PHENOMENOLOGY AND MIND

THE ONLINE JOURNAL OF THE RESEARCH CENTRE IN PHENOMENOLOGY AND SCIENCES OF THE PERSON
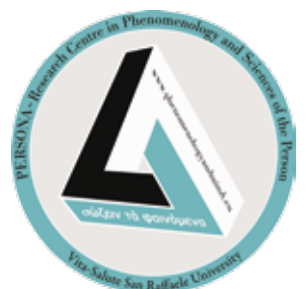
PHENOMENOLOGY AND MIND

THE ONLINE JOURNAL OF THE RESEARCH CENTRE IN PHENOMENOLOGY AND SCIENCES OF THE PERSON

THE PLACE OF VALUES IN A WORLD OF NORMS

Edited by Francesca Forlè and Sarah Songhorian

Phenomenology and Mind practices double blind refereeing and publishes in English.

CONTENTS

CONTENTS

CONTENTS

INTRODUCTION

INTRODUCTION

Francesca Forlè, Sarah Songhorian (Università Vita-Salute San Raffaele)
Introduction

FRANCESCA FORLÈ
Università Vita-Salute San Raffaele
francescaforle@hotmail.it

SARAH SONGHORIAN
Università Vita-Salute San Raffaele
s.songhorian@gmail.com

INTRODUCTION

INTRODUCTION

The papers collected in this number of *Phenomenology and Mind* aim at analyzing Max Scheler's work and understanding to what extent his reflection can be useful to current debates – in particular as far as values, emotions, and norms are concerned.

Max Ferdinand Scheler (Munich, 1874 - Frankfurt, 1928) was one of the most prolific German intellectuals of his time and a pioneer in phenomenology. The first encounter with phenomenology happened in 1902, when Scheler met Edmund Husserl. In Munich, where he came back in 1906 after he completed his studies in Berlin and Jena, he established, together with Theodor Lipps, the circle of the "Munich Phenomenologists". Some of the members of this group were: Maximillian Beck, Theodor Conrad, Moritz Geiger, Dietrich von Hildebrand, Herbert Leyendecker, Hedwig Martius, and Alexander Pfänder.

His thinking touches on a huge variety of areas both within philosophy and in other related fields and it gives rise to a variety of questions that have been and are still central in different domains.

As the Stanford Encyclopedia of Philosophy, rightly notices:

> A pioneer in the development of phenomenology in the early part of the 20th century, Scheler broke new ground in many areas of philosophy and established himself as perhaps the most creative of the early phenomenologists. Relative to the attention his work received and the attention his contemporaries now enjoy, interest in Scheler's work and thought waned considerably. This decrease in attention is in part due to the suppression of Scheler's work by the Nazis from 1933–1945, a suppression stemming from his Jewish heritage and outspoken denunciation of fascism and National Socialism. Nevertheless, his work has survived and continues to be read and translated throughout the world, serving as evidence of the creative depth and richness of his thought (Davis, and Steinbock 2013).

In deciding which domains within his extensive work we wanted to focus on, we were enlightened by Zahavi's reflections (Zahavi 2010).

> Scheler's strength as a phenomenological thinker is undoubtedly to be found in his concrete analyses – in particular in his analyses of emotional life and sociality (Zahavi 2010, p. 175).

Taking seriously this insight, we focused on three particular aspects of his thought. We never thought of them as being exhaustive as far as Scheler's work is concerned, but we thought they might be particularly interesting both because of Scheler's contribution *per se* and because of his possible relevance in contemporary debates.

The three domains we wanted to focus on are: emotions, values, and norms. According to this distinction, we invited our contributors to focus on one of these domains.

But, before entering into the details about the sections of this number, we would like to spend a few words about the great opportunity we had to reprint part of the third chapter of Wolfgang Köhler's *An analysis of Requiredness,* who also provided the idea for the title of the present number of *Phenomenology and Mind*.

The permission was granted by W. W. Norton, that holds the copyright to the title (copyright: 1938, Liveright Publishing Corporation). We would like to thank in particular Emma F. Berry and Elisabeth Kerr for their kindness and helpfulness.

The selection, which is particularly relevant for the topic of the present issue, is introduced by Roberta De Monticelli's words.

As we have mentioned, the first *Section* of the present number of *Phenomenology and Mind* concerns emotions. Our interest was on the essential properties of emotions and on their role in our interaction with others in a social context.

Our first invited contribution is by Andrea Zhok (University of Milan). In his *On Scheler's metaphysics of love: an appraisal* Andrea Zhok recollects some of Scheler's main arguments concerning the status of "affective life" and tries a sympathetic appraisal of the bearing of these theses. After resuming Scheler's assessment of love and showing its conceptual connections with intentionality, spiritual values and sensuous corporeality, Andrea Zhok sketches an account of the ontological and axiological role of love. Love turns out to be interpretable as a pervasive drive that shapes both natural and cultural history, while history, in its most comprehensive sense, is not viewed either as sheer contingency or as teleology, but rather as an exploratory cosmological venture.

The aim of our second invited paper by Francesca Forlè (Vita-Salute San Raffaele University, Milan) and Daniela Perani (Vita-Salute San Raffaele University, Nuclear Medicine Department and Division of Neuroscience San Raffaele Scientific Institute, Milan) in their *Emotions in Music. An Overview of Musical Expressive Qualities* is two-fold. On the one hand, the authors describe the emotional and affective power of music by means of the analysis of *music expressive qualities - tertiary qualities* or *value-qualities* that emerge from the structure of the musical objects. On the other, they focus on *rhythm* as one of the "core contributors" for music expressiveness, giving also a phenomenological account of rhythmic perception.

Roberta Guccinelli (Member of the Max Scheler Gesellschaft, Italian translator of Scheler's *Formalism in Ethics and Non-formal Ethics of Values: A New Attempt Toward the Foundation of an Ethical Personalism*), in her *When the Facts "Call down Vengeance". Feeling of Revenge, Sensibility to Injustice and (a Hint at) Retributive Justice in Scheler's* Formalism, aims at providing an elucidation of what, at first sight, appears as a specific and negative affective phenomenon, namely that of revenge, which, although its sinister popularity, constantly risks to be muddled with a simple state of excitement deprived of intentionality or with a kind of "justice without justice". The understanding of the nature of revenge and of impulse of revenge allows to enlighten a peculiar feeling's class, to which revenge in a certain sense belongs to, and to investigate the meaning and the sense of Scheler's ambiguous term "Vergeltung", in order to attribute to retributive model of justice, by a comparison with revenge, its correct role and place in the world

of Scheler's. The author's back-idea is the one according to which refining sensibility to injustices can contribute to a primary form of identity, namely that of our living body.

The first of our contributor's papers for this first *Section*, by Luigina Mortani (University of Verona) and Federica Valbusa (University of Verona), focuses on a particular role that emotions can play. In their *Affective Responses and Personal Flourishing*, they analyze the connection between personal flourishing and affective states. In particular, the paper reconstructs, develops and discusses Scheler's *Bildung* theory to highlight its relevance for educational philosophy. The authors point out that a personality flourishes through a process of progressive individuation which is modulated by affective maturation and promoted by the encounter with an exemplarity.

Finally, Anna Piazza (Universität Erfurt, MAX-WEBER-KOLLEG für Kultur- und sozialwissenschaftliche Studien), in her *Scheler's foundation of ethics*, deals with Scheler's emotional ethics and its relationship with a possible ontological foundation. The author addresses the theme of values and acts, asking whether they are rooted in being or whether they possess their status autonomously, and where they obtain their legality and consistency from.
This last contribution introduces the theme of values – as it is connected with that of emotions. Leading us to the theme of our second *Section*.

In the second *Section*, as we have mentioned, our interest was that of understanding what are values in Scheler's work and how his reflections can improve contemporary debates about them. We also wanted our contributors to elaborate on the existence of an order of values, on its possible objectivity, and on the role of this order of values for the constitution of a personal *ethos*. Finally, we were particularly interested in understanding what can be drawn from Scheler's works on the relationship between "values" and "facts", and whether his *Value Theory* can be conceived of as a reformulation of the *is-ought* question.

Roberta De Monticelli (Vita-Salute San Raffaele University, Milan), in her *Requiredness. An argument for value-realism*, addresses the problem of the ontological status of values. Our invited author defends several arguments in favour of Axiological Realism, a specific version of the thesis about the objectivity of values. Roberta De Monticelli's aim is that of answering the question posed by Wolfgang Köhler in the book from which we extracted the paragraphs published in this volume, so that this paper provides also a theoretical reflection stemming from those pages. So, what is An analysis of Requiredness? The arguments proposed are based on a principle of non-reducibility of integral wholes to sums, as informally developed by Gestalt theorists, systematically worked out by Husserl in his *III Logical Investigation* on wholes and parts, and exploited by Max Scheler's theory of material and axiological *a priori*.

The second invited paper of this *Section* is by Veniero Venier (Udine University). In *Governing Emotions. Husserl and Personal Vocation*, the author deals with Husserl central question about the creation of a personal order, related to values and their cognition. An order in which the fundamental structure of the actual idea of a person is revealed: that of being the essential tie between feeling, motivation of volition and logical-argumentative coherence. This value is felt emotionally but the true understanding of the value only occurs in rational choice, when feeling is concretely translated into value.

Our first contributor in this *Section* is Virginia Sanchini (FOLSATEC, Department of Experimental Oncology, European Institute of Oncology (IEO), Italy; Department of Health Sciences, University of Milan, Italy; European School of Molecular Medicine (SEMM)) with her paper: *Not Kant vs. Scheler, but either Kant or Scheler. From Construction to Foundation of Ethics*. In the author's view, Scheler's moral

theory is often presented as a critical reaction to Kantian formalism. The majority of contributions on this topic deals with Scheler's proposal of an *a priori* material ethics in contrast with the *a priori* formal ethics developed by Kant, or with the critical analysis of the eight prejudices ascribed by Scheler to Kant. A very few of them, however, explore their respective foundational attempts to see why such a conflict actually arises. The paper addresses the foundational issue. It will be shown that the disagreement between the two authors should not be ascribed to a real incompatibility, but rather to a different way of conceiving what the foundation of ethics actually is.

James Edward Hackett (University of Akron, Akron, Ohio), in his *The Case for Participatory Realism in Scheler's Ethics*, believes, following Phil Blosser, that the major defect of Scheler's philosophy of values lies in the fact of not being clear about values' ontological status.
In his paper, the author argues that being-an-act (*Akt-sein*) provides us with insight into Scheler's value ontology. The thesis rests on two fundamental premises: showing how Scheler's phenomenology opens up into ontology, and how being-an-act is understood with that opening in mind in Scheler's *Idealism and Realism* essay.

Susi Ferrarello (Loyola University, Chicago; Saybrook University, San Francisco) has three goals in her *Values, Normativity and Facts*: firstly, to describe the relation between values, norms, and facts; secondly, to consider whether norms are a constituent part of the essence of values; and, finally, to define the boundaries of axiology. To reach these goals the author presents an historical-phenomenological reconstruction of the relationship between values, norms and facts.
As it has happened for the last contribution of the first *Section*, this last contribution is somehow a bridge from the second to the third *Section* of our volume, as it introduces and debates the connection between values and norms.

The third and last *Section* concerns norms, their essential properties in Scheler's account, the role they play in relation to Scheler's Value Theory, and the potential relevance of Scheler's reflections for contemporary debate about them.

In *Norms without Values. Philosophical Reflections on Carl Schmitt's* Tyranny of Values, Paola Premoli De Marchi (Adjunct Professor of Ethics, FISPPA, University of Padua), by reference to Carl Schmitt's *The Tyranny of Values* (1954), asks whether norms can be justified without reference to values. The paper focuses on the premises of Schmitt's perspective and aims to show that the rejection of values as foundation of civil laws depends upon some *philosophical* assumptions, even though Schmitt defined himself a jurist and not a philosopher. The first part of the paper is dedicated to explain the historical background of Schmitt's notion of value. The second part introduces the content of *Tyranny of Values* concerning the relation between norms and values. Afterwards, the author explains the main thesis defended by Schmitt, namely the relationship between the posing of values and aggressiveness, and investigates its theoretical premises. The fourth part addresses the question of how norms can be justified without values, in Schmitt's view. And, finally, the author aims to reply to Schmitt's rejection of values by drawing on some insights by Scheler, who is the main exponent of the value theory attacked in the *Tyranny of Values*.

Again on the relation between norms and values, Davide Fassio (University of Geneva) focuses on the distinction between the two concepts. It is difficult to find decisive criteria by which to distinguish norms from values. In his *How to Distinguish Norms from Values*, the author focuses on analyzing the essential properties of norms, that are not ascribable to values themselves. The relevant properties, possessed by the former but not by the latter, are that norms are directed to some addressees, possess

conditions of satisfaction and are supposed to guide and motivate their addressees to satisfy these conditions. To come to such a conclusion, Davide Fassio focuses on different traditional ways of distinguishing between the two and on the traditional criteria of such a differentiation. The aim of the paper is not that of arguing against the existence of a relation between the two domain, but rather that of finding the criteria for a conceptual distinction based on the properties that each one has or has not.

Olimpia Giuliana Loddo (University of Cagliari), in her contribution *Rules of Distribution and the Concept of "Egalitarianism" in Felix Oppenheim. Towards Understanding Distribution*, reconstructs Felix Oppenheim's description of "egalitarianism" on the basis of rules of distribution. Afterwards, the author reverses Oppenheim's perspective by analyzing the role of distributives rules and of "egalitarianism" towards understanding distribution. In what measure does the concept of "egalitarianism" help us to understand distribution? Is it possible to understand a distribution only on the basis of descriptive concepts? As Olimpia Giuliana Loddo points out, in order to choose consciously between two or more rules of distribution we need to adopt a value judgement on the content of that rule. So that, in the author's view, values can represent a peculiar point of view that allows us to perceive, on the one hand, selected aspects of rules of distribution and, on the other hand, the peculiar ethical meaning of the (rule-governed) practice of distribution. Even considering very practical issues such as egalitarianism and distribution, values play a distinctive role and Scheler's work proves itself to be extremely useful for contemporary and everyday life issues in political and social context.

Essien D. Essien (Department of Religious and Cultural Studies, University of Uyo, Akwa Ibom State, Nigeria) examines, in his *The Hidden Dimension of Social Norms in Ibibio: Tri-Tangential Trajectory of Ibibio Indigenuos Knowledge on Morality*, a very specific set of norm. In particular, the author focuses on the hidden ethical elements of norms in Ibibio culture and its day-to-day manifestations within the periscope of ethical prerequisite. The paper presents a socio-cultural description of Ibibio norms which are an integral part of the culture, social custom, rituals and beliefs governing social coexistence. It argues that, though norms are a cultural production with emphasis on prohibitions, Ibibio norms dictate behavioral and/or conversational re-orientation.

The last content of this volume are two book reviews of the new Italian translation of Max Scheler *Der Formalismus in der Ethik und die materiale Wertethik. Neuer Versuch der Grundlegung eines ethischen Personalismus*, published by Bompiani and edited by Roberta Guccinelli (2013).
We wanted to give some space to this new and extremely relevant translation by Roberta Guccinelli (Member of the Max Scheler Gesellschaft, Italian translator of Scheler's *Formalism in Ethics and Non-formal Ethics of Values: A New Attempt Toward the Foundation of an Ethical Personalism*) and we did so by asking Barbara Malvestiti (University of Milan) and Jonathan Bazzi (Vita-Salute San Raffaele University) to review the new translation.
We hope these contents can provide some insight on *Formalism*, to guide its reading, and provide some interpretative tools for those who want to approach such a deep work by Max Ferdinand Scheler.

In the end, as invited editors, we would like to thank all the contributors, those who were invited by us and those who answered our call for papers, both for their interesting contributions and for their responsiveness and kindness. We also wanted to thank the reviewers for their comments on the papers and their helpfulness.
Finally, our gratitude goes to the *Editorial Board* – Francesca Boccuni, Stefano Cardini, Roberta De Monticelli, Francesca De Vecchi, Serena Rizzello – for all the support and advice they gave us throughout the production of this volume. We would like to thank also IUSS Press, our publishing house, in the person of Roberta Lucentini.

REFERENCES

Davis, Z., Steinbock, A. (2013), "Max Scheler", *The Stanford Encyclopedia of Philosophy*, Summer 2013
Edition, online publication: http://plato.stanford.edu/archives/sum2013/entries/scheler/;

Scheler, M. (1911-19), *Vorbilder und Führer*, Gesammelte Werke, X, Francke Verlag, Bern-München
(1957, 2000), pp. 255-319;

Scheler, M. (1913, 1923), *Wesen und Formen der Sympathie*; Gesammelte Werke, VII, Francke Verlag, Bern
München (1973, 2005), pp. 9-259;

Scheler, M. (1921), *Vom Ewigen im Menschen*, Gesammelte Werke, V, Francke Verlag, Bern-München
(1954, 2000), Italian edition: *L'eterno nell'uomo*, edited by P. Premoli De Marchi, Bompiani, Milano 2009.

Scheler, M. (1916), *Der Formalismus in der Ethik und die materiale Wertethik. Neuer Versuch
der Grundlegung eines ethischen Personalismus*, Gesammelte Werke, II, Francke Verlag, Bern-München
(1954, 2000), Italian translation: *Il formalismo nell'etica e l'etica materiale dei valori*, ed. by Guccinelli R.,
Bompiani, Milano, 2013.

Scheler, M. (1996), *Il formalismo nell'etica e l'etica materiale dei valori*, edited by G. Caronello,
San Paolo, Cinisello Balsamo.

Zahavi, D. (2010), "Max Scheler", in A. Schrift (ed.), *History of Continental Philosophy III*, Acumen Press,
Edinburgh, pp. 171-186.

WOLFGANG KÖHLER

Introduced by ROBERTA DE MONTICELLI (Università Vita-Salute San Raffaele)

demonticelli.roberta@unisr.it

AN ANALYSIS OF REQUIREDNESS

A Choice from Köhler

Wolfgang Köhler (Reval, Estonia 1887- Enfield, New Hampshire, USA) , one of the founders of Gestalt Psychology (with Max Wertheimer and Kurt Koffka – the three of them had studied with Carl Stumpf in Berlin), became famous after publishing his pioneering work on the cognitive faculties of anthropoid apes in 1917. After directing the Institute of Psychology at the Friedrich-Wilhelms University in Berlin, he was the only academic of the institute's faculty to engage in a public protest, when he published a newspaper article against the first wave of anti-Jewish Nazi legislation in 1933 (a few months later, by contrast, Heidegger delivered his infamous pro-Nazi inaugural address as rector of Freiburg). He left Germany in 1935, and was appointed professor at Swarthmore College, Pennsylvania. In the academic year 1934-35 he had given the third series of the William James Lectures on Philosophy and Psychology at Harvard, published in 1938 under the title *An analysis of Requiredness* (Livering Publishing Corporation, New York).

Under the term "requiredness" – a strict English rendering of the German term *Forderung* (and its close semantic relative, *Aufforderung*), Köhler refers to what J.J. Gibson, famously, coined the neologism *affordance* for. Köhler's analysis of the "phenomenal field" provides a strong argument against axiological subjectivism, while sketching an objective-relational theory of values.

The chapter we reproduce here provides the fundamentals of this theory. For a related argument, cf. R. De Monticelli, *Requiredness. An Argument for Value-Realism*, this issue.

W. Köhler, *The Place of Values in a World of Facts*, Chapter III, "An Analysis of Requiredness", II-IV (Mentor Books, New York 1966 pp. 65-87).

W. Köhler, "An Analysis of Requiredness", *The Place of Values in a World of Facts,* **II-IV**

I return to our main problem, which is the generic problem of value as such. The subjectivistic **II**
theory of requiredness seems to resolve the paradoxical aspect of this notion. Apparently the mere
introduction of human interest, striving, conation achieves the solution of the problem. We have the
impression moreover that the problem is, in this way, not merely solved, but rather transformed into
something obvious; because striving and interest themselves are matters of everyday experience.
It is precisely this aspect of the theory which may arouse one's caution. Too frequently just the
apparently obvious contains, and most successfully hides, certain essential traits which deserve all
our attention. I shall try to show that this applies to the present case.

What was paradoxical in requiredness? It appeared paradoxical so long as we said: Facts *are* or *happen
indifferently.* There is no requiredness about them. Consequently there is no place for requiredness in
a world of facts.

How, then, is this situation changed when requiredness is brought into connection with interest? The
subjectivistic theory makes us see that we were too hasty in our characterization of facts. Not all of them
are or occur indifferently. In the very nature of some facts there is, as a constitutional trait, a quality of
acceptance or rejection of something beyond. Human interest, striving, conation are all of this kind. It
belongs to their character that they point or refer to other facts. And this reference to other facts is far from
neutral. They are very partial, they are selective with regard to other facts to which they refer. As soon as
we make these properties of interest more explicit all apparent commonplaceness disappears from the
subjectivistic theory of requiredness.

The first point, it is true, is still simple enough and not a novelty; some contents of the phenomenal field have
a *direction* or directedness, others not. A coin before me does not point toward something, an interest does.
Because of this property we shall borrow a term from mathematics and physics and call interest a *vector*[1].
With the second point we approach an essential side of our problem which is usually well hidden
under the disguise of obviousness and commonplace speech. Interest as a vector is experienced as
issuing from a definite part of the field. If it is 'my' interest, it issues from that particular item in the field
which I call 'myself'-not from a pencil to the left, not from a sheet of paper to the right. Why repeat
what everybody knows and what our language implies? We do so because we are dealing with one of
those cases in which experience does contain not merely an isolated fact here and an isolated fact
there, but also the fact of their *belonging together.* This is the phenomenal aspect which practically
is more implicit than explicit when we say: "I am interested in," or when we speak of "my interest."
There are other such experiences of belonging together, many of which have been dealt with by
Gestalt psychologists.[2] This particular one, however, in which a vector is experienced as issuing from
a definite part of the field has a special relevance in our present discussion.

A third point is no less implied in common language than the second, but is in the same manner hidden
by the smooth cloak of everyday speech rather than really accentuated. The subjectivistic theory of
requiredness often refers to objects as *causing* or *releasing a human interest.* This is one aspect of the role
which objects of all kinds play in subjective valuation. Another aspect is that interest or striving is
directed toward the phenomenal object in question. Not all causes have such effects. But it is this effect in
our case which, implicit in common speech, has to be made explicit. Interest is not only experienced as
issuing from a particular part of the phenomenal field. It is also experienced as referring to another and,
in most cases, a very definite part of the same field. Here, then, we have a vector which, with two parts of
the field, forms an experiential unit, a specific context.[3] The three belong together in experience;

---

1   K. Lewin and his students frequently use the term in their investigation.
2   *Cf.* Wertheimer's article in *Psychol. Forsch.* 4, 192: ; the writer's report in *Psychologies of 1925* and *Psychologies of 1930* (ed. by
Murchison); *Gestalt Psychology*, ch. S and 6; and Kottkas *Principles of Gestalt Psychology*, 1935.
3   I know of no English word that would correctly render the meaning of the German "Zusammenhang." In this predicament
I have decided to use the word "context" as a substitute. For the purpose of this book it willl perhaps acquire the connotation
which is implied in the text.

one part is the point of issue of the vector, the vector transcends into the objective region of the field, and the last part serves as target or mark for the vector. In this case at least Hume's bundle-description of the phenomenal field is utterly inadequate, because definite organization is here a concrete trait in the field itself. There is in actual experience no more doubt about the point toward which interest is directed than about the point from which it issues.[4] Innumerable times in philosophy and psychology some such expression has been used as: "something is the object of an interest." But few seem to realize that the full meaning of such simple terms is sufficient for a refutation of Hume's atomistic psychology. We *are* aware of definite and very concretely organized dynamic contexts. There are not separately: a self, an interest and many things in the field, but, surrounded by many other items, a-self-interested-in-one definite thing.

Under these circumstances it is not very important whether we say that an interest is directed from the self to the object or, perhaps better, that in the form of an interest the self is directed toward the object.

In such organization, as we all know, the vector of interest may be qualified in a great many different ways. It may have the quality of hatred, of fear, of contempt, of approval, of love, and so on. All, however, have this in common, that by such vectors the self either accepts or rejects the corresponding objects.[5] It is this trait of interest-situations with its two possibilities which gives the subjectivistic theory of value its plausibility. It does not, however, make requiredness a commonplace matter. That one part of the field should be directly experienced as accepting or rejecting a definite other part of the field–thus formulated and deprived of the staleness of everyday speech–the statement contains a most remarkable fact.

Where all this leads to will soon become apparent when we discuss a last point. Professor Perry states that "any object acquires value when an interest is taken in it," or also "that which is an object of interest is *eo ipso* invested with value."[6] I do not see quite clearly whether or not a new property is thus attributed to the object when it becomes an object of interest. In general Professor Perry's remarks point to the interpretation that he regards objectivistic terms like value and valuable as mere forms of speech the true meaning of which is not different from "interest is taken in something."[7]

We should not lose sight of the fact that some philosophers have never been satisfied by theories which localize all value in the self. One reason for it may be that, besides those meanings which I have mentioned, the unfortunate word "objective" has still a third connotation in which it is nearly equivalent to "valid." Convinced that ethics should be a system of strictly *valid* rules these theorists would prefer an objectivistic interpretation of value since "objective" means "outside of us," "independent" and "valid" all at the same time. What is objective phenomenally exhibits, indeed, more steadiness on the average than does the everchanging stream of our subjective life. Besides there seems to be less variability among the objective fields of different people than among their subjective interests and tendencies. I doubt, however, whether this is the only motive of those who insist upon an objectivistic theory of requiredness. Where in the history of philosophy one tendency of thought is never totally subdued, however excellent the arguments of the opponents, there is some suspicion that both parties look upon different sides of the phenomenological

---

4   *Cf. Gestalt Psychology*, ch. 10.
5   For brevity's sake I use these terms in a general sense so that, for instance, in fear the negative character of this particular attitude would fall under the term rejection.
6   *Ibid.,* pp. 115, 116.
7   This at least would follow from the thesis that "value is a specific relation into which things . . . may enter with interested *subjects*" or that "relation to interest *assumes* the role of adjective." If a stone becomes warm when exposed to intense sunlight, its warmth is not, properly speaking, a relation between the sun and the stone. The problem before us is whether the interest changes its object as the sunlight changes the properties of the stone. (*Cf.* also *General Theory of Value,* pp. 28-34.)

subject-matter, and that they are both right within limits. Even errors have often some basis in the phenomenal material, so that they are not totally wrong. In our case the objectivists are so insistent that it would not be prudent to ignore their claims altogether.

The same warning may be found in the fact that almost all naive people would be most indignant if we were to tell them that their interested attitudes contain all the values which they can find in the world, and that they are deceived when they believe that on the contrary objective values make them assume these attitudes. Charm is a special value-quality; so is loveliness and womanliness. Tell an unsophisticated young man who is very much in love that the object of the case has only neutral properties, and that to speak about her charm is just a synonym for the fact that he is in love. You will hear what he answers. Again, if you make the corresponding observation to a belligerent reactionary who declares that socialism and socialists are bad, he will emphatically refuse to accept the theory that without his hostile interest a socialist is a neutral object. No, he would say, these people themselves are bad. I may go farther and say that we find the same objectivistic conviction everywhere and exemplified in all possible varieties of value. This observation at least raises the question why, if the contrary is true, practically all mankind should not be able to see this simple truth, why they should hold precisely the opposite view, namely that the diverse forms of value are inherent in the objects.[8] It seems to me, by the way, that such apparent objectivity of values is of the very greatest practical importance. It would be ever so much easier to convince somebody that he is on the wrong track, if he could realize that value is equivalent to valuing, i.e., only an act of his own. But often he will be much too excited for such a conversion because the bad or the great, the mean or the noble, are so clearly before his eyes. And now you, his opponent, pretend that you cannot see what is so obviously there. How blind or stubborn you must be! Is not this our experience almost daily, for instance, in political discussion?

Personally I understand this objectivistic attitude of the layman very well because I find myself exactly in his position. That face looks mean–and I abhor it. Dignity I hear in those words which I have just heard Mr. X. speaking–and I respect him. Her gait is clumsy–and I prefer to look away. Everywhere value-qualities are found residing in such objects as characteristics of them.

If this is true, there are, it seems, three possible interpretations: Just as objects are round or tall, events slow or sudden, so some have charm, some are ugly by themselves, independently. In this case the subjectivistic theory of value would appear to be at least incomplete. Again, if and in so far as interest of any kind is taken in an object, it *acquires* new concrete qualities, viz., value-qualities. This might mean an amplification or completion of the subjectivistic theory. And thirdly: Besides the self and its interests, other factors in a field could perhaps, also by a vectorial influence of some kind, create value-properties in certain objects. In this case, as in the first, the subjectivistic theory of value would be revealed as one-sided.

As to the first possibility I do not see any reason why such "tertiary qualities" should not occur on the objective side of the phenomenal field. Most arguments which have been brought forward against their truly perceptual existence seem to be influenced by the ineradicable tendency which we have to take percepts as pictures of physical realities, if not as somehow identical with them. But no physical sequence of tones has the "minor"-quality. Still, "minor" is an objective property of certain objective auditory events. That the basis of all argument about such questions has been essentially changed by von Ehrenfels and by Gestalt psychology is sufficiently known at present. Therefore I may refer to the literature for more detail. This does not mean, however, that, admitting such (independent) tertiary value-qualities, we should sacrifice the subjectivistic theory altogether. It may still be right within certain limits.

The third possibility seems altogether strange at first. It will nevertheless occupy us later. As to the

---

8   That the young man may be completely alone in his conviction about charm in his object is, of course, not to the point at all. Whether this concrete example of value is in his field a property of this object or not, is the only point we have to discuss here. And the same applies to the other example. Once more: objectivity as here in question is not generality or general validity. Besides, I repeat, it does not mean physical existence either.

second interpretation it is the path which the subjectivistic theory should follow if, confronted with ample evidence of objective value-attributes, it wishes to preserve its own character. These, the theory would have to say, are products of our acts of interest. And doubtless there are such cases. Even to be a goal in general seems to give a thing a new flavor. Not only is it the end, the terminating part of a circumscribed context, comparable to the edge-quality which a line assumes when a closed figure stands out from the ground. It also begins to dominate in the objective region of the field, to become its center, however unimportant, visually for instance, it would be otherwise. There are cases in which this goal-quality may survive the most radical changes of the object. In dreams it frequently happens that we find ourselves in pursuit of a goal which gradually becomes so remote and unclear that finally not even a shadow of an object-image remains. In this case the object is nothing more than a mere something; and still it may have goal-quality.

To be more specific and perhaps more convincing: After many hours on skis in a sharp frost we come home, and before us there is brown, hot, fat meat just brought in from the kitchen. Can anything look more appetizing than this meat? This is when we are hungry. A short time afterwards–we have eaten too much and too hastily–it may be difficult for us even to stay near by when precisely the same kind of meat is put upon the table for late-comers. It does not look neutral now, it looks decidedly repulsive. And have we not enough witnesses among the literary libertines of all ages who describe the terrible change which after a conquest transforms charm into something quite neutral, if not slightly unpleasant. In both examples, when the interest changes with satiety, the aspect of the object changes as though from one end of a scale to its zero-point and beyond.

So far we are in agreement with Professor Perry. "That feeling," he says, "does somehow color its object is an undeniable fact of experience, and a fact recognized by common speech in so far as all of the familiar feelings assume the form of adjectives."[9] But he is not inclined to accept this objective aspect of interest as genuine: We cannot possibly localize the red of an object in our self; this is therefore a truly objective quality. The "tertiary qualities" on the other hand yield, he believes, to an effort of attention. When we try hard enough we find them separating from the object and tending to unite with the self.[10]

I am afraid that with this argument we approach the procedure of Introspectionism. To the Introspectionist certain phenomena appear as surprising and therefore suspect. In such cases he asks attention to help him find the real sensations. Perhaps attention is successful, in so far as the disturbing fact disappears. Supposing that the change be in the direction of a more customary phenomenon, the Introspectionist will now say that he has found the real fact. More and more psychologists are becoming convinced that they are not entitled to apply this procedure. If, in an analytical attitude, I find an overtone in a clang which before was phenomenally a completely unitary sound, then my analysis has not corrected an error, an illusion: it has changed one genuine phenomenon into another. Again, if I direct my attention upon some happy feeling in order to find out what it is really like, the chances are that I shall destroy the feeling. All "tertiary qualities," too, may be treated in this way and some of them thus changed or destroyed. But it does not follow that their previous existence was in any sense illusory. That some qualities, e.g., colors, will often show more resistance than many "tertiary qualities" does not decide the point. A bar of steel is not destroyed when we beat it with a hammer, china is. Still china is as real as steel. We might in fact almost deduce from the theory the consequence that such "tertiary qualities" should change or disappear, if we look upon them long enough with the cold scrutiny of scientific analysis. Supposedly they are the objective-looking correlates of definite interest-attitudes. Instead of these we introduce the attitude of sober analysis. From the standpoint of the theory it would be surprising if they should remain unaltered under these circumstances.[11]

---

9   *Ibid.*, p. 31.
10   *Ibid.*, p. 32.
11   In its general form the argument against the "attention-test" applies also, if, as I believe, many value-qualities are not due to subjective interests, but are inherent in phenomenal objects independently.

But, in this last argument, I may be misrepresenting the theory. "It seems necessary," Professor Perry says, "at some point to admit that the qualities of feeling may be referred where they do not belong."[12] From the point of view of phenomenology I cannot agree. Qualities belong where we find them. And no explanation or theory can convince us that they were not where we found them,–even if it should prove possible to shift them to another place under changed conditions of subjective attitude. The question of their origin is not the question of their present location. The main point, however, is that according to this theory the "tertiary qualities" are said to be misplaced facts of subjective interest. If this were correct, there should be agreement between the "tertiary qualities" and the qualities of those interests which are directed towards the objects in question. That this should be the case in general I find it hard to admit. The charm, womanliness and loveliness which may be found in certain objects are qualitatively altogether different from the present striving of the (male) self, but also from all other interests or conations which he may have at other times. If a face looks brutally stupid, this would be a "tertiary quality" of the negative kind. Certainly the contempt and aversion with which I look upon that face do not show much similarity to this value-quality. Finally may we take a case where the "tertiary quality" is undoubtedly a product of the interest: The goal-character of any object of positive striving is not similar to the striving itself. Therefore it cannot be interpreted as misplaced striving.

We had to interrupt our analysis of subjective valuation in order to consider the objective side of the situation. We had previously come to the conclusion that in subjective requiredness one part of the field, the self, is felt as accepting or rejecting a definite other part of the field, the object. There is a question whether sometimes the object may not have value-qualities in its own right. But there is no question that in general it acquires certain new traits in so far as it is the target of those vectors. To summarize:

Subjective valuation represents a special form of organization in which a vector issuing from one part of the field is felt to accept or to reject another part. Under its influence this second part of the field acquires value-properties of an objective character.

In this formulation I have not explicitly mentioned the self as being the source of the vector. The general aspect of the theoretical situation becomes and remains more striking, if we do not mention it specifically. As soon as we specify it, the situation tends to slip back into that atmosphere of staleness and triviality in which the most essential problems of philosophy and psychology are so easily hidden.

Against the subjectivistic theory the criticism has been raised by Professor Urban that it is circular, as all other forms of relational theory of value are.[13] It describes what happens in value-situations but does not give a definition of value; it actually presupposes the existence of value. It seems to me that the task of a theory of value does not necessarily consist in the reduction of requiredness to something else. In this sense, I think, a definition of value would be impossible. The only thing we can do is to bring into full view the characteristics of a value-situation. When these have been uncovered it becomes possible to see them in their relation to other phenomena, and thus to include the concept of requiredness in a larger theoretical structure. An attempt toward the achievement of such a larger view will be our next goal.

Whether a consistent system of ethics can be founded on a purely subjectivistic interpretation of value is not a question which we are prepared to answer here. And it need not be treated so long as there are serious doubts as to whether subjective requiredness is the only requiredness existing. But even the nature of nearly subjective valuation proves that it is utterly misleading to say: facts simply are or happen. This statement applies only to those indifferent facts which fill the mental

---

12   *Ibid.*, p. 31.
13   *Journ. of Philos., Psychol, and Scient. Meth., 13*, 1916.

visual field of many scientists since the time of Hume and the development of Positivism within the sciences. Vectors which, issuing in definite contexts, are experienced as resisting or as welcoming certain parts of a field are no less genuine facts than are those indifferent events.

III The attempt has been made by some philosophers to objectify the relational theory of value. If the *universe were* the context within which value is determined, subjective valuation would become an unimportant matter. But how does the universe determine values? We know so little about the universe and nothing about its demands. I am afraid that, together with subjectivity, any definite basis for a theory of requiredness would be eliminated in such an attempt.

There is, however, another way of escaping a certain limitation of the theory that all requiredness is centered in the self.

In Gestalt psychology we distinguish three major traits which are conspicuous in all cases of specific organization or gestalt. Phenomenally the world is neither an indifferent mosaic nor an indifferent continuum. It exhibits definite segregated units or contexts in all degrees of complexity, articulation and clearness.[14] Secondly such units show properties belonging to them as contexts or systems. Again the parts of such units or contexts exhibit dependent properties in the sense that, given the place of a part in the context, its dependent properties are determined by this position.

May I use an old example once more: A melody is such a context. If it is in *a*-minor, for instance, minor is a property belonging to the system, not to any note as such. In this system the note *a* has the dependent trait of being the tonic with its static quality.

Let us compare this with subjective requiredness as it appears when the cover of everyday-staleness is lifted. There is a definite context, comprising definite items in the field which are experienced as belonging to the context. There is secondly the vector which characterizes this context as a system-property of it; striving does not occur by itself. There is, thirdly, the goal-quality and often other "tertiary qualities" in the object which are due to its place in the context.

We can analyze the melody, but not in independent parts. That would be destruction of the melody. Its minor-character for instance would be lost. We can analyze the situation of subjective requiredness, but again not in independent parts, all taken by themselves. The vector–and requiredness–cannot exist alone any more than a fish can live out of water. Again, the object loses "tertiary qualities" when the context dissolves.

This is agreement in all essentials. Thus, value-situations fall under the category of gestalt. This permits us to hazard one more step forward.

If those cases in which the vector issues from the self are special examples of gestalt, –is there any reason *a priori* why the self should always play this role? Why should other contexts not exhibit similar vectors and consequently also requiredness? No speculation can answer this question.

It is a question of facts and of phenomenological observation. Therefore, instead of selecting the universe as a context in which requiredness might be determined, let us turn again to concrete and circumscribed contexts. Are there any whose general structure is congruous with the structure of subjective requiredness, but whose vectors do not issue from the self?

Once more let us remind ourselves that the self is not the physical organism, just as objects in our present connection are not physical objects. And in particular let us note that other persons are, for our present purposes, not other physical organisms but percepts, most lively phenomenal objects. To these refers our next phenomenological question: Does the self always play the dominant role in our phenomenal field? Undoubtedly it does not. Sometimes those other objects called other people may be much more active and important in the field than we are. Is there

---

14   That segregation of such units is *not* absolute, that it only makes them comparatively independent parts of larger contexts, need hardly be emphasized.

anyone who has never felt small and unimportant in the presence of others whom we call powerful personalities? Who has never wished to be led by another when he was at a loss what to do and saw the assured manner of the other? How many professors, actors and singers have survived their first public appearance without having felt the audience before them as something much more powerful than themselves? When, at the writing desk, we consider the phenomenal world there is a tendency to choose as objective partners of our self this desk, our books and the writing paper, perhaps in imagination some other quiet things. In this case, it is true, the self is often the dominating part of the field. But is it always?

In some philosophical systems, of course, we hear about the "epistemological subject" who seems to be responsible for the existence of all objects whatsoever including other persons. Phenomenally there is no such entity since the phenomenal self is decidedly not felt to be responsible for the existence of its objects. That other subject is a construct. When we hear about its functions we soon begin to wonder how different it really is from another construct, namely, the physical organism. In any case, as a construct it must remain outside our discussion.

But other persons are not only often more important in the phenomenal field than the self. Quite as often it is not the self from which vectors reach out towards other parts of the field, for instance, other people. These persons, on the contrary, reach towards us with their demands in many cases. The police officer makes me stop at a crossing by a sign of his hand, and I obey. Somewhere on the street a poor victim of the depression extends his hand towards the self which finds it hard to resist the demand. During a party, in lively conversation, we suddenly feel that something is wrong; the others have become silent, eyes stare at the self–somebody is about to sing, and the force of society around us makes us stop and retire to a corner in embarrassment. Is there, phenomenally, a vector in such situations? Is there requiredness? It cannot well be denied. But does it issue from the self? Phenomenally it does not. Instead it arrives at the self which, as far as the vector is concerned, has for once assumed the role of the target. The vector is directed toward, not away from it. And it is for the time being the policeman, the beggar, the social group from which the vectors issue. As to the rest, whatever has been said about contexts in which the self is interested in an object remains true for these other cases, if only in the contexts the self takes the place of the object, and other persons, or a group of them, take the place of the self. It will not be necessary to compare details. If there is a difference, it consists in the fact that, being a more flexible and sensitive part of the field than any mere things, the self in such a context, under requiredness from without, is apt to develop dependent properties more strikingly than an objective goal will do in the other case. Nervousness, shame, embarrassment, excitement or other such qualities besides general goalness may develop when, for instance, suddenly all other people in the room concentrate upon the self in expectation of a speech. Being occupied with phenomenology we may postpone explanations for one more moment and add another example.

The article which X. has just published about the political situation is really fascinating. Coming home I have again started reading, and I read until gradually there is a feeling of disagreeable pressure which soon develops into my obligation to finish a certain piece of work before next month. How could I read so long! Where in this case does the vector issue phenomenally, in the self or in some object? Not in the self decidedly which, at the moment, feels hunted, driven, compelled by something else. To this extent the situation is strictly comparable to the case in which demands of other persons are directed toward the self. Only now it is an object of thought-character from which the vector issues. People who have to write books, to prepare lectures, to open letters of probably disagreeable content, to write other letters in which they have no interest, who hate to do all these things and still say: Too bad, I must do it–do they feel a vector extending from their selves to those things and occupations, or do they feel under the pressure of such tasks? There may be a

vector issuing from the self, for instance, in our examples a vector of disgust and aversion. If there is, it becomes only the more apparent that the other vector, the positive demand, comes from the objective side.

It will not be advisable to describe other instances in which the vectors in question issue from thing-percepts, but again exert their demands on the self. Though there are enough cases of this kind, they would not at this point be given adequate attention. Even the examples just described have probably strained the patience of the reader. What are they, if not instances of the well-known "pathetic fallacy"? It is the self which from its experience equips policeman, beggar, social group and expecting audience with vectors or requiring attitudes. If the subject had not made it his task at an earlier time to write the book, to give the lecture and so on, no demanding vector, no requiredness could now, even apparently, be found on the objective side of those situations or, correspondingly, of many others.

On what basis are we so very sure about this point? One reason may be given which makes us understand, to some degree at least, why demanding vectors should not be accepted as issuing from the objective side of the field, why instead their apparent occurrence should be treated as a special case of "pathetic fallacy." This reason is once more the outspoken or unintentional identification of phenomenal objects with physical realities. The influence of natural science has accustomed us to regard physical things as totally unable to exhibit demands. Consequently, if percepts are, either identical with physical objects or almost copies of them, there cannot be any demands in them either. This applies to other persons as percepts as it applies to things. –In the case of my thought-objects there is another danger. Other people cannot see them. They say that thoughts are "in me," that they are only "my thoughts." I can, besides, do much about my thought-objects whereas other people can do comparatively little about them. The consequence is again a most unfortunate vagueness in the use of the term self. It may be as obvious as possible that often I look upon a thought-object as upon something distinctly different from myself; it will still be called "a content of my self" for such reasons. If, therefore, phenomenally a thought-object should now and then exhibit a demanding vector, could there be a stronger temptation than that by which we are led to say: This is still requiredness "inside the self"? Thus it would escape our notice altogether that, with this formulation, the strictly phenomenological ground is left, that there may be phenomenally certain 'objects' which exist only opposite my 'self,' but not opposite others at the same time and similarly, and which still are not parts of the phenomenal 'self.'[15] If demands issue from them, the origin of such demands is no less 'objective' than is that of demands which issue from other persons or any percepts.[16]

Decidedly, experience shows that sometimes vectors do issue from other persons and from objects, such as tasks, and that the self feels himself the target of many such demands.

How explain the reluctance of so many to accept this observation as correct if not by these ambiguities in the meanings of such words as self and objects? Why should the observation appear as so strange or even impossible? We hear so often about the "pathetic fallacy." Why so seldom about reasons why the phenomena in question should be cases of "pathetic fallacy" and not of "pathetic percepts"?[17] Who has given the self a monopoly for demands? I could not

15   At this point I cannot agree with the terminology which has been adopted by K. Lewin in several publications and by Koffka in his *Principles of Gestalt Psychology.* Objects of thought-character are certainly functions of organic processes, but so are all percepts. If, in the second case, we have reason to distinguish phenomenal 'objectivity' from genetic subjectivity, the same reason applies to thought-objects, which may be altogether 'objective' phenomenally. Inconsistency here might easily lead to errors in theory.
16   *Functionally* my thing-percepts are of course quite as much *my* percepts as my thought-objects are my individual property. Naïve Realism believes, it is true, that a given thing-percept may be the common property of several people, and New Realism holds a similar view. Such beliefs, however, seem to me untenable (*Cf.* ch. 4). Both thing-percepts and thought-objects are functionally subjective and may nevertheless be phenomenal 'objects' for the phenomenal 'self.'
17   I do not include, of course, those cases in poetry where human thinking and language are attributed to trees, mountains and other things. Nobody would maintain that he perceives such events there. But we perceive thunder as threatening and the attitude of the beggar as demanding.

even admit that vectors issuing from the self are always more intense; because those which arrive there, which are directed towards the self, are often quite as vividly felt as influencing, attacking, changing it.

One more word may be added for those who would not believe in any phenomenological statement, unless they see that it is compatible with "reality," i.e., physiological or physical notions. They would still tend to identify the self with the physical organism which certainly is a most active part of the world; thus, they would attribute to the self many traits which they do not ascribe to phenomenal objects since these are regarded as passive products of stimulation. But in both assumptions they are wrong. The 'self,' though functionally depending upon processes in the organism, is a phenomenal correlate only of a limited part of brain events. And 'objective' percepts, including other persons, are quite as much the correlates of intense processes in the same brain. That these processes, occuring in the same nervous system, should be passive copies of stimulus-patterns is certainly an idea which can no longer be seriously held. There is no reason why, in principle and in all cases, they should be much less dynamic physically than are the processes underlying the phenomenal self.

Besides, what is the thesis contained in the term "pathetic fallacy"? It is an example of those many empiristic theories which everywhere obstruct the path of the psychologist. Originally occurring in the self only, demands or other such vectors are said to be wrongly attributed to objects in the phenomenal world. By some process of association or other learning, the theory says, they have been transported from the self to its objects. Assuming that this be true,–where are such vectors now? Whence do they issue, where do they arrive? Whether the empiristic theory is right or wrong, they now issue, in such cases, from objects and are directed toward the self. If I should discover that soap which I bought in Boston was made in and imported from France, is this soap therefore in France or is it in America? There is a tendency of empiristic theorizing to give us the impression that, once the theory is applied to a fact, this fact does not remain what it was before the explanation. This at least is indeed a fallacy. If something is found to occur on the objective side of the phenomenal world, it does not lose this objectivity when we discover that, originally, the trait in question had only occurred on the subjective side. If we were to neglect phenomenal facts after an empiristic explanation has been given for them, a most interesting problem would be neglected at the same time, namely: How can a vector which occurred at first only in the self be transformed by some indirect process into a vector residing in an object? Because this is what we really find. The vector is issuing *there* now phenomenally, it actually belongs to the object in question, just as before it putatively belonged to the self. It is not my vector, my interest now which I find in the attitude of the policeman, in the beggar or in the disagreeable obligation. All such subjectivity is lost. At the time I may not in the least experience a corresponding vector issuing from my side. Thus, we can say that vectors really do occur in the objective realm, and that objects are capable of being their sources. Why then speak about a "pathetic fallacy"? Unfortunately the empiristic theory does not recognize this problem.

May I use still another analogy in order to make this point clearer? Supposing that two chemical substances A and B do not form a compound directly. It may be that by first combining one of them with a third substance C, I can then produce a compound which contains all three of them, and that, from this compound, I cart afterwards eliminate the auxiliary material C, so that (AB) as a

chemical compound is left. It is true that, historically, without the indirect procedure there would not be the substance (AB). But is it therefore not a real substance, a real compound now? Similarly, in the phenomenal world demands often issue from objects really, whatever previous history may be responsible for it, and their general behavior under these conditions is the same as that of vectors issuing from the self.

IV So far we have found two classes of contexts in which there is requiredness. In the first the vector points toward the object, in the other the object is the point of origin of the vector. If, in this manner, both the origin and the target of such vectors may be objects, it will be a natural question whether these two conditions cannot occur in one and the same context, whether there are no cases in which a demand is found to issue in one object and to accept or reject another?
We see indeed quite as clearly how a man is striving towards shelter in a heavy rainstorm as we see him approaching the self in a demanding attitude. No less convincing in its objective character is the avoiding attitude of a chimpanzee who finds himself near a strange-looking thing. Even the reference of such vectors to definite objects or regions of the field as to their (positive or negative) goals may be perfectly obvious in such cases. Whether the object in question is a thing in the narrower meaning of the word or another person makes no essential difference.[18]

Awareness of vectors in similar cases has, I believe, caused Professor Tolman to include purpose among his Behavioristic categories.[19] Are we warranted, on the basis of our phenomenological evidence, in attributing striving as biological reality to the organism of a rat? In our earlier discussion of this point we concluded that as yet there is no biological datum which would encourage such a step. Probably Professor Tolman, as a Behaviorist, would not be interested in subjective striving as an occurrence in the rat's possible but doubtful consciousness.
Others, therefore, would adopt a strictly opposite attitude and decline to accept our description, contending that it does not conform with physical and physiological facts. Though such criticism transcends the phenomenological realm, it should be mentioned in this connection. How can we possibly perceive that an animal is striving towards or away from an object since our retinae are stimulated by rays reflected from the physical animal's surface and from the surface of the object, but certainly not by any stimuli corresponding to a vector between them? There are no such stimuli. On such occasions recent developments in the psychology of perception reveal their general relevance. Quite as little as for the vectors in our last examples is there "a stimulus" for any grouping in the visual field; nor is there "a stimulus" for the figure-character of certain areas as contrasted with mere ground-character, or for the minor character of a melody. Nevertheless, all these things appear on the objective side of our phenomenal field. We have been forced to realize that certain traits of percepts depend upon stimulus-constellations rather than upon definite single stimuli. One such "Ehrenfels-quality" of a perceptual situation is the vectorial attitude in which an animal is seen to strive towards an object. About the "pathetic fallacy" seemingly implied in our description enough has been said above.

Since, however, people and chimpanzees are, in our connection, only more vivid percepts than other objects, we have to ask one last thing. Do we find requiredness in contexts which contain no people or animals, i.e., in contexts which are objective in the sense that they do not contain any percepts very similar to the self?
We play a simple sequence of chords on the piano. If these are properly chosen a definite key will develop. Supposing that in this key the "leading note" is introduced in an appropriate manner, a final

---

18   *Cf. Gestalt Psychology*, ch. 7.
19   E. C. Tolman, *Purposive Behavior in Animals and Men*, 1932.

chord following this note is not an indifferent fact in the auditory field. It may sound *wrong* or, if it corresponds to the tonic of the key, it may sound *right.* If we stop after the leading note without a further chord, the sequence will be heard as *incomplete,* with a vector towards completion. This vector usually develops during our approach to the leading note, and becomes most intense with this note. It points toward the tonic, if no chord beyond is given; it accepts the tonic, if the tonic is given; and it rejects other notes with varying intensity according to their place with regard to the key.

In all essential respects this example exhibits the same characteristic traits which have been discussed in cases of subjective requiredness. A context forms, in it the vector develops, and definite objects are either accepted or rejected as completions. Under the influence of the vector, in the context, they acquire those dependent part-qualities which we call *right* or *wrong.* If these are "tertiary qualities," so are all the goal-qualities which we have mentioned above. And ·it can hardly be doubted that, in this case, these terms refer, phenomenally, to something in the tones, not in ourselves. The last chord is heard as *right* or *wrong* with reference to the auditory context. By changing the context we may easily make a note sound *right* which has sounded *wrong* before, and vice versa. Keys, leading notes, the tonic are unfamiliar notions to many. Though the facts in question are strictly independent of any acquaintance with the theory of music, it may still be advisable to give a second example. I have chosen it intentionally from the very commonest experiences. Nobody should think that requiredness in objective contexts is a rare occurrence, a mysterious experience, and therefore doubtful.

A man has bought a suit, and now he wants a necktie. This necktie must, however, fit in with the color of the suit. In these very words there is acknowledgment of the fact that some colors of ties would appear as required by those of the suit, whereas others would not. The case is perfectly analogous to our last example with one exception, namely, that in the case of the suit and the tie not only one, but several nuances of the tie may be *all right* or even *good.* Requiredness, then, is not always equally specific, and, incidentally, it is not in all cases equally intense.

Once more some criticisms should be mentioned. There are persons who do not seem to acknowledge such facts of requiredness, for instance, in the field of music. Does this invalidate the requiredness? Not at all. There are tone-deaf individuals, it is true, who in spite of otherwise excellent hearing cannot even understand what we call pitch. Nothing could be more natural than that, if the auditory material is different in a person, he cannot find in it the same requiredness that we find in our auditory world.–It might be said secondly that requiredness seems to change in history. So far as we can see, no minor chords were acceptable as conclusions of any music a few hundred years ago. All music had to finish with a major chord. This has changed altogether since that time. The fact cannot be denied. But whatever the historical circumstances were which produced the change, the change itself cannot alter our phenomenology. If the historical fact proves a definite subjectivity of such requiredness, it is not subjectivity in the phenomenological sense of the term. Moreover, an interpretation of requiredness which would exclude the possibility of such changes could not be acceptable. These changes are too obvious. Any system of aesthetics and ethics should contain a theory of them in connection with the problem of *valid* requiredness. But in an interpretation of requiredness as such and in general they constitute no problem. Why should objective requiredness not be able to vary, if subjective valuation does? With all sympathy for those who feel a need for valid requiredness and for a theory of it, we must not confuse two different investigations.[20]

In the same way we come upon objective requiredness in matters of knowledge or thought. The similarities between red, blue and purple are such that the place of purple is … The context asks for

---

20   The problem of valid requiredness has recently been discussed by Wertheimer; *Cf. Some Problems in the Theory of Ethics*, in *Social Research 2*, pp. 353 ff. (1935).

completion. If, as a completion, the words are given "between the red and the blue," their meaning fits the context; they are *right.* Or again: "Things equal to the same thing are equal to each other." The last part of this statement is seen to be *right* in the context of the beginning. Any other case of correct thought might be given as an example. All would show the same main characteristics. Precisely as in the case of subjective valuation, objective requiredness means that vectors issuing in parts of certain contexts extend beyond these parts and refer to other parts with a quality of acceptance or rejection. These other parts themselves assume the dependent properties of *right* or *wrong.* Whatever other differences there may be between logic, aesthetics and ethics–and there are important differences–this general trait seems to characterize requiredness everywhere. Even timeless truth, as our last examples show, involves no exception. Probably no theory would appear satisfactory and final in which the basic contrast between mere facts and requiredness had to be interpreted differently for the case of logic on the one hand, for aesthetics and ethics on the other. We are not in a position to deal with these philosophical disciplines as such. A much more thorough investigation of particular forms of requiredness would be needed for this purpose. If our interpretation is adequate, however, it would appear altogether feasible to develop those branches of philosophy from one common principle.

