational, schematic side the questions are: Does it lead to contradictions or does it accurately describe the exact phenomenon

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[242] Otto, R. (1923). *The Idea of the Holy*. London: Oxford University Press, p1.

[243] The means by which we can detect what defines values as 'higher' are discussed in my next chapter on value preference.

under attention? Or is some nuance being overlooked or mistaken? This will generally be an example of better and worse, rather than right and wrong though, in the same sense that a scientific theory will represent a process of ever more accurate modelling of a complex phenomenon.

Ethical knowledge is also social and communicable through these mechanisms. Values themselves, as ideal meaning-objects, can be communicated and discussed through their rational conceptual side. Of course, I cannot truly understand a value that someone is communicating to me without the affective and conative material that forms its substantive content. Even if I have not had the experience myself, or had it communicated to me, I can gain this affective understanding through my acts of sympathy directed at others, in which I can experience feelings I've never felt by reading them in their face. This can occur passively or, as Collingwood discussed, the affective content can be directly and deliberately communicated to me, something that occurs most strongly and clearly through art and literature, but also through ordinary conversation. This process continues as a contingent matter of understanding each other, just like in ordinary conversation of ordinary objects and matters.[244] I can also gain some understanding of it from related values I have experienced, and from common, socially widespread feelings. Finally, there are fundamentally solidary feelings that intrinsically relate to our social community and reveal to us values of community that immediately base our social obligations without the need for any rationalist 'social contract'. This direct "solidarity of all persons"[245] itself can take various forms and produce different connections and values in different communities. Taken all together these mechanisms produce a shared ethos and milieu[246] (to use Scheler's terms) through which ethical discussion and communication is possible.

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[244] Collingwood, R. (1938). *The Principles of Art.* London: Oxford University Press, p250-251.
[245] Scheler, M. *Formalismus*, p496.
[246] Ibid, p139, p299.

7. The Objectivity of Ethical Knowledge

On what basis is this not just a purely subjective process, or at best a process of attempting to come to an agreed harmonisation of man's different ethical intuitions? The objectivity of value ethics particularly (compared to other ethical theories) can be supported on three connected bases. Firstly, the rank of values can be recognised through immediate insight and verified by comparing qualitative features of values and their interconnections. Secondly, the objectivity of values is less vulnerable to accusations of subjectivity than any ethics based on personal, rational intuition or personal emotions. Thirdly, we can have confidence about the height and rank of values through intersubjective agreement.

Firstly, the recognition of qualitative variation among values themselves means it is possible to describe a rational ordering among values based on their structural features, as clarified in phenomenological analysis. This mirrors one of the key means by which we recognise external physical reality as objective despite the subjectivity of individual perceptive experience. That is, the ability to make rational statements about physical reality that are independently assessable by their relation to other elements of physical reality, as well as on an intersubjective personal basis. We measure a length with a wooden ruler as one metre, walk out of the room, come back in and then measure the object on a totally separate basis with a tape measure and it is still one metre; its length is consistently verifiable as the same, it is objective. The emphasis here is on the consistency between different measures rather than absolute mind-independence.

Statements about the qualitative relation of values, what Scheler refers to as their *a priori* ordering, can play the same role in demonstrating the objectivity of values and hence their use as the foundation of an objective ethics. By filling out the space of possible values in as great a detail as possible, and considering their interrelations on the same basis, we can fix the 'location' of values within that space as higher and lower and thus reduce the scope for disagreement about those values as disagreement would then affect a range of other value statements. For example, the height of mental values is both defined by direct intuitive insight of those values themselves and by their being experienced as meriting being 'preferred' to vital values, but 'placed after' values of Holiness. This fixes the position of mental values, because to disagree about their value-position also requires one to question the value position of values of holiness and vitality, but these are themselves fixed by independent acts of feeling and conation. These judgements of the height of the values can also be separately based on direct insight of the specific value itself, or by considering it in terms of the defining, qualitative features of 'height' in values in general, which we discuss in the next chapter. They can thus be cross-checked by other ethical acts and hence are consistently verifiable. There is a consistent structure i.e. parts relating to one another in a fixed way. More intricate relations can then be used to fix individual values and complexes of values and thus help define ethics. It must be noted though this does

not fix the height of values in terms of a quantitative measure, but in terms of qualitative relation and position relative to other values.

Secondly, there is certainly greater agreement about what values are, for example, the positive natures of justice, peace, life; than there is, for example, about the empirical question of who is being just. A significant share of ethical disagreement is not about what these values are but empirical disagreement about what the facts on the ground actually are: who has done what actions and for what reasons. Also, the very phenomenological experience of values is that they are separate from our subjective feelings and emotions. They are different entities and are distinguishable from these subjective feelings. They also are independent of the specific feelings that accompany their perception. Someone who is terrified of danger, and someone who is thrilled by danger can have different current feelings towards a dangerous height, but they still feel the same value of the danger of the height (though among other values that will differ). The thrill-seeker and the timid man both feel the value as negative, even, it is merely that this produces a different feeling response in the one to the other. The value is not defined by the feeling that currently is accessing it. Although they are regularly experienced through feeling they can and do vary independently to them in a manner that is both directly sensed itself and that varies between levels of values. Through an analysis of the differing modes of values and their levels of intentionality we can distinguish differing levels of objectivity among experiences of values in a consistent manner. As discussed in the section 'Dogmatism and Infallibilism', the nature of material intuition is structurally different to 'rational' ethical intuitions in the sense that the value or disvalue (in its infinite complexity) is the content of the intuition itself.[247] This means the intuition, whose experience itself is indisputable, cannot be separated from the valuation that is the experience. None of this guarantees the correct empirical application to goods but it does provide a basis for objective ethics among values themselves.

Thirdly, objectivity must also be considered in terms of intersubjectivity. Dan Zahavi, building on Husserl, argues that within the phenomenological reduction transcendental intersubjectivity is the key to the constitution of objective reality, in terms of both simple real physical objects and the category of objectivity in general. In the first case, we perceive whole objects, even though only one aspect is primordially given to us at any time. Zahavi argues this presupposes other views of the object in that *present* moment, but this could only be given to other subjects. But we must account for an entire objective cosmos not just one object. Thus, the complete reality of all external objects necessitates a potential, open intersubjectivity that co-constitutes the world of real objects beyond my perspective of it. On this view the distinction between the categories of objectivity and subjectivity, reality and appearance, only obtain meaning in a situation where our individual world has been challenged by interaction with other subjectivities. This radically de-privileges our view of the world, starting with the person of the

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[247] Bedke, M. (2008). 'Ethical Intuitions: What they are, What they are not, and How they Justify'. *American Philosophical Quarterly* , 253-272

other, then their body as a field of their sensation, then all the external space they can see, feel, touch, and finally the entire world as a neutral realm of shared experience, and hence not defined by any one subjectivity.[248]

Zahavi means this to refer to our theoretical experience, but it can be applied to our practical experience as well.[249] In reference to our ethical life the concept of objectivity as based in inter-subjectivity has particular relevance because, notwithstanding what I have said above, the ability to verify objectivity through a type of 'measurement' of height by different methods is obviously a lot harder for ideal entities. As such the sense of the objectivity or subjectivity about values must be understood primarily in terms of its intersubjective validity (or otherwise). This does not refer to the empirical fact of being experienced as the same, but the ideal phenomenological category of the objectivity. Zahavi properly does not consider a case where objectivity refers to mind-independence beyond any possibility of experience, because by definition outside all possibility of experience something could not be a phenomenological object at all. It would fall among Kant's noumena about which we can legitimately claim nothing. Zahavi particularly differentiates between two levels of intersubjectivity: that of an experience being perceived equally by all members of a particular lived community (of whatever description), and the deeper level of objectivity of content that would be identically perceived by all possible subjects. Zahavi describes this last level of objectivity as where the only relativity of the object is that which is "ultimately necessary – namely, being relative to a subjectivity, of whatever sort" i.e. potentially experienceable at all.[250] The question is then to what extent is ethical knowledge objective or subjective on these bases?

Value-facts are not relative to any particular individuals or forms of life, but different individuals do have different capacities to access certain values. There are differences in feeling and striving and hence value perception that account for the differences in historical ethics, but these do not reflect changes in the nature of values, merely changes in our knowledge of values. As a phenomenologist Scheler's fundamental assumption is that no object can exist outside of the possibility of it being experienced by consciousness, but this consciousness certainly does not have to be human. Animals and theoretical space aliens would have access to the same realm of possible values as we do. And there would be the possibility of recognising and sharing ethical truth with them, just as much as mathematical or scientific truth. Of course certain goods are relative, different animals will recognise different environments as 'comfortable', but the

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[248] Zahavi, D. (2001). *Husserl and Transcendental Intersubjectivity.* Ohio: Ohio University Press.

[249] Interestingly, Emmanuel Levinas whose relation to Scheler on 'persons' I consider in chapter six advocates a very similar idea, whereby it is the meeting with the Other that radically destroys the subjectivity of our world, in his book 'Totality & Infinity'. Scheler also considers that our ethical awareness presumes a social experience, but rather differently, because he argues that certain of our ethical impulses are fundamentally social (love, co-feeling, promising, obeying) and so any theoretical isolated Robinson Crusoe would always feel the lack of other persons even if he knew no experience of them.

[250] Ibid, p95

value 'comfort' is consistent across all animals able to be aware of it. This is because the space of possible values is constrained in some manner. The value 'health', for example, necessarily is accessible for all possible animals that have a sense of their own psychological and physical state, at least as far as they have sufficient mental and affective complexity to experience it.

This does not mean that values exist as real objects separately to any possible experience, though Scheler's language does sometimes seem to suggest this idea. Values are objective but ideal, in the same way that mathematical objects are. They are not Platonic forms, though they doubtlessly bear certain similarity to them. In fact it may be wise to avoid thinking about values as objects at all. I argue that they are objective, but to consider them as objects risks ontologising them to an inappropriate degree. Scheler talks repeatedly about ethical facts, but not objects (except in the sense that they are objective and the grammatical sense that they are the objects of acts of feeling), and this approach may be thought superior due to its slightly more modest ontological requirements. There is, however, a legitimate sense in which these ethical facts can be considered more relative than physical objects. In as far as they are valuations and ideal entities then their nature as facts is relative to the possibility, firstly, of beings capable of valuation, and secondly, of entities that could possibly act as their bearers. For example, vital values have no meaning in the absence of the possibility of any form of life. On the other hand, real, physical objects would exist without any possibility of experiencing them, though it is impossible to consider them in terms of knowledge without the assumption of a being able to know them. However, this veers into fundamental ontology. In as far as we consider the issue epistemologically, and thus presume the possibility of experience, values and the knowledge of values substantially share the means of objectivity that grounds our sense of 'knowledge' of the physical world.

8. A Note on Ontology

The first thing to consider when discussing the ontology implied by Scheler's ethics is that he always spoke as a phenomenologist. Husserl in his earlier work argued that the phenomenologist must begin his investigations by bracketing all metaphysical hypotheses about the nature of what is experienced and only possibly work back up to such theories at the very end of his work.[251] This is because all metaphysical theories must make efforts of considerable inference to reach their conclusion, whereas the phenomenal experience of the world is certain and given immediately in intuition. Traditional philosophy had been too quick to jump to metaphysical conclusions before it had analysed the nature of what is experienced and because of that it had regularly gone astray. Phenomenology does not reject the possibility of metaphysical knowledge, like some currents of 20th Century empiricism, but places it decidedly secondary to and dependent upon the analysis of phenomenal experience.

This approach to metaphysics can be traced back to Kant who argued that the pursuit of unconditioned, transcendent metaphysical knowledge would always end in antimonies of reason, insoluble paradoxes, and that the only solution was to abandon both empiricist and rationalist attempts to derive absolute metaphysical truths.[252] Against these traditional transcendent metaphysics he opposed his transcendental theory that supports very limited metaphysical knowledge by looking at the grounds of possible experience. Kant's transcendental idealism advocated empirical realism but transcendental idealism i.e. realism as far as objects entered into experience, but idealism as far as they transcended experience. This was due to his belief that definite knowledge required experience to support it, though not to entirely constitute it, and without experience to support the understanding our minds are like birds trying to fly in space without the air to support them. This metaphysical agnosticism is reflected in the doctrine of Husserl who was much inspired by Kant, and even labelled his later metaphysical interpretation of phenomenology as transcendental-phenomenological idealism.

In his theory of theoretical universals and essences Husserl stated that he wished to defend the objectivity but not the realism of these entities. He argues that universals are objective but ideal, in the same way a geometric triangle is, they are not dependent on any one or groups of subjectivities but without being separate, real entities. Scheler's original statements about values reflect these ideas. The whole thrust of the *Formalismus* is a defence of the objectivity of values and the ethics based upon them but without committing to the extent of their metaphysical realism. They are not Platonic ideals or psychological entities, though like everything in human experience they are identified psychologically. There are objective ethical facts, and there are objective ethical norms that can be derived from these, and that is what

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[251] Husserl, E. (1982). *Ideas Pertaining to a Pure Phenomenology and to a Phenomenological Philosophy Book 1.* (F. Kersten, Ed., & F. Kersten, Trans.) The Hague: Springer.

[252] Kant, I. (2007 [1781, 1787]). *Critique of Pure Reason.* (M. Weigelt, Trans.) London: Penguin Books Ltd.

matters. The question of the metaphysical nature of values necessarily remains a side-issue. But it is important to remember that, on this view, this does not peculiarly disadvantage ethics. For phenomenologists and Kantians the phenomenal facts will always be more certain than determinant metaphysical hypotheses due to the general epistemological limits on knowledge.

However, Scheler does not always restrict his statements to these limits, at least rhetorically. On repeated occasions the thrust of his statements in defence of the objectivity of values does seem to suggest the type of strong independence of values from possible human experience of them that is characteristic of Platonic-style metaphysical realism. Particularly, Scheler strongly suggests that values are only discovered by persons and that they exist regardless of any particular form of life or its experience in the same manner as the material world. For example, in his discussion of the role of love, he says that "values cannot be destroyed or created. They exist independently of the organisation of all beings endowed with spirit."[253] He only ever speaks in terms of persons gaining access to values that must have presumably previously existed in some sense. This terminology reminds one of the debate in philosophy of mathematics, between those who want to speak about mathematics being discovered and those who wish to speak about it being created. Of course in the philosophy of mathematics the first group are commonly just referred to as Platonists,[254] which demonstrates the problematic nature of the balance Scheler is walking. But there is no need for Scheler's theory to be associated with this strong metaphysical realism, despite the tone of some of his statements. Scheler's stated position allows the construction of metaphysically weaker interpretations that retain a basis for Scheler's core aim of an objective, scientific ethics without requiring a Plato-esque interpretation of the data and refutes the criticism of an inappropriate ontologising of ethics. This is especially worthwhile because the Platonic model (in ethics, unlike maths) is generally considered sufficiently ridiculous that it is basically used as a term of abuse. The accusation that objective ethics in general requires something equivalent is used to criticise the whole field by association: for example, in Mackie's original 1973 description of the 'queerness' objection.[255]

In accordance with the significant metaphysical agnosticism of phenomenology it is also worth considering the possibility that Scheler's phenomenological description of ethics could be consistent with a metaphysically irrealist quasi-objective view of ethics based on a shared moral phenomenology. It would be possible to reject the arguments offered by Scheler and this thesis as to the objectivity of ethical facts while accepting the detailed description of the phenomenology of ethical experience as accurate. One could accept the idea that human morality reflects a shared, species-wide evolved moral sense, a heuristic sense developed to support various instrumentally beneficial behaviours, but that it fails to reach beyond that to

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[253] Scheler, M. (1923). *The Nature of Sympathy*. (P. Heath, Trans.) New York: Archon Books, p261.

[254] Linnebo, Ø. (2013, October 23). *Platonism in the Philosophy of Mathematics*. Retrieved October 22, 2014, from Stanford Encyclopedia of Philosophy: http://plato.stanford.edu/entries/platonism-mathematics/

[255] Mackie, J. (1977). *Ethics: Inventing Right and Wrong*. Middlesex: Penguin Books Ltd.

grasp any genuine independent ethical facts or objects. Depending on its form this could be either a sort of non-cognitivist or error theory.[256] Given that even moral irrealists rarely suggest abandoning the practice of morality in society then Scheler's ethics would still retain its value as an accurate phenomenological description of the mechanics and nature of moral experience. Under this approach morality would be objective in the sense that it would be dependent on facts about achieving contingent social goals and our evolved moral sense, and hence not subjectively chosen on an individual basis. But it would be subjective in the sense that it would not connect to any non-instrumental rational reality, and thus beyond what is necessary for achieving specific contingent goals, such as the maintenance of a well-ordered society, one would not be 'irrational' to ignore it. Even in this case, as living beings we are inescapably practical agents who must make choices, and the phenomenology of ethics, which, if Scheler is correct, is largely 'realist', is, by definition, the basis on which we do experience and have the ability to make choices and as such is still of vital importance to better understand our practical ethical life.

I argue that the best interpretation of the phenomenological evidence and arguments lies somewhere between the strong 'Platonic' and weak 'quasi-realist' interpretations. We should stick with Scheler's original commitment to objective ethical facts, but not ethical objects, i.e. a form of weaker ethical realism that avoids ontologising values into external Platonic objects but retains objective ethical facts as the basis of an independent ethics. Values are feelable essences into which we can penetrate through our intentional affective and conative faculties. The realm of values has a logical structure and order to it in terms of the depth of the values, the qualitative comparisons between values, the accompanying bearers, and the sense of obligation that defines the values. But these are not the relations between metaphysical objects; they are more like the variations and relations between shades of colour or between groups of mathematical objects. The extent of these facts that we are able to access will be limited by our physical and psychological constitution and the manner in which we develop them, especially in terms of the value bearing goods on which ethical choices must actually be taken. This necessarily introduces an element of subjectivity and variation into lived ethics but this does not contradict the basic objectivity of ethical knowledge. We do not need a simplistic dichotomy between 'Platonic' realist and purely 'subjective' or 'non-cognitive' theories. The ordered nature of ethical experience allows us a confidence in the objectivity of ethical knowledge in the human context within our grasp when it is approached with the proper phenomenological rigour. But we cannot make any statements about the nature of the universal realm of values, nor do we need to, because these enter into transcendent ontological territory to which we do not have experiential access, as phenomenological and Kantian doctrine has traditionally advocated.

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[256]Blackburn, Simon. *Essays in Quasi-Realism.* Oxford: Oxford University Press, 1993.
Mackie, J. (1977). *Ethics: Inventing Right and Wrong.* Middlesex: Penguin Books Ltd.

Chapter 5 - Preferment and Hierarchy among Values

1. Introduction

The fundamental purpose of any ethical theory is to answer the questions: What is good and evil? What should we do? What should we not do? 'Preferment' among values is the means of answering these questions in Scheler's theory in both the sense of intuitive value preferment and conscious choice. Value preference is not just subjective though, it aims to rank values according to their intrinsic and objective 'height'. The connection between height and preference is equivalent to that between the external objects in physical reality and the vision that sees them. To understand ethical choice in Scheleran ethics, then, and, fundamentally, what choices or preferences should be judged good and bad, it is necessary to delve deeply into the issues raised by Scheler's theory of value preference and the hierarchy of values.

Although the meta-ethical and epistemic arguments are of great importance, the richness of Scheler's theory also lies in its fruitful applicability to the actual questions of moral choice. One of the best proofs of the worth of any ethical philosophy must be that it guides cases of ethical reasoning and produces practical results in a manner that does justice to the complexity of ethical issues. This is pretty much what all but meta-ethical philosophers will want from an ethical theory. Even when philosophers do argue against ethical realism, cognitivism or objectivity on a meta-ethical level they still rarely suggest actually abandoning the practice of morality, or the continuing discussion of applied moral issues in society. As such these questions are as important to demonstrating the worth of Scheler's approach as the explicitly meta-ethical and epistemic questions I consider elsewhere in this thesis.

In chapter three in the section on value preferment I outlined the principles of value preferment and hierarchy but could not at that point go into the issues raised by this in any detail. I now do this in two chapters. The first, this fifth chapter, considers some of the main complexities that arise in applying Scheler's relatively simple explanation of the mechanics of value preference and hierarchy to the messiness of actual ethical choice. I follow a broad scheme that starts with the pure values, moves through the question of their experience in goods, to the ethical judgement that stems from that, the ethical obligation experienced, and ends with considering 'persons' as a category itself. On pure values, I discuss the idea of the 'height' of values and how we can assess and define this 'height'. I move onto how values are instantiated in goods through bearers and how the relationship between these complicates the scheme of value ranks Scheler gives. Then on the ethical judgement itself, I discuss to what extent ethical judgement must combine qualitative and quantitative considerations. Moving from the 'external' perspective of values I consider the 'internal' ethical obligation produced by the ethical judgement and whether we can look for qualitative, *a priori* differences in the levels of

obligation that reflect the qualitative difference in the 'external' values. Finally, for this chapter, I look at the importance of the intensely personal role of 'love' in Scheler's ethical theory in the discovery of values.

Even so I can only go into somewhat more specific theoretical issues that begin to flesh out the principles on which ethical choice must be made. Considerable further work would be required to provide complete answers, and it is a different level of discussion again to answer particular practical questions. This would require at least yet one further stage, taking into account the specific values that emerge in each applied area of ethics and hence the laws of value preference that are most crucial to each specific area, and which will differ between areas, as is in fact seen in applied ethics. The following chapter six is devoted to the ethical role and significance of individual 'persons' themselves, the most important bearer of values. This is done through a dialogue with the ideas of Emmanuel Levinas, another ethical phenomenologist who put the individual person at the very core of his ethics. The subtleties of both Scheler and Levinas' theory of the person and the relationship between them, as well as the emphasis Scheler places on 'persons' within his theory, certainly requires this longer treatment.

Value preference is aimed at correctly mapping values through preference in relation to the objective hierarchy among values that exists due to their interconnections and their essential 'height'[257]. This ranking exists among pure values, but in our ordinary moral life we do not deal exclusively with pure values; we are, and we deal with, goods: objects in as far as they are taken as valuable in a myriad of different ways. Goods do not just instantiate one simple value either, they are regularly a complex of differing values. While values themselves are objective and independent of individual cognition, which values are recognised in which individual objects is subjective to a degree depending on the aspect they are viewed in at that moment.[258] In order to understand ethics it is, thus, first necessary to understand value hierarchy among both pure values and goods. This is because there are identifiable genera of values of differing ranks, as well as specific values, and in addition there are different levels of rank among values depending on their bearers i.e. the goods they are instantiated in. This truth is intuitable, as much as statements about pure values; one can construct arguments in favour of them or against them to clarify and complement those insights but inevitably agreements or disagreements must come back to statements about intuitive insights[259].