But, after all, is it not subjective requiredness which in our last examples has been wrongly "referred" to objective data? *We* are disturbed when a sequence of chords ends with the wrong note. *We* do not like to look upon a necktie which does not fit the suit of its wearer. Obviously here the self is not a neutral observer of alleged objective requiredness. Why then should these cases not be reduced to subjective requiredness?–The observation is correct to some degree. We do not remain neutral in such situations. But why should we? Among the objects which the self may have before it there are contexts of many different kinds in some of which parts appear as right or wrong, required or the contrary. This means that in such situations there is, first, an objective context with its requiredness and, secondly, another and larger context which, besides the objective context, contains the self. That one context should form part of a larger one is a fact so frequently found even within the objective field of percepts alone, that its occurrence here will not surprise anybody familiar with the psychology of perception. And just as simpler objects may affect the self as attractive or repulsive, so contexts in music or in the visual field may, *qua* contexts, either issue vectors extending toward the self or arouse vectors in the self which are directed toward the contexts. Often they will do both, as for instance when in a sequence of chords we hear a wrong note, feel disturbed, and then go to the piano in order to correct the player. If this explanation should be taken as a mere auxiliary hypothesis, too complicated to deserve our confidence, it will only be necessary to point to corresponding cases in thought. In a book we read an argument which is logically altogether wrong. Certainly it is wrong objectively. But here again we are not neutral witnesses. We feel almost offended by such an obvious mistake, and presently a big stroke of our pencil on the margin, perhaps a note as well, will make it evident enough that a new vector emerged which was directed toward the object. In this case nobody can fail to see that a subjective vector is created in the larger context while at the same time objective wrongness is and remains objective in the argument. There are indeed few things in the world which make us so eager to interfere as wrongness in objective contexts. Too easily, in cases of aesthetics for instance, two such facts of requiredness, one objective and one subjective, are confused, one might almost say, telescoped into each other in the Theorist's mind.

To summarize our discussion of requiredness: It is not the subjective aspect of requiredness in human striving and interests which makes requiredness compatible with facts. Instead it is the observation that certain facts do not only happen or exist, but, issuing as vectors in parts of contexts, extend toward others with a quality of acceptance or rejection. That in many examples such vectors issue from the self is a relatively minor point. Its discussion does not belong to the

interpretation of requiredness as such; it belongs, rather, to the geography of requiredness, in which the problem is: where do we find the contexts in question? By the same token subjective requiredness loses its apparent commonplace character. Its essential feature is still hidden from our eyes so long as the term striving, without closer inspection of its meaning, is held to solve the problem. So much is implied in facts of striving that they cannot be regarded as trivial in the present phase of psychology. After this has once been realized we shall be less inclined to regard the subjective case as particularly simple, as necessarily basic in the treatment of requiredness. There is no *a priori* reason why this should be so or why, if there are other cases, the subjective variety should be given an outstanding place. If our phenomenological attempt has been adequate, no such restriction to subjective requiredness and no theoretical accentuation of it can be defended. It seems to be a special case only. In the following chapters, therefore, requiredness as the vector-aspect of phenomenal contexts will be taken in its general meaning. At least, it will not be regarded as a constitutive trait of requiredness that sometimes or often the vector in question issues from the self.

With these remarks we conclude our phenomenological survey of requiredness. It has been elementary throughout, and the reader may be assured that I do not regard these observations as an adequate basis for ethics or for other systematic disciplines of value. In our survey many different cases of requiredness were considered impartially, and each by itself. In actual life one requiredness is often the enemy of another, and ethics, for instance, claims that, in its field, it can settle such disputes. No basis for such a procedure has been given in this chapter. I hope very much that here again the same phenomenological method will be helpful. In fact, if one particular demand objects to another, this situation itself is one of requiredness. When studying it the phenomenologist will soon find himself in the field of ethics. But for the purpose of the present investigation we need not solve this task. Requiredness in general will be considered in the next chapters as it was in the last.

SESSION

1

SESSION 1

EMOTIONS

Andrea Zhok (Università degli Studi di Milano)
On Scheler's Metaphysics of Love: an Appraisal

Francesca Forlè (Università Vita-Salute San Raffaele),
Daniela Perani (Università Vita-Salute San Raffaele, San Raffaele Scientific Institute)
Emotions in Music. An Overview of Musical Expressive Qualities

Roberta Guccinelli (Member of the Max Scheler Gesellschaft)
When the Facts "Call Down Vengeance". Feeling of Revenge, Sensibiility
to Injustices and (A Hint At) Retributive Justice in Scheler's *Formalismus*

Luigina Mortari, Federica Valbusa (Università degli Studi di Verona)
Affective Responses and Personal Flourishing

Anna Piazza (Universität Erfurt)
Scheler's Foundation of Ethics

ANDREA ZHOK
Università degli Studi di Milano
andrea.zhok@unimi.it

ON SCHELER'S
METAPHYSICS OF LOVE:
AN APPRAISAL

abstract

In the following pages we are going to briefly recollect some of Scheler's main arguments concerning the status of "affective life" and to try a sympathetic appraisal of the bearing of these theses. After resuming Scheler's assessment of love and showing its conceptual connections with intentionality, spiritual values and sensuous corporeality, we shall sketch an account of the ontological and axiological role of love. Love turns out to be interpretable as a pervasive drive that shapes both natural and cultural history, while history, in its most comprehensive sense, is not viewed either as sheer contingency or as teleology, but rather as an exploratory cosmological venture.

Max Scheler's analyses represent one of the major contributions to a theory of value in the twentieth Century. As is well-known, a peculiar role is played in his theoretical account by the relation between the affective sphere, the axiological ordering and the cognitive dimension. In the following pages we are going to briefly recollect some of Scheler's main arguments concerning the status of "affective life" and then to try a sympathetic appraisal of the bearing of these theses.

1.
The Status of Love in Scheler's Axiology and Ontology

Some interpretations notwithstanding[1], Scheler's account of the connection between affectivity and axiology does not hinge on the alleged cognitive value attributed to feelings, but on the specific role attributed to *love*. Affective experience and emotional life are essential in Scheler's account of values, but values are not apprehended by any introspective discernment of emotions[2]. Feelings (*Affekte*), as passive emotional events, do not reveal values, which are rather manifested by passions (*Leidenschaften*)[3], and passions require an "*active* devotion" to their object. Love is not just different from feeling, but, against many contemporary accounts[4], is not even to be understood as a sentiment, an emotional attitude similar to "like" or "dislike", insofar as such attitudes are essentially *reactive*, while love is essentially *active*. In fact, in order to understand the meaning of love in Scheler's account we have to fully grasp its character of *intentional act*: love is not just an intentional act among others, but is the originary act par excellence (*Urakt*)[5].

Love is not just the midwife function that allows values to appear, but its founding character permeates all levels of cognition. All knowledge is said to be tributary to love[6], and actually each objective field explored by mankind (βίος for biology, φύσις for physics, etc.) is said to be initially set up by love[7], that is, by a passionate concern that takes the relevant natural field to be revealing of the

1   See Mulligan, K., "Emotions and Value", in *The Oxford Handbook of Philosophy of Emotion,* edited by Goldie P., Oxford University Press, 2010 (p. 475-500).
2   Scheler M., *Der Formalismus in der Ethik und die materiale Wertethik*, in *Jahrbuch für Philosophie und phänomenologische Forschung,* Halle 1916 (henceforth *Form.)*, 64.
3   Scheler M., „Ordo Amoris", in *Schriften aus dem Nachlass I: Zur Ethik und Erkenntnislehre*, Francke Verlag, Bern, 1957 (p. 345-376) (henceforth *Ordo Amoris*), 73.
4   Frijda, N.H., "Varieties of Affect: Emotions and Episodes, Moods, and Sentiments", in *The Nature of Emotion. Fundamental Questions*, edited by Ekman P. & Davidson R., Oxford University Press, 1994, 74.
5   *Ordo Amoris,* 356.
6   *Ibid.*, 356
7   Scheler M., „Probleme einer Soziologie des Wissens", in *Die Wissensformen und die Gesellschaft,* Francke Verlag, Bern 1960 (5-190), 104.

 sense of life and the world. Originarily, all phenomena appear to the subject as "meaningful signs", "expressions", and it is only in the wake of this apprehension that objectivity can be progressively obtained by a process of steady "disanimation" (*Entseelung*).[8]

All sensations and representations are said to be possible only in the wake of an originating act of love[9]. The very sense of reality (*Wirklichkeit*) emerges as experience of *resistance* to an instinctive-impulsive sphere of behavior, a sphere which is grounded in love as an embodied "teleologically" oriented act[10]. The very perceptual process is said to depend on the axiological disposition, which in turn is grounded on a constituting loving attitude[11]: in the perceptual process the apprehension of percepts rests on the preliminary activation of an *imaginative* "stretching forth" (protension), which precedes and not mirrors external objects; such imaginative activity is "put to the test" and selected by the resistance that the "alterity" of the world exerts against the living drives of the embodied subject[12].

At the same time, the very possibility of knowledge (any knowledge) implies the recognition of an *ontological affinity* between subject and object: imagination can turn out to be delusional, but it must not be trivialized that it *can* lead to true knowledge. The "awareness of being one" (*Einsfühlung*) that Scheler thoroughly investigates in *Wesen und Formen der Sympathie* signals, among other things, the *imagined* and *perceived* affinity between personal subjectivity and nature (living nature, but not only). This perspective issues in the late definition of *knowledge* as "relation of *participation* (*Teilhabe*) of a being to the determinations of a different being"[13].

Scheler famously defines love as "a movement from the lower value to the *higher* and in which the higher value of an object or a person first flares up"[14]. Love, while being an intentional act, is not an act whose object is fully defined but is a constitutively "transitional" act, which is inspired by possible values of the perceived object. This trait brings love close to the most general notion of *preference*[15], although Scheler wants to keep the two notions separate. The main difference that Scheler underlines between love and preference is that preference would take place between values (or valued entities) that are already manifest to consciousness, while love would hinge on an intentional object whose value is felt, but would also go always beyond the present object, in an indeterminate higher direction[16]. Preference is regarded by Scheler as a *cognitive* function directed to values, whereas love is not just a cognitive function: love does not address values, but individual objects, from which a process is set in motion where values primarily come to light. In this process we are not initially in a position to tell (i) if the higher value towards which we are directed already exists and must be just "*discovered*", (ii) if it did not exist yet, but its existence will be *elicited* by our loving attitude, or finally (iii) if we will find no higher value at all and the process will turn out to have been delusional[17].

Love, in contrast with desire, does not tend towards satisfaction, appeasement, but is constantly open to novelty[18]. In fact, according to Scheler, there is a dimension of "striving for" (*Streben*) that is essential to the emergence of values, but such a striving is wholly indifferent to the sphere of

---

8 Scheler M., *Wesen und Formen der Sympathie*, Francke Verlag, Bern 1973 (henceforth, *Symp.*), 233.

9 Scheler M., „Liebe und Erkenntnis", in *Schriften zur Soziologie und Weltanschauungslehre*, Francke Verlag, Bern 1963 (77-98) (henceforth *Liebe u. Erkenntnis*), 96-97.

10 *Liebe u. Erkenntnis*, 78 – *Ordo Amoris,* 356.

11 Scheler M., „Erkenntnis und Arbeit", in *Die Wissensformen und die Gesellschaft,* Francke Verlag, Bern 1960, (191-382) (henceforth *Erkenntnis u. Arbeit*), 229, 284.

12 *Erkenntnis u. Arbeit,* 315, 346.

13 „*Verhältnis des Teilhabens eines Seienden am Sosein eines anderen Seienden*" (*Die Formen des Wissens und die Bildung,* in *Späte Schriften,* 111)

14 "[D]ie Liebe eine Bewegung ist, die vom niederen zum höheren Wert geht und in der jeweilig der höhere Wert eines Gegenstandes oder einer Person erst zum Aufblitzen kommt" (*Symp.*, 155)

15 *Form.,* 85-87.

16 *Symp.,* 151.

17 *Symp.,* 159-160.

18 *Liebe u. Erkenntnis,* 84.

ends, goals (*Zwecke*)[19]. Scheler recognizes in love a plurality of levels, which run in parallel with the main levels of the hierarchy of values: beyond the primal instinctual-motor (*trieb-motorisch*) level of striving, where *pleasure and pain* appear, we must recognize a *vital (sexual) love*, a *spiritual love* (inclusive of the whole cultural sphere) and a *personal love*, which strives for the Absolute.[20]

In Scheler's account love has an essential continuity across all appearances and manifestations of the world. At the same time, such continuity must not be interpreted as if it revealed an elementary core, a lowest common denominator to which all expressions of love should be *reduced.* Each expression of love at different levels (sexual, spiritual, etc.) has peculiar traits that cannot be considered epiphenomena of an eternal substance. Thus, Scheler devotes many pages to show why all naturalistic interpretations of the varieties of love as results of mechanisms of "transmission", (Feuerbach),[21] "extension" or "sublimation" (Freud)[22] of a uniform instinctual drive are misleading. And to be equally rejected are all pantheistic ideas of love as a form of *identification* where the beloved object would be loved since it would be recognized as originally belonging to the subject (as in Fichte's idea of Nature).[23] That said, however, once the reductive attitude is set aside, Scheler does not exclude that a modified notion of "sublimation" could be profitably used in ontogenetic and historical descriptions,[24] granted that such a sublimation can lead to novel properties and not just to novel appearances.

The question of the continuity or discontinuity (identity/difference) in the "orders of love" across phenomena remains open in Scheler's thought.[25] On the one hand, the necessity to introduce a sphere of loving acts at the roots of all experience appears crucial and is strengthened and cultivated in his last years; on the other hand, the phenomenological attention to qualifying differences in phenomena constantly warns him against any easy reduction of the complexity of intelligible manifestations to a homogenizing principle, like Schopenhauer's Will. The late quasi-dualistic opposition between impulse (*Drang*) and spirit (*Geist*) satisfies the theoretical need to account at the same time for a unitary constituting value-driven intentionality, which subtends each and all meaningful experiences, and for an articulation of irreducible levels of love (and experience). In this picture the whole causal weight is assigned by Scheler to impulse, while spirit is said to be "powerless", except with regard to its power to limit and select the original natural sphere of vital impulse. In late texts instinct, impulse, and living energy are all read as love of a kind (*Eros),* which requires for its limitation and articulation the exercise of spirit or of love of another kind (*Agape*).[26] Although the overall ontological horizon proposed by Scheler remains explanatorily patchy and incomplete, its general outlines are clear: the very unitariness of the world is conditioned by love,[27] whose qualifying tendency is towards the Absolute (the unconditioned totality, the *Ens a se*, God).[28] Love is not defined by its tendency towards the Good, however defined; rather, the "movement", the transitional act that love itself is, *is* the Good, if anything deserves this name.[29] This leads Scheler to his late vision of the world and its axiological horizon (God) as intrinsically dynamic "entities": God is conceived as a "God in becoming" (*werdender Gott*)[30] and the world is said not to *have* a history, but to *be* a history.[31]

---

19 *Form.,* 29-31; 35.
20 *Symp.*, 170.
21 *Symp.*, 191.
22 *Symp.*, 195f.
23 *Symp.*, 129.
24 Scheler M., „Die Stellung des Menschen in Kosmos", in *Späte Schriften*, Francke Verlag, Bern 1976 (p. 7-71) (henceforth *Stellung),* 52-53.
25 Cf. Zhok, A., *Intersoggettività e fondamento in Max Scheler,* Firenze, Nuova Italia 1997, 44-49; 120-193.
26 Scheler M., *Schriften aus dem Nachlass III*, Bouvier, Bonn, 1987, 235. - *Symp.,* 103.
27 *Ordo Amoris,* 357-359.
28 *Ordo Amoris*, 355.
29 *Symp.,* 165.
30 *Stellung*, 70.
31 Scheler M., „Idealismus-Realismus", in *Späte Schriften*, Francke Verlag, Bern 1976 (183-242), 236.

Scheler's interpretation of the epistemic and ontological role of love, which we have briefly summarized, is fascinating and controversial, full of exegetic aporias and rich of unexplored suggestions. We have tried elsewhere to produce a plausible immanent interpretation of Scheler's theory of love and value.[32] Here, in the following few pages we would like to go somehow beyond exegetical faithfulness and try to suggest a way in which Scheler's understanding of love can be read as an ontological vision with good reasons to be regarded not just as interesting, but even as *true*, insofar as ontological theses are in the spectrum of truthful judgments.

It seems to us that there are three main theses that deserve to be re-considered and developed. Such a re-appraisal must be preceded, however, by a preliminary thesis concerning the methodological status of these arguments.

2.1. On Scheler's Phenomenologically Grounded Metaphysical Realism

As is well-known, Scheler's late theses have been criticized by Husserl as a relapse into metaphysical naturalism (anthropologism).[33] This criticism is correct, insofar as Scheler does not restrain his theses to what can be expressed under *epoché*, but formulates also hypotheses and theses, with an unashamedly metaphysical character of naturalistic brand. The outline of *philosophical anthropology* discussed in the *Stellung des Menschen im Kosmos* is a clear example thereof. Scheler does not methodologically clarify the reasons that could ground the extension of his arguments from the phenomenological sphere of intentional objects to ontological assertions concerning the transcendent sphere (where his "cosmological" vision certainly belongs).

That said and granted, I would be inclined to reply that Scheler's main philosophical interest, unlike Husserl's, is pre-eminently ethical and this intent can be hardly satisfied by a generalized suspension of the commitment to reality: the sphere of action constantly requires the passage from the certainty of self-evident essential relations to the probabilistic bets of decision and enactment. Insofar as philosophy is concerned with practical reason, it must make room sooner or later for stances concerning the transcendent sphere (the "reality in itself"). To be clear, this is no objection to the methodological validity of *epoché*, but simply recognizes the legitimacy of circumscribed "suspensions of the suspension of judgment", in the sphere of moral philosophy. This is a position with an established history even outside the phenomenological tradition: we can identify it in Kant's "moral re-evaluation" of the ideas of pure reason, as well as in Kierkegaard's (or Sartre's) calls for free ethical commitment.

In Scheler, his sympathy for religious thinkers notwithstanding, we do not find any lighthearted leap towards metaphysical "bets": his thought is and remains based on phenomenological analysis, which provides the sphere of essential certainty, from which he sometimes feels obliged to venture into metaphysical landscapes dealing with the Absolute. In the following, admittedly speculative, considerations we will follow this general approach.

2.2. Love and the Inescapability of Teleology

Scheler repeatedly underlines the essential connection between knowledge and love. His defense of this thesis is sometimes obscured by historical-philosophical references, like the frequent mention in this regard of Augustine's vision, which may raise the suspicion that a theological agenda is at work. But this point can be certainly made understandable and appealing on immanent grounds.

I would be inclined to defend this thesis along the following lines: each cognitive act ultimately relies on *differentiation* (distinction, discernment) and *unification* (association, synthesis). But each differentiating act, the primal core of which is represented by the whole sphere of *sensations*, is always already expression of a *preference.* This does not imply subjective arbitrariness: we do not *decide* what we feel and discern, we

---

32 Zhok, *op. cit.*
33 Husserl, E., "Phänomenologie und Anthropologie", in *Aufsätze und Vorträge (1922-1937)*, Husserliana XXVII, ed. Thomas Nenon and Hans Rainer Sepp, Dordrecht: Kluwer, 1989 (p. 164-181), 181.

do not decide whether macroscopic luminous differences will play a major role and subatomic changes an insignificant one in our primal perceptual ordering. Nevertheless, it is indubitable that we, as living beings, bring differences to the world insofar as they are "meaningful" for us: *each discerned difference is also a preference*. Our body perceives insofar as it produces a living reaction, which is concerned with and interested in the "stimulus". Does it mean that we are bound to be blind to all detectable differences that we are not bodily predisposed to grasp? In a sense, certainly not, since there are plenty of technological devices, from microscopes to telescopes, that overcome the perceptual limitations of our bodily powers. Yet, it remains always true that there is no knowledge without selection of qualifying objects of interest, and this selection is mostly untouched by the technological "amplifications of signals". What we see through microscopes, telescopes and the like is anyway selected by "interests" that more or less mediately depend on the *prima facie* valid world of our percepts and actions (*Lebenswelt*). Technology may make us see *more*, but there is no such a thing as *seeing all*: all perceiving is selecting.

A similar discourse can be done, with even more evidence, for all *synthetic* performances. It should be evident that there is nothing like an "event", or a "thing", whose boundaries can be set *juxta propria principia*. We have, of course, no trouble in talking in acceptably unambiguous ways about this event and that thing, without quarreling too much about where an event (or thing) begins or ends. A dinner, a war, a car-crush, a man, a city, a cup of tea are all items that we can approximately define and intend, and only very occasionally a doubt may be raised about their boundaries (Was the dinner already over? Is here still city or already countryside? Etc.) But the philosophically crucial point is that no event or thing is intrinsically determined by any exact amount of *matter-energy in a specific space-time*. No event in the universe has intrinsically a beginning or an end: there is not a point in any extensional description where an event has objectively ceased to be. We can say that at a certain point an explosion does not deserve to be called explosion any more, but objectively we could try to go on in our description of its repercussions for ever, understanding them as its infinite "parts". The same can be said for any event whatsoever at any level of description: there is no objective intrinsic boundary between an event, its causes and its effects. And when we mention the qualifying properties that determine the unitariness of a "thing" (cohesion, or solidity, or property homogeneity, or concordant translation of its parts, or manipulability, etc.) our choice of this or that qualifying property equally depends on our concerns and interests (primarily the constitutive concerns and interests that our body is predisposed to acknowledge).

Much the same can be said by extending our consideration from the "internal horizons" (to adopt Husserl's conceptuality) of events and things to their "external horizons", and especially to the overall horizon that we call "the world". The world is no-thing in the world. The constitutive unitariness of the world has little to do with physical variables: we do not know, and may never ascertain, whether the universe is finite or infinite, whether all its parts are physically bound by physical forces (*e.g.*, gravity) or not, but all these factual uncertainties have nothing to do with our necessary understanding of the world as unitary. The point, again, is that we are teleologically bound to connect and grasp together everything that there is (for us), in order to make order in it and sense of it.

Insofar as we, *prima facie*, subsume under the expression "love" all preferential attitudes, we must grant that all cognition and all phenomena that are relevant for us are permeated by "love". Nothing whatsoever in the world can manifest itself without being elected (or disregarded) by selective principles that depend on our constitutive "interest" in and "passion" for the world and its parts.

2.3. On the Open Character of Love

In the previous reasoning we have adopted an acceptation of love, which may seem to diverge from Scheler's one. But this is not really the case. In Scheler's account the qualifying trait of love is its "*open*" character, that is, its being directed towards something valuable that is not yet known (and in fact may never be reached or known). Occasionally the "open" character of love can be defined by opposition to the "closed" character of instinctual satisfaction, in the following sense: when we

satisfy hunger our teleological impulse is apparently quenched and extinguished, while when we passionately love a human being, a form of art, a historical community, etc. we are concerned with something that appears in principle inexhaustible.

However, this opposition is less clear-cut than it could seem at first: in fact the (provisional) exhaustiveness of instinctual satisfaction (sexual love as well as hunger) must not conceal the fact that, to the extent that the instinctual impulse is unsatisfied, its "target" appears to be inexhaustibly interesting, not unlike the "objects" of spiritual love. Without denying the difference in the relevant acts, the characteristic *openness* of love is to be found in different degrees at any axiological level, from pleasure/pain, to vital feelings, to spiritual passion and theological devotion. More generally, if we widen our view, we must see that all oriented impulses that animate the living subject, from seeking and discerning sensations, to synthesizing percepts, to the highest examples of spiritual love do not aim at a *settled end*, but are always openly oriented towards a satisfactory object to be found (recognized). Indeed, this description fits all levels of living inclination and propensity (preference), and this means that all our living impulses are animated by an *anonymous* "telos" to be possibly discovered over time: we *learn* what is appropriate to quench hunger or sexual arousal, as we equally *discover* newer and newer aspects of the beloved person (art, community, etc.). Actually, we never exhaust the potentialities of this exploratory inclination even at the most immediate and elementary levels: we may always discover new forms of satisfaction of "basic biological instincts", and this discovering trend is no privilege of the "highest" and more culturally mediated forms of inclination. This invites us to notice that love, in this radical and extensive sense, represents the first core of what appears to the thinking subject as *intentionality.* Intentionality, we customarily say, is "aboutness", is being directed towards something, which is our intentional object. Usually, we mention intentional relations with implicit reference to the reflective sphere, where intentional objects are already endowed with a recognizable identity. But, as Husserl extensively showed, *thematic* intentional acts (the apprehension of contents) constitutively rely on a "passive" pre-reflective dimension, which represents also the first articulation of temporality in the form of "retentions" and "protentions".[34] The passive pre-reflective dimension the constitutes inner time-consciousness is intrinsically "appetitive", being animated by what Husserl calls "empty protentions" (*leere Protentionen*).[35] Intentionality is then, in a primary sense, the intrinsic "orientation-towards" of a living being, without any settled object; without this tendency, no proper "aboutness" can subsist. Intentionality, unlike any physical relation, is a relation that subsists before and in the absence of one of the *relata*. Empty protentions describe a "relation" of this kind, a relation between a given experience and an unknown merely possible experience. If this is the core of intentionality, then the "openness" of love in all its instantiations, from sensitivity to interest, from inclination to preference, from craving to passion precisely represents this core.

2.4. The "Impotence of Spirit" and the "Works of Love"

The ultimate metaphysical vision that Scheler brings forth shows the causal energy of *Drang* as the only original power in nature, while *Geist* is not reduced to an epiphenomenon just because of its ability to limit, deny and select the thrust of *Drang. History,* in the most comprehensive sense, turns out to be the emergent result in progress of this "dialectical" process, which manifests itself as exploratory cosmological venture.

This picture, which is just sketched in Scheler's last writings, displays in outline all the elements of a synthesis of his understanding of "love". Love, by which we mean a constitutive drive directed towards something other than the loving agent, something unknown but valuable, can be interpreted as the deep and inescapable drive that shapes both natural and cultural history.

---

34 Husserl, E., *Die Bernauer Manuskripte über das Zeitbewusstsein (1917/18),* Bernet R. & Lohmar D. (eds.), Husserliana XXXIII, Kluwer, Dordrecht 2001, 169-170.
35 Husserl (2001), 9.

Analogies notwithstanding, this vision must be clearly distinguished from philosophical perspectives like Schopenhauer's metaphysics of Will or Bergson's conception of the *elàn vital.*

Unlike Schopenhauer, Scheler does not think that the highest impulses (like spiritual love) have to be ultimately *reduced* to an *elementary* blind drive (the Will): on the contrary, whenever *explanation* is called for, Scheler adopts the criterion of *explaining* the most elementary forms (e.g., the impulses of organic life) in the light of the more developed and articulated ones (love), rather than the other way round.

Unlike Bergson's *elàn vital*, Scheler's "love" is not a natural power, in the sense that it is not endowed with driving energy of its own, able to "propel" evolutionary trends or physical motions. Scheler's notion of love should be rather conceived, in its minimal core, as a qualifying, selective principle, which can find realization in a plurality of embodiments in (natural and cultural) history.

If we adopt a monistic ontology, as I am inclined to do, we necessarily have to attribute also to such a selective principle some physical embodiment, and therefore an "energy", but the point here is that what qualifies "love" is neither the quality nor quantity of its physical substrate, but its *function,* which in principle can be supported by a plurality of substrates.

Finally, how could we figure out this selective function? We can hold that the preferential attitude inherent in love is the qualifying trait of *life* as such. Although naturalistic accounts tend to remove this point, life *cannot* be primarily defined in terms of self-reproducing *mechanisms* (egoistic genes, autocatalytic systems, etc.): whatever chemical self-replicating organization we might happen to find, it would not be regarded as life if we could not correlate it with "behaviors" interpretable as "preference towards", "striving for", etc. Symmetrically, should exobiological investigations find bodies devoid of self-replicating structures (*Dna*, *Rna*), while displaying behaviors that manifest those "living" "preferential" attitudes, we would just update our theories and make room for a different form of life. We acknowledge self-reproduction, self-preservation, etc. as qualifying aspects of life because and insofar as these behaviors provide an *objectified representation* of the kind of *felt preferences* that each of us primarily recognizes in the first person. Self-reproduction and self-preservation are misleadingly represented by mechanical metaphors: they are primarily urges, drives, wants, preferences that exist "beyond-the-present-towards-the-absent (resp. latent)". The biological stress on self-reproduction, self-preservation, etc. seems to focus on *endurance*, while endurance is at best the outcome of successful living, whereas the core point of life is its constitutive orientation towards.../rejection of...

In ordinary evolutionary frameworks we could see pain/pleasure of a kind (the first axiological level in Scheler's account) as a primal dimension of organized life. We know that a bacterium of *Escherichia Coli* moves upstream in a gradient of glucose; this seems to be a patent expression of *preference.* This does not necessarily involve anything like pain/pleasure. If we think, as biology invites us to do, of a multicellular organism as originated by a symbiotic ensemble of preexistent cells, we could guess that these heterogeneous cells fully reach *mutual solidarity* only when the parts of the organism are *unified* by the sense of pain/pleasure. But whatever our favorite theory about the origin of multicellular organisms, the plurality of parts and tissues of an organism do participate in the common project that the organism is precisely when they share that basic feeling. Thus, we can indeed conceive of pain/pleasure as a first embodiment of value, discovered by the preferential attitude that pervades life; this is a level that already achieves a dimension of generality: the parts "care" for the whole.

If pain/pleasure represents a first level of value, instantiated by organisms, we can regard "vital love" (sexual reproduction) as a further axiological dimension and a further embodiment of value brought to light by "love". This is indeed the second axiological locus in Scheler's hierarchy of values.

In fact, this is the level where the ordinary mechanism of natural selection is said to be at work. The usual version of this mechanism is that it selects and promotes the properties of the phenotype that are more fit to cope with the environment. Yet, even if this is not always properly appreciated, the orthodox truth of natural selection implies that the crucial hurdle that the organism has to overcome is not mere environmental fitness, but *fitness conducive to reproduction* (of which survival qualities

are a subset). But, as already Darwin's reflections on sexual selection showed, the choice of qualities conducive to sexual eligibility appears to be the main source of *variation* of the phenotypic properties to be stabilized. While the simple criterion of environmental fitness operates in a restrictive, convergent way, that tends towards the survival of few different forms, sexual selection seems to be a force that opens up altogether novel ranges of properties, not *opposed* to environmental fitness but *irreducible* to it. Even in quite orthodox evolutionary accounts, sexual selection may be read as the way in which room is made for the most gratuitous phenotypic traits: sexual love may be plausibly regarded as a primary source of phenotypic novelty. We can conceptualize this passage by saying that sexual instinct appears as a new embodiment of "love", an embodiment that rests on the working of organisms and opens up in its turn new levels of organization. Not implausibly, the dimension of "intersubjective" recognition brought to light by sexual selection can be regarded as a privileged pathway for the emergence of what we call "cultural traits". Traits that are not immediately useful, but are experienced as "interesting" can be socially selected and enforced. Intersubjective recognition can enforce novel subjective expressions, ultimately leading to ethical, aesthetical, religious "virtues". And indeed, it can even create the ground for the acknowledgment of truth (objectivity), as ideal point of convergence of all possible subjective acceptance.

In this way we can conceive the emergence and establishment of a level of spiritual acts, where in turn new forms of love (the "spiritual love" of Scheler's account) can emerge.

From this level onwards the way in which love can mediately bring forth novel embodiments of value is much less speculative and actually coincides with mainstream accounts of the cultural history of mankind.

In this framework, history at all its levels can be seen indeed as the exploratory journey of "love". Love now appears as a "weak force", unable to determine the traits of the physical infrastructure where it is going to be hosted, but nevertheless able to let emerge over time organizations more and more capable to choose and determine their own environment. "Love" not only discovers values, but incidentally brings to light novel embodiments of love itself, which thus acquires further qualifications, in an indefinitely developing exploration of meaningfulness.

REFERENCES

Frijda, N.H. (1994), "Varieties of Affect: Emotions and Episodes, Moods, and Sentiments", *The Nature of Emotion. Fundamental Questions*, edited by Ekman P. & Davidson R., Oxford University Press, New York, pp. 59-67;

Husserl, E. (1922-1937), "Phänomenologie und Anthropologie", *Aufsätze und Vorträge (1922-1937)*, Husserliana XXVII, edited by Thomas Nenon and Hans Rainer Sepp, Kluwer, Dordrecht, 1989, pp. 164-181;

Husserl, E. (1917-1918), *Die Bernauer Manuskripte über das Zeitbewusstsein (1917/18),* edited by Bernet R. & Lohmar D., Husserliana XXXIII, Kluwer, Dordrecht 2001;

Mulligan, K. (2010), „Emotions and Value", *The Oxford Handbook of Philosophy of Emotion,* edited by Goldie P., Oxford University Press, Oxford, pp. 475-500;

Scheler, M. (1916), *Der Formalismus in der Ethik und die materiale Wertethik, Jahrbuch für Philosophie und phänomenologische Forschung,* Halle;

Scheler, M. (1914-1916), „Ordo Amoris", *Schriften aus dem Nachlass I: Zur Ethik und Erkenntnislehre*, Francke Verlag, Bern, 1957, pp. 345-376;

Scheler, M. (1926), „Probleme einer Soziologie des Wissens", *Die Wissensformen und die Gesellschaft,* Francke Verlag, Bern 1960, pp. 15-190.

Scheler, M. (1926), „Erkenntnis und Arbeit", *Die Wissensformen und die Gesellschaft,* Francke Verlag, Bern 1960, pp. 191-382.

Scheler, M. (1915), „Liebe und Erkenntnis", *Schriften zur Soziologie und Weltanschauungslehre*, Francke Verlag, Bern 1963, pp. 77-98

Scheler, M. (1913, 1923), *Wesen und Formen der Sympathie*, Francke Verlag, Bern 1973;

Scheler, M. (1928), „Die Stellung des Menschen in Kosmos", *Späte Schriften*, Francke Verlag, Bern 1976, pp. 7-71;

Scheler, M. (1928), „Idealismus-Realismus", *Späte Schriften*, Francke Verlag, Bern 1976, pp. 183-242;

Scheler, M. (1987), *Schriften aus dem Nachlass III*, Bouvier, Bonn;

Zhok, A. (1997), *Intersoggettività e fondamento in Max Scheler*, Firenze, Nuova Italia.

FRANCESCA FORLÈ
Università Vita-Salute San Raffaele
francescaforle@hotmail.it

DANIELA PERANI
Università Vita-Salute San Raffaele,
San Raffaele Scientific Institute
perani.daniela@hsr.it

EMOTIONS IN MUSIC. AN OVERVIEW OF MUSICAL EXPRESSIVE QUALITIES

abstract

What does it mean to say that a particular melody is cheerful *rather than* melancholic, *or that a musical rhythm is* anxious *and* nervous *rather than* peaceful *and* calm? *Which kind of qualities are these? In this paper we will give an overview of musical expressive qualities, trying on the one hand to describe them as* tertiary *or* value-qualities *and, on the other, to understand their expressiveness by means of a phenomenological analysis of rhythm and rhythm perception.*

Introduction In a paper published on *Current Biology* in 2009, Thomas Fritz and colleagues presented two cross-cultural experiments about music perception. The aim of these studies was to investigate which aspects of music perception could be universal and to differentiate them from those which are developed only after exposure to a specific musical culture. In order to achieve this goal, the authors chose two groups of subjects who were completely naïve to each other's music – in particular, a group of a native African population (Mafa) which had never been exposed to Western music, and a group of western people (German participants) which had never listened to Mafa music.

In the first experiment, the authors aimed at investigating the ability to recognize three basic emotions (happy, sad, scared/fearful) expressed in Western music. The Mafa and German participants listened to short computer-generated piano music excerpts and had to decide which of three faces from the Ekman archive – depicting emotional expressions corresponding to those in the music – fitted best with the perceived music stimulus. Results show that both Mafas and Western people recognized happy, sad, and scared/fearful Western music excerpts above chance, even though Mafa listeners show more variability in their performance (Fritz et al. 2009, 573-574). According to the authors, therefore, these data seem to corroborate the idea that the expression of some basic emotions in Western music can be recognized even without being used to that kind of music.

The second experiment, instead, investigated how the manipulation of an original piece of music could affect its perceived pleasantness in Western and Mafa listeners. Among other aspects, the manipulation modified the consonant character of the excerpts, leading them to increasing dissonance. The results show that both Western and Mafa people prefer original Mafa and Western music over the manipulated versions. According to the authors, the dissonances produced by the spectral manipulation can be at least partly responsible for this "unpleasantness" effect.

Overall, this unique experiment suggests that consonance and permanent sensory dissonance universally influence the perceived pleasantness of music and, crucially, that the expression of emotions in Western music excerpts can be recognized universally. This is similar to the largely universal recognition of human emotional *facial* expression (Ekman et al., 1969) and emotional prosody (Scherer, 1997). The universal capacity to identify emotional expressions in particular in nonverbal patterns of emotional expressiveness, such as emotional prosody and music, supports a shared neural system underlying such processes.

It is easy to notice that both the experiments of the presented paper, as well as many other empirical works (Peretz et al. 1998, Koelsch et al. 2006, Blood et al. 1999), try to investigate some particular *qualities* that characterize music, such as its *pleasantness* or *unpleasantness* and, even more importantly, its *happy, sad*, or *fearful* character. But if it is quite simple to grasp what we mean when we speak of a *pleasant* or *unpleasant* piece of music, what does it really mean to say that a particular melody is *cheerful* rather than *melancholic*, or that a musical rhythm is *anxious* and *nervous* rather than *peaceful* and *calm*? Which kind of qualities are these? How do they emerge? How can we be affected by them?

The aim of this paper is two-fold. On the one hand, we will briefly try to describe these *expressive qualities* of music as *tertiary qualities* or *value-qualities* – qualities that emerge from the structure of the musical objects and that are capable of *affecting* us emotionally. On the other, even though entirely persuaded of the fact that such expressive qualities can emerge only from the structural organization of *many* musical aspects, we will focus on one of them to understand how it can contribute to the expressive character of a piece of music. In particular, we will focus on *rhythm*. Firstly, because it is one of the aspects that are mostly underlined in many empirical studies on the expressive qualities of music (Fritz et al. 2009, Peretz et al. 1998, Hevner 1937). Secondly, because, we would like to propose some ideas about the conditions of possibility of its expressive power. In this way we will also be able to underline some peculiar aspects of music perception.
We will try to do so, in particular, starting from the phenomenological reflections on music and on the relationship between music, expressive qualities, rhythm, and movement of two well-known phenomenologists: Giovanni Piana and Helmuth Plessner (Piana 1991, Plessner 1951, 2007), who, though independently from each other, have come to highly compatible descriptions of the phenomenon of music and music perception.

<div style="color:teal">

1.
The Power of Expressiveness. Music and Affective Qualities

</div>

Let us go back to the questions we asked in the introduction. What do we really mean when we say that a melody is *cheerful* or that a particular rhythm is *anxious* and *nervous* rather than *peaceful* and *calm*? In our everyday life we often use such adjectives to define music and its properties. But how can we better describe this class of qualities?
First of all, we can surely underline their *expressive* character. As the adjectives we have used can easily show, in fact, music seems to have qualities that are able to express feelings or to recall the dynamical aspects of particular movements – the psychologist Daniel Stern has referred to these features as *vitality affects* (Stern 2000, 53-60). This fact leads us to describe musical pieces through the typical attributes that we use for *living creatures* and to recognize them as *expressing* a particular affective state. We will recall and deeply analyze this aspect of music's *vitality* in the next paragraph of this paper. For now, however, we want to underline another fundamental property of the *expressive qualities* of music that can help us to better understand their nature.
Especially within that particular current of the phenomenological thought which is known as *experimental phenomenology* and that finds in Carl Stumpf one of its pioneers, the expressive qualities of music – and of all other things – have been labelled *tertiary qualities* (Bozzi 1990, 88-117). Paolo Bozzi has given many examples of these properties. Colours, for example, have tertiary qualities: black is *gloomy*, red on the contrary is *joyous*. A diminished seventh chord is *screeching, harsh* and *clashing*. Ascending and slow gestures and movements are *solemn* (Bozzi 1990, 100). We can disagree about which *specific* tertiary quality we have to recognize in a particular thing and we can discuss about that. But we acknowledge that such things <<magnetize>>, as Paolo Bozzi would say, the *kind* of adjectives we have used to describe them (Bozzi 1990, 100). And we could easily continue our list with all the objects of our everyday life that have these properties – from landscapes to human faces, from artworks to apparently vague things such as *atmospheres.*
Now, the properties we are dealing with have been called "*tertiary* qualities" to recall the classical

distinction between primary and secondary qualities that, as it is widely known, has characterized philosophical thought from the beginning and has been stressed by many authors – from Democritus to Galileo to John Locke[1]. The idea is to underline the fact that, far from being characterized only by properties such as weight and size – traditionally *primary* qualities – or as colours and fragrances – traditionally *secondary* qualities, the things of the world we live in are full of another wide range of qualities that we can then define *tertiary* and that are grasped by the different attributes we have used in our examples. But, which specific feature characterizes all these qualities, from the cheerful character of a melody to the anxious and nervous development of a rhythm, from the gloominess of a colour to the solemnity of a gesture? What we want to propose, according to a well-established idea in the phenomenological tradition, is the fact that all these qualities, despite their differences but *precisely in virtue of their power of expressiveness*, are able to *affect* us, that is – to involve us *emotionally*[2], and can then be defined as *affective qualities*. They express in fact the sense, the meaning, the inviting or repulsive features, the positive or negative values that the things in the world offer us. Due to their inviting or repulsive character, then, grasping these qualities means, for instance, being scared or disgusted, as well as amused or made happy by them – that is, in general, being affected in a pleasant or unpleasant way. In this sense, such qualities are not just perceived through the five senses; they are instead *affectively* perceived. Our affective responses, of course, can be very different from each other and also not necessarily akin to the expressive and affective quality that we recognize in the object. Recalling an example of Paolo Bozzi's, in fact, if I am sad and not well-disposed and I go to a cheerful and joyful party, I can be perfectly able to recognize the happy atmosphere of the party without being affected by it in any way; on the contrary, I could be much more bothered and annoyed *because of* it (Bozzi 1990, 103-104). In the same way, the melancholic tone of a melody can be perceived as terribly boring by some listeners and instead totally consuming by others. But the melancholic character of the melody or the cheerful and happy atmosphere of the party still remain; they just evoke different *affective* responses in different people[3].

Being one of the most well-known phenomena of our everyday life, the *affective* power of music and of its *expressive qualities* is today also one of the most studied aspects of music in cognitive neuroscience. Functional neuroimaging and lesion studies have shown for example that the emotional responses to music can modulate activity in *limbic* and *paralimbic* areas of the brain. As Stefan Koelsch declares, "limbic" (e.g. amygdala and hippocampus) and "paralimbic" structures (e.g. orbitofrontal cortex, insula, anterior cingulate cortex, parahippocampal gyrus, temporal poles) are considered as fundamental areas for emotional processing. As he said, in fact:

> These structures are crucially involved in the initiation, generation, detection, maintenance, regulation and termination of emotions that have survival value for the individual and the species. (Koelsch 2010, 131)

Therefore, at least some emotional responses to music seem to involve the *very core structures* of the neuroaffective mechanisms. Blood and Zatorre (2001), for example, have shown activity changes in the amygdala in a positron emission tomography (PET) experiment with music perception. In the experiment, the participants listened to one of their favourite pieces of music to which they usually had a "chill experience" – chills are defined as the intense emotional experience involving sensations such as goose bumps or shivers down the spine (Koelsch 2010, 131). Measuring changes in regional cerebral blood flow (rCBF) during chills, the authors found that an increasing chill intensity correlated, on the one hand, with rCBF decrease in the amygdala and in the anterior hippocampal

---

1   See on this point Bozzi (1990), pp. 88-92.
2   On this topic see in particular Dufrenne (1953). For a contemporary approach to the expressive qualities of the aesthetic objects and to the phenomenology of the affective acts see for example De Monticelli (2008) and De Monticelli, Conni (2008).
3   For a deeper analysis of this point see for example Pinotti (1997) and Griffero (2010).

formation, on the other, with rCBF increase in the ventral striatum, the midbrain, the anterior insula, the anterior cingulate cortex and the orbitofrontal cortex. Moreover, in an fMRI experiment, Koelsch and colleagues (2006) compared brain responses to two groups of musical pieces that the subjects had previously defined as "pleasant" or "unpleasant". Data show that, during the presentation of pleasant music, increases in blood-oxygen level dependent (BOLD) signals can be observed, for example, in the ventral striatum and the anterior insula. On the contrary, the presentation of unpleasant music correlates with increases in BOLD signals in the amygdala, the hippocampus, the parahippocampal gyrus and the temporal poles. These same structures, on the contrary, show decreases of BOLD signals during the perception of pleasant music. Both the experiments, therefore, clearly show how many of those limbic and paralimbic structures that are considered as fundamental areas for the emotional processing are involved in the *affective* responses to music as well. More interestingly, the same research group (Salimpoor et al., 2011), using molecular PET imaging, showed that music, an abstract stimulus, can arouse feelings of euphoria and craving, similar to tangible rewards that involve the striatal dopaminergic system. They found a consistent functional involvement of the nucleus accumbens during the experience of peak emotional responses to music, indicating that intense pleasure in response to music can lead to dopamine release in the striatal reward system. The authors highlight the role of these biological findings in explaining why music is of such high value across all human societies. Another interesting aspect was the functional dissociation found. Namely, the caudate was more involved during the anticipation and the nucleus accumbens was more involved during the experience of peak emotional responses to music. Thus, more dorsal striatal regions are also involved interconnected with sensory, motor and associative regions of the brain.

We have stated, then, that *a parte subjecti* what characterizes the *tertiary* or *value qualities* of aesthetic objects like pieces of music is the fact that they are *affectively* perceived and *emotionally* involving. *A parte objecti*, instead, we have described those properties as *expressive* qualities. We want to better analyse this side of the issue in order to clarify the way in which these particular qualities appear but also in order to shed new light on the involved perceptual processes.

In *La Phénoménologie de l'expérience esthétique* (1953), Mikel Dufrenne underlines the fact that, phenomenologically, the expressiveness of an aesthetic object is grasped as an *indivisible unity* – that is, as the *general* atmosphere that appears to be conveyed by the object itself (Dufrenne 1953, 439-444). As such, it is perceived *before* – sometimes even *without* – the recognition of the elements that contribute to its emergence. As Max Scheler says, in fact:

> I can tell from the expressive "look" of a person whether he is well or ill disposed towards me, long before I can tell what colour or size his eyes may be (Scheler 1923, 244).

The expressive and affective qualities, therefore, are what is primarily given to us and, after having been perceived, according to Dufrenne, they are what can guide us to the analysis of the structural elements from which they emerge. The analysis of the elements that contribute to expressiveness, in fact, can actually be done only *after* the expressive quality itself has been perceptually grasped. Now, how can the elements of an object contribute to the emergence of a particular expressive trait? According to Dufrenne, there are some particular structures that have been revealed to be interestingly suitable for expressing a particular atmosphere. As he says, for example, the *vigor* of César Franck's *Prelude, Chorale and Fugue* clearly depends on its rhythm and on the modulation from the minor to the major scale, as well as the *mysterious grace* of Debussy's *The Girl with the Flaxen Hair* depends on the uncertainty of rhythm and tonality (Dufrenne 1953, 441). Nonetheless, Dufrenne is also perfectly aware of the fact that it is only the *overall structural organization* of many and different aspects that can actually convey the expressiveness of an object. We can in fact modulate from

**2.
The Emergence of
Expressiveness.
Music and
Vitality Affects**

the minor to the major scale without achieving the effects of Franck's *Prelude, Chorale and Fugue* as we can maintain an uncertain tonality without producing the dreamlike atmosphere of Debussy's music (Dufrenne 1953, 442). Therefore, even though particularly suitable for conveying some specific expressive effects on their own, the different components of a musical piece can be actually expressive only if their structural organization, their coherency and their reciprocal relationships are such that they can allow the emergence of that particular expressive trait.

Now, even if totally persuaded of Dufrenne's thesis, from this point on we will focus our attention on the expressive resources of one single musical aspect – that is, *rhythm.* We will do so, as we said in the introduction, on the one hand because rhythm is easily recognized – from a naïve perspective too – as one of the "core contributors" to music expressivity. On the other, because when it comes to rhythm we can try to propose a hypothesis about the conditions of possibility of its expressivity, trying also to shed some light on the phenomenology of music and music perception.

2.1 Rhythm and its Expressiveness. Time and Movement

Experimental data show that when subjects are asked to define the expressive traits of some music excerpts, they mostly rely on temporal and rhythmic cues, among others (Fritz et al. 2009, 573-574; Peretz et al. 1998, 117-119). And maybe most of us, when wanting to listen to a cheerful piece of music rather than a melancholic one, have found ourselves relying on the piece's rhythm to make a good choice. Rhythm seems to be responsible, in particular, for the *dynamical* aspect of music – to its appearance of *vitality*, as Daniel Stern would say.

Let us think for example of the *solemn walking* of Beethoven's *Funeral March* of the Piano Sonata op.26 n.12 or the *graceful and cheerful dancing* of Chopin's *Grande valse brillante.* The circumlocutions used here to describe the expressive character of these pieces have not just a strong evocative and metaphorical power; or, better, they can appear *so* strongly evocative and appropriate because they grasp a relevant aspect of music and specifically of rhythm – that is, their strong connection to *movement.* Rhythm, in fact, can give expressivity – and *vitality* in particular – to music because it can convey the appearance of *movement*, which, of course, turns out to be one of the peculiar features of living creatures as human and non-human animals.

This is not so very surprising, of course. The connection with movement, in fact, is a very well-known feature of music as well as the fundamental basis for a wide group of phenomena, from the simplest foot-tapping to the most elaborate kind of dancing. It is also today one of the most studied aspects in music cognitive neuroscience[4]. One of the striking results of this kind of study, in particular, is the fact that the coupling between music perception and movement is so strong that motor and premotor regions of the brain seem to be involved not only during "motor" tasks like tapping to rhythms, but also during "purely passive" tasks – that is, tasks which do not require overt movement. Recruitment of the supplementary motor area (SMA) and premotor areas is reported, for example, when musicians are asked just to *imagine* performing (Meister et al., 2004), but also when pianists just have to *listen to* familiar pieces, making no movements and without any specific imaginative tasks (Bangert et al., 2005). More impressively, maybe, the same areas are recruited in *non-musician* subjects during "passive" tasks. Chen and colleagues (2008), for example, compared the fMRI data of two studies with non-musicians involving rhythm perception. In the first, subjects had to listen to different rhythms knowing they would later tap along with them, then tapped. In the second, instead, subjects listened to rhythms *without* foreknowledge that they would later be asked to tap along with them. Interestingly, recruitment of the SMA, mid-premotor cortex and cerebellum was observed in both the experiments.

As we have seen, the strong coupling between rhythm and movement that turns out to be a familiar trait of our everyday experience of music can be supported also by some empirical findings. But one question seems to remain unanswered. *Why* can musical rhythm convey an impression of movement? That is, more precisely, which conditions of possibility is this coupling based on?

---

4   For a review on the topic, see for example Zatorre et al. (2007).

We believe that the answer to these questions can only be provided by the analysis of the phenomenological structure of both music and movement: that can be the basis, in fact, to disclose which phenomenological traits they have in common and that turn out to be fundamental conditions for this kind of relationship. In this way we will then have a better and more satisfying account of the expressive power of rhythm. We want to conclude our paper, therefore, trying to address this point. Let us start from the beginning, that is from the phenomenological constitution of the musical percept. Obviously, music is constituted through *time*. But, even though many other objects, such as all material things, exist *in* time and *through* time, music seems to show an entirely different relationship with the temporal dimension. As the Italian philosopher Giovanni Piana underlines in his *Filosofia della musica*, in fact, music appears as a *process* and its duration in time clearly reveals itself in its perceptual appearances: it is not just the case that music and sounds are in time – because all other material things are – but that their being in time experientially appears as *passing*. Now, it is worth noting that this *passing* appears as the sequence of the phases of *one single* phenomenon. The melody, in fact, is not just the static juxtaposition of sounds but it emerges from the *perceived relationship* between the notes. In this way, perceiving a melody means in some sense perceiving the sequence of notes as the *dynamic* passage – the *transition* – from one sound to another, or, as Piana says with an Italian expression that explicitly refers to the metaphor of movement and walking, as a kind of *avanzare sopravanzando* – that is, a kind of *moving forward* (Piana 1991, 155).

Now, how can this *dynamic effect* emerge in a musical piece? Piana's answer is akin to the one we have proposed before. The dynamic effect emerges not just because music is extended in time (Piana 1991, 170) but, more precisely, because it can show a *rhythmic structure*. But why? Let us continue our analysis. When they are arranged according to a particular rhythmic organization, the notes of a melody *perceptually* appear not as *unrelated* sounds, but as perceptual unities that are organized according to the scheme of *beat and upbeat*. This is actually a widespread phenomenon. Even if we listen for a while to the perfectly *uniform* mechanism of a metronome, for example, we will come to perceive sequences of short rhythmic unities with downbeats and upbeats (Zhok 2012, 133).

Now, according to Piana, what we can observe in configurations like these is the fact that the relation between the sounds is perceived as that of *impulses* and *relaxations*, *openings* and *closures*, *questions* and *answers* (Piana 1991, 173). This means then that, far from being just a sequence of sounds in which there is no actual articulation in sequences but a mere juxtaposition of notes that we can arbitrarily choose to group as we prefer, the musical perceptual course appears on the contrary as an *organized* unity that requires a *closure* when something has been previously perceived as an *opening*. In other terms, as Helmuth Plessner says in his *Zur Anthropologie der Musik*, in a musical piece sounds appear as *impulses* for what comes next and therefore the peculiar character of having a *direction*, an open connection to something else, is motivated by the sounds themselves (Plessner 1951, 146-150). This peculiarity of sounds and music emerges in particular if we compare the auditory percepts with some *visual* ones, such as figures and colours. Also if presented one after the other in a temporal sequence, the colours that have come first do not have an *intrinsic tendency* to the ones that come next. This clearly appears comparing this case with the tendency of the seventh scale degree to the tonic note in a diatonic scale. As Dufrenne would say, colours and figures have a prominent *spatial* character, even though they can of course be arranged in a temporal sequence[5].

On the contrary, because of their prominent *temporal* character, music – and rhythm in particular for what concerns us – are constituted as sequences of organized unities, where what comes first shows a *teleological tendency* towards what comes next and it is only in this way that it achieves its complete meaning[6].

---

5   On the difference between spatial and temporal arts in Mikel Dufrenne, see Dufrenne (1953), pp. 331-341.
6   On the concept of teleological tendency and its interesting applications in a phenomenological account of perception, see Zhok (2012).

Now, it is easy to notice that the same *opening-closure* structure we have described for music and rhythm has its equivalent in the structure of our movement. Like music, in fact, our actions are extended in time and are organized as complex unities: they are not just sequences of unrelated movements, but organized structures that show a particular *rhythm* and in which every single movement develops with a *teleological tendency* towards what comes next.

We have arrived then at our answer. Music can convey an appearance of movement, and can therefore be expressive of those dynamical properties that some living organisms have, because it has some phenomenological traits in common with movement itself – that is, as we have said, *rhythm*, with its *opening-closure* structures developing in time.

As we have said before, of course, rhythm is not the only feature responsible for music expressivity, but we can undoubtedly say that it is one of the main aspects which can contribute to its emergence.

What we have tried to do in this paper is to give an overview of the aesthetic qualities of music. We have proposed that the specific way in which we respond to this kind of qualities is an *affective* one. Following Dufrenne's thesis, in fact, we maintained that it is exactly because of its expressive qualities that music has the very well-known power to affect us, to involve us emotionally. But, clearly, our *affective* perception is based on our *sensory, auditory* perception and the strictly connected limbic systems. And it is also the peculiarity of this kind of perception – the temporal unfolding organized in *opening-closures* structures which resemble movement – that in some sense contributes to expressiveness itself, as we have seen in the case of rhythm. In particular, this opening-closure structure is made possible because of the fact that our perception is not reducible to instant and atomic sensations, but it is a more complex phenomenon, in which what is passed is *retained* and what is coming is *in some sense anticipated*[7] – as also some contemporary psychological and neurophysiologic models of perception are underlining in terms of "working memory" "learning" and "prediction" (Friston, 2005).

The analysis of what music is able to express because of its temporal unfolding, then, suggests that the specific way in which the objects of our perception are structured and given to us can, at least in some sense, contribute to the affective value they have. In this sense, *sensory* and *affective* perceptions seem to be strictly coupled and mutually involving. This is why we believe that investigating this relationship could be an interesting way to come to a more accurate description of the phenomenon of music expressiviness itself.

---

7   Here we refer to Husserl's theory of time-consciousness (Husserl, 1893–1917). We can not examine here this issue in an appropriate way; for a more detailed account of it and especially of the concept of *anticipation*, see Gallagher, Zahavi (2008), pp.69-87.

REFERENCES

Bangert, M., Peschel, T., Schlaug, G., Rotte, M., Drescher, D., Hinrichs, H., Heinze, H.J., Altenmuller, E. (2006), "Shared networks for auditory and motor processing in professional pianists: evidence from fMRI conjunction", *Neuroimage*, 30, pp. 917-926;

Blood, A.J., Zatorre, R.J., Bermudez, P., Evans, A.C. (1999), "Emotional responses to pleasant and unpleasant music correlate with activity in paralimbic brain regions", *Nature Neuroscience*, 2, n. 4, pp. 382-387;

Blood, A. and Zatorre, R.J. (2001) "Intensely pleasurable responses to music correlate with activity in brain regions implicated in reward and emotion", *Proc. Natl. Acad. Sci.*, 98, pp. 11818–11823;

Bozzi, P. (1989), *Fenomenologia sperimentale*, Il Mulino, Bologna;

Bozzi, P. (1990), *Fisica ingenua.* Garzanti, Milano;

Chen, J.L., Penhune, V.B., Zatorre, R.J. (2008), "Listening to Musical Rhythms Recruits Motor Regions of the Brain", *Cerebral Cortex*, 18, n. 12, pp. 2844-2854;

Cochrane, T. (2010), "A Simulation Theory of Music Expressivity", *Australasian Journal of Philosophy*, 88 (2), pp. 191-207;

De Monticelli, R. (2008), *L'ordine del cuore. Etica e teoria del sentire.* Garzanti, Milano;

De Monticelli, R., Conni, C. (2008), *Ontologia del nuovo. La rivoluzione fenomenologica e la ricerca oggi.* Bruno Mondadori, Milano;

Dufrenne, M. (1953), *Fenomenologia dell'esperienza estetica. L'oggetto estetico.* Tr. it. Lerici Editore, Roma 1969;

Ekman, P., Sorenson, E.R., and Friesen, W.V. (1969). "Pan-cultural elements in facial displays of emotion", *Science*, 4, pp. 86–88;

Friston, K. (2005), "A theory of cortical responses", *Philosophical Transactions of the Royal Society*, 360, pp. 815-836;

Fritz, T., Jentschke, S., Gosselin, N., Sammler, D., Peretz, I., Turner, R., Friederici, A.D., Koelsch, S. (2009), "Universal Recognition of Three Basic Emotions in Music", *Current Biology*, 19, pp. 573-576;

Gallagher S., Zahavi D. (2008), *The phenomenological mind. An introduction to philosophy of mind and cognitive science*, Routledge, London & New York;

Geiger, M. (1928), *Vie all'estetica. Studi fenomenologici*, a cura di Pinotti, A., Tr. it. Clueb, Bologna 2005;

Geiger, M. (1911), "Sul problema dell'empatia di stati d'animo", in Besoli, S., Guidetti, L. (a cura di) (2000), *Il realismo fenomenologico. Sulla filosofia dei circoli di Monaco e Gottinga.* Quodlibet, Macerata, pp. 153- 188;

Griffero, T. (2010), *Atmosferologia. Estetica degli spazi emozionali.* Laterza, Roma-Bari;

Hevner, K.. (1937), "The affective value of pitch and tempo in music", *American Journal of Psychology*, 49, pp. 621–630;

Husserl, E. (1900-1901), *Ricerche Logiche.* Tr. it. Il Saggiatore, Milano 1968;

Husserl, E. (1893–1917), *On the Phenomenology of the Consciousness of Internal Time*, Engl. Trans. J. Brough, Collected Works IV, Dordrecht, Kluwer Academic Publishers, 1991;

Husserl, E. (1952), *Idee per una fenomenologia pura e per una filosofia fenomenologica,* vol. II, *Libro secondo. Ricerche fenomenologiche sopra la costituzione,* It. transl. Einaudi, Torino 2002;

Koelsch, S. (2010), "Towards a neural basis of music-evoked emotions", *Trends in Cognitive Sciences*, 14, n. 3, pp. 131-137;

Koelsch, S., Fritz, T., Cramon, D.Y., Muller, K, Friederici, A.D. (2006), "Investigating emotion with music: an fMRI study", *Hum. Brain Mapp*, 27, pp. 239–250;

Krueger, J. (2009), "Enacting musical experience"*, Journal of Consciousness Studies*, 16 (2-3), pp. 98-123;

Krueger, J. (2011), *Enacting musical content,* R. Manzotti, eds. *Situated Aesthetics: Art beyond the Skin.* Exeter: Imprint Academic;

Merleau-Ponty, M. (1945), *Fenomenologia della percezione*, It. Transl. Bompiani, Milano 2003;

Meister, I.G., Krings, T., Foltys, H., Boroojerdi, B., Muller, M., Topper, R., Thron, A. (2004), "Playing piano in the mind—an fMRI study on music imagery and performance in pianists", *Cognitive Brain Research*, 19, pp. 219—228;

Molnar-Szakacs, I., Overy, K. (2006), "Music and Mirror Neurons: from Motion to Emotion", *Social Cognitive and Affective Neuroscience,* 119, pp. 593-609;

Mulligan, K. (1995), "Perception", in Smith, B., Smith, W.D. (1995), *The Cambridge Companion to Husserl.* Cambridge University Press, Cambridge, pp. 168-238;

Noë, A. (2004), *Action in Perception*, MIT Press, Cambridge, MA;

Overy, K.., Molnar-Szakacs, I. (2009), "Being Together in Time: Musical Experience and the Mirror Neuron System", in *Music Perception*, 26 (5), pp. 489-504;

Pelinski, R. (2005), "Embodiment and musical experience" *Trans. Transcultural Music Review*, 9. online publication: *http://redalyc.uaemex.mx/redalyc/html/822/82200914/82200914_2.html*;

Peretz, I., Gagnon, L., Bouchard, B. (1998), "Music and emotion: perceptual determinants, immediacy, and isolation after brain damage", *Cognition*, 68, pp. 111-141;

Plessner, H. (1951), "L'antropologia della musica", *Studi di Estesiologia. L'uomo, i sensi, il suono*, Clueb, Bologna 2007;

Piana, G. (1979), "Percezione", in Piana, G. (1979), *Elementi di una dottrina dell'esperienza.* Il Saggiatore, Milano, pp. 15-70;

Piana, G. (1991), *Filosofia della musica*, Guerini e Associati, Milano;

Pinotti, A. (a cura di) (1997), *Estetica ed empatia.* Guerini studio, Milano;

Reybrouck, M. (2005), "Body, mind and music: musical semantics between experiential cognition and cognitive economy", *Trans. Transcultural Music Review*, 9. online publication: *http://www.sibetrans.com/trans/trans9/reybrouck.html*;

Salimpoor, V.N., Benovoy, M., Larcher, K., Dagher, A., Zatorre, R.J. (2011), "Anatomically distinct dopamine release during anticipation and experience of peak emotion to music" *Nature Neuroscience*, 14, 2, pp. 257-264;

Scheler, M. (1923), *The Nature of Sympathy,* transl. P. Heath, Routledge & Keegan Paul, London, 1973;

Scherer, K.R. (1997), "The role of culture in emotion-antecedent appraisal", *J. Pers. Soc. Psychol*, 73, pp. 902–922;

Schiavio, A. (2012), "Constituting the musical object: a neurophenomenological perspective on musical research", *Teorema*, 31 (3), pp. 63-80;

Stern, D. (2000), *The Interpersonal World of the Infant. A View from Psychoanalysis and Developmental Psychology*, Basic Books, New York;

Von Ehrenfels, C. (1890), "Le qualità formali", in Funari, E., Stucchi, N., Varin, D. (a cura di) (1984), *Forma ed esperienza*, Franco Angeli, Milano, pp. 37-74;

Zatorre, R.J., Chen, J.L., Penhune, V.B. (2007), "When the brain plays music: auditory-motor interactions in music perception and production", *Nature Reviews Neuroscience*, 8, pp. 547-558;

Zhok, A. (2012), *La realtà e i suoi sensi. La costituzione fenomenologica della percezione e l'orizzonte del naturalismo*, Edizioni ETS, Pisa.

ROBERTA GUCCINELLI
Member of the Max Scheler Gesellschaft
roberta.guccinelli@fastwebnet.it

WHEN THE FACTS "CALL DOWN VENGEANCE". FEELING OF REVENGE, SENSIBIILITY TO INJUSTICES AND (A HINT AT) RETRIBUTIVE JUSTICE IN SCHELER'S FORMALISMUS

abstract

The aim of this paper is to provide an elucidation of what, at first sight, appears as a specific and negative affective phenomenon, namely that of revenge, which although its sinister popularity risks constantly to be muddled with a simple state of excitement deprived of intentionality or with a kind of " justice without justice". The understanding of the nature of revenge and of impulse of revenge allows to enlighten a peculiar feeling's class, to which revenge in a certain sense belongs to, and to investigate the meaning and the sense of Scheler's ambiguous term "Vergeltung" in order to attribute to retributive model of justice, by a comparison with revenge, its correct role and place in the world of Scheler's. Our back-idea is the one, according to which, refining sensibility to injustices can contribute to a primary form of identity, namely that of our living body.

RIGOLETTO

(con impeto, volto al ritratto)

Sì, vendetta, tremenda vendetta,
Di quest'anima è solo desio...
Di punirti già l'ora s'affretta,
Che fatale per te tuonerà.
Come fulmine scagliato da Dio
Te colpire il buffone saprà.

GILDA

O mio padre, qual gioia feroce
Balenarvi negli occhi vegg'io!
Perdonate...a noi pure una voce
Di perdono dal cielo verrà...

(G. Verdi, Rigoletto)

0.
In the Sign of Zorro: is it Possible "to Execute the Revenge"?

Revenge! What is it? How do we recognize it? Are there only revenges towards the others or are there self-revenges too? Is it possible to "prevent" revenge, avoiding e.g. that a simple pulse tendency could flow into an irreparable gesture?

In the moments of grave economical and social crisis, in which the formal equality of the political, social and juridical rights risks constantly to be (and in actual fact it is) belied by real power relations, when an evident contradiction (such as this) favours, namely, and foments crawling forms of *ressentiment*[1], it is more than ever important to reflect upon this negative phenomenon that often constitutes, among other things, the starting-point of the *ressentiment.* Moving from Scheler's account of revenge and from disquieting analogy (that is not identity) of this attitude to a specific juridical model – the retributive model - I would like to provide a contribute to the studies on theories of emotions, uncovering the peculiar affective relevance of revenge, and a very short lexical explanation.[2] Let's start just from this last point.

Scheler's term "Vergeltung" in fact, that I translated into Italian as "Retribuzione" (the English equivalent of which is "Retribution"), is not immediately translatable into other languages just owing to its semantic polyvalence: "indemnity" for damages, or rather, for wrongs; "recompense"; "*revenge*"; "reprisal" etc. In short, I decided for "Retribution" because a fundamental (but not the one and only) element that marks "Vergeltung", in Scheler's sense too, is "to give somebody tit for tat"[3], or "to *pay* somebody in their own coin". And it is just this element of proportional punishment of "Vergeltung" as juridical model that is shared – in Scheler's approach to penalty - from genuine "revenge". So, original "revenge", that presents itself as one of the meaning of Scheler's "Vergeltung", is indicative of an attempt to punish certainly the offender, but in an act not deprived of an element of justice, that is to say, in line at least with the *law of retaliation*: "an eye for an eye, a tooth for a tooth".

I think that to enlighten the relationship, even though distant, that subsists between criminal justice

---

1   I am clearly referring to the Scheler's Theory of *Ressentiment* and to its sociological relevance. See Scheler (1972⁵ b, 37-38). The short inquiry about the revenge, that I want here to make, constitutes a part of a more vast work dedicated to the phenomenon of *Ressentiment* of which I presented some results on the occasion of *The XII International Max Scheler Conference*, organized by the Max Scheler Gesellschaft e by the Nordamerikanische Max-Scheler-Gesellschaft, "Wurzeln der Technikphilosophie. Max Schelers Technik- und Zivilisationskritik in unterschiedlichen gesellschaftlichen Kontexten" (Universität Erfurt, Theologische Fakultät, 22-25 May 2013).
2   In this context I can only to hint at the question of "Vegeltung" in Scheler's retributive term with which I am concerning just in relation to "Ressentiment".
3   Scheler (2009⁸, 362).

(vital, and not moral justice, as we will seen) and revenge can have an interesting implication. It makes evident the fact that revenge is not reducible to a senseless event and, as a consequence, cannot be undervalued as a suddenly explosion of anger. Although it cannot be justified, especially in its very serious criminal versions, has always at least an appearance of reason, or it claims to be somehow "just", otherwise is not a "revenge", but something else. With due caution that the different outlook (from reality to fiction) involves, this crucial aspect of revenge explains the sympathy that each and every one of us, especially children, may feel towards genuine and good avengers, idealistic and somewhat romantic, founded in fictions or in films like Zorro.

Zorro reveals the importance of the sensibility to injustices, to wrongs and, remaining in the boundaries of a genuine justice felt at axiological and affective level, shows the threshold beyond which the "good" becomes indeed "bad" and "evil", and the "justice" becomes "injustice". Investigating the nature of revenge, on the other hand, allows the understanding of the limits that this experience has, apart from its pretensions, and to determine the relations, not always "naïf", that it establishes eventually with acts, sometimes contextual to it, of which we need to appraise the value's importance and the role that they play in the possible refinement of affective sensibility. More explicitly: are there any acts axiologically superior to revenge and thus able to defeat revenge itself and the virulence of the grudge or of any other negative feeling states and states of excitement that may accompany it?

Answering affirmatively to this question could also mean, in my opinion, that we do not necessarily have to resign ourselves to the so considered classic Nietzsche's thesis, according to which

«All instincts that do not discharge themselves outwardly *turn inward*.»[44]

If it is possible e.g. that a person renounces to take revenge for the wrongs, renouncing consequently to do evil, in its turn, to its evil-doer or to some members of the evil-doer's family or of society who have some friendly relation to it, then that person has not inevitably to do evil to itself. I mean to say that we must not generalize the idea that an unsuccessful, or rather, not wanted any more act of revenge (towards the others), is transformed into a kind of masochism - at least where exist personal resources to escape from instincts of species and from automatisms of the body and, in the worst hypothesis, from an anonymous and fragmentary body (a sum of cells, organs or atomistic sensations) that answers only to sensorial solicitations. So, to cultivate our affective sensibility – if this training process is plausible – means cultivate in the first place our body in order to refinement the vital self-sense, because our individuality and our capability of truthfulness begin exactly from here: from our living body and from way of making a correct experience of it in the world among others.

I would like to say, *in the sign of Zorro*, that it is possible „*to execute the revenge*", to kill every raising revenge, particularly when it is indeed a „bad" revenge, and to learn to feel the value-differences and the value-nuances (good, bad, evil, violent, innocent, just etc.); to feel, too, real wickedness and injustice in order to fight them. Like Zorro.

<div style="float:right">

**1.
A "Wild Joy"
Revenge as a
Real Emotion
"Noir" or as a
Mere State of
Excitement?**

</div>

Revenge is a "dish best served cold "; it is "bitter" or crossed every now and then by a gleam of "wild joy". Certain persons really have "thirst for revenge" or they have a strong "desire for revenge". Other persons "harbour thoughts of revenge". The spilled blood "calls down vengeance" and it sounds like a paradox, but even "justice *rights* wrongs".

All these are popular expressions, of course; a lively language and a little metaphorical that finds out, nevertheless, some truths. It is true, for instance – and contemporary empirical research, in particular cognitive psychology, confirms it - that revenge is a *sensory-vital* phenomenon. Although

---

4   Nietzsche (19942, 2, Section 16).

the "hunger", restrained in order to best relish the dish, the "thirst" and the "desire" or appetites do not allude certainly to some form of cannibalism and have not just a literal meaning, they open a universe of tastes, of primitive and complex, rather ambiguous, pleasures and emotions, like the "wild joy" or similar emotions like that German language calls "Schadenfreude", that refers at least to a being endowed with a body and with particular cognitivo-emotional states and reactions. It is well-known, moreover, in the world of art, and wisely employed by film techniques and by all times literature, the "noir" character of revenge. So it is an expression of the living-body, and more exactly, of an individual of whom revenge reveals the behavioural dimension and his potentially criminality. Certain facts besides, like homicides, above all those particularly violent, "calls down vengeance" and there are "crimes", so to speak, "that cry to God for vengeance". This aspect is very important because it seems to point to a real object of vengeance and of rising vengeance, that is to say, of the impulse of revenge (*Racheimpuls*). In other words, genuine revenge or driving tendencies for revenge would have an intentional character that would exclude every possible attempt to identify this emotional experience with a simple, deprived of intentionality, sensory affection or with a mere state of excitement (*Affekt*) like ire or anger.

1.1.
Revenge and Justice

According to Scheler Retributive Theory of Punishment (RTP)[5], we can define this aspect of revenge, that approaches it dangerously to a primitive forme of justice,

"Istance" or «demande for atonement»[6].

Refering to a "third entity" above the harmed person and the evil doer (God or same Judge), this aspect would seem to confirm, at the same time, the strange connection that the popular language glimpses between revenge and justice – a peculiar type of justice ("justice *rights* wrongs").

1.2.
Take One's Revenge, to Forgive, to Repent, to Deceive Oneself

If on one hand revenge evokes, in the collective imaginary, at least the big deed of an avenger even if not that of a real judge or that of a moral ruler of the world, on the other hand revenge, in its milder version, evokes forgiveness - as Gilda reminds us in *Rigoletto*. An act, that of forgiveness, that from the religious point of view can come out of a strong faith, but from the moral or also only from the psychological point of view can come out of a long maturation's process and of a deep meditation, often suffered.

The question of forgiveness, of when and how the victim can forgive the offender or the guilty; the question, in other words, of the cognitive modulators of forgiveness and of factors that make this process easier or make it difficult, is the hard core of the present psychological and psychoanalytic research.[7] It is in the ambit of this important debate in which are discussed, besides, the therapeutic relevance of forgiveness and the theory of forgiveness as «indemnity for damages» and as contrary attitude to revenge and *ressentiment*[8]; it is just in this context, that emerges clearly, even though at empirical level, a very crucial problem that Scheler himself has faced on moral plan or on that of psychological phenomenology. I am referring to the problem of axiological Illusions.[9] There are, in fact – limiting ourselves to forgiveness or to acts, as repentance, often involved in meditation that can flow into forgiveness – cases of «pseudo-forgiveness».[10] It is possible to forgive the offender only for reasons, for instance, absolutely extrinsic in comparison with personal and genuine way of feeling: obligations or moral imperatives without inner participation and without axiological contents; masked forms of revenge as the popular language again reveals ("forgiveness is the revenge of the

---

5   Cf. Scheler (2009[8], 355-369).
6   Scheler (2009[8], 363).
7   See Barcaccia, Mancini (2013).
8   Barcaccia, Mancini (2013, 74).
9   See Scheler (1972[5] a).
10   Barcaccia, Mancini (2013, 98-99).

magnanimous") etc. Analogously, it is possible to confuse repentance with «painful effects and subsequent displeasure which result from excessive enjoyment»[1111] or to live repentance as a kind of self-revenge or self-punishment.[12] In Scheler's meaning of terms, it is a matter in these cases of "illusions", "deceptions", of "false" moral experiences whose falsehood depends either on «axiological blindness»[13], so to speak, or – at level of explicit conscience - on hypocrisy and conscious and genuine lies.

In this world of "crimes and misdeed", of little or big illusions; in this web of lies and potential revenges, of revenges won by possible forgiveness and repentances; in this world, as it is outlined, and in which justice is often invoked, results evident the thin line that crosses, and not seldom connects (as consequences or premisses[14], or else in those rare istants that have the extraordinary lihghtness of the grace), the pointed affective and conscience phenomenons: revenge, justice, forgiveness and repentance. In my opinion, they plunge their roots in that original experience of the life that, in normal conditions, is always "mine" or "yours", and always meant as a unity.

All intuitions of the common sense have to find, of course, a genuine phenomenological verification or denial (*via* Scheler), and perhaps – even if not necessarily - an empirical verification or denial in the following analysis. Now it is possible to define precisely the programmatic lines of the present inquiry about this particular emotional phenomenon in which consists the revenge.

One of the aims of this paper is not only to provide an elucidation of revenge but also, indirectly, to shed light upon a specific feeling's class, namely that of the vital reaction answers or responses (*Vitaleantwortsreaktion*) of behavioural's type. Following Scheler, particularly his Theory of Emotions, we will uncover in fact that revenge is really an *emotion* and belongs, in a certain sense, to the group of feeling in question; to the same group, to which belongs among other things, in its positive or negative valence, "to be glad or to be sad about something"[15] too.

A necessary step to make so as not to draw rash conclusions is to try to understand what revenge is not. Let us put to interest Scheler's extraordinary and very thin analysis of emotional life and of the so-called "ombres de l'âme"[16] in order to circumscribe this vital phenomenon.

Revenge is a little neglected in scientific literature on Scheler's thought; nevertheless it witnesses, with its very presence in major Scheler's works, how this singular phenomenologist had seriously reflected on it, on life – including its ambiguities – and on embodied human existence.

In the first place we have got to distinguish revenge from other experiences, above all affective, in order to catch its nature and its specificity; in the second place we have to state more exactly the analogies and the differences that subsist between revenge and retribution (*Vergeltung*).

The fact that revenge or an impulse of revenge cannot coincide with a sensory affection is evident of course. Provided that we take a glance, in Scheler's terms, at main essential traits of a sensory affection, we realize that it would mean really "to slap the experience" – as Scheler could say - to affirm the contrary. A sensory affections, like a sensory pain and a sensory agreeableness, in fact is[17]:

a. *Extended and localized in specific parts of our body;*

b. *given essentially as a state, namely, lacks every form of intentionality;*

c. *has not relation to the person and is related only indirectly to the ego and to the living body seen as whole (in its "unity-identity");*

---

11 Scheler (1973, 177).
12 Scheler (20006, 31).
13 Scheler (19725 a, 265)
14 Like in the simple way of saying: "If you say you're sorry, I'll forgive you". It alludes to a general - even not necessary – rule, in accordance to which the forgiveness of the victim presupposes the repentance of the offender.
15 Cf. e.g. Scheler (20098, 118, 264)
16 Scheler is a real pioneer of research on "philosophy of negative emotions" too. On "ombres de l'âme" see at present Tappolet, Teroni, Konzelman Kiv, eds. (2013). On *ressentiment*, envy, jealousy, thirst for revenge see Waldenfels (2006, 275-296).
17 Scheler (20098, 335-340).

d. an actual fact;

e. punctual, without duration or continuity of sense;

f. among all feelings, the one least disturbed by attention;

g. subject to practical and arbitrary changes.

Even if we consider only a single characteristic among these, e.g. (a.), we can exclude that revenge is a sensory affection. A person does not feel revenge in specific parts of its body, as it feels e.g. the bite of a mosquito, but it is completely the revenge's pray. So the *"wild joy"*, that this individual can betray, is a joy of all its living body.

2.2.
Revenge is not a Vital Sense

Less intuitive is the idea that revenge is not simply a vital feeling. How can we set up the claim to make of revenge something else from a sense of our body (*Lebensgefühl*), as *state*, and from a vital sense (*Lebensgefühl*), as *function*? If revenge is not a simple feeling of well-being or unwell and appears rather as a more complex attitude or as an inclination of human beings etc., it shares, in its bearer, with the well-being or the unwell «a unitary consciousness»[18] of the *living body* «from whose totality separate organic sensations and feelings emerge only secondarily from the background, a it were, that founds them»[19]. From this point of view, an individual which makes experience of a vital pulse tendency to revenge can feel that this body with determinate characteristics, able to react so an so, to advance the satisfaction that could derive from its action, is exactly "its" living body, and not the body of an another person. The so-called "appetite" of that individual can never reduce itself to a function as the appetite in literal sense because is not a mere vital function, but has surely a nuance really psychological and a more cognitive character tied exactly to its definite object.

Unlike a vital sense, revenge refers more directly to *ego*; an aspect this, that approaches it to a purely psychic feeling, as a joy or as sadness of the "soul", from which, however, it distinguishes itself for its more strictly tie with life, as the "wild joy", that can accompany a criminal intention, reveals in its refer to a living for certain aspects still instinctive like an animal.

Like a vital sense, revenge is always directed toward an object: in all cases of familiar feud, too, or in those of blood-revenge, when e.g. a member of the same family of the offender is shot, is always the same object to which the evil-doer is directed. In other words, the family or a member of the offender's family is seen as the very same offender, in which the family or the member in question puts itself as an *organ*.[20] And when revenge is defined improperly as "objectless", one wants to say only that revenge concerns, not an object circumscribed, but the whole environment in which the offence is been caused.[21] A revenge objectless or without a definite object is already something else, and precisely, a form of *ressentiment*.[22] The firm intentional character of revenge is just what makes of it something really different from a state of excitement.[23] Although it can have some reason, an explosion of anger or wrath e.g. can have only a vague object; it is rather a simple irritation due to a negative stimulus, a sudden and out of control episode.

Like in a sense of its body, besides, in revenge or in impulse of revenge a person feels its health and the risks that it could run in the future; it feels indeed its «*life itself*»[24] and, in the vigour, that has however tragic effects when it flows into violence, its growth.

By synthesis, although revenge is neither a vital sense nor a sense of our body, it likens them very much. Especially, in its pulse origin, that is to say, in impulse in which it announces itself, revenge betrays its vital nature. Impulse of revenge, in fact, is a vital phenomenon analogue to "courage", and

---

18   Scheler (1973, 339).
19   . Scheler (1973, 339).
20   Scheler (19725 b, 39-40).
21   Scheler (19725 b, 39-40).
22   Scheler (19725 b, 65).
23   See e.g. Scheler (20098, 263-264; 362)
24   Scheler (1973, 340).

is as such a «pulse reaction» or «pulse reaction response».[25]

As we have seen, revenge refers to *ego* and has an intentional character. Consequently we can indeed inscribe it in the group of feelings in literal sense (*Gefühle*).[26] For "Feelings in literal sense" I mean, with Scheler, *emotions*, on the hand, and *feelings of the personality* or *spiritual feelings* (*geistige Gefühle*) from the other. For its "wild" nature and for the pointed reasons, revenge is not a genuine spiritual feeling of course. For its *reactive nature*, and for the fact that it can be controlled, revenge is not even a genuine feeling of the personality, like bliss and despair, which, on the contrary, «*spontaneously* issues forth from the depth of our person»[27] and is absolutely «beyond *any* volitional control».[28]

<div style="text-align: right">2.3. Revenge is not a Feeling of the Personality</div>

"To be reactive", besides, is not only opposite to "to be spontaneous", but also to "to be active". So revenge, as impulse, is different from other impulses, like impulse for defence or impulse for counter-attack that are, instead, active and aggressive.[29] I find particularly interesting and instructive the distinction, apparently not much important, that Scheler underlines between these impulses. Any attempt at defence oneself e.g., above all when our life, or the well-being of a collectivity, is at stake, is positive and necessary und is preferable to passivity. "Defence" has surely an adaptive valence, as the equivalent German word "Verteidigung" seems to reveal. Its meaning includes that, too, of a "defence of own boundaries" or of a "fortress" and allude, consequently, to a an attempt at survival or self-preservation inside those boundaries themselves. On the contrary, impulse of revenge, that has an adaptive valence too, does not exhaust yet in this sense. It points out an excess, a "surplus" of living body itself in comparison to the functions or reactions that usually one inclines to attribute it: to work essentially as an indicator of well-being, of dangers etc. It constitutes a confirmation of the fact that the living body is not at all anonym and able only to answer instinctively, but also to express itself beyond the universal needs of the species. Living body can lie, can feel itself wounded or injured and can reacts to wrongs, can allude to a way of living with more dignity in comparison to that way of living (or to dye) to which an offender would have to reduce it. From this point of view, too, we see then, even if indistinctly, the underground line that passes dangerously from impulse of revenge to a kind of justice or at least to its claim.

<div style="text-align: right">2.3.1. Impulse of Revenge is not an Impulse for Defence</div>

Let's remind a last aspect of revenge: this negative vital experience shares something of those specific vital reaction answers that consist in "to be glad or to be sad about something". They are peculiar *conducts*, ways of behaving that have not a strong intentional character – and in this sense they distinguish themselves from revenge – but have however a fairly importance. They show that the value-qualities constitute certain understanding and meaning relations that «are not simply empirically contingent or dependent on the individual psychic causality of individuals[30]». These value-qualities relations «*demand* certain qualities in emotional "reaction of response of the same type, and these reactions in a certain sense "reach their goal" in the value-qualities»[31].
Revenge has just a behavioural's trait too. In a certain sense it belongs (as affective impulse) to feeling's class of the vital reaction answers or responses of behavioural's type. In an another sense it is a "threshold-phenomenon" because is already beyond the vital senses and the senses of our body, but is not yet a purely psychic feeling or an emotion of the soul: it is a psycho-physiologic emotion or rather is *already «an emotion* founded in a given state of affairs of negative value»[32] and shares with *retribution* the "istance or «demande for atonement arising» from this state:

<div style="text-align: right">2.4. Revenge is Already an Emotion…</div>

25   Scheler (20098, 124).
26   Scheler (20098, 263).
27   Scheler (1973, 337).
28   Scheler (1973, 337).
29   Scheler (19725 b, 39).
30   Scheler (1973, 258).
31   Scheler (1973, 258).
32   Scheler (1973, 362).

*Thus it appears to be the "spilled blood" itself that "cries out for atonement", apart from any reference to a possible agent who could be the object of revenge or retribution. Both revenge and retribution, however, are **equally** founded in the **experience** of this demand...True, one who feels revenge seeks compensation for his harm as **his** harm, in contrast to one who demands retribution; but it does so because this harm also appears to **demand atonement** irrespective of **his** displeasure. It is for this reason alone that a deed for revenge can sometimes be felt as "duty", and that even the lack of feeling of revenge can in certain cases be felt as a moral deficiency...But the idea of **punishment** ist not based on revenge; it has its spiritual origins in **retribution** and **demand for atonement**.*[33]

<table>
<tr><td>**3.**
Living
Body and
Truthfulness</td><td>Keeping constantly in the mind the more general questions that I raised and the datum context, I can conclude provisionally:</td></tr>
</table>

Our capability of truthfulness begins from our living body

Speaking of "truthfulness", I do not mean to refer to a propositional truth of course, but to a *"truth" before of the truth*, of which we can be or not be able, and such as will condition not only the truth or the falsity of our judgements, but also that of our behaviours and conducts, our actions and our moral acts. There are truths or falsehoods, concerning sensory perception, that seem to depend on objects, as in cases in which a simple appearance pretends to be something that in reality is not[34], like a wax statue or a manikin that seem to pretend e.g. to be a person. Analogously there are truthfulness and falseness, concerning emotional-axiological, that seem to depend (and in actual fact depend) on our body. Our body can lie and deceive us as when we believe to have forgiven an offender only because we do not feel, at vital level, any form of revenge or *ressentiment* towards it. Not always we realize that our generosity or our mildness as "sacrificial lambs" is not really "our", but it is due to a "blindness" of our body and of correlate feeling and emotions. What can be mistaken from the outside for an act that rises from an extreme sensitivity or true piety, is in reality the fruit of insensibility, of the "silence" and the "benumbment" of a body, and after all of a vital sense's decline. This phenomenon is consequently very different from a hypocrisy that wears voluntarily a mask.

Only a genuine, true *forgiveness* can *"execute the revenge"* but - with the living Scheler's voice - «Wer keinerlei Rache fühlt, der *kann* ja auch nicht "verzeihen"...»[35]

Sensibility to injustices, adequately cultivated, contributes to our vital self-sense, too, and of its health. It contributes to the identity of our living body.

---

33   Scheler (1973, 362). I have changed some terms of the english translation e.g. the term "reprisal" with "retribution".
34   Scheler (19725 a, 226).
35   Scheler (19725 b, 93).

REFERENCES

Barcaccia, B., Mancini, F., (a cura di) (2013), Teoria e clinica del perdono, Raffaello Cortina Editore, Milano;

Cusinato, G. (2012), Person und Selbsttranszendenz: Ekstase und Epoché des Ego als Individuationsprozesse bei Schelling und Scheler, Königshausen u. Neumann, Würzburg;

Nietzsche, F. (19942), On the Genealogy of Morality (1887), edited by Keith Ansell Pearson, translated by Carol Diethe, Cambridge University Press, Cambridge, 2, Section 16;

Scheler, M. (19725 a), "Idole der Selbsterkenntnis" (1915,19192), Vom Umsturz der Werte-Abhandlungen und Aufsätze, GW III, hrsg. v. Maria Scheler, Francke Verlag, Bern and München, S. 213-292; now in GW, Bd. III (20076). Erste Ausgabe des Aufsatzses über die Täuschungen...: "Über Selbsttäuschungen", Zeitschrift für Pathopsychologie, I, 1, 1912, 87-163. [Italian Edition (1999): Gli idoli della conoscenza di sé, in Max Scheler, Il valore della vita emotiva, a cura di L. Boella, Guerini e Associati, Milano, pp. 47-154.];

Scheler, M. (19725 b), "Das Ressentiment im Aufabau der Moralen", Vom Umsturz der Werte-Abhandlung und Aufsätze (1912), GW III, hrsg. v. Maria Scheler, Francke Verlag, Bern and München, S. 33-147; now in GW, Bd. III (20076). Erste Ausgabe des Aufsatzses über das Ressentiment: Über Ressentiment und moralisches Werturteil. Ein Beitrag zur Pathologie der Kultur, in «Zeitschrift für Pathopsychologie», I/2, 3, 1912, S. 268-368. Wiederabdruck u. d. Titel "Das Ressentiment im Aufbau der Moralen" (1912, 1915, 1919, 1923), in Das Ressentiment im Aufbau der Moralen (1955), Vom Umsturz der Werte-Abhandlung und Aufsätze, GW III, S. 33-147. (Auszug in: «Die Argonauten», 6, Heidelberg, 1914, S. 248-258). [Italian Editino (1975): Il risentimento nell'edificazione delle morali, a cura di A. Pupi, Vita e Pensiero, Milano.];

Scheler, M. (1973), Formalism in Ethics and Non-Formal Ethics of Values. A New Attempt toward the Foundation of an Ethical Personalism, translated by Manfred S. Frings and Roger L. Funk, Northwestern University Press, Evanston;

Scheler, M. (20006), "Reue und Wiedergeburt" (1917), Vom Ewigen im Menschen, GW V, hrsg. v. M. Frings, Bouvier Verlag Bonn, S. 29-58. [Italian Edition (2009): "Pentimento e rinascita", in L'eterno nell'uomo a cura di P. Premoli De Marchi, Bompiani, Milano, pp. 151-221.];

Scheler, M. (20098), Der Formalismus in der Ethik und die materiale Wertethik. Neuer Versuch der Grundlegung eines ethischen Personalismus (19273), GW II., Studienausgabe, 8. Aufl., Nach der 7. durchges. u. verb. Aufl. 2000, hrsg. v. M. Frings, Bouvier Verlag Bonn. [New Italian Edition (2013): Il formalismo nell'etica e l'etica materiale dei valori. Saggio introduttivo,Traduzione, Note e Apparati di Roberta Guccinelli, Presentazione di Roberta De Monticelli, Bompiani, Milano.];

Tappolet, C., Teroni F., Konzelman Kiv, A. eds. (2013), Le ombre dell'anima. Pensare le emozioni negative (2011), tr. it. di D. Bordini, Raffaello Cortina Editore, Milano;

Waldenfels, B. (2006), *Schattenrisse der Moral*, Suhrkamp, Frankfurt am Main.

LUIGINA MORTARI
Università degli Studi di Verona
luigina.mortari@univr.it

FEDERICA VALBUSA
Università degli Studi di Verona
federica.valbusa@univr.it

AFFECTIVE RESPONSES
AND PERSONAL FLOURISHING

abstract

The paper reconstructs, develops and discusses Scheler's Bildung *theory to highlight its relevance for educational philosophy. First, we point out that a personality flourishes through a process of progressive individuation which is modulated by affective maturation and promoted by the encounter with an exemplarity. Then, in order to avoid some limits of Scheler's realism, we suggest rethinking these theses in the light of a new epistemological position (relational enactivism).*

keywords

Bildung, affective responses, exemplarity, relational enactivism

Introduction   In this paper, we reconstruct, develop and discuss Scheler's *Bildung* theory to highlight its relevance for educational philosophy. During the second half of the 20th century, thanks to the studies of Bertolini and his group, phenomenological tradition has become an important reference for research on education (see Caronia 2011). Over the last few years, many publications, appearing not only in *Encyclopaidea* but also in other international journals, have shown that phenomenology "can inform a broad range of aspects of educational theorising and practice" (Dall'Alba 2009, 9).

However, it seems to us that some of Scheler's intuitions regarding personal development have not yet been sufficiently examined.

Scheler deals specifically with this issue in his essays *Die Formen des Wissens und die Bildung* (1925) and *Vorbilder und Führer* (1933), which cannot be fully understood without reference to the ontology of the person suggested in *Ordo Amoris* (1913) and *Formalismus* (1916). An interwoven reading of these texts highlights that, according to Scheler, personal flourishing is modulated by affective maturation. This thesis will be progressively clarified through our paper as follows:

- first, we present Scheler's notions of "ordo amoris" and "vocation" to point out what we mean when we say that every person is, in his/her essence, unique;
- second, we get back to Hildebrand's concept of "affective response" to explain how each person develops his/her individual personality through his/her distinctive individuation process;
- third, developing some of Scheler's suggestions, we examine the formative influence of a personal exemplarity (Vorbild) to clarify that Bildung is a relational, not solipsistic, process;
- fourth, extending the Vorbildung's phenomenology to the area of formal education, we suggest that teachers' relational intentionality should imply not only a general existential exemplarity, but also a more specific affective exemplarity;
- finally, in order to avoid the theoretical difficulties connected to Scheler's realism (in particular, the idea of a hierarchy of objective values classes to which every individual ordo amoris should be conformed), we suggest rethinking all the ideas already mentioned in the light of a new epistemological position, which we define as "relational enactivism".

Against the risk of any uncritical acceptance of the dominant common sense, Scheler's *Bildung* theory, rethought in the light of relational enactivism, emphasizes the importance of personal uniqueness and personal individuation.

The reflection on *Bildung* is a humanistic and pedagogical area of study which arose in Germany at the end of the 18ᵗʰ century (in particular, with Schiller, Goethe and Von Humboldt), highlighting the idea that human development should be understood as a process of gradual "taking form". This idea has continued to be sustained, although in different ways, by authors such as Fichte, Schelling, Hegel, Schopenhauer, Schleiermacher, Herbart, Kierkegaard and Marx. During the 20ᵗʰ century, some of the studies of the "Frankfurt School" have triggered an international rethinking of the notion of *Bildung*, that has become the object of a critical pedagogy, according to which the individual form (*Bild*) is considered as dynamic and open, and the formative process is interpreted as constitutively problematic (see Granese 1993; Cambi and Frauenfelder 1994; Cambi and Borrelli 2011).

In Scheler's opinion, *Bildung*[1] is a category of being, not a category of knowing or living: he considers as personally developed not the scholar or the researcher, but

> whoever has acquired a personal structure, a set of ideal and dynamic patterns connected to each other in order to form the unity of a style (Scheler 1925, 118, our translation).

From a phenomenological perspective, asking how we become ourselves means asking how our particular "*ordo amoris*" (or *ethos*) flourishes in the light of our individual "vocation" (*Berufung, Sendung*); these concepts, explained below, are the cornerstones of Scheler's theory of personal identity, which is based on a realistic axiology and represents the starting point of Scheler's reflection on *Bildung*.

The *ordo amoris* of a person is the structural system of his/her own value preferences which defines his/her motivational style, that is to say his/her fundamental orientation towards the world. It could be defined as an "individual emotional a priori" (Cusinato 2009, 11) which acts as a filter of relevance that predetermines the boundaries of possibility of our personal experience. In Scheler's opinion, every *ordo amoris* can be considered an axiological "microcosm" (Scheler 1925, 90), which represents a personal perspective on the objective "cosmic" set of values that characterizes the axiological structure of reality. This is the theory of the "axiological perspectivism".

The other important cornerstone of Scheler's theory of personal identity is the idea of an individual vocation. This phenomenon is understood in the etymological sense of the word as an inner *calling* to make flourish the ontological originality that each person, as unique and singular, can bring to the world. For this very reason, Scheler (Scheler 1913, 351) says that vocation represents our individual destination (*individuelle Bestimmung*).

The experience of a vocation is the experience of an individual ought-to-be, whose material content is what Scheler defines as "good-in-itself for me" (*An-sich-Guten für mich*). This expression is compatible with a realistic axiology because "for me" is an ontological, not epistemological, specification:

> It is good precisely in the sense of being "independent of my knowledge". For this includes the "good-in-itself". Yet it is the "good-in-itself" for "me" in the sense that there is an experienced reference to me which is contained (descriptively put) in the special non-formal content of this good-in-itself, something that comes from this content and points to "me", something that whispers, "For you" (Scheler 1916, 490).

Interpreted in a vocational way, this idea of an individual ought-to-be is the core of Scheler's "vocational ethics".

To avoid the paradox of a "vocational determinism", which would leave no space for the freedom (and so the responsibility) of personal development, we have to underline that vocation should not be considered as a calling to an already predetermined *ordo amoris* that a person should only realize.

---

1   The term "*Bildung*" is generally translated with "*education*", or "*training*", or "*upbringing*". In order to avoid misunderstandings, we preserve the original German, following the idea that "*Bildung*" indicates a formative process that gives rise to an individual personality. This is one of the meanings which we suggest regarding the expression "personal flourishing".

In our opinion, vocation should rather be considered as a calling to a personal uniqueness, whose profile never fully defined becomes gradually clearer throughout life through the experiences of encounters with others and with the world.

According to us, the expression "personal flourishing" has two meanings. Using Scheler's concepts of *ordo amoris* and vocation, we suggest the following interpretations:

- • it refers to a formative process that gives rise to an individual ordo amoris;
- • it refers to the existential condition of a person who lives faithfully with his/her own vocation.

Explaining his axiological realism as a form of axiological perspectivism and his non-formal ethics as a form of vocational ethics, Scheler lays the foundation for a phenomenological theory of personal development focused on the concepts of "personal individuation" and "personal exemplarity".

2.
Affectivity And Individuation

Clearly, if an *ordo amoris* identifies a person essentially, then its development is linked to the personal individuation process.

In order to explain how someone's *ordo amoris* acquires an individual structure, we suggest getting back to the concept of "affective response" (*affektive Antwort*) presented by Hildebrand (1973) and interpreting it in the light of the theory of acts proposed by De Monticelli (2009). In relation to the process of *Bildung*, affective responses could be described as second-level acts through which a person takes a free position on the original (or first-level) feeling expressed by the community in which he/she was born or lives. This position is an axiological "consent" or "dissent" through which a person manifests his/her own willingness or unwillingness to be further motivated by the dominant *ethos* of his/her community. As De Monticelli clarifies, second-level acts are *free* (because in the consent or dissent, the person experiences his/her own typical efficacy), but only broadly speaking, because they do not necessary manifest the voluntariness and the awareness which characterize free acts in the proper sense, such as decisions (De Monticelli 2009, 198 et seq.).

However, the positionality of affective responses is an important element of the life of one's personality:

- • through these acts, our ordo amoris manifests itself because in consenting and dissenting we can recognize what lies more or less at our own heart;
- • through these acts, our ordo amoris assumes its specific structure because the values which receive our affective consent take root in our being at different levels of depth.

In Cusinato's point of view, each person, who is entirely contained in his/her fully concrete act and, at the same time, who entirely varies *in* and *through* each act, is an "ontologically uncompleted totality" (Cusinato 2008, 294); his/her *Bildung*, which takes place through free positions, is constitutively open. A Schelerian ontology of identity admits both transformation and permanence: what is preserved is not a substance, but it is the global qualitative direction of this continuous "becoming different" (*anderswerden*) that is promoted by every act and that, in a formative perspective, could be thought of as a gradual process of becoming ourselves.

Thus, we can conclude that the identity of each person is expressed by his/her own typical process of *Bildung*, that is to say by the personal existential flourishing style which only he/she can manifest in the never-ending path of self-development which is oriented by his/her own unique vocation.

3.
Personal Exemplarity And Individual Transformation

In Scheler's opinion, the most effective driving force of an individuation process is the encounter with a "*Vorbild*" (Scheler 1925, 104), that is to say with a person who represents an example for a "*Nachbild*". In this paper, we suggest the following:

- • translating the German "Vorbild" into "exemplarity" instead of "model"; according to Cusinato's proposal, model is a personal example producing an uncritical imitation, whereas exemplarity is a personal example promoting a creative transformation (Cusinato 2011,8);
- • translating the German "Nachbild" into "follower": however, this term is not meant to be used

> according to the sectarian or religious meaning; rather, we use "follower" to indicate a person who develops his/her distinctive ordo amoris thanks to the formative influence of an exemplarity.

The relationship between *Vorbild* and *Nachbild* is not discussed in detail by Scheler. However, in the light of some Schelerian texts (1925; 1933), it is possible to suggest that 1) it manifests a transformative and diversifying effectiveness, 2) it arises from an affective preference and 3) it is a form of interpersonal co-participation.

First, while the influence of a *Führer* produces assimilation, the influence of a *Vorbild* promotes transformation and differentiation. In this regard, Scheler says:

Vorbilder are not objects that require imitation or blind submission, [...] but they are rather precursors that encourage us to listen to the calling of our person (Scheler 1925, 106, our translation).

The personal expressiveness of the exemplarity allows the follower to perceive the qualitative differences that are required for the recognition and realization of his/her individual vocation. In this way, the *Vorbild* activates the individuation process on the part of the *Nachbild*.

Second, the exemplarity of someone else's personality is perceived first through affective intentionality and then is confirmed by the acts of knowing and willing (Scheler 1933, 267) that will endorse, or not, what is already selected and approved by the positionality of the feeling.

Although the relationship between *Vorbild* and *Nachbild* does not imply, at least in the beginning, any form of choice, it seems that it implies a typical preference. It is not a *voluntary* preference, but an *affective* preference, and it is motivated by the particular affinity of the heart which exists between the exemplarity and the follower.

A person becomes a *Vorbild* only if his/her axiological expressiveness receives the *affective consent* of another person.

This affective consent is the position typical of admiration, a sentiment that creates movement and that produces a change of position with respect to the symbolic order given by the dominant shared feeling of the community (Mortari 2002, 106 et seq.).

The affective persuasion that we can find in the admiration is connected to the specific similarity between the factual *ordo amoris* which the exemplarity shows and the ideal *ordo amoris* we feel called to develop.

Third, since in Scheler's idea the person is not-objectifiable, the only formative way to grasp the *ordo amoris* of a *Vorbild* is to "co-participate" in his/her effort to express himself/herself, "co-performing" his/her acts (Cusinato 2008, 284 et seq.).

However, it is important to highlight that in his/her individual *Umbildung*, the *Nachbild* will manifest his/her own singular way of co-performing the acts of the exemplarity, *in primis* those free second-level acts which, using Hildebrand, we previously defined as "affective responses". In the co-execution of the affective responses, more than in the simple execution of them, the person appears as an innovative entity able to bring into the world a new order of values. We can consider this order as new, not only with respect to the one expressed by the shared feeling from which the follower has been emancipated, but also with respect to the one expressed by the exemplarity that, with his/her transformative effectiveness, has helped the follower with his/her own emancipation process.

4. Education And *Vorbildung*

In our opinion, the investigation of the *Vorbildung* phenomenon can provide interesting contributions to the area of educational research which, interpreting education as a practice of care, also focuses its attention on the emotional aspects of personal flourishing (see Boffo 2006; Fadda 1997; Iori 2006; Mortari 2002, 2006, 2009; Rossi 2006).

The figure of the *Vorbild* presented by Scheler manifests the features of a personal exemplarity who can be found in the context of the "informal *Bildung*". In this regards, Scheler (Scheler 1933, 259 et seq.) suggests that:

- a person could be considered a Vorbild without knowing it and without wanting it;
- a person could consider as his/her own Vorbild a personality who lived in the past, or who has been handed down by tradition or portrayed in literature.

So, in a Schelerian perspective, it is clear that the formative force of the *Vorbild* can be produced exclusively by his/her being (haecceity) and does not need any act intentionally oriented towards the follower to be operative.

In the context of education, which is the field of the "formal *Bildung*", the *Vorbildung* phenomenon manifests different features; that is, a teacher should perform his/her personal exemplarity in a conscious and intentional way, not only through his/her being but also though his/her words and actions.

As Bertolini and Caronia highlight in their work on the rehabilitation of troubled youth, the capability of an educator to propose him/herself as an example, through the regulation of his/her behaviours, can be an effective pedagogical strategy (Bertolini and Caronia 1993, 149). However, in order to help young people develop their own uniqueness, the educator should propose his/her personality not as *the* model to imitate, but as *an* example to discuss together (*Ivi*, 157). Also in schools, a teacher is aware that his/her behaviour can be an example for students, but a *good* teacher indicates as axiological references only values that have first been discussed in class and shared by students through a critical examination.

It is also important to note that, in the light of phenomenological education, students should learn to cultivate a particular cognitive posture: attention for reality. It is the attitude to approach phenomena delicately, granting them the possibility of manifesting themselves in their uniqueness (Mortari and Tarozzi 2010, 40 et seq.).

If the main task of teachers is caring for the care needed to be learned by young people about themselves (Foucault 2001, 58), an important aim of educational practice is to guide students to express and cultivate the feelings which promote and nourish the individual desire for personal development. These feelings, which we can define "formative" sentiments, are as follows (Mortari 2002, 89 et seq.):

- hope, which promotes the process of individual flourishing by giving an affective boost to the self-transcendence of the person;
- trust, which is considered to be an original openness to life which helps us to relate to our time without stumbling upon the fear of being;
- capability of accepting, which is considered as the willingness to bear our own process of flourishing, despite awareness of the fact that every existential progress will confirm the evidence of our constitutive incompleteness;
- tenderness, which is considered as the willingness to tend towards another person without asperity or arrogance, accepting his/her being different from us.

In our opinion, teacher should exemplify the formative sentiments in the everyday relationship with his/her students, having them feel hopefully and trustfully cared for, accepted in their own resources and limits, and tenderly welcomed and listened to.

In this sense, we can say that at the core of the educational and relational intentionality of a good teacher, we find not only a general existential exemplarity, but also a typical *affective exemplarity*.

Since pedagogy is a practical wisdom, not a science, it is important to point out that teacher-education should provide the development of reflective capability (see Van Manen 1991), which helps teachers keep continuous control on their way to be in relationship with their students.

5. Rethinking Scheler In The Light Of "Relational Enactivism"

From an educational standpoint, the main limit of Scheler's thought is the realistic axiology, which is connected to the assertion that the different classes of objective values are organized in an absolute, eternal and immutable hierarchy, which is always at least in principle accessible to human knowledge. It seems to us that Scheler's theory of personal development manifests an evident contrast: on one hand, the notions of *ordo amoris* and vocation emphasize the importance of individual uniqueness; on

the other hand, the idea of an objective values hierarchy, which represents the correctness criterion of every individual *ordo amoris*, shifts the emphasis to the existence of a predetermined direction of conformity.

To avoid this problem, we suggest rethinking Scheler's *Bildung* theory in the light of a different epistemological position that, using a new expression, we define as "relational enactivism":

• according to enactive epistemology, we think that the affective system of a person structures itself in structuring the values world through a continuous reciprocation structuring;

• according to constructionist epistemology, we think that this enactive process of structuring reality is a relational, not solipsistic, action.

In detail, the main ideas expressed in preceding paragraphs can be reinterpreted in this way:

• since every access to values world is mediated by personal ordo amoris and, at the same time, every axiological experience, through a retroactive repercussion, influences the future expressiveness of our ordo amoris, we can say that an individual personality structures itself while structuring the axiological reality, according to a circular-recursive action;

• the axiological position of the affective free acts expresses the particular way in which a person, according to his/her distinctive vocation, re-structures inside his/her own personality the dominant ethos of the community in which he/she lives;

• the particular individual way in which a person realizes his/her vocation, re-structuring the dominant ethos of his/her community, is always influenced by the categories of axiological re-structuring expressed by the affective positionality of his/her Vorbilder.

In order to maintain the formative importance of individual uniqueness, we question the idea that the correctness criterion of an individual *ordo amoris* is represented by its conformity to a predetermined hierarchy of values classes. Even if we suppose that this hierarchy actually exists, it might not be grasped by a pure intuition because every personal perspective is inevitably situated. In this sense, we share at least one aspect of Rorty's notion of "edification": the idea that every formative process can bring "something new under the sun", according to the interpretation of human life "as poetic rather than merely contemplative" (Rorty 1979, 389). However, questioning the realistic axiology sustained by Scheler does not mean embracing a relativistic and subjective position on personal development. In our opinion, not all personalities are ethically compatible, but only those manifesting a constitutively respectful structuring.

According to De Monticelli, respect is the sentiment of "what each person owes other people" (De Monticelli 2008, 219). But what is it that each person essentially owes other people? Precisely, the right to flourish according to the axiological orientation of their own uniqueness in order to develop an *ethos* compatible with ethics, that is to say an *ethos* which, in virtue of its axiological structure, is able to ensure to the other *ethe* the same right to flourish that it requires for itself (De Monticelli 2010, 153). If respect offers ethical nourishment to the formative process of a person, then it should be included in the sphere of the formative feelings that we have mentioned above. For this very reason, we can point out that the *affective exemplarity* of teachers should also manifest a respectful orientation. Because our axiological perspective is always situated and partial, it is important that the structuring of a personal *ordo amoris* is conceived as a process of co-structuring with other people.

Thus, we can conclude that teachers should create in classrooms communities of discourse in which students, through shared reflection, critically examine their affective experience and their axiological perspectives to develop their own uniqueness in an ethically compatible way.

REFERENCES

Bertolini, P. and Caronia, L. (1993), *Ragazzi difficili. Pedagogia interpretativa e linee di intervento*, La Nuova Italia, Scandicci (Fi);

Boffo, V. (Ed.), (2006), *La cura in pedagogia. Linee di lettura*, CLUEB, Bologna;

Cambi, F. and Frauenfelder, E. (Eds.), (1994), *La formazione. Studi di pedagogia critica*, Unicopli, Milano;

Cambi, F. and Borrelli, M. (Eds.), (2011), *"Teoria e Prassi della Bildung. Un confronto italo-tedesco/Theorie und Praxis der Bildung. Ein deutsch-italienischer Vergleich"*, *Topologik-Rivista Internazionale di Scienze Filosofiche, Pedagogiche e Sociali*, vol. 10, Pellegrini Editore, Cosenza;

Caronia, L. (2011), *Fenomenologia dell'educazione. Intenzionalità, cultura e conoscenza in pedagogia*, Franco Angeli, Milano;

Cusinato, G. (2008), *La totalità incompiuta. Antropologia filosofica e ontologia della persona*, Franco Angeli, Milano;

Cusinato, G. (2009), *Rettificazione e Bildung*, in M. Scheler, *Formare l'uomo. Scritti sulla natura del sapere, la formazione, l'antropologia filosofica*, Franco Angeli, Milano, pp. 7-18;

Cusinato, G. (2011), *Sull'esemplarità aurorale*, in M. Scheler, *Modelli e capi*, Franco Angeli, Milano, pp. 7-28;

Dall'Alba, G. (2009), "Phenomenology and Education: An introduction", *Educational Philosophy and Theory*, Vol. 41, No. 1, pp.7-9;

De Monticelli, R. (2008), *L'ordine del cuore. Etica e teoria del sentire,* Garzanti*,* Milano;

De Monticelli, R. (2009), *La novità di ognuno. Persona e libertà,* Garzanti, Milano;

De Monticelli, R. (2010), *La questione morale*, Raffaello Cortina Editore, Milano;

Fadda, R. (1997), *La cura, la forma, il rischio. Percorsi di psichiatria e pedagogia critica*, Edizioni Unicopli, Milano;

Foucault, M. (2001), *L'herméneutique du sojet. Cours au Collège de France 1981-1982*, Seuil/Gallimard, Paris;

Granese, A. (1993), *Il labirinto e la porta stretta. Saggio di pedagogia critica*, La Nuova Italia, Scandicci (Fi);

Hildebrand, D. von (1973), *Ethik*, in *Gesammelte Werke*, II, Kohlhammer, Stuttgart, 1973;

Iori, V. (Ed.), (2006), *Quando i sentimenti interrogano l'esistenza. Orientamenti fenomenologici nel lavoro educativo e di cura*, Guerini Studio, Milano;

Mortari, L. (2002), *Aver cura della vita della mente*, La Nuova Italia, Scandicci (Fi);

Mortari, L. (2006), *La pratica dell'aver cura*, Mondadori, Milano;

Mortari, L. (2009), *Aver cura di sè*, Mondadori, Milano;

Mortari, L. and Tarozzi, M. (2010), *Phenomenology as Philosophy of Research: An Introductory Essay*, in Tarozzi, M. and Mortari, L. (Eds.), *Phenomenology and Human Science Research Today*, Zeta Books, Bucharest, pp. 9-54;

Rorty, R. (1979), *Philosophy and the Mirror of Nature*, Princeton University Press, Princeton (NJ);

Rossi, B. (2006), *Aver cura del cuore. L'educazione del sentire*, Carocci, Roma;

Scheler, M. (1913), *Ordo Amoris*, *Gesammelte Werke*, vol. X, Bouvier Verlag, Bonn, 1986;

Scheler, M. (1916), *Der Formalismus in der Ethik und die materiale Wertethik*, in *Gesammelte Werke*, vol. II, Francke Verlag, Bern, 1980; Eng. trans. *Formalism in Ethics and Non-Formal Ethics of Values. A New Attempt Toward A Foundation of An Ethical Personalism,* Tr. M. S. Frings and R. L. Funk, Northwestern University Press, Evanston (IL), 1973;

Scheler, M. (1925), *Die Formen des Wissens und die Bildung*, *Gesammelte Werke*, vol. IX, Francke Verlag, Bern, 1976;

Scheler, M. (1933), *Vorbilder und Führer, Gesammelte Werke*, vol. X, Bouvier Verlag, Bonn, 1986;

Van Manen, M. (1991), *The Tact of Teaching. The Meaning of Pedagogical Thoughtfulness*, State University of New York Press, New York, 1991.