When it comes to acts of real world moral choice Scheler argues that what occurs is a judgement based on a complex multi-dimensional series of value preferences. These do not occur in the act necessarily, as the acts of intuitive preferment that 'ranks' the values will have largely occurred before any particular choice or act, so the actual current choice can happen almost without further intuition, thought or judgement, while still being fundamentally based on

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[257] Scheler, M. *Formalismus*, p43.
[258] Ibid, p20.
[259] Ibid, p90.

value cognition. So many ethical acts or choices happen 'instinctively' because we have already made our preference among the values in the past. There is, hence, almost nothing left for the mind explicitly to need to choose or do in that moment: the action then flows naturally. [260] Of course these choices can require massive thought and effort at the time because they involve value-complexes between which there is no clear previously established preference. But this can also happen due to tensions between the orderings of modalities and bearers and confusion about the intensity of each value present. Although higher modalities of values are correlated with certain bearers there are agreeable values connected to persons, and spiritual values of things e.g. cultural goods such as music and art.[261] These situations lead to obvious tensions in acts of preference that I now consider. By analysing these tensions in value choices we can better understand the relation between values and goods of different categories, and hence what would be the correct ethical choice in different circumstances.

There is some extent to which philosophical ethics can help with these situations by clarifying the nature of values and by closely analysing the individual situations in which these value-complexes occur. Ultimately, though, the moral choice cannot be made through philosophical reflection that is separate from the situation, but only through the felt-intuition of the values given in the individual situation. The task of philosophical ethics and the task of actual moral choice are different and nothing can fully bridge that gap. Scheler argues that ethical choice must always come back to value insight in intuition rather than rationalist theories about what must be right and wrong.[262] This is because of the sheer complexity of individual persons and situations, and the role of feeling-insight in ethical motivation. Understanding of philosophical ethics cannot make one good if one does not have value awareness, and without already possessing that insight one is extremely unlikely to achieve correct understanding even in theoretical matters. But this does not mean that there is no task for philosophical ethics, but that neither ethics nor moral practice is served by confusing that distinction. Precisely this confusion is what occurs in utilitarian and Kantian theories, among others, that fail to keep these arenas sufficiently distinct and suggest actual moral decisions should be made by the same method as is used in the task of philosophical ethics.

As discussed in my third chapter Scheler introduces the concept of modalities of values: families or genera of values that are the most basic building blocks of the hierarchy among values. The complete list consists of the values of the useful, the agreeable, the vital, the mental and the holy. (Scheler sometimes omits the Useful, presumably because these are all dependent on their role as means to the end of realising intrinsic values.)[263] All these modalities contain many specific values that essentially bear similar features: for example, the agreeable are all

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[260] Ibid, p87.
[261] Ibid, p100
[262] Ibid, p68.
[263] Ibid, p105

immediate values of sensations, the vital are all values related to life such as health and nourishment. These families establish a ranking among pure values, however this ranking is a crude tool, and does not provide a simple guide among real world situations, which are choices among the complicated value-complexes that are instantiated in goods. It requires a great deal of further investigation into the manner in which values appear in goods, and the complexities that emerge in goods and therefore acts of ethical choice.

Why, then, bother with the modalities at all? Why not just focus on acts of choice among goods as many (particularly applied) ethical theories effectively do. The answer is that the modalities do pick out clear families of values, and the relations Scheler describes do clearly hold among pure values. This is useful because it acts like a palette of clear colours that then paints the complex reality of ethical goods, but to accurately distinguish the nature of the goods we have to be able to distinguish the original colours from which the picture has been painted. The modalities are a key and if we don't have that key then we risk making errors among goods because we cannot pick out the structural features and relations of the pure values that lie behind them. But, as I said, these modalities are only the beginning of the process of establishing a hierarchy among individual values and guiding ethical choice among goods. It requires a great deal of further investigation to pick apart the details of how values apply to goods and bearers and thus precisely how ethical choice should proceed. In the following sections I look at five of the key issues that arise when applying values to goods: the qualitative or quantitative nature of judgement, the relation of values to bearers, the definition of height among values, the levels of ethical obligation, and the unique role of love in ethical judgement.

2. Height amongst Values

In chapter three I introduced the idea of 'height' among values, Scheler's term for the qualitative intensity of how valuable a specific value actually is. Correct ethical judgement fundamentally consists of preferring higher values over lower values (though this is of course also affected by the degree to which the value is instantiated in the goods of any particular case). As was discussed in chapter three the height of values is in fact given first immediately in the intuition of them, as well as the preferring them to, or placing them after, other values.[264] Much ethical judgement then merely reflects pre-existing value commitments and hinges on whether these involved accurate intuition and correct preferment or not.

This concept of height is not necessarily clear at first impression though. Of what does it consist, and how are we to determine it? Scheler claims that in the intuitive insight into a value its height is always given as well. The intuition is not necessarily accurate though because we may be confused or deluded and so see the value inaccurately in individual cases. But, by

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[264] Ibid, p87.

stepping back and considering the hierarchy of values identified by ethical experience in general we can begin to recognise certain structural features of values that define their height, separately from direct acts of intuitive insight that 'give' their height, and their height relative to other values, directly. Importantly, once we have recognised these patterns within groups of values we are already familiar with, this raises the possibility of then applying them to other values to measure or verify their height as a sort of 'metric'. As I discussed in chapters three and four, such independent means to measure the height of values are important for philosophical ethics because they offer the possibility of alternative lines of evidence for ethical statements of value heights beyond the consensus of individual assertions. Scheler identifies five different but connected criteria by which the height of pure values can be determined by their intuited structural features. I now consider these.

The discussion about the criteria of height among values in Scheler's *Formalismus* has the peculiar feature of concentrating overwhelmingly on positive values. But it is a doctrine of Scheler's ethics that there are both positive and negative values (or values and disvalues), something that is clearly confirmed by our experience and moral discourse. Furthermore, these negative values exist for each positive value and each rank or height of positive values. If the criteria really are valid then they must apply equally to negative values. There does seem to be symmetry between positive and negative pure values. But there is a significant asymmetry in the realm of goods. Neo-Platonism (taken up by St Augustine into Christian theology) equated good with Being and described evil as the absence of good, without substance of its own[265]. Scheler correctly disagrees with this view, at least phenomenologically, because disvalues are as clearly felt as positive ones[266]. Pain is a thing of its own, ignorance, ugliness, hate are all things of their own, with a character that is felt as clearly as their positive opposites (though this does not answer the question of the ontological status of evil, which is different and falls outside the sphere of this discussion.)

The venerable neo-Platonic view did not come out of nothing though. Although values themselves do seem phenomenologically experienceable in terms of pairs of positive and negative, the symmetry breaks down when they become instantiated in goods. Among goods positive values are entities of their own whereas disvalues are regularly instantiated in the absence or destruction of goods. Life, for example, is felt as a positive essence of its own, but the corresponding disvalue is the destruction (or cessation) of life, which is felt as a thing of its own, but its existence is dependent on the instantiation of the positive value. On the other hand, there is no equivalent dependence of the instantiation of the value on its disvalue: life is meaningful without death, but death has no meaning without life. Another element of this, already fine, quandary is that the disvalue opposing a positive value is not merely the absence of

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[265] Calder, Todd, "The Concept of Evil", *The Stanford Encyclopedia of Philosophy* (Fall 2015 Edition), Edward N. Zalta (ed.), http://plato.stanford.edu/archives/fall2015/entries/concept-evil/.
[266] Scheler, M. *Formalismus*, p166.

that value; its mere absence is very different in content. Ugliness is not just the absence of beauty, in the way darkness is the absence of light, it is a very clear and visible thing of its own. In the same way the mere fact that someone never lived is not the same as the disvalue of their death. It is true that Scheler gave as one of his 'axioms of value' that "the non-existence of a positive value is itself a negative value"[267] and I believe this is correct but the absence of a value i.e. its non-instantiation, is merely *a* disvalue, not *the* specific opposing disvalue to the original positive value stated, as shown by the examples I have given.

This is all relatively dense, but it is an important further strand of the difference between goods and values that is worth teasing apart. It is important at this point because at first thought the idea of height is harder to think through for negative values than positive values. But I think this is because we are so used to thinking about values actually in terms of goods. And when it comes to goods the symmetry between goods and values breaks down. Only in terms of pure values is there symmetry and hence the possibility to describe one unified concept of the 'height' of values that applies to both. If we are clear about this restriction I think that the criteria Scheler suggests do apply to negative values. There are, though, some peculiarities worth mentioning in how we experience these features.

The first criterion Scheler advances is that of e*ndurance*: Instances of higher values 'endure' over changes in lower values in a particular normative way. It seems proper to the nature of love or knowledge that there is a particular normative demand that they ought to endure and continue, even if in fact, for empirical reasons, they fade and alter, or are forgotten. There is no guarantee that goods of higher values will endure empirically longer than those of lower value, but goods of higher values have 'expected' endurance over goods of lower values, otherwise something is wrong. If I were to tell you I deeply and truly loved someone, but that tomorrow I planned to stop loving them and love someone else, you would think me a fool, or at best just innocently confused about what love is. And when we do empirically change in our experience of a high value, whether of love, or of the beauty of an object, a very specific explanation is required for that change. We must explain that we were mistaken, the value we thought we beheld was never really there: either we mistook our own apprehension e.g. love was never really present, or we were mistaken about the object itself e.g. the object was never really beautiful.

There is, however, no such equivalent expectation for instances of lower values, such as the agreeable. Here it is entirely suitable to their nature that they will only endure momentarily and this is appropriate and requires no explanation: they are intrinsically variable. Instances of the higher values, whether love, moral goodness, beauty or truth are also taken to be particularly enduring in significance even if they are directly given or apparent for only a very short period of time. The value of blissfulness endures over the value of temporary pleasure or discomfort;

[267]Ibid, p26

instances of spiritual values endure over changes in health or physical vigour; and the highest values, those of holiness and particularly of God, himself, are taken to be uniquely and completely eternal in significance and endurance. The nature of God is intuited as eternal and essentially enduring beyond any phenomenal changes not primarily as a fact of theoretical metaphysics, or just because it is written in any particular holy scripture, but because as the fundamental summit of holiness, the highest possible value, God is directly intuited as most surpassingly enduring over all else that exists or could exist.[268]

For the negative values it seems odd to use the same terminology. Do great evils have 'endurance', and less 'variation'? Well, yes, in this same particular way in terms of being enduring in significance. For example, if we cease to be aware of some great piece of cruelty, the only justification for this can be an explanation that this was never a great piece of cruelty at all. Otherwise the significance endures and we are beholden with a responsibility to maintain it in our thought. This is something we feel as surely as any feature of the disvalue e.g. the responsibility to remember great disasters such as the Holocaust, or the First World War. This drive to remembrance takes on its own ethical force in this occasion (as well as obvious purely practical importance as a means to avoiding a repetition of those events). On a much smaller scale there is an equivalent drive to the loss of a single individual person. But there is no such normative call in the case of shallow disvalues, such as the un-useful or the disagreeable; there is no call to justify why they should pass from our consciousness.

The second means by which Scheler aims to measure value height is by considering the *divisibility* of the objects of value. Lower values are more closely tied to their physical extension and their over-all value is linearly proportionate to their physical size e.g. two kilograms of sugar is twice as valuable as one kilogram. Its value is also strictly limited to its physical extension. This also has the feature of dividing people because experiencing the value is equivalent to physically possessing the bearer, which only a limited number of people can do. The higher a value is the less this is true. A piece of art can be divided in two, but whatever value the parts have it is not simply half that of the whole. The same applies to other instances of beauty, or values of truth. Because they are independent of physical extension and divisibility these higher values can be experienced by an, in theory, unlimited number of people without each person exclusively consuming it: they are not restrictive. This means that they can act as a powerful force to unite people: they can be immediately accessible to more people without difficulty and because of their greater objectivity they can be relevant to a greater proportion of people.[269]

I am forced to say 'can be', rather than 'are' because sadly beautiful and holy things, particularly, can be jealously seized and hoarded because such objects can only be in one place.

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[268] Ibid, pp90-92
[269] Ibid, pp93-94

Firstly, this demonstrates the hierarchy with the modality whereby values of things are lesser than values of persons. Secondly, it is essentially possible and fitting for higher values to be universally accessible and appreciated, in a way that is not possible for lower values, despite contingent restrictions on actual goods. A painting must be in one museum (though of course there can be copies of greater or lesser accuracy), but every person who visits it may partake of its beauty equally without limit or exhaustion. Also, though even values of personal freedom, the collective person of the nation, or God, can famously be a great source of conflict if misused this is only because they have already united great groups of people into a force that can then be misused, essentially unlike more trivial values.

The same pattern can be seen with the 'divisibility' of negative values. Low negative values, like low positive values, are specifically limited in physical extension either in the body where they are felt e.g. physical discomfort, or in the object in which they are recognised e.g. rotten food, an uncomfortable shirt, etc. Their value is linearly connected to the quantity of the 'good' in which they are instantiated: Half as much 'good' normally has half as much disvalue. Higher negative values display the opposite effect: instances of them are more 'universal', experienceable by more people and more generally significant to everyone, rather than only those who are bodily experiencing them. This can be seen in the way great evils place a burden of responsibility on the whole community, or even when no responsibility can exist, they are still felt as relevant to all, and something that all can and should experience. Great instances of suffering, ignorance or death are the business of everyone. In the words of John Donne, "no man is an island entire of itself; every man is a piece of the continent, a part of the main; [...] Any man's death diminishes me, because I am involved in mankind. And therefore never send to know for whom the bell tolls; it tolls for thee."[270]

The similarity between positive and negative values in their height is, however, masked by the very different response they demand. When threatened by instances of deep disvalue our response is to rush to avoid their instantiation entirely or to destroy, remove, repair, or overwrite it immediately. Whereas, through instances of positive values our response to the sense of their essential endurance and universality is to do whatever we can to ensure their instances do empirically endure, as is fitting to their nature.

The third means Scheler argues for is that of lower values being *founded* in higher values.[271] As has been previously mentioned 'useful' values are consecutive values of the agreeable and are hence based in them. Agreeable values in turn are founded in the higher values of the vital. The senses of pain and pleasure have meaning and reference because they point to facts about the vital values such as health and vigour of a whole living being. Scheler argues that the values of the vital, in turn, could not have significance on their own because they presume the existence

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[270] Donne, J. ((1623) 1923). *Devotions upon Emergent Occasions* (Meditation XVII). Cambridge: Cambridge University Press.
[271] Scheler, M. *Formalismus*, pp94-96.

and value of life itself. But this value of life itself, regardless of the variations in the vital value of forms or features of life, cannot be grasped from within this realm of value because it is itself the precondition of any positive or negative valuation in this realm. Rather, the awareness of the value of life itself must come from outside this modality through spiritual acts that grasp life's place within mental values. Scheler then argues that these mental values, finally, presuppose a unified world of objective value within which they can be experienced and the values of reality as an unconditioned whole (à la Kant[272]), and these are the values of holiness. This principle also applies to the negative values, and here the correspondence is more obvious, as the initial description of the relationships of foundation between the modalities makes less reference to particular positive or negative values. Each modality obviously contains both the positive and negative values of that type. Negative agreeable values are equally founded on negative vital values as the positive ones, etc.

The fourth criterion closely relates to the second and third: the form of *contentment* associated with a value is deeper the higher the value is. This contentment "is an experience of fulfilment"[273], whereby one reaches towards a value and experiences it in the possessing of a good. The pleasure associated with realising agreeable values is strictly transitory and limited to the moment of consumption or sensation. The deeper contentment that comes from the higher vital values or spiritual values essentially retains its significance over variations in the pleasure from lower agreeable sensations and in fact is required to fully appreciate them. This is clear in terms of negative values as well: One who does not have deeper contentment will not even be able to enjoy minor sensuous pleasures properly; rather they turn to ash in the mouth. They do not vanish, they are felt, but they are fundamentally unsatisfying against the deeper despair of a greater disvalue. On the other hand, the deeper contentment that stems from the person being in harmony with the highest values they can experience allows "a fully content laughter [to] resound about the most trivial joys"[274].

This is also an argument against any simple concept of utilitarianism or hedonism. The 'pleasure' gained from different experiences or states of contentment is most certainly distinct in quality, regardless of other considerations. Pushpin is not the same as poetry, as even Mill was prepared to admit[275]. Kelley Ross argues that the experience of pleasure acts as the subjective, internal correlate of the objective, external value in its different forms. Correspondingly, the experience of pleasure is as qualitatively variable as the experience of value itself.[276] This coheres with the phenomenological doctrine that there is always a connection between the

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[272] Kant, I. (2007 [1781, 1787]). *Critique of Pure Reason.* (M. Weigelt, Trans.) London: Penguin Books Ltd.

[273] Scheler, M. *Formalismus*, p96.

[274] Ibid, p96

[275] Mill, J. S. (2008). *On Liberty and Other Essays.* (J. Gray, Ed.) Oxford: Oxford University Press, Utilitarianism – Ch 2&3.

[276] Ross, Kelley. "The Polynomic Theory of value - Pleasure." *The Proceedings of the Friesian School.* 1996-2014. http://www.friesian.com/poly-1.htm#pleasure (accessed April 2014).

object and the manner in which it is phenomenally experienced. This is not to say that the value is identical to the pleasure because one is external and subjective and the other is external and objective, but that they are essentially connected to one another. In Scheleran terms, the objective positive values are recognised through the subjective, internal feeling-states of pleasure (or contentment). We know these are not identical because, as was recognised as early as Plato, we can experience bad pleasures,[277] even in terms of pleasure at things I myself consciously know to be wrong and guiltily reproach myself for. In Kant's words, we do not have a duty to seek pleasure, but to act so as to make ourselves worthy of pleasure.[278] A sentiment that obviously presupposes the separation of these two things, something that is in addition testified to by the phenomenological evidence that Scheler discusses in terms of values and feeling-states generally.

The final and fifth means by which Scheler distinguishes between elements of the value-hierarchy is that of the different *levels of intentionality* in the experience of the modalities. The feelings aimed at each modality vary in kind depending on the value they are aimed at, and they reveal a value that is more or less 'absolute' or 'relative' to the one experiencing.[279] They are least intentional when experiencing agreeable values, such as those relating to the body, of sensory pleasure or food and this also reflects the fact that these values are the most immediately related to our physical constitution. The feelings are more intentional when dealing with vital values relating to the living being, such as health or comfort, more again in mental or spiritual values and most in values of holiness. The taste of sweetness of a fruit is on the tongue, but the beauty of a painting is seen in the painting. More so, as Otto argued, the experience of holiness is so separate from oneself that it leaves one as nothing but "dust and ashes"[280] before the Holy, which it is impossible to conceive except as utterly relativising our own existence. In each of these levels the feeling is given more and more as representing a value as its object that is independent of the feeling itself that reveals it, and also of the particular physical constitution of the being experiencing it, or even of life in general.

Does it seem that higher negative values, as higher positive values, are experienced as less relative to the particular constitution of the one experiencing the value? I would argue that they are (as compared with the lower negative values). The discomforts or pains as much as the comforts and pleasures of lower values are experienced as relative to our own body and constitution, and those higher mental disvalues, those opposing the good, the true, and the beautiful, are similarly absolute in this sense: experiences as unconnected to dependence on ourselves and as having absolute significance in relation to the universe as a whole. Indeed, the

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[277] Plato*, Republic II*, Book VI, 505c, trans. Paul Shorey, Loeb Classical Library, Harvard University Press, 1970, pp.88-89

[278] Kant, Immanuel. *Critique of Practical Reason.* Translated by Mary Gregor. Cambridge: Cambridge University Press, 1997 [1788], p108.

[279] Scheler, M. *Formalismus*, pp97-99.

[280] Bible NIV, Genesis 18:27.

same arguments I have mentioned above, in relation to the criteria of divisibility and endurance also apply here as well.

Also, the revealing of that value becomes more and more responsive to, and capable of, being disrupted by the mental attention being directed at the feeling that reveals the value rather than the nature of the value itself. For these higher values any attempt to do this immediately detaches the person from the value. If one attends to the feelings that indicate the beauty of a sunset, one is dealing with a totally different object to that beauty itself, and hence one loses sight of it. The perception is disrupted, whereas, as stated above, whether one attends or not to a feeling-state (such as a taste, or a pain) it remains fundamentally as it is because it entirely refers to nothing beyond itself.[281] Scheler argues that these facts show that these values are more 'absolute' and less 'relative' to particular forms of life and therefore higher in value.

It is not necessary for a person to refer to any of these criteria in the immediate intuiting of the height of a value, or in its placing through preferment. In acts of pure feeling the height of a value is also given immediately as an act of intuition. These criteria are rather those gained by studying the order of values in its entirety and looking at the features its structure bears, in the hope of being able to return to acts of immediate intuition and assess them for accuracy.

How convincing are these criteria though? There is clearly considerable similarity and overlap between them. Scheler certainly thought that they were sufficiently connected to justify reference to one single concept of the height of values.[282] The first and fourth criteria both refer to the "endurance" of a value, the first in reference to the objective value itself and the fourth in reference to the subjective pleasure that accompanies the experience of that value. There is also a connection between the idea that instances of higher values (and their pleasure) endure over changes in lesser goods with the idea that they are more intentionally independent of our particular, physical nature and hence less affected by transient changes in ourselves. This unites the *endurance, contentment* and *intentionality* criteria. The second criterion, of *divisibility*, seems to also connect the idea that values are higher in as far as their instances endure over, or are independent of, the immediate physical connection to feeling beings that is expressed in the first and fourth criteria. The potential universality or absoluteness of values is connected to this independence, which is in turn connected to their height.[283]

The third, of *foundedness*, is perhaps the vaguest of the criteria and Scheler himself seems to struggle to connect the modalities of value together in the manner he would like. It seems

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[281] Scheler, M. *Formalismus*, pp98-99.
[282] Ibid, p98-100.
[283] It may be objected at this point that the highest values are meant to be those of the individual person, but the individual person is the most radically unique. But, while the individual person is radically unique they are also the most universally accessible. People of all spaces, times, cultures and races can be united by their one and shared love of one person (and through that love walk in his steps together. And Love, which makes this possible, first and foremost connects to persons and all non-person entities only secondarily and obliquely.

clearer among the lower values, in the steps from useful to agreeable to vital, but then seems to move to more abstract and tenuous considerations in trying to move from vital to mental to holy values. Certainly, these relations do not seem to be a fact of clear phenomenological givenness. It is understandable as an intellectual connection of the 'metaphysics' of values, but not as an immediately intuitable practical fact. This is also a problem of the second criterion. We are meant to be discussing essential *a priori* connections between the ranks of values. The divisibility argument seems to refer to the properties of the bearers of certain values rather than the pure values themselves. Of course, as discussed earlier in relation to the subject of bearers, there is a connection between values and the types of bearers they may have,[284] because of the connection between a thing's possible values and its nature, but it is still difficult to see how this criterion may be taken as an essential feature of the height of values themselves.

It should be remembered though that the criteria do not need to describe the actual metaphysical basis on which value height is based. Rather they need to provide some independent, generally reliable yardstick to 'measure' the height of values independently of the act of immediate insight that primarily defines this fact for us. This is another way of supporting the objectivity of the hierarchy in the manner I described in chapter four, even apart from the possibility of intersubjective verification. They can also give us a broader insight into the fundamental essential features that define value height behind the vision of it in which the height of each value is initially and immediately given to us. It certainly does not seem that all Scheler's criteria do this, however. Two groups can be distinguished, the first that merely provide heuristics to help verify the height of values, and the second that more seems to reach the essential features of height among values: the 2nd (*divisibility)* and the 3rd (*foundedness)* seem to belong in the former category, the 1st *(endurance)*, the 4th *(contentment)* and the 5th *(intentionality)* in the latter one.

There is also an interesting possibility to connect the *foundedness* criterion to the problems in value-preference that emerge in relation to the embodiment of the person. The values of the person are the highest spiritual and holy values, but the person is embodied and thus reliant on lower physical functions that relate to vital and agreeable values e.g. nourishment is a vital value, instantiated in food, and it founds various agreeable values of taste. Due to the embodiment of the person, this highest form of value is dependent on lower values of nourishment, etc. This puts an importance on the lower values due to their necessary relation to the instantiation of the higher values. According to the third criteria lower values are founded on higher values, which mean the position of the lower values is defined by their relation to the higher values. In this case the lower good is more important because of the manner in which it opens the possibility for the higher values. The corresponding goods of food or life for animals that are not persons and cannot access the higher values is correspondingly lower. The higher

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[284] Ibid, p86.

spiritual values of persons ennoble the lower goods and values upon which they rely. This has particular relevance in the next chapter discussing Levinas' view of persons. He closely links the importance of recognising the basic material needs of the Other with his portrayal of the person in extremely elevated, almost theological language of the ungraspable infinity, thus linking what, in Scheleran terms, are the highest and lowest values in the person.

3. Relations of Values to Bearers

Values can be brought to givenness on their own in thought but first they must be experienced in bearers. Bearers are those objects in which values are instantiated, i.e. those objects that 'bear' values. In as far as they are recognised and considered as valuable they are called 'goods'. For example, my plate of mushrooms is a thing that instantiates the agreeable values of certain tastes and textures, and the vital value of 'Food'. In fact it is directly experienced as a good, just as directly and naturally as it is experienced as a thing.[285][286] A lot of the complexity in moral decision making in Scheler's system comes from the sometimes confusing manner in which values are instantiated as goods. Certain bearers carry higher values than other bearers. This is something directly intuitively discovered in the same manner that the heights of values themselves are. We discover in examination a mingled structure of height among both bearers and values. This new dimension complicates ethical decision making, especially if it is poorly understood. But if it is properly distinguished and considered it is important in avoiding the confusion that otherwise emerge in ethics, for example the apparent paradox between the objectivity of ethics but the transient nature of goods. If we are to understand Scheler correctly we need to understand these distinctions between values, goods, bearers. It is certainly essential for any attempt to use a Scheleran ethic to guide real-life practical decision making.

In addition to the rankings among values, certain bearers are essentially connected with certain higher or lower values as well in a different ways. Firstly, within a modality, the values attached to certain bearers are higher than those attached to lesser bearers. Secondly, certain types of bearers are particularly related with a specific higher or lower modality. Of the first type is the hierarchy of values of persons as the highest values, over the values of acts, over values of things. This is the case within each modality e.g. mental values of persons are higher than the equivalent mental values instantiated in acts, and higher in turn than the equivalent value instantiated in things.

The most striking and highest example of these categories of bearers is that of persons. As I previously mentioned, persons are the unique bearers of the moral values of good and evil, the

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[285] Ibid, p20.
[286] Scheler only uses the term 'goods' to refer to valuable objects though obviously objects can bear negative values (or disvalues). These he just refers to as 'goods' as well, though these objects are, of course, in fact, bad.

values of the moral tenor and the objective value-essence of the individual. Collective persons bear these values as well, but in all these cases the higher values obtain among individual persons specifically. In addition, values of the Holy always refer back to persons and those of spirit/mind generally do. This places the person as the central feature of the ethical order. The person as a bearer can be contrasted with the values of acts and the values of things, and is so important that I particularly consider the role of persons in its own chapter subsequent to this one, particularly contrasting Scheler's concept of the individual person with that of Levinas.

The second type of hierarchy among bearers, where certain bearers are particularly related to certain higher or lower modalities, is described by Scheler as follows: the modality of the 'useful' is connected to events, the 'agreeable' to things, the 'vital' to living beings, the 'mental' to the self and the 'holy' to persons. These do not exhaust the distinctions among bearers though. More subtle and specific hierarchies can be detected, such as the essential distinctions between values of oneself and others, values of acts as compared to functions and reactions, and values of intentional-states and feeling-states, among others.[287, 288] Scheler outlines in each of these cases which class of bearers essentially have higher values attached to them than the alternatives, such as acts over functions and relations, intentional-states over feeling-states. Another significant example is 'consecutive' values (see footnote 32), which are generally lower in height than self-values, as in the case of the useful compared to the agreeable. In each of these cases there are clear patterns which help explain the intuited height of the values of certain bearers over others, and which can then be applied more widely to clarify possible value confusions. For example, intentional-states and acts hold higher values because they are more actively and individually chosen than feeling-states or reactions (related to the *intentionality* criterion discussed before). Self-values are higher than consecutive values because the second are *founded* on the first i.e. consecutive values only have meaning by relation to their self-values, and because the second will only ever be partial instantiations of the reality that exist fully in the first (as in all symbols). In individual ethical cases these classes of bearers can help us to categorise the relation of the variety of different nuances of values that will be instantiated in various different bearers e.g. feeling-states, acts, moral tenors, functions, things, beings, etc.

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[287] Ibid, p101-103.

[288] Somewhat different again is the distinction between what Scheler calls 'self' values and 'consecutive' values. Self values are values "independent[ly] of all other values"; consecutive values "possess a phenomenal (intuitively feelable) relatedness to other values which is necessary for their being values" (Ibid, p103). In other words, Self-values are intrinsic values of an entity as an end-in-itself. Consecutive values are the values that an object has as a means to or a reference to a self-value. These are not objects that are means to valuable ends, because that would be a primarily intellectual connection of a cause and effect. Rather they are intuitively feelable as values as a tool or a technical-value, such as the relationship between values of the useful (a set of consecutive values) and values of the agreeable (the corresponding self-value). A further type of consecutive value is the symbolic value, such as the value held by a national flag or a religious object and Scheler argues that these are intrinsically different to "symbols for values" such as paper money, or means to producing goods that hold values (Ibid, p104).

In understanding the distinctions between types of bearers we must also remember that bearers of higher values do not necessarily mean bearers of more good, because there are high positive and negative values and hence they bear the possibility of being used in both greater good and greater evil. Furthermore, there are instances where one is not required to prefer the value that is abstractly higher; the difference arises in the intensity in which it appears in the act, or thing, or other bearer. A particularly fine vintage may be rightly preferred over an academic task in the moment, though generally one should admit that the value of wisdom is higher than the agreeable taste of wine.

What is the basis for these fundamental differences? It can only be the constitutive features of the bearers themselves. While the Is/Ought divide is a basic pillar of a value ethics this does not mean that values are arbitrarily related to physical properties (certainly within any particular universe). For example, the fact something is 'food' is defined for any given animal by facts about its biology and chemistry and then the biology and chemistry of other objects that may or may not be food. This does not essentially define the value of 'food' or 'nourishment' but it does connect it (in this world) essentially with certain bearers. Obviously the same is the case for living beings and wider vital values, as well as many other examples. This does not mean that value ethics can be collapsed into any kind of naturalism though. To continue my example, it is not from knowledge of its constitutive natural facts that something is valued as food, rather we go from the immediate knowledge of what food is, what nourishment is, and what it means to us and from that investigate the physical properties that accompany this reality. The value component of a situation can be clear to us without the precise combination of physical properties that instantiate that value being clear to us at all[289]. We experience the value directly and that motivates us. As was first noted by Hume (or even earlier) practical cognition is just very different to theoretical cognition and leads to different types of conclusions. As such it relies on very different objects, although they are of course connected to theoretical facts. As Scheler said, objects are truly both goods and things; or in other words, values are distinct from their bearers and both are separately needed to make up the goods that are the stuff of our ethical choice in the world.

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[289] Tappolet, C. (2005). Values, Reasons & Oughts. In M. E. Marek (Ed.), *Experience and Analysis, The Proceedings of the 27th International Wittgenstein Symposium*, (pp. 395-402). Vienna. & Scheler, M. *Formalismus*

4. Qualitative or Quantitative judgement

Once values have been experienced in goods those goods can become the object of ethical judgement. Scheler's view of ethical judgement is that it is primarily qualitative in nature. This can be contrasted with the quantitative approach of a theory such as traditional utilitarianism, with its hope of a 'hedonic calculus'[290], and with various other more complex utilitarianisms and theories that share fundamental consequentialist assumptions. Scheler argues that we consider the over-all, multi-dimensional value complexes instantiated in certain situations and on the basis of these complexes choose one as more valuable over another. The process by which we consider the nature of the value complexes will be simple in some cases and very complicated involving many different factors, values and goods in others. This is not to say this will be a purely qualitative process though, because quantitative features of value will influence the overall value instantiated in a situation. This is especially in situations involving either lower values, such as the useful and agreeable, in cases where the decision is overwhelmingly between different quantities of the same types of good, or in cases where a higher good is reduced to one simple aspect of it.

One example of such a situation of value judgement would be the decision to use nuclear weapons on Hiroshima and Nagasaki during the Second World War. The full details of such a situation cannot ever be held directly before the mind, even in imagination. But still the moral decision is taken not on any purely quantitative basis but on the basis of the over-all moral 'colour' of the situation as held before the mind's eye. Like a mathematical equation with many variables, there is no way to break down most moral situations into simple units that could be counted against one another. Indeed, the moral questions surrounding the use of nuclear weapons on Japan illustrate this. This is one case where a strong argument for a numerical answer can be made: did the bombing reduce or increase the over-all loss of life in the War? But this does not reflect the extent of ethically relevant questions that can be raised about the bombing, which includes such issues as the relevant moral status of soldiers and civilians, the moral intentions of the Japanese and Allied leaderships, and the relative moral status of Japanese lives as the aggressors and Allied lives as those of the non-aggressors in the War. No such question can be broken down into purely or largely quantitative considerations but rather rest on the qualitative issue of the height of the values and goods involved even in situations with a substantial quantitative element.

It just about makes sense to talk about a quantitative approach to moral judgement with theories such as the various forms of utilitarianism, or other theories that attempt to judge ethics on a single principle. Of course even here it can only be metaphorical because any literal quantitative, 'additive' system relies on being able to break down its subject into individual,

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[290] Bentham, Jeremy. *An Introduction to the Principles of Morals and Legislation.* London: Oxford:Clarendon Press, 1907 (1789).

uniform units, and that is clearly impossible even with something as simple as a single type of pleasure. But the sheer range of ethical values with their intrinsic differences in height, confounded by the different degree to which they may be instantiated in the goods of any particular situation, makes this quantitative approach nonsensical even in terms of metaphor. Pure values themselves cannot even be divided in thought because they are essences and thus are not open to quantification when given as pure values. These experiences can only be compared in terms of a qualitative over-all choice. This is reflected in the primacy of our binary concepts of right and wrong. If our ethical cognition or phenomenal experience was primarily quantitative surely our moral concepts would reflect that. Our primary concepts would not be right or wrong; they would be righter or wronger, in the same way we talk about something being longer or shorter in length. This is not the case and often people will recoil at any suggestion of such talk, deeming it unacceptably pragmatic and grubby rather than moral. The binary usage is, on the other hand, undoubtedly our primary usage by a large factor. Though of course almost all people do accept that quantitative 'more or less' considerations have some role to play in morality.

However, even though I believe Scheler is correct to describe the phenomenology of moral decision making as predominantly qualitative, quantitative issues do still exist among actual goods and pose a question for a theory of value preference. What about simple moral situations where the quantitative element is predominant, for example, where for whatever reason I can either help two people or four people in the same way? Or, if I have to choose whether one person dies or ten people? Even here, though, the situation is far from 'simple', in terms of being easily resolved, as the extensive literature on the 'trolley problem' shows. [291] Take the first example then. Here it seems apparent that it is preferable to do good to the four rather than the two and that is a quantitative decision: One 'amount' of good is simply larger than the other. Even here there may be further complications that make it more of a qualitative decision. For example, the two people may be my children, and the four complete strangers. As such many people will agree I have the overriding duty towards the two, depending on the circumstances. We can ignore that possibility to further simplify the question and return to a simple quantitative case, but the fact that these provisos constantly need to be made shows how difficult it is in almost all natural scenarios to extract the purely quantitative ethical issue from the qualitative differences in the values that surround it. But the simplification can occur in thought and the quantitative intuition, of course, remains. Once simplified, it becomes clear that the quantity of the good is an irreducible part of the ethical choice. We do have to accept that ethical cognition can quantify values instantiated in goods, and include that element alongside the multi-dimensional, qualitative, ethical choices between the value-complexes of the situation.

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[291] Philippa Foot, *The Problem of Abortion and the Doctrine of the Double Effect* in *Virtues and Vices* (Oxford: Basil Blackwell, 1978); Judith Jarvis Thomson, *Killing, Letting Die, and the Trolley Problem*, 59 The Monist 204-17 (1976); Peter Unger, *Living High and Letting Die* (Oxford: Oxford University Press, 1996)

Scheler does acknowledge this issue to a limited degree, in the assessment of simple goods. In his discussion of the 'divisibility' of values he accepts that lower, agreeable goods are distinguished by the fact "their value corresponds to their material extension" and that a piece of cloth is "double the worth of one half of it"[292]. Indeed, this linear connection between the physical quantity and the value of the good is definitive for values of lower height. But for higher goods such as art, or persons, this is most definitely not the case. The quantitative, additive application is real in terms of some goods but explicitly limited. There is a quantification element with higher goods, many lives are worth more than one, if we abstract from all else, but it is most decisively non-linear and non-additive. It comes clear in intuition as a deepening of the value-complex under consideration in comparison to another. The quantitative perspective predominates with higher goods, such as persons, only when we abstract from the fullness of their being and consider them from merely one particular perspective. Economic man would be one example, a perspective that is legitimate only in as far as we remember that it is deliberately simplistic and not a representation of the person as a whole. Another would be the use of people in military operations, when a commander may talk about having so-many thousand rifles at this disposal, reducing men to their weapons.

In fact, whether in considering the case of the number of lives lost in a choice of military strategy, or the divisibility of material goods, quantification becomes particularly important only when making comparisons solely, or overwhelmingly, between *the same type* of goods, whether of the highest type such as persons, or a low type such as material goods. As soon as multiple goods or values make up a significant part of the situation then the quantitative aspect shrinks rapidly. And, of course, this idea of a quantitative aspect among choices of specific types of goods is very different to the idea, paradigmatically expressed in traditional utilitarianism, that regardless of the goods or values involved in a situation it is ethically decided by the 'amount' of some other, definitively ethical, property e.g. happiness, pleasure, preferences, etc.

5. Levels of Obligation

We have gone from considering pure values, to bearers of goods, to ethical judgement. Now I move to considering how the ethical judgement is experienced by the agent as producing a form of ethical obligation. Scheler considers a wide range of feelable values and how these appear in the experience of the person, and also how the specifically moral values of 'good' and 'evil' appears in the preference between values. Indeed, Scheler argues that values all essentially involve an ideal ought that states 'this ought to be' or 'this ought not to be'. But his philosophy does not consider any differences between the ethical ought that different instances of good may create. Scheler distinguishes between normative and ideal oughts where the first generates

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[292] Scheler, M. *Formalismus*, p93.

imperatives, and the second does not, but does not distinguish any different deontic levels between normative oughts. He extends ethics to be roughly equivalent to the entirety of axiology and connects moral good and evil exclusively with judging between, and willing the realisation of, non-moral ethical (i.e. all other) values.

But with ethics extended to values as distinct as the agreeable and the holy, and everything in between, how can morality be used to refer to correct judgement over all of them in the same way? Is the immediate, important obligation to save a life equivalent to the lesser ethical commitment to make the most of one's God-given talents? If not, how exactly do they vary, where are the boundaries between them and why are they there? If we can make some progress towards identifying such boundaries we can potentially extend Scheler's theory into deontic categories that will supplement the axiological emphasis of the *Formalismus.* Not only as a useful extension of the overall theory, but through the intrinsic connection between values and ideal oughts, as an important further method of distinguishing between families of values, and ethical judgement, in a Scheleran theory.

Both oughts and good, in general, originally relate to acts of preferment of a higher or greater set of values over a lower. The simplest and most obvious idea would be to assume that the ought generated has a greater strength proportionately to the difference in height between the values. There is doubtlessly some truth in this, and it would mirror an equally obvious answer to this question in other theories of ethics that recognise the good. For example, in hedonic utilitarianism one may answer that the greater the increase in happiness produced by an action the greater the obligation to do that thing, and there is nothing more to it. But this is a very crude mechanism that may be suited to a simplistic quantitative theory such as traditional utilitarianism but that seems inappropriate in a Scheleran *a priori* ethics. Only by identifying principles by which we may distinguish differences in kind can we clearly separate differences in types of obligation or ought, in the absence of some type of consistent quantitative system of 'measuring' differences in height. Various other philosophers have defended crude versions of deontic distinction, generally between moral imperatives or duties and voluntary, or prudential, questions of non-moral values like aesthetics, etc. This is particularly a feature of deontological theories like Kant or W.D.Ross that focus on the 'right' as entirely separate to the good, or 'weal' (or welfare)[293]. Other theories, more like Scheler, indicate that 'The Good' should be pursued generally and make no distinction except perhaps a quantitative one between greater and lesser goods. Examples are various forms of utilitarianism, but also Aquinas' natural law

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[293] Ross, W. (1930). *The Right and the Good.* Oxford: Clarendon Press.
Kant, I. (1997 [1788]). *Critique of Practical Reason.* (M. Gregor, Trans.) Cambridge: Cambridge University Press, The Analytic of Practical Reason Ch.2.

theory and others, often theories that emphasise the good as the fundamental moral feature (as opposed to the dichotomy of the right and the good).[294]

Some philosophers do insist on a range of fundamental, qualitative deontic distinctions between different classes of oughts. One such that is particularly relevant to Scheler is Kelley Ross, who argues that, in fact, a wide range of different ethical areas do display clear qualitative distinctions in the nature of the ought that is linked to them.[295] I use Ross as a starting point not because Scheler or I would agree with every detail he suggests, or because he is the only philosopher who proposes a pluralist deontic scheme, but as a position to begin considering how such categories might be justified and integrated into Scheler's ethics. Ross seems particularly pertinent to Scheler because of his intense focus on the details and range of experience of value. He focuses on recognising qualitative distinctions between oughts relating to the entire range of values that Scheler discusses as ethically relevant from the agreeable, to values of the mind, the unique relations between persons, and the holy; whereas not all philosophers consider a scheme of objective values that covers all these categories. He recognises both 'The Good', which itself covers a wide variety of qualitatively different classes that nonetheless also recognisably share the common property of being good; and the separate, specifically moral good of judgements and actions, in a manner that mirrors the distinction used by Scheler. Ross also makes the important point, to which Scheler would doubtlessly agree, that different values and deontic categories can vary independently: one's intentions may be good, but one's actions bad; One may do something that is aesthetically beautiful, but morally horrendous. Each of these areas must be considered separately and distinctly to fully understand ethics. This agrees strongly with Scheler's extreme pluralism whereby all different elements of our psychology, our action and our surrounding may contain and instantiate unique values, and these may vary greatly. Their theories also share a direct derivation from Kant's ethics, through thoroughly rejecting his rationalistic formalism in favour of a pluralist, experienced good, though in Ross' case this is via the Friesian tradition rather than the phenomenological one.[296]

The most general distinction Ross defends is between (what he calls) the imperatives of morality and the non-imperative oughts of non-moral ethics. This bears some explanation. We have an overriding moral imperative to avoid certain actions and to undertake certain other actions (except possibly in truly extreme circumstances) e.g. murder, rape, feeding one's children, saving a life when it requires modest effort, etc. Actions of this type are taken to be always and severely obligatory in all situations unless there is an astonishingly good explanation for why the standard imperative does not apply. This is widely accepted though we may

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[294] Moore (Principia Ethica, 1903), Mill (Utilitarianism, 1863) and Aquinas (*Summa Theologiae, 1274), etc.*

[295] Ross, Kelley. "Six Domains of the Polynomic Theory of value." *The Proceedings of the Friesian School.* 1996-2014. http://www.friesian.com/domain.htm (accessed April 2014).

[296] Ross, K. (2015). *The Project of the Friesian School*. Retrieved December 2015, from The Proceedings of the Friesian School, Fourth Series: http://www.friesian.com/#critical

disagree about the where the border of this region lies. Some philosophers argue that morality or ethics is only definable in terms of the imperatives that apply. Not all ethical obligations are of this type however, while still being objectively, rationally and experientially ethical.

Ross divides the imperatives of morality into three categories, distinguishing the morality of intentions of the will, from the morality of actions, and the morality of public justice. This third category relates to the morality of public life and "property, contract, government and public order" and its deontic form is a distinguishable nuance of imperatives that Ross terms as "jussives", which represents the morality of laws and legal agreements. [297] This is different to personal morality because by entering a contract or a law being passed by a legitimate body a moral obligation is generated to follow it. But one that would not exist without this action, and which may in fact vary from contract to contract, and jurisdiction to jurisdiction, whereas the obligations of personal morality exist generally due merely to the demands of the existence of persons.

Ross argues that outside what would normally be considered morally obligatory as imperatives there is a much wider category that he refers to as 'ideal ethics', and that bears forms of what he calls a 'hortative' obligation. Roughly, the goods that fall into this category are those that we can be exhorted to do, (hence hortative) but that are not imperatives that we must follow. Alternatively put, these are acts and objects of ethical value (that create an ought) but not *imperative* necessity. This category includes things good-for-us, such as the value of our health, of pursuing an education, pursuing happiness, or of developing our talents. In Scheler's and Ross' view these are certainly real ethical goods, but Ross particularly argues they are ones that do not come under a commanding imperative. Ross also includes in this wide category relatively humble goods such as "that of a good dinner, or a good pair of shoes"[298], again items that are valuable but are not highly obligatory to pursue.