ANNA PIAZZA

Universität Erfurt

anna.piazza@uni-erfurt.de

SCHELER'S FOUNDATION OF ETHICS

abstract

In this paper I would like to deal with Scheler's emotional ethics and its relationship with a possible ontological foundation. I want to address the theme of values and acts, asking whether they are rooted in being or whether they possess their status autonomously, and where they obtain their legality and consistency from.

I will face first of all Scheler's original discovery of the special status of value as intentional object and the correlated human capacity of grasping it, realizing the corrected order of values and fulfilling the "moral good".

In the end, as I will underline how Scheler's gain lies in the avoidance of reducing the foundation of ethics to a transcendental deduction or to an inductive-empirical method, I will stress the problem of his personalistic ethic, in the attempt to hand over to the person the whole discretion of letting values emerge and affirm in the history.

The Relationship Between *Sein* and *Sollen*

In this article I would like to explore Scheler's account of the role of emotion in ethics and its possible ontological foundation. In particular, I will address the theme of value and act, asking whether they are rooted in being or whether they possess their status autonomously, and where they obtain their legality and consistency from.

I will start with Scheler's affirmation in his *Promotionsschrift*, that "we see an unclosed rift between thinking and wanting, knowing and acting, good and true"[1].In this work he distinguishes these two distinct fields of human experience: on one side, the scientific method, the world of Kantian pure reason[2], that due to its lack of theological character can only improve the precision and exactness of *mathematical* knowledge. On the other side lies the ineradicable world of ethical principles, correlated with the human need for "moral laws" that can be set as goalsto regulate practical behavior. According to Scheler, this need emerged and paradoxically strengthened as science became increasingly successful, thus seeming to eliminate the need for ethical necessity.

Scheler notes how modernity and the positive sciences introduced a tendency to reduce this second field, represented by cultural life and the existence of values, to the first one. Most prominent in this development was the rise of modern psychology, which in claiming the univocity of psychological, genetic laws, removed first the independence and dignity of precise areas of human experience (art and morality), and second the autonomous role of that special cognitive capacity proper to the person, namely feeling.

The same tendency can be seen in Kant's thought: even though he went one step further with his anti-psychological polemic and the recognition of the transcendental function of spiritual faculties, he made the mistake of relegating practical reason to the sphere of pure reason, reducing moral knowledge to an inner duty of intellectual nature[3].

In *Beiträge*, Scheler stresses the different activities remaining in Kant's terminology, of pure and practical reason: while the first presents just an organizing power, that through transcendental

---

1   "*Zwischen Denken und Wollen, Wissen und Handeln, Guten und Wahren, eine unschliessbarekluft sehen*" GW1, 11.
2   Scheler's value's theory leads namely from Kant's critique to a pure formal ethic, where the morality pours out from a pure fact of the reason, formal and empty, lacking any intentionality to experience's contents (*"Kant sieht offenbart den Tatsachenkreis nicht, auf den sich eine apriorische Ethik, wie jede Erkenntnis, zu stützen hat"* GW2, 67). Scheler contrasts indeed a *material ethics*, where values, although a priori, are feelable phenomena and exist thanks to a value's bearer.
3   Cf.GW1, 57.

categories *rearranges* and gives form to the chaos of perceptible material, operating therefore in a *scientific way*, the second carries out the task of partially suppressing the givenness of particular drives, exhibiting thence a *plus* of activity. The power of the practical reason consists in another "spiritual happening"[4], which does not mean to gain an exact knowledge of being, but rather to set goals that can regulate and guide actions. With this statement, Scheler wants to take distance from the empty concept of the Kantian moral imperative, which presents itself as free of any empirical contents, setting a formal law, applicablein any possible case. Morality is indeed first of all not knowledge or recognition of a duty, but a grasping of values, which do not manifest themselves in an intellectual process but in feeling. Scheler revaluates the cognitive capacity of the function of feeling, establishing the statute of a new intentional object, value, which represents the area of an independent experience, provided with its own laws.

In the *Systemathischer Teil* of his work, Scheler attempts a definition of the concept of value, and what he stresses first is how value resiststo dissolution in being[5]. This goes back to Hermann Lotze's *Logik*[6], where *being valid* itself is fundamental and thus cannot be deduced from other fields or spheres[7]. Scheler affirms that the history of philosophy is replete with attempts to deduce being from value and value from mere being. In this regard, he recalls Kant's critique of the traditional ontological proofs for God, where the philosopher of Königsberg shows how it is impossible to deduce the reality of God from the concept of value of the supreme Being. Scheler explains that because something has value, it does not mean that it has to exist, and since something exists, it does not mean that it has to have value. "As value does notgive a thing existence, so the existence of a thing does not make it more valuable"[8]. This strict separation between value and being brings Scheler to the task, as we have just indicated, of re-establishing the nature of value and its possible experience, which is of course different from any acts which can "set existence"[9]. Value remains inaccessible to thought (*Denken*) and to the intellect (*Verstand*), as it belongs to the axiological sphere of experience and can only be caught through affective perception, feeling (*Fühlen*).

Values are therefore for Scheler original essential *qualities*, which can be known in this particular essential intuition of the feeling. It is very important to understand how for Scheler the feeling of something has an intentional structure, which distinguishes it from mere feeling-states (*Gefühlszustände*): while the latter are sensible localized conditions of our body or psychological state (bad or good mood, etc.), not immediately related to an object, in the case of feeling-of there is

> "... an original relatedness, a directedness of feeling toward something objective, namely, values. This kind of feeling is not a dead stare or a factual state of affairs that can enter into associative connections or be related to them; nor is such feeling a 'token'. This feeling is a goal-determined movement, although it is by no means an activity issuing forth from a center (...). This feeling therefore has the same relation to its value-correlate as 'representing' has to its 'object', namely, an intentional relation"[10].

Thus, there is a difference between a simple sentiment (pain, sadness, joy), which, so to speak, ends in itself, and the cognitive grasping values such agreeable-disagreeable, good-evil, beautiful-ugly.

Values and Intentional Feeling

---

4   Cf. ivi, 59.
5   Cf. ivi, 98.
6   Hermann Lotze (1817-1881) affirms, in the wake of Bolzano, the independence of logic from psychology, and its irreducible status to the one of "being". Furthermore, he anchors the autonomy of the reign of logic and of the idealities in the notion of "validity" (Geltung).
7   The problem of the spheres concerns the core of Scheler's ontology, it states the existence of "essence's regions" (Wesensregionen), which are independent from each other.
8   "*Wie der Wert ein Ding nicht existent macht, so macht aber auch die Existenz ein Ding nicht wertvoller*" GW1, 98 (my translation).
9   This is a phenomenological statement, it refers to Husserl's judgment theory, where he speaks about judgment (*Realbedeutungen*) which sets the existence of individual existing (*Dasein*). This cannot be elaborated here.
10   Scheler, Max, (1973) *Formalism in Ethics and Non-Formal Ethics of Values: A New Attempt toward the Foundation of an Ethical Personalism*, Northwestern University Press, pp 257-58.

Values are therefore given in the intentional personal act of the intuitive feeling, and Scheler – according to the phenomenological principle, which says that the sense of a thing discovers itself in the structures of the intentional consciousness –adopts the thesis that the existence of a value, even though not depending properly on the acting person, can be realized in the fulfillment of this act. Having said that values are qualities and do not settle in being, but rather appear strictly related to the grasping act of the person, it is necessary to prove their possible objective status, and in what way the function of a person's acts can set or collaborate with their ontological status.

The Hierarchical Ranks of Values and the Moral Good

A phenomenological principle affirms that intentional objects do not dissolve into the intentional act, but rather revealthemselves in it, retaining their ideal, a priori status. That means that they cannot be brought to coincide with specific things or goods (*Dinge* or *Güter*), remaining immaculate from any possible attempt at relativisation. As Scheler affirmed in his course on Ethics in Cologne (1921): "if there is – as we believe –an intentional relationship between feeling and value, then there can also be an a priori value theory, independent from goods and independent from the constitution of the recognizing being"[11]. With this assertion Scheler intends to proof the particular a prioricharacter of values, i.e. their being objective and not to be sought in the web of empirical contingency[12].Second, as axiological qualities and not just indifferent things like unities, valuesmust be structured in a hierarchical rank. In this regard it is now necessary to understand exactly what Scheler means by *values hierarchy* and how it can be realized by the comparison with this relation of being higher. In his Cologne course Scheler says again:

> "The theory of the hierarchical rank of values builds the crucial part of the whole ethic, and represents its last foundation. It has to be a priori, independent from the experience of men's moral actions. The hierarchical rank has to be sought among the self values qualities and not among 'goods'"[13].

At first we wish to briefly explain the structure of this rank according to Scheler's theory. This rank is not to be transcendentally deduced or empirically induced, but it is an immediately evident fact, which makes ethics "the science of intuitive experience"[14]. In his main work, *The Formalismus*, Scheler distinguishes four classes of value, while in the later Cologne course he adds another type. Resting securely on *The Formalismus*'s exposition we want now to abide by this last one[15]:

1. Values of agreeable-disagreeable: the function of sensible feeling corresponds to this class. The respective feeling-states are pleasure and pain.
2. Values of utility: Scheler does not comment explicitly on this precise category but from his noteshe seems to understand these as "civilisation's values", related to society as its "noticeability threshold" (*Merkbarkeitsschwelle*).
3. Vital values: are correlated with vital feeling, which include all modes of the feeling of life (health, illness, weakness, strength,...). Its thing-values are such qualities as those encompassed by the noble and the vulgar.
4. Spiritual values: are apprehended in functions of spiritual feelings and acts of spiritual preferring, loving, and hating. The main types of spiritual values are: beautiful-ugly, right-wrong, cognition of truth.
5. Values of the holy and unholy: the very definite condition of their givenness is that they ap-

---

11 ANA 375 B III, 23, 39 (my translation).
12 Cf. Spader, Peter H. (2002) *Scheler's Ethical Personalism, It's Logic, Development and Promise*, Fordham University Press, New York.
13 ANA 375 B III, 98 (my translation).
14 Ivi, 13 (my translation).
15 It has to be underlined that every value's class corresponds with a precise stratum of the emotional life and not just what we generally called "feeling": the feeling distinguishes itself namely in sensible, vital, psychic, spiritual feeling. It exists therefore as a meaningful and progressive pattern of levels of affective structures of the person.

pear only in objects given in intention as "absolute object". The feeling-states belonging to this class are "blissfulness", "despair", and specific reactions in this are "faith" and "lack of faith"[16].

Now that Scheler's objective rank of values has been clarified to a certain extent, a further question is to understand how it is humanly possible to "reflect" and respectthis corrected hierarchy by means of one's behavior, i.e., in his or her understanding of ethics, that is how proper morality can be realized by the acting person.
First it is not of less importance to stress that moral "good" and "evil", values which actually do not emerge in the hierarchy, are indeed dependent on fulfilling the right values order, making the person an authentic *bearer* of moral values.
In *Formalismus* Scheler affirms:

> "The value 'good' – in an absolute sense – is the value that appears, by way of essential necessity, on the act of realizing the value which (with respect to the measure of cognition of that being which realizes it) is the highest. The value 'evil'- in an absolute sense – is the value that appears on the act of realizing the lowest value"[17].

As Spader comments, this definition allows Scheler to set a relationship between moral values and all other values, contesting Kant who says that ethics is just a content of will[18]. Faithful to his phenomenological view, Scheler claims: "this value appears *on* the act of willing. It is for this reason that it can *never* be the content of an act of willing. It is located, so to speak, on the back of this act, and this by the way of essential necessity; it can therefore *never* be intended in this act"[19].
Value as intentional term is thus not something to be created or conceptualized in an active reflection; it is not the object of a previous decision but, phenomenologically, gives itself in a passive way, inhering to specific personal acts. Particularly, in the case of realization of higher values, special kinds of acts come into play, which are situated on a more important level of the "stratification" of the emotional life, namely the act of *preferring*, and in the case of the realization of lower values, the act of *placing after.*

> "preferring' and 'placing after' are not conative activities like, say, 'choosing', which is based on act of preferring. Nor is preferring (or placing after) a purely feeling comportment. It constitutes a special class of emotional act-experiences. The proof is that we can 'choose', strictly speaking, only between actions, whereas we can 'prefer' one good to another, good weather to bad, one food to another etc"[20].

These two acts, as Scheler asserts in the Cologne course, are "grasping functions" (*aufnehmende Funktionen*) of emotional and value's cognitive character, possibly definable as attraction and repulsion acts[21]. They are neither a striving (*Streben*) nor a volitional behavior, but have a discerning task[22], namely a passive discerning.
Scheler's solution about the definition of value and its givenness helps to point out some observations relating our previous question, i.e., the ontological status of value and the role of the person, which we now wish to tackle.

---

16   Cf. GW2 122, Form 105 – 10; ANA 375 B III, 12.
17   GW2, 47; Form, 25.
18   Cf. Spader 2002, 126.
19   GW2, 48-49; Form,27
20   GW2, 265; Form, 260
21   Cf. Henckmann, Wolfhart (1998) Max Scheler, Verlag C. H. Beck, München, p 120.
22   ANA, 49

Person and Value
As we have shown, as values possess an ideal objective statue which cannot be abolished from any historical statement, they need a tendency of human affection to come into existence. Values coincide neither with positive goods, nor are they norms which can be rationally settled once and for all. History, with its changeable "laws of preference", illustrates this clearly: values need the implication of subjectivity, which affirms and promotes the content of their ideal.

But once we ascertain this objective rank thanks to the "middle's kingdom" of the affective intentional relationship – the only place where values emerge, so to speak, regardless of the free will of consciousness's discernment[23]– we need to better understand how to locate the foundation of value, and what it depends on, for, in history, certain values have asserted themselves, even though they were not at the top of the objective axiological hierarchy, over other higher values.

As we saw, Scheler's theory is strictly personalistic: the corrected values hierarchy can just be reflected and realized from the acting person. In his Cologne course Scheler says:

> "Ethical values are person's values. Absolute, spiritual feelings adhere to the being and sobeing (so-sein) of person. Person's values are the highest values and have to be preferred to all the other values. All morality becomes efficient for us thanks to persons. The spiritual person is the real good"[24]

Morality, as observed, can only be generated from the personal preferring of higher values, and only by embodying this axiological ideal character, the person, carrying a moral exemplarity[25], becomes the primary source of values experience for others. Criticizing an ethical model based on paralyzed norms, Scheler claims a right to an individual, personal ethics, which cannot overlook the concrete being of a person.

In a section of *Formalismus* entitled "Microcosm, Macrocosm and the Idea of God", Scheler explains how every singular person represents a microcosm of values, a personal order which reflects the precise values which in the course of life and circumstances have been experienced, known, followed (preferred) and which constitutes the so-called *ordo amoris* of a person. Scheler does not understand this in the sense of a relativism, where every person, according to their own experience, brings to comprehension just a personal order of the objective order, but more in the sense of a collaboration in *solidarity*, where the single person (*Einzelperson*), incarnating his special vision or intuition of some values, can promote and be an example for those particular values, thus becoming jointly responsible for ethics as a whole[26].

This theory of the exemplarity helps to take a step forward about the question of how and in which conditions values emerge in the course of history: there are always personal models, especially models who became such, thanks to a particular right comprehension of higher values, and, so to speak, hold the helm of history.

> "A model is, like a norm, anchored in an evidential value of the person. But a model does not pertain to mere action, as is the case with a norm. It pertains first of all to a To-Be. One who has a model tends to become similar or equal to it, in that he experiences the requirement of the ought-

---

23   According to Scheler, the primary emergence of values in the intentional relationship is the conditionfor the pure will to act in the practical world, which in this meaning presents already an axiologically structured configuration.
24   ANA, 149 (my translation).
25   Scheler develops a proper theory of the model person. In the Cologne course he lists five categories of "types of models", any of them correspond to a particular class of values. The saint is the model in the religious life, the genius in the spiritual life, the hero in the vital sphere, the "economy's leader" in the sphere of utility's values and the "artist of life", or "artist of pleasure" in the sphere of agreeable. Every particular model realizes a special rank of values, becoming possibility of experience and example of those. ANA,120.
26   It is to be noted that certainly every person has necessarily a limited vision of the whole axiological rank (*Daseinsrelativität*), but every person can be a model and can collaborate with the whole good, in so far as he realizes higher values despite lower ones. Not every person can be a model in Scheler's way, since a person can also be "morally bad".

to-be on the basis of the value seen in the content of the model person. In addition, the individual value-essence of the person who serves as a model is not extinguished in the idea of the model, as is the case with a norm, which is universal by virtue of its content and validity"[27].

So Scheler can affirm, in the Cologne course, that "all the sense of history lies in the person"[28]. But we want to turn back briefly to our first question, namely, the relationship of values and person to being, in some final considerations about the autonomy of the ontological foundation of Scheler's ethics.

In the first part of the article we saw how values do not have any kind of entrenchment in the being of things: the originality of Scheler's position consists namely in the affirmation of the autonomy of spiritual formations in the moral world from the logical and cognitive structures of any rational knowledge. Scheler's moral knowledge is not based on an existence's judgment, it has nothing to do with what can be recognized as true or false; is neither based on the capacity of the reason nor on the capacity of the being of the things.

The positive of this position consists surely in pointing out the meta-historical and meta-ontic necessity of values, which underlines their irreducible and therefore objective nature. But if the strength of Scheler's theory succeeded in avoiding reducing the foundation of ethics to a transcendental deduction (pure reason) or to an inductive-empirical method (confusion between thing and good), the risk is to leave values ungrounded in an ideal world.

Scheler's solution is to turn back to the person and his immediate and evident discernment (*Fühlen, Einsicht*) of the axiological classes plus the moral discernment (*sittliche Einsicht*) of good and evil. But this ontological autonomy of the moral discernment and the definition of person as a "concrete and essential unity of being of acts of different essences" does not maybe suffice to establish a precise rank of values where spiritual values are the highest and where on that basis the holy resides: Scheler could have proposed a stronger definition of person, where his relation to the divine could work as the foundation of the correlated rank of values, which by its side finds indeed the holy as own basis. That would have been even more essential for the fact that the very place where values revealthem-selves is, as pointed out, precisely an act of the person, namely feeling.

Scheler wanted surely to avoid to fall in an ontologism, like the one of Malebranche, which he strongly refuses, and we could affirm that the problem of the foundation of ethics assumes in him a gnoseological-intentional character, but, again, when we speak about classes of acts, it would be necessary to precise where the respective acts settle, and whether they have the capacity to discover and fulfill the moral world.

As we deepen herein Scheler's personalistic theory, we now notice that his ethics seems to have two tendencies: an attempt to preserve the ontological autonomy of morality, without leading it back to an external divine legislator who would configure ethics as normative or voluntaristic, and the unavoidable affirmation of man as a spiritual person, who acts morally since he realizes the axiological rank, where the highest value is the holy.

The Foundation of Ethics

---

27   GW2, 560; F, 574.
28   ANA, 160.

REFERENCES

Henckmann, W. (1998), *Max Scheler*, Verlag C. H. Beck, München;

Leyendecker, H. (1921), *Max Scheler Vorlesung über Ethik*, ANA 375 BIII, 23;

Scheler, M. (1899), *Beiträge zur Feststellung der Beziehungen zwischen den logischen und den ethischen Prinzipien*, GW1 Bouvier Verlag, Bonn 1971;

Scheler, M. (1913-16; 1927), *Der Formalismus in der Ethik und die materiale Wertethik*, GW2 Bouvier Verlag, Bonn 2009, engl. transl. (1973) *Formalism in Ethics and Non-Formal Ethics of Values: A New Attempt toward the Foundation of an Ethical Personalism*, Northwestern University Press, 1985;

Spader, P. H. (2002) *Scheler's Ethical Personalism, It's Logic, Development and Promise*, Fordham University Press, New York.

SESSION 2

SESSION 2

VALUES

Roberta De Monticelli (Università Vita-Salute San Raffaele)
Requiredness. An Argument for Value-Realism

Veniero Venier (Università degli Studi di Udine)
Governing Emotions. Husserl and Personal Vocation

Virginia Sanchini (IEO - Istituto Europeo di Oncologia; Università Statale di Milano)
Not Kant vs. Scheler, but either Kant or Scheler.
From *Construction* to *Foundation* of Ethics

J. Edward Hackett (University of Akron)
The Case for Participatory Realism in Scheler's Ethics

Susi Ferrarello (Loyola University Chicago)
Values, Normativity and Facts

ROBERTA DE MONTICELLI

Università Vita-Salute San Raffaele

demonticelli.roberta@unisr.it

REQUIREDNESS.
AN ARGUMENT FOR VALUE-REALISM*

abstract

What is An analysis of Requiredness? This paper presents three versions of an argument in defence of a form of value-realism. The argument is based on a principle of non-reducibility of integral wholes to sums, as informally developed by Gestalt theorists, systematically worked out by Husserl in his III Logical Investigation on wholes and parts, and exploited by Max Scheler's theory of material and axiological apriori.

The issue I am going to address here is the vexed problem of the ontological status of values. In short, I want to consider and defend certain arguments in support of the thesis of the objectivity of values, or Axiological Realism[1]. Let me begin the discussion by first proposing a phenomenological description of what I take to be a manifestly value-laden fact.

1.
An Image of Disorder

In Berlin, in the heart of Mitte, the old East downtown, there is a small park called Koppenplatz. There you might experience the same illusion I had when trying to set aright a chair lying upside down – one of two, sitting beside an ordinary green painted table – which might easily be mistaken for a piece of furniture kindly provided by Mitte's municipality, a comfortable seat for any tourist inclined to meditate or record memories in her journal there. Much to my surprise, the chair could not be turned over – the entire setup, chairs and all, turned out, in fact, to be a monument. Or, rather, a memorial of past tragedies, as you often come across in Berlin.

My misguided attempt to put things in order is a perfect instance of the motivating power of what Wolfgang Köhler calls *requiredness* – a strict English rendering of the German term *Forderung* (and its close semantic relative, *Aufforderung*), which certain prominent German expatriates translated each in his own way: Herbert Spiegelberg, for instance, opted for the term *claim,* and J.J. Gibson, famously, coined the neologism *affordance* for it. However translated, the idea is meant to capture the phenomenon of being struck, in the middle of a world of facts, by something *required.* A state of affairs "asking" to be put in order or tidied up somehow, "claiming" something due (e.g., the right tone at the end of a melody), "inviting" you to behave in some way, in the way that armchairs beckon you `to rest and high mountains demand silence. Requiredness, in its multifarious forms, takes up "An analysis of Requiredness". This is the main thesis in Köhler' book carrying this very title: *The Place of Value in a World of Facts*[2]

Let's examine this link between the notions of requiredness and value more closely.
In fact, required states of affairs *are* values inasmuch as they possess the normative form of what

---

1   By Axiological or value-realism (VR) I don't mean that there are separate entities, called "values", somewhere outside this given world, but that things and facts in this world can have positive or negative value qualities, as well as they have a lot of other qualities such as colours. (VR) then asserts that there are value-laden facts (thus rejecting, in at least one of its senses, the customary opposition between facts and values, or judgements of fact and value judgement).
2   Köhler (1938, 1966)

ought-to-be or ought-to-be-done, or, in Köhler's technical terminology, of *ideales Seinsollen* or *praktisches Seinsollen* (also*Tunsollen*), respectively. We shall return to this distinction shortly.
In any case, it would be hard to deny the existence (in some sense) of negative values belonging to certain states of affairs, which for that reason are bearers of requiredness, such as the upside down chair, or any of the wrong, evil, unjust, ugly, inconvenient things that fill the world. That is, negative values exist in the form of the countless evils haunting this world – all those respects in which this world is not "as it ought to be", so that it urgently requires one to do something to change it for the better where it is still possible. For example: slaughters, cancers, the cruelty of Emperor Nero.
Our brief description of being struck by a state of affairs with an appearance of requiredness – the upside down chair, such a modest and ordinary claim of domestic order – reveals even more, the further we explore the "thing itself," in the phenomenological sense. This curious memorial turns out to be what a work of art often is – a metaphor. What at its face value is but a small disorder in the banality of our everyday life is, in truth, the shocking display of a violated home – a simple image of the banality of evil. As one looks closer one notices a string of words engraved in the pavement and framing the square space of the memorial. The inscription contains some verses and the name of their author, Nelly Sachs, who is known as the "poet of the Jewish destiny". Here are some of her words reproduced at the memorial:

"O ihr Finger/die Eingangschwelle legend/wie ein Messer/zwischen Leben und Tod.
O ihr Schorsteine /O ihr Finger / und Israels Leib in Rauch durch die Luft!"[3]

They are about the chimneys of Nazi crematories, those "fingers" tracing a threshold between life and death, like a knife, in the sky. "And Israel's body, gone up in smoke through the air".

Sachs' poem belongs to the first cycle of three published in East Berlin in 1947 under the title *In den Wohnungen des Todes* (*In the houses of death*). November 1938 coincides with the *Kristallnacht,* the pogrom against Jews throughout Nazi Germany and parts of Austria, the real beginning of the "final solution". Berlin's Neue Synagoge, a few hundred meters away from Koppenplatz, was set on fire. 1938 is also the year in which Köhler's beautifully-written, yet rigorous book, *The Place of Value in a World of Facts,* was first published (in New York). Köhler had actually left Germany by that time, having departed already in 1935. Incidentally, 1938 is the year of Edmund Husserl's death. During the last three years of his life, Husserl wrote all the material that would later become one of the most famous of his books after the *Logical Investigations*, namely, *Die Krisis der europaischen Wissenschaften.*
Köhler's book begins in a strikingly autobiographic way: "When I was a young student in Germany...".
This opening line is no mere rhetorical flourish – our brief reflection on the Nelly Sachs Memorial in Berlin already foreshadows how the subject matter of this opening might be deeply related to the content of the book, namely, Köhler's theory of values.
Wolfgang Köhler, one of the founders of Gestalt Psychology (with Max Wertheimer and Kurt Koffka), became famous after publishing his pioneering work on the cognitive faculties of anthropoid apes in 1917. After directing the Institute of Psychology at the Friedrich-Wilhelms University in Berlin, he was the only academic of the institute's faculty to engage in a public protest, when he published a newspaper article against the first wave of anti-Jewish Nazi legislation in 1933 . (At about the same time, by contrast, Heidegger delivered his infamous pro-Nazi inaugural

2. Wolfgang Köhler and the Spirit of Nothing But

---

3   Oh, you fingers, /The threshold laying /Like a knife between life and death -/Oh, you chimneys,/Oh, you fingers,/ and Israel's body through the air in smoke!

address as rector of Freiburg, and Nikolai Hartmann , the author of an imposing *Ethics* in three volumes, kept silent about the Nazi atrocities – as he did up to the end of the war, teaching at the same University in Berlin).

In the first chapter of his book on value theory, Köhler creates a masterful piece of theatre, in which an eloquent character, a kind of *Kulturkritiker*, takes aim at an unbiased, soberly detached scientist played, fittingly, by Köhler himself in a passionate invective against the practical and ethical scepticism that emerges out of Hume's is-ought divide. This scepticism amounts to a kind of axiological subjectivism or relativism, an outlook usually combined with a reductive naturalistic metaphysics. Köhler efficaciously refers to this latter outlook on value as the "Nothing But" spirit. This eloquent character is described as one of Köhler's acquaintances, an editor of "Die Krise der Wissenschaft", a popular magazine whose title less than obliquely references Husserl's well-known last work. Köhler's character, on the other hand, evinces that conceited disdain with which scientific communities look down upon "what he [Köhler's interlocutor] called essential problems", ironically winking at the reader, who "will doubtless agree with me [Köhler, the scientist] that to put questions of principle so crudely in the foreground is not a sign of very good taste"[4].

No doubt this irony unmasks – in the context of 1930s Germany – a weak excuse to hide behind a veil of ethical and political indifference in circumstances where great injustices are being committed (a habit well established among academics well outside of that context. The fact that the eloquent opponent depicted in this drama actually represents Köhler's alter ego, and the courageous intellectual and moral battle he had undertaken before leaving Germany, seems undisputable when reading certain passages of the polemic:

"Let us for the moment give the name *value* to this common trait of intrinsic requiredness or wrongness, and let us call *insight* all awareness of such intellectual, moral or aesthetic value. We can then say that value and corresponding insight constitute the very essence of human mental life (...)

...Modern science has given us not merely naturalistic scepticism; it has in recent times added historical and sociological versions of relativism. Moral convictions, for instance, are said to be no more than a by-product of historical circumstances, and [are said] to vary with these. Or, again, such convictions are represented as mere factual consequences of given social structures, which vary when these are changed. (...)

...When once born in the universities, the spirit of Nothing But does not remain confined to these institutions and to scientific books. Future teachers absorb this spirit in lectures and in reading. Afterwards they propagate the same spirit in high schools, both by what they say and by what they never mention. Enlightened writers do likewise when writing in newspapers and in magazines. Thus negativism spreads through the population like an epidemic. (...)

Gradually Nothing But becomes the unformulated creed of your postman, your politician, and your prime minister. When this phase is reached – and we have reached it – few people will have any stable convictions beyond their personal interests, which seem to survive even when, as values, they should also succumb"[5].

I do not know of a better and more concise description of what Hannah Arendt would much later have called "the banality of evil" in its incipient state. Hannah Arendt speaks a lot in her papers on moral responsibility of this kind of ethical self-abdication of the moral subjects of a whole society, that kind of passive, and perhaps even active, consensus granted to the crime when it becomes the law of the land.

---

4   Köhler (1966), p. 16.
5   Ibid., pp. 36-37.

What is more interesting still is the clear connection Köhler suggests between "the unformulated creed" of Nothing But – which is a comprehensive ontological stance, implying a reductionist or even eliminative stance toward any putative objects different in kind from the sort recognized by the hard sciences – and value-scepticism, i.e. moral or more generally practical scepticism concerning the cognitive makeup of practical thinking.

Alexander Pfaender's pupil Moritz Geiger used the same expression, "the principle of Nothing But" in an essay dedicated to his master in which he clearly shows the anti-reductive spirit of a phenomenological *ontology*:

> "William of Occam's sentence [i.e., Occam's razor], according to which *'entia praeter necessitatem non esse multiplicanda'* [entities are not to be multiplied beyond need], was mistakenly inserted in this context [of descriptions of the life-world], whereas in order to show what is given one should have rather emphasized the sentence that *'entia praeter necessitatem non esse diminuenda'* [entities are not to be reduced beyond need[6]".

Köhler's book deserves more attention, as it is the best introduction to the theory of values that is the very core of Max Scheler's life work. The reason for taking such an apparently indirect approach to our subject is a historical one.

Thus the immediate result of the preceding discussion is a historical thesis: even though Köhler's book was published 10 years after the death of Max Scheler, its content is deeply rooted as we have seen, in the Munich phenomenology of Scheler, Pfaender and Geiger. Further investigation, as we shall see momentarily, reveals that Köhler's ideas about value can be traced back even further to Carl Stumpf's research circle, the common intellectual soil of both Husserl's phenomenology, and Koehler's, Koffka's and Wetheimer's Gestalt theory.

Both schools - Phenomenology and Gestalt Theory - share two basic tenets which must first be clearly identified. We will consider each in its own right and then consider their interrelatedness. The first is an ontological thesis – we may call it the Whole-Parts thesis (WP). It gets its most famous expression in Koehler's dictum that a whole is (or can be) *different* from the sum of its parts. (Köhler explicitly denied those who would misconstrue his view as the misleading or confusing statement, "A whole is *more* than the sum of its parts").

The meaning of Köhler's (correct, in my view) thesis is first explicated in Husserl's theory of Wholes and Parts (in the Third of the *Logical Investigations*). This explication lays the foundation of an extended mereology, that is, a mereology[7] allowing for types of wholes that are not merely sums. The second thesis endorsed by both Gestalt Theory and Phenomenology is the fundamental axiological thesis. It is fundamental, serving as the basis of both schools' theories of value: values, negative or positive, are exemplified by, and hence are qualities of, actual states of affairs, hence, of facts. Values do have a place in a world of facts. A state of affairs need not be value-free or axiologically neutral, and specifically value-laden states of affairs even claim a name of their own in German: *Wertverhalten.* We may call this second thesis the Axiological Realism Thesis (VR). As you can see, this fundamental axiological thesis is also an ontological thesis, and a strongly anti-reductive one at that, definitely contrary to the tendency of so many to overzealously use Occam's razor. My second and main point in this paper is to explain the precise connection between these theses. I shall try to show that the Whole-Parts thesis (WP) is the very foundation of the Axiological Realism thesis (VR), that is, that the latter is implied by the former (it cannot be false if the former is true).

3.
Pars construens **against practical scepticism: anti-reductive ontology**

4.
Two Shared Theses and Their Relation

---

6   Geiger (1996), pp. 93-107, p. 99
7   That is, a formal theory of concrete multiplicities, like the one developed by Stanislaw Lesniewski in 1916, and restated by Leonard and Goodman (1940).

$$WP \quad \rightarrow \quad VR$$

I shall try to prove this point by appealing to cases exemplifying WP to show that they exemplify VR as well. I shall propose three versions of this argument: a Koehlerian one (as an introduction); a (more or less) Husserlian one, and a (again, more or less) Schelerian one.

<div style="float:left; color:#3ba9d0">5.
Tree forms of
an argument</div>

5.1. Koehler's Principle of Gestalt

Let's take the most notorious example of WP, the one first used by Christian Von Ehrenfeld in his pioneering essay *Über Gestaltqualitäten* (1890), to begin our treatment of Köhler's argument for VR on the grounds of PW. Koehler himself makes use of this famous example after recounting the

"three major traits which are conspicuous in all cases of specific organization or *Gestalt*. Phenomenally the world is neither an indifferent mosaic nor an indifferent continuum. It exhibits definite segregated units or contexts in all degree of complexity, articulation and clearness. Secondly such unities show properties belonging to them as contexts or systems. Again the parts of such units or contexts exhibit dependent properties in the sense that, given the place of a part in a context, its dependent properties are determined by this position"[8]

We may tag these three theses as follows:
1. Anti-atomistic thesis: there are no perceptual data without inner differentiation.
2. Global properties thesis: there are properties belonging to the "system" or "whole" (e.g., the affective quality of a melody, which does not belong to its parts);
3. Position dependency thesis: parts may have properties that are determined by their position in the whole (e.g., being the leading note, being the tonic):

Here is the "old example" taken from Von Ehrenfels (1890):

"May I use an old example once more: A melody is such a context. If it is in a minor, for instance, minor is a property belonging to the system, not to any note as such. In this system the note a has the dependent trait of being the tonic with its static quality"[9]

Together, points 1, 2 and 3 entail WP. A melody (a "whole" or "system") is composed out of notes, but it is not reducible to the mereological sum of these notes. A mereological sum exists whenever its parts exist: the notes need not exist in any particular relation (e.g., temporal contiguity or succession, or even order of succession) to make up a sum. Any sum has ontological innocence relative to its parts: it does *not* add anything new (Principle of Universal Existence in Classical Mereology). Yet a melody does not exist just because its tones exist. Hence it is something new relative to them.
Moreover, different parts give origin to different sums. For if two multiplicities engender the same sum, the two multiplicities are one and the same. So, if a sum has different parts than another sum, it is surely another sum (Principle of Uniqueness of sums).
And yet, a melody can survive a change of notes. A melody can be transposed into a different register. Provided the tonal relations are preserved, the single notes may be different.
An intuitive way of understanding WP in such cases is to observe that once the tones have been "captured" in a melody, they are no longer *independent* parts or *bits* of it, but have become *dependent* parts or *moments* of it.

---

8   Koehler (1966), p. 75.
9   Ibid., p. 75.

"We can analyze the melody, but not in independent parts. That would be the destruction of a melody. Its minor character for instance would be lost"[10].

This comes very close to Husserl's terminology – where the difference between parts and moments as formally characterized in the Third Logical Investigation corresponds to the difference between *integral wholes* – intuitively, wholes whose immediate parts are moments – and *sums*, or non-integral wholes.
On the basis of this simple instance of WP, we can very easily demonstrate our thesis.

In fact, provided we are not tone deaf, we cannot avoid to be negatively struck by a note out of tune. We cannot avoid perceiving something *wrong*. Something *out of order,* like the upside down chair. Mereological properties (2) and (3) lie at the basis of aesthetic value-qualities (e.g., the affective quality of the melody and its well concluded development). Hence they also underwrite the phenomenon of requiredness, that is, of a normative demand as described above. The normative quality, requiredness, is somehow determined by the pertinent *Gestalt*. Since a melody is a temporal whole, normativity emerges or is felt in the unfolding of an experience:

"We play a simple sequence of chords on the piano. If these are properly chosen a definite key will develop. Supposing that in this key the 'leading note' is introduced in an appropriate manner, a final chord following this note is not an indifferent fact in the auditory field. It may sound *wrong* or, if it corresponds to the tonic of the key, it may sound right. If we stop after the leading note without a further chord, the sequence will be heard as incomplete, with a vector toward completion. This vector usually develops during our approach to the leading note, and becomes most intense with this note"[11].

Here is the conclusion of our argument:

"It can hardly be doubted that, in this case, these terms (right or wrong) refer, phenomenally, to something in the tones, not in ourselves".

5.2.1. Husserl's Extended Mereology

There is – already at face value – a deep analogy between the founding principles of Gestalt Theory and the basic intuitions of Husserlian phenomenology. It is more than an analogy: it's a common root in the workshop of Carl Stumpf's teaching, first in Halle, (where Stumpf was the doctoral advisor for Husserl's dissertation on the concept of number, which ultimately became the *Philosophie der Arithmetik* in 1891), and then in Berlin, where he had the future founders of Gestalt Psychology as students of his.
This resemblance between Köhler's views and Husserl's is on prominent display in the section on "Figural moments" in Husserl's first published book. After describing examples of perceptual wholes such as a line of soldiers, a heap of apples, a row of trees, a flight of birds, a flock of geese, he observes that these pluralities are not only perceived as such, but are also perceived as what Koehler would have called "systems" or "contexts", characterized by a peculiar manner of belonging together. This mutual belonging is clearly expressed in ordinary talk of matters like a line, heap, row, flight, flock, swarm, etc.[12]
Husserl elaborates this point with a deeply interesting description:

"In all cases, the differences of these quasi-qualitative moments stand in functional dependence, at one moment on the internal properties of the pertinent partial intuitions, at another moment on

10   Ibid., p. 75.
11   Ibid., p. 83.
12   Husserl (1891, 1992), p. 204

certain relations and relational complexes that connect the partial intuitions with one another, at another moment on the two together."[13]

It is very easy to recognize point 3 occurring in Köhler's description of Gestalt qualities. Husserl describes this kind of unity as a "quasi-qualitative moment", that is, as something more than a just conceptual or set unity, and different, as well, from the unity of a sum. He goes on to say (here we find again Köhler's point 2):

"Indeed, we shall even attempt to ground the notion that these moments must really be viewed as unities in which the particularities of the contents of their primary relations fuse together. I say 'fuse' and thereby emhpasize that the unitary moments are precisely something other than mere sums."[14].

Yet, Husserl was not fully satisfied with the preceding description of this phenomenon. The text from 1891 just cited is the initial basis for the powerful theory of Wholes, with the Sums as limiting cases, he would develop in the Third of his *Logical Investigations.* There he elaborates a version of extended mereology, advancing towards a proper formal characterization of all possible degrees of integral wholes, arranged in a hierarchy according to the "tightness" or "looseness" of the "unity" of parts in a whole – with "sums" as the lower limiting case. The phenomenon of perceptual Gestalten (or figural moments) is only one class of cases to which Husserl's theory applies. Husserl's theory has a much broader ambition, as we shall see. Since it is impossible to present the theory in its formal richness within the limits of this paper[15], we shall only try to convey the driving intuitions behind it.

Let's turn our attention to that well-known phenomenological dictum – "back to the things themselves". This dictum expresses a basic principle of phenomenology, i.e. *the principle of priority of the given over the construed.* **O**f course, there is nothing uniquely phenomenological about that principle by itself. It's a typical feature of empiricism. What phenomenology rejects about empiricism is, to put it in Köhler's words, that the given – the phenomenal world – is "an indifferent mosaic" or "an indifferent continuum". In short, to put the point positively, the given has form, structure, organization *as such*. That is, contrary to Kant's ascription of the formal component of experience to subjectivity alone in the so-called "manifold of the intuition", it has form or structure *as given to the senses.*

This discovery – let's call it the Gestalt principle – may well be the common ("Stumpfian") heritage of phenomenology and Gestalt theory. Husserl advances the principle in two important steps. The first step is a generalization from ordinary *perceptual* objects to all sorts of *intuitively given* ones, including ideal objects (or "systems", such as mathematical ones). To be "given", in any modality of intuitive presence – be it sensory perception, emotion, empathy, logical or mathematical intuition – is to be given as a structured, internally differentiated, organized whole or as a part thereof.

Let's consider a few cases supporting this generalization.

The simplest nuance of blue cannot appear but against a differently coloured background. A blue sky cannot appear as blue totality except in a shaped extension – the celestial vault, for example. A simple tone must have a pitch, a duration, and a timbre. A type letter must preserve its articulated

---

13   "In allen Fällen stehen die Verschiedenheiten dieser quasi-qualitativen Momente in Funktionneller Abhängigkeit bald von der inneren Beschaffenheiten der bezüglichen Teilanschauungen, bald von gewissen Relationen und Relationskomplexen, welche die Teilanschauungen miteinander verknüpfen, bald von beidem zusammen", ibid., p. 204.

14   "Ja, wir werden sogar die Ansicht zu begründen versuchen, dass diese Momente geradezu als Einheiten zu betrachten sind, in welchen die Besonderheiten der Inhalte oder deren primäre Relationen miteinander verschmeltzen. Ich sage "verschmeltzen" und will damit betonen, dass die einheitlichen Momenten eben anderes sind als blosse Summen" Husserl (1992), p. 204, translations kindly provided by Matt Bower.

15   I made an attempt to present Husserl's Theory of Wholes and Parts as an extended mereology including classical mereology for the limiting case in which a Whole is a Sum, in De Monticelli (2013).

shape in spite of its countless variant tokens. Even a very simple logical truth, let it be

$$\neg \ (p \ \& \ \neg p)$$

shows the required articulation of "dependent" ($\neg$, &) and "independent" meanings (p).

One can easily see that this generalization of the Gestalt Principle amounts to introducing two highly disputed and interrelated phenomenological theses:

a. there are many more modes of intuitive cognition than sensory perception;
b. any object of intuitive cognition exhibits a structure – or, in terms more familiar to phenomenologists, an eidetic component.

In other words: saying that Gestalt is everywhere amounts to saying that eidetic structure is present wherever a content is (intuitively) given.

The second step after generalization of the Gestalt Principle is the explication of the nature of this structural richness or Gestalt. This is a step Husserl accomplishes by means of his extended mereology. Understanding this second step correctly will put us in a position to see this contentious doctrine of Husserlian phenomenology, namely, its profusion of eide or essences throughout the world, in a completely new light.

Let's consider the "figural moments" again, e.g., a line of trees, a school of fish, a flock of geese, a swarm of birds, etc. The unity provided by a Gestalt or "quasi-qualitative moment" is *neither the purely conceptual unity of a set* (i.e. of a collection defined by any abstract condition), nor *the mere aggregation's unity of a mereological sum.* It is, instead, a unity resting on the specific "contents" of the component elements, which we may term a *unity of containment*.

Neither sets nor sums depend on the nature of their components. Let's forget about sets, since the domain of set theory includes all sort of abstract objects[16]. Consider classical mereology, which is meant to be a theory of material objects, i.e. objects existing in space and time or at least in time.[17] How can we capture the difference between an arbitrary collection and an integral whole, i.e. a whole whose unity is dependent or founded on the nature of its "contents"?

Husserl's answer is simple and insightful: an arbitrary collection is such that each element of it can be kept invariant

"under conditions of absolutely free variation... of all contents associated with it, which is the same as saying it would ... remain unaffected by the elimination of such contents"[18].

Contents can be contained in this way if and only if

---

16   Husserl distinguishes between "a categorial unity corresponding to the mere form of thought", and a "real (reale) unity", yet to specify in types of "unitary foundations [our "unities of containment"] giving rise to "the various sorts of whole" (Husserl 2001, vol. II §23, pp.38-39)

17   Since D. Lewis's successful attempt at rephrasing set theory within mereology, in its turn presented as the metaphysics of concrete material objects (in a Quinean, Goodmanian and Ockhamian spirit), mereology itself has become the conceptual frame of reductive metaphysics, pulverizing everyday material objects, persons and artefacts, down to the ultimate stardust which everything material is admittedly made of. So, although formal mereology, like formal ontology more generally, does not include any constraint on its possible domain, the classical interpretation of it, going back to Goodman and Quine (virtually to Ockham), more recently further refined by Lewis, takes it to apply to whatever has space-temporal existence, as such. Cf. Lewis (1991).

18   "Die Lostrennbarkeit besagt nicht anderes, als dass wir diesen Inhalt in der Vorstellung identisch festhalten können bei schrankenlosen (willkürlichen, durch kein im Wesen des inalts gründendes Gesetz verwehrter) Variation der mitverbundenen und überhaupt mitgegebenen Inhalte; und dasselbe besagt, das dieser durch Aufhebung jedes beliebigen Bestandes mitgegebener Inhalte unberührt bliebe. (...) Husserl (1968), §5, pp. 235-36
See Mulligan and Smith (1982), p. 38.

"there is in the 'nature' of the content itself, in its very being, no dependence on other contents"[19].

Correspondingly, an integral whole is such that in its contained parts a constraint is given on possible variation of any other part contained, or "kept together" in that whole: a constraint or a "law", "rooted in the nature of the content itself", of *bound variation* of the contents associated with or "given together" with it. The "manner of togetherness" is different. A unity of containment, as opposed to a mere unity of aggregation, is a bound or a set of bounds determined by the nature of its contents that constrains possible (co)variations of the contents[20]. A sum can be seen as a limiting case of a whole, with no bond or constraint imposed on free variation of its contents. It represents a "manner of togetherness" *indifferent* to any "nature" of the component elements, *to their intuitively given being.*

Take the limiting case of a sum, i.e., of a whole whose degree of unitary foundation is zero. What constitutes this complete absence of bonds among its parts? Well, each of them can vary unlimitedly, without affecting the others. Provided it occupies a position in space-time, we can imagine replacing anything with anything else, obtaining more and more new sums. This is the Principle of Universal existence of Sums, which expresses their ontological innocence. Nothing new is added to reality by different groupings of elements.

Take any example of an integral whole. A group of birds, for instance, is such that you cannot replace one or more of the birds with just any sort of object (say, a bicycle) without destroying the group as such, the reality of the group. Or, again, consider a melody. The constraints on parts' possible variations will be even stricter. Not only will you be unable to substitute a sound with a non-sound, but you cannot put any sound in place of that one. Transposition is possible, but only by preserving the tonality relation. Hence, this is a clear case of bound variation.

Finally, take any ordinary object of the surrounding world, like a chair. A chair can vary in its shape and stuff pretty wildly, yet only as long as the possibility for a human body to sit on it is preserved. This yields the law of possible covariation for its components. A material object too is an integral whole. In short:

What we call the ideal essence or the nature of a thing is a bound or a constraint upon possible variation of its contents, beyond the limits of which variation that thing ceases to exist as the kind of thing it is. It is quite obvious that, once we have put essences into things in this sense, as what "contains" them or keeps them together as kinds of wholes, anything having a content of reality, or matter of fact, will also normative claims concerning its being, claims rooted in its "content". In a way, each thing has an "ideal norm", "*ein ideales Seinsollen*". What makes a beautiful melody out of a sequence of notes? What makes a chair a "good" chair?

Anything real and factual, in so far as it is grasped in its intuitively given contents (or, as Husserl would say, in its "*Seinsinn*") will also be a normative source of requiredness.

We might even stop here, for this is just another formulation of our thesis

$$WP \quad \rightarrow \quad VR$$

19   "Dass die Existenz dieses Inhalts, soviel an ihmselbst, seinem Wesen nach, liegt, durch die Existenz anderen Inhalte gar nicht bedingt ist, dass er, so wie er ist, a priori, d.i. eben seinem Wesen nach, existieren könne, auch wenn ausser ihm gar nichts da ware, oder wenn sich alles um ihn herum willkürlich, dass heist gesetzlos änderte.
Oder was offenbar gleichwertig ist: in der "Natur" des Inhalts selbst, in seinem idealen Wesen, gründet keine Abhängigkeit von anderen Inhalten, es ist in senem Wese, durch das er ist, was er ist, unbekümmert um alle anderen". Husserl 1901 - 1910) Logische Untersuchungen, II, I Teil, §5, pp. 235-36. English Translation Husserl 2001, vol. II §5, p. 9, italics by Husserl. See also Mulligan and Smith (1982), p. 38.
20   "Unitary foundation", or "unity of foundation" (Einheitliche Fundierung), is the Husserlian term for what we called "unity of containment". Husserl introduces it in §14 of the III Logical Investigation, when developing a formal theory of Wholes and Parts in terms of ontological dependence (Fundierung), unilateral or reciprocal, between parts and between parts and wholes, rooted in their very contents. This is what we termed an extended mereology, and might also be called a Holology.

5.2.2. Husserl's rejection of practical skepticism

But, thus framed, our thesis is still too general.

The very last step we have to do in order to see Husserl specific contribution to the refutation of ontological and axiological nihilism is to apply the idea of the gift of limits to syntax, semantics and pragmatics of any language. Syntax, semantics and pragmatics are not posits or conventions. They are the given structures of what we call language: its ideal essence.

With this point, we are far beyond Kant. Husserl would agree with Kant that our rationality presupposes freedom, or *autonomy*: for reason is surely a faculty for self-containment, or self obligation. Yet those constraints, that we can choose to accept or to reject, are not stated or construed by the subject – they are given "in" the things themselves. The constraints are what "keeps them together", what is given them by their *contents.*

It is on this basis that Husserl, in his early lectures on ethics, gives a compelling refutation of practical or value scepticism.

The value sceptic – or the value nihilist – says:

> Everything is permitted (no action is obligatory)

Now, for semantic and pragmatic reasons, every statement has its normative implications, i.e., it requires something to be done by the one who utters it. This claim, although independently formulated and advanced by John Searle on numerous occasions, had already been defended by Husserl in the *Logical Investigations*[21]. We may even say that it is the very heart of that text – especially of the Introduction, the "Prolegomena to a pure logic". Logic does nothing other than spell out the bonds of possible truth-preserving variations of expressions in any sentence of any language . Logic is in this sense, in a Fregean wording quite accepted by Husserl, "the theory of truth." The Idea of truth is the very first essence, or non-empirical datum.

But using language is an activity: for that reason, any logical truth has a normative version – a law of inference; and, more generally, any semantic structure, has a pragmatic counterpart, as soon as the propositional content is embedded in a speech act.

What is the pragmatic counterpart of the Sceptical Point? "Being permitted", "being due" are deontic predicates, they engage the one who asserts them universally – if he is a rational subject - to translate them into a rule of behaviour. So, the pragmatic equivalent of the Sceptical Point must be something like:

> I have the norm of not having any norm

Which is, as one can see, a pragmatic contradiction.

5.3. Scheler

It is not surprising that the only wholehearted recognition, by Scheler, of what he owes to Husserl goes back to the principle of priority of the given over the construed – and the corresponding epistemic role of direct knowledge or intuition. Scheler also, by implication, recognizes the other half of this principle, the structural one, namely, that form is given in the things themselves, not somehow projected by the subject.

And this point is the heart of the *pars destruens*, the critical import, of Scheler's *Formalismus* – his critique of Kant. Scheler aims at a "material" theory of values and ethics, but values are for him (and for Husserl as well, of course) only one class of essences, i.e., the class of axiological essences.

---

21   Husserl (1901-1910, 1968, 2001), see Prolegomena chapters I and II, especially §§ 10-16.

On the other hand, axiological realism (VR), is *the* core of Scheler's theory of values. Now, one naturally would like to know whether this thesis is simply dogmatically affirmed, or whether it can be justified, in uniquely Schelerian terms, on the basis of something similar to PW. Let us close by addressing these issues.

We can confidently answer in the affirmative that it actually *is* so justified, in so far as Scheler's criticism of Kant is not at all limited to Kant's ethics. On the contrary, the specifically ethical component of Scheler's critique is more deeply rooted in his criticism of Kant's theory of experience generally, and, to be more precise, of its structural component. That is, he takes aim at Kant's theory of the *a priori*.

Scheler's criticism consists of two points, each highlighting a basic Kantian error and advancing a positive alternative:

> 0.   Kant errs in identifying the *a priori* and the *formal*, but, Scheler retorts, there are also material *a priori*;
> 1.   Kant errs in identifying the material and the sensory character of what is given in experience, whereas, Scheler avers that there are also intuitive givens of a non-sensory character

What is the rationale for this criticism? In truth, we are already familiar with it. On the one hand, organization, form, and structure are given in and with the "things themselves", as the Gestalt psychologists demonstrated in the case of perceptual contents. Perhaps the most striking discussion of this point is Scheler's analysis of the perception of a cube, which could appear in a textbook of Gestalt Psychology.

Yet, on the other hand, according to Scheler the principle of given organization extends to all sort of contents, and not only perceptual ones, as we also saw above in Husserl's account[22].

Scheler's view has two more distinctive implications for our present discussion.

The first one is the radical – and almost cruel – character of his critique of Kant. Kant' philosophy, as depicted by Scheler, is haunted by an obsession of imposing some order to the given chaos. The "given", i.e., simply the input of sensory experience, is always a "plurality", a *"Mannigfaligkeit", and* order and form are first provided by subjectivity. Space and time are not bonds of the things themselves, but "forms of pure intuition"; any other structure or organization is just the product of "activity", spontaneity, in short "work" of the mind. This "form giving activity" becomes the central dogma   of post-Kantian German Idealism, as evidenced by Göthe's saying, "Am Anfang war die Tat". This amounts to a sort of protestant epistemology, a natural consequence of the "protestant work ethic", Scheler would no doubt retort.

The second point is still more interesting for our purposes. It is the rigorous application of the Husserlian account of mereology and its terminology to the realm of value. Friendship is a value. But where is it, which is its place in a world of facts? Friendship, manifests itself in a series of acts and behaviours of my friend, which can vary considerably, but which always remain within certain bounds, beyond which the friendship is destroyed. And yet, the value is not identifiable with those acts and behaviours, it always transcends the particular moments that realize it, since still more and different actions are always *required.* In short: those acts and behaviours cannot vary freely, but only within certain limits "rooted in the nature" of friendship. A value, as an axiological essence, is

---

22   Scheler (1916), p. 51.

a law of possible (permissible) human behaviour, hence nothing subjective.

When criticising empiricist theories of values as a subjective projection of human interests, strivings, conations, or even as just states of mind, Scheler self-consciously makes use of mereological language. Just as we perceive not sense data but rather qualified things such as green meadows or blue scarves, where the qualities "necessarily belong to the structure of the thing's unity", we are similarly not presented with value-data but with axiologically qualified things or facts, where value-qualities "belong to the structure of the good as a whole"[23]

A revealing footnote to this passage will suffice as the concluding piece of evidence that VR is justified on the basis of WP. In the just referred passage, Scheler underlines a striking parallelism between *"the structure of the thing's unity"* and *"the structure of the good as a whole"*, and points out, further, that "a small hierarchy of values is exhibited by any good". To see his point, consider a simple example. Take our upside down chair. A chair exhibits a small hierarchy of values, such as utility and beauty. The beauty of an artefact is rigorously founded (in the sense of unitary foundation) in its utility or function: a useless chair cannot possibly be a beautiful chair. And in fact, our useless chair in Koppenplatz was no chair – it was part of a monument. Not an artefact, but a "pure" work of art. On the other hand, a useful and beautiful chair is a more valuable good than a useful and ugly chair (an instance of value hierarchy).

Now the footnote clearly drives home the point:

"Since values first of all are distinguished into higher and lower, the word "hierarchy" is more appropriate to goods than the word "structure", which is best applied to things"[24]

In other words, structure is what keeps things together, and makes them *require* whatever moment they need to be what they are: structure is the source of normativity in the things themselves. But the specific structure of goods is hierarchy. Hence we find here the specific form of axiological requiredness, a hierarchical one.

Therefore, Scheler has given yet further support for our contention that VR is true because

> PW is true of the realm of the goods

and, moreover,

> PW → VR

So, by modus ponens, Value Realism is true, Q.E.D.

But demonstrating that has also revealed, as a reward for our work, the specific nature of axiological requiredness: hierarchy.

---

23 "Und andererseits ist gegen dieseAuffassung zusagen: Sowenig uns in der Wahrnehmung der natürlichen Weltanschauung »zunächst« Inhalte von Empfindungen »gegeben« sind, sondern vielmehr Dinge, diese »Inhalte« aber nur so weit und sofern, als sie das Ding als solches als Träger dieser Bedeutung, und in den besonderen Erscheinungsweisen, die zur Struktur der dinglichen Einheit wesensnotwendig gehören, kenntlich machen, so wenig ist uns in der natürlichenWerterfahrung »zunächst« die pure Wertqualität gegeben, sondern diese auch nur sofern und soweit, als sie das Gut als ein Gut dieser bestimmten Art kenntlich macht und in den besonderen Nuancen, die zur Struktur des Gutes als eines Ganzen gehören. Ein jedes »Gut« stellt bereits eine kleine »Hierarchie« von Werten dar; und die Wertqualitäten, die in es eingeben, sind unbeschadet ihrer qualitativen Identität in ihrem fühlbaren Sosein noch verschieden gefärbt ». M. Scheler (1916), pp 14-15.

24 "Da sich Werte vor allem nach höher und niedriger scheiden, so setzen wir besser beim Gut das Wort »Hierarchie« als, wie beim Dinge, «Struktur«.", ibid., p. 14.

REFERENCES

De Monticelli, R. (2013), "Constitution and Unity – Lynn Baker and the Unitarian Tradition", *The Monist*, 96-2, January 2013, pp. 4-34;

Geiger, M. (1996), *Il metodo di A. Pfaender*, in G. Scaramuzza, *Estetica monacense. Un percorso fenomenologico*, CUEM, Milano;

Husserl, E. (1891), *Philosophie der Arithmetik* – Text nach Husserliana XII, Felix Meiner Verlag, Hamburg 1992;

Husserl, E. (2001), *Logical Investigations*, Engl. Transl by J.N. Findlay, Routledge, London and New York, Third Logical Investigation, vol. II, 1-46;

Husserl., E. (1901 – 1910, 1968) *Logische Untersuchungen,* II, I Teil, Vte Auflage, Max Niemeyer Verlag, Tübingen 1968;

Köhler, W. (1938, 1966), *The Place of Value in a World of Facts*, A Mentor Book, New York;

Leonard, H.S, and Goodman, N. (1940), 'The Calculus of Individuals and its Uses', *Journal of Symbolic Logic* 5, pp. 45-55;

Lesniewski, S. (1916) English Translation (1992), *Foundations of a General Theory of Sets, I*, in *Collected Works*, vol. I, ed. by S. J.Surma, Kluwer, Dordrecht;

Lewis, D. (1991), *Parts of Classes*, Blackwell, Oxford;

Mulligan, K., Smith, B. (1982), *Pieces of a Theory*, in Smith B. (ed) (1982), *Parts and moments. Studies in Logic and Formal Ontology*, Philosophia Verlag, Muenchen Wien;

Scheler, M. (1913), *Der Formalismus in der Ethik und die matériale Wertethik – Neues Versuch der Grundlegung eines ethischen Personalismus*, Sonderdruck aus: „Jahrbüch für Philosophie und phänomenologische Forschung", Bd. I u. II, Herausgegeben von von E. Husserl, Freiburg i.B., Max Niemeyer Verlag, Halle a.d.S.

VENIERO VENIER

Università degli Studi di Udine

venierovenier@gmail.com

GOVERNING EMOTIONS.
HUSSERL AND PERSONAL VOCATION

abstract

Husserl's work contains a central ethical question: the creation of a personal order in relation to values and their cognition. An order in which the fundamental structure of the actual idea of a person is revealed: that of being the essential tie between feeling, motivation of volition and logical-argumentative coherence. This value is felt emotionally but the true understanding of the value only occurs in rational choice, when feeling is concretely translated into value; only when the intellect recognises what has become manifest in emotional acts, does the value actually become such and can act as a motivation for rational action. As its consequent result, the ability of evaluation makes use of the understanding of the meaning of the personal unit: the actual faculty of self-evaluation and self-determination, of self-regulation towards the good and right. It is the theme of centrality that the process of self-formation as the education of the self assumes in Husserlian ethical discourse as the capacity to relate the general norm to one's own order of values, to one's best, that corresponds to the very question of personal vocation according to Husserl. This is certainly an individual ideal but at the same time, also a social ideal since the actual life of a community can take on the form of an ethical life characterised by collective renewal, but only on the basis of the capacity for individual renewal.

"Ich, als der ich bin, kann mich von diesem Reich des Schönen (und, praktisch gesprochen, des im reinen Sinne Guten) nicht trennen, es verwirklichen ist meine Sache, hier ist das Reich meiner Berufspflichten" (Husserl 1959, 16).

1.
Personal
Order

At the beginning of *Ordo Amoris* Max Scheler speaks of an interminable process in which my action, passions, volitions and cognitive perception are involved, and from which any kind of rightness, falsity or distortion of my life and my action may be determined, ""ob es eine *objektiv rechte Ordnung* dieser Regungen meiner Liebe und meines Hasses, meiner Neigung und Abneinung, meines mannigfaltigen Interesses an den Dingen dieser Welt gibt, und ob es möglich sei, diesen "*ordo amoris*" meinem Gemüte einzuprägen" (Scheler 1986, 347). It is not difficult to glimpse a fundamental phenomenological theme of Schelerian thought behind this statement, in other words, that each individual experience is rooted in the world of values and the concealment of the *nucleus* that underlies each personal action in those roots.

According to Scheler, the personal radication in the world of values, its order or possible disorder, corresponds "auf die besondere Art des Aufbaus seiner Liebes- und Haßakte und Liebes- und Haßpotenzen" (Scheler 1986, 348), and also represents a sort of fundamental rule for reciprocal recognition: "*wer den ordo amoris eines Menschen hat, hat den Menschen*" (Scheler 1986, 348), those who understand the *ordo amoris* of another person, understand the fundamental ethical value, the fundamental structure of values of his individual personal being.

Following the period of his *Logical Investigations*, the *binding* relationship between reason, knowledge and the world of values was a central subject for Husserl as well. Using words that evoke the themes of Scheler's *ordo amoris*, Husserl asks himself: "wie soll ich mein Leben und Streben vernünftig ordnen, wie dem quälenden Zwiespalt mit mir selbst entgehen, wie dem berechtigen Tadel der Mitmenschen? Wie kann ich mein ganzes Leben zu einem schönem und guten gestalten und, wie der traditionelle Ausdruck lautet, wie die echte Eudaimonie, die wahre Glückseligkeit, erlangen?" (Husserl 1988, 11).

 In a passage in the *Formalismusbuch,* Scheler describes the axiological nuance of an object (*Wertnuance*) as the "*Medium*", which precedes it and is the first messenger (der erste Bote) of its image and conceptual meaning (cf. Scheler 1980, 40). Husserl also believes that the value *informs* itself of the actual *object* and is *perceived* through specific emotional acts. In Husserl's analyses this interweaving is also essential between the volitional motivational sphere that involves the values and the emotive

sphere through which they are displayed, and are perceived and recognised as such. In view of these *schelerian suggestions*, we shall try to discuss in Husserl, albeit generally, the creation of a personal order in relation to values and their cognition. An order in which the fundamental structure of the actual idea of *personal vocation* is revealed: that of being the essential tie between the emotional sphere (*Gemüt*), the motivation of volition and logical-argumentative coherence.

By analysing value, according to Husserl, the emotive sphere is not only an anti-predicative dimension of cognitive judgement but also a condition for its concrete enrichment of meaning. Via the value and the sphere of emotive perception (*Fühlen*) it is tied to, the restricted, formal meaning of the predicative enunciation can also be expanded, or *coloured*. For example, "das Wohlgefallen an einer Blume (...)Vom Gefallen selbst her kommt über den durch die Wahrnehmung gelieferten Merkmalgehalt hinaus der gesehenen Blume etwas zu, sie nimmt von daher an, nämlich den Charakter des "reizend", "schön", "lieblich" u.dgl. Leicht gehen wir aus der Einstellung des gefallens, der pure Ichzuwendung im Gemüte, über in die Urteilseinstellung, in der das "schön", das "reizend" nun in einem erfahrenden Glauben erfaßt und dann (...) prädiziert wird. Alle solchen Prädikate haben also vorprädikativ und vor der erfassenden Erfahrung ihren Ursprung im Gemüte; ebenso wie andere Prädikate, die des Guten und Schlechten, des Nützlichen oder Zweckmäßigen oder Schädlichen, in dem mit dem wertenden Gemüt verbundenen Wille ihre Quelle haben" (Husserl 1959, 24).

Unlike Kant, according to Husserl, aesthetic judgement can be translated into cognitive judgement. And this may occur thanks to the dual aspect of the value: that of becoming manifest in the emotive sphere and the correlated one of it becoming concrete through the rational choice of the agent volition that recognises it as such and *appropriates* it as its fundamental *motive*. As in the aforementioned example, it is the value that acts as a bridge, permitting the transition from the dimension of the aesthetic feeling to that of the cognitive, from the feeling of pleasure caused by the beautiful to the cognition of that feeling as a value of beauty.

In its immediacy the emotive sphere is therefore the manifestation of the value that, in turn, reveals itself as a condition for more detailed cognitive experience and its being able to express itself in predicative enunciations. Husserl sees this as a characteristic that can be extended to all the sciences as human forms of culture, representing their unique characteristic: "Alle Kulturwissenschaften im spezifischen Sinn der Wissenschaften von der Kulturgebilden haben statt bloßer Natur mit Prädikaten bloßer Natur gerade solche aus dem Gemüt stammenden, also auf das wertend und wollend gestaltende Subjekt zurückweisende Prädikate in ihrem thematischen Bereich" (Husserl 1959, 25).

The value is therefore perceived emotionally but the true understanding of the value only takes place in rational decision, in other words when the emotion is concretely translated into value: only when the intellect recognises what has become manifest in emotional acts as a value, does the value actually become such. In a manner of speaking, first of all there is an ingenuous, unreflected attitude of the value in its manifestation through the emotional sphere, followed by a positive moment, correlated to the former, in which the value is authentically perceived and can concretely be desired and act as a motivation for rational action.

According to Husserl, artistic creation and its relationship with the value of beauty comprises an intentional movement that starts with the affective perception of the value being offered in the emotive sphere; thanks to its cognition it becomes the guiding principle of the practical activity, the implementation of which results in the total fulfilment and total satisfaction (*Erfüllung*) of the original intuition. "Das Gemüt ist es, das rein in sich wertet, und der handelnde Wille, der rein in sich oder als

solcher das Schöne gestaltet. Die Wahrheit, die Echtheit des Wertes und dann des Werkes bekundet sich ursprünglich naiv wiederum im Gemüt, in der reinen Befriedigung, wie praktische Realisierung des Schönen sich in der fundierten Befriedigung der Erzielung bekundet" (Husserl 1959, 25).

However, it must be pointed out that according to Husserl, there is also a superior instance: that of the *responsibility of knowledge,* which, through the different ways of knowing, that of judgement and of its logical forms, can lead the intuition of the value to evident and general rules.

2.
Ethics and
Logic

There is a profound analogy, a logical analogy between knowledge and evaluation, between cognitive consciousness and the emotive and volitive. Both presuppose an *intentional stance*[1], that is, the question of correctness or incorrectness of one's own intentions and validity; in other words, they presuppose the *question of value.* This is a premise they both clearly have in common but it must not lead to confusion regarding their different quality, their different specific-essential difference, which, according to Husserl characterises the different ways of experiences of consciousness (cf. Husserl 1988, 61 and following). As is generally known, according to Husserl, the meaning of what is intentionally thought varies in the way it is thought. For example, the consciousness of the memory of a landscape is clearly different to the perception of a current experience, but this does not mean that both do not have their own rational legitimacy; on the contrary, they are simply different experiences in which the landscape is the object of an experience of retention in the one case and of perception in the other (cf., for example Husserl 1976, § 136).

It is precisely the need in itself for rational comprehension that must therefore not confuse emotive with logical reasoning. In his *Logical Investigations* Husserl was already discussing the confusion of the two fields with the two extremes he highlighted: the psychologistic in which logical reasoning is transferred to the emotional sphere, translating it into a sort of sentimentalism that is displayed only in feeling, and the intellectualistic that tends to exclude any emotive dimension in the rational sphere, reducing it to pure logical activity. However, the crucial point, which can certainly not be taken for granted, is that in which logical reason is necessary for the clarification of the emotive and volitive sphere. "Die logische Vernunft muß also gleichsam auf das Feld der praktischen hinblicken, muß dieser das Auge des Intellekts geben" (Husserl 1988, 64).

As mentioned earlier, with its unique qualities axiological reason is only displayed thanks to emotive acts, and only on the basis of the experience of emotive consciousness. The emotive sphere therefore governs decisions, evaluations and the recognition of contents of value, requiring a specific stance, in other words, requiring they be highlighted, ascertained, determined, and objectivised in the specific meaning of the term that is one of its specific tasks. In a certain sense it is up to logic to reveal what is already present in the emotive experience as it does not invent anything since, "die axiologische Vernunft mit ihren Beständen ist sozusagen sich selbst verborgen" (Husserl 1988, 63). According to Husserl, compared to the other rational fields, logical reason has an extraordinary *normative* prerogative: that of predicating the laws of correctness and inference not only as far as its only field is concerned, but also regarding every other sphere of reason. Logic therefore offers practical reasoning an argumentative ability, *giving voice to it* and *clearly showing* its rational contents without which it would be totally blind (cf. Husserl 1988, 68-69).

---

1   The underlying question here concerns the famous distinction, found in the Fifth Logical Investigation, between objectivising acts, experiences of consciousness in which an object becomes directly manifest and non-objectivising acts that depend from the former owing to the relationship with the object, as is the case with volitive-emotional acts. Thanks to the theme of value and its volition, Husserl gradually attenuates this distinction, and also expands the direct nature that competes with the objectivising acts to the emotive and volitive experiences – although in a much broader sense - as can be seen clearly in paragraph 17 of Ideen I, (cf. Husserl 1913, 390, Husserl 1976, 241-245).

However, there is another aspect that binds logical theoretical reason (*theoretische Vernunft*) to practical reason and it is according to this aspect that practical reason has to act in the form of rational coherence (*in Gestalt vernünftiger Konsequenz walten*) (cf. Husserl 2004, 4-5). Although there are parallels so that both in theoretical reason and practical reason one talks of correct and incorrect, value and valueless, all of this takes place in different meanings as the value of a logical inference obviously has a different meaning to that of the adequacy of the relationship between the means and purpose to achieve an objective. The decisive question practical and theoretical reason have in common is, on the other hand, a question of right: that is, to what extent their assertions can be proven and justified. However, for practical reason the question of fact, i.e. which fundamental objectives are guiding human action, is not particularly fundamental whereas that of value is, i.e. if those objectives have to be followed since they actually deserve to be pursued (cf. Husserl 2004, 6). This then raises a further question for Husserl, not only querying the single fulfilment of single objectives, but the true ethical question that extends the reason of individual aims and volitions to their subordination to a supreme end, the *normative* issue par excellence: that of the order of our values that each *living will* has to fulfil to achieve one's best.

The order of values – and the determination of the will underlying them – clearly moves Husserl's discussion from the analogy between theoretical and practical reason to the sphere of personal ethics: "Etisch" nennen wir nicht nur Wollungen und Handlungen mit ihren Zielen, sondern auch bleibende Gesinnungen in der Persönlichkeit als habituelle Willensrichtunhgen. (...)So nennen wir mancherlei Freude, Trauer bald, "schön", edel, bald böse, niedrig, gemein, und sehen darin etische Prädikate, und ebenso entsprechende Gesinnungen, habituelle Gefühlsrichtungen wie Liebe und Hass. Wir beurteilen so die sämtliche habituellen Gemütseigenschaften und zusammengefasst den ganzen "Charakter" einer Person als etisch oder etisch verwerflich (...)und so schließlich und ganz besonders die Person selbst" (Husserl 2004, 8).

Here the capacity to evaluate is not only transformed into the question of understanding the meaning of the personal unit, the unit of a human life in its entirety, but also as the very faculty of self-evaluation (*Selbstbewertung*) and self-determination (*Selbstbestimmung*). This is the centrality that the process of personal self-formation as the education of the self assumes in Husserl's ethic discourse as is the capacity of recognising the relationship between the rule and one's own personal order of values (cf. Husserl 2004, 9).

There is nothing abstract or purely formal about these rules. But they are the constant content of the capacity itself to know how to recognise and perceive them as personal rules. In other words, they underlie knowing how to identify what I regard as an absolute obligation, the *having to be* in my individual personal declination that according to Husserl corresponds to my personal vocation for my best. This capacity consists in knowing how to compare the general rule with the issues that affect us directly and involve the order of our values and preferences very closely. For example, "die konkrete etische Frage, "Wie soll ich mein Leben zu einem wahrhaft guten gestalten?" schließt dann ja die Frage in sich: 'Ist meine Sache, das für mich absolut Gesollte, den wissenschaftlichen Beruf zu ergreifen oder nicht vielmehr einen praktischen Beruf?'" (Husserl 2004, 9).

There is therefore also a fundamental aspect that ties the value to reason: it is that of acting as a release from the passive, pulsional reality of one's own affects and inclinations whilst requesting *government* through the free expression of the personality that *wants* to understand both, giving them form and then translating them into effective values, that is, in concrete motivations of a conscious and rational act. In other words, reduced to essential terms, this is the *teleological* meaning of ethical

3. Personal Vocation

life according to Husserl, and of the main weight the word vocation (*Berufung*) acquires: that of the supreme aim, the fulfilment of oneself, which each individual is called to without hindrance in the creation of his/her own order of values. This is, however, an order that has to be able to regenerate itself in continuation in a gradual process that Husserl believes is only possible on the basis of the ideal rule of an absolute rational *τελος:* a pole that transcends any finiteness and, at the same time, an infinite desire, "das jeder etische Mensch in sich trägt, das er unendlich ersehnt und liebt und von dem er sich immerzu unendlich fern weiß" (Husserl 1989, 34). *Τελος* that is the countermelody to the finite dimension of the continuous inclination towards *the best man possible,* to the *immerwieder* of that science-consciousness that on each occasion presents itself to the ethical subject as the best possible (cf. Husserl 1989, 30, 40).

This all corresponds to the essential nature of human life which is that of tending towards the good, always aiming at one's best, aspiring to the affirmation of positive values even in every negative aspiration, as is the case when, for example, one wants to flee from sensitive pain that actually proves to be just a passage towards positive aspiration: "Die Schmerzlosigkeit, in der das Wegstreben sich enspannt - ebenso wie die Lustlosigkeit im Falle der letzen Entspannung des Luststrebens durch Auskosten des genossenen Wertes, 'bis zur Neige' -, motiviert alsbald neue positive Strebungen, darauf gerichtet, die entstandene Leere mit positiv Wertigem auszufüllen" (Husserl 1989, 25).

Despite the continuation of disappointment and defeat, according to Husserl each existential-personal dimension always comprises a fight for a life full of value, a life that can be translated into ethical life when the subject is no longer relegated to the lowest rank, submitted to the passive theatre of motivational forces fighting with one another, but when it tries to embrace in its entirety the view of its own life and give it, with true consciousness, a satisfying government, a complete form of the order of one's own values, the form of a happy life (cf. Husserl 1989, 25).

Against any relativism whilst against any abstract universalism, according to Husserl each destiny is therefore inscribed in one's own individual history, in free personal volition, and on this basis, also in collective volition. This is therefore a destiny that always strives towards the formation of an order of personal values and their consequent hierarchy, one that can never be absolute, but must always follow the path that is constantly full of difficulties of individual renewal in which the superior values absorb the inferior ones in a process of continuous development and direct themselves according to the ideal paradigm of knowledge and science, in which the truths produced in the lower levels are preserved and merge with the theories of the upper levels (cf. Husserl 1959, 13-14).

The ideal of knowledge is therefore not an abstract ideal but one that is always in movement of the *consciousness of the self* (*Selbstbewußtsein).* Self-awareness, being constantly directed towards oneself, marks the detachment from the immediacy of an ingenuous life that is totally submerged in one's own environment (*Umwelt*). It is the starting point for one's own *self-evaluation* (*Selbstbewertung*) that has to reflect on the possibility of success or failure, satisfaction or dissatisfaction, happiness or unhappiness that, in turn, comprise the premise for one's practical self-determination (*praktische Selbstbestimmung*) (cf. HUA XXVII, 34-35).

The origin of the normative ideal of knowledge of the self remains an ingenuous consciousness with its *content* of feeling obliged to *overcome* it; this is a duty that is not limited to the specific domain of one's own competence, such as, for example, the one followed by a scientist in the specific field of knowledge, a normative coherence towards the constant re-definition of one's own knowledge but might be completely ingenuous in other domains of one's own life. According

to Husserl this ideal is the normative paradigm par excellence that embraces life in all its activities, and in all its existential fields.

The essence of volition and ethical action therefore mainly consists in the fact of not being an ingenuous act and not even being a purely voluntaristic need: its rational motivation lies in the awareness of one's own normative capacity (*im Bewusstsein seiner Normhaftigkeit*), which is what motivates it (cf. Husserl 2004, 247). However, on its own, this normative capacity is not sufficient to establish an ethical life, as even a criminal, for example, could set himself and follow criminal objectives with both coherence and method for entire stretches of his existence. More fundamentally, the true ethical sense is that of questioning the possibility of directing one's own life towards what is good and right in a manner that is inseparable from the study of one's best, the search for the implementation of one's own personal vocation: "Ich will mein Leben, mein ganzes Leben von nun ab in allen seinen Akten und mit seinem gesamten Erlebnisgehalt so leben, dass es mein bestmögliches Leben sei; mein bestmögliches, d.h. das bestmögliche, das ich kann" (Husserl 2004, 252).

According to Husserl, a subject is such in its concise sense when it is truly the subject of volition (*Willenssubjekt*): in other words, when it no longer passively follows the course of affect and pulsions, but *evaluates* itself as a subject of volition. When coherently following or neglecting one's own vocation, subjects are faced with their own personal choice through which they can evaluate themselves and act correctly or incorrectly (cf. Husserl 1989, 24). This is certainly an individual ideal but according to Husserl, at the same time also a social ideal since the very life of a community can take on the form of an ethical life characterised by collective renewal, only on the basis of the ability to individual renewal that is then revealed as its necessary and indispensable premise (cf. Husserl 1989, 22-23).

REFERENCES

Husserl, E. (1913), *Logische Untersuchungen*, II/1, Niemeyer, Tübingen, 1913;

Husserl, E. (1988), *Vorlesungen über Ethik und Wertlehre 1908-1914*, Husserliana XXVIII, Hrsg. U. Melle, Kluwer, Dordrecht, 1988;

Husserl, E. (1976), *Ideen zu einer reinen Phänomenologie und phänomenologische Philosophie. Erstes Buch. Allgemeine Einführung in die reine Phänomenologie*, Husserliana III, Hrsg. K. Schumann, Martinus Nijhoff, Den Haag, 1976;

Husserl, E. (2004), *Einleitung in die Ethik. Vorlesungen Sommersemester 1920/1924*, Husserliana XXXVII Hrsg. H. Peucker, Kluwer, Dordrecht, 2004;

Husserl, E. (1989), *Aufsätze und Vorträge* (1922-1937), Husserliana XXVII, Hrsg. T. Nenon und H. R. Sepp, Kluwer, Dordrecht, 1989;

Husserl, E., (1959), *Erste Philosophie (1923-1924). Zweiter Teil. Theorie der phänomenologische Reduktion*, Husserliana VIII, Hrsg. R. Boehm, Martinus Nijhoff, Den Haag, 1959;

Scheler, M. (1980), *Der Formalismus in der Ethik und die materiale Wertethik. Neuer Versuch der Grundlegung eines ethischen Personalismus*, Gesammelte Werke II Francke Verlag, Bern/München, 1980;

Scheler, M. (1986), *Schriften aus dem* Nachlass, *Band I*, *Bouvier*, Gesammelte Werke X, Bonn, 1986.

VIRGINIA SANCHINI

IEO - Istituto Europeo di Oncologia; Università Statale di Milano

virginia.sanchini@ieo.eu

NOT KANT VS. SCHELER, BUT EITHER KANT OR SCHELER. FROM *CONSTRUCTION* TO *FOUNDATION* OF ETHICS

abstract

Scheler's moral theory is often presented as a critical reaction to Kantian formalism. The majority of contributions on this topic deals with Scheler's proposal of an a priori *material ethics in contrast with the* a priori *formal ethics developed by Kant, or with the critical analysis of the eight prejudices ascribed by Scheler to Kant. A very few of them, however, explore their respective foundational attempts to see why such a conflict actually arises. This paper addresses exactly the foundational issue, trying to fulfill this empty space in the literature. In particular, by briefly investigating the third section of the* Groundwork of the Metaphysics of Moral *and the doctrine of the Fact of Reason depicted by Kant in the second* Critique *on the one hand and the phenomenological theory of values elaborated by Scheler on the other hand, it will be shown that the disagreement between the two authors should not be ascribed to a real incompatibility, but rather to a different way of conceiving what the foundation of ethics actually is.*

keywords

Kant, Scheler, ethics, foundation, the fact of reason, values

1.
Introduction

Scheler's attempts regarding ethics clearly emerges up to the Preface to the first edition of his *Formalism in Ethics and Non-Formal Ethics of Values: A New Attempt Toward the Foundation of an Ethical Personalism*[1]:

> "to lay a foundation, not to elaborate the ways in which the discipline of ethics applies to all of concrete life" (Scheler 1973, Preface to the first edition, xvii).

Similarly, a few lines above, Scheler explicitly mentions against whom his ethical theory is addressed: the Kant of the *Critiques* (Spader 2002). Therefore, in order to comprehend Scheler's ethical theory, it is necessary both to analyze what it means, according to Scheler, to provide a foundation of ethics and to what extent the foundation of ethics and, more generally, the ethical theory depicted by Scheler strictly differs from the one elaborated by Kant.

2.
A Brief Sketch into Scheler's Moral Theory (With Regard to Kant's One)

From the beginning of his seminal masterpiece, Scheler appears to be firmly convinced of what an ethical theory, aiming to be scientific and rigorous, should do. First of all, far from being banished only to its theoretical dimension, ethics should elaborate and formulate principles able to provide a concrete practical guidance for human actions. In the Preface to the second edition of the *Formalism* Scheler indeed claims that ethics is a

> "damned bloody affair, and if it can give me no directive concerning how I should live now in this social and historical context, then what is it?" (Scheler 1973, Preface to the second edition, xxxi).

Moreover, in order to be a secure guidance for the actions, ethics should rest on roots much more robust than those on which ethics have been grounded so far. Indeed, only by providing a robust foundation to ethics, those tendencies that have tried to put into question the strength of ethics such as moral skepticism and relativism might be definitely defeated. Agreeing with Kant, Scheler believes that commonsense ethical theories and utilitarian principles cannot serve this purpose (Blosser 2002, p. 396), mainly because of their incapacity to ground an *a priori* ethics. However, differently from Kant,

---

1   From now on "Formalism".

Scheler rejects the idea that lawfulness might be found in the accordance of the will to a formal law, the *categorical imperative*, and become persuaded that only a phenomenological theory of values might provide a robust foundation of ethics.

Despite the "unconditional reverence for Kant's work" (Scheler 1973, Preface to the first edition, xvii) and, in the meantime, the idea that Kant is right in rejecting goods and purposes-based ethics for their inevitable a posteriori nature (Scheler 1973, p.45), Scheler rejects some "assumptions" (Scheler 1973, pp. 6-7) lying behind Kant's ethics. Among them, he particularly opposes to the one affirming the dichotomical relationship between reason and sensibility[2] and to what follows, within Kantian ethics, from the acceptance of this distinction: the identification of the *a priori* with the rational and the formal on the one hand and of the a posteriori with the sensible and the material on the other hand (Ibidem). Following the critique of sensualism put forward to Kant by Husserl, Scheler finds the roots of this fundamental mistake in the fact that Kant sensualizes feelings (Zhang 2011, p. 147). By excluding Brentano's distinction between feelings of lower level and feelings of higher level, and by believing that feeling has nothing to do with the foundation of ethics, Kant cannot but conceive the "rational feeling" as an inconsistency. On the contrary, as the title of his masterpiece clearly suggests, Scheler's aim is to show that a material ethics that is in the meanwhile *a priori* is possible. Actually, Scheler's main thesis is not only that an *a priori* material ethics is possible, but also that only by grounding ethics on matter the *a priori* nature of ethics would be eventually safeguarded.

Beside the observation that rational feelings might actually exist (and, therefore, that Kant's denial of them constitutes a robust mistake), Scheler adds that by excluding matter from moral domain, Kant cannot grasp the overall dimension of morality. In other words, according to Scheler, the Kantian ambition of a universal ethics is immediately broken off by the exclusion of feelings from the moral domain. Indeed, even if we agreed with Kant that feelings cannot be those kind of things on which ethics might rest, they would seem otherwise to fulfill a very important role in moral experience. Therefore, by entirely excluding them from moral domain, Kant is excluding *per se* his own demand of a universal ethics in favor of a partial based-ethics.

At this point, an answer to the following question seems unavoidable to move on: provided that it might be intuitively true that the sphere of feelings has something to do with morality, on what elements a material *a priori* ethics might be grounded?

Although Scheler immediately claims to owe to Husserl regarding both the phenomenological method he adopts and concept of the intentionality of consciousness he makes use of, nonetheless, from the very beginning, he feels not bound to the way in which the latter has developed these ideas. The main contribution made by Husserl in this respect was to demonstrate that consciousness is always intentional, meaning that it is not an empty concept but it is always consciousness of something. Moreover, according to Husserl, this 'something' towards which consciousness is directed is always an *a priori* content, and, more precisely, an essence. Because of that, Husserl speaks of "eidetic consciousness", since these *a priori* contents or 'facts' are pure facts existing independently of their instantiation in objects.

Starting from Husserl's phenomenological reduction, Scheler develops more radical considerations. Among them, the central one is that the process of phenomenological reduction is not a mere cognitive process. On the contrary, the very acts of "idealization" and "derealization" of the world and the Ego, involve the entirety of person (Scheler 2009). Differently from Husserl who recognizes the importance of feelings but, in the end, accords the primacy to the logical-theoretical[3], Scheler claims

**3.
Scheler's
Foundation
of Ethics: a
Phenomenological
Theory of Values**

---

2   As some authors (see for example A. Da Re, Filosofia Morale. Storia, teorie, argomenti, Bruno Mondadori, 2008) have properly suggested, Kant takes inspiration from the dualistic anthropological conception elaborated by Hume. However, differently from Hume who awarded the primacy to sensibility, Kant inverted the Humean trade off, finally ascribing to Reason the central core of his ethical system.

3   As Blosser suggests, this is because Husserl believes that "the acts of willing and feeling are 'founded' in intellective acts and grasped only by means of the intellect's predicative acts of thematization and objectivisation" (p. 396).

that the content of consciousness is primarily a material content. More precisely, consciousness 'intentions' axiological qualities or values that might be grasped only through a direct intuition, not through a logical and intellectual process. In Scheler's words,

> "value-ception [...] precedes all representational acts according to an essential law of origins. Its evidence is largely independent of the evidence of representations" (Scheler 1973, p. 201).

> "any intellectual comprehension of what something is presupposes an emotive value experience of the object [...] Value-ception always precedes perception" (Scheler 1973, p. 109).

Moreover, Scheler criticizes Husserl's assumption (considering his as a platonic) according to which essences or, in Scheler's words "values", exist as something in themselves, independently from their instantiation in objects. According to Scheler, there is a distinction but also a strong relationship between values and the sensible things in which the values are embedded – the goods. While values are *a priori* and objective, goods are a posteriori and relative. However, despite these two entities deeply differ, values are not independent from goods in the sense that the only way for a value to be grasped is by grasping the good in which the value is instantiated (Scheler 1973, p. 19). Like colors, values actually *exist only when realized in their bearers*.

To say that the perception of values cannot be but an emotional perception means, for Scheler, that the *a priori* is not imposed to consciousness by Reason, but "it is given in intuition", where, by this expression, Scheler means that it is "phenomenologically experienced". If the perception of values is grounded on an emotional *a priori* and if we accept that the sphere of emotions and values might be *a priori*, then the perception of values is the perception of something objective. However, Scheler's proposal goes a little bit further, because his attempt is not only to show that the material is objective and *a priori*, but also that values arrange themselves in an objective order of relationships. In other words, according to Scheler, values are hierarchically disposed. Ranked from lowest to highest, these include: sensory values, vital values, cultural values, and, at the top, religious values (Scheler 1973, p. 20).

To conclude, ethics, from Scheler's perspective, rests on a material content – the values – that is, in the meantime, an a priori content. This content is not perceivable independently from the thing in which it is embedded, and it is given to consciousness through an emotional experience. Ethics is therefore grounded because it rests on a hierarchy of absolute and objective values that anyone might perceive, and that is both able to bound judgments and to provide a practical guidance for the actions.

4.
From Foundation to Construction: Kant's Foundation of Ethics

The expression "foundation of ethics" with respect to Kant might appear rather misleading. Indeed, Kant tries to ground his ethics twice: first of all in the third section of the *Groundwork of the Metaphysics of Moral* (from now on *GMS*) and, later, in the seventh paragraph of the *Analytic* of *The Critique of Practical Reason* (from now on *KpV*). Both these attempts will be discussed in the next paragraph. Traditionally, the relationship between the two attempts is explained as follows: in the *KpV* Kant would correct what affirmed in the former work, since what claimed in the third section of the latter now appears to him as a vicious circle[4]. Even if we did not consider appropriate such an interpretation, it seems however undeniable that the foundation of ethics provided in the work of 1788 represents an inversion of what previously affirmed. Indeed, whereas the aim of *GMS III* is exactly to provide a *deduction* of the categorical imperative, highlighting its condition of possibility, in the

---

4   See for example: Allison H., *Kant's Theory of Freedom*, Cambridge University Press, 1990; Ameriks K., *Kant's Deduction of Freedom and Morality*, in "Journal of the History of Philosophy", 19, 1981; Beck L.W., *A commentary on Kant's Critique of Practical Reason*, The University of Chicago Press, Chicago 1963; Heinrich D., Schulz W., Volkman-Schluck K.-H. (by), *Der Begriff des sittlichen Einsicht und Kants Lehre vom Faktum der Vernunft*, in *Die Geganwart der Griechen in Neuren Denken*, Tubingen 1960, pp. 77-155; McCarthy M.H., *Kant's Rejection of the Argument of the "Groundwork" III*, in "Kant-Studien", 73, 1982.

KpV he claims that moral law cannot be demonstrated through a deductive reasoning. Given that, most commentators believe that the relationship between the two works might be better explained in terms of a breech rather than a progression[5].

Kant's main purpose in the *GMS* was to ground the supreme principle of morality on its condition of possibility, the autonomy, so to infer the existence of the former from the existence of the latter. However, the effective way in which such an attempt was carried out varied a lot from Kant's first plan. The impossibility of demonstrating the existence of autonomy entailed also the impossibility of demonstrating the existence of the moral law, and, consequently, the necessity to obey to its command. The only way in which such an obligation could be recovered is by introducing the perspective of Reason, beside the one of sensibility, and to highlight the superiority of the former over the latter. This last consideration grounds its roots in the Kantian belief of the superiority of the so defined "intelligible world" over the "sensible world". The intelligible world is superior, according to Kant, to the sensible world since the former is the condition of possibility of the latter, meaning that the sensible world is grounded in the intelligible world. However, the belief that the roots of the sensible world might be founded in the intelligible world, seems in turn to be grounded in the Kantian belief that man as an intelligible being is superior to man as a sensible being.
The clear circularity of this argument showed to the Kant of the *GMS* the impossibility of further justifying the obligation in the moral law. The only 'certainty' which might be grasped at the end of the *GMS* was hence that

> "we do not indeed comprehend the practical unconditional necessity of the moral imperative, but we nevertheless comprehend its incomprehensibility; and this is all that can fairly be required of a philosophy that strives in its principles to the very boundary of human reason" (Kant 1785, p. 66).

The arrival point of the *GMS* – that the justification of the obligation of moral law lies in the assumption of an alleged intuition of man as a rational being – appears completely exceeded up to the first rows of the *KpV*. Here Kant indeed claims that the theoretical demonstration of autonomy is unnecessary in order to demonstrate the existence of moral law. The explanation he provides is the belief that the foundation of ethics does not rest anymore in the intuition of the noumenic nature of man, but in the consideration of moral law as the Fact of Reason. Hence, in order to understand of what kind the foundation provided by Kant is, the analysis of the Fact of Reason seems unavoidable. The Kantian theory of the Fact of Reason is formulated in the notation following the seventh paragraph of the *Analytic of Pure Practical Reason*:

> "We may call the consciousness of this fundamental law a fact of reason, because we cannot reason it out from antecedent data of reason, e.g., the consciousness of freedom (for this is not antecedent five), but it forces itself on us as a synthetic a priori proposition, which is not based on any intuition, either pure or empirical. [...] However, when we regard this law as given, it must be observed, in order not to fall into any misconception, that it is not an empirical fact, but the sole fact of pure reason, which thereby announces itself as originally legislative (sic volo, sic jubeo)" (Kant 1788, p. 23).

As some commentators have properly suggested, the difficulty to define what the Fact of Reason means, is further due to the ambiguity of Kant's words (Beck 1963). Beck, for example, claims that the

---

5   See references in note n.20. In particular, Ameriks affirms that in the work of 1788 Kant seems to have completely changed his mind and substituted its initial project of providing the categorical imperative with a transcendental deduction with the new consideration that the moral law is an a priori fact of reason, starting from which also the existence of freedom might be inferred.

expression "fact" appears eight times in the *KpV* with three different meanings: the consciousness of the moral law, the moral law itself and autonomy. Now, since, according to Kant, moral law and autonomy can be considered as the same thing, the Fact of Reason might be either the moral law or the consciousness of the moral law. Both these solutions seem problematic. Indeed by considering the Fact of Reason as the moral law, it remains undemonstrated how to assure its existence and validity. On the other hand, considering the Fact of Reason only as the consciousness of the moral law means that no further steps have been done in the epistemology of morality since it cannot be excluded that moral law is only a chimaera. Given that, according to Beck, the first option is the more plausible one. Once (at least provisionally) established that the Fact of Reason is the moral law, another question needs an explanation: whether the moral law is a Fact *for* pure reason, or a Fact *of* pure reason. Since the former interpretation would entail the consideration of the Fact of Reason as a pure intuition (which is excluded by Kant himself in his presentation of the Fact of Reason reported above), the second interpretation is the one that should be followed.

However, what does it mean that the moral law is a Fact of Reason? What does it entail for the foundation of ethics? Starting from what affirmed by Tomasi (Tomasi 1991), my claim is that the existence and validity of the moral law seems to be explainable only by showing how Reason establishes itself, which has been here interpreted as a reflective act. In other words, an answer to the question why moral law is binding might be found in the *reflexive* nature of the rational faculty. This can be shown also through etymology: moral law is not a *datum* but a *Factum*, e.g. something that *constructs* itself. Through a self-reflective action, Reason becomes aware of its nature and functioning. In particular, what Reason discovers is that moral law is not something different from Reason, but it is a *product* of pure reason in its practical dimension. The only fact of reason is therefore that pure reason appears to human will as originally legislative, meaning that the determination of the will by pure reason is seen as a *constriction*, an obligation, by the will itself. This happens because man's will is good, but not holy. Whereas a holy will is naturally in harmony with the law, acting by its own nature in accordance with its legislative form, a finite will (the man's will) is not *per se* in accordance with it. That's why moral law appears to human will as an imperative. Thus understood, Kant's justification of the supreme principle of morality[6], far from being a logical deduction, seems to be the very act of showing the reasons why the adherence of the will to pure reason is considered, by man's will, as an obligation.

5.
Grounding Ethics: Should it Be a Foundation or a Construction?

Most commentators find in the contrast between a material *a priori* and a formal *a priori* the aspect upon which Scheler and Kant mainly disagree. The claim I have tried to endorse here goes a little bit further. It affirms that the roots of their incompatibility should not be found uniquely in the question of whether there is something like an emotional *a priori*, but in the way in which such an *a priori*, either formal or material, is, from time to time, justified. The thesis I tried to support here is that in order to see to what extent Scheler's moral proposal differs from Kant's one, it seems necessary to look at the roots of this disagreement, that is to their different foundational attempts. Because of that, the two different proposals have been here reported and analyzed.

By respectively comparing their endeavors, it clearly emerges that whereas Scheler's attempt might be appropriately defined in terms of a foundation, Kant's theory of the fact of reason might be described more easily in terms of a *construction*. Indeed, if we consider the term 'foundation' in its traditional meaning of deducing something from something else, whereas Scheler tries to deduce the objectivity of ethics from the absoluteness of values, Kant's final effort seems to pursue another direction. This fact might appear as a contingency. On the contrary my thesis argues exactly for the opposite, or that there is a clear motivation for such a change. Indeed one could say that Kantian recantation of a foundational attempt in its logical definition might be ascribed to the fact that the

---

6   Through the criticism of the rational faculty Kant is able to ground moral law and autonomy, which is moral law if we consider that a will subdued to moral law and autonomy are equivalent for Kant.

act of deducing both the existence and the validity of the moral law from the existence of autonomy in the *GMS III* has failed. However, at the beginning of the *KpV*, Kant makes a very different claim, according to which a deductive argument cannot play any more a role in the foundation of morality. In other words, through the elaboration of the Fact of Reason, Kant seems to show the impossibility to ground ethics on something different than Reason itself and external to it.

The interpretation of the Fact of Reason which has been here endorsed, is the one that affirms that grounding moral law means to exhibit those proofs that could show why man's finite will perceives the accordance of the will to the form of the law as an obligation. Together with what has been already affirmed in support of it, a final remark seems important. Kant could not have accepted the equation of foundation with deduction also because of he rejects material content from pure moral domain. By excluding any kind of material content from moral domain (remind that material content implies immediately sensibility, according to Kantian perspective), Kant cannot ground morality upon anything but Reason and, in particular upon the self-reflective constitution of Reason. On the contrary, having included some contents as part of moral domain (rather, having considered material content as the central core of morality) has allowed Scheler to carry out a secure and trusted 'foothold' upon which ethics might be grounded.

However, the question whether there is actually something robust on which to ground moral obligation, in other words whether the appeal to a material content is really justified, is something that needs further investigation.

REFERENCES

Allison, H. (1990), *Kant's Theory of Freedom*, Cambridge University Press, Cambridge;

Ameriks, K. (1981), "Kant's Deduction of Freedom and Morality", *Journal of the History of Philosophy*, 19, pp. 53-79;

Beck, L.W. (1963), *A commentary on Kant's Critique of Practical Reason*, The University of Chicago Press, Chicago;

Blosser, P. (2002), "Max Scheler: A Sketch of His Moral Philosophy", in Drummond J., Embree L. (eds.), *Phenomenological Approaches to Moral Philosophy: a Handbook*, Kluwer Academic Publishers, Dordrecht pp. 391-413;

Da Re, A. (2008), *Filosofia Morale. Storia, teorie, argomenti*, Bruno Mondadori, Milano;

Heinrich, D., Schulz, W. Volkman-Schluck K.-H. (by) (1960), *Der Begriff des sittlichen Einsicht und Kants Lehre vom Faktum der Vernunft*, in *Die Geganwart der Griechen in Neuren Denken*, Tubingen, pp. 77-155;

Kant, I. (1785), *Grundlegung zur Metaphysik der Sitten*, (eng.tr.) *Groundwork of the Metaphysics of Morals*, Cambridge University Press, Cambridge-New York, 1997;

Kant, I. (1788), *Kritik der Praktishen Vernunft*, (eng.tr.) *The Critique of Practical Reason,* Wilder Publications, 2008;

McCarthy, M.H. (1982), "Kant's Rejection of the Argument of the "Groundwork" III", *Kant-Studien*, 73, pp.1-4;

Scheler, M. (1973), *Formalism in Ethics and Non-Formal Ethics of Values: A New Attempt Toward the Foundation of an Ethical Personalism*, Northwestern University Press;

Scheler, M. (2009), *The human place in the cosmos*, Northwestern University Press;

Spader, P.H. (2002), *Scheler ethical personalism: its logic, development and promise*, Fordham University Press;

Tomasi, G. (1991), *Identità razionale e moralità. Studio sulla fondazione della metafisica dei costumi di I. Kant*, Verifiche, Trento;

Zhang, W. (2011), "Rational a priori or Emotional a priori? Husserl and Scheler's Criticisms of Kant Regarding the Foundation of Ethics", *Cultura. International Journal of Philosophy of Culture and Axiology* 8(2): 143–158.

J. EDWARD HACKETT

University of Akron
jhackett@uakron.edu

THE CASE FOR PARTICIPATORY REALISM IN SCHELER'S ETHICS

abstract

If we accept that Scheler is not that clear in the Formalismus *about the ontological status of values, might one ask how phenomenological commitments relate to value ontology. Consider Phil Blosser's words:*

> *...the chief defect of Scheler's phenomenology, like all philosophies of value, was the weakness of his treatment of the ontology of values. The insufficient development of this fundamental aspect of Value Theory has left it especially vulnerable in a philosophical climate that has been distinguished, since the 1930s, by the major "growth industry" of Heideggerian ontology, making this appear probably the most critical defect of Scheler's* Formalismus*.*

In this paper, I will argue that being-an-act (Akt-sein) will provide us with insight into Scheler's value ontology. My efforts rest on two fundamental premises: showing how Scheler's phenomenology opens up into ontology, and how being-an-act is understood with that opening in mind in Scheler's Idealism and Realism *essay.*

In Part 1, I argue how phenomenologists can reify one-side of the intentional relation and generate different ontologies, and these thoughts underlie the opening of the Idealism and Realism. *In Part 2, I show how being-an-act opens up into ontology. In Part 3, I reveal how the participatory sense of realism is shown in the intentional relation, and how persons participate in value. In the final section, the "ontologization" of the intentional relation is found in the problem of reality.*

*Philip Blosser, Scheler's Critique of Kant's Ethics, (Athens: Ohio University Press, 1995), 16.

1. Scheler offers us a glimpse into his ontological turn in his "Idealism-Realism" essays. This text opens up with a criticism of both idealism and critical realism with respect to three errors. First, both positions start on a false statement of the question. Second, both positions offer unsatisfactory understanding of the parts of the problem. Third, both positions share in the "false presupposition that we cannot separate what we call the existence or reality (*Realität*) of any object (whether of the internal or external world, another self, a living being, an inanimate thing and what we call its nature (*So-sein*)"[1] We cannot separate out the existence or reality of an object from its nature when it is immanent to knowledge or reflexive knowledge more generally.

    For Scheler, this inseparability is a deeply troubling since both idealism and critical realism are ontological theses motivated by how we fundamentally relate to objects. Both critical realism and idealism of consciousness treat the nature of an object as inseparable from its possible immanence. Understanding this separability thesis and its negation is a key to navigating both idealism and critical realism offered in *Idealism and Realism.*

    First, any realism accepts the fact that there exists a mind independent of its object. In Scheler's thought, this mind-independence amounts to accepting that *the existence of an object is always transcendent to every possible consciousness.* If the object exists apart from any knowing consciousness, the object can never be the content of any knowledge or consciousness for that matter. This error forces our hand to accept the wholly independent status of the object. The object stands detached and separated from every knowing consciousness. In such a view, there is no phenomenological givenness to consciousness. Instead, at best, we only have representations or signs that stand in for the character of the object.

    A similar line of reasoning can apply to idealism. According to Scheler, idealism is the thesis that all existing objects reside in the mind. It follows that such a thesis is committed to an erroneous falsehood. Thus, *there is no existence transcendent to or independent of consciousness.* As such, if the object exists as a constant dependence of the mind, the mind's constant operation is needed in order to sustain the transcendence of an object. In idealism, being an object is conflated with being-an-act to the point that any articulation of the *given* is vitiated. There is no separability, and there is no getting at the core of what is experienced. The mind is in constant circular reference to itself such that whence it

---

1   Max Scheler, "Idealism and Realism" in *Selected Philosophical Essays* (Evanston, IL: Northwestern University Press, 1973): 288-356. Scheler, *Idealism,* 288 here.

understands an object it cannot get out of itself to experience the transcendence of the given rendering phenomenological insight all but impossible.

Both positions reify one aspect of the overall intentional structure described by all phenomenological thinkers. In Scheler, the intentional relation has two sides—being-an-act and being-an-object. In Husserl, the subject constitutes the object. The constituting subject is one-side, the constituted object is the other. Phenomenological tensions arise when one puts more stock into one side of this intentional-relation than the other. If objects are not given to us in acts, but instead subsist on their own, independent of being given to acts, then a non-phenomenological realism is true. If the subject's constituting is given prominence over objects to the point objects are rendered as mere representations of minds, then idealism is true. As such, the phenomenologist walks a tight rope between both sides of the intentional relation. Scheler maintains this balance when he claims that one cannot reify either side. Such reifications can take hold when one is convinced entirely that a science can explain the sense of the world or that in explanation we must prioritize one-side of the intentional relation over the other. In Scheler, acts flash forth from spirit and are non-objectifiable. The being of an act "*possesses its own mode of being only in the performance*" of the act.[2] For Scheler, experiencing is its own mode of evidence similar to Husserl.

> In the broadest sense, evidence denotes a universal primal phenomenon of intentional life, namely ... the quite preeminent mode of consciousnesss that consists in the *self-appearance*, the *self-exhibiting*, the *self-giving*, of an affair, an affair-complex, a universality, a value...[3]

We *participate* in the intentional relation with the world, and the participatory aspect of being-an-act captures the truest sense of Scheler's ontology yet-to-come. Scheler insists that any act can be in relation to any possible kind of being. Acts can be "analyzed in terms of its character or essence and its existence in some mode."[4] In this interpretation, intentionality and acts become the very ontological categories later on. To understand my interpretation, we must understand how the intentional relation opens up into ontology.

It is by no accident that Scheler begins next by advocating that knowledge is prior to consciousness and is itself ultimately "a unique and underivable ontological relationship (*Seinverhältnis*) between two beings."[5] This underivable ontological relationship is the irreducible participatory aspect of being-an-act.

> A knows any being B when A *participates* in the essence or nature of B, without B's suffering any alteration in its nature or essence because of A's participation in it.[6]

Thus, participation is ontological through and through. When Albert knows the tree is alive, Albert's knowing the essence of the tree requires an intentional relation. In vital feeling, one can apprehend the growth and vitality of the forest. One picks up on features of the growths or decay of the forest. Trees are *given as* unfurling towards the sun or *given as* wilting away in an unhealthy industrialized landscape. These aspects are *given in feeling.* At their root, *all feelings are modes of apprehension and participation.* There is no separable moment between apprehension of an object and apprehension requires participation in the world. Feeling-states are affected in relation to the world, but in their own directedness, persons participate in the very intentional relation at root in act being. For all the phenomenologists, subjectivity folds into the world, and the world folds back upon persons too. Thus, ontological participation in the essence of a phenomenon can occur in either act or object, but for his value ontology, I find it rooted in his being-an-act. Yet, this interpretation can only work if

---

2   Scheler, *Idealism*, 291. Italics are mine.
3   Edmund Husserl. *Cartesian Meditations: An Introduction to Phenomenology* trans. Dorion Cairns (Martin Nijhoff: The Hague, 1960), 57/92.
4   Scheler, *Idealism*, 292.
5   Scheler, *Idealism*, 292.
6   Scheler, *Idealism*, 292, Italics Mine.

phenomenology is linked with ontology in Scheler's work.

According to Scheler, participation is non-causal, but rather the source of creation itself.[7] When we relive an essence in co-feeling (*Mitgefuehl*), we are participating in a phenomenon's essence. If I stand before the forest, close my eyes and take in its vitality in one breath, I can turn to another say, "Can you feel it?" Moreover, this participation-in-the-essence not only takes place with respect to intentional feeling, but also with respect to the already effected feeling-states and objective being.

> We say that further of B when A participates in B and B belongs to the order of objectifiable being, B becomes an objective being (Gegenstand-sein) confusing the being of an object (Sein des Gegenstandes) with the fact that an entity is an object is one of the fundamental mistakes of idealism.[8]

The being of an object is that which can be given phenomenologically. That an entity is an object has no bearing on its givenness, and notice in the passage above, Scheler attributes the becoming of an "objective being" to a fact of its participation and not its status as an object.

Now, I have been urging that the intentional relation is fundamentally participatory in a full-blown ontological sense. Scheler framed his definition of the intentional act to reflect this participatory status. An intentional act is defined as "the process of becoming (*Werdesein*) in A through which A participates in the nature or essence of B or that through which this participation is produced."[9] I come to be joyful through my participation in the essence of joy as experienced. Moreover, this ontological interpretation of participation is present in the *Formalismus* that discloses who we are as persons,

> It is the person himself living in each of his acts, who permeates every act with his peculiar character. No knowledge of the nature of love, for instance, or of the nature of judgment can bring us one step nearer to the knowledge of how person A loves or judges person B; nor can a reference to the contents (values, state of affairs) given in each of these acts furnish this knowledge.[10]

Therefore, only participating in the essence of feeling discloses oneself to another. The knowledge of any particular act cannot bring us any closer to understanding that act itself without reference to the participating person. Notice the language of persons in Scheler's *Formalismus*. We only know the person "as a being that *executed acts,* and he is in no sense 'behind' or 'above' acts, or something standing 'above' the execution and processes of acts."[11] Instead, the *whole person* is simply contained in every act and there is nothing prior, before, or outside that gives rise to knowing the person except that the person permeates each and every act that she executes through participation! Accordingly, execution is participation. The person *participates* in these acts wholly and concretely.

Just as the person is known through the execution of acts, participation in and functionalization of the essence are two sides of the same coin. In *Idealism and Realism,* we have evidence for this interpretation: "thoughts and intuitions belonging to the human mind first arise through 'functionalization' of insights into the essence of a thing, originally achieved in a single exemplary experience."[12] Functionalization is the process whereby our ideas, concepts and the mind interact with reality. In that sense, Scheler's understanding of functionalization is very much akin to that developed in pragmatism or the operative everydayness in Heidegger's analysis of Dasein.[13] In this

---

7   Notice how love realizes and creates value in Scheler's *Nature of Sympathy* trans. Peter Heath (New Brunswick, New Jersey: Transaction Publishers, 2011.), 150-159.

8   Scheler, *Idealism*, 292-93.

9   Scheler, *Idealism*, 293.

10   Max Scheler, *Formalism in Ethics and the Non-Formal Ethics of Value: A New Attempt Toward the Foundation of an Ethical Personalism*. (Evanston, IL: Northwestern University Press, 1973), 386.