We may find someone bizarre, perverse or uncultured who rejected such goods in preference for demonstrably inferior articles and may seek to encourage them otherwise, but we would have no basis to command them absolutely. We believe them to be wrong in some way, even objectively wrong, but not morally wrong. It is perfectly meaningful to say that an artist has an ethical obligation to pursue beauty, for example, or that it is good for someone to consider their own health, but also to say that we cannot call this an absolute requirement[299]. There are just different categories of ethical requirements or obligations. This is not something that many

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[297] Ross, Kelley. "Six Domains of the Polynomic Theory of value." *The Proceedings of the Friesian School.* 1996-2014. http://www.friesian.com/domain.htm (accessed February 2015).
[298] Ross, Kelley. "The Polynomic Theory of value." *The Proceedings of the Friesian School.* 1996-2014. http://www.friesian.com/poly-1.htm (accessed April 2014).
[299] To give a further example, there are commonly taken to be a wide range of acts, commonly referred to as supererogatory, that go beyond moral duty but may be regarded as morally praiseworthy when someone chooses to do them, though there is no equivalent strictly obligatory duty; e.g. donating most of one's money or spare time to charitable causes. Ross argues that supererogative acts are different precisely in that they do not bear the same force and type of obligation on the person. (Ibid)

ethical theories (such as, really, Scheler's,) or indeed commonplace ethical discussion, always recognises.

Ross uses the hortative to refer to a particular category of obligation but also uses it as a general term while distinguishing two further sub-types of the hortative form of obligation within 'ideal ethics'. The first of these sub-categories is the 'optative' obligation. The use of the term 'optative' derives from the Greek for wishing something to be so. This refers to the obligation regarding things that are good in themselves outside human action, such as the value of nature. These items cannot generally generate obligations of action because they are (more or less) not dependent on human will, but they do generate an optative ought that refers to them ethically demanding the correct attitude of respect and recognition of the value inherent in them. This is distinct from the general hortative that we can be exhorted to do and falls under human choice, as in the examples of the previous paragraph.

Finally Ross distinguishes the pietative obligation belonging to the area of the Holy as unique in character again. His characterisation of the Holy is derived directly from Rudolph Otto rather than Scheler.[300] The pietative obligations of religion refer to the most ontologically profound areas of existence (the fundamental meaning and purpose of life and the entirety of existence as an unconditioned whole) but can take the most diverse range of forms. In comparison to the ability to effect hortative goods, and the disinterested good-in-itself that defines optative goods, the pietative is defined by the unique relation of tremendous mystery that defines the Holy, that stretches beyond *all* phenomenal reality and before which the physical world is radically relativised. This is true whether it points ultimately to God, as in Judaism, etc, or not, as in Buddhism, etc. Pietative obligations are unique in having the strongest degree of significance and obligation for believers but can have no ethical obligation on those who are not believers. A person who doesn't recognise any transcendent universal value of this type will often confuse the pietative obligation with purely subjective, value-free preference but this is incorrect; it is still an entirely real area of values that he himself is cut off from.

There are some clear overlaps between these categories and Scheler's categories of values, though of course they don't match up exactly. This is to be expected as they originate from different considerations. Ross' starting point is deontic, the different obligations and statuses of different ethical categories: positive law, morality, religious obligation, aesthetics, etc; whereas Scheler starts from axiology and then derives the under-developed deontic elements of his philosophy from that point. Specific match-ups aside, I argue that Ross is definitely correct in arguing that different ethical categories must attach to different levels of obligation. While still being clearly ethical, the ought that attaches to aesthetic choices are feelably different to that attached to core moral commands; and different again to that relevant to the respect due to

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[300] Ross, K. (2015). *The New Friesian Theory of Religious Value*. Retrieved November 2015, from The Proceedings of the Friesian School: http://www.friesian.com/newotto.htm

natural goods in of themselves, or to religious obligations. Scheleran theory provides a clear answer to the question of why ethical values motivate in general: they are grasped through acts of intentional feeling and conation that are a core part of our motivational impulses; but it does not distinguish between types of motivation. In Scheler's theory, value choices are an intentional act of ethical cognition whereby different values are grasped by different acts of intentional feeling and conation. It could be predicted that this difference in natures between the levels and types of values grasped would in turn involve qualitative distinctions in the acts of preference, and that this itself would produce a difference in the type of the ought motivating the agent.

Ross' theory is motivated by its Kantian origins, where our degree of certainty about an area of knowledge is inversely correlated with its degree of ontological depth. As such, we have clear knowledge of empirical reality but ontologically this is only the 'appearance' or conditioned nature of existence, whereas we have no knowledge of the 'things-in-themselves' or of the unconditioned nature that stands at the basis of reality.[301] He argues that the same is true in ethics. The moral law between persons is precisely and rationally definable but is less ontologically broad and significant to the value of the universe in general. Whereas the value of things as goods-in-themselves is less determinate and more diverse, and the ultimate value of reality as an unconditioned whole, while the most ontologically deep, is the least determinate of all.[302]

However, I think that Ross is incorrect to argue that imperative obligations are more precisely definable than hortative obligations. I would argue, and I believe Scheler would agree with me, that it is impossible to define the limits of the moral law in this way. This is because any such limits will always be contingent on acts of actual value insight in particular situations in which there is always the possibility of some new act of ethical discovery or nuance that cannot be constrained by prior standards. What Ross lacks is a developed concept of the intuitive access to values themselves. Although his approach is detailed and very widely aware of a broad and diverse range of values he does not have any idea of the phenomenological access to values directly. This leads him to over-estimate the degree to which the moral law can be 'rationally', finitely defined, because he does not consider the possibility of new moral discovery, and under-estimates the degree to which non-imperative ethics is definable, because he lacks a clear theory of how values can be directly experienced in all the different modalities.

If we compare Ross' categories with Scheler's modalities of values there is one clear, obvious overlap in the last category mentioned: pietatives of the Holy. This is unsurprising as Otto and Scheler were working at the same time, were aware of each other's work and apparently both

[301] Kant, Immanuel. *Critique of Pure Reason.* Translated by Marcus Weigelt. London: Penguin Books Ltd, 2007 [1781, 1787].

[302] Ross, Kelley. "Six Domains of the Polynomic Theory of value." *The Proceedings of the Friesian School.* 1996-2014. http://www.friesian.com/domain.htm (accessed February 2015).

gave guarded approval to elements of the other's theory.[303] Their descriptions of the Holy, and the establishment of it as a separate category of value are, hence, highly similar. The description of the distinct pietative nature of obligation, however, belongs solely to Ross, building on Otto. Beyond the pietative there is no clear correlation between the categories, at least in terms of pure value modalities. The first thing that must be remembered is that Ross' 'ideal' ethics does not correspond with Scheler's ideal oughts. This is because every act of value preference founds an ideal ought, and only from these are normative oughts logically derived. Both hortative and imperative oughts (to use Ross' terms) are normative oughts (in Scheler's terms) that must be backed by ideal oughts. Scheler's modality of the agreeable certainly overlaps with Ross' category of ideal ethics. The examples of "a good dinner, or a good pair of shoes" could be classic examples of the values of the agreeable, and it would seem fitting to connect this weaker, more general form of obligation to something that is still a choice between values, but one that seems vastly less demanding than core moral obligation.

Problematically, though, Ross also includes vital and mental values, such as one's own health, and the values of art in this category as hortatives despite their being, in Scheler's scheme, much higher values. This, again, seems entirely reasonable. Although the values relating to beauty and truth are certainly higher than the merely agreeable values it still seems wrong to say that they hold an imperative obligation. Someone who squanders an artistic or scientific talent to exclusively pursue trivial pleasures is making a value error but we would not consider them an evil man or woman. It cannot be the case that the strictest form of obligation attaches to the highest values, because the pietative is distinctive of holy values, the highest values, but neither can it be the other way round, as Ross' scheme suggests, as values of higher and lower modality are scattered across Ross' deontic categories. If there is some clear Scheleran principle that explains the separation between what Ross identifies as the categories of imperative and hortative ethics then it will be something other than certain modalities falling under one or the other, and we must face the question that the problem could be with either Scheler or Ross.

How then will it be possible to relate different forms of obligation to structural features among values?[304] These must be in terms of connecting qualitative structural features of value categories with the qualitative differences between types of obligation. This cannot be considered just in terms of the modalities, or a difference in the height of modalities of positive and negative values. As I have spent much of this chapter discussing, these modalities are

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[303] Scheler, M. *The Nature of Sympathy.* Translated by Peter Heath. New York: Archon Books, 1923.
[304] There is one particular complication to drawing these types of connections that is worth mentioning again. I have been generally referring directly to obligation applying to choices between values, and this is consistent with Scheler's own somewhat loose usage, but to be precise practical choices are overwhelmingly often made between goods, defined by value-complexes, rather than between individual pure values. However, in many ethical choices there will be particular individual values that predominate: generally, or just because of the particular logical issue under consideration, which means that it should still be useful to consider the type of obligation that may attach to particular genera of pure values.

crucial starting points, but the reality of experienced values is considerably more complex. It seems some other criterion apart from mere difference between heights in modalities is required.

However, although at the start of this sub-chapter I rejected the idea that mere difference in height between values preferred might just be proportional to the strength of the ought generated; still I think the difference in height must have some impact, if the notion of height is to have any merit. Possibly the further element required is not just to consider high values but to remember the great difference between high positive and high negative values. Certainly even some high values of persons do not necessarily generate imperative moral obligations when considered on their own. The connection that must exist would be of the difference between the values preferred and the values placed after i.e. the alternative to the considered act. The difference between high positive personal values and negative personal values, however, is vastly greater than even that between high positive personal values and positive agreeable values.

I think the greatest other issue must be the differing heights of values according to their bearers. Scheler repeatedly states that the values of the person, and particularly the individual person, are the highest values although these will exist across different modalities. Imperative morality is a matter primarily involving willing, action and consequences upon other persons, whereas hortative ethics, in Ross' scheme, primarily involves actions towards oneself, and obligation involving the beauty of art, of nature, or of religion, rather than other finite persons. This relates to the ability of the person to act. Ross distinguishes the optative obligation towards things such as the good-in-itself of nature, from the hortative obligation towards things that are good-for-us e.g. our own health, and from those things that we can command as a moral imperative. This optative refers to our obligation to the "worth of things independent of human purposes"[305] and here it is the very fact we cannot affect them that influences the difference between this and the hortative. Possibly this also applies to the difference between the hortative and the imperative. For something to be an imperative, a duty, then the Kantian "you ought therefore you can" must apply, otherwise it is contradictory to demand that action or attitude. It may be an imperative obligation to not destroy a beautiful and valued painting, but it cannot be an imperative to create such a painting for that process is not meaningfully simple to do; hence it can only bear a hortative obligation. Similar considerations apply to paradigmatic hortatives like the value of one's own health, or personal pleasure.

This is, in turn, connected to the autonomy and unique perspective of the individual person on themselves. It is possible that I may know something is imperative for me, because I know I can do it, but no-one else can make that judgement on me because they do not. This may also apply without the epistemic condition, in that I may feel the pursuit of some high mental value of truth

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[305] Ross, Kelley. "Six Domains of the Polynomic Theory of value." *The Proceedings of the Friesian School.* 1996-2014. http://www.friesian.com/domain.htm (accessed February 2015).

or art, etc renders an imperative on myself that we would not consider actionable by others. This may be not because I uniquely have knowledge that I could fulfil it, but because of the value of my own autonomy and my own unique subjective personal perspective on myself as the creative author of my own potential acts, whereas all others hold a largely external object-based perspective on me. The converse also holds. I may consider something to lay on myself as a command, but that I can only exhort the other to take it as a command upon themselves. I cannot justifiably directly command them morally.

Scheler would agree with this, to a point, because he argues that when considering the highest values direct normative imperatives cease to function precisely because the highest mental and spiritual values lie outside our direct control of action or willing.[306] One cannot just will oneself to be virtuous, or to love others. This does not mean it lies entirely outside our long-term control, or that an ideal and ethical ought does not apply, but these fundamental features cannot be the subject of direct command. Scheler describes that in the Gospels Jesus nowhere commands, but rather leads and invites us to follow in his footsteps. We "love God" and "love our neighbour as ourselves" only by following in his acts of love for God and for the world.[307] There is substantial congruence here with Ross' idea that the most metaphysically significant areas of value: the optative or pietative value of the universe as an end in itself, come under the most attenuated form of 'obligation'. There are differences in the motivations for this view, but both Scheler and Ross share a commitment that this distance from our direct and precise influence, and hence the attenuated nature of the normative ought relating, is essentially connected to their great intrinsic importance.

This begins to give an idea of how different levels of normative obligation can be integrated into a value ethics. It is clear that the features that Scheler identified as distinguishing the modalities do not complete the categorisation of values and uniqueness of bearers has an important role. The values of each modality overlap in terms of height in a manner that Scheler recognised in his discussion of values differing according to their bearers but certainly never clearly explicated, or perhaps sufficiently emphasised. This is another important issue if a Scheleran ethics is ever to provide a comprehensive theory of our ethical experience in all its detail. But due to the nature of value cognition there will probably always be a degree of indeterminacy to this as well. I think it probable that like the extent of the moral law, the qualitative nature of the obligation that arises in individual circumstances is only fully accessible through acts of ethical insight in that situation and not to *a priori* reflection at all, for the same reasons. From the philosophical position we can only hope to catalogue and consider examples and the kind of criteria that may be relevant in actual examples, but real examples are likely to always outstrip such a limited list of considerations.

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[306] Scheler, M. *Formalismus,* p507.
[307] Scheler, M. (1923). *The Nature of Sympathy.* (P. Heath, Trans.) New York: Archon Books, p164-167

6. <u>Love</u>

Both within the theory of persons, and in his entire wider ethical theory, Scheler gives love a unique place in ethical judgement distinct from value preference or value perception. Love is the act, uniquely connected to persons, through which we discover new, previously unimagined, areas of values and hence is also the most supremely intentional and *a priori* act of emotional cognition. Correspondingly hate is a force that progressively blinds us to values.[308] Love is also not an act of value preference, because it is directed at one particular value, not a plurality of values.

For Scheler love is an intentional movement from a lower to a higher value in an object. "Love only occurs when, upon the values already acknowledged as 'real' there supervenes a movement, towards potential values still higher than those already given and presented."[309] These values are given as ideally present but not empirically so: they are implicit in the values already empirically disclosed, and disclosed as the 'real' value and 'true' nature of the object, but not necessarily the ones it currently instantiates. Love reveals new values within each sphere it applies to and relates not only to humans but to anything that has value. We sentimentally love non-human objects when we value our feelings towards them; we truly love them when we love them for themselves as different objects.[310] It is important to remember that love is not the feelings we feel, rather these are symptoms that appear on the back of the ongoing act of love that is intentional and ideal.

Love involves the movement towards a potential higher value and this value can appear either as existing but unperceived until that moment, or be given as something that 'ought' to exist (in the sense of the ideal ought). In true love this does not mean that we try to improve the person to make them better, or that we go seeking for higher values in them. That betrays a *pedagogic* attitude that is not love. The emergence of new values occurs of its own accord through the act of love itself. We appreciate the person, in the current moment, for both what they currently are and what we have seen that they have the potential to be. The difference lies in that in not-love we take the person as an end, an object to be improved, but in love we take the beloved as they are, while seeing them always already as containing the best they could possibly be, and thus enable and support them to fulfil that potential, without ever taking them as an object to be improved by our efforts.

In love "we do indeed see the faults of these objects as they stand, but love them all the same"[311]. We love the ideal being, neither the empirical, existential one nor that one that ought

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[308] Ibid, p260.
[309] Scheler, M. *The Nature of Sympathy.* Translated by Peter Heath. New York: Archon Books, 1923, p153.
[310] Ibid, p155.
[311] Ibid, p158.

to be but a third thing. This sense is captured in the phrase: "Become what thou art"[312]. Love is not the projection of values onto the beloved from the one who loves. Rather, it is the revealing of the possible, truly individual person in the one loved rather than their social person that can ordinarily be seen (defined by their overlapping social positions). Scheler summarily defines love in this manner as "that movement wherein each concrete individual object that possesses value achieves the highest value compatible with its nature and ideal vocation; or wherein it attains the ideal state of value intrinsic to its nature."[313]

It is also clear though that this vision of the values the beloved is potentially capable of also presents the beloved as extremely valuable in the current moment. But it is not possible to say that we begin to love someone necessarily because we have already perceived them to be of the highest value as that could not account for the love of children or of family. Rather it is through and in the love that we perceive the value they are capable of being. We may also value someone highly while having no great love for them. However, certainly awareness of someone or some object's great value can trigger great love for them. It seems that our love must be built not only on the movement to even higher potential values the beloved may potentially be, but also the revealing to us of the values the beloved already instantiates, that thus widens the horizon of values *we* are aware of. The movement to higher values here includes both the beloved's actual value (that is higher than values we were previously aware of) and a movement to even greater potential value that supervenes on this. *Both* reveal greater value to us.

There exists love for other persons, the most commonly referred to sort of love, but there can also be love for other non-persons and the values they instantiate. One can love "Nature or Art or Knowledge or God"[314]. Love is not a strictly human condition but is an intentional act directed at objects because they are valuable, and at human beings on that basis, but it is not just an empirical recognition of their current value. Love may also be directed at collective persons as well as individual persons and this love may vary independently on that basis. One may love one's nation while not loving any particular individual person, and respectively someone may love an individual person whilst hating their community as an abstraction e.g. loving a particular German woman while hating Germans generally. All we are saying about love applies to the collective person as well but in an attenuated form, as the collective person is both a real person and dispersed over the member-persons that constitute it in addition to their own individual person. Further each individual person knows the heart of the collective person of which he is a part, but not in its entirety as he is limited by only being one part of this collective. Nevertheless, the collective person can love, can instantiate unique values and value-opportunities and be loved in return, in a manner that is unique to outsiders but revealed

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[312] Ibid, p159.
[313] Ibid, p161.
[314] Ibid, p155.

collectively to members, and exists at this collective level distinctly from the individual's own love and value.[315]

In the terms of evolutionary biology, love can be considered a series of chemical changes triggered after we have (largely subconsciously) assessed someone else as the best available (and likely) prospective mate or as closely genetically similar to us. These changes produce an intense empathic connection with another person designed to prod and reward us into taking their needs into account in our decision making, in the same way we are motivated by pleasure and pain (or discomfort) towards or away from certain actions for ourselves. This bonds us together with that person for the purpose of working together more efficiently, and thus as a unit be a more stable and successful platform for reproduction and the survival of our family i.e. those genetically related to us.[316] Our love for nation or country is the application of this effect to our wider community, itself useful to the survival of us, our offspring and our family. Our love for nature or knowledge or God, in as far as these things are 'love' in the literal sense, are misfirings based on either identification of things as persons that are important to our life, such as God, or on the basis of a further misfiring of secondary values such as Beauty (which are also originally intended for evaluating prospective mates or building empathic connections with genetic kin).

In Scheleran terms this theory is somewhat better than Kant's because it admits an intentional component to love and a connection to certain values, rather than merely assuming love is purely a function of feeling states (and though its conception of the nature of those values is very different to Scheler's). However, the problem with it is that it limits the view of love purely to vital values, first, and relativises it in relation to human beings. Scheler would argue that although this may be how love originated in terms of biological history it has long since surpassed this stage in the same way other human cognitive acts have broken free from their purely instrumental, animal significance. Love as an emotive cognitive act is both independent of specifically human mental composition and free of the vital values of strength and reproduction. The unique qualitative nature of spiritual/mental and holy values and the human experience of them proves how we have broken free of these purely 'evolutionary' constraints.

I believe Scheler is entirely correct to reject the 'pedagogical'[317] notion of love. However, although love is not based on a desire to 'improve' the beloved, there is still in love necessarily a desire to do something for the beloved. This is not in terms of wanting to improve the value of the beloved, but in terms of supporting and caring for them and hence helping them to instantiate the unique value they already are and are capable of. In any act of love the particular

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[315] Scheler, M. *Formalismus*, p522-523
[316] Campbell, Lorne and Ellis, Bruce. (2005). Chapter 14, Commitment, Love, and Mate Retention. In D. Buss (Ed.), *The Handbook of Evolutionary Psychology.* John Wiley & Sons.
[317] Scheler, M. *The Nature of Sympathy.* Translated by Peter Heath. New York: Archon Books, 1923, p157.

ability to care for the beloved is experienced as more valuable than assisting any other person in the same way. Even doing some trivial piece of kindness or politeness for the beloved is experienced as something intensely important because it is *for them*. This occurs as a conative pull towards acting to help or support the beloved. This is true even if for good reasons the person knows they cannot act in such a manner, e.g. if they are physically separated from the person, or if the beloved does not reciprocate and so would not welcome the intervention. The internal push to act will still be felt as a deeply held desire and sadly, as it is unfulfilled, a source of personal anguish.

One argument for why this choice is good in terms of value preference is because through the act of love higher value shines forth from the person that they are 'ideally' capable of. This higher ideal value means that it is good for the lover to prefer the beloved to any other person, and supporting them over supporting any other person, although it would be meaningless for any other person to do this, because they would not be able to access and hence prefer the higher values. The non-lover can only choose over the actual instantiated values of their social person and this may be no higher, or even lower than the value of other persons around.

An alternative explanation relates to the unique value-essence that each person has. This essence is absolutely unique and defines that person, and it is precisely the ideal fulfilment of this possible essence that is seen in acts of love. This value is always present but exists in the individual person and is hence usually invisible as the social person is the only element of the person seen in usual acts. Through love, however, the intimate person is seen.[318] This unique value is the highest form of value and, hence, it is always good for a person to act in its preference, even if taken externally all other persons contain that same value, albeit currently hidden from the lover's view. This would explain the absolute individuality of love, as it relates not only to the individual essence of the person, which is entirely unique, but also, through that, to the many nuances of values and opportunities to instantiate them that appear only to that particular person.

The lover alone sees these possibilities in their fullness and hence for each unique person perceives unique duties and commands relating to unique goods associated with that person alone. Scheler describes values of the person as the highest values and, hence, the ideal values the person could instantiate as among the highest of accessible values. It is important though to remember that this motivational aspect of love applies to, and is still considered good, even when referring to the agreeable and vital values of the beloved. But even here it is good for the lover to act to prefer these values of the beloved over spiritual values that lie outside the beloved. This relates to the property of foundedness discussed under value hierarchy. These lower values of the person are 'ennobled' through their connection to the higher values of the person they are founded on and connected due to the embodiment of the person. This is another

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[318] Ibid, p168.

example of the complicated manner in which bearers act as a nexus unifying value complexes in terms of goods, a feature that must be taken into account when considering practical moral choice.