11   Scheler, *Formalism*, 385.

12   Scheler, *Idealism*, 312.

13   For more on the connection between William James and Max Scheler, see my "The Jamesian Appeal of Scheler's Felt Metaphysics" forthcoming in *Comparative and Continental Philosophy*, Spring 2014.

way, the *a priori* in Scheler and Heidegger is a material or existential *a priori*. Unlike Kant, Scheler's *a priori* originates in the ontological participation in the active sense implied by functionalization. If our ideas mesh and function in accordance with reality, then our ideas work. If they do not mesh and function in accordance with reality, then they do not "functionalize." Thus, persons intuit essential interconnection of insight into the nature of things derived from this interaction (participation). In Scheler's words, "all functional laws derive from original experience of objects."[14] These insights become the basis for the rules and norms governing our future participation. Meaning arises only from an interaction with the world through which all other subsequent apprehension and meaning of the world are made possible. Therefore, functionalization is participation.

Scheler observes that every intention points "beyond the act and the contents of the act and intends something other than the act."[15] Being-an-act, therefore, gestures to an order and evidential insight not contained within the immediate immanence of the given. In this way, the *intentio* signifies "a goal directed movement toward something which one does not have oneself or has only partially and incompletely."[16] Contained within being-an-act is an insight, a givenness of a content that is not present, a form of absolute evidence. The immanent givenness in Scheler's phenomenology therefore contains a sense of something or some structure beyond itself. Absolute evidence given in feeling *is* what Scheler calls value.

3.

According to Scheler, the transcendence of the intentional object in relation to the intention and its present content holds for every being-an-object. For Scheler, mathematical objects, like the pure number three, have no physical reality, but are an ideal quality (like values). These ideal qualities, Scheler says, are "produced from the *a priori* material of intuition in accordance with an operational law governing the steps of our thought and intuition."[17] Moreover, fictitious objects also possess the same level of transcendence. Scheler's point is that proper to objects given to consciousness they acquire a transcendence all their own. For Scheler, a distinction can be introduced between the transcendence of the object *in principle* from the existential status of objects themselves. In the latter, we are involved with the object in many different ways. We can talk about the different existential relations we have towards the sun, yet the transcendence of the sun *in principle* allows us to focus on its givenness in its real concrete phenomenological depth.[18]

The distinction between transcendence in principle and existential status of objects does is remove our ability to ask about the ontological status of objects. My usage of "ontology" follows this line of thought. When I say "ontology," I do not mean the reification of one side of the intentional relation on the part of the subject, namely, idealism, or the reification of objects, namely, realism. These two reifications are first introduced in *Idealism and Realism* since they are proffered as what Scheler calls the "problem of reality." Instead, for Scheler and myself, *ontology has always meant the material unfolding of the intuitive givenness of a primordial affective depth at the heart of all existence to which all other forms of knowledge are subordinate.* Given the distinction of transcendence in principle from existential sense, it becomes silly to ask whether objects subsist in our minds or are produced by our minds. The problem of reality thus construed between idealism and realism has no traction. However what role does Scheler's thought on transcendence of the object play? The consciousness of transcendence may make some headway about the problem of reality. In his articulation of the problem of reality, phenomenology opens up into an ontological space in Scheler's work.

The transcendence of the object leads to an identifiability of the object in a plurality of acts. To use Scheler's example, no matter the being-an-act in relation to the meaning of the sun, the sun will be

---

14   Max Scheler, *On the Eternal in Man* trans. August Brunner (New Brunswick, NJ: Transaction Publishers, 2010), 202.
15   Scheler, *Idealism*, 296.
16   Scheler, *Idealism*, 296.
17   Scheler, *Idealism*, 296.
18   Scheler, *Idealism*, 303.

the same sun whether I relate to it as an astronomical body or a mysterious disk that hides behind mountains. This identifiability can hold for one object or many, nor is this identifiability restricted to ideal objects alone like Scheler's number three. Identifiability is the result of a definite operational law and the same material of intuition that produces the act of the given prior to any sense-experience. The transcending quality of the given object constitutes the sum of the same in all these manifestations. For Scheler, there is only one-way consciousness of transcendence can enter into the problem of reality properly considered.

> The acts which consciousness is present can bring the givenness of reality...into "objective" form, and can therefore elevate that which is given in this way as real to the status of a real "object". But with this, the contribution of consciousness of transcendence is at an end.[19]

In other words, the being-an-act when described puts us into relation with what is to be described-as-real. The phenomenological attitude can bring aspects of reality into givenness. These aspects of reality, however, consist in our intentional relation to reality. When a phenomenon is properly given phenomenologically, the consciousness of its object's transcendence can contribute no more to the status of its reality. All that can be established is the fact that acts relate to objects: in Scheler's words, "*Whenever there is consciousness, objects transcendent to consciousness must also be given to consciousness. Their relationship is indissoluble.*"[20] Self-consciousness and object arise in relation to each other simultaneously and through the same process. This process is ontological participation.

The intentional relation between the spiritual-act center of the person and the objects that accompany those acts is a process. This process does not occur in any one primary cognitive egoic act. Instead, the process is more primordial and fundamental, and this process is the insight I have articulated about Scheler's phenomenological thinking. Phenomenological description is an attempt to acquire insight into the pre-reflective modes of how experience is first given to us. As such, "Consciousness of an object precedes all judgment and is not originally constituted by judgment."[21] The sense of the real only comes from paying attention to the intentional relation, the fact that consciousness is a consciousness of reality. The *sense* of the world originates only from the standpoint of intentional experience, that is, in terms of how consciousness encounters the objects toward which it is directed.

Here, in *Idealism and Realism*, what Scheler is doing with this intentional-relational structure finds expression in the "pulling back" of the act in which "the ecstatic act knowingly turns back onto itself and comes upon a central self as its starting point."[22] The unfolding structure of an ecstatic consciousness and its encounter is given in a reality (*Realität*) of resistance (*Widerstand*). Reality discloses itself to us as resistance. This resistance throws us back upon our self, and in this inward awakening of resistance we find reality disclosed personally. Here, Scheler gives flesh to the intentional relation. He "ontologizes" the process by which we come to know the simultaneous occurrence of self-consciousness (being-an-act) and the consciousness of the object (being-an-object). In giving flesh to the process of the intentional relation, Scheler's phenomenology opens up into ontology. The meaning of the intentional relation finds concretion in reality's resistance. Reality's resistance generates the conditions of that intentional relation, and Scheler informs us about the nature of givenness itself:

> The consciousness of transcendence shows how mere ecstatic possession of reality on the level of immediately experienced resistance of an X to the central drives of life passes over onto the reflexive and this objective possession of reality.[23]

---

19   Scheler, *Idealism*, 298.
20   Scheler, *Idealism*, 298. Emphasis Mine.
21   Scheler, *Idealism*, 299.
22   Scheler, *Idealism*, 299.
23   Scheler, *Idealism*, 300.

According to Scheler, reality is encountered as a resistance to the life-drive (*Lebensdrang*). These "central drives of life" are carried into the very being of our relation, but so is the transcendence of the object. Later, Scheler will develop a metaphysics in which both spirit (*Geist*) and life-drive will each have their own developed principles in his unfinished philosophical anthropology. For now, the ontology of value rests on the awareness of how phenomenology opens spaces of inquiry that develop into these specific areas of concern. In my interpretation, there are many forces converging on that experience. These energies come at the cost of constantly undergoing experience of the world and how the feeling of reality constitutes and renews a persons's experience of reality. Yet, phenomenology can suspend in part aspects of our ontological participation in the world, but phenomenology cannot suspend reality entirely—that is, the sense of reality (*Realität*) entailed in resistance. Part of fleshing out the conditions under which phenomenology and the intentional relation manifest is the ontological delimitation of what each may purport. Reality slips away from our grasp, and we can only catch glimpses of the transcendence of an intentional object in the phenomenological attitude.

It is the prior passage "the ecstatic act knowingly turns back onto itself and comes upon a central self as its starting point" that struck me as evidence of the move from phenomenology as the description of immanent structures in the whole of *Idealism and Realism* to a phenomenological ontology. In fleshing out the intentional relation, Scheler provides further description of how phenomenology becomes ontological. Quickly after the above passage, Scheler posits several spheres of irreducible reality:

> 1. The sphere *ens a se,* absolute being in contrast to relative being; 2. The spheres of the external and internal world; 3. the sphere of the creature and its the environment; 4. The sphere of the I, the thou and society.[24]

For each sphere, Scheler provides a basic law: "the being of the sphere itself is always given prior to the individual empirical objects, which are given through the various types of perception and intuiting."[25] In other words, these spheres of being possess a givenness, a sense of them already in reality prior to empirical study. This givenness occurs within these spheres of being, and Scheler has prescribed the totality in these spheres of what can be given. Again, this passage is evidence for a phenomenology that puts us into contact with reality, suspends the fact that reality resists our affective drives in it, but in so doing, phenomenology identifies those transcending aspects in relation to and beyond me.[26]

Moreover, these four spheres do not map onto value-modalities or value-feelings all that well. In some sense, the absolute reality more than likely refers to that which is absolutely given, and in Scheler only that which expresses itself in spirit that could even occupy the absolute sphere of being—God and persons. However, the spheres of the internal and external world occur at all levels, but the sphere of the creature and its environment occur most prominently in vital value and feeling. Given this difficulty, I only want to point out that resistance now comes into play and Scheler becomes mindful of the limitations of phenomenological attitude. For this reason, I turn to characterize precisely where this journey of Scheler's comes to fruition much later in *Idealism and Realism* in Section 8: The Problem of Reality.

The problem of reality refers to the two central questions opening up *Section 8* in *Idealism and Realism.* Scheler asks, **4.**

> What is the givenness of reality? What is experienced [*Erlebt*] when anything whatever is

---

24   Scheler, *Idealism*, 300.
25   Scheler, *Idealism*, 301.
26   Scheler articulates that spirit is independent of human organization and phenomenology, and while "the structure of this world and the structure of spirit form one essentially connected structure in all their parts," we can apprehend the form spirit takes independently of how we are organized: God (157). See his "Phenomenology and the Theory of Cognition" in *Selected Philosophical Essays* (Evanston, IL: Northwestern University Press, 1973): 136-201.

experienced as real?[27]Scheler calls this the "question of the lived-experience of reality." Since it is the first question, it reveals the final collapse of pure eidetic description motivating phenomenology. Instead, Scheler's phenomenology has become a phenomenological inquiry into the ontologically participatory nature of intentional lived-experience. Lived experience becomes conjoined with a sense of the *real*. The *real* is now reality-as-a-whole, and its givenness. Reality is given in the ontological dimension of life. Unlike Heidegger, Scheler regards the vital experience of life as the point of contact with the world and its disclosure. Life is given in terms of the unfullfillment of drives that stem from worldly resistance.

This drive of life becomes more and more prominent in Scheler's thought. One could see that already in the *Formalismus* the vital sphere of both values and feeling is the most significantly developed of all his distinctions, and in the *Nature of Sympathy* the analysis of the psychic bonds of community are articulated with a figurative sense of organism.[28] For Scheler, the organic movement of life is not simply contained in a distinction between life and nonlife. Throughout nature, Scheler's sees an animating principle of movement, and this movement in us is the tendency to move from the life drives [*Drang*][29] towards ever increasing modes of spiritualization.[30] In this way, the life drive is not random, but is an ordered striving towards higher modalities, and within us, it is a projection of possibilities. In a sense, participation is where vital-urge meets worldly resistance, and within that encounter, values are felt-as-real.

Heidegger put death first and foremost as that which lies ahead of ourselves. In this way, Heidegger used vitalistic symbols and expressions to which his existentialism could not reach any further. In other words, the whole of Being given is our being-unto-death. Unlike Heidegger, Scheler is putting us first and foremost into contact with a greater whole. Scheler pays attention to the givenness of reality, and the disclosure of the world alludes to senses beyond the vitalistic drive of life intimated in Heidegger's existentialism. Scheler describes the givenness of spirit even though the ontological dimension of human life is manifested within the movement of life's drives. In Scheler, the spiritual potencies reside within *Drang* even though many may be drawn to interpreting a dualism in his thought.[31] Spirit is always already manifest within life. The phenomenological attention to the givenness on the part of Scheler apprehends these two-aspects of the world, yet these aspects are disclosed as one and the same.

As I said, the vital drives encounter the world and the world resists our efforts to fulfill its projected interest and prohibition. What I find 'real' is then that which withstands or resists the emergence of vital drive's projected interest. The sense of our ego emerges from such resistance. This encounter is the source of realism for what I am calling the participatory realism about values. Within the sphere of life, I value the serene landscape of a park before me. I lose myself here from the de-personalization common from living an industrial life inside an office cubicle. I feel at peace here in the park. Say a commercial developer is petitioning the state to develop this park. Even though developing the natural landscape will bring jobs and an influx of well-paying jobs, the value of the forest is higher as a place of serenity than the economic utility it could provide, and it is important to the local community that such a place persist unspoiled. Given that economic interests occur as agreeable in the sensible sphere, the pristine serenity of the forest is *felt* as *more valuable* in its current natural form as a green space in the vital sphere. Moreover, in our age, these green spaces are disappearing rapidly.

---

27 Scheler, *Idealism*, 313.
28 Scheler will even call his metaphysics a "meta-biology."
29 I like rendering *Drang* as vital drive, or vital urges of life. I do not think that Frings's later translation of *impulsion* connects this to the prominence of the vital sphere more generally in both feeling and value-content. While it might not be clear to the reader in this study, *Drang* is put into operation alongside *Geist* in Scheler's later metaphysics found in his phenomenology of religion and philosophical anthropology.
30 For evidence of this increasing spiritualization, see Scheler's "Philosopher's Outlook" in *Philosophical Perspectives* trans. Oscar Haac. (Boston: Beacon Hill Press, 1958), 9.
31 I have to really thank Kenneth Stikkers for bringing this to my attention.

Their rarity reflects the disordered heart that has captured our age and can only feel the value of the forest as instrumental to profit. In my valuing, I experience the values as felt. They are *felt in resistance* to persons blind to the serenity of the forest and natural landscapes.

Strife constitutes life. Strife is the experience of resistance when our desires or wants, and even our must basic vital-urges clash against a world that does not yield to them. The world is disclosed as that which resists and challenges us. It is an ontological principle of the world that its reality is given only in terms of resistance, and the vital urges are constantly in relation with the world. This principle of strife cuts all the way into our vital urges. We would have no urges if there were no strife and no resistance, as in the example above. Moreover, this principle of strife cuts all the way down into our vital drives. Vital drive encounters the world in the experience of resistance preceding consciousness of experience. The vital drive's experience of worldly-resistance is primordial; it is a foundation in itself just as much as the world is saturated in emotions prior to any other perceptual or epistemic act. In this way, this ontological dimension of experience is prereflective.

The primordiality of worldly resistance means that humans suffer from an inability to fulfill these drives. Human life is, then, one of suffering. Therefore, Scheler reveals that the impulse behind philosophy, art and science is to suspend the movement of this suffering. As Kenneth Stikkers has noted, "Thus the task of all thinking—philosophical, religious, scientific, etc.—is, according to Scheler, to eliminate this and this means to make the world less real."[32] By suspending suffering, we do not make the world "less real" in a full-blown ontological sense. Instead, we cultivate strategies of coping with that suffering, modes of *participation.*

In conclusion, I have attempted to interpret *Idealism and Realism* as a way to explain Scheler's value ontology. Values are given to us in experience and insofar as that givenness occurs in a phenomenological ontology that can be gleaned in *Idealism and Realism*, a phenomenologically-based realism can be defended. While the interpretation may not be novel in relation to Scheler's work in particular, such an understanding can be quite novel if phenomenology can be extended to value ontologies in metaethics. In this short piece, my engagement with Scheler's *Idealism and Realism* should be considered the hermeneutic basis for participatory realism.

---

32   Kenneth W. Stikkers, "Introduction to Scheler" in *Problems of a Sociology of Knowledge* trans. Manfred Frings (New York: Routledge, 1980), 11.

REFERENCES

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

Husserl, E. (1960), *Cartesian Meditations: An Introduction to Phenomenology* trans. Dorion Cairns, Martin Nijhoff, The Hague;

Scheler, M. (1958), "Philosopher's Outlook" *Philosophical Perspectives* trans. Oscar Haac., Beacon Hill Press, Boston, pp. 1-12;

Scheler, M. (1973), *Formalism in Ethics and the Non-Formal Ethics of Value: A New Attempt Toward the Foundation of an Ethical Personalism* trans. Manfred Frings, Northwestern University Press, Evanston, IL;

Scheler, M. (1973), "Idealism and Realism" *Selected Philosophical Essays,* Northwestern University Press, Evanston, IL, pp. 288-356;

Scheler, M. (1973), "Phenomenology and the Theory of Cognition" *Selected Philosophical Essays,* Northwestern University Press, Evanston, IL, pp. 136-201;

Scheler, M. (2010), *On the Eternal in Man* trans. August Brunner, Transaction Publisher, New Brunswick, NJ;

Scheler, M. (2011), *Nature of Sympathy* trans. Peter Heath, Transaction Publishers, New Brunswick, NJ;

Stikkers, K. W. (1980), "Introduction to Scheler" *Problems of a Sociology of Knowledge* trans. Manfred Frings, Routledge, London.

SUSI FERRARELLO

Loyola University Chicago

susi.ferrarello@gmail.com

VALUES, NORMATIVITY AND FACTS

abstract

This paper has three goals:

1. To describe the relationship between values, facts and norms.
2. To consider if norms are a constituent part of the essence of values.
3. To define the boundaries of the axiology.

To reach these goals I will present an historical-phenomenological reconstruction of the relationship between values, norms and fact. Starting from Brentano and his school I will focus on those disciples that directly or indirectly borrowed and improved Brentano's idea of analogy.

1.
Introduction

This paper has three goals:

1. To describe the relationship between values, facts and norms.
2. To consider if norms are a constituent part of the essence of values.
3. To define the boundaries of the axiology.

To reach these goals I will present an historical-phenomenological reconstruction of the relationship between values, norms and fact.Starting from Brentano and his school I will focus on those disciples that directly or indirectly borrowed and improved Brentano's idea of analogy. The main tenet of this paper addresses the analysis of the two-tiered analogy that Brentano assumed to be within the field of values. In his *The Foundation and Construction of Ethics* (1952). Brentano emphasizes the role that the analogy played between the true and the good in order to describe the axiological essence of the good.[1] The analogy he describes is built on a two-tiered level:

1. The analogy between axiology and ontology
2. The analogy between values and the true

The first level of the analogy between the value's essence and the being of the object, and the second level between the value and the true. In this paper I aim to prove the following: the essence of values is rooted in the practical intentionality of the subject and the ought cannot create a norm with regard to how we should practically intend objects. Rather, the norm can describe how a thing should be in order to be represented in a truthful way. From this perspective, normativity seems to belong to the logical realm rather than to the practical one, bridging and blurring the two tiers of the analogy via the means of the representation and the description.

Therefore, in my paper I will prove on the one hand that normativity is a layer that comes 'after' the

---

1   Brentano, F. 1952. *The Foundation and Construction of Ethics*, E. Hughes Schneewind (ed.), London: Routledge London, 1973 (Original: Brentano, F. 1952. *Grundlegung und Aufbau der Ethik,* Meiner Felix Verlag).

value, thus describing what I will call *the second layer of the analogy*. On the other hand values, being completely independent of normativity, can be described as a practical intention that relates to what we feel to be right, though not always in a predicative and conscious way.

From Aristotle until modern times axiology has not been considered as an autonomous discipline, but as belonging to ethics and morality, because it had the task to shape the customs and the way people think. With Brentano's psychology something began to change, although "in the twentieth century the term axiology was apparently first applied by Paul Lapie" (*Logique de la Volonte*, 1902) and E. von Hartmann (*Grundriss der Axiology*, 1908)." With Brentano axiology became an autonomous discipline and we can look to Brentano as the legitimate father of modern axiology[2]. In fact, in his *Psychology from Empirical Viewpoint* (1874)he developed the basis of an axiology that was not, on one hand, related to facts and was, on the other hand, rooted in sentiments. Brentano was one of the first to remark upon the difference between the object and the value (*Sache*and *Wertobject*) and the analogy between values and logical truths.

<div style="float:right">**2.**
Values and Objects or Axiology and Ontology</div>

As it concerns the first point, his theory of intentionality lead him to notice that the object, as we intend it, is not the same as the object that exists in reality. Our pointing to (*tendere in*) an object places us in the condition to perceive the object in two different ways: (i) as something that in-exists in our mind and (ii) as something that exists external to or independent of our perception. The same can be said with values. There are values that exist outside of us in their wholeness with objects and there are values that ('in'-)exist in our mind as pure values in themselves. These two groups of objects can differ from each other because the latter, that is the axiological units, are lacking an ontological property. They are axiological essences that are rooted in sentiments and need to be described.

"[Every conscious act] includes within it a consciousness of itself. Therefore every [conscious] act, no matter how simple, has a double object, a primary and a secondary object. The simplest act, for example of hearing, has as its primary object the sound, and for its secondary object, itself, the mental phenomenon in which the sound is heard."[3]

"In discovering this love within ourselves we recognize the object not only as being loved and lovable, but also as being worthy of love."[4]

From both these quotes it is possible to follow Brentano's statements concerning the relationship between the ontological existence of the object as something that is posed outside of us, and the mental object that exists in our mind as a mental phenomenon.

Values, as mental phenomena, exist in our mind and can be given to the subject via the device of representation. In fact Brentano divides acts into three categories: presentations, judgements and the sentiments of hate and love. Objects are given to consciousness according to these three modes. They do not have to be taken as three distinct classes though. Being the most important category presentation, for example, grounds any other act. We present things each time we are (intentionally) directed towards an object, be it that we are imagining, seeing, remembering, or expecting it. The two other categories, judgments and the phenomena or the sentiments of love and hate, are based on presentations. With a judgment we accept or deny the existence of the presented object. Thus a judgment is a presentation,

---

2   D.D. T. Runes, *The Dictionary of Philosophy*, New York: Philosophical Library New York, 1942.
3   Brentano, F. 1874. *Psychology from the Empirical Standpoint*, Rancurello, Terrell, and McAlister (trs.) 1973. London: Routledge. (Original: Brentano, F. 1874. *Psychologie von einemempirischenStandpunkt*, Leipzig.), pp.153-4.
4   Ibid., p. 132.

plus a qualitative mode of acceptance or denial. The third category, which Brentano names "phenomena of love and hate," comprises emotions, feelings, desires and acts of will. With these acts we have positive or negative feelings towards an object, though such acts need the first category of presentations in order to exist in the mind of the subject.

With his work on axiology Brentano aimed to achieve something similar to what Aristotle strove to achieve with logic, *i.e.* an analytic of pure values. In fact, according to Brentano, truths and values have similar properties that enable the *second layer of analogy.* That is, the layer between value and the true or judgments and sentiments. Indeed, belonging to the second category of mental phenomena, truths are founded on cognitive reason and are stated by judgements, whereas values are grounded in the sentiment of love and hate and are expressed by practical acts of interest. "The predicate moral (...) is similar to the predicate true."[5]

Brentano is interested in the description of Aristotelian *orexis* or the medieval problem of *voluntas sine affectus.* According to Brentano, values are connected to emotions, in particular the sentiments of love and hate. A value is what is desired or not desired within an act and there can be a primary and secondary value depending on whether or not we desire something in itself or for the use we can do of it. As such, emotional acts can be distinguished as either correct and incorrect. This means that if I love something that I desire, I am apparently feeling something that is correct. According to Brentano both judgements and interests obey to the Cartesian criterion of *evidence.* We have no doubt about judging something that is transparently evident and therefore absolutely true. We can behave in the same way when we love something and when the object of our love is clearly evident. Therefore it is certain that that sentiment of love that we are feeling is good or correct. Consequently, for Brentano, correctness has the same essence as a mathematical operation. The primary good/bad is that which is correct to love or to hate as an end in itself. Different from the judgement, interest is that by which we recognize the correctness of *what we feel holds an objective scale and proportion.* This means that the polarity between good and bad accepts gradations that are not tolerated in the polarity between the true and the false.

Hence, the first analogy posed by Brentano shows the parallelism between the object and the value held by the object. The second analogy recognizes the parallelism between the true and value, though the value works on this sense of evidence and scale that cannot be appreciated in judgments.

The motives of this analogy can be found also in the work of other scholars that are directly and indirectly influenced by the school of Brentano[6]. Among such scholars we can mention the names of Ehrenfels and Meinong, who only developed the former sense of the analogy and Husserl who improved both layers.

On the one hand, both Ehrenfels and Meinong maintain Brentano's first layer of analogy between ontology and axiology. For them, value resides in a sentiment. According to Ehrenfels, in his *System der Wertlehre* (1897), value is grounded in a desire. "We desire things not because we comprehend some ineffable quality 'value' in them but we ascribe value to them because we desire them."[7]

---

5   *Foundation*, p. 286.
6   Among the authors operating in an indirect way within the atmosphere of Brentano's school who were followers of his disciples we can cite Ehrenfels (Meinong's follower), Kraus (Marty's follower), Scheler and Hartmann, Ingarden and Kotarbiński. Authors such as Calderoni, Perri, Prall and Stevenson clearly worked within the framework of the Brentanian school, though they cannot be considered as institutional members.
7   Ehrenfels, C. (1897), "System der Wertlehre", *Werttheorie*, ed. by F. Reinhard, Muenchen: Philosophia 1982.

For Meinong, in his *ZurGrundlegung der AllgemeinenWertlehre* (1923),[8] value is grounded in feeling. He is aware of the referential meaning of our emotions and includes judgments as a necessary presupposition of every value experience.[9]

On the other hand, Moore and Husserl work on both of Brentano's layers of analogy, transforming it into an outright parallelism. Moore, for example arrived at the same results as Brentano, reading Brentano's work only after his *Principia Ethica* (1903). In Moore's axiology there are two areas of intrinsic value: "personal affections and aesthetic enjoyments include all the greatest, and by far the greatest, goods we can imagine."[10].As in Brentano's famous lecture on ethics, *The Origin of the Knowledge of Right and Wrong* (1903) reviewed by Moore in 1903, there is for Moore a parallel between ethics and logic. "What truth is for logic, the good is for ethics."[11]In the paper entitled 'the Nature of Judgment' (1899), Moore understands the nature of judgement to be the central issue because, for him, truth is independent of the judging and thinking mind. Truth relates to the object of judgement, not to the judgement as act.

"Because there is no distinction between states of affairs or objects in a certain state, on the one hand, and propositions, on the other hand, there is nothing to which the proposition could correspond to make it true"[12].

For Moore truth, as well as good, is a primitive, unanalysable notion. Goodness is a value independent of any desire or will on our side. Like truth, the notion of goodness is unanalysable[13]. In this sense Moore differs from Brentano, because Brentano gives an objective foundation to ethics in terms of the correctness of our acts of loving and hating.

Nevertheless, thanks to the work of Brentano, values began to be emancipated from objects and their essence began to be considered analogous to objects that we can predicatively represent. The former analogy relates to the latter. In fact, if the ontological object differs from the axiological essence that overlays it, the ontological object can be described in a different way from the axiological one. On one hand, cognitive reason can say to us what the object is and its truthfulness in the world. On the other hand, the sentiment can perceive what we feel to be right or valuable from the same object. Both analogies are related to each other and address the direction of the research.

8   Meinong, von A. (1923) "Zur Grundlegung der Allgemeinen Wertlehre" in *ZurGrundlegung der Allgemeinen Werttheorie*, ed. E. Mally, Graz: Leuschner and Lubensky, 1923.
9   While Ehrenfels and Meinong agree on the intrinsic value with respect to desire or emotions, both consider that this essence can be predicated on objectively ascertained capacities of an object. Ehrenfels, like Dewey, makes a distinction between valuing as mere praising, and valuation as appraisal. He considers the latter to be a value judgment. The Ehrenfels-Meinong controversy as to the primacy of desire or feeling in our intrinsic value experience affected the work of R. B. Perry and D. W. Prall. For both, values are rooted in our connotative and affective responses, that cannot be taken as isolated psychological datum as they originate from an ongoing transaction between ourselves and the different levels of environments. Perry's approach is behavioristic, Prall's introspective.
Perry's *General Theory of Value* (1926) describes axiology in a systematic way, focusing on the meaning of value as interest. Interest, for Perry, is a necessary condition for "anything's possessing or acquiring the quality of value... for anything known to be valuable...". Interest represents an activity rooted in reality. With his work Perry influenced Dewey's axiological naturalism as he claimed that value is not merely a quality of an object nor a mere mental quality of a subject, but is a relation between an object and an interest-taking subject. On the other hand, Prall's *A Study in the Theory of Value* (1921) considers affective states, such as liking, hating, tasting, an essential constituent of value, albeit the value is more than an objectified feeling, because the affective state is predicated on ascertained qualities of an object. Consequently, Prall makes a clear distinction between a mere subjective imputing of valuational qualities and an objective imputing of values where the latter is determined by "the properties of things as well as by the properties of minds or bodies that see these things so qualified, by physical conditions, in other words."
10   Moore, G. E. (1903), Principia Ethica, Cambridge, p. 184.
11   Ibid., p. 3.
12   Ibid., p. 173.
13   Ibid., p. 178.

3.
Ideas and
Ideals

Husserl began to attend Brentano's courses "out of mere curiosity"[14] in 1884/85[15]. What made him so curious was the public attention drawn by Brentano's seminars. Within a couple of years, as, Ehrenfels wrote, Husserl became "a new star" in Brentano's Circle,[16] taking a number of classes held by Brentano, including two on Practical Philosophy. It is likely that under the influence exerted by Brentano's moral teachings, Husserl began to reflect on the idea of a two-tiered analogy and parallelism. The first note[17] we have about the analogy dates back to 1884, though on several occasions throughout the years, Husserl worked out this idea and integrated it within his overall thought. As a matter of fact, amongst the volumes of *Husserliana* we have,[18] those that are entirely focused on ethics are very close to Brentano's *Foundation and Construction of Ethics*, though they are developed in a different direction according to the due difference between Brentano's and Husserl's philosophy.

Husserl commences his analysis from the latter sense of the analogy, that is the one between logic and ethics, albeit always implying a reference to the analogy between axiology and ontology. Indeed, in his lessons of 1914 Husserl enforces Brentano's idea of analogy with the term parallelism. For Husserl, as well as for Brentano, axiology is a science that relates to the realm of value, and it probably represents the pure rational core that can make ethics a pure science whose values can be as universal as logical truths[19]. For instance, positive value would correspond to a true statement and negative to its falseness.[20] Similarly to Brentano, he retains the same Cartesian criterion of evidence to acknowledge the rightness of values and the same sense of axiological scale and proportion between values[21]. The second layer of Brentano's analogy is transformed by Husserl into an outright parallelism. In fact, Husserl writes: "This apparent parallelism—is not a merely apparent analogy, but rather, reflects a shared essential foundation—[therefore] we are able to assert that formal ethics and axiology are analogous to formal logic."[22] According to Husserl, analogy is something 'radikal und durchgehende'[23] because both logic and ethics refer to the rationality of consciousness[24].

Husserl defines consciousness as "a unit which goes under the name of reason: a reason that knows, values and acts."[25] Every area of reason is committed to a specific function: knowing, willing, valuing. All these rational areas provide logic, ethics, axiology *et al.* with a rational basis. Axiological reason, that is the reason in charge of processing values, is defined as a "consciousness which constitutes values objectivities."[26] Logic and ethics or the true and good are parallel to each other because they are grounded in two different kinds of reason. According to Husserl, to describe these essences we just have to explore the intentional act by which the consciousness experiences its objects.

---

14   Husserl, E. (1919/1986), "Erinnerungenan Franz Brentano" (1919). In *Gesammelte Werke*, Bd. XXV, herausgegeben von Nenon, T Sepp H. R., Den Haag: M. Nijhoff, p. 305.
15   Rollinger, Robin D., *Husserl's Position in the School of Brentano*, Dordrecht: Kluwer, 1999
16   See: Reinhard Fabian, "Lebenun Wirken von Christian von Ehrenfels". *Christian von Ehrenfels, Leben und Werk,* p. 17. (A letter from Ehrenfels to Meinong, 26 February 1886)
17   The first note we have about the parallelism dates back to 1902, though it was widened in *Vorlesungen ueber Grundfragenzur Ethik und Wertlehre,* namely in *Vorlesungen ueber Ethik* in 1908-09, 1911 and 1914. Also, see the letter from Husserl to Meinong 5 April 1902 (*Briefwechsel,* ed. Schuhmann, K., the Hague, Kluwer Academic Publishers,1994, Bd. I, p. 145), and *Ideas I*, note 1, p. 219 and Husserl, E. *Formale und transzendentale Logik*, ed. Janssen, P., The Hague: Martinus Nijhoff, 1974 note 1, p. 142.
18   Husserl, E. 1908-1914.*Vorlesungen über Ethik und Wertlehre,1908 - 1914*, Ulrich Melle (ed.) 1988. The Hague, Kluwer Academic Publishers (abridged with Hua XXVIII) and Husserl, E. *Einleitung in die Ethik. Vorlesungen Sommersemester 1920 und 1924*, hrsg. von H. Peucker, Dordrecht/Boston/London, Kluwer Academic Publishers, 2004 (abridged Hua XXXVII).
19   Hua XXVIII, First Section
20   Ibid., p. 240
21   See: Ibid., §10-12.
22   Ibid, p. 266.
23   Hua XXVIII, p. 44.
24   See: Ibid., p. 4: ""Since a system of fundamental structures of the consciousness of belief (doxic consciousness as I use to say) corresponds to the formal logic (....), similarly things are for the practic in relation to the phenomenological discipline that corresponds to them, that is the theory (...) of will."
25   Husserl, E. (1922-1937). *Aufsätze und Vorträge* 1922-1937, hrsg. Nenon T. Sepp H. R. in *Husserliana* – Band XXVII. The Hague: Kluwer, 1997.
26   Hua XXVIII, p. 266.

As Husserl wrote in his *Logical Investigations* (1900-01), every act of consciousness is either an intentional act that is based on a representation or is a representation[27]. This means that consciousness refers to its objects by intending them. This is distinct from Brentano's claim that intentionality is not object-oriented, rather it is subject-oriented as it is up to consciousness to "decide"[28] what it wants to mean. The intentional essence, similarly to what Brentano also claimed, is composed of quality, matter and representative content[29]. Every intentional act can aim at different contents in different ways but intentional acts always need a signitive or intellective act to present or understand what consciousness is aiming at. For example, I can feel the beauty of a sunset only if I can represent the presence of that sunset to myself. I can know a friend if I can represent her presence before me. Consequently, this means that the intentional essence of every act is based on the representation of the object.

"We can talk about a pure understanding (...) when the acts that we define as (...) perceptions, representations, judgments, suppositions, conjectures, doubts *can be thought without the interference of affective acts at all.* (...) On the other hand affective acts, according to their essence, look to be grounded acts and grounded in intellective acts. Every intellective act is based upon (...) a represented object which is established as an existent one."[30]

The intentional essence of an axiological act is always made up of representative content, matter and quality where this specific quality is often explained by Husserl with the metaphor of colors. Axiological intentions are, to use his words, "emotionally coloured."[31]

"A sensation of pleasure attaches to the idea, a sensation at once seen and located as an emotional excitement in the psycho-physical feeling subject, and also as an objective property (...) The event thus pleasingly painted now serves as the first foundation for the joyful approach (...). The sad event seems coloured and clothed with sadness"[32]

The axiological essence is a hue that attaches to the representation of the ontological object to which it refers. In this sense, the two layers of the analogy and parallelism are, for Husserl, related to each other. The analogy between the true and good leads the way to the former layer of the analogy between the axiological essence and the object. The former analogy, in fact, shows that there are two analogous kinds of intentionality, both grounded in the representation of the object (though in two different ways). The ontological object differs from the object that exists in the consciousness because of its signitive representation. The good, as well as the true, exists as a 'primary object', *i.e.* as an ontological object that is in front of me and as a 'secondary object' cognitively given to my mind. Without the "all-encompassing"[33] device of predicative reason we cannot explain what we are referring to, nor can we even be aware of our practical intentionality.

Therefore, following the former layer of analogy, Husserl defines value as a state of affairs that differs from the object that holds the value. In fact, the object of value (primary object) that we

---

27   Husserl, E. 1901. *Logical Investigations* Findlay, J.N.(trans.) Moran, D. (ed.) London: Routledge, 2001 (Original Husserl, E. 1901. *Logische Untersuchungen*, Halle: Niemeyer). Abridged with Hua XIX.
28   See: Husserl, E. *Analyses concerning Active and Passive Synthesis*, trans. by A. Steinbock, Dordrecht: Springer, 2001, p. 134: "The noetic (*subjective*) Yes and No [...] arises from taking a position specifically as judging. As with every mode of consciousness, we have a noematic (*objective*) correlate. Here, of course, this correlate is the noematic valid and invalid arising in the objective sense"
29   Hua XIX, p. 461.
30   Hua XXVIII, p. 252.
31   Hua XIX, p. 111.
32   Hua XIX, pp. 110-111.
33   Hua XXVIII, p. 57.

normally perceive differs from the moral value (secondary object) because the latter is enriched by the affective intentional hue which is parallel to the hue of 'logic'. "Values are objects (...) that have to be constituted in kinds of acts belonging to a coherent and particular class of acts that we define as acts of knowledge."[34] Apparently "evaluative acts are essential to the constitution of values", but only when the object is already given. "The value is not the being; the value is something connected to the being (...) but in another dimension. The state of value (*Werthalte*) itself is not just a state of affairs"[35] but it is a directed and teleological being in a new normative sense. The second layer of the parallelism pertains to this second teleological level. This "practical" direction seems to be what makes the difference between a simple judgment and an evaluation, at the lowest level of any evaluation. Value, as a secondary object, is 'a hue' which is later added to the act as the direction in itself. "A sensation of pleasure attaches to the idea, as a sensation at once seen and located as an emotional excitement in the psycho-physical feeling subject, and also as an objective property (...) The event thus pleasingly painted now serves as the first foundation for the joyful approach (...). The sad event seems coloured and clothed with sadness"[36]

According to the *Logical Investigations* (1900-01) and the *Lectures on Value Theory* (1914), values are essences grounded in practical feelings and addressed toward a direction that is parallel to the logical one. In this sense ideas and ideals, cognitive notions and axiological essences, are parallel to each other and at the same time blend together within the representation of the 'state of affairs' (*Sachlage*) of their objects. From this perspective, a question is raised that we will deal with in the following section: what is the role of norms in these logical and axiological essences?

3.2. Making a Norm

What is the role of norms in this pattern? What is the relationship between normativity and values? At a first sight norms seem to have no role within the structure of a value, especially in Husserl's system, as values spring from a sentiment that cannot be normed. It consists of a *Wertnehmung*, i. *e.* a perception of what one is feeling.

Under this perspective, a value does not need a norm in order to be a value. Intuitively we could say that a friendship does not need norms in order to be so or to be worth of values. For example, we did not need the norms of three generations of Human Rights in order to recognize the value of those principles. Rather, these three generations of norms are the outcome of what people felt throughout the ages and what generations fought for in order to find new norms able to define a new rising identity. Norms seem to describe the signitive representation of what we feel as a value, rather than the value in itself.

On this point we can cite a passage of the *Logical Investigations* in which Husserl describes the role of norms in relation to values. "A warrior must be brave."[37] The sense of this norm is related to desire or to a value as a kind of request. A warrior, in order to be a warrior, has to satisfy an x, *i.e.* being brave. Being brave can be described according to some specific predicates. Courage is a cognitive idea that is required not for the value in itself, but out of the representation needed to describe a warrior.

Consequently, normativity does not belong to the essence of the value, but to the essence of the representation and the description we hold about a specific *status quo.* You must obey me if you want to be as good as I imagined you to be. The value, in its inner structure, is a teleological essence grounded in a feeling which points to an end whose meaning can be shared only after being represented.

---

34   Hua XXVIII, p. 277.
35   Hua XXVIII, p. 340.
36   Ibid., p. 110-11.
37   Hua XIX, p. 57.

A crucifix cannot be an object worthy of respect unless we do not project onto it a shared feeling of respect which implies a code of norms intersubjectively shared. There is a beautiful article from Hartman -- who was influenced by Moore and indirectly by Brentano's school --[38], in which he distinguishes facts from values and, accordingly, norms from values. "Fact, thus, we said, was the primary property of value. We usually see only the factual nature of fact and not its valuational normativity."[39] Yet a fact, to be a fact, needs norms that define it and yet the same thing cannot be said for values. Values need ontological facts in order to be expressed but they do not need normativity in order to be values.

To give another example taken from Hartman: "We have a magic wand in our hand, but it is just another stick. Formal axiology arrives at a Copernican inversion of fact and value: rather than value being a kind of fact, fact is a kind of value; rather than value being the norm of fact, fact is the norm of value; rather than fact being real and value unreal, value is real and fact is unreal. Value is the reality of which fact is the measure. Fact is to value as a measuring rod is to a mountain. It measures the mountain, but that is all."[40] The phenomenological analysis highlights an inversion of the relationship between values and norms. Fact is something that remains unreal until the value can describe how norms can feature it. A magic wand remains a stick until our feelings can be processed and can express predicatively what defines this stick as a magic wand. A fact remains unreal if we do not have normative and axiological words to make it real. Axiologists who employed the Aristotelian procedure "repeated *ad nauseam* the Kantian distinction, which is a distinction of secondary value properties and obstructs to this day the true understanding of value."[41]

From this it follows that it is misleading to base value on oughtness or normativity. Values are the primary properties for facts and descriptions are the primary property for values. Hence, the oughtness is a feeling that can be described and lead to those norms that define a fact.

The confusion between norms and values and facts and descriptions can be attributed to the two-tiered parallelism. Before Brentano, many axiologists did not distinguish values and objects or values and meanings. This two-tiered analogy or parallelism, if seen under Husserl's lens, allows us to observe the essence of values independently of the normativity that it entails. The value is not the same as the object, though we need the object in order to express the value, and the value is not the true, though we need the representation of something that appears true in order to perceive it as a value. Consequently axiology is not a moral discipline that says to us what we have to do, but it should be a kind of mathematical discipline that describes the measure of what we feel.

4. Boundaries of Axiology: A Conclusion

As Husserl in the *Crisis* and, independently from him, other authors such as Hartman or Bernstein note [42], if facts are bearers of normativity and if normativity is connected to values, we undertake the risk to consider facts the only reliable judge of what is good and wrong. Rather, we need to separate values from normativity, otherwise the (essential or empirical) facts will become the judge of what is valuable without leaving room for the search for a lifeworld more respondent to our own identity. In fact, to use Husserl's words, the teleological hue of values makes axiology a science with

---

38   Hartman read Moore's *Principia* (1903)and in his work was directly influenced by Moore and his school. It is not the case that he refers to the Husserl of *Crisis* as one who was "closest to the solution here presented. Hartman cited Husserl's well-known volume of the *Crisis*, noticing how this division of norms and values made possible the development of science. These authors move within the same atmosphere as Brentano's school.
39   Hartman, R. S. "the Logic of Description and Valuation", in *The Review of Metaphysics*, Vol. 14, No. 2 (Dec., 1960), p. 204.
40   Ibid., p. 206.
41   Ibid., pp. 205-6.
42   Bernstein, R. J., *Beyond Objectivism and Relativism,* Philadelphia, University of Pennsylvania Press, 1991; Husserl, E. *Crisis of European Sciences and Transcendental Phenomenology,* ed. by Carr, D. Evanston: Northwestern Press, 1970; Hartman, R. S., "Axiology as a Science", in *Philosophy of Science*, Vol. 29, No. 4 (Oct., 1962), pp. 412-433.

no moral boundaries but rather a 'liquid' discipline deeply more fit to the 'liquidity' of our practical life[43]. This allows us to describe our epistemological, aesthetical and logical identity according to an intersubjective changing view of the life-world.

43   Bauman, Z. *Liquid Modernity,* Cambridge: Harvard University Press, 2000.

REFERENCES

Bauman, Z. (2000), *Liquid Modernity*, Harvard University Press, Cambridge;

Bernstein, R. J. (1991), *Beyond Objectivism and Relativism,* University of Pennsylvania Press, Philadelphia;

Brentano, F. (1952), *The Foundation and Construction of Ethics*, E. Hughes Schneewind (ed.), Routledge, London 1973;

Brentano, F. (1874), *Psychology from the Empirical Standpoint*, Rancurello, Terrell, and McAlister (trs.). Routledge, London, 1973;

Ehrenfels, C. (1897), "System der Wertlehre", *Werttheorie*, ed. by F. Reinhard, Philosophia, Muenchen;

Hartman, R. S. (1960), "The Logic of Description and Valuation", *The Review of Metaphysics*, Vol. 14, No. 2, Dec., pp. 185-195;

Hartman, R. S. (1962), "Axiology as a Science", *Philosophy of Science*, Vol. 29, No. 4, pp. 412-433;

Husserl, E. (1919/1986), "Erinnerungenan Franz Brentano" (1919), *Gesammelte Werke*, Bd. XXV, herausgegeben von Nenon, T Sepp H. R., M. Nijhoff, Den Haag;

Husserl, E. (1908-1914), *Vorlesungen über Ethik und Wertlehre,1908 - 1914*, Ulrich Melle (ed.) 1988, Kluwer Academic Publishers, The Hague;

Husserl, E. (1920, 1924) *Einleitung in die Ethik. Vorlesungen Sommersemester* (*1920 und 1924*), hrsg. von H. Peucker, Kluwer Academic Publishers, Dordrecht/Boston/London;

Husserl, E. (1922-1937), *Aufsätze und Vorträge* 1922-1937, *Husserliana* – Band XXVII, hrsg. Nenon T. Sepp H. R., Kluwer, The Hague, 1997;

Husserl, E. (1901), *Logical Investigations*, Findlay, J.N.(trans.) Moran, D. (ed.), Routledge London, 2001;

Husserl, E. (2001), *Analyses concerning Active and Passive Synthesis*, trans. by A. Steinbock, Springer, Dordrecht;

Husserl, E. (1970), *Crisis of European Sciences and Transcendental Phenomenology,* ed. by Carr, D., Northwestern Press, Evanston;

Meinong, von A. (1923), "Zur Grundlegung der Allgemeinen Wertlehre" *Zur Grundlegung der Allgemeinen Werttheorie*, ed. E. Mally, Leuschner and Lubensky, Graz;

Moore, G. E. (1903), *Principia Ethica*, Cambridge University Press, Cambridge;

Rollinger, R. D. (1999), *Husserl's Position in the School of Brentano*, Kluwer, Dordrecht;

Runes, D. D. T. (1942), *The Dictionary of Philosophy*, Philosophical Library New York, New York.

SESSION 3

NORMS

PAOLA PREMOLI DE MARCHI
Università degli Studi di Padova
paola.premoli@unipd.it

NORMS WITHOUT VALUES.
PHILOSOPHICAL REFLECTIONS ON
CARL SCHMITT'S *TYRANNY OF VALUES*

abstract

In his work on The Tyranny of Values *(1954) Carl Schmitt argues that the use of values to justify norms necessarily leads to fanaticism and violence, and therefore must be rejected. This paper aims to show Schmitt's philosophical assumptions that result from the view of man as dangerous and selfish, and of value as dependent from human will and not from some objective knowledge. As Scheler objected to Weber, the rejection of objective values cannot defend man from arbitrariness and irrationality. Schmitt himself tried to justify norms with the sovereign's decision, but later realized that this way is not sufficient.*

NORMS WITHOUT VALUES.
PHILOSOPHICAL REFLECTIONS ON CARL SCHMITT'S TYRANNY OF VALUES

On October 23, 1959 the German jurist Carl Schmitt took part in a seminar organized by his student Ernst Forsthoff in Ebrach, with a paper titled: *The Tyranny of Values. Reflections of a Jurist on the Philosophy of Values*.[1] The text was published in a limited edition in the following year, then had a remarkable success and saw several reprints and translations. By using the expression "tyranny of values", Schmitt meant that the use of values to justify norms necessarily leads to fanaticism and violence, and therefore must be rejected.

Schmitt chose the topic of his paper because of the great influence that Scheler's philosophy of values held on German legal thought in the 20th century. After the Second World War, there was a reawakened interest in values, as part of the process of cultural reconstruction that was meant to repair the horrible crimes against humanity perpetrated in the previous decades. A new foundation was invoked, capable of rehabilitating and protecting legally the wounded dignity of human beings (TW 21). A philosophy of values was seen as the way to justify the sphere of human freedom, as a response to the proclaimed value-free realm of science. Especially the material value ethics of Scheler presented itself as the ideal solution for the need to justify legal rules. Yet, in the text mentioned, Schmitt argues not only that values are unable to offer a scientific and therefore universal justification to norms, but are the harbingers of hostility and conflict.

This paper focuses on the premises of Schmitt's perspective and aims to show that the rejection of values as foundation of civil laws depends upon some *philosophical* assumptions, even though Schmitt defined himself a jurist and not a philosopher. This paper is then divided into five parts: (1) The first part is dedicated to explain the historical background of Schmitt's notion of value (2) The second part introduces the content of *Tyranny of Values* concerning the relation between norms and values. (3) The third part explains the main thesis defended by Schmitt, namely the relationship between the posing of values and aggressiveness, and investigates its theoretical premises (4). The fourth part addresses the question of how norms can be justified without values, in Schmitt's view. (5) The fifth and final parts aims to reply to Schmitt's rejection of values by drawing on some insights by Scheler, who is the main exponent of the value theory attacked in the *Tyranny of Values*.

---

1   Schmitt 2011, in the text indicated as TW. Quotations are taken from the German edition of his work and all translations are my own.

In order to understand Schmitt's argument, we need to know the precise meaning he attributes to the word "value". The notion of value has had an increasing success in ethical and political modern philosophy. Thomas Hobbes played an important role in this history, for he denied the ontological justification of the good; many thinkers who speak of values shared his view and thus influenced the meaning of value adopted by Schmitt (see Hobbes 1651, I, 6).

In his *Groundwork for the Metaphysics of Morals,* Immanuel Kant distinguishes between the "*price*", which is the relative value of a thing, and its "*intrinsic value*" or *dignity*, which belongs only to man and is an "unconditional, incomparable worth", "infinitely above all price" (Kant 1997, 41-42). Among several expressions used by Kant, we see that the notion of value was also influenced by the development of modern political economy and in particular by the theories of value by William Petty, Adam Smith, David Ricardo and later Karl Marx. According to these theories, value has a quantitative character, is not a feature of things in themselves, but is given by its specific historical conditions, like the amount of work necessary to produce something within economic processes, its use and its exchange value (Lunghini-Ranchetti 1998). In other words, value stems from human valuating faculties.

Another thinker who influenced the debate on values is Hermann Lotze, who in his *Logik* (1884, §316-17) introduces the distinction between *being*, of things that really exist, and *values* (*Werte*), which instead have validity (*Geltung*). Even if Lotze thought that values have a metaphysical status, although different from that of beings, this distinction favoured the beginning of discussions on the separation between statements of fact and value judgments.

Nietzsche made a decisive contribution to connect values to the human will, with his theory of the devaluation of traditional values (good, beauty and truth) and the transvaluation of all values , namely the overthrow and the search for new values. In his attempt to release ethics from prohibitions and obligations, Nietzsche uses the term value to express self-fulfillment and happiness. Thus, value is that which enhances life, negative value that which denies it. For Nietzsche all values are subjective and prospective, because they are the result of assessments arising from the will to power (See Volpi 2009, 88).

In his famous work on *Science as a Vocation,* Max Weber (1946, 148 f.) is indebted to Nietzsche for this view. He asserts that science must be value-free, neutral with respect to values (*wertfrei*) and thinks that values are posed by the free and subjective will of the human individual. The act of establishing values is bound to the perennial conflict between values and world views. He therefore speaks of a polytheism of values that are emptied of their original foundation, but which are nevertheless a source for wars.

The opposite side of the modern debate about values is represented by that "philosophy of values " that initially developed as neo-Kantianism under Wilhelm Windelband and Heinrich Rickert, and then flourished within phenomenology under the influence of Max Scheler's work *Formalism in Ethics and non-formal Ethics of Values.* For Scheler, values are qualities that we experience, but which cannot be reduced to the empirical goods through which we grasp them, nor to mere psychical phenomena. Just like colors are distinct from coloured things, but are experienced in those things, values are different from goods, but are experienced with them. Each individual, people and nation has his own perspective with regard to the objective order of values (*ethos*), but this does not contradict the fact that there are objective values, because the total fullness of the realm of values cannot be given to one individual, people, nation, or at one moment in history.

Therefore, the existence of the historical differences in morals "is not an objection to the *objectivity of moral values,* but is on the contrary required by it". (1973, 493) Scheler in other words sees the variety of perspectives about values more as an asset than as a cause of conflict (See Simonotti 2011, Ch. 1). Among the strongest opponents to the concept of values as "valid in themselves" is Martin Heidegger (1950, 209), who rejects the idea of objectively valid values as monstrous and without foundation. He attributes to Nietzsche the primary responsibility for spreading the concept of value in neo-Kantian

philosophy and even in Christian theology. Nevertheless, he believes that, as a result of this paradigm, value becomes a surrogate for metaphysical concepts. In his *Letter on Humanism,* it becomes evident that his criticism is motivated by his desire to overcome metaphysics, an interest which is not shared by Schmitt. Yet the German jurist adheres to Heidegger's critique, because he agrees with the idea that value is the result of an "act of valuing" and this act–Heidegger says–is always a subjectivizing. Thus, it is simply impossible to speak of objective values, even more, according to Heidegger, "thinking in values is the greatest blasphemy imaginable against being" and "when one proclaims God the altogether highest value, this is a degradation of God's essence" (1993, 265).

The Tyranny of Values **by Carl Schmitt**

Schmitt's notion of value stems from Heidegger's position and its theoretical background. There are three main characteristics of value to be found in *The Tyranny of Values.*

First, Schmitt says, "the specific characteristic of value lies in the fact that instead of a *being*, it has only *validity*". (TW 41) The question if values have some ideal existence or not is therefore irrelevant. Secondly, and consequently, for Schmitt the value "aspires to be actualized": it is not real, but aims to become real (TW 36). Thus, "the validity of values is based on acts of taking position" (*Setzungen*) (TW 39) and "values, though they may be considered high and holy, always are valid only for something or for someone" (TW 40), that is, always involve "subjects with a sense of value (*wertfühlende Subjekte*)" (TW 41). The conclusion is that value always results from an act of *establishing*, which is always an *asserting*, but also an *imposing*; therefore, "he who says they are valid, without somebody making the assertion, is cheating" (TW 57).

A third characteristic is that value is always due to a perspective, related to a point of view (TW 41). This can be explained as a consequence of its second feature: if a value is produced by an act of posing, it always depends on the point of view of its creator. Values are always inserted in a "system of pure perspectivism, a system of relations" and acquire value through their mutual position, because, says Schmitt, "points of view do not exist to be fixed and maintained for themselves" but "it belongs to their function and their meaning, to be changed when the reference plane is changed" (TW 42). Now, and this is Schmitt's crucial argument, every position of value involves a potential aggressiveness. Since value must be actuated, each value must also be imposed on others, who want to assert different values.

> Aggressiveness is inherent to the thetic-posing structure of value, and continues to be produced by the concrete actuation of value. [...] The ambivalence of values causes it to become more and more virulent as soon as these values are invoked by concrete people against other people as well concrete. (TW 45)

According to Schmitt, then, "as soon as the imposing and enforcing become really serious, [...] the conflict between evaluators, de-valuators, re-evaluators and exploiters is inevitable" (TW 46). The destructive potential of values includes subjective values, but also objective values, such as those in Scheler's material ethics: the higher values have the "right and duty" to subdue the lower ones, and values should destroy the disvalues. This, Schmitt concludes, is the *tyranny of values.* (TW 48)

This expression is taken from Nicolai Hartmann, The significance Schmitt gives it, however, is different from its original meaning. This is already evident in the passage quoted by Schmitt himself of Hartmann's *Ethics* (2002-2004, II, 425-6). Hartmann says, "every value – when once it has gained power over a person – has the tendency to set itself up as sole tyrant of the whole human ethos, and indeed at the expense of other values". This tendency "does not adhere to values as such", but to them as determining human conduct and feeling: Hartmann simply wants to show the potential danger of values in the moral behaviour of individuals or groups, when they take on a leading role at the expense of other values, for example when justice prevails over brotherly love or *vice versa*. For Hartmann the remedy to this danger is a mature *Ethos* in which a balance between the values

involved is found.

Schmitt, on the contrary, applies the term *tyranny of values* to the political sphere, to indicate that any attempt to justify the rule of law with values necessarily leads to an ideological war with those who have different value perspectives. For Schmitt, those who appeal to values first discriminate between values and non-values, then between friends and enemies, and finally impose their own values by attempting to annihilate their opponents.

Schmitt's notion of tyranny of values is based on his equivocal understanding of "asserting values" and "aggressiveness". To understand the reason for this confusion a broader inquiry of Schmitt's philosophy is needed. Even though Schmitt does not seem to be interested to investigate the ultimate philosophical foundations of his assertions, his idea of a tyranny of values presupposes some more general beliefs concerning anthropology, value theory and epistemology.

The Relation between Values and Aggression

Regarding his view on the human being, Schmitt is clearly influenced by the modern idea of man shared by Hobbes and Machiavelli, which, in last analysis, is based on a pessimistic view of individuals and social relationships. In the *Concept of the Political* (Schmitt 1996), as well as in *Dialogue on Power* (Schmitt 2008, 18) he states that man is not by nature good and pacific, but bad and dangerous. This view helps us to understand why Schmitt's *Tyranny of Values* asserts a relation of cause-effect between the posing of values and aggressiveness. However, in his comments on *The Concept of the Political,* Leo Strauss notices that the affirmation of man's bellicosity is not "unshakably certain", since "Schmitt himself qualifies the thesis of man's dangerousness as a '*supposition*'", and the choice between pessimism and optimism as an "anthropological confession of faith" (Schmitt 1996, 58). Therefore, Strauss concludes, Schmitt's anthropological premise is not demonstrated, and the opposite could be true (Strauss 1996, 111).

a) The Anthropological Premise

If we turn to the initial question of the relationship between values and norms, then we can say that, from Schmitt's perspective, it is correct to conclude that values cannot justify rules nor have in themselves a normative force. If values, as Schmitt thinks, are only the result of a subjective act of "valuing and asserting", the attempt to base norms upon them cannot but lead to bankruptcy and the only way to impose values is force. We find this conclusion already in Hobbes and Machiavelli (see Berlin 1980, 75).

b) The Axiological Premises

Some further analysis of Schmitt's notion of value would however be needed. First, Schmitt seems to have the tendency to separate ethics from the other fields of human action, without a clear description of its essential features. Hobbes describes man in the state of nature as *evil,* that is, like beasts that are moved by their drives and thinks that this is an "innocent" evil, because moral duty is given by social structures. In *The Concept of the Political,* Schmitt, as noticed by Strauss, speaks with sympathy of this "evil" that is not to be understood morally. Nevertheless, Strauss has shown that this presumed moral neutrality is wrong, and thus that sympathy is inappropriate, since what Schmitt admires is not morally neutral, but a deficiency. Therefore, "man's dangerousness, revealed as a need of dominion, can appropriately be understood only as moral baseness" (1996, 115) In *The Tyranny of Values* we see a similar lack in distinguishing clearly between what is morally neutral and what is morally relevant. Schmitt is inclined to ignore the difference and the relationship between the political and the ethical sphere.

Schmitt also says that "for the realization of the supreme value no price is too high" (TW 51). If the supreme value is the one that has no price, according to Schmitt you must conclude that everything can be sacrificed to pursue that value: the principle that the end does not justify the means is not valid anymore, because no price will be too high to get the value that is regarded as invaluable. Here again we can see the influence of Hobbes, who in the *Leviathan* (1651, X) says: "the value or worth of a

man is, of all other things, His price". In Schmitt's argument, however, we see that the analogy with the economic concept of value can be misleading. In fact, to say that the supreme value is priceless does not necessarily mean that any price can be paid for its sake, as Schmitt thinks, but it can also mean that some values are outside the logic of price, and require qualitatively different criteria than that of market relationships to be valued. Kant's notion of dignity suggests this second meaning: priceless here means that the person's dignity makes her incommensurable to any impersonal being, which has a price, and therefore she must be appreciated and respected as an end in itself, because her value is outside of our power.

Another concept used by Schmitt to argue in favor of a necessary connection between values and aggressiveness is the relationship between denial and duty. Schmitt mentions Scheler's assertion that the destruction of a negative value is a positive value and interprets it as a dangerous invitation to "repay evil with evil, and thus transform our world into a hell, but hell into a paradise of values" (TW 51). This is because the value for Scheler implies an *ought-to-be*, which is especially evident when the value is absent. If the duty emerges as a call to eliminate the non-value, this implies, Schmitt concludes, that the annihilation of what is declared as a non-value is a right and a duty (Scheler 1973, 82). This argument would clearly require further research on why the difference among values must necessarily lead to exclusion and cannot admit some kind of coexistence, and on the relation between value and duty, but both inquiries are impossible if values are subjective and one cannot find any objective reference for discussion. The crucial question posed by the tyranny of values, then, is to be found in Schmitt's epistemological premises.

c) The Epistemological Premises

The notion of values as "valid for someone" is in fact nothing else than a restatement of the view of Protagoras that "man is the measure of all things", namely of a theoretical relativism and ethical arbitrarianism. Schmitt seems to be aware of this. In *The Tyranny of Values*, he says that the attempt to give an objective foundation to values is just a new tool of the arrogance that leads to strengthen the fight, "without the slightest increase of their objective evidence for those who think differently" (TW 46). It is not possible to distinguish between "values" and subjective "beliefs" and "interests" (TW 49), and the concept of a blindness of values defended, for example, by Dietrich von Hildebrand is senseless (Hildebrand 1922, TW 68). He also notices that the act of valuing as such does not save the goods, interests and purposes to which it is applied, because is not sufficient to create legitimacy (TW 24).

How can Norms without Values be Justified?

If therefore, for Schmitt norms cannot be justified with a reference to values, one might ask how norms can be established. To answer this question would require an investigation that transcends the limits of this paper. Here, however, I suggest starting the research from the reading of Schmitt's *On The Three Types of Juristic Thought* (2004). In this work, Schmitt introduces three forms of legal thought: normativism, decisionism, and the theory of the concrete order. They correspond to three conceptions of the essence and foundation of the law, since "even in any natural or rational law [...] one will find the ultimate notion of *Recht* as either norm [rule] or decision or order" (Ibid. 43). In every legal theory there are elements of all three views, but one concept of law is the fundamental one from which the others are derived.

According to normativism, the norm is an absolute and creates order, elevating itself above the individual case and the concrete situation. As expressed by Chrysipp "law is king, master over morality and immorality, right and wrong". (Schmitt 2004, 45). Schmitt was always very critical of this theory, and in *On The Three Types of Juristic Thought* says that normativism is wrong because it ignores that laws always presuppose concrete persons who apply them. He therefore rejects this theory not because it cannot justify the norm's content, but because it ignores that norms cannot be applied without a reference to the concrete society, individuals, and communities (ibid. 51).

The second legal theory is decisionism. Schmitt is considered the founder of this theory, which he

introduced in the 1920s, to solve the question of the political situation called *state of exception.* In *Political Theology* he says that norms demands "a normal, everyday frame of life" to which they can be applied and "there exist no norm that is applicable to chaos"; therefore, when the normal order has been destroyed or endangered, the sovereign is called to decide about what is right and therefore legal. (1996, 13). Thus, he quotes a principle mentioned by Hobbes in the Latin edition of the *Leviathan* (even within a different context), that "*auctoritas, non veritas, facit legem*". In *On the three Types of Juristic Thought* he explains that "it is not the command as command, but the authority or sovereignty of an ultimate decision with which the command is given that is the source of all *Recht*" (2004, 60). The sovereign decision is "the absolute beginning" (ibid. 62).

Over the years, Schmitt recognized that decision must not be the only source of law. Probably the access of the Nazis to power and their attack against values and traditions prompted Schmitt to take interest in protection of certain institutions of state such as marriage, property and churches (1965, 170-182). Even if *On the Three Types of Juristic Thought* was published a few months after that Schmitt joined the Nazi Party, in this work Schmitt seems to defend another source of law, namely, the concrete order of the already existing institutions, communities and interpersonal relationships. According to this third legal theory, norms stem from the already existing social order, so to reflect the views about justice and values of social groups, associations and institutions.

Unfortunately, after the work *On the Three Types of Juristic Thinking*, Schmitt no longer addressed in detail the issue of the foundation of law. The reason probably is that, as a jurist, he was more interested on how laws can become effective and order social life than on their justification. Nevertheless, the mentioned work shows that even the jurist cannot avoid any reference to objective values: Schmitt clearly refers to notions as "legal order", peace, normalcy, right, as well as to some basic communities like family, as they were endowed by positive importance in themselves. He probably did not see the inconsistency between the defense of these entities, and the thesis introduced twenty years later in the *Tyranny of Values* that norms cannot be justified with objective values.

Conclusion: a Reply of Scheler to Schmitt

In a short essay of 1923 on Weber, Scheler says that he "abandons all questions which go beyond his concept of science [...] to a completely a-rational, individual option of the will – and therefore to the mere struggle between parties and group". Then we read:

> His [Weber's] radical error is the assertion that the material values have only subjective significance, and that *there can be no binding knowledge of objective phenomena and values,* goods or systems of goods beyond positive science, nor is it possible for representatives of different systems of values to "convince" one another or to fructify one another intellectually (Scheler 1989, 94).

This critique can also be applied to Schmitt: values are rejected because their meaning is considered a mere option of the will. But Scheler says that the abandonment of issues that refer to morality, religion and the view of the world to irrational powers is a complete misunderstanding of their nature and therefore exclusion of philosophy and wisdom. The wisdom pursued by philosophy is the only knowledge that is able to bind together things like "knowledge of being, the consciousness of value *and* systematic readiness of the *will* to obey the demands of obligation which arise from the synthesis of the knowledge of *being* and the consciousness of *value*". Through wisdom, continues Scheler "the soul maintains the beautiful dynamic equilibrium of the manifold energies which constitute it, by constantly transforming goodness into knowledge and knowledge into goodness." (ibid.)

Schmitt cannot pursue this ideal because of his negation of both terms of the relation: knowledge and goodness. He attacks a philosophy of values by rejecting any objective foundation to *values*, but the result is that he denies any foundation also to *philosophy*. The deepest root of the notion of tyranny of

values, then, is above all of an epistemological nature: in denying that human knowledge can inquire into essential data of human experience, Schmitt also rejects any autonomous status to philosophical thinking. According to Schmitt, the condition of the human being requires not philosophy, but a political structure, which alone can protect the life of men against war and conflict. Scheler, on the contrary, thinks that *all* the different human activities (i.e. science, action upon the world, leadership of men) are "simply differing means to form the human personality under the guidance of wisdom and with the aim of leading steadily upwards towards it", and "have as their *ultimate justification* this formation of man" (1989, 95). The outcome of the resort to values as justification for norms, then, should be the exact opposite of the tyranny described by Schmitt: if laws reflect the hierarchy of importance in the world, they contribute to enrich the wisdom, which allows humanity to flourish.

REFERENCES

Bendersky, J.W. (2004), "Introduction", in C. Schmitt, *On the Three Types of Juristic Thought,* trans. J.W. Bendersky, Praeger Publisher,Westport, pp. 1-39;

Berlin, I. (1980), "The Originality of Machiavelli", *Against the Current. Essays in the History of Ideas*, The Hogarth Press, London, 25-79;

Hartmann, N. (2002-4 [1926]), *Ethics*, Transaction Publishers, New Brunswick, 3 voll;

Heidegger, M. (1993 [1949]), *Letter on Humanism,* Trans. F. A. Capuzzi in *Basic Writings,* Harper Collins, New York;

Heidegger, M. (1950), "Nietzsche Wort *Gott ist tot*", In *Holzwege,* Klostermann, Frankfurt a.M.;

Hildebrand, D. von, (1922), „Sittlichkeit und ethische Werterkenntnis", *Jahrbuch für Philosophie und phänomenologische Forschung*, 5, 462-602;

Hobbes, T. (1651), *Leviathan or the Matter, Form and Power of a Common Wealth Ecclesiasticall and Civil*;

Kant, I. (1997 [1785]), *Groundwork of the Metaphysics of Morals*, trans. M. J. Gregor, Cambridge University Press, Cambridge;

Lotze, H. (1884 [1843]), *Logic in Three Books,* trans. B. Bosanquet, Clarendon Press, Oxford;

Lunghini G.-Ranchetti F. (1988), "Valore, teorie del"*, Enciclopedia delle Scienze Sociali Treccani*;

Meier, H. (1995), *Carl Schmitt and Leo Strauss. The Hidden Dialogue,* trans. by. J. H. Lomax, University of Chicago Press, Chicago;

Scheler, M. (1989 [1921-3]), *Max Weber's exclusion of Philosophy,* trans. R. C. Speirs, in M. Weber, *Science as a vocation,* P. Lassman & I. Velody (ed.), Unwin Hyman, London, 92-98;

Scheler, M. (1973 [1916]), *Formalism in Ethics and Non-Formal Ethics of Values: A New Attempt Toward the Foundation of an Ethical Personalism,* Northwestern University Press, Evanston;

Schmitt, C. (1965 [1928]), *Verfasssungslehre,* Duncker & Humblot, Berlin;

Schmitt, C. (1985 [1922]), *Political Theology, Four Chapters on the concept of Sovereignty,* trans. G. Schwab, The University of Chicago Press, Chicago;

Schmitt, C. (1996 [1932]) *The Concept of the Political*, trans. G. Schwab, The University of Chicago Press, Chicago;

Schmitt, C. (2004 [1934]), *On the three Types of Juristic Thought,* trans. J.W. Bendersky, Praeger Publisher, Westport;

Schmitt, C. (2008 [1954]), *Gespräch über die Macht und den Zugang zum Machthaber,* Klett-Kotta, Stuttgart;

Schmitt, C. (2011 [1960]), *Die Tyrannei der Werte*. 3. Rev. ed., Duncker & Humblot, Berlin. Engl.: *The Tyranny of Values*, trans. S. Draghici, Plutarch Press, Corvallis, 1996;

Simonotti, E. (2011), *Max Scheler. Universalismo e verità individuale,* Morcelliana, Brescia;

Strauss L. (1996), *Comments on Schmitt's Essay,* in C. Schmitt, *The Concept of the Political*, trans. G. Schwab, The University of Chicago Press, Chicago, pp. 81-107;

Volpi, F. (2009), "Anatomia dei valori", in C. Schmitt, *La tirannia dei valori,* Adelphi, Milano, pp. 69-107;

Weber, M. (1946 [1922]), "Science as a Vocation"*, Essays in Sociology,* H. H. Gerth and C. Wright Mills (ed.), Oxford University Press, New York, pp. 129-159.

DAVIDE FASSIO

University Of Geneva

Davide.Fassio@unige.ch

HOW TO DISTINGUISH NORMS FROM VALUES

abstract

It is difficult to find decisive criteria by which to distinguish norms from values. In this article I argue that if we assume that norms essentially possess a specific set of properties, and that values do not possess these properties, we can better appreciate the distinction between norms and values and explain the plausibility of other traditional criteria of distinction. The relevant properties are that norms are directed to some addressees, possess conditions of satisfaction and are supposed to guide and motivate their addressees to satisfy these conditions.

One of the most general distinctions in the normative domain is that between norms and values.[1] Paradigmatic types of norms are duties, directives, moral norms, positive laws, rules regulating specific practices like games, reasoning and language, rules of etiquette and customs. Instances of values are goodness, intelligence, courage, injustice, inefficacy and awfulness.[2] Although the distinction between these two domains looks *prima facie* intuitive, it is difficult to find clear and decisive criteria by which to distinguish norms from values. Philosophers have tried to individuate properties distinctive of each domain. However, there is disagreement about whether the suggested criteria can provide sufficient conditions to individuate and distinguish each domain from the other. Furthermore, even the apparently most plausible criteria of distinction rely on features which seem to be derivative from some further more fundamental properties of norms or values.[3]

In this article, I argue that if we assume that norms essentially possess a specific set of properties, and that values do not possess these same properties, we can individuate more stable grounds for the distinction and provide an explanation of the plausibility of the criteria traditionally used by philosophers to track the distinction. The relevant properties constitutive of norms are that norms are directed to some addressees, possess conditions of satisfaction, and are supposed to guide and motivate their addresses to satisfy these conditions and to do it in the appropriate way.

This is the plan of the article: in section 1 I introduce and critically discuss the traditional criteria of distinction between norms and values. In section 2 I put forward a description of the relevant properties that I consider characteristic of norms. In section 3 I show how such properties can

---

1   According to a different terminology, norms are called "deontic norms" and values "evaluative norms" or "axiological norms". A less common terminology calls the formers "directives" and the latter "evaluations" or "evaluatives". For these uses see, for example, Wiggins (1998), p. 95 and Thomson (2008).

2   Values may be distinguished as positive or negative (disvalues). I will use here the term "value" in a technical sense, designating both values and disvalues. This use diverges from an ordinary use of the term according to which values are positive, as opposed to disvalues. See Mulligan (2010) for a clarification of the two uses.

3   In this paper I discuss how values and norms should be distinguished. I do not address other important issues such as how values and norms are related, what they have in common, and how they differ from non-normative entities and properties, such as physical and abstract objects. The distinction between the normative and the non-normative domain is often drawn on the basis of a distinction between what is and what should/ought to be, or in terms of natural vs. non-natural facts (where natural facts are the proper objects of natural sciences or mathematics, accountable for in mere descriptive terms). This distinction has been discussed in the analytical tradition since David Hume and G.E. Moore (e.g., Moore (1903/1993), p. 92). For an analogous discussion in the non-analytical tradition see Husserl (1973) §14. For a recent discussion see also Tappolet (2000), pp. 15-16 and Mulligan (2009), p. 405.

provide an explanation of the criteria of distinction considered in section 1.

In this section I introduce a list of criteria traditionally used in the literature to track the distinction between norms and values and provide a brief critical discussion of each of them.

1.   *Lexical differences.*[4] Values and norms are expressed by distinct families of terms. Terms expressing values are linked amongst themselves and organized around the general terms "good" and "bad". All evaluative terms are appreciative or depreciative, i.e., they qualify an entity in some positive or negative sense. The domain of evaluative terms is distinct and independent from that including normative terms such as "obligatory", "permitted" and "forbidden". Terms and expressions of this second lexical family are, in their turn, connected by different relations. According to a common view, "forbidden", "permitted" and "obligatory" are inter-definable: what is obligatory is not permitted not to do, what is forbidden is obligatory not to do, and what is permitted is not obligatory not to do.[5] Another difference concerns the respective judgments: judgments about norms can be expressed by imperative claims (compare "it is forbidden to trample on the grass" and "don't trample on the grass!"). This is not the case for judgments about values.

2.   *Conceptual richness/poorness.*[6] Evaluative concepts can be distinguished as thick or thin.[7] Thick concepts, such as goodness and badness, are more specific than thin concepts such as generosity, honesty and boredom. All thick evaluative concepts designate properties that can be considered as varieties of ways in which a thing or a person may be good or bad. The relations amongst norms are less complex than those exhibited among values. In a way, norms also admit specifications. Norms can be distinguished in sub-species such as moral, cognitive, aesthetic, technical, prudential, economic, and so on. An action can be legally permitted or permitted according to some specific legal code, and so on. However there is an asymmetry between the specificity of thick evaluative concepts and that of norms. While thick evaluative concepts are different concepts from the thin evaluative ones that they specify (goodness is different from generosity; one can be evil but generous), more specified norms do not designate independent normative concepts, they are specifications of normative standards they are relative to (what is legally permitted is what the law permits, it is an instance of permission relative to a specific standard).

3.   *Psychological distinctions.*[8] Values seem to be related to affective and emotional states.[9] For example, admirability and shamefulness are connected to the emotions of admiration and shame. There is a conceptual dependence between many evaluative predicates and predicates of emotional states (e.g., boring and being bored, amusing and being amused, annoying and being annoyed). Norms don't entertain so strict a relation with emotions. The notions of obligatoriness and permission do not have corresponding notions in the domain of emotional states. It has been argued that norms have more affinities with desires insofar as, contrary to emotions and similarly to desires, they tend to directly motivate agents. This doesn't seem completely correct. Norms clearly entertain a special relation with motivation that values do not. However there is an important difference between the motivational force of desires and that of norms. Even if norms are always supposed to motivate their addressees to act as they require, they may fail to be regarded by agents as sources of motivation.

---

4   Ogien e Tappolet (2009), pp. 40-44. See also Smith (2005), pp. 11-12 for a similar distinction.
5   The interdefinability of these three notions has been the target of some criticisms. In particular it has been argued that permissions cannot be defined in terms of the other two concepts. See, for example, Von Wright 1963, pp. 83-87.
6   Mulligan (1998); Mulligan (2009),Ogien e Tappolet (2009)
7   See, for example, Mulligan (1998), p. 162, Mulligan (2009), pp. 401-402 and 409-410, Tappolet (2000), pp. 14 and 20-23. The distinction between thick and thin values is due to Bernard Williams; see, e.g., Williams (1985), p. 128.
8   Wiggins (1987), Mulligan (1998), Skorupski (1999), Tappolet (2000), Hansson (2001), Ogien e Tappolet (2009), pp. 49-52.
9   A precursor of the idea that a strict relation obtains between values and emotions was Scheler (1973).

4.   *Syntactical differences.*[10] A standard view is that judgments expressing norms often possess a logical form involving operators which take propositions or predicates (e.g., "it is forbidden [to trample on the grass]", "it is obligatory that [drivers stop when the light is red]").[11] On the contrary, normally evaluative concepts figure in judgments in a predicative position. Consider, for example, "the conduct of John is admirable" or "the film was boring". However, such a criterion of distinction is not so straightforward. Sometimes also normative concepts figure in judgments as predicates of actions or agents, as is the case in "smoking is forbidden" or "trampling on the grass is illegal".[12] Conversely, sometimes evaluative judgments involve propositional operators, as in "it would be good that [there were no earthquakes]".

5.   *Gradability.*[13] Gradability is a distinctive feature of values. Things can be more or less good, interesting or ugly. This is not the case for norms: there are no more or less permitted, forbidden or obligatory actions. Noteworthy exceptions to the rule are recommendations and advices, which seem normative but *prima facie* gradable. It could be argued that there actually are degrees of obligation and permission in so far as various normative standards seem to be ranked in a hierarchical order. For example, it is more important to satisfy laws than rules of etiquette, and an infraction of the latter is more excusable than one of the former. However, such a ranking should not be interpreted as a relation of degrees of obligatoriness amongst norms. Rather, it constitutes a relation of priority or importance. That the law not to kill is more important than that requiring one not to cross the street outside of the white stripes does not mean that the former action is 'more forbidden' than the latter.[14]

6.   *Domain.*[15] Values range on every sort of entity (objects, actions, properties, states of affairs) while norms seem to bear uniquely on actions. If this were true, it would explain the fact that values, but not norms, admit degrees. In fact action has a binary nature: we either perform or do not perform an action. Either we maintain a promise or not. However, here some important qualifications are needed. One should distinguish between the content of a norm and the way in which a norm is complied with. Contents of norms are what norms require, permit or forbid. Such contents are not only constituted by actions. They can also be states of affairs. The norm requiring that 'ways of access have to be open' is directed to agents, but it does not mention any action in its content. However, an agent can comply with a norm only by performing some action, by bringing about that the state of affairs described by the content of the norm is the case.[16]

7.   *Principles regulating norms.* Norms are committed to constraints bearing on the abilities that agents addressed by norms are supposed to possess. The most known of these constraints is the so-called *ought-implies-can* principle, according to which, if an agent is under some normative commitment, then she must be in the position to comply with such a commitment. More precisely, she must be in the position of freely choosing whether to conform to the norm

10   Ogien e Tappolet (2009) pp. 52-60.
11   Wedgwood (2007) pp. 89-99, Ogien e Tappolet (2009) p. 52.
12   See Geach (1982) and Ogien e Tappolet (2009) pp. 53-54.
13   Mulligan (1998) p. 162, Ogien e Tappolet (2009) pp. 60-66.
14   For such considerations see Ogien e Tappolet (2009), pp. 61-62 and Hansson (2001), Ch. 10. There seem to be three ways in which norms can be ranked: 1) norms can be the object of evaluations. Different norms can be ranked as more or less evaluable than others. This, I think, is the case in the example described above where two exemplified actions are both forbidden and the ranking depends on an order of evaluation; one evaluates the norm not to kill as more important than the one not to cross the street outside of the white stripes. 2) Some norms can be hypothetical on some other infringement of a norm. For example, a norm can forbid crossing outside of the white stripes, and a second norm can prescribe that, if one breaks this norm, then one ought to pay attention that there are no cars coming. 3) The authorities promulgating different norms can have different force. Therefore, different normative systems will not be on the same level, in the sense that their normative force is different and can be ranked on a scale. Any of the ways of ranking norms considered here support norm-gradability.
15   VonWright (1963); VonWright (1963), Ogien e Tappolet (2009) pp. 64-72.
16   The way in which an addressee can act to satisfy a norm is also called by some philosophers the regulation of the norm. On the distinction between norm and norm-regulation see in particular Engel (2007), p. 163 and Engel (2008). On the notion of norm-regulation see also Pollock e Cruz (1999), Ch. 5.

or to violate it.[17] Another constraint on norms is what Ogien and Tappolet (2009, p. 67) call the *principle of parsimony*, according to which norms bear on what is neither necessary nor impossible. Norms obliging people to breathe or to fly are absurd and incoherent (if norms at all), in so far as they require necessary or impossible things. Values are not committed to such principles. We can attribute values to things independently of any relation with human agency and human capacities, and we can attribute values to necessary and impossible things. It makes perfect sense to assess as beautiful a necessary law of mathematics or wishful the happening of an impossible fact.

8.   *Responsibility and blame.*[18] On the one side, agents may be held responsible and blamable for complying or not with a norm; on the other side, one cannot be held responsible for being the bearer of some value-property. One could object that some values allow the attribution of responsibility to agents. An agent can be held responsible and blamable for being careless or for not being neat. However, in such cases it seems that responsibility and blamability depend on further norms requiring things not to be in the disvaluable way – in the examples, norms requiring the agent to be careful and neat looking. Though someone may be a bearer of a value-property and responsible for that, she is not responsible *qua* value-bearer but *qua* agent committed to some norm.

9.   *Supervenience.*[19] Values supervene on natural properties of their bearers. For example, an action is altruistic when it increases the well-being of others, and a man is careful when he pays particular attention to what he does. On the contrary, norms do not seem to supervene on natural properties. To this it could be objected that, to the extent that norms possess conditions of satisfaction that can be described in natural terms, norms also supervene on natural properties. For example, the permissibility of a move in a chess-game can be considered as supervening on a specific movement of a piece. Compare "killing is bad" and "smoking is forbidden". In both normative judgments the positive assessment or the satisfaction of the norm seems to supervene on actions that can be described in natural terms.

Although at least some of the listed criteria look *prima facie* plausible, none of them seems to provide sufficient conditions for distinguishing norms from values. Furthermore, even the criteria that at first sight look more plausible lack any explanation of why they seem appropriate. It is a legitimate question whether the distinctive features of norms and values described by these criteria obtain in virtue of some more fundamental properties possessed by either or both of them. If this is the case, the individuation of these more fundamental properties would provide a more coherent picture of how the features discussed in this section relate to each other, and eventually would also provide an explanation of these features.

In the next section (§2) I will suggest that norms essentially possess a specific set of features that values do not possess. Assuming that norms possess such features will help to provide a new rationale for the distinction between values and norms and an explanation of the *prima facie* plausibility of the traditional criteria of distinction discussed in this section (§3).

---

17   This principle has been widely discussed in the literature. See, for example, Moore (1903/1993), Feldman (1986), VonWright (1963), pp. 108-116, Railton (1999), Darwall (2003), Ogien e Tappolet (2009), Mulligan (2009), Glüer e Wikforss (2010). See Von Wright (1963, pp. 108-116) for different possible variants of the principle. It has been argued that some ought-claims seem to violate this constraint (e.g., Sinnott-Armstrong (1984), Kekes (1984); see Howard-Snyder (2006) for a reply). For instance we say that all people in the world ought to have enough food while we know very well that it is impossible given the state of the world as it is now. However, it has been widely recognized that ought-claims can express both evaluative and normative judgments. If this is right, it is plausible to classify the exemplified claims as evaluative assessments for which the principle is not in force.
18   Smith (2005) pp. 10-13.
19   Mulligan (1998), p. 163.

2.
Some
Essential
Properties of
Norms

All norms are directed to some set of agents. Agents to which norms are addressed are the *addressees* of norms. They are supposed to be moved by norms to act as these demand. Norms have *conditions of satisfaction.* Such conditions are what should be the case for the norms being satisfied. Conditions of satisfaction are determined by two elements: the character and the content of the norm. There are three possible *characters* of a norm: obligation, prohibition and permission. Obligations are satisfied when what is required is the case. Prohibitions are satisfied when what is forbidden is not the case. In the case of permissions it is more difficult to individuate the conditions of satisfaction. According to one interpretation, these conditions consist in the compatibility of what is permitted with other requirements. According to another interpretation permissions are satisfied if other participants to the practice regulated by the norm leave the addressee of the permission free to perform the permitted act and refrain from criticizing her when she does what is permitted. The *Content* of norms is what norms require, prohibit or permit. It can be an action or a behavior or some state of affairs.[20] When the content of a norm is not an action, addressees can conform to what norms demand only by acting or refraining to act in some specific way, i.e., by bringing it about that what is expressed by the content of the norm is the case. It is therefore appropriate to distinguish between the conditions of satisfaction of a norm and the way in which addressees of the norm bring something about to satisfy these conditions.[21]

Norms have a constitutive aim, role or *telos.* They are supposed to possess an authoritative force and a motivational influence over addressees, moving and guiding them to satisfy their conditions of satisfaction, i.e., to act in conformity to what norms require, permit or forbid.[22] The ways in which norms are able to persuade their addressees to comply with them are different. Agents can be motivated to follow norms by the fear of punishment, the desire to respect a common established convention, a self-commitment to the rules, the aversion to negative feelings such as shame, embarrassment and guilt, the criticism of other participants to a practice, the risk of exclusion from a practice, and so on.

Not only are norms supposed to have a guiding influence on agents' intentional actions and behaviors, but they are supposed to have it *in the appropriate way*, as an effect of the agents' recognition of the content and role of norms and the motivation caused by the influence of their normative force.[23] This condition does not entail that addressees of norms are always motivated by norms, or even acknowledge norms and recognize them as involving normative force. Norms can fail to motivate agents to act as they require. Or agents motivated by a norm and acting with the intention of doing what the norm requires can fail to fulfill the norm because of factors out of their control. Norms are in place independently of their actual recognition, motivation and fulfillment on the part of their addressees. The mentioned motivational condition has to do with what norms in themselves are supposed to do, what their role is, and not with their success in moving the addressees to comply with them.

In order to better understand the structure of norms described above, let me consider a specific example: the positive law that obliges citizens to pay taxes. The norm has an obligatory character and its content is the action of paying taxes. The addressees of this law are citizens, a specific set of agents. The law is satisfied if and only if citizens pay taxes. The law is supposed to motivate citizens to pay taxes. Law provides reasons for moving its addressees to comply with it. It does that by means of the praise of those who respect it, the justification of the reasons why they must respect it, and the threat of punishment for infractions. Citizens are supposed to be moved by this law in

---

20   For a discussion of the notions introduced here see, for example, VonWright (1963).
21   On this point see footnote 16.
22   See VonWright (1963) p. 159, VonWright (1963) pp. 2-3 and 118-119. For similar considerations about the guiding nature of rules see Baker e Hacker (1985), pp. 259-260.
23   The normative force is supposed to determine agent's motivation for the right kind of reasons. On the appropriate ways in which norms are supposed to motivate their addressees see Glüer e Pagin (1999), p. 208. On the inappropriateness of deviant causal chains in the explanation of normative guidance see Railton (2006) and Schroeder (2008).

the appropriate way, because they recognize the norm as such, feel its normative force and are moved by the reasons it gives them. This does not mean that addressees are always in the position to acknowledge and recognize this law as involving normative force, be motivated by it, and fulfil it. Sometimes this law fails to motivate citizens, who don't pay taxes. Or agents can also be motivated by the law and act with the intention of paying taxes, but for some cause out of their control fail to do so. The very same features individuated in this example can be found in every other type of norm.[24] Values do not possess the ontological structure of norms described above. In values it is possible at most to identify a distinction between evaluative properties and descriptive conditions on which such properties supervene. The only analogy could be between descriptive conditions on which values supervene and conditions of satisfaction of norms. However, the analogies between the ontological structure of norms and values seem to end here, for there is nothing in values that can be compared to an addressee. While value properties can be conceived as properties standing in a binary relation with descriptive conditions on which they supervene, norms have more complex structures involving a set of addressees and conditions of satisfactions and are relative to different standards. Furthermore, values are not supposed to motivate agents to act, at least not in the way norms do; and when values motivate action, they do so in a different way than norms. Values do not motivate by means of the exercise of an authoritative force over agents. Rather, normally agents acknowledge values by perceiving or feeling the goodness of a thing, the ugliness of a face or the courage in an action. When values have an impact on agents' motivation this commonly happens because of their effect on desires and emotions rather than from the recognized force of some authority.[25]

Although this may be challenged, it looks *prima facie* very plausible, almost platitudinous, that norms possess the properties attributed to them in the above section. In this section I argue that by assuming that norms, and only norms, essentially possess these properties, one can at least partially explain the plausibility of the traditional criteria of distinction between norms and values introduced in section 1.

The considered properties of norms can explain at least some of the lexical differences between the two domains (*1st criterion*). The domain of normative terms is organized around the general notions of obligation, prohibition and permission because these are the three possible characters that every norm possesses. Normative judgments can be reformulated in claims in the imperative mood

3.
An Explanation of the Traditional Criteria of Distinction

---

24   One may object that in this paper I do not consider a specific type of norms that seems not to possess the features described in this section, namely, constitutive norms. As Glüer e Pagin (1999) well clarify, there seems to be at least two notions of constitutive norm in the literature. One notion was discussed by philosophers such as Midgley (1958), Searle (1969), Lewis (1983), and more recently Zelaniec (2010) and (2013). An example of constitutive rules in this sense is "A touchdown is scored when a player has possession of the ball in the opponents' end zone while a play is in progress" (Searle1969, p. 34). According to this notion, constitutive rules are not deontic or evaluative standards but specifications akin to definitions of some aspect of a practice or activity; constitutive rules, contrary to regulative ones, do not mandate their performance or evaluate a certain condition, they merely state what certain actions count as. They have neither addressees nor conditions of satisfaction. They cannot be violated. They are not guiding insofar there is nothing that these norms require or assess (cfr. Glüer e Pagin (1999), pp. 217-219). They just determine a practice without playing any direct role in its normative regulation. Another notion of constitutive norm has been discussed in more recent times (e.g., Williamson (2000), pp. 239-240, Wedgwood (2002)). According to this notion, constitutivity designates a relation of metaphysical or conceptual dependence of a thing from a certain property. A constitutive norm is such that some activity (or other type of entity) metaphysically or conceptually depends on that norm. Constitutive norms in this latter sense, conceived as prescriptions or permissions that enter in the essential or conceptual definition of a thing, have the same ontological structure attributed to other norms in sections 1 and 2. In contrast, constitutive norms in the first sense have normative force on agents only derivatively, insofar they are associated to further regulative rules (Zelaniec (2010), p. 422). For this reason, I am reluctant to attribute to constitutive norms in the first sense a genuine normative nature. This is also why I do not discuss this type of norms in this paper. However I am aware that this latter consideration is debatable. Different approaches to these issues are possible depending on how one conceives normativity.

25   In normal circumstances we have access to values by means of emotions and feelings. Another way of access to values is testimony: I could know that a thing is evaluable for I've been told so. Sometimes testimony provides us knowledge or belief that something is evaluable, and these cognitive attitudes in turn can motivate us to desire these values and to act in certain ways. In such cases, values motivate without having a direct impact on desires and emotions. Thanks to a reviewer for pointing this type of cases to my attention.

because norms are essentially supposed to motivate agents to fulfill them. The imperative mood is particularly appropriate to convey the normative force required to move addressees to comply with norms. This is not the case for evaluative judgments that can eventually motivate agents to act, but are not essentially aimed at moving agents to realize the evaluated conditions.

On the one hand, values are strictly related to emotions. Emotions are many, stand in a variety of different reciprocal relations and are either positive or negative. This explains why there is a great variety of values, all related to the determinable thick values of goodness and badness. On the other hand, norms have less complex relations than values for they are not supposed to motivate agents to act by inducing different types of emotions, but by exercising on agents an authoritative force that has similar characteristics in all norms (*2nd criterion*).

In normal circumstances, agents are receptive to values in a passive way. When directly recognized (i.e., when our acknowledgment of them is not mediated by testimony), values have an impact on agents' motivation by the mediation of emotions. On the contrary, agents are supposed to be "forced" to act by norms, influenced by a recognized and accepted authoritative force. Norms are more directly related to reasons and motivation insofar as they are essentially supposed to motivate their addressees to act as they require. This explains the *3rd criterion* of distinction between values and norms.

The properties of norms considered above can provide an explanation of why normally normative judgments possess a logical form involving operators taking propositions or predicates while evaluative concepts figure in judgments in a predicative position (*4th criterion*). The reason is that norms possess a more complex structure that cannot be expressed by simple one-place predicates without resorting to contextual implicatures. The assertion "answering emails is mandatory" is underspecified. It implies that answering is required of some addressee by some authority and according to some normative standard. Nothing similar is the case for value ascriptions. Asserting that a certain act is courageous may be vague, but such an assertion does not leave implied in the context any important feature of the evaluation.

Norms are supposed to motivate their addressees to realize certain conditions. Addressees can bring about the realization of such conditions only by performing some specific set of actions. This explains why agents can comply with norms only by performing some action (*6th criterion*). This also explains the non-gradability of norms as opposed to the gradability of values (*5th criterion*). Performing an action may be, but normally is not, a matter of degrees. The non-gradability of norms is contrasted with the gradability of evaluative properties, which do not have the same relation with actions. Rather, values have a closer relation with emotions. Emotions come in degrees. This explains why values are gradable.

That addressees can comply with norms only by performing actions explains why norms are committed to specific principles, such as the *ought-implies-can* principle and the *principle of parsimony*, while values are not (*7th criterion*). Norms are supposed to motivate their addressees to act in such a way as to comply with some normative demands. If an agent were not in the position of performing such actions – either because she cannot freely choose whether to conform with the norm or infringe it, or because what the norm requires is something necessary, impossible, or not dependent on her voluntary control – then the norm would be absurd, insofar as its authority would irrationally issue an unsatisfiable demand asking for actions that are not under the ken of the addressee's agency. Values are not supposed to motivate agents to perform certain actions. This explains why they are not bound by these constraints.

Agents can be held responsible and blamed for violations of norms (*8th criterion*). This is because addressees who recognize and accept a norm are supposed to try to comply with it, and are held responsible for this. While involuntary infractions are excusable, intentional infractions are considered wrongdoings deserving of punishment and blame. The categories of responsibility and blamability do not apply to subjects that are responsive to values, since values are not such that

agents are supposed to be guided by them to act in a certain way.

Values supervene on descriptive properties. Whether a similar relation of supervenience obtains between norms and their conditions of satisfaction is a debated matter (*9th criterion*). Whatever be the truth about this matter, I think that the complex ontological structure of norms described in the previous section can explain at least the intuition of non-supervenience of norms on descriptive conditions. Since norms involve complex relations amongst several properties (addressees, conditions of satisfactions, normative standards,...), it would not do justice to the complexity of norms to describe norms as simple binary supervenience relations between normative properties and conditions of satisfaction. Such a description would be necessarily incomplete, leaving implicit a number of important features of norms.

Conclusion

In this article I argued that by assuming that norms but not values essentially possess a specific set of properties, we can better appreciate the distinction between the two domains and we can provide an explanation of the plausibility of the criteria traditionally used by philosophers to track the distinction. My considerations could have consequences for other issues concerning the relation between the two normative domains, such as whether norms are reducible to, or dependent on values or vice versa, and whether norms, values, or both can be reducible to descriptive features or are irreducibly normative. However, these further developments are beyond the scope of the present work.

REFERENCES

Baker, G. P., Hacker, P. M. S. (1985), *Wittgenstein: Rules, Grammar and Necessity*. Blackwell;

Darwall, S. (2003), "Moore, Normativity, and Intrinsic Value", *Ethics*, 113(3), pp. 468–489;

Engel, P. (2007), "Belief and Normativity", *Disputatio*, 23 (2), pp. 153–177;

Engel, P. (2008), "In What Sense is Knowledge the Norm of Assertion?", *Grazer Philosophische Studien*, 77(1), pp. 45–59;

Feldman, F. (1986), *Doing the Best We Can: An Essay in Informal Deontic Logic*, Reidel Publishing Company;

Geach, P. T. (1982), "Whatever Happened to Deontic Logic?" *Philosophia*, 11, pp. 1–12;

Glüer, K., Pagin, P. (1999), "Rules of Meaning and Practical Reasoning. *Synthese*, 117(2), pp. 207–227;

Glüer, K., Wikforss, A. (2010), "The Normativity of Meaning and Content", in Zalta, E. N., editor, *The Stanford Encyclopedia of Philosophy*, Winter 2010 edition;

Hansson, S. O. (2001), *The Structure of Values and Norms*. Cambridge University Press;

Howard-Snyder, F. (2006), "'Cannot' Implies 'not Ought'", *Philosophical Studies*, 130(2), pp. 233–246;

Husserl, E. (1973), *Logical Investigations*, Routledge, London. Originally published in 1913 [2nd edition], translation of J. N. Findlay;

Kekes, J. (1984), "'Ought Implies Can' and Two Kinds of Morality", *Philosophical Quarterly*, 34(137), pp. 459–467;

Lewis, D. K. (1983), *Philosophical Papers*, Oxford University Press;

Midgley, G. C. J. (1958), "Linguistic Rules", *Proceedings of the Aristotelian Society*, 59, pp. 271–290;

Moore, G. E. (1903/1993), *Principia Ethica*, Cambridge University Press;

Mulligan, K. (1998), "From Appropriate Emotions to Values", in Menzies, P., editor, *The Monist*, 81, pp. 161–188;

Mulligan, K. (2009), "Values", in R. Poidevin, P. Simons, A. McGonigal, R. Cameron, editor, *The Routledge Companion to Metaphysics*, Routledge, London, pp. 401–411;

Mulligan, K. (2010), "Emotions and Values", in Goldie, P., editor, *The Oxford Handbook of Philosophy of Emotion*, Oxford University Press, pp. 475–500;

Ogien, R. and Tappolet, C. (2009), *Les concepts de l'éthique : Faut-il être conséquentialiste?*, Hermann;

Pollock, J. L., Cruz, J. (1999), *Contemporary Theories of Knowledge*, Rowman & Littlefield;

Railton, P. (1999), "Normative Force and Normative Freedom: Hume and Kant, but not Hume versus Kant", *Ratio*, 12(4), pp. 320–353;

Railton, P. (2006), "Normative Guidance", in Shafer-Landau, R., editor, *Oxford Studies in Metaethics*, Vol. 1. Oxford University Press;

Scheler, M. (1973), *Formalism in Ethics and Non-Formal Ethics of Values*, Northwestern University Press;

Schroeder, M. (2008), "Value Theory", in Zalta, E. N., editor, *The Stanford Encyclopedia of Philosophy*, Fall 2008 edition;

Searle, J. R. (1969), *Speech Acts: An Essay in the Philosophy of Language*, Cambridge University Press;

Sinnott-Armstrong, W. (1984), "'Ought' Conversationally Implies 'Can'", *Philosophical Review*, 93(2), pp. 249–261;

Skorupski, J. (1999), "Irrealist Cognitivism", *Ratio*, 12, pp. 436–459;

Smith, M. (2005), "Meta-Ethics". In Smith, M. and Jackson, F., editors, *Oxford Handbook of Contemporary Philosophy*, pp. 3–30, Oxford University Press;

Tappolet, C. (2000), *Emotions et valeurs*, Presses Universitaires de France – PUF;

Thomson, J. J. (2008), *Normativity*, Open Court;

VonWright, G. H. (1963a), *Norm and Action: a Logical Enquiry*, Routledge & Kegan Paul;

VonWright, G. H. (1963b), *The Varieties of Goodness*. Routledge & Kegan Paul;

Wedgwood, R. (2002), "The Aim of Belief", *Philosophical Perspectives*, 16(s16), pp. 267–97;

Wedgwood, R. (2007), *The Nature of Normativity*, Oxford University Press;

Wiggins, D. (1987), *A Sensible Subjectivism?*, Basil Blackwell;

Wiggins, D. (1998), "Truth, Invention and the Meaning of Life. In *Needs, Values, Truth: Essays in the Philosophy of Value*, Oxford University Press;

Williams, B. (1985), *Ethics and the Limits of Philosophy*, Harvard University Press;

Williamson, T. (2000), *Knowledge and Its Limits*, Oxford University Press;

Zelaniec, W. (2010), "Remarks on the Ontology and the Normative Aspect of Constitutive Rules". *Ethics & Politics*, 1, pp. 407–425;

Zelaniec, W. (2013), *Create to Rule. Essays on Constitutive Rules*, LED, Milano.

OLIMPIA G. LODDO
Università degli Studi di Cagliari
olimpia.loddo@gmail.com

RULES OF DISTRIBUTION AND THE CONCEPT OF "EGALITARIANISM" IN FELIX OPPENHEIM. TOWARDS UNDERSTANDING DISTRIBUTION*

abstract

The political philosopher Felix Oppenheim reconstructs a descriptive concept of "egalitarianism" on the basis of rules of distribution. The present paper reverses Oppenheim's perspective by analyzing the role of distributives rules and of "egalitarianism" towards understanding distribution. In what measure does the concept of "egalitarianism" help us to understand distribution? Is it possible to understand a distribution only on the basis of descriptive concepts?

keywords

Rule of distribution, act of distribution, egalitarianism

1.
What is a Rule of Distribution? Three Definitions of Rule of Distribution

1.0. A peculiar category of rules, the *rules of distribution*, is analysed by the political philosopher Felix Oppenheim in (at least) three different essays: *Egalitarianism as a Descriptive Concept* (1970); *Egalitarian Rules of Distribution* (1980) and in the 6th chapter of the book *Political Concepts. A Reconstruction* (1981). In Oppenheim's works three different definitions of "rule of distribution" appear.

1.1. First Definition. Oppenheim introduces the concept of "rule of distribution" in the essay *Egalitarianism as a Descriptive Concept.* According to Oppenheim, rules of distribution establish the distribution of burdens and benefits among the members of a group (defined by the rule). As stated by Oppenheim:

"Rules of distribution have the general form: some specified benefit (e.g., franchise) or burden (e.g., a sales tax) is to be allocated or withheld from any person, depending on whether he has or lacks some specified characteristic (e.g., being a citizen over twenty-one, being white, buying cigarettes). Or: the amount of some specified benefit (e.g., salary) or burden (e.g., income tax) to anyone shall be a function of the amount or degree to which he has a certain characteristic (e.g., his ability, his income)"[1].

1.2. Second Definition. In the essay *Egalitarian Rules of Distribution*, Oppenheim develops the concept of "rule of distribution". More precisely, Oppenheim distinguishes the *reference group* (the class of people for whom the rule is meant) from the *selected group* (a subclass of the reference group to whom benefits or burdens are assigned) and he founds on the distinction between *reference group* and *selected group* the following new definition of rules of distribution:

"Such rules specify the following, either explicitly or implicitly: (i) a benefit (e.g., one vote) or a burden (e.g., one year's military service) to be allotted; (ii) a *reference group*; that is, a class of persons to whom the rule is meant to apply, usually defined by a common characteristic (e.g., all citizens); (iii) a *selected group*; that is, a subclass of the reference group to whom the benefit or

---

1   (Oppenheim 1970, 144).

burden is to be allocated (e.g., all citizens of a certain age)"[2].

1.3. Third dDefinition. In the book *Political Concepts. A Reconstruction* (1981), Oppenheim affirms that:

"[Rules of distribution are] rules enjoining one actor to distribute a quantifiable benefit [...] or burden [...] to at least two other actors"[3]

In the following § 2. I will focus my analysis on the *third definition* of rule of distribution proposed by Oppenheim (i.e. rules *enjoining one actor* to distribute a quantifiable benefit or burden to at least two other actors) and I will try to show that this third definition does not concern the whole category of "rules of distribution" but only a sub-category of "rules of distribution in a wider sense" that I will call *rules of distribution with distributor.* Moreover, firstly (§ 2.1.), I will point out the difference between two sub-categories of "rules of distribution": (i) rules of distribution with distributor (ii) rule of distribution without distributor. Then (§ 2.2.), I will show the relevance of the distinction between rules of distribution with distributor and rules of distribution without distributor for the comprehension of the concept of distribution.

2.0. Oppenheim affirms that rules of distribution can concern different distributive units (for instance: votes, taxes, admissions to college, military services, money).
Despite this fact, independently of their objects, according to Oppenheim's second definition of rules of distribution, rules of distribution are always characterised by three elements:

> (i) a *benefit* or a *burden* to be allotted;
> (ii) a *reference group*; that is, a class of persons to whom the rule is meant to apply, usually defined by a common characteristic (e.g., being a citizen);
> (iii) a *selected group*; that is, a subclass of the reference group to whom the benefit or burden is to be allocated (e.g., all citizens of a certain age).

According to *the second definition of rule of distribution*, every rule characterised by these three elements ((i) *benefit* or *burden*, (ii) *reference group* and (iii) *selected group*) is a rule of distribution. In this sense the following five rules can all be considered rules of distribution:

> (i) considering all the employees of company C (reference group); a benefit of x euros is to be allocated to the employees having characteristic y (selected group);
> (ii) considering all the citizens (reference group); one vote is to be allotted to all citizens of a certain age (selected group);
> (iii) considering all the high school graduate students (reference group); the admission to college Y is allowed to all students that pass the college admission test (selected group);
> (iv)concerning all citizens (reference group), all men that become of *legal age* (selected group) have to perform military service;
> (v) considering all the citizens (reference group); all citizens in the x income bracket (selected group) have to pay taxes.

2.1. Despite the fact that all the rules (that I just listed) can be considered "rules of distribution" (according the second definition of rule of distribution proposed by Oppenheim), not all these

2. Distribution with Distributor *vs.* Distribution without Distributor

---

2   (Oppenheim 1980, 164); see also (Oppenheim 1981, 96-97).
3   (Oppenheim 1981, 96).

rules are "*enjoining one actor* to distribute a quantifiable benefit or burden". The list of rules of distribution that I have proposed seems to be quite heterogeneous for several reasons.

In my opinion, the main difference between these five rules of distribution concerns the "distributor" (the person or institution who performs the distribution). In fact, in order to make evident the heterogeneity of these five examples of rules it is sufficient to answer the following question:

Who is the distributor to whom the injunction is directed?

2.1.1. Let's first examine rule (i):

> (i) considering all the employees of the company (reference group); a benefit (for example, a bonus of x euros) is to be allocated to the employees having characteristic y (selected group).

Rule (i) can be considered a rule of distribution "with distributor". In fact, in this case, the agent (who has to perform the distribution) is the employer[4].

2.1.2. Rule (i) is quite different from the rule (ii) on the "distribution" of the right to vote:

> (ii) considering all the citizens (reference group); one vote is to be allotted to all citizens aged x years or older (selected group).

In this case it is impossible to find out who (according to the rule) has to "distribute votes" because rule (ii) does not oblige anybody to distribute votes (or rights to vote)[5].

Nevertheless, there is a distribution: in fact, according to rule (i), a selected group receives the right to vote, but the ascription of this right does not require any further action but the promulgation of rule (ii), so that the rule itself is a sufficient condition of the ascription of a voting right. In this instance the "rule-giver" and the "distributor" are "the same agent".

2.2. Both "*distribution with distributor*" and "*distribution without distributor*" should be kept conceptually apart from the act of *throwing something randomly* to a group of people.

For instance, let's imagine an old man who meets a group of wild and potentially violent children in a park. If the old man throws randomly some candies to the children (in order to preempt their assault), his behaviour is not distribution, because his behaviour is not "rule-governed" by any rule of distribution. In fact, he will be just throwing something randomly to some people.

The phenomena of distribution can be considered as an effect of the rule of distribution (with distributor or without distributor). Despite this fact, different kinds of rule of distribution (*rule of distribution with distributor* and *rule of distribution without distributor*) have different effects.

Actually, there are (at least) two different types of distribution: I shall call the first type *distribution without distributor* and the second type *distribution with distributor.*

---

4   The difference between rules of distribution with distributor and rules of distribution without distributor is in part due to the different ontological status of the entities that could be considered as "distributive units". Normally in order to distribute juridical entities (powers, rights) no distributor is needed, on the other hand in order to distribute material entities it is necessary to enlist a distributor.

5   The distinction between rule of distribution with distributor and rule of distribution without distributor is very similar to the one between hypothetic-deontic rules and thetic-deontic rules, This distinction is adopted by Luigi Ferrajoli in order to point out the difference between fundamental rights and patrimonial rights. According to Ferrajoli:

"*I diritti patrimoniali [...] non sono già (conferiti direttamente da) norme, bensì essi suppongono norme, ossia norme ipotetico-deontiche che ipoteticamente li predispongono per effetto di atti da esse previsti come loro titoli*"

"Patrimonial rights are not (directly conferred) by norms, however they presuppose norms, i.e. a hypothetic-deontic norm that hypothetically pre-establishes them as a result of an act provided for in the norm".

In *distribution without distributor* no actor has to distribute benefits or burdens, so that the distribution is a *direct effect*[6] *of a distributive rule* (*that is a constitutive distributive rule*)[7].
On the other hand, in the *distribution with distributor* (according to the rule of distribution) an actor has to distribute benefits or burdens. Consequently, in this case, distribution is the *fulfilment of a prescriptive rule* that obligates someone to distribute benefits or burdens.

3.0. In § 2.2. I have pointed out that thanks to rules of distribution, it is possible to understand distribution as something different from "randomly throwing something to somebody". In other words, the behaviour of the distributor acquires its meaning[8] in virtue of the distributive rule, so that it is not perceivable as random behaviour[9].
In the present § 3. I will show that the concept of "distribution" is not fully understandable on the basis of rules of distribution. More precisely, I will show that not only the concept of "rule of distribution" but also the concept of "egalitarianism" is a necessary condition for understanding distribution.

3.1. According to Oppenheim, egalitarianism is a descriptive concept that refers to peculiar characteristics of rules of distribution so that it has to be kept conceptually apart from the normative concept of "equality". According to Oppenheim "egalitarianism" is a "criterion which permits us to classify any actual or conceivable rule of distribution as egalitarian (or not egalitarian), independently of any evaluative or normative consideration"[10].

3.1.1. In the essay *Egalitarianism as a Descriptive Concept* (1970) Oppenheim affirms that:

"We must distinguish. "Equality" can be predicated either of certain characteristics of persons, or of distributions made by one actor to at least two others, or of rules stipulating how such distributions are to be made. "Equality" in the first two meanings presents no problem from the point of view of our topic, and we shall be mainly concerned with equality as a property of rules of distribution"[11].

In contrast to Oppenheim's thesis, I think that it is not always so easy to separate *egalitarianism* "as a quality of rules" from *egalitarianism* "as a quality of acts". In fact, in "distribution without distributor" the promulgation of the rule of distribution and the act of distribution are the same phenomenon, so that it is impossible to distinguish the qualities of the act (of distribution) from the quality of the rule of distribution.
The phenomenon of "distribution without distributor" is understandable as distribution not because of (another) rule of distribution but because of the concept of "egalitarianism".

---

6   See the concept of "enactment" ["Bestimmung"] in Adolf Reinach *(1913 (Eng. trans. 1983))*.
7   Gaetano Carcaterra (2012, 102) affirms that:
"Le situazioni e i fatti costituiti [...] si producono in maniera immediata, sono destinati a diventare realtà mercè un unico atto, quello [...] col quale si emana la norma"
"Constituted states of affairs and constituted facts [effects of a constitutive rule][...] are produced immediately [by the rule], they are bound to become real through a unique act, the act [...] through which the rule is promulgated".
According to Giuseppe Lorini (2000, 230), two sub-categories can be distinguished into the category of constitutive rules (as described by Carcaterra): (i) *institutive rules*; (ii) *ascriptive rules*. *Institutive rules* are rules that create new entities in normative reality. For instance the rule (that can be found in the Canadian *Department of the Environment Act*) "There is hereby established a department of the Government of Canada called the Department of the Environment" is an institutive rule. On the other hand, constitutive rules of distribution on suffrage are ascriptive rules, because they presuppose both the object of distribution and the recipient of the distribution. According to Lorini constitutive rules of this kind have the form "this is yours".
8   The behaviour of the distributor gets its normative meaning from the rule of distribution. In this sense, even if the rule of distribution (with distributor) is a prescriptive rule, it is possible to speak about constitutive force of prescriptive rules. About constitutive force of prescriptive rules see Żełaniec (2012, 93-102) and Żełaniec (2013).
9   Hans Kelsen (1967, 4) considers the norm as a scheme of interpretation of the act. According to Kelsen "The norm confers legal meaning to the act, so that it may be interpreted according to this norm".
10   (Oppenheim 1970, 144).
11   (Oppenheim 1970, 144).