There must be a limit to this process however when it comes to practical choices. If through love we see the best possible in someone then that is a good but if we act according to the unrealised ideal value of the person instead of their actual value then we may end up causing harm. For example, if we see through love that a person has the capacity to be brave, but in fact they are a coward, and we trust them with an important task that other people are relying on because of that, but they then do not complete that task because they are a coward, we have done wrong. This situation might still be thought good if the only person relying on this is the lover themselves, because they have risked of themselves to give the beloved the opportunity to transcend themselves, but certainly not if other people are involved. The difference here perhaps lies between the values related to the social and individual person. The lover relates to the beloved as an individual person and, hence, can choose in reference to their ideal value. But when taking into account the interests of other persons, who do not have the same relationship of love with the beloved, and hence only have access to their social person, it is necessary to take into account only the actual instantiated values of the person because that intimate relationship cannot exist in terms of the values of the whole group.

7. <u>Final Note</u>

That brings me to the end of this chapter of the thesis having considered issues relating to preferment and hierarchy raised by Scheler's ethics from the pure values that are experienced through into the person who does the experiencing. I have only been able to discuss a selection of, I believe, the most important questions raised by the outline of Scheler's ethics I gave in chapter three, due to the constraints of space. This has been in order to demonstrate how Scheleran ethics could be applied to answering a wide range of detailed questions about our ethical judgement, and in a few places how further work might improve and develop on Scheler's own statements. As I stated at the start of this chapter, though, almost certainly the most important and complex of these issues beyond the basic theory of pure values is the theory of the ethical significance and role of persons. The complicating factor of how 'persons' as a unique class of bearers of values affects ethics has already been hinted at in some of the questions discussed. In order to do justice to this the entire next chapter is devoted, as a continuation of this investigation into the normative implications of Scheler's theory, to the ethical significance of persons, using the brilliant and influential ideas of Emmanuel Levinas, another phenomenological ethicist, as comparative basis.

Chapter 6 – The Ethical Significance of Persons for Scheler and Levinas

1. Introduction

For Scheler the person is the core unit of ethical significance. Only by understanding what persons are phenomenologically, and what their significance and role is ethically, can we hope to provide coherent answers to the questions of value preference and hierarchy such as those discussed in the previous chapter. Only through this can we hope to eventually produce a plausible theory of value hierarchy and, hence, correct value preference. It is easy to see that our understanding of persons will be core to any ethical theory. Ethics is, above all else, about choices and preferences that can be made by persons, the impact non-person beings and objects have on persons, and the impact that the choices made by persons have on them. Scheler clearly recognised this importance and this shows in various ways. As I said in my first chapter, Scheler subtitled his main book and by extension his entire ethical philosophy as a value 'personalism', as opposed to a value 'collectivism'. He devoted a hundred pages in the latter half of the *Formalismus* to explicating the phenomenological structure of the person,[319] and he repeatedly affirmed that the values of the person are the highest values. But for all that his theory of its ethical role still appears confused. He never clearly connected this idea of the values of the person as being the highest values with the modalities and the other issues of value preference highlighted in the previous chapter. Although Scheler stresses the importance of persons he does not in practice seem to focus his ethics around them in the way his surface statements seem to indicate he should. Yes, persons are affirmed as bearing the highest values, but this is just one distinction of height among many. There is no 'different sort of difference' that separates out persons as particularly unique.

To the end of seeking to understand and possibly remedy this confusion and apparent shortcoming I turn to the ideas of Emmanuel Levinas, as more than any other philosopher he made the ethical significance of the individual person the core of his philosophy. Levinas made almost no explicit reference in his works to Scheler[320] but most likely was relatively familiar with his work, as he studied phenomenology in Strasbourg and Freiburg in the 1920's when Scheler was one of phenomenology's leading lights.[321] There are undoubtedly considerable differences between them in their conclusions, but also doubtless similarities in their methods and ideas. Of all the phenomenologists they were the two who made ethics the core of their philosophy; of all the ethicists they were the two who were phenomenologists first and foremost. In this chapter I will pursue the differences and similarities in their doctrines

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[319] Scheler, M. *Formalismus*, p505 and p370-475

[320] The sole reference in either *Totality and Infinity* or *Otherwise than Being* is in *Otherwise than Being*, p66

[321] Hand, S. (2009). *Routledge Critical Thinkers - Emmanuel Levinas.* Abingdon: Routledge, p12.

surrounding persons and their place in ethics. My hope is that in Levinas' work I will find resources to stimulate the phenomenological theory of the ethical importance of persons that Scheler's ethics needs but never truly produced, in which persons may find a genuinely unique place as the basis of a practical ethics.

Firstly, I give an introduction to the main positions of both Scheler and Levinas on the ethical definition and place of 'persons' that will form the basis of my analysis in the rest of this chapter. Then I interrogate these ideas in detail, particularly to consider whether these differences form an insurmountable barrier between them or whether they can be reconciled without doing fundamental damage to either. It is my opinion that Scheler and Levinas do converge in fascinating ways on a number of core issues that in terms of phenomenological ethics define 'persons' uniquely from other entities. I take it that readers may start off more sceptical than otherwise of this claim of significant congruence between Levinas and Scheler because of the claims Levinas made in particular as to the uniqueness of his philosophy. So, I devote my main effort to exploring these points of congruence, while still considering where and why there may be fundamental differences of principle. Three of the main issues I will address in this definition are that of Access, Uniqueness and Objecthood. That is, how do we have access to persons as persons different to things or acts or values? How is each individual person unique in themselves and how does this define their ethical importance? And, how, if at all, can persons be cognised and considered as objects? These can be distinguished but are still interconnected in a complicated manner that I will attempt to make clear. I will consider the differences in motivation and perspective that may have caused these differences. I consider whether Scheler was attempting to do something basically different in his ethics, with his complete description of value experience, than Levinas was in his, with his focus on the interpersonal relationship as the thing that underlies the very possibility of ethics. I will consider the degree to which and where each falls short of giving a full description of this ethical significance in their discussion of persons and whether this shortcoming can be answered with resources taken from the other. Finally I look back to how this can be integrated into the wider phenomenological ethics I have been outlining in this thesis, and consider how this means Scheler's theory can be improved.

First it needs to be briefly noted that I am referring to 'persons' in both Levinas and Scheler although this was not a word Levinas characteristically used, and that Scheler some of the time used in a very restricted and precise manner. I use the word in a slightly looser sense to refer to the moral subject generally (but not necessarily) exemplified by the self-aware, mentally competent human, considered as bearing moral worth and generally as capable of moral agency. With this in mind I cover under the label 'persons' Levinas' self and Other, as well as the various distinctions Scheler made between persons, the self, and man. Scheler vacillates between using 'persons' in a very precise manner: distinguishing it from his view of 'man' and

the 'self', and in other places using it in a more general sense that does not make these distinctions clear. Either way, given that we are already trying to bridge the gap between Scheler and Levinas' different conceptions there remains little point in generally retaining these fine distinctions within Scheler's own writing. As such I consider his theory of 'man' and the 'self' as referring to what most people would understand as persons as well, though I occasionally and explicitly use these more specific distinctions.

Scheler's theory of persons does have considerable shortcomings. The confusions I have just described reflect deeper conflict about the direction, across the *Formalismus* and *The Nature of Sympathy,* that Scheler wants to take on elements of his theory of the person. One of the most important of these is the question of whether or how people can be objectified, or made the objects of thought. Even when Scheler is in conflict with himself rarely is one view just wrong. Almost always he is approaching the issue with a different nuance in mind, which has a different phenomenology, and hence leads to a different formulation, without properly distinguishing these and how they fit together. That is where further analysis will hopefully help dissolve these confusions and release a more coherent picture. These conflicts strengthen the case for calling on Levinas' own unique perspective on these issues. Especially as Levinas provides a closely related but deeply distinct perspective on the questions that Scheler is also worried about, while showing, overall, a greater degree of consistency in pursuing his central idea of the nature of persons in relation to ethics.

2. <u>Scheler's Theory of Persons</u>

I have already discussed Scheler's theory of persons in section seven of chapter three. For convenience I summarise here again the main elements of Scheler's theory that will be particularly relevant. Scheler argues that someone cannot be defined as a 'person' by possessing a soul, or an Ego, or a rational mind, or by belonging to the human species. Rather the person-ness of someone is based on being the subject, the author, of intentional acts that are understandable as chosen by that person.[322] Not all humans are necessarily persons for Scheler, and not all persons are necessarily human. The acts of non-persons are causally explainable but not understandable as acts informed by both theoretical and practical cognition: insight and judgement e.g. a 'person' acts because they have weighed up the options and made a choice, the 'lunatic' or an animal acts because his madness or his instincts mechanically compel him. The acts of a person are subjectively and creatively marked as his chosen own; he is the "concrete unity of all possible acts" and "the immediately co-experienced unity of experiencing". He is the subject understood as responsible for those acts and hence can never be an object in the sense of

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[322] Scheler, M. *Formalismus*, p476.

being a 'thing' because he "exists solely in the pursuance of his acts".[323] Scheler chooses this definition to emphasise that person-hood, as opposed to the 'self' or the soul is based on being a creative and responsible moral agent, and it is that which connects it to the highest values.

Whereas all objects, and especially all things, can in principle be fully known, the person has "a sphere of absolute personal privacy, which can never be given to us".[324] This does not mean the intuition of the person is given as negatively lacking some element. Rather, we positively experience that the person has an aspect that is fundamentally and absolutely inaccessible to any outside intentional act, like seeing a window with the blinds down, fortressed from any possible epistemic invasion. The individual person can therefore be considered from two perspectives. Those elements that are defined through his relationships with other persons are his 'social person'. This includes all elements defined by his culture, his profession, his nationality, religion, class: every means by which he is known or defined by public features. But he also has an 'intimate person'. This is his "peculiar self-being" (and self value) "which towers above this whole and in which he knows himself alone": the unique perspective we all have on ourselves. There is always an absolutely intimate core to a person that is positively beyond all knowing except to them and is known and valued (or disvalued) in absolute solitude in a manner they can never entirely share.[325]

The person cannot be understood as a thing, but it is also not known purely empirically or *a posteriori* at all. Each person instantiates a value essence that defines them uniquely: this is a value-essence "whose objective essence and value-content contain a reference to an individual person" and defines the good that he is and that he is capable of fulfilling. The ideal-ought that is based in that insight of the good of that person is thus only precisely for that person and is experienced as their "calling" or vocation. Thus there is a unique place within the moral universe, a unique 'call' of "actions, deeds, and works"[326] for each individual person based on their unique value essence. Each individual person is important because of the potential they have to reveal new values. Each person has historically unique nuances of values given for them in each particular time and place that pass away in that historical-moral moment if not grasped, 'preferred' and acted upon. This means there are unique ideal and normative oughts for individual persons. Also, not only can unique individual values be given to one person at a particular moment, but universal values can also be perceived first by one person at a historical moment. Through particular acts of love a certain special person can see values hitherto un-glimpsed in value insight by any person and thus enlarge the ethical horizon of all humanity.

Kant was wrong, not only to argue that universality must be *the* fundamental feature of morality, but also to argue that it must be *a* fundamental feature of morality. There are unique

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[323] Ibid, p371.
[324] Ibid, p29.
[325] Ibid, p561.
[326] Ibid, p490.

moral oughts that apply only to single individuals that are still objective because they are still based in insight of objective value essences. This drives Scheler's value-personalism, the doctrine that the value of any society is defined by the extent to which it provides space and opportunity for individuals to realise their highest possible values, and which is opposed to value-collectivism, where the value of the individual is measured by their contribution to a community, however defined. No general community or group can possibly replace the unique role of individual persons in realising values.[327]

For Scheler the person is the centre of all the highest ethical values and acts. Good and Evil are values that can only be properly attached to the being of persons, because they alone can prefer among values. Persons alone have the higher capacity to reveal infinite further realms of value through love, the highest, most ethical act. The highest levels of value modality are also connected essentially to persons. Scheler states that holiness is always "directed towards persons [...] no matter what content [...] of personhood is implied". Holiness is "by essential necessity, a 'value of the person'".[328] By this he means that unlike lower values holiness always refers back to some person, however obliquely. A holy book, such as the Qur'an or Guru Granth Sahib, is only Holy in as far as it refers back to God, the person of persons. Scheler also connects the next level of values, that of the mental or spirit, with the self. Whereas the 'agreeable' applies only to things, the 'useful' to events, and the 'vital' to living beings, these higher moral values also attach solely to persons as their bearers.

While all the highest values a person can realise are values of the person, and particularly those revealed in his own value essence, this does not mean that the person's own value should be his intentional object, in fact, precisely the opposite. It is in being directed beyond himself at others, and those goods and values external to himself, that a person enhances the values that define him. The person-ness of someone cannot be understood as an object because it only exists in his creative ownership of his actions. This means the person focussing on his own sense that he is good or evil must fail, Scheler argues, and lead only to misplaced personal pride or selfishness (or alternatively, unproductive despair), which he labels as 'pharisaism'.[329] A person should of course hope and aim to improve himself, to be better, but he cannot do so by doing things because they will make him good. He can and must judge what things are good and do them for that reason. His attention must be outside his own person. Great saints (religious or secular) are characterised by giving no thought to their own goodness and position but great thought to what must be done, and hence they *achieve* goodness. Nor does this preclude loving oneself because, as discussed in the previous chapter, love is never the focussing on an object with the purpose of improving it, but rather the seeing in the beloved's current state all the highest value they could be and valuing them in their current state for that.

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[327] Ibid, p504.
[328] Ibid, p109.
[329] Ibid, p27.

3. Levinas' Theory of Persons

Levinas' philosophy primarily does not consider the person in terms of me, myself, but rather primarily in terms of the Other and the impact the Other has on me: constituting me, defining me, capturing me within the inter-personal relation. This infinitely challenging relation is what he called 'ethics'. Levinas' entire philosophy is built around the over-riding importance of ethics to any philosophical or ordinary understanding of human life and reason. He spoke about "ethics as first philosophy",[330] both in the sense of being logically prior to the pursuit of other philosophical ideas, but also in the sense of being of the greatest importance. He described this ethics primarily in his two main works *Totality and Infinity* (T&I) and *Otherwise than Being* (OtB).

In Levinas' first main (and longest) work: *Totality and Infinity*, he claims that if one truly meets another person ethically one encounters the "Face" of the Other that convicts one of an infinite responsibility for that Other. Levinas' ethics is based on the un-subvertable importance of the individual. Levinas argues that each individual is radically unique, possessing what he calls 'alterity', meaning being Other in a manner that transcends all categories and concepts. The Other transcends ideas of identity or non-identity, affirmation or negation. This alterity is the basis for a moral infinity within the Other, where one has responsibility for the Other but this responsibility can never be completely fulfilled, but only ever pursued more deeply.[331] For Levinas the individual instantiates the "idea of infinity"[332] , meaning that no matter how one may try to understand them, one can never know another individual entirely, but only realise that the other person will always be partially unknowably Other.

This ethical relationship one enters through encountering the Face of the Other is characterised by an intense asymmetry. The Other appears as from a commanding height, though also as the "widow, and the orphan,"[333] and calls one to an ethical relationship without end. Levinas describes this responsibility as fundamentally restricting one's freedom and requiring one to place oneself primarily in a position of service to the Other. One must be a "hostage" to the Other. [334] This encounter is the source of ethics and also the social and political structures that must be built on it. It is also the basis of religion and must be the first principle of metaphysics. This moral duty cannot be rationalised away because it is based on the alterity, the infinite depth, of the Other, which means one can never place the Other under any philosophical category that could be used to rationalise away the duty.

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[330] Emmanuel Levinas, "Ethics as First Philosophy." In *The Levinas Reader*, by Sean Hands, 75-88. Oxford: Blackwell Publishers Inc, 1989.

[331] Levinas, *Totality and Infinity.* Translated by Alphonso Lingis. Pittsburgh: Duquesne University Press, 1961, p40.

[332] Ibid, p33, etc.

[333] Ibid, p77, 245, etc.

[334] Levinas, E. (1998). *Otherwise than Being.* (A. Lingis, Trans.) Pittsburgh: Duquesne University Press, p15, etc.

Levinas uses this idea of the alterity of the Other to build a complete critique of philosophy and its traditional focus on the rational 'I'. Levinas argues that the human ego, and traditional philosophy, operates by attempting to cognize, categorise and understand everything that it encounters. In doing this it builds a system whereby all objects are defined and placed in relation to everything else it knows within the system, and determines its value and position solely relative to other objects the ego has cognized and systemised. In doing so the person brings everything he encounters into part of, what Levinas terms, the 'Same':[335] those things that are understood and categorised through various conceptual relations and thus that become the possession of that ego. In philosophy this process is magnified, creating what Levinas terms 'Totality', an attempt to create one complete inter-related description of everything that is and place it under one system. This system then defines everything, and further things are only considered as valuable through their place in this system. Totality is immensely dangerous, ethically speaking, because all value is based relatively and determined by the egological system. This means it is always possible for the ego to subvert the basic call of morality and justify this through that system, because it is the categories and relations that ego has constructed and hence can be subverted by that same ego.[336]

Levinas argues that Totality is deeply insufficient because it has no place for the alterity of the Other. The Other, as instantiation of the idea of infinity, cannot be fully cognized or understood. In attempting to totally understand the Other the rational ego can only ever legitimately fail, and realise that it does so. The Other will always be outside the Same and, hence, Totality. And, because everything in Totality is defined relatively to every other thing this falsifies the entire project of Totality to subsume all reality under its system. Ethically, this means no rational system can over-turn the call to infinite responsibility that occurs in encountering the Face, which calls on the individual from radically outside him. The call of the Face is radically 'objective', and hence insubvertable, because it lies totally outside the self's ability to cognize and relativise.[337]

Levinas also gives a phenomenological account of the relation of the self to the world that underlies these conclusions. Levinas claims that originally the individual's relationship with the external world is based on sensation. Through sensation the individual interacts with the plenum of "elements" that constitutes the external world.[338] Our relation to the world in this stage is a basic one of enjoyment. We don't cognize the external world as objects, we rather

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[335] Levinas, *Totality and Infinity*. Translated by Alphonso Lingis. Pittsburgh: Duquesne University Press, 1961, p40.
[335] Ibid, p33, etc.
[336] Ibid, p22
[337] Egéa-Kuehne, Denise. Levinas and education: at the intersection of faith and reason. New York: Routledge,
2008
[338] Levinas, *Totality and Infinity*. Translated by Alphonso Lingis. Pittsburgh: Duquesne University Press, 1961,Section 2B: Enjoyment and Representation.

regard it as elements that we need or want for survival and enjoyment, and hence that we seek to consume. Through consumption we become happy, and this leads to the development of the 'Home' within the mind, a refuge and place of safety from the world, which we construct mentally. The person, in cognizing objects, makes the distinction between those objects that are to be taken possession of and considered mine, and those objects that aren't. This leads the individual to a state of Separation whereby through the restriction of some objects to the Home the self becomes withdrawn from the plenum of elements.[339]

It is within this environment that the encounter with the Other occurs and the call of infinite responsibility appears. This realm of possession is the realm of the 'Same': those things that the individual defines through his cognition of it. Into this world then breaks the revelation of the Face. This is how a person becomes aware of the Other in the ethical sense of infinite responsibility, which Levinas considered so fundamental. The Face breaks into the world of the possession of the self as a true revelation and illuminates that world, coming as poor and naked because everything within that sphere belongs to the self that has defined and cognized it, but also because of that as commanding the person to take care of the Other. Through this encounter the self perceives the idea of infinity through realising that the face of the other cannot be fully cognised and hence can never be 'possessed'. Through its unbridgeable alterity the Face forces a re-evaluation of the world of the Same because that world, previously orientated solely in reference to the self, is now also orientated with reference to the Other.[340]

In his later main work *Otherwise than Being*, Levinas continues the themes he began in *Totality and Infinity* but with a definite change of emphasis. While *Totality and Infinity* pronounced a fundamental break with almost all prior categories of philosophy it was still partially criticised for using the very language of Totality in the attempt to break with Totality, and hence for being complicit in the very violence it so stridently opposed.[341] In *Otherwise than Being* Levinas responds to this by trying to articulate a totally new vocabulary of ideas to better describe and achieve a break with the language of Totality, here referred to as that of 'Being' i.e. the purpose of the book is precisely to articulate what is otherwise than Being. The book explicitly asserts its desire to de-assemble and torture language and words themselves to achieve this[342], more than in fact it actually then goes on to do. Levinas introduces new concepts of substitution, proximity, diachrony, the trace, among others. Proximity, trace, substitution and diachrony are all attempts, with different metaphors, to communicate the idea of expressing otherwise than Being despite necessarily having to use the pre-existing language that is implicated in Being.

[339] Ibid, Section 2.D: The Dwelling.
[340] Diane Perpich. *The Ethics of Emmanuel Levinas.* Stanford: Stanford University Press, 2008, p18.
[341] Derrida, J. (2005 [1967]). Violence and Metaphysics. In *Writing and Difference* (Chapter 4). London: Routledge.
[342] Levinas, E. (1998). *Otherwise than Being.* (A. Lingis, Trans.) Pittsburgh: Duquesne University Press, p.xlvii.

In attempting to express this break with Being Levinas uses a theme that can most easily described as that of 'presence within absence' (though this is not a term Levinas himself uses). Proximity is "contact with the other" but a contact that is "neither to annul his alterity, nor to suppress myself in the other", a sort of hesitant approach in which the two parties still retain a distance.[343] The Trace is how the Other appears, and how God appears, but "signified outside of every intention of signalling". It is the "fingerprints" left by one "who wanted to wipe out his traces and commit a perfect crime", "he has passed absolutely".[344] Temporal metaphors are dotted everywhere: God appears in the trace but is "always past", always gone already when we get there but disturbs us none the less. The presence is past perfect, in the grammatical sense of being always already completed by the time we arrive on the scene. Diachrony is another common word in *Otherwise than Being* that repeats this same theme. It refers to change occurring over time, as opposed to synchrony which refers to things at one given moment. This fits in with the metaphor of 'trace', of an effect felt but which is absent, like the echoing impact of some long gone historical event. Always the emphasis is on the effect impacting us without any of the usual connotations of actual presence, or being there, or physical contact, because all these would too greatly risk sliding back into mere gross Being or Totality.

In places Levinas combines these terms to express the earlier core idea of the 'Face' in a new manner: "the face of the other in proximity, which is more than representation, is an unrepresentable trace, the way of the infinite".[345] The concept of substitution and the one-for-the-other largely replaces the use of the term 'Face', but largely reflects this earlier term. 'Substitution' describes the ethical relation that defines the one-for-the-other. In Substitution "the word I means here I am, answering for everything and everyone". "I exist through the other and for the other without this being alienation" in a "most passive passivity".[346] The emphasis though is always on being there but holding back. "To substitute oneself does not amount to putting oneself in the place of the other in order to feel what he feels" because that would be too assertive and presumptive, it is not even an act "it is a passivity inconvertible into an act".[347] The sense is like a servant who waits silently at the edge of a room waiting for his service to be needed, but never forcing his presence onto the people there.

Levinas explains that this stance of ethical relation to the Other is essential to everything we do because it is the basis for all sociality, all relationship, which in turn is the basis for all knowledge and action. On its own "knowing is idealism"[348] because it abstracts us from the most basic physical, sensual reality, which is our relation to the Other. "The one-for-the-other is

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[343] Ibid, p86.
[344] Levinas, E. (1986). The Trace of the Other. In *Deconstruction in Context* (A. Lingis, Trans., pp. 345-359). Chicago: University of Chicago Press, p357.
[345] Levinas, E. (1998). *Otherwise than Being.* (A. Lingis, Trans.) Pittsburgh: Duquesne University Press,, p116.
[346] Ibid, p115.
[347] Ibid, p117.
[348] Ibid, p87.

not a commitment", nor is it knowledge or any other conscious act of the will, because these intrinsically involve an active attempt to assert oneself over the other in whatever way. Ethics starts before that: "the one-for-the-other is the foundation of theory" and it is "the one-for-the-other [...] which justifies all commitment".[349]

4. The Source of Ethics

Scheler and Levinas have a great deal in common relative to other ethical theorists, though there are still particular important areas of difference between them. They both give stark and demanding descriptions of *a priori* ethical truth and obligation but, uniquely, given through intuition. Despite this emphasis on the importance of ordinary experience they both also have theories that describe the basis of this objective moral obligation in decidedly (ideal) metaphysical terms: whether regarding the theological overtones of the Face or the idea of infinity, or, in Scheler, the Platonic overtones of the ranking of value essences. Key Levinasian ideas such as the un-knowability of the Other, the idea of infinity and the radical heteronomy of ethics, find distinct parallels in Scheler, the first in the un-knowability of the person as an object, the second in the increase in revealed values through love's expansion of accessible values, and the third in the doctrine of the given *a priori* nature of ethical obligation. They share distinct and relatively rare inspirations such as in Blaise Pascal who looked to an equal originality between good and Being. Pascal of course particularly contributed to Scheler the crucial idea of the 'Ordre de Coeur', and Levinas notably quotes twice from Pascal directly after the dedication and before the contents page of *Otherwise than Being*.

Firstly, both Scheler and Levinas agree on the essential heteronomy of ethics. Kant and other rationalists place the origin of true ethics in acts of rational thought, and in the case of Kant, self-legislation.[350] The autonomy of ethics is important in the act of will or the rational mind. Scheler and Levinas view the problem from the entirely reverse perspective. As long as obligation comes from within oneself it can be subverted by that same self. The will that wills for itself without already being conditioned by the good is 'spinning in a vacuum'. Only when ethics is something that traps one from outside can it be insubvertable. Because of this both Scheler and Levinas place the experience of ethics and the person before the cognitive analysis of this. They both look to sensibility to provide the source of ethics: Levinas in the infinity of the person before either theoretical reason or commitment of the will, Scheler in the values that are given in emotional and sensible feeling.

The differences between the details they choose to do this are significant though. Scheler's view of the person forms merely one part, albeit an important one, of his wider theory about value;

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[349] Ibid, p136.
[350] Kant, I. (1997 [1788]). *Critique of Practical Reason.* (M. Gregor, Trans.) Cambridge: Cambridge University Press.

whereas Levinas' Other is a uniquely central feature of his theory. To associate the person in theory with other objects would be to threaten the ethical relationship itself. In either case the recourse to sensibility is required by the rejection of the rational view of ethics as chosen or self-legislated. What faculty informs prior to thought? The answer is Sensibility. In *Otherwise than Being* Levinas repeatedly uses images of the skin and the flesh that stress the immediacy of the contact.[351] Levinas goes as far as to claim that sensibility properly considered must precede both signification and cognition.[352] Scheler rather wants to stress the cognitive content in sensibility. His whole ethical view is based on the idea that our affective sense is no less rule-based than our theoretical awareness. But this cognitive content is not one that is supplied afterwards by the rational mind to the material of sensibility, as in the traditional Kantian model, rather this lawful-ness comes in the material of intuition itself, which itself is what allows the mind to form useful concepts and categories around it.[353] For both Scheler and Levinas then the pertinent element of this experience comes from outside the person, and his choice, to convict him, before any 'cognitive' action of the theoretical or practical mind. This is how Scheler would claim to escape the trap of the 'Same' and 'Totality'. Scheler's response to the accusation of Same-ness in general, must point to the heteronomy of values, the way ethics is imposed from outside. The objectivity of ethics for Scheler lies largely in the fact that values are separate from us, independent objects we discover. It grasps and convicts the person from the outside through sensibility and only finally is recognised and accepted in cognition. There cannot be any sense of being constituted and 'owned' by an individual that experiences them, in the manner that defines Levinas' conception of the constitution of the 'Same' and 'Totality'.

Both Levinas and Scheler would seem to be asserting an *a priori* truth: in Scheler's sense of an intuition that cuts straight through to the essential truth of something. Scheler referred to this as being an "*a priori* empiricism";[354] and there seems no better term for what Levinas is also doing in his theory of persons, where the face may be an arm or leg or head, but at the same time cannot be anything conceptual.[355] Levinas did not use the term 'intuition', but his own approach of emphasising the pre-cognitive role of sensibility in ethics meshes well with Scheler's own view of 'material intuition'. This is not a rational intuition that somehow supplies information directly to cognition separately from the content of experience, but rather refers exclusively to physical and emotional sensibility. The similarity between the methods of Scheler and Levinas is that as phenomenologists they are concerned more with describing the structures that provide the necessary foundations of ethics in material experience, the manner in which the ethical pull is experienced before all differentiation in particular objects of this world. Their focus is not on

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[351] Levinas, E. (1998). *Otherwise than Being.* (A. Lingis, Trans.) Pittsburgh: Duquesne University Press, p15, p51, etc.
[352] Ibid, Chapter 3, Section 2: Sensibility and Signification.
[353] Scheler, M. *Formalismus*, p65.
[354] Ibid, p65.
[355] Egéa-Kuehne, Denise. Levinas and education: at the intersection of faith and reason. New York: Routledge, 2008, p160

particular ethical conclusions or propositions but on the qualitative nature of the beings who can understand and experience ethics, and of what they experience. Having asked these questions their answers locate ethics in the basic structure of how man practically experiences others and the world before theories. This 'practical metaphysics' is the analogue of the kind of ideal logical structures that theoretical phenomenologists such as Husserl identified underlying our experience of phenomena such as time, number, space, object-hood, etc. This sort of theory straddles the divide between the meta-ethical and normatively ethical as the ideas of one shape the other but they both avoid specific ethical situations. Levinas particularly has often been criticised for this but so has Scheler as I discussed in the previous chapter.

This practical metaphysics is influenced and connected to the manner in which both Scheler and Levinas attempt to integrate theological metaphysical ideas into their ethical framework of persons. Scheler's view of the individual value essence draws heavily on the idea of a 'call' or 'vocation', as a process of the person becoming what they ought to be. The process of becoming holy has been described in exactly these words as 'becoming truly oneself', becoming the best 'you' possible. Levinas' ethical theory of the Face in T&I has obvious biblical precedents in the mysterious theophanies of the Old Testament, except whereas in the Bible it is God alone who appears as utterly other, and convicts in 'dust and ashes'[356] by the holiness of his presence, Levinas applies this to the appearance of all Others. He also makes repeated appeal to God as the one who is always "past" and revealed through the trace.[357] This is a purely practical view of God, though, one that has no space for merely theoretical proofs or arguments. Of course many ethics, even philosophical ethics, draw heavily on religious traditions but in both Scheler and Levinas we have phenomenological ethics that use pieces of Judaeo-Christian theology not in terms of moral conclusions but in terms of the 'ethical metaphysics': the architecture of their ethics and view of the nature of persons. There are of course differences: Levinas characteristically draws from the Jewish Old Testament, from theophanies and the ethical message of the prophets; Scheler leans on Christian theology. But the similarity is unmistakable. Levinas despite his conscious disapproval of Christianity has been used heavily by Christian theologians in the last 30 years.[358] It is not hard to see how his description of God appearing in the Face of a human being, in an ethics of 'substitution', could be considered to bear parallels to Christianity.

It is not just in reference to the ethical importance of the individual person that they share crucial similarities though but also in terms of how the individual's obligation relates to society. In accordance with their belief that moral awareness must be traced to sensibility (in a broad

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[356] NIV Bible, Job 42.
[357] Levinas, E. (1986). The Trace of the Other. In *Deconstruction in Context* (A. Lingis, Trans., pp. 345-359). Chicago: University of Chicago Press, p359 and Levinas, E. (1998). *Otherwise than Being.* (A. Lingis, Trans.) Pittsburgh: Duquesne University Press.
[358] 'Zimmerman, N. (2013). *Levinas and Theology.* Bloomsburg Academic' & 'Morrison, G. (2013). *A Theology of Alterity: Levinas, Von Balthasar, and Trinitarian Praxis.* Duquesne University Press', etc.

sense), not primarily to reason, they both trace our structure of social morality not to any idea of a social contract or shared rational law but immediately to an emotional and sensible moral solidarity (though this then reveals rational features i.e. the order of values).[359] It is empathy and sympathy that produces moral community directly, of which contract and law (either political or moral) are rationalisations. It is this basic, felt solidarity with the Others that is the necessary precondition of any general ethics of justice or law. It is based on the experience of the uniqueness of each one: that we are all uniquely other to one another. Levinas states that the third party is what gives me equality with the other, because we are both equally united in having a duty of service to the third person who is other to us both.

For both men humanity is not united by "resemblance" but by "fraternity"[360], a "solidary"[361] shared endeavour of service to one another. This directly bypasses the risk of subjectivism in autonomous social ethics as much as in individual ethics. Any social contract risks being arbitrary, not to mention optional; any social ethic based on joint engagement in some 'Practical Reason' will inevitably betray the messiness of individual life and leave the status of those who fail to align themselves with that Reason in question. It represents the fact that ethical obligation often affects us in situations where there can be no general calculation that justifies immediate obligation, and the fact that we cannot 'choose' our ethical obligation. It also does justice to the manner in which social ethical obligation appears in situations both large and small that do not fit into any rational formula. Different groups of friends, family, colleagues or partners may have distinct felt bonds of obligation between them that fit into no explicitly stated or general rule, and I'm sure we can all think of examples. They exist nonetheless. Different social groups and identities can establish genuinely ethical and genuinely different levels of obligation and solidarity, on the basis of a different lived relationship in empathy and sympathy, which goes beyond the blandly 'moral'. And it gives a criteria by which all such rational formulae (whether social contract or practical reason) can be assessed, lest, like in the individual case, they end up spinning in a vacuum.

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[359] Scheler, M. *Formalismus*, p496 & p526.
[360] Levinas, E. *Totality and Infinity*. Translated by Alphonso Lingis. Pittsburgh: Duquesne University Press, 1961, p212.
[361] Scheler, M. *Formalismus*, p513 & p531.

5. Uniqueness and Access

For both Scheler and Levinas the core claim is that the person is defined as having a part that is totally inaccessible to Others, not as a lack of information but positively given as there being a space there that we cannot possibly access, like seeing a window with the blinds down.[362] This inner privacy is core to the fact that the individual person constitutes the highest ethical unit. The person is inaccessible because they are an active subject in a manner that always subverts our ability to comprehend them in terms that must be general and will always inevitably lead to stereotype. It is this creative, subjective uniqueness that implies their epistemological uniqueness and ethical importance. For both, this is given as a fact of phenomenological intuition, rather than a claim that can be deduced by rational arguments. This differs strongly with the Kantian idea, where the ethical importance of the person is due to and dependent on their capacity as an abstract agent of practical reason, but also from any idea that we can fully comprehend the person by empirical means. Scheler emphasises the creative importance of the individual: each individual has ethical possibilities that are open to no other person and that require each individual to grasp them based on their unique essence. But there are significant ethical overlaps between persons in their social persona and purpose, though even here there will be a continuum of nuances even in relatively public social values, whether professional, public of familial.

Scheler's emphasis that each individual has a unique creative role through access to unique personal value nuances raises the question of whether this is a necessary feature of the definition of the person, or whether this is a contingent fact based on us each occupying a different place in space and time with different experiences and capabilities. Scheler appears to believe this is a function of being distinct persons of distinct ethos, personality, experience and position, each of which partly informs our ability to perceive and act upon values. He describes this, though, in terms that are ambiguous about its necessity to the 'person'. However, even if another could, as a matter of logical possibility, have the same entire value experience, it could only be by being me in the same time and space, and in all features: physical, social, psychological. In other words, only by being me in my situation. What this still means is what Scheler positively stated, that no 'universal' laws can properly capture the ethical "good-in-itself-for-me" that can appear for each individual at each passing moment of time. Only the most basic laws of value preference, and empty formalist statements like 'do the right thing' etc will cover these situations but these can never define the best action "in the moment". No universal law, in the sense of a law that could apply in another situation, can be composed, because, among other reasons, there is interplay between the capabilities and 'individual' value essence of the person and external values he encounters and experiences. Unique options arise in "every moment of life". This is

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[362] Egéa-Kuehne, Denise. *Levinas and education: at the intersection of faith and reason.* New York: Routledge, 2008 & Scheler, M. 1923. *The Nature of Sympathy.* Translated by Peter Heath. New York: Archon Books, p10.

then crucially individual as a matter-of-fact and those universal values and laws that can be derived from them cannot replace that, without needing to know whether this holds by any absolute metaphysical necessity.[363]

For Levinas, if we are to explicate otherwise than Being there can be no overlap between persons, or at least we cannot work on the premise that there is. This also leads to unique ethical duties for each individual as they respond to the utterly unique nature of the Other. We cannot construct universal laws that would just treat individuals as some anonymous entry into a formula. One of the core features of the relation that Levinas describes opening up between me and the Other in T&I and OtB is that this relation in no way compromises the alterity, the distinctness of me and the Other. I am in a deep relation with the Other but this does not involve in any way "annulling his alterity" or "suppress[ing] myself in the other".[364] It is through recognising the alterity, the difference of the Other only that we enter into ethical relation and thus build a true ethical bond between us. Scheler argues that this is a function of sympathy: an intentional spiritual act that requires a higher level of conscious awareness than emotional identification (which is how animals relate to other living beings). For Scheler the act of sympathy gives us the Other's thought and emotion distinctly as the thought (or emotion) of a being separate to myself, either by analogy, by transference, or as part of some larger metaphysical whole.[365] We directly feel their feelings but in a unique mode that gives us the alterity of the Other that feels them. This separating function of sympathy is crucial because it breaks with emotional identification that would in various ways fold one into the other and erase the boundary between person and person, and hence would make the unique moral relationship Levinas discusses, based on alterity, impossible.

Ethical responsibility in Levinas is connected with the infinite depth of the Other. Responsibility for the needs of the other cannot be 'fulfilled' like someone settling a bill. Each step taken in responding to the needs of the Other merely reveals further the infinite depth of the Other and more of my responsibility towards him or her. This element of the infinity of the Other is represented in Scheler by the role of love. Love is defined by Scheler not as an intuition, but as an intentional movement that reveals the higher values that are possible for the Other to instantiate. This process widens the range of values open to one and hence one's possible awareness of ethical responsibility and the nature of the other person. This movement to higher values is potentially infinite, there are always more possibilities, and also the manner in which the positive infinity of persons is revealed. [366] As we become better we become more filled with love, we then see the deeper value that was there but hidden and hence new 'oughts' and obligations appear that we never before glimpsed. Levinas' vision is similar but does not

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[363] Scheler, M. *Formalismus*, p490-496.
[364] Levinas, E. (1998). *Otherwise than Being.* (A. Lingis, Trans.) Pittsburgh: Duquesne University Press, p86
[365] Scheler, M. (1923). *The Nature of Sympathy*. (P. Heath, Trans.) New York: Archon Books, p66.
[366] Scheler, M. *Formalismus*, p261.

speak of love specifically, but rather directly the obligation to fulfil needs, which comes through sensibility, and is logically equivalent to seeing the Face. As we fulfil needs we become increasingly aware of what more the other calls us to do. The role of love in Scheler's theory is to answer the question how, in Levinas' theory, it can be that some people miss the Face more and less than others. Something must be different about them and for Scheler that difference is the depth of their love, for it is love that enables us to see what is in front of us.

Love cannot be justified by any purely empirical view of the person, no list of material features. It is only justified by the higher values that are revealed through the love itself. Love is also not arbitrary, though, anymore than values are. They are triggered by empirical features and by emotional identification and sympathy but are never reducible to it. We see the same in Levinas. The Face is the precondition of dialogue, but whether we become aware of it varies hugely. When we look at another human we see the same empirical features but we can fail to see the significance of the Face. It is not the materiality of the object, its "front and obverse" in Levinas' words[367], but rather its ethical significance. This does not mean it is a matter of judgement or justification. The Face is either seen or missed, or as he says elsewhere "ethics is an optics"[368]. This explains the generally declarative tone of Levinas' main works. One cannot be convinced of the Face of the Other by arguments; one must become aware of it. Levinas, then, explains what the Face is more clearly so that we have a better chance of recognising what has always been before us.

Both Scheler and Levinas face the question of how the everyday relational element of the person coexists with the unique ethical infinity that they both see as fundamental. They approach this problem differently: for Scheler the individual person is divided between the social and intimate person. The social person is the person as far as he is known by public labels. This has no analogue in Levinas' categories. Of course Levinas was aware of the relative part of man's nature but in his ethical work he deemed it unimportant, because we are already so familiar with it. All such relations that enmeshed man among others are Totality, and there is already enough discussion of Totality. It was Levinas' role (uniquely as he saw it) to articulate a philosophy otherwise than Being that provides an utterly distinct perspective on the ever-present flow of Totality and thus disrupts it. For Levinas the correct ethical relation is with the Other felt as the object of "obsession, a shuddering of the human" and as the all important ethical source, precedes all theoretical cognition and practical commitment of the will.[369] Of course material needs whose expression will be based in totality will define that responsibility we hold to another, whether for food or drink or shelter, or anything else. So Being is unavoidably

[367] Levinas, *Totality and Infinity.* Translated by Alphonso Lingis. Pittsburgh: Duquesne University Press, 1961: 'On Sensibility and the Face'.
[368] Ibid, p78.
[369] Levinas, E. (1998). *Otherwise than Being.* (A. Lingis, Trans.) Pittsburgh: Duquesne University Press, p87.

implicated in the ethical definition of persons but this is left almost entirely implicit in what Levinas actually says.

For Scheler the social person is not the core of the person but is still experienced ethically as well. Scheler would classify Levinas among thinkers like Kant because like Kant he refuses to see any active ethical significance of its own in the elements of man's life outside of one defining feature: in this case alterity. Scheler was insistent that through intuition we have access to real values from many elements of man's life including his social person. A man is father, soldier, colleague, citizen, etc, as well as an essentially private being. The person is just not whole without both elements: the social and the intimate. And we cannot approach either element as an object without losing all sight of the Other as a person. These social elements of the person define him in a really positive way that may furthermore help him to understand and define his more intimate self. Only to a certain distance are we trapped in the roles life gives us, as people like Sartre suggested[370]. If these roles are fruitful we are also released by them, and can become more who we could be through them, in a manner that is impossible to ignore in any idea of the person.

The difference seems to be that whereas Scheler seems to believe that one can always approach the other purely on an instrumental level and avoid their truly individual personhood entirely, Levinas excludes this possibility (in a sense). Levinas argues that even where one acts unethically towards another the fundamentally ethical bond is still there necessarily underlying all conscious thought, because it is only by recognising the other as a person that we can address them in the first place.[371] It is this fact that we ignore an ethical reality that does necessarily underlie all our choices, even our very callousness, that condemns us. For Scheler it would seem that it must be possible to approach another purely on the level of the social person, and thus miss their true individuality. But Scheler also says ultimately all sympathy relies on love to some degree. Hence, also, where the love by which the intimate person is revealed is entirely absent then all awareness of them as a person is also absent, including awareness of their social person. It is possible to perceive them as a social object, but in that case all personhood is gone and we are dealing with a very different type of awareness. This is because the 'person' is defined by their agency over their acts. Our social person is how we actively inhabit and positively act and define ourselves through those social roles we have. Without love as sympathy we can only consider the roles another has as dead and empty things that brand him, and thus approach them and him as a social object not as a social person. It would seem that either way we take either Levinas or Scheler true awareness of personhood requires a balancing of intimate and social factors of us but in a manner that always maintains emphasis on us as

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[370] Sartre, J.-P. (1969). *Being and Nothingness.* (H. E. Barnes, Trans.) Methuen and Co. Ltd, p59.
[371] Levinas, E. (1998). *Otherwise than Being.* (A. Lingis, Trans.) Pittsburgh: Duquesne University Press, p87

uniquely unique persons. The argument is in how best to describe this balance without upsetting it one way or the other.

For Levinas the ethical core of the person is always present and unavoidable because it is the core of sociality itself. Scheler seems to think that we can answer directly to the other as an object, while bypassing their core as totally other entirely. In this Scheler seems to reflect the commonsense view but Levinas would argue that commonsense is both fatally compromised by unreflectively operating in a totalising manner, and too late on the scene because its awareness is already predicated on establishing the bond of sociality. For him "Justice is prior to Truth"[372]: justice requires the Other whereas truth is something I can grasp alone. (Though once we become divided against ourselves we can become unjust even to ourselves). If we don't approach the other ethically then we don't speak at all because we don't approach him with the respect that he will listen and hear and consider; and hence we are effectively talking to ourselves (or to the wall for all the good it does us).

6. Objectification

Both philosophers stress that when approached ethically the person can never be fully or properly known as an object. Scheler is clear that objectification loses all sight of the Other or me as a person. Clearly Scheler believes that the person can be the object of ethical thought because we can perceive and know facts about our and others unique value essence; but, he wants to establish 'persons' as a unique category, along with living beings and mere things, as well as acts, etc. This is then the use of the very strict sense of person as "one who exists entirely in pursuance of their acts". My body and my 'self' can be objectified legitimately but not myself as a person and hence not in terms of my most important value. The person is defined solely in pursuit of his acts: it is the creative and subjective core of ourselves in which we have ownership and responsibility for our internal and external acts. We have knowledge about our own person or others, but not through taking them as an object in cognition but through sympathy, that in turn is necessarily based on a degree of love. We gain understanding of them as a person solely through a love in which we join in with their acts of love, thus we come alongside them without attempting to cognise them as an object, either "cognitively, by 'understanding' [or in] vicarious 're-living', or morally by 'following in his footsteps'". [373] This is separate from what 'facts' we may know about it. This perspective given solely through sympathy is 'objective' because love allows us to free ourselves of our ethically subjective, selfish concerns.

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[372] Cohen, R. A. (1986). *Face to face with Lévinas.* Albany: State University of New York Press, p54.

[373] Scheler, M. (1923). *The Nature of Sympathy*. (P. Heath, Trans.) New York: Archon Books, p167.

Elsewhere though, when discussing other minds in *The Nature of Sympathy* Scheler's theory is notable for the very strong position he takes on the possibility of human empathy and sympathy. He claims that our own minds and those of Others are given originally with equal force as part of a continuum of minds. And that far from having to construct the Other in some process of empathy, a la Stein or Husserl, actually our first task is to differentiate ourselves from the Other. Scheler says we have overestimated the difficulty of knowing Others and underestimated the difficulty of knowing ourselves. But basic empathy only tells us that other minds are there, but cannot give us any wisdom of the nature of the actual persons. It is through sympathy inspired by love that we "think the thoughts of others [and] feel their feelings"[374] (but always as *theirs*, not *ours)*, and it is only eventually (developmentally) that we raise our head above this tidal wave of other people's thoughts and ideas to know our own self and think our own thoughts.

This is all understandable if we stick to very specific definition of persons. As soon we consider the 'person' more generally then Scheler accepts an object based approach as long as it limited. Indeed this becomes essential to answering various questions related to both our social definition, our emotional and physical needs. To do justice or love to someone we have to consider them as a physical being with quantifiable needs. I argue that practical care is an essential part of the nature of love, something Scheler seems to miss as mentioned in the previous chapter. This also affects his definition of persons here. He risks dividing the psychophysical moral being into two separate entities in a manner that does not do justice to how our physicality and messiness is essential to our ethics and definition as individual persons. Arguably we justifiably objectify ourselves in our inner life. Guilt, for example, is a form of self-objectification as we judge our own self as having transgressed. We take our own person, precisely as the one responsible for actions, as the object of our ethical judgement. Scheler could disagree whether we exactly take ourselves as an 'object' here, or whether we do in our person or our self, but these are distinctions that frankly are not clear even from Scheler's own words and I do not think amount to much more than semantic importance here. So we have a view of persons in Scheler that is a complex reflection of differing aspects.[375]

Levinas' view of the objectification of persons is clearer in principle. The Other as far as he is 'known' ethically is not an object and cannot be taken as an object. To do so would be to lose all track of the Face, and to surrender to Being, to use the idiom of T&I and OtB respectively. Only by relentless emphasis on the alterity and absence of any sense of Being in the other can we glimpse the Other ethically, in a manner that is otherwise than Being. Levinas never compromises on this idea in what he writes but there are important qualifiers. In both T&I and OtB Levinas is explicitly trying to describe the uniquely ethical manner of speaking of the

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[374] Ibid, p245.

[375] And this is ignoring the lengthy analyses of the theoretical metaphysics that defines the 'person' (according to Scheler), which occupies the 3rd quarter of the *Formalismus* or indeed the idea of collective persons, such as nations or families.

Other. This manner seeks to avoid all sense of cognitive capture of the Other, because any sense that we had 'grasped' the Other in cognition would be to sink back into Totality or Being (effectively synonyms for Levinas). [376] Levinas' view of this is more practical than it sounds though. It is not at all that Levinas thinks there should be no practical consequences of his philosophy but rather that practical ethical action could never be defined by any finite code. To do so would, again, be to fossilise it out of the ethical into Totality. The commonplace ethical gestures of courtesy and the rapport of honest discussion both instantiated the ethical for Levinas,[377] as did the material needs of hunger and thirst. Indeed, they were particularly important as sensible needs that precede all cognition. It is exactly in recognising our obligation to fulfil the needs of the other that cry out to us that we recognise the Face at all.

But to recognise and then fulfil these concrete needs necessarily involves the kinds of compromises that infect Scheler's view of the person. To understand what a person needs and fulfil that need requires a degree of objectification, or at least regarding them as the object of thought and cognition, even if only as far as is necessary to think about their needs concretely and provide food, shelter and comfort. One could semantically argue that this is only in terms of the 'person' in the broad sense of the entirety of the human being that it necessarily includes cognition and that would be correct. But that means Levinas is doing something similar to what Scheler is doing. The 'person' taken in its restricted, strictly ethical sense, is un-objectifiable without just totally losing contact with that person as a person, but not in the wider sense of considering them as including a self, as including a body that has material and hence object based needs.

This all leads us to a possible answer to the question of why is Scheler's ethics not as person-centric in its presentation as he seems to indicate it should be. Maybe all other values must be categorised from an emphasis on the alterity of persons. The problem with Scheler's theory may be that he analyses the person like any other object despite his concern to express a 'personalism', whereas Levinas starts solely from within the person and its experience of other persons, and works outwards. Scheler hence finds that the person is a highly valuable ethical object but not that it defines our approach to all other values, and expresses this still as though it were one moral object among others. This can be traced right back to the start of Scheler's analysis of values, where his initial analogy is with dead qualities such as colours. Here we are about as far from the unique, haunting alterity of the Other as an individual infinite person as possible. He gets closest to expressing a person-centric approach when he stresses that the defining feature of persons is their subjectivity and creativity as author of their acts and the uniqueness of their 'calling': the individual ought of the person that defines a possibility to

[376] Levinas, *Totality and Infinity.* Translated by Alphonso Lingis. Pittsburgh: Duquesne University Press, 1961, p194, etc.
[377] Cohen, R. A. (1986). *Face to face with Lévinas.* Albany: State University of New York Press, p32-33.

create good that is unique to them.[378] But this perspective shines through too rarely. Perhaps the whole *Formalismus* (and indeed possibly this thesis) is written backwards, placing persons at the end of an analysis defined by objects and qualities rather than the other way round.

The approach of considering all persons in the same methodological manner as objects also misses the difference Levinas finds between the self and the Other. Scheler's remarks about the Other are comparatively anodyne. For example, he states that values of oneself and others are equal in height, but realising a value of the other is of greater value than realising a value of oneself.[379] This is an interesting ethical idea. It tries to reconcile the insight that all persons are of equal value, whether myself or others, with the insight that it is better to do good for another than to do good for myself, thus allowing a compromise in our ethical view of the relationship between oneself and other persons. But here we are some distance from the haunting relationship that Levinas portrays as so crucial. Scheler does talk about the importance of being outwardly focussed when he talks about pharisaism but does not connect this with his comments about realising the value of the other at all. For Levinas the self and the other are portrayed totally differently. The self is the engine of the 'Same': egological and based in Being, concerned with possession of objects. To be concerned ethically with oneself is directly counterproductive. Whereas the Other is the very opposite of all that. When we recognise the need of the Other we see into the core of the person that in our own case is confused by manifest and contradictory controlling desires. Of course the Other is a self to himself and so has that same egological core but that is not and cannot be my concern, for his unique perspective on himself is closed to me. What is revealed to me is his physical need and through that the person-hood that is threatened by that need.[380] It is then only by concentrating on the Other that we can see the nature of all persons clearly as persons, rather than as the self-ish concerns that define me. Levinas would, I think, say so. We are already relentlessly fulfilling our responsibilities to ourselves in material matters so the clear sight of the Other is so important. Because of this, it is only when ethics is grounded in the Other before anything else that the rest of ethics can really be considered a personalism.

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[378] Scheler, M. *Formalismus*, p490.
[379] Ibid, p100-101.
[380] Physical needs are not the most interesting thing about persons but they are the most fundamental, and the most necessary as a precondition to all other things they can become. A man cannot be an artist if he starves to death.

7. <u>Range</u>

Levinas would have had the greatest problem with Scheler's use of values as a mediating force between me and the Other. Values, particularly the values of the Social person, risk allowing me to avoid the alterity of the Other entirely. But the Other is not solely defined by the values she instantiates. If she does not just have values but she is valuable then there is no mediation. There are the values of persons, like qualities of an object, but there is also the immediate contact with the person herself and the realisation of how immensely valuable that unique person is. She is valuable but in a manner that can and must be approached in a totally different way to every other person. There are risks that anonymising the person from actual individuals to a philosophical 'class' will inevitably cause us to lost track of her alterity. Even if we distinguish very strongly different types of values, and try to make the term itself as neutral as possible with respect to its specific members, we are left with the fact we are categorising persons with objects, even merely in terms of an over-arching genus. Avoiding values alone cannot solve the problem though. If Levinas wants the self and the Other to be the only moral entities in our universe he loses track of the way ethical life is manifested in different ways both in man's psychological and emotional faculties and virtues, and the objects and acts of this world. Levinas recreates the Kantian world where there is one source/object of human value and all man's other faculties and experiences have only secondary and technical usefulness toward our only defining moral purpose. This is despite the use of sensibility as *the* overwhelming moral source, as in Scheler.

The more generously ordered nature of Scheler's persons can perhaps be explained in part by the influence historical motivation had on their philosophical priorities. Both Scheler and Levinas rejected rationalistic ethics but for Levinas this was a historical priority built out of the failure of western society and ethics in the Second World War.[381] The overwhelming nature of the shock motivates the emphasis on this singular principle. Scheler, despite the effect of WW1, was not so affected and so does not see any threat in accepting a more holistic and general view of ethical principles. In the face of the experience of War all else but the demand on the individual 'Thou Shalt Not Kill' fades into irrelevance. In peacetime other concerns and priorities can appear as actually having real relevance. Perhaps this influences their different senses of the phenomenology of the experience. This is not to say that Levinas is necessarily wrong. War represents an extreme ethical test and can form a crucible that burns off the impurities and forces out the truth. Or, otherwise reveal the truth at a more fundamental level that may in lesser situations not prove clear.

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[381] Sean Hand. *Routledge Critical Thinkers - Emmanuel Levinas.* Abingdon: Routledge, 2009, p9

In the individual situation of War there can be decisions that have no universal right or wrong as Sartre said of the potential resistance fighter.[382] No-one can state that any person need sacrifice himself against overwhelming odds. But this does not mean simple indeterminacy. This is only necessary if we view moral choice as simply binary: right or wrong. But we have different values and choices open to each individual through their own value essence and circumstances. Someone may ask what the difference is in practice: well, the difference between indeterminacy and positively informed choice for that individual.

Scheler and Levinas would agree on this point: for Levinas it is not clear whether there is any better or worse, in the general sense of a gradation of good and evil. The only distinction he seems concerned with is those acts that do justice to alterity and those that do not: the ethical is a binary stance that either is or not in this scheme. Scheler argues that the ethical is too diverse and holistic for that. It is a diverse metropolis packed with different languages, dresses, food, culture and people of every colour and appearance, each bustling in their own direction and motivation without any unified plan or direction, but each contributing none the less to the success and glory of the whole.

I argue that the lack of a detailed analysis of the full range of ethical experience, such as is found with Scheler, is a major weakness in Levinas' presentation. Now, it would be unfair to expect Levinas to answer every ethical question when certainly no other ethical philosopher does that. But, he does not even provide any details of how to go about answering such questions. By this I mean that having identified the obligation not to harm the Other there is no explanation in Levinas' theory about how one should decide how, out of the varying options available, that should be done. Does 'not harming' mean helping the other avoid physical pain, does it mean helping them gain happiness, promoting their 'eudaimonia' or human flourishing in the broad secular sense, does it mean 'the movement to the highest possible value' in that person in the Scheleran sense? The answer to those questions depends on further issues of ethical epistemology, ethical phenomenology, and even ethical metaphysics, and they are legitimate questions to ask, even if they bring in the risk of shifting the focus away from the infinity of the individual and back towards Totality.

Levinas summarises man's relation with the non-personal elements of his world as one of 'enjoyment' and 'possession' into which the Other intrudes.[383] For Scheler though this oversimplifies a whole range of choices that he argues are still made under values, albeit more or less unimportant ones. For Levinas these cannot be ethical choices but for Scheler they are structurally similar to choices regarding persons, or at least done with the same method and purposes. There are numerous values that are values of both the person and values of things.

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[382] Sartre, J.-P. (1989). Existentialism is a humanism. In W. Kaufman (Ed.), *Existentialism from Dostoyevsky to Sartre* (P. Mairet, Trans.). Meridian Publishing Company.
[383] Levinas, E. *Totality and Infinity.* Translated by Alphonso Lingis. Pittsburgh: Duquesne University Press, 1961, Section 2.D: The Dwelling.

Another set of issues are raised by the connection between moral truth and the religious and aesthetic truths that are so closely bound to it in our individual and social experience. Levinas' theory is deliberately aimed at the moral layer of our experience of human individuals and, despite his deep relation to Judaism, does not recognise the experience of religious value in a manner that differs from that of the moral experience of the individual in the Face. He faces a similar problem for aesthetic values as well. Beauty has been connected to goodness both in classical and modern philosophy and a complete ethical theory surely requires recognition of the similar but distinct nature of the value of the aesthetic experience, as compared to the moral experience of persons, as well as the religious experience. In the previous chapter I argued not only that different areas of ethical life have values that are feelably qualitatively different, but that also we can attach qualitatively different types of ethical obligation to these different areas: responsibilities to self, to other persons, and in relation to aesthetic and religious value (for a start). Levinas, like all ethical theories that have fundamentally one principle, cannot do justice to this on his own. This is both in the sense of having a general ethical theory, and in the purely personal sense. Prior to and regardless of what encounters with the Other I may have I may still ask whether I should pursue beauty through art or just concentrate on enjoying basic pleasures, whether I should sacrifice immediate wealth for education or the pursuit of holiness?

These are ethical questions that cannot be answered purely within the moral interaction experienced by one person with the Other. They are still legitimate and unavoidable ethical questions, and in fact the personal moral questions that Levinas so acutely raises cannot be answered without the wider ethical context and its questions. None of this is a criticism of what Levinas does give us in the moral sphere, and in terms of demonstrating the importance of that content being the essential foundations of any wider ethics. But, it is certainly an argument that his philosophy does not answer important ethical questions, even in terms of individual ethics, let alone the wider questions of social policy sometimes referred to (in relation to Levinas' work) as 'Politics', the problems with which, however, also further demonstrates the limited, if powerful, nature of Levinas' theory. An ethics also needs Scheler's breadth of values, both within ourselves and external to just human beings. Even if we are just to do justice to the ethical significance of persons themselves.

8. <u>Conclusion</u>

The conflict between Scheler and Levinas can be seen through the prism of the question: To what extent is Man the centre of ethics; and, once the answer is reached, how best to express it? We have an ethical picture of the person that has emerged from Scheler and Levinas: A person of unique ethical importance that affects us from outside our control and commands us. We grasp this person through the immediacy of sense but are forcibly aware that they are totally different to any mere empirical object or thing. We grasp that we cannot grasp them fully, rather the closer we get the more we perceive their depth continuing into the infinite distance. The person is in that sense paradoxical, we know positively that they are fully distinct from us, and cannot be reduced into our scheme of objects: they have a unique potential that we can recognise but not access or replace.

That much is a shared view of the person between Scheler and Levinas. I have tried to demonstrate that they share congruent ideas in some of the details of this picture on the importance of sensibility, the possibility of persons being taken as objects, the basis of social ethics, and in the nature of our access to other persons and in the uniqueness of persons. There are distinct differences though. Levinas emphasises above all that the person (and specifically the other person) breaks the whole scheme of Totality and Being, when approached properly. The every-day elements of the psyche and of the external environment, even of the other, can have an importance as part of her 'needs' that call on us to be fulfilled, but do not enter concretely for their own sake at any point as objects of ethical worth and consideration. Levinas seems to fear any such admission would be to fatally distract focus from our responsibility towards the Other.

Where philosophy usually attempts to define the person by looking to myself, a perspective Scheler shares, Levinas looks to the Other to define the person's ethical importance through the debt of service I owe her. The preference for defining the person by reference to myself has its obvious reasons: my awareness of my own self will in many ways always be clearer than my awareness of anyone else. But in the ethical case this may just confuse the question. My view of myself is skewed unavoidably by my own selfish concerns, the volume of my own desires compared to those of others', and my own conflicted, often tortured relationship with myself. Levinas is right to concentrate on how I must be in relation to the Other. Scheler's own paradigm for values is qualities, and even when this is qualified by the statements that persons cannot be 'things' this does not do justice to the direct impact of the relationship. We cannot understand persons ethically as a composite of 'practical qualities', to do so would be to atomise them. Nor can we place persons as merely the highest element of a hierarchy of value without relativising our approach to the other and undermining the constant respect she deserves. In as far as we can set the correct relationship in propositional terms at all it must be on a totally different level. This cannot be done with mere statements that it is so. This is where Levinas'

often abstruse use of language has a use. It is necessary to retain the aspect of 'fear and trembling' to *express* this aspect rather than just to state it.

In practice though the concrete values of our everyday lives and psychology are not just traps for totality but bear a fundamental function that is also necessary for us to positively define ourselves: truly, ethically. Not just our social person that is part of ourselves, but also the elements of our self such as the moral tenor or our own vital feeling, and the elements external to ourselves: the acts and the things that we cherish. As Scheler says, man does not only seek pleasure, he seeks those things and acts and persons in whom we can take pleasure; and not just surface, agreeable pleasure, also the joy, and deeper still, contentment in our soul that endures. As far as we must operate in an ethical world of many choices and opportunities, for acts, for things, for ourselves, then the general world of values has relevance. But I do not think this need contradict Levinas' fundamental insight. The alterity of the other individual and the unique non-objectifying relation this requires must be the foundation of our ethical perspective before any objectifying layer can be placed over it, even a positive ethical one. Otherwise, applying this objectifying perspective to an individual whose nature is hidden from us, even with the best of moral intentions, will only result in doing violence to the reality and needs of that other person. This need not be incompatible with the awareness of the objective: either in terms of the considering the person in relation to various objects, or in the sense of what is objective and universal between different persons, as long as this is a strictly subsidiary perspective.

If we do accept this relaxing of the uniqueness of Levinas' claims for his philosophy in order to let in Scheler's phenomenological insights how then do we continue to exclude Heidegger and Hegel, and other 'Totalising' theories of morality? Because even for Levinas the theorising that becomes Totality could never be completely done away with, but only interrupted by the constant awareness of the infinity of the Other, and hence through permanent reorientation towards the other prevented from becoming Totality. Scheler agrees on the core elements of the unknowability of the Other, the ethical supremacy of the individual, subjective person and the infinity of the individual ethical response, and in that stands for the realisation of infinity over the Totality, while recognising that a certain degree of the egological perspective is inescapable and, indeed, necessary. This shared basis represents a totally different tradition to the one that abandons these truths in preference for removing primary value from the uniqueness of the individual to an external objective totality, whether Hegelian, Aristotelian, Marxist, Kantian or utilitarian.

All of these philosophies radically de-centre the individual from the foundations of ethics, relativising the messiness and uniqueness of individuals compared to the Absolute, 'Natural' Teleology, Dialectical Materialism, Practical Reason, or the Utility Principle, and all make ethics something fundamentally grasped, constructed even, through the action of my cognition that then justifies whatever means or ends. For Scheler, in contrast ethics is not constructed in

cognition by the ego but given in detail in *a priori* intuition and is dependent on this giving of ethical facts. This permanently restricts the action of the ego and reveals among other things the ultimate unknowability of persons and the infinite subjective ethical call, which are structurally similar to Levinas' key principles. This difference is fundamental to the methodology involved. Both Levinas and Scheler's aim is to make the phenomenology of the experience of the ethical call, and the substance of persons, the core of their ethics rather than basing that on either a metaphysics or an empirical theory of human psychology. This then leads them to the uniquely ethical facts that alone can provide a proper basis for ethics. I argue that this substantially accounts for the significant differences between the phenomenological ethics of figures such as Scheler and Levinas and traditional ethics. Of course they cannot be distinguished as a group purely on their methodology but also on the basis of their conclusions as well, as described previously. But these together provide the basis of a broader ethical theory that remains as true as possible to what is radical in each of these philosophers, and distinguishes them sufficiently sharply from ethical alternatives that are unsuitable both on their methods and their results.

What then does our view of Scheler's theory gain by a rapprochement with Levinas' theory of persons? Firstly, it does benefit by taking stock of Levinas' insights into the threat of Totality or Being being used to sideline the reality revealed by ethics. Levinas powerfully speaks against the constant temptation, in both philosophy and individual moral life, to file the individual under a category that denies her essential uniqueness, and robs her of the chance to be justified by her own actions. Totality can never be constantly avoided but it must be constantly resisted, lest ethics ossify into ontology, as Levinas said. I believe Scheler takes a very different, more Levinasian, perspective than the traditional philosophies of Totality and Being, but he certainly straddles the divide, and so needs Levinas' consistent warning to avoid merely replicating the mistakes that Levinas identifies.

Secondly, it gains the view of the person based on unshakeable alterity, and the importance of this infinity, particularly in founding an ethical view that breaks with all perspectives that treat ethical facts like theoretical objects. It hence does more justice to an ethical philosophy that seeks to define itself as a personalism. In Scheler's terms this stresses the importance of the category of bearers, the person, over the modality of the values, though this sounds a pedestrian manner of phrasing compared to Levinas' unique language. Levinas gives a more holistic view of the person encountered as a unified source that convicts us of her needs; rather than appearing too much as a cluster of thing-values e.g. moral tenor, individual value essence, etc. It redirects Scheler from me, as a person, to the Other, not just in terms of the mechanics of empathy and sympathy, as is already the case in *The Nature of Sympathy*, but properly in terms of what I ought to, indeed, must, do. The contrast to his sole dry comment in the *Formalismus*: "it is certain that the act of realising a value of the other is of higher value than the act of realising a value of oneself"; could not be greater. Some may argue that this is as much a matter

of Levinas emoting more as much as saying anything concrete that Scheler does not. But in a phenomenological theory we need some kind of expressive detail about what a value is, especially in a case as core as that of the person, whose importance will condition our approach to other values and choices. Scheler needs some of the radical asymmetry of obligation that so defines Levinas' view but is lacking in Scheler's more universal, objective theory. This complements Scheler's own original statement that to be good one can never intend one's own good, but must always be focussed outward by aiming it at the other person in her wholeness, rather than any single values. Scheler goes beyond Levinas in extolling the radical creative uniqueness of the individual, in terms of having possible objective ethical opportunities that are entirely their own. But in terms of orienting our ethical duty the asymmetry of duty correctly orients us outward.

Chapter 7 - Conclusion

1. Relative Position to Alternative Theories

In this thesis I have demonstrated how Scheler's theory of pluralist material intuitionism forms the basis of a truly great ethical theory that is the equal of the most well-known schools of philosophical ethics on meta-ethical, epistemic and normative issues, while more faithfully representing the range and detail of ethical experience. It does this by attending to the reality of ethical experience in all its detail with the thoroughness of the phenomenological theory and method that originated with Husserl.

Many well known moral theories only focus on one area of what would be widely recognised as our moral experience: rules or consequences, means or ends, emotion or reason. But from Scheler's theory we can account for what is essential to ethical experience from all these important ideas and areas, without making one fundamental and reducing all others to it. It does this without itself being empty of content, rather with a depth of theory that draws on a wide range of sources in its architecture, on both the meta-ethical level and in its normative inspirations. Many of the connections I have made in this thesis add to the broad background of thinkers and connections that Scheler himself explicitly mentions, and they further demonstrate the breadth explicitly present and implicitly possible within his ideas. Using Husserl, Huemer, Bedke, Moore, Doering, McDowell, Otto, Collingwood, Levinas, and others I have aimed to bring Scheler's theory up-to-date with concerns raised in meta-ethics since his death, and with more recent phenomenological ethics such as Levinas, and I believe it stands up very strongly in light of these more recent arguments.

Scheler's concept of practical affective values provides a more neutral and flexible ethical concept that allows us to better represent the range of ethical experience than traditional theories. His material intuitionism offers a unique path through the jungle of theoretical options. It weaves between naturalism, rationalist intuitionism, Kantianism, natural law theory, traditional sentimentalist theories in a manner that avoids the most commonly recognised major inherent weaknesses of each of them. It explains how each of these can have relevance within one theoretical structure, as in fact we often feel they do. In doing so it dissolves traditional sources of ethical paradox by revealing them as elements of an understandable whole.

And, contrary to the charge of 'emptiness' that is sometimes levelled at intuitionism and moral realism, it is impossible to claim that the theory is so broad that it lacks definition or depth, or that it is so narrow that it cannot be applied to enough to be useful. I have responded to this objection of emptiness implicitly throughout chapters three, four, five and six of this thesis by showing how Scheler's theory produces thorough arguments and explanations about ethical

reasoning, the epistemology of ethics, the ethical theory of persons, and the role of reason and sentiment in ethical knowledge.

Considering the current theories of analytic intuitionist thought that I described in my second chapter, I argue Scheleran intuitionism improves on these theories in almost every department. Elements of these theories, whether adequate understanding, as restated by Audi, seemings theory or recent articles on perceptual intuitionism, all overlap substantially with Scheleran intuitionism. But Scheler goes beyond them all by providing the detail of the phenomenology of actual ethical intuitions in a manner that fits with the range of ethical experience, as I said in chapter two. This emotional material provides the content missing from Audi or Huemer's intuitionism that explains the origin and effect of intuition, while maintaining their rational content and role in cognition.

This means Scheler is able to ground a much wider range of ethical phenomenon than any of these previous theories. There is not the apparent randomness of Ross' seven principles, which are just presented, instead of any other ethical principles one could name; or indeed, Audi's attempt to merge this with Kant's emphasis on personal autonomy and dignity. Though, neither does it reject most of what motivates these theories. Scheler supports the idea of 'perceptual intuitionism' and advances this theory by placing the generative source of this perception in the affective and conative faculties, but also explaining how the values we experience are distinct from these means we perceive them through. Scheler's theory is in a sense an affective intuitionism, but its use of phenomenological method and the Husserlian distinction between the intending affective sense and the intended meaning-object of the value separates it out from other affective intuitionisms, and allows it to develop a totally distinct, and much more comprehensive, epistemological approach. It also goes beyond them in demonstrating how such a philosophy can demonstrate wide-ranging ethical results.

Scheler better explains where the experience of values comes from and what they consist of, defeating the charges of redundancy and of epistemic or metaphysical queerness. Scheleran intuitionism does not need to rely on innocence by association but on what it reveals about the substance of ethics and how it accurately describes both human affective and value experience, as I have described in chapters three to six. Material intuitions are not the empty propositional intuitions, with their accompanying sense of trueness, produced by these purely rationalist theories. Rather, as I described, they are built on the undeniable material affective and conative experience and the phenomenal content of this experience. This allows us to outline a general epistemology of ethics, including a direct indefeasible evidentiary element as is suitable to any true intuition.

Moving beyond analytic intuitionism we can see how Scheler's theory fits between traditional ethical categories in its own near unique place, as befits its unique source as a phenomenological ethics. At the very beginning of the *Formalismus* Scheler described his

theory as an emotive *a priori* empiricism, and this idea is closely related to, but crucially different to what is usually considered empiricism in ethics. Traditional empiricism hits the mark as far as believing ethical value is directly in front of us. We don't need some non-ethical source outside experience to separately dictate the experience of ethics to us. But it runs into all the traditional problems of naturalism identified from Hume to Moore and into the present day, which I outlined in my second chapter. The mistake lies in assuming ethical facts could just be reduced to or derived entirely from non-ethical content, which is itself a strong metaphysical and epistemological claim that has never been validated.

Actually it requires specifically ethical facts as Moore correctly said, but Moore failed to give a content to ethics in the way Scheler does in spades. Moorean intuitionism also had no explanation for how the immediate intuition could be distinguished from a purely personal subjective preference, or the mechanism by which it worked. There was none of the structure that the theory of values gives to the experience of ethics. This left it wide-open to charges of subjectivity and emptiness. This led to the non-cognitivist rejection of both naturalism and non-naturalist intuition in ethics in the early 20th Century. The non-cognitivists were mistaken in the literal non-cognitivist thesis of the purpose of ethical speech itself, as I discussed in my second chapter. They were also mistaken to think an ethically objective theory could not have more definitive content than Moore's did. They missed the intentional value-object directed nature of ethical experience, and stayed restricted to the sentimentalist empiricist view of our affective life as consisting purely of object-less feeling-states (or at best that the emotions themselves could be their own 'projected' objects). Certainly ethical discourse involves statements of our feeling about something, prescriptions for what we think ought to occur, and indeed wishes about what state of affairs we believe should be, but it can also contain rational content that goes beyond this, as Scheler demonstrates.

Scheleran intuitionism is closer to naturalism and non-cognitivism than most 'realist', 'non-naturalist' theories but its phenomenological qualities lack the metaphysical commitment of naturalist empiricism. That would be to betray the phenomenological reduction to metaphysical neutrality. Nor does it suffer from the metaphysical and epistemological 'queerness' of stronger, traditional realist theories that comes from separating ethical experience entirely from our otherwise common faculties. Scheler may be accused of dodging the issue under a cover of metaphysical agnosticism but over-claiming is no virtue. Metaphysicians may have made the same criticism of Kant in theoretical philosophy: history has largely vindicated him though. This is not to say that Scheler is entirely metaphysically agnostic, neither was Husserl or Kant, but that his metaphysical statements are limited to the structure of phenomenal experience, rather than statements about the fundamental ontology of values that goes beyond (or behind) what is revealed in the phenomenal content. Arguably naturalism in ethics itself is not well-defined. Scheler clearly rejects naturalism as the idea that ethical truths are directly derivable

from non-ethical physical facts. Ethical truths require uniquely ethical facts and they come from the heart's own reasons (to use Pascal's phrase). But as value-facts come through perfectly natural feeling and conation it is arguable that they are as 'natural' as theoretical, physical scientific facts. But values are not physical, not exactly understood, and are not what most people mean by 'naturalism', nor is it physically verifiable the way naturalist facts are meant to be. Indeed, it is arguable the extent to which traditional phenomenology is consistent with naturalism in general as it stresses the necessity and importance of ideal essences or universals in both theoretical and practical cognition.

The theory also bears interesting relation to Natural Law theory, a form of rationalist naturalism as far as it derives the purpose of an object directly from its natural features. The purpose of something is part of the values it has the possibility to successfully instantiate but is not necessarily the entirety or the highest of the values it instantiates. Any statement of purpose about a thing presumes wider *a priori* value suppositions about what ought to be. It fails to correctly explain the full range of possibilities of all objects in different cases, including the values of acts, events, emotions, and particularly of persons who cannot be conceptualised as an object with a purpose. Any species-wide purpose will only have secondary importance to the individual personal 'calling' that is not the same for all and fundamentally cannot be determined in advance. Our ability to grow and discover further values also militates against any attempt to presume we've perfectly understood what the purpose of any being or object is. Nevertheless, Natural Law theory bears a close relation to Scheleran theory, especially as far as it looks to the ideal values an object or person could fulfil, rather than a single restrictive image of something's purpose. This close relation to Scheleran theory on the rational side of value-cognition, exists just as sentimentalism does on the affective, and empiricist naturalism does in terms of the idea of access to values.

In terms of other significant naturalist theories, the shortcomings of any simple Hedonism or utility theory have already been discussed at various points (for example, chapter five, in the section on 'Height among Values'). In summary, pleasure is not a simple object available for calculation, it's not a simple object at all, and regardless, pleasure itself is not necessarily good as there are bad pleasures and bad preferences. For it to be accepted as an *a priori* ethical truth it must depend on some general intuition, but if ethical experience can tell us that happiness matters as an end (and it does), then it can tell us that many other things are of importance as well (and does). Pluralist utilitarian theories can reflect a more complex and meaningful conception of the Good but would steadily converge with a pluralist Scheleran ethics of qualitative values, without the theoretical background as to how these different values are experienced, and how they internally relate to each other that has been described in this thesis. The only way to retain a pure utilitarianism that makes sense would be to assume that all the things identified by moral experience as good apart from pleasure, e.g. virtues, etc, are only

good as far as they are substantive means to some distant end of happiness. The identification of other things than happiness as good would merely be a misidentification in which means and ends are confused. But any method that identifies pleasure or preference as a good can equally identify all these other things as good in of themselves, and in many historical views does. Any certainty that happiness alone is good must come as some transcendent revelation in the manner Kant so criticised, lying noumenally, invisibly, behind the phenomenal reality that is pluralist.

Indeed, ethical categories like means, ends, and virtues fail to reflect reality, if taken as exclusive categories. For all things are both a means and an end, particularly persons, but also anything else. Even the creation of a tool is an end that should reflect values of craftsmanship, quality and other useful values: even a person, while always also an end in themselves, is a means to many further ends, and will always be so. The only time an end would not itself be a means to further ends would be at an apocalyptic 'Last Day' and final judgement at which all choices would be weighed and counted without the possibility for further events. Even assuming that means and ends could be separated in any strictly consequentialist theory, at what point in time are the consequences calculated: tomorrow, next year, forever hence? Any chosen point will be arbitrary and the effect of any act in terms of any simple effect like quantity of happiness may in that time flip from having a negative to a positive effect multiple times. This would create a fundamental indeterminacy about a great many acts to the point where it would be impossible to determine their ethical status ever, and certainly make it impossible at the time of action. The committed consequentialist may say, all the worse for any hope for a determinate ethics. But where is the evidence that certain acts, motives, emotions, etc themselves may not be ethically valuable or otherwise? Ethical experience seems rather to represent a continuum of objects and moments each of which has significance in itself as well as the significance of the consequences it creates at each moment, and in which each one must be balanced against the other.

As I have previously said the neutrality of values as an ethical concept allows us to coherently present a flexible but objective system where both acts and outcomes are valuable according to their features, as well as the value intrinsic to each person known as virtues. Relatively, in any consequentialist system, any virtues can only be valued as a disposition to create certain ends, whereas they are widely experienced as realities of the person that do that person credit, or otherwise, on that basis alone. The intuition otherwise can certainly only justify itself as an alternative intuition as well. Each one of these ethical schools has latched onto and emphasised one core element of our ethical experience and attempted to generalise that insight to an absolute law about what is an acceptable ethical criterion. But there is no need to do this given the plurality (but also structure) of experience.

Of the objections raised in my second chapter almost all of them have been addressed explicitly in the preceding chapters. Two, however, have not been specifically responded to so I

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summarise the Scheleran argument against them here. The first is the 'Supervenience' problem. The Scheleran answer to this problem connects to my comments above about whether Scheler's values fit with naturalism. Scheler argues that the world is experienced as a good with the same originality that it is experienced as a thing, but goods themselves are instantiations of values, they do not metaphysically define ethics in and of themselves. Scheler explicitly denies supervenience in Blackburn's original form[384], writing (decades before the objection was formulated) that "things could be quite different from what they are and yet the world of goods could remain the same"[385]. This follows quite naturally because Scheler argues that the fundamental ethical facts are not among things at all, or goods, but among values that are essential separate from all goods and things. Consequently, things do not fix ethical truths with metaphysical necessity but only as a 'matter of fact' given what we separately know about the structure within values within this universe. This is why we need to engage in specifically ethical investigation to work out what the facts among values are, precisely because this cannot be defined or detected directly from the natural facts, and, hence, these facts could logically have been different. Values are multiply realisable by many different physical facts that bear nothing physically in common but do instantiate the same values, as both Scheler and Moore argued, and so they cannot be metaphysically necessarily connected to certain physical facts[386].

Part of the basis for this is the degree to which we can bring values to givenness separately to goods, and establish a hierarchy of values independently to their instantiation in transient goods, as I discussed in some detail in my chapters four and five. Hence, in its original form there just is no problem of supervenience for Scheler. In the more general sense supervenience occurs because it is fundamental to our existence and experience of reality as both practical agents and beings capable of theoretical awareness, with these two perspectives applying very differently to the same objects of the world. It is amply evidenced by our phenomenal experience which we receive itself through our entirely natural affective and conative faculties. In that sense it is in no way mysterious.

The one other objection I raised in my second chapter that is still remaining is the 'evolutionary' objection. This contends that our practical reason can be entirely explained as conditioned by evolution to pursue reproduction of our group without any appeal to an objective ethical content. A Scheleran response to this has a few parts. Firstly, practical reason and value awareness are an intrinsic necessity for any animal capable of choice. Animals and children have access to lower values as far as they have the cognitive development to have phenomenal

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[384] This argued that ethical non-naturalists are committed to claiming that ethical facts are not entailed by natural properties, and that ethical facts are metaphysically necessarily fixed by natural properties, and that non-naturalists have no explanation for this extremely odd combination of properties.

[385] Scheler, M. *Formalismus*, p22.

[386] Ibid, p15

& Moore, George Edward. *Principia Ethica.* Cambridge: Cambridge University Press, 1903, Ch 1.

experience and the capacity to prefer and order them. Our self-awareness and mental development as a species gives us access to higher spiritual and mental values through a process of specialisation and individual effort. We have no evolutionary purpose for aspects of our higher-level theoretical faculties, whether abstract-algebra or quantum mechanics, but we have those abilities with training as specialisations of our general capacity for abstract thought that does have an evolutionary purpose. What our ethical insight reveals once we make the process of abstraction from goods to values is that there is a structure of height among values that stretches far beyond the agreeable and vital levels (most relevant to evolution) to many nuances of higher values. This structure can be verified by the features intrinsic to values themselves, as I outlined in chapter five, regardless of our evolutionarily caused states of feeling. It is this structure of values that is given to us in ethical experience, and is separate to the goods we encounter, and is separate to the sentiments by which we experience it, that gives us confidence in the objectivity of ethics. The rationalist arguments in ethics around a range of individual and social issues, while never on their own conclusive, demonstrate that it is possible to conduct serious rational arguments in ethics that in no way require reversion or reference to what is evolutionary advantageous.

Also, our highest ethical values are routinely those furthest removed from what would be suggested by a purely evolutionary focus, whether artistic, abstractly intellectual, religious, or our modern social ethic of embracing contraception, abortion and de-stigmatising childlessness. If anything, the most pro-reproductive ethic would, ironically, be something like traditional Catholic Natural Law, which itself is highly rationalist in its justification. Furthermore, the fact of personal bias in our practical thinking (which is often referred to in discussions of evolution and ethics) does not undermine the possibility of practical knowledge, any more than it does in the theoretical case. There can be great disagreement and bias in theoretical cases where our interests are at stake, and this is a matter of rational and ethical failing, but a Scheleran theory describes how the ideal meaning-content that is the intended object of our ethical thought is separate to these matters of personal bias driven by rational failures or selfishness. The actual meaning-content of ethics is not displaced anymore than a bad drawing of a triangle undermines the essence of triangularity. These issues are only the beginning of a Scheleran response to these questions that I would hope to develop in further work. Scheleran theory is consistent with or ethical awareness having developed evolutionarily or, what more traditionally might have been the explanation, that they were granted directly by God.

2. <u>Conclusion</u>

In a single thesis I can only hope to begin the work of explaining and adapting Scheler's theory in light of contemporary ethical debate. I was motivated to write on this subject by my belief that Scheler's theory, while by no means perfect or complete, represented a view on philosophical ethics that deserved to be better known and more discussed. I cannot completely comment on the reasons for Scheler's theory being largely forgotten, apart from the determined attention of a few figures like Manfred Frings[387]. But having studied it closely I am convinced that it is not due to any weakness or absurdity in the theory itself and much more do with the vagaries of historical fortune, particularly connected to the 2nd World War, and pre-existing prejudice about its phenomenological epistemology.

I have tried to cover a wide range of issues concerning Scheler's theory as a whole rather than focussing bullet-like on one or two very precisely defined questions. This is because I want to demonstrate the value of the theory as a broad complete alternative to other schools of ethical epistemology and meta-ethics. Obviously in this much space I have left much further work to develop a complete Scheleran theory and how it would connect and be applied to related fields such as aesthetics and various particular branches of applied ethics. I also believe there is much more to be done in exploring the connections between Scheler and complementary philosophers. To give just two other examples I have not been able to include as much about Kierkegaard and Collingwood as I had hoped: Kierkegaard on the subjective choice of ethics and the person, and Collingwood on aesthetics, and art especially. These are perhaps not philosophers who would be thought to have much in common but through the structure Scheler erected I believe certain of their insights can be integrated into the one theoretical architecture. As I have said numerous times the benefit of Scheler's theory is its combined breadth and depth: the range of ground covered is only matched by the detail. This in turn is buttressed by the thorough use of the phenomenological method, which, as I argued in my second chapter, I believe is particularly applicable to ethics, although rarely applied there in a systematic manner. I have attempted to do credit to that breadth and depth in this thesis though I make no claim to replicate Scheler's remarkable creativity of phenomenological ideas. I believe I have now covered all the issues I raised in my first two chapters and have demonstrated the worth and versatility of Scheler's theory with relation to ethical alternatives, especially alternative forms of intuitionism.

Among all the ideas I've discussed I think a few are the most important distinguishing features. Firstly, the separation of values as ideal objects from the feeling and conation we experience them through, and the further independence and structure of values from goods. This separates

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[387] Manfred Frings was the Editor-in-Chief of Max Scheler's Collected Works and the Max Scheler archive, as well as being the only translator of the *Formalismus* itself into English, and various other of Scheler's works. He also wrote several encyclopaedia articles on Scheler and several books explaining his philosophy.

Scheler's view from most forms of sentimentalism and affective intuitionism, and helps form the beginnings of a unique answer to the problem of ethical knowledge. Secondly, the acceptance that original ethical values may exist at every stage of the ethical process, from motives through acts and laws, and have not been arbitrarily restricted by hypothesis to merely one area. This delivers the thorough-going pluralism of the theory and I believe allows it to more fluidly and correctly represent our ethical experience than alternative restricted views. Third is the idea of active, emotive ethical insight, which overthrows the old insistence that rational ethics involves ignoring or going against our intrinsic emotional nature and drives. And, finally, the focus on the uniqueness and individuality of the personal experience of the nuances of value, and the unique possibilities for creating the Good this gives to each person in every day of their lives. This comes also in emphasising the importance of the active, choosing subjectivity in defining one as a 'Person'. These four core ideas are crucial to the subjects I have tried to explore through my latter chapters: on the epistemology of ethics, how Scheler's ideas impact ethical decision-making, and the doctrine of 'Persons'.

Ethics benefits from the phenomenological distinction between the subjective, emotional psychological content of the mind and the logical meaning-object, the ideal content of ethics itself that is carried through it and intended by it. In Kant's terms this is the difference between the synthetic *a priori* statements that make up ethical truth itself and the empirical *a posteriori* nature of statements of moral opinion and argument, or, alternatively, the difference between the object language of ethics itself, and the meta-language of criticism and discussion. This allows us to do justice to the sentimental impact and biases that infect actual attempts at moral thinking without assuming this necessarily undermines the rational moral thought contained within, or needing to totally disconnect the two (as is the case in Kant's theory).

My aim has been not to just advocate Scheler's theory but to update it in light of developments in philosophical ethics since the *Formalismus* was written in Germany in the 1910's. On the analytic side, I have tried to integrate Scheler's writings with a range of arguments related to affective intuitionism, rationalist intuitionism and the possibility of an objective ethics, as I discussed in chapter two. On the more continental side, I have also thought it important to relate Scheler to the ground-breaking ethical work of Emmanuel Levinas, who is probably currently the most famous phenomenological ethicist. I hope the work I have done relating Scheler's theory to ethics since his death is useful to other philosophers to expand and develop an up-to-date and uniquely Scheleran approach to both theoretical and applied ethics. This approach should be one in which a wide range of different values and elements of ethical cognition are considered and closely analysed as experienced, rather than questions being decided in advance by consequentialist or deontological principles that do damage to some or other of the values experienced. I think these connections both help demonstrate the worth of Scheler's original writing, and also help bring in new insights that can certainly add to his ideas.

I certainly do not think that everything in Scheler's theory should be taken up exactly as it stands. This is more a matter of emphasis than explicit disagreement, but I have deliberately taken a different approach from that one would pick up from reading the *Formalismus*. Indeed, Scheler is downright confused in his use of terminology on certain issues between one part of the *Formalismus* and another. Much of the thought that has gone into defending modern intuitionism from Audi, Huemer and others can be applied usefully to Scheler's account of the epistemology of ethics. Husserl's work on essences and that of other 'realist' philosophers (in the medieval sense) is important to explain the nature of values as practical essences, which is crucial to Scheler's ethical epistemology. I also think it important to tweak and adapt Scheler's ethical epistemology, for example, in reference to the unity of reasons of the heart and mind, as suggested by Collingwood, and using ideas from Otto and elsewhere to explicate the schematism of values. I also think, as I argued in the last chapter, that on the normative side Scheler's ethics needs recalibrating towards the view of Persons as the central unit that makes sense of ethical choice. This is more of a matter of a major change of emphasis from that taken by Scheler in the *Formalismus*. Scheler spends significant time talking about various questions of moral phenomenology and the theoretical (non-ethical) phenomenology of the person, rather than the questions of ethical epistemology and meta-ethical definition that preoccupy contemporary philosophical ethical debate. These extra comments amount to hundreds of pages in the *Formalismus* alone but in my view they were not the most important in terms of establishing what is really impressive about Scheler's ideas, or where they interact with current debate. They are not wrong in my view, though, just additional to the issues I have discussed here.

That brings me to the end of this thesis. The reader will hopefully agree that I have progressed the debate and understanding of Max Scheler's ethics by fusing it with complementary ideas, and clarifying the position of Scheler's ethics relative to meta-ethical alternatives, particularly casting new perspectives on debates in ethical epistemology, ethical decision-making and the ethical significance of Persons. I also hope that by increasing understanding of these ideas I have opened up further possibilities for study and development in axiology and ethics, and increased the awareness and appreciation in general for the remarkable ethical ideas of Max Scheler.

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