3.1.2. Oppenheim affirms that "egalitarianism" is a descriptive concept that can "qualify rules of distribution". More precisely, according to Oppenheim rules of distribution can be distinguished from the other rules, because rules of distribution can be considered egalitarian or in-egalitarian. As stated by Oppenheim (1981, 96):

"'Egalitarian' and 'in-egalitarian', like 'just' and 'unjust', can be predicated only of rules of a particular type, which we may call rules of distribution. One may ask whether it is morally right or wrong to legalize or to outlaw divorce or abortion, but not whether such laws are egalitarian or in-egalitarian"[12].

3.2. Oppenheim proposes several formal criteria for determining if a rule of distribution is more egalitarian than another rule of distribution. In this sense, Oppenheim affirms:

"With respect to a given reference group, a rule of distribution of fixed benefits or burdens is the more egalitarian, the greater the ratio of the selected group to the reference group"[13].

3.2.1. According to Oppenheim, the descriptive concept of "egalitarianism" is the condition for the formulation of the factual judgements that a particular rule of distribution is more (or less) egalitarian than another. These judgements could be formulated independently from any other moral consideration about norm's content. In this sense Oppenheim writes:

"The most egalitarian rules would then be those that treat all members of the reference group the same way and that do not select any subgroup for different treatment. In other words, if either the selected or the excluded group is the same as the reference group, the rule is fully egalitarian (strictly speaking, there is then no selected group"): universal suffrage as well as total absence of elections; universal military training as well as an all-volunteer army (nobody must serve)"[14].

Criteria which are expressly laid down by Oppenheim are useful in order to know if a rule of distribution is factually more (or less) egalitarian than another.

3.2.2. In my opinion, the concept of "egalitarianism" as conceived by Oppenheim is not only a criterion for judging a distributive rule but it is also a necessary condition for the formulation of distributive rules. In other words, it is impossible to formulate a rule of distribution without presupposing the concept of "egalitarianism" because it would be impossible either to define the reference group or to select the group that will get the benefit or the burden.
For example, in order to formulate the norm on suffrage it is necessary to determine a reference group and a selected group. In other words, both the choice of the "reference group" and the choice of the "selected group" presuppose a concept of "egalitarianism".

In addition, without presupposing the concept of "egalitarianism" it would be impossible to understand a rule as a "rule of distribution" and, consequently, its effect as a distribution[15]. For example, norms on suffrage could be described as rules of obligation[16] (if we see voting

---

12 (Oppenheim 1981, 96).
13 (Oppenheim 1981, 99).
14 (Oppenheim 1981, 98).
15   This is especially evident in the case of *distribution without distributor.* For instance, I have shown (in § 2) that the distribution is a *direct effect of* norms on suffrage (because they are *constitutive rule*), so that the act of promulgation of the rule and the act of distribution can be perceived as the same act.
16   See Carcaterra (2011, 90).

as a duty) or as a power-conferring rule (if we see voting as a right)[17]: but the concept of "egalitarianism" allows us to perceive the rule on suffrage as a rule of distribution, so that it is possible to understand its "distributive import"[18].

3.3. Since the concept of "egalitarianism" is a necessary condition for understanding both the sense of the rule of distribution and the sense of the act of distribution, it ("egalitarianism") can be described as a meta-institutional concept of distribution. As stated by Giuseppe Lorini:

"*Meta-institutional* concepts do not have in the institutions their own conditions of possibility, on the other hand, they constitute the conditions of possibility of certain institutions"[19].

Two vivid examples of meta-institutional concepts are the concepts of "victory" and the concept of "defeat". As stated by Lorini:

"The meaning of 'victory' and the meaning of 'defeat' in the sphere of an institution seem go beyond the boundaries of the single institution. The institutions determine the conditions of victory and defeat, and then the extension of the words 'victory' and 'defeat' in the sphere of an institution like chess or soccer. But the intension of the two words is not determined by the institutions that determine the conditions of victory and defeat. Victory and defeat seem not to be institutional concepts, but rather meta-institutional concepts [...] they do not have in the institutions their own conditions of possibility, but on the contrary, they constitute the conditions of possibility of certain institutions like competitive games"[20].

The same conclusions can be reached by analysing the meta-institutional concept of "game", according to Lorini:

"The concept of game is a (necessary) condition of possibility of both the activity of playing chess (an institutional fact) and the game of chess (an institution)"[21].

I would add that without the meta-institutional concept of "game" not only a move in chess would not be conceived as the move of a game, but also *the rules of chess* would not be conceived as the rules of a game.
Similarly, "egalitarianism" is a kind of meta-institutional concept because both rule of distribution and act of distribution cannot be understood in abstraction from the concept of "egalitarianism".

4.0. In the previous paragraphs I showed that both rules of distribution and the concept of "egalitarianism" are necessary conditions for understanding and for performing the act of distribution.

4.1. Oppenheim affirms (correctly, I should say) that we can decide if a distributive rule is more or less egalitarian than another only on the basis of formal descriptive criteria. Despite this fact, we cannot prefer a rule of distribution to another on the basis of formal descriptive criteria (the *ratio* of the selected to the reference group).

**4.
Distribution
as an Ethical
Behaviour.
A Limit of
Oppenheim's
Analysis?**

---

17 Oddly, the art. 62. 3 of the Belgian constitution [*La Constitution Belge*] can be found under Title III. On powers [*Titre III. Des Pouvoirs*]. Despite this fact, it legislates: "Voting is obligatory " ["*Le vote est obligatoire*"].
18 Conte (2007, 30) considers the "act (the "deontic statement" ["*enunciazione deontica*"]) one of the five possible referents of the term 'norm'.
19 (Lorini 2012, 143)
20 (Lorini 2012, 143).
21 (Lorini 2013, in press).

In fact, in order to choose consciously between two or more rules of distribution we need to adopt a value judgement on the content of that rule. This value's judgement is in any case not reducible to a ratio, because it concerns the ethical content of the norm and is the necessary basis for that relation that Oppenheim calls "egalitarianism"[22].

In order to formulate a rule of distribution it is necessary to adopt some ethical judgements. More precisely, in order to formulate a rule of distribution it is necessary to adopt value judgements concerning three elements that (according to Oppenheim (see § 1.2.)) "always are specified either explicitly or implicitly) by the rules of distribution" i.e. (i) a *benefit* or a *burden* to be allotted; (ii) a *reference group* and (iii) a *selected group.*

Ethical judgements allow us to choose which the relevant characteristics for defining reference group and selected group are. In fact, every rule of distribution hides a value judgement, because every rule implicitly qualifies the "distributive unit" (what is to be distributed) as a benefit or as a burden. Moreover, ethical judgements allow us to define the "distributive unit" (that which is to be distributed) and (more precisely) to define "distributive units" as a benefit or as a burden, since "distributive units" are never value-free.

Every rule of distribution presupposes these ethical judgements, that are necessary conditions for the formulation of the rule. Such judgements allow us to perceive a distribution as a burden's distribution or as a benefit's distribution, but also as a just or an unjust distribution.

4.2. Rules of distribution can be formulated for the fulfilment of different values (not necessarily the value of "equality"), despite this fact, the same rule analysed from different value's perspective can appear radically different. For example, curiously, rule on suffrage can be perceived as a rule of distribution of powers or as a rule of distribution of burden. In this sense, values can represent also a peculiar point of view that allows us to perceive on one hand selected aspects of rules and the peculiar ethical meaning of "rule-governed practices of distribution" on the other.

Thus, values can represent a peculiar point of view that allows us to perceive on one hand selected aspects of rules of distribution and, on the other hand, the peculiar ethical meaning of the (rule-governed) practice of distribution.

---

22   Cf. (Scheler 1916, 249 (Eng. tr. 242)).

REFERENCES

Carcaterra, G. (2011), *Presupposti e strumenti della scienza giuridica*, Giappichelli, Torino;

Carcaterra, G. (2012), *Norme costitutive*, in Lorenzo Passerini Glazel and Giuseppe Lorini (eds.), *Filosofie della norma*, Giappichelli, Torino, pp. 99-105;

Conte, A. G. (2012), *Norma: cinque referenti*, in: Lorenzo Passerini Glazel and Giuseppe Lorini (eds.), *Filosofie della norma*, Giappichelli, Torino, pp. 57-65;

Ferrajoli, L. (2007), *Principia iuris. Teoria del diritto e della democrazia 1. Teoria del diritto*, Laterza, Roma;

Kelsen, H. (1934), *Reine Rechtslehre. Einleitung in die rechtswissenschaftliche Problematik*, Deuticke, Wien. English translation by Max Knight, *Pure Theory of Law*, University of California Press, Berkeley - Los Angeles - London, 1967;

Lorini, G. (2000), *Dimensioni giuridiche dell'istituzionale*, CEDAM, Padova;

Lorini, G. (2012), "Can Constitutive Rules Create a Practice?" *Praxis Filosófica*. Vol. 34, pp. 139-148;

Lorini, G. (in press), "Meta-institutional Concepts. A New Category for Social Ontology", *Rivista di Estetica*;

Oppenheim, F. E. (1970), "Egalitarianism as a Descriptive Concept", *American Philosophical Quarterly*. Vol. 7, pp. 143-152;

Oppenheim, F. E. (1973), ""Facts" and "Values" in Politics: Are They Separable?", *Political Theory*. Vol. 1, pp. 54-68;

Oppenheim, F. E. (1980), "Rules of distribution", *Ethics*, Vol. 40, pp. 164-179;

Oppenheim, F. E. (1981), *Political Concepts. A reconstruction*, Blackwell, Oxford;

Reinach, A. (1913), "Die apriorischen Grundlagen des bürgerlichen Rechtes", *Jahrbuch für Philosophie und phänomenologische Forschung*. Vol. 1, pp. 685-847. English translation by John F. Crosby, "The Apriori Foundations of the Civil Law", *Aletheia. An International Journal of Philosophy*, Vol. 3 (1983), pp. 1-142;

Scheler, M. (1916), *Der Formalismus in der Ethik und die materiale Wertethik*, Halle, Max Niemeyer, 5th edition Manfred S. Frings (ed.), Bern, Francke AG Verlag, 1966. English translation by Manfred S. Frings and Roger L. Funk, *The Formalism in Ethics and Non-Formal Ethics of Values*, Northwestern University Press, Evanston, [2]1985;

Żełaniec, W. (2012), "On the Constitutive Force of Regulative Rules", *Phenomenology and Mind*. Vol. 3, pp. 93-102;

Żełaniec, W. (2013), *Create to Rule. Studies on Constitutive Rules*, Milano, LED.

ESSIEN D. ESSIEN

University of Uyo

essiendessien@uniuyo.edu.ng

THE HIDDEN DIMENSION OF SOCIAL NORMS IN IBIBIO: TRI-TANGENTIAL TRAJECTORY OF IBIBIO INDIGENOUS KNOWLEDGE ON MORALITY

abstract

This study examined the hidden ethical elements of norms in Ibibio culture and its day-to-day manifestations within the periscope of ethical prerequisite. This study presents a socio-cultural description of Ibibio norms which are an integral part of the culture, social custom, rituals and beliefs governing social coexistence. It argues that though norm is a cultural production with emphasis on prohibitions, Ibibio norms dictates behavioral and/or conversational re-orientation.

THE HIDDEN DIMENSION OF SOCIAL NORMS IN IBIBIO: TRI-TANGENTIAL TRAJECTORY OF IBIBIO INDIGENOUS KNOWLEDGE ON MORALITY

Introduction Despite the importance of social norms in contemporary societies and their impact on human behaviour, little research has been conducted on the diversity and power of social norms on the ethical orientation of individuals and the well-being of communities in many African societies especially the Ibibio of southern Nigeria. Most accounts describe this phenomenon simply as a mere cultural product prescribing behavioural and conversational prohibitions without a perusal of the sacred or magical nature of norms (Ouidade, 2010). As a result, they have some difficulty explaining both the moral aspect of the occurrence as well as the tremendous expansion of its ideology. This study therefore aims at filling this gap by analyzing to what extent the concept of norms helps understand, clarify and solve plethora of moral issues ravaging our society.

In Ibibio societies, like many other societies of the world, several activities are characterized by externally sanctioned prohibitions, and human behavior is not governed solitary through rational decision making. Somewhat, societies often have shared values and standards of acceptable behavior that members of the society are encouraged to follow. Specifically though, a cultural norm or a societal value guides and regulates the behavioral pattern and thoughts of their members by agreed upon expectations and rules. These rules constitute the list of behavioural guidelines which is typically referred to as societal norms, customs and norms (Esema, 2002). These include not only illegal or criminal behaviors sanctioned by law, but also norms of conduct enforced through social sanctions. However, the customs and norms governing interactions between people and their environment in Ibibio society are complex and dynamic. They translate to what can appropriately be described as indigenous knowledge (IK), otherwise known as traditional knowledge (TK), or local knowledge.

Although conventional wisdom shows that an important part of the characterization of every society hinges on the different social norms and values that govern their members' behavior. Ibibio norms go further to provide the moral sanctions against transgressions which are associated with individuals' emotional ambivalence and likely to provoke the wrath of the spirit/gods. This is however due to the contagious nature of the norms, in determining (desirable values) in the human community (Ouidade, 2010). It is through the process of inculcation and articulation of these values that proper behavior is ensconced among the youths and adult Ibibio society. The specific objectives of the study are to critically review the phenomenon of norms as it affects what governs individual and social

acceptable conduct to the benefit of the well-being of the community, identify its causes and areas of manifestation, highlight its current trend, propose a sustainable and pragmatic solution toward averting the negative expression of the phenomenon. This study adopted a conceptual and theoretical perspective governing the application of norms regarding the state of affairs in Ibibio. The study is of the opinion that norms whether viewed as laws, custom, or personal beliefs of a people specify situations in which behaviors or actions should not be performed. In that regard, it communicates moral messages for the benefit of all. The fundamental hypothesis of this study, therefore, is to demonstrate that norms have the capacity to perform critical responsibility in the ethical life of the Ibibio people. In the perspective of this research, this constitutes the hidden dimension of the phenomenon.

Theoretical Framework

This scholarly discourse is founded on Martin Fishbein and Icek Ajzen theory of Reasoned Action (TRA) and Planned Behaviour (TPB) which posits that "a person's behavior is determined by his/her intention to perform the behavior and that this intention is, in turn, a function of his/her attitude toward the behavior and his/her subjective norm" (Ajzen, 1991: 179). According to this theory, the best predictor of behavior is intention. Intention is the cognitive representation of a person's readiness to perform a given behavior, and it is considered to be the immediate antecedent of behavior. This intention is determined by three things: their attitude toward the specific behavior, their subjective norms and their perceived behavioral control. The theory of planned behavior holds that only specific attitudes toward the behavior in question can be expected to predict that behavior (Ajzen, 1991: 180). In addition to measuring attitudes toward the behavior, we also need to measure people's subjective norms – their beliefs about how people they care about will view the behavior in question. This study also finds premise on Vygotskian's socio-cultural model which cogitates that superior order functions and develops out of every social interaction. According to this theory, "every function in an individual's cultural development becomes visible in life in twofold" (Adamson and Chance (1998). Firstly, it appears on the social level between people, and secondly, it emerges later on in an individual level from inside the person involved. This implies that the individual in the society must first relates with people which includes the parents, siblings, elders and peers in order to develop culturally before the norms and values are molded and deposited in such an individual. The most important goal worthy of note here is the act of learning through socialization. It follows that, cultural growth of an individual depends to a large extent on the social interactions with the societal norms, values and the wisdom of the elders as articulating agents.

Social Norms and Human Behaviour

Human behavior everywhere is not governed only by rational decision making. A culture or a society guides the behavior and the thoughts of their members by agreed upon expectations and rules. Norm is a proscription of behaviour that affects everyday life. Communal norms for instance exist in invariably all cultures throughout the world, and represent a class of informal institutions, where traditional, social and religiously governed norms define the human behaviour. These norms remain the prime factor guiding their conduct and behaviour towards fellow man and society (Allan & Kate, 2006: 40). Scholars are of the opinion that norms symbolizes the prohibition of an action based on the belief that such behaviour is either too sacred and consecrated or too dangerous and accursed for ordinary individuals to undertake hence caution is required. Under this interpretation, a norm is a form of "thought police" that governs not just human behavior, but also the human thoughts. For example, merely thinking or considering incest, necrophilia, or cannibalism is a violation of the relevant norms. Norms can be repugnant and appalling actions or behavior which includes the display of some bodily functions (Masaka, & Chemhuru, 2011: 132).
From anthropological perspective, norm-related prohibitions are largely behavioral in nature (Van Gennep, 1904: 48). The norms' role in any society it exists is to prevent certain behaviors from

happening, such as the killing of totemic animals, desecrating sacred places and engaging in certain activities against societal norms (Frazer, 1994: 99). However, prohibitions in every norm can also be conversational in nature. It is in this light that conversational nature of norms encompasses the restriction of people's freedom to talk about certain topics due to social, moral or religious conventions (Frazer, 1994:97). A good example of this kind of norm is exemplified in death-related norms. This is why many researchers see death as the paragon of a conversational norm (Masaka & Chemhuru, 2011: 58), because it is a painful subject that people find difficult discussing. Yet, death-related norms are founded on a general prohibition of killing. For instance, murdering someone or oneself (through suicide or assisted suicide) is a behavioral norm in many modern societies (Martindale, 2005: 22).

Configuring Social Norms in Ibibio Worldview

Norms exist in every society and governs how members of such society behave, think, make judgments and perceive their world. The hidden dimension of Ibibio social norms institution revolves around the moral sanctions that help in shaping an Ibibio person's (eti-uwem) virtue in the human community. Ibibio people have an obsession with the desire to inculcate right ethos in an individual. Social norms are among a number of methods through which the character of an individual is shaped in Ibibio cosmology. Norms in Ibibio is teleological in character in that they involve sanctions that are meant to inculcate the most appropriate traits in a person that would make him a worthy member of the community (Esema, 2002: 98). In Ibibio worldview, the concept of norms is predicated on the premise of the "trinity". The trinity principle in regards to social norms presupposes that there are three most important norms in Ibibio. These most important social norms give birth to other societal norms. They are: (a) Norms connected with (ukot) inlaw otherwise known as "abasi ukot". (b) Norms connected with (ayeyen) grandchild or else "abasi ayeyen". (c) Norms connected with (esenowo inuaesit) visitor otherwise called "abasi "esenowo inuaesit" (Esema, 2002: 102). Similarly, according to Chigidi (2009), "The avoidance rules in these norms are restrictive and not directive in the sense that they only tell the individual what not to do and not what to do" and by implication one is made to pick up desirable behavioral traits otherwise acting contrary to the dictates of this norms invites undesirable consequences. A good character is a solid weapon against various anti-social behaviors. The outcome of good character is good reputation whereby a person becomes the envy of many because of his commendable dispositions (Masaka, & Chemhuru, 2011: 133).

Though the inculcation of commendable character traits in individuals is a lifelong process, it is believed, among the Ibibios, that such moral education makes an indelible impression in one's formative years. In this light, children are taught the difference between good and bad behavior and they also learn to avoid a number of norms. Strong and severe warnings for those who violate Ibibio moral code are quite visible in the taboos. The veracity of punishment and a host of other unwanted consequences if one dares to violate the moral code help to instill commendable moral behavior in Ibibio society (Udo, 1984: 22). It is in light of this fact that Gelfand (1979: 33) contends that "the purpose of these norms is to instill a sense of discipline into the children as well as one of fear." The aspect of fear that is normally associated with Ibibio norms is a way of dissuading people from performing immoral acts. Hence, it has an instrumental value in that it discourages people from engaging in certain behaviors that run contrary to the ethos of Ibibio society. Although Ibibio taboos are fear inducing, this fear has no intrinsic worth, but is a means to an end, that is, promotion of good behavior. Though this means of achieving a virtuous life is morally questionable, the philosophy in Ibibio norms is that the end justifies the means. Fear may not be the best and ethically appropriate tool to achieve the end of a virtuous life in Ibibio society, but it is believed that the goodness of the end trivializes the badness of the means (Esema, 1984:25).

It is important to note that the individual within Ibibio society, just as in other African societies, does not live in a moral island. A human being can only be fully comprehended as an inseparable

part of the whole (Menkiti, 2006: 98). This communitarian view of the individual emanates from the realization that the moral life in every human being is shaped not only by the community of physical beings alone but also by spiritual forces. In this regard, Gelfand (1979: 35) makes an important observation that though "the origin of Ibibio norms is unknown, they bring home to the young the realization that other forces exist besides the physical ones" in the moral education of members of Ibibio society. Since enforcement of Ibibio moral code has a spiritual dimension, the learners of Ibibio morality come to know of "the existence of spiritual powers, so important in the Ibibio religious belief" (Gelfand, 1979: 35; see alsoBourdillon, 1987: 88) such as the ancestral spirits as well as Ibibio deitiy who provide the living with, among others, direction and appropriate moral guidance (Asante, 2000: 44). Ibibio people believe that spiritual forces are custodians of their moral code. Ancestral spirits play a crucial role in making sure that one picks up desirable character traits and avoid vices. The Ibibio believe that ancestral spirits help in ensuring that one's character is good provided that that person does not offend them through, among others, failure to perform periodic rituals in their honor as well as a host of other social misdemeanors such as incest (Udo, 1984: 26). Therefore, the violation of norms can be seen as a direct provocation of ancestral spirits who are the custodian of the moral code. Tatira (2000: 61) concurs with Gelfand (1979: 37) when he notes that "an act that breaches a taboo triggers a reaction supposedly at the supernatural level.
Without this fear of the unknown, young people are generally adventurous, full of doubts and questions, and like experimenting with things." It is pertinent to note that taboos are effective moral tools because their violation invites the ire of ancestral spirits who are one of the key pillars of traditional religion. It is worthy of note that Ibibio norms do not reveal the correct consequences for performing certain actions but give a consequence that a human being naturally loathes and fears. Therefore, for one to comprehend the complexity of Ibibio norms, one has to look at their common and hidden meaning.

The Cultural Context of Ibibio Social Norms

Social norms are generally considered as a socio-cultural phenomenon affiliated with beliefs, values, custom, and hierarchical power. Every culture has its own norms. As a cultural construct, every human society prohibits or restricts certain kinds of behavior, although those prohibited in one society are not necessarily the same as in another. In Ibibio society, the shared norms are what defined the culture or subculture of Ibibio people. In this regard, prohibitions concerning issues like stealing, adultery, killing, illegal possession of farmland and other properties, and violating the norms regulating relationships with inlaws, visitors, and grandchildren attracts societal disapproval and punishment which serves as a deterrent to others and thus engender positive values through abstention. Norm is a foremost element of Ibibio culture (Esema, 2002: 101). It is one way in which Ibibio society expresses its disapproval of certain kinds of behaviour believed to be harmful to its members, either for supernatural reasons or because such behaviour violates a moral code. A culture or a society guides the behavior and the thoughts of their members by agreed upon expectations and rules. In line with this understanding, Osei (2006: 20) posits that "norms represent the main source of guiding principles regulating and directing the behaviour of individuals and the community towards the Supreme Being and especially the gods and the ancestors in African traditional societies". This is why Freud (1912: 73) showed that norms are productions of culture insofar as they are established by a group's recognized authorities to regulate the group. It is the prohibition against touching, saying, or doing something for fear of immediate harm from a supernatural force. Akindele and Adegbite (1999: 592) further explain that normative words and expressions reflect social customs and views of the people's culture. It can be characterized as being concerned with behaviour which is believed to be supernaturally forbidden or regarded as immoral and improper. Every society has a culture and norms hold the society together. Although some norms can be traced to apparent danger in health and safety, no common explanation has been given for most others; most authorities agree that they

tend to relate to objects and actions that are significant for the maintenance of social order. In Ibibio society, a norm is a powerful social interdiction system relating to any area of human activity or social custom that is venerated and or forbidden based on moral judgment, religious beliefs and or scientific consensus. They are recognized to avoid disrespect to any given authority, be it legal, moral and/or religious (Udo, 1984: 37).

The Responsibilities of Norms in Ibibio Society

Norms in every society are fundamental to understanding social order as well as variation in human behavior in such society (Campbell, 1964: 12; Durkheim, 1951: 84). In Ibibio society, norms provide expectations shared by the members of a group about appropriate ways to behave in given situations. This provision of expected ideas of how to behave is what makes up the culture of Ibibio people. It is a common feature to find that in Ibibio, norms constitute the potential "pressure" in situations that: help to define the nature of social reality; form the foundation upon which people base their interaction; and provide a common medium for members' self-evaluation. By means of these mechanisms, norms increase feelings of personal and group identity in the entire Ibibio-land (Ekong, 1983: 132). It is worthy of note that in Ibibio like its counterpart in other part of the world, norms shape behavior of people by providing limits within which people receive social approval for their behavior or actions. These guidelines establish an informal basis for estimating how far one may go before experiencing the normative power of ridicule, rejection, and loss of status among group members, friends, acquaintances, and co-workers. That is why group norms reflected in the dominant or most typical attitudes, expectations and behaviors not only characterize these groups but also regulate group members' actions to perpetuate the collective norm. Indeed, norms can be powerful agents of control as "choices" of behavior are framed by these norms and as the course of behavior most commonly taken is typically in accordance with normative directives of "reference groups" that are most important to the individual (Esema, 2002:108).

Although group norms that are backed by powerful punishments for violations in Ibibio society can restrict behavioral freedom such as debarring the community members from entering the violator's premises, buying any goods from him/her, and selling any product to him/her, they tend to promote excessive uniformity, even though it serves the critical responsibility of understanding and predicting actions and behaviours of people in the society. Ibibio norms contain the collective power to create and regulate social reality (Ekong, 1983: 131). This is done through the process where norms serve as a mechanism to create order and predictability in social relationship and the understanding of each other's action. It is apparent that the awareness of the norms operating in a particular community or group situation enables each member to anticipate how others will enter or attend to a particular situation, for example, what kind of cloth will they wear? And what are they likely to say and do, as well as what behavior on one's own part will be expected and approved (Esema, 2002:109). Norms in Ibibio society also help to interlock the roles that the people or members of the society perform in social situations. Sometimes in a group setting, a new norm usually will emerge that was not operating before or that challenges the prior standard operating procedure. In this case, the norms that have been already internalized and integral to the society are called into question. These roles and duties of Ibibio norms in this thesis constitute the capacity to which critical responsibilities of Ibibio norms are executed (Udo, 1983:97).

The Significance of Ibibio Norms in the society

Social norms are rules of behavior that society uses to assess the population. How people respond to a violation of social norms depends on a number of different factors. Norms are an expression of interconnectedness of two inseparable dimensions in the African worldview: the visible world and the invisible one. That interconnectedness can also be seen as interdependence whereby the quality of life of the ancestors and of people depended on each other's actions (Menkiti, 2006: 48). Norms are an expression and a means of perpetuating what was considered as the most important features in

African culture: preservation of life and well being of people. Life and its quality were seen as crucial and the society applied a variety of methods to preserve it and transmit it, including norms. Norms in Ibibio showed the communal dimensions of one's actions. In the culture where one was defined by belonging to a community and where the community was far more important than its individual members, one's actions affected that community. Norms therefore were helping the people to recognize their own importance. In this setting, if one could affect his or her community negatively, then such a fellow was not unimportant. To a certain extent, norms could be viewed as 'self-esteem-enhancing beliefs' (Mbiti, 1969: 83).

Norms in Ibibio helped the people to realize that an improper behaviour would always have consequences for them, the community and the nature. Norms were an expression of a quite sophisticated moral system ruling the lives of the people in the community and the life of an individual. Even though formulated as 'negative' principles stressing (Ku) 'do not...' and teaching people about what was not acceptable in the community, by implication, they were also pointing out to the actions that were supposed to be done. By preventing people from doing wrong things, they were helping them to focus on what was encouraged in the community. Norms in Ibibio are an expression of the 'natural law', a general set of rules commonly understood by all human beings (Esema, 2002: 102). Similarities among various tribes, norms concerning prohibitions against such acts as incest, murder, stealing etc. show the common ground of various norms. Often formulated in a way that implied more than their original wording, they were helping people to exercise their common sense and moral responsibility in interpreting them as well as applying them to various situations. In a society where there was no police or access to police is remote, norms served as a guardian of moral values. To a certain extent, they were better than modern law enforcement agencies, because, in most cases, breaking of a norm was associated with an automatic punishment – one did not have to be caught to be punished. Through norms one was made aware that an improper action as defined by the society one was a member of, and how such action would result in negatively implications affecting the harmony of the person concerned, the family and the society at large. Transgressing it would also result in punishment (Parrinder, 1969: 20). It was a way of teaching people that each action entails consequences. Such consequences/punishment was usually automatic, personal (creating feelings of fear and guilt), affecting, in one way or another family and the community. That punishment could also be administered by the community (Miller, 1983: 21).

Conclusion

The article mirrored expressly on the moral dimensions of Ibibio social norms. It noted that Ibibio norms are meant to instill correct dispositions in people through fear-inducing moral sanctions. Norms, understood as unwritten laws restraining people from breaking communal custom, is used in Ibibio societies to preserve harmony in the different communities as well as a good relationship with spiritual beings. The "ku" or "kunam" principle in Ibibio culture serves as vital regulator in inculcating commendable moral traits in individuals (Esema, 2002, 103). The paper also noted that even though Ibibio norms have limitations in that they do not disclose the true consequences of certain human character defects, the most important aspect of these norms is to inculcate commendable character traits in their apprentices that would make them worthy members of society that would not only behave in a desirable way towards fellow human beings, but also relate to the environment in a manner that embodies respect for biodiversity as well as sustainable exploitation of nature's resources (Masaka & Chemhuru, 2011: 133).

Ibibio norms provide prohibitions that forbid people from behaving in such manners that are a threat to the welfare and wellbeing of fellow human beings as well as the environment. Even though norms foster commendable character traits among people through threat of severe reprisals for the ones who violate them, they have desirable utility because they help to keep the wicked in check. In this regard, though the means of enforcing desirable behavior among people are morally questionable,

norms constitute one among a number of sanctions employed to ensure proper behavior in the society, the end has justified the means. Nonetheless, norms are formulated in forms of (ku's) or (kunam's) 'don'ts' and sometimes being ambiguous, they on the other hand enabled people to maintain the moral order and hierarchy in the society (Udo, 1984:40). In this regard, though the contemporary society is quite different from the traditional one, there is a need to enforce norms or to come up with an alternative way that will promote traditional values.

REFERENCES

Adamson, L. B., & Chance, S. E. (1989), "Coordinating Attention to People, Objects, and Language", in A. M. Wetherby, S. F. Warren, & J. Reichle (Eds.), *Transitions in Prelinguistic Communication*, Paul H. Brookes, Baltimore, MD, pp. 15-38;

Agboola, T., Mabawonku, A.O. (1996), "Indigenous knowledge environmental education and sanitation: application to an African city", in Warren, D. M., Egunjobi, L. and Wahab, B. (eds.) *Indigenous knowledge in education. Ibadan. Indigenous knowledge study group.*

Ahn, J,B-K. (2003), "Sexual norms and morality among the Agikuyu people of Kenya", in Katola, M (Ed). *MIASMU Research Integration Papers to Moral Teaching and Practices of African Religion*, Jan-Apr semester.

Ajzen, I. (1991), "The theory of planned behavior", *Organizational Behavior and Human Decision Processes*, 50, pp. 179-211;

Allan, K., Kate B. (2006), *Forbidden Words: Norm and the Censoring of Language*, Cambridge University Press, Cambridge;

Andemariam, M. (2001), "Place of norms in Gikuyu morality", in Magesa, L. (Ed). *MIASMU Research Integration Papers to Moral Teaching and Practices of African Religion*;

Asante, K.W. (2000), *Zimbabwe Dance: Rhythmic Forces, Ancestral Voices-An Aesthetic Analysis*, African World Press, Inc, Trenton;

Boss, J. A. (1999), *Analyzing Moral Issues*, Mayfield Publishing Company, Belmont;

Bourdillon, M. F. C. (1987), *The Shona Peoples: An Ethnography of the Contemporary Shona, with special Reference to their Religion*, Mambo Press, Gweru;

Chigidi, W. L. (2009), "Shona Taboos and Norms: The Language of Manufacturing Fears for Sustainable Development", *The Journal of Pan African Studies*, 3(1), pp. 174-188;

Durkheim, E. (1963), *Incest: The nature and the origin of the taboo*, Lyle Stuart, New York;

Esema, J. D. (2002), *Norms, Culture, Customs and Traditions of Akwa Ibom people of Nigeria*, Mocomp Publishing Co., Uyo. pp. 108-109;

Ekong, E. (1983), *Sociology of Ibibio*, Scholars Press Nig. Ltd., Calabar, pp. 131-132;

Fisher, R.B. (1997), *West African Religious Traditions*, Maryknoll, New York;

Fraser, J.G. (1994), *The Golden Bough: A Study in Magic and Religion*, Oxford University Press, New York;

Freud, S. (1985), *The Origins of Religion: Totem and Taboo, Moses and Monotheism and Other Works*, Penguin Books Ltd, Harmondsworth, Middlesex, England;

Freud, S. (2000), *Totem and Taboo*, Translated into Chinese by Yung-yi Yang, Chih-wen, Publishing Co., Taipei;

Freud, Sigmund (1955), "Totem and Taboo: Some Points of Agreement between the Mental Lives of Savages and Neurotics", in *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, Vol. 13, ed. James Strachey, Hogarth Press, London, UK, pp. 1–255 (Orig. pub. 1913);

Gelfand, M. (1968), *African Crucible: An ethno-religious study with special reference to the Shona-speaking people*, Juta & Company Limited, Capetown;

Gelfand. M. (1979), *Growing up in a Shona Society: From Birth to Marriage*, Mambo Press, Gwelo;

Gorer G. (1965), *Death, grief and mourning in contemporary Britain*, Cresset Press, London;

Holden, L. (2000), *Encyclopedia of Taboos*, Oxford: ABC CLIO Ltd;

Jin, Z. (1994), *Explore the Secret of Norms*, Shu-xin, Taipei;

Li, Xu-jian. (1994), *Norms and Laziness*, International Culture Publishing Co., Beijing;

Martindale D. (2005), "Are sex and death taboos in advertising?", *International Journal of Advertising*, 25 (1), pp. 9-33;

Masaka, D., Chemhuru, C. (2011), "Moral Dimensions of Some Shona Taboos and Norms (Zviera)", *Journal of Sustainable Development in Africa*, 13(3);

Menkiti, I. A. (2006), "On the Normative Conception of a Person", in K. Wiredu (Ed.), *A Companion to African Philosophy*, Blackwell Publishing, Oxford, pp. 324-331;

Menkiti, I. A. (1984), "Person and Community in African Traditional Thought", in R. A. Wright (Ed.), *African Philosophy: An Introduction*, University Press of America, New York, pp. 171-181;

Mbiti, J.S. (1969), *African religions and philosophy*, West African Publishers, Nairobi;

Miller, H. B. (1983), "Platonists and Aristotelians", in H. B. Miller & W. H. Williams (Eds.), *Ethics and Animals*, Humana Press, Clifton, New Jersey, pp. 1-14;

Osei, J. (2006), "The Value of African Taboos for Biodiversity and Sustainable Development", *Journal of Sustainable Development in Africa*, 8 (3), pp. 42-61;

Ouidade, F. (2010), *Social Norms and Taboos*, Clarendon Press of Oxford University Press, Oxford;

Parrinder, G. (1969), *Religion in Africa*, Praeger Publishers, New York;

Scanlan, R. (2003), "The concept of taboos in African society with reference to the Kikuyu of Kenya", in Getui, M (Ed). *MIASMU Research Integration Papers to African Culture: An overview*, Jan-Apr semester.

Tatira, L. (2000a), *Zviera ZvaVaShona*, Mambo Press, Gweru;

Tatira, L. (2000b), "The Role of Zviera in Socialisation", in E. Chiwome, Z. Mguni & M. Furusa (Eds.), *Indigenous Knowledge and Technology in African and Diasporan Communities*, University of Zimbabwe, Harare, pp. 146-151;

Udo, E. A. (1984), *Who are the Ibibio?*, Africana FEP Publishers, Onitsha;

Van-Gennep A. (1904), *Tabou et totémisme à Madagascar : Étude descriptive et théorique*, Ernest Leroux, Paris;

BOOK REVIEWS

FRANCESCA FORLÈ
Università Vita-Salute San Raffaele
francescaforle@hotmail.it

SARAH SONGHORIAN
Università Vita-Salute San Raffaele
s.songhorian@gmail.com

FORMALISM IN ETHICS AND NON-FORMAL ETHICS OF VALUES. A NEW ATTEMPT TOWARD THE FOUNDATION OF AN ETHICAL PERSONALISM.
THE NEW ITALIAN TRANSLATION BY ROBERTA GUCCINELLI

Roberta Guccinelli (Member of the Max Scheler Gesellschaft) has just published the new Italian translation of *Formalism in Ethics and Non-formal Ethics of Values: A New Attempt Toward the Foundation of an Ethical Personalism* (Bompiani, 2013). Her translation is also accompanied by the original German text and by an extensive analytic index.

The *Formalism* constitutes Max Scheler's "opus magnum" and a model for thinking about moral and practical issues without leaving life aside. From a holistic perspective of axiological perception, this work presents a solid theory of value, that is antithetic to both relativism and absolutism in ethics. Scheler's attempt was also that of providing a new foundation for a new personalism.

Here we have the chance to publish two book reviews of this new and accurate translation and to understand the relevance and the inestimable value of this work.

The first review published here by Barbara Malvestiti (University of Milan) focuses on one specific topic within the scope of the analyses found in *Formalism*: the concept of "individual essence", identified by the translator with the correlate of "the betrayed beatitude and love experience" each person can experience during his life. Such experience provides the *Leit motiv* of Guccinelli's Introduction to the *Formalism* new edition.

The second review, by Jonathan Bazzi (Vita-Salute San Raffaele University), presents Guccinelli's re-translation, framing it in the Italian context and explaining the reasons for the decision to re-translate *Formalism.* It also focuses on the core themes of Scheler's masterpiece in the light of the possible developments in the contemporary debate, especially in the ethical and political one.

BARBARA MALVESTITI
Università degli Studi di Milano
brb.malvestiti@gmail.com

AN ETHICS OF THE "INDIVIDUAL ESSENCE"
A REVIEW ABOUT THE NEW ITALIAN TRANSLATION OF SCHELER'S "FORMALISM"

A New completely Revised Edition

The new Italian issue of Max Scheler *Der Formalismus in der Ethik und die materiale Wertethik. Neuer Versuch der Grundlegung eines ethischen Personalismus* is published by Bompiani and edited by Roberta Guccinelli (2013). Guccinelli new Italian translation replaces the last one, edited by Giancarlo Caronello with Edizioni San Paolo in 1996, and features a double language text as well as an enriched subject index.

With the exception of rare cases[1], Scheler thought has been ideologically read and understood in Italy almost until 1996, as it sometimes happens unfairly and unfortunately with the best authors. Specifically Scheler works have been partially abused by the Magisterium of Catholic Church to justify some dogma; consequently unlucky and non genuine translations have often been released. Some of them include categories which are not adherent to original Scheler thought. Guccinelli translation aims to give new life to Schelerian contribution, letting the "things themselves" speak, as the author did. The challenge was hard, but the result is a translation in plain language, where every term is balanced with the others and lexical care corresponds to conceptual clarity.

The "individual essence" as the core of Schelerian Ethics

Scheler's *Formalism* is a continent, the new translation gives voice to. Guccinelli new edition vastly introduces it to the reader [2]. Since it is practically impossible to consider here all the aspects of Schelerian ethics, I will focus on a single topic, which represents the core of Schelerian ethics, as Guccinelli says. It is the concept of "individual essence", identified by the translator with the correlate of "the betrayed beatitude and love experience" each person can experience during his life. Such experience provides the *Leit motiv* of Guccinelli Introduction to the *Formalism* new edition.

Beyond Kantian Ethics

'Individual essence' is the concept starting from which Scheler revises and expands Kantian ethics. Scheler identifies Kant with the only philosopher who has really attempted to give a foundation to ethics in the modern age. Nevertheless Scheler goes further and tries to provide a new foundation of ethics (and of the practical thought in general), the most complete we still have in the twenty-first century. The brief present contribution aims to highlight the innovation of Scheler ethics, being aware that Scheler thought and productions are ampler than a mere criticism of Kant, as Guccinelli points out in her essay.

---

1   See De Monticelli (2013).
2   See Guccinelli (2013).

Trying to explain Scheler criticism of Kant in a few words, it is worth pointing out the modernity of Kantian concept of autonomy, that is the idea according to which the man is law to himself and neither God nor natural law nor particular goods or ends give law to him. Nevertheless the further Kantian idea according to which the Rational Will determines the concepts of good, and not vice-versa, is not so modern. To Scheler, if Kant could overcome theological voluntarism, he could not overcome voluntarism tout court. In this way, Kant comes to the "paradox" of an ethics which is not founded since Good Will has not corresponding evidence in feeling. The main problem of Kantian ethics is having barred emotional life from the rationality sphere, whose enlargement is the most original contribution of Schelerian Ethics.

Kantian emotional life exclusion from ethics is connected with Kantian worry that an ethics of feeling could lead to an ethics of goods or ends or to the eudemonism in all its declinations. Scheler criticizes this passage maintaining that not everything that is "material" is reducible to particular goods or ends: *values* are not reducible to these last ones and we can have cognitive access to them. For Scheler Kantian ethics is indifferent to the existence of value-qualities and of their corresponding normative features. A development of Kantian ethics is possible only if the prejudice, according to which the existence of a "*formal* a-priori" but not the existence of a "*material* a-priori" is justified, is overcome. Scheler agrees with Kant that ethics cannot be empirically founded, since – to be ethics – it requires a universal feature. In the same way Scheler shares with Kant the criticism of the ethics of goods and ends and of the eudemonism in all its declinations, since such ethics are empirical. Nevertheless, differently from Kant, Scheler argues that not only the epistemological property, concerning the nature of the moral evidence – "the moral law inside me" – but also the "*type-structure of objects* in the big spheres of experience" (Scheler 1916, 151), is *a-priori* (from formalism to a material ethics).

Schelerian material ethics has important implications both *a parte subiecti* and a *parte obiecti*. *A parte subiecti* it opens to *feeling*, the mode of intentionality concerning *emotions*. By virtue of feeling, the subject structures his own order of values. A parte *obiecti* Scheler material ethics opens to values as essential qualities of things *given* through feeling as a mode of access to reality. Universal axiological world is hierarchical but not undynamic: laws of essence identify hierarchical relationships between spheres of value (from the higher to the lower: values of pleasure, vital values, values of the person, value of the holy), but they do not prescribe particular goods or ends. As already to Kant, to Scheler the autonomy, the faculty of the individual to structure his own order of values, ought to be respected. Nevertheless, according to Scheler this faculty ought to be respected precisely by virtue of two discoveries unknown to Kant (because of his emotional life exclusion from ethics): *a parte subiecti*, the discovery of the commitment that emotional life implies for the person, since it provides the place of the "*individual essence*" flourishing; *a parte obiecti* the discovery of the value spheres variety and richness, the access to which legal systems should extend so that more and more people could flourish.

The concept of "individual essence" extends Kantian concepts of person and human dignity, providing the testing ground for Schelerian new foundation of ethics (and practical thought in general), also interesting for its implications on law.

Scheler shares with Kant the concept of person as a whole non-reducible to parts or data, as well as the Kantian concept of human dignity as irreducibility of the person to physical-psychical and social data. Kantian – and also Schelerian – concept of human dignity justifies the duty to never treat the person merely as a means to an end, but always at the same time as an end. Nevertheless, Scheler does not share with Kant the idea that the essential trait of personality should be identified with the potential capacity of morality or even with the morality itself. According to Scheler this idea brings

A Material Ethics of Values

'Person' and 'Human dignity': a Testing Ground for Scheler Ethics

Kant to identify the person with the x of an abstract rational activity, rather than with the concrete individual. The individual is essentially characterized by his acts, first of all the act of feeling: the person, before being an *ens* cogitans or an *ens* volens, is an *ens amans*[3]. If the person is identified with the X of an abstract rational activity, the risk is that the respect of person is identified with the respect of "humanity" or "morality", rather than with the respect of the concrete individual, as Scheler underlines. Paradoxically the risk is that Kantian ethics may suggest a concept of human dignity as a *limit of autonomy*, with dramatic consequences for law, where the respect of autonomy was Kantian ethics starting point. According to Scheler, a person should not be identified with the abstract activity of rationality [*Vernunftperson*] but with the concrete individual who accesses the world of values and who reveals in his particular access an "individual essence" [*individuelle Wesen*], the flourishing of which *engages* the individual. In other words, Scheler opinion, autonomy is safeguarded if it grants the possibility for men to flourish rather than prescribing moral duties to themselves.

In addition to the general trait of personality, Schelerian enlargement of human dignity Kantian concept highlights an *eudemonological* trait[4]: the beatitude for the individual to be himself. The enlargement opens to a phenomenology of self-acknowledgement which the experience of the betrayed beatitude and love reveals, as Guccinelli explains in her essay. This beatitude passes through anguish, as a philosopher of the last century reminds, asking herself what kind of self- perspective a person could have at the end of his life[5].

Furthermore the importance accorded to beatitude by Scheler does not imply that Schelerian ethics is eudemonistic. Scheler also considers a *deontic* trait of human dignity: each person ought to be granted the possibility to realize his own order of values insofar as he recognizes the same possibility to the other[6]. This point is so interesting in the perspective of a plural universalism that someone defined Scheler a theorist of multiculturalism[7]. In my opinion starting from material ethics of values, Scheler conciliates cultural demand of pluralism and ethical (and juridical) demand of universalism. A contribution to the conciliation of these two demands is given by Schelerian concept of "reality transcendence on experience", according to which the world always reveals new aspects of value that people and cultures are called to answer. From schelerian point of view, possibility of a plural universalism is embodied by the existence of a "good in itself for me": not "for" me (person or culture) something is good "in itself" (relativism), but something is good "for me" independently from the fact that I know it (realism) and in the limits of minimal universal obligations given by *reciprocal* respect ("apriorical structure of the world" (Scheler 1916, 769)).

---

3   This famous statement appears in Scheler (1913).
4   The adjective 'eudemonological' appears for the first time in Rosmini (1841-1845).
5   Hersch (1947).
6   See Scheler (1955).
7   See Simonotti (2008).

REFERENCES

De Monticelli, R. (2013), "Presentazione", in M. Scheler, *Il formalismo nell'etica e l'etica materiale dei valori*, Italian translation of R. Guccinelli, Bompiani, Milano, 2013, pp. VII-XV;

Guccinelli, R. (2013), "Dal destino alla destinazione. L'etica vocazionale di Max Scheler", in M. Scheler, *Il formalismo nell'etica e l'etica materiale dei valori*, Italian translation of R. Guccinelli, Bompiani, Milano, 2013, pp. XVII-XCVIII;

Hersch, J. (1947), "Discontinuité des perspectives humaines", *Le choix, le monde, l'existence (Cahiers du Collège Philosophique)*, Arthaud, Grenoble-Paris, 1947, pp. 83-123 ;

Rosmini, A. (1841-1845), *Filosofia del diritto*, vol. 1, CEDAM, Padova, 1967;

Scheler, M. (1913), *Ordo amoris*, Gesammelte Werke, vol. X, Francke Verlag, Bern-München 2000,

Scheler, M. (1916), *Der Formalismus in der Ethik und die materiale Wertethik. Neuer Versuch der Grundlegung eines ethischen Personalismus*, in *Gesammelte Werke*, vol. II, Francke Verlag, Bern-München (1954, 2000). Traduzione italiana di R. Guccinelli: M. Scheler, *Il formalismo nell'etica e l'etica materiale dei valori*, Bompiani, Milano, 2013;

Scheler, M. (1955), *Zur Rehabilitierung der Tugend. Gesammelte Werke*, vol. III., Francke Verlag, Bern-München, 1955, pp. 13-31;

Simonotti, E. (2008), *Max Schelers Philosophie interkulturell gelesen*, Traugott Bautz, Nordhausen, 2008.

JONATHAN BAZZI

Università Vita-Salute San Raffaele

j.bazzi@studenti.unisr.it

PRESERVE THE LIGHT THAT ENLIGHTENS: A NEW ITALIAN TRANSLATION FOR SCHELER'S *FORMALISM*

1. Translating a Charming Mind's Masterpiece

Esistono viventi che non raggiungono mai la maturità di una persona, peraltro sempre precaria ed esposta a ogni possibile illusione. Esistono individui umani che pensano d'essere persone e magari si sbagliano. Ne esistono altri che non vogliono diventarlo, non intendono crescere; altri ancora, che non hanno la possibilità di farlo come vorrebbero, che non possono formarsi perché non godono di determinati diritti e beni, e tra i beni, nemmeno di quelli comuni, perché non possono respirare e sono costretti a vivere in spazi ristretti, in condizioni disagiate dal punto di vista economico-materiale e assiologico.[1]

Through luminous phrases like these, Roberta Guccinelli[2] - author of the long process of re-translation of the masterpiece of Max Scheler, *Il Formalismo nell'etica e l'etica materiale dei valori*[3] (*Formalism in Ethics and Non-formal Ethics of Values*) - captures, in her introductory essay to the great work of phenomenological ethics published in two parts (1913, 1916) in Husserl's *Jahrbuch*, one of the most valuable core of the text: the phenomenological perspective on personal identity. *Formalism* is in fact a monumental attempt to think the person in her relationship with the universe of values, an attempt to think how the person becomes or does not become herself through encounters and clashes with the demands posed by reality: reacting to the positive or negative qualities of the things, taking position for or against certain axiological situations, accepting or rejecting experiences, encounters, relationships.

In this fundamental but not well known book, Scheler explores some issues previously discussed in his works, such as the problem of the relationship between knowledge and the forms of culture, and also refers to issues that he will develop in his later works, like the problem of intersubjective knowledge, which is today one of the main issues of the research on Social Cognition. *Formalism* is a research full

---

1 R. Guccinelli, Introductory essay to M. Scheler, *Il formalismo nell'etica e l'etica materiale dei valori*, edited by R. Guccinelli, Bompiani, Milano 2013, p. XXIX.

2 Roberta Guccinelli (Lucca 1969) received her PhD in Philosophy at the University of Geneva and she has taught and researched at the University of Geneva and the University Vita-Salute San Raffaele in Milan. Translator of A. Pfänder and J. Hersch, she published, among others, *La forma del fare. Estetica e ontologia in Jeanne Hersch*, Bruno Mondadori, Milan 2007.

3 The new translation also presents the original text, taken from the last German edition: Max Scheler, *Der Formalismus in der Ethik und die materiale Wertethik. Neuer Versuch der Grundlegung eines ethischen Personalismus* (1927³), Mit einem Anhang von Maria Scheler, *Gesammelte Werke*, Bd. II., Studienausgabe, 8. Aufl., Nach der 7. durchges. U. verb. Aufl. 2000, hrsg. v. M. Frings, Bouvier Verlag, Bonn 2009.

of original ideas and insights that leads the reader directly to the heart of the phenomenological ethics: Husserl and Scheler have both created a theoretical proposal that reject the main directions of modern ethics: Utilitarian Consequentialism (Empirism) and Kantian Deontologism. At the centre of the phenomenological attempts of these authors to re-establish the practical thinking there are value judgment and axiological experience, conceived as an experience of reality. *Formalism* is perhaps the most important and systematic work that deepens this kind of approach, which has always been a marginal approach in the history of moral philosophy. But the importance of Scheler's masterpiece is not just limited to the role that it plays in the history of the phenomenological movement: *Formalism* is a work of great relevance for the contemporary debate, and the same goes for many other author's works. Born from a very dynamic reflection, sensitive to the urgent needs of his time, Scheler's work take us back to the first twenty years of the past century in Germany – 10s and 20s. Those years were a kind of laboratory of the most innovative trends in contemporary philosophical thought. By going back to that time we can discover 'seeds of thought', auroral philosophical directions that are particularly fruitful and interesting for the contemporary debate. This happens with *The Nature of Sympathy* and also with *Formalism*. Today analytic philosophy interacts closely with the most rigorous phenomenological works, especially in the new research in Philosophy of mind, Cognitive Science, Social Ontology and Social Cognition (and Scheler is precisely one of the author most widely used for this dialogue[4]), as if the phenomenology places itself as a field of recomposition of the historic separation between analytic and continental philosophy.

We can define *Formalism*, as Roberta Guccinelli does, as a huge and inspiring "libro dell'esperienza", a handbook on our moral experience: on the richness of value qualities and the ways to feel or not to feel them (the ways of 'affective cognition'). It's a work that places the individual at the centre of its investigation without trapping him in a fixed, rigid, monolithic system: the perspective of *Formalism* takes care of all the fragility, the 'holes', the gaps of existence, which is always in danger of failing, of losing reality. According to Scheler, the process to become a person is an uncertain, delicate, unpredictable process.

2. Scheler, Italy and the Italian Language: Time for Reconciliation

Formalism had already been translated in Italian but it needed a new translation. Why? Because the previous translation[5] was almost unusable: it didn't take enough care of the specificity of the phenomenological language and therefore it couldn't 'sink' into the deep meaning of Scheler's theses, enclosing them in categories taken from other sources or misunderstanding some aspects of the analysis due to a lack of phenomenological sensitivity. Caronello's choices favored comprehension errors, unclear interpretation, burdening the reading.

The new translation by Guccinelli brings to completion a long and precious series of new Italian translations of some of the most important Max Scheler's works[6]: in recent years, indeed, the philosophical community has rediscovered the importance of his works on ethics, in which he reflects on practical reason in an alternative way to that of Immanuel Kant. *Formalism* is in fact the only systematic attempt of a rational foundation of practical reason, which tries to save – contrary to what Kant does – the profile of our authentic experience. These new Italian translations or re-translations, mostly done by experts in phenomenology, have the intention to bring to light the specific style of argumentation, analysis and phenomenological definition of the author. All these new translations try to be more faithful to the words, to the language of phenomenology, which is

---

4   Cfr. S. Gallagher, D.Zahavi, *The Phenomenological Mind: An Introduction to Philosophy of Mind and Cognitive Science*, Routledge 2008.
5   M. Scheler, *Il formalismo nell'etica e l'etica materiale dei valori*, edited by G. Caronello, San Paolo, Cinisello Balsamo 1996.
6   For example: M. Scheler (1913, 1923), *Wesen und Formen der Sympathie*; now in GW VII, pp. 9-259, Italian edition: *Essenza e forme della simpatia*, edited by L. Boella, tr. by L. Oliva and S. Soannini, Franco Angeli, Milano 2010; (1911-19) *Vorbilder und Führer*, in GW X, pp. 255-319, Italian edition: *Modelli e capi. Per un personalismo etico in sociologia e filosofia della storia*, edited by E. Caminada, with an introductory essay by G. Cusinato; Franco Angeli, Milano 2011; (1921) *Vom Ewigen im Menschen*, in GW V, Italian edition: *L'eterno nell'uomo*, edited by P. Premoli De Marchi, Bompiani, Milano 2009.

rich in semantic differentiations and stratifications, not simple but extremely rigorous, characterized by a "passion for the differences", for distinction between different kind of *phenomena*, a philosophical approach that today – not by chance – can discuss with contemporary analytic thinking, still dealing with the main issues of our lives (emotions, values, community life, and social justice).

Roberta Guccinelli's translation was really necessary to free Scheler's German from the ideological or religious interferences, which have little to do with his theses, a need that has not yet been fulfilled, instead, in the case of Italian translations of Edith Stein's works, which still remain mostly excluded from the research of the scientific community, because the language she used is not updated with current phenomenological standards and the periods are often deprived of the original meaning. Guccinelli's work on *Formalism* resembles a sort of *epochè* on the text, that preserve the original phenomenological spirit of Scheler's pages, the taste for the precise description, for the vividness of intuition, the passion for the word that 'says the thing', remaining within the limits of the thing itself. The aim of this new Bompiani translation is to follow the development of the rigorous analysis with philosophical and phenomenological expertise, through the volcanic and charming Scheler's writing, through his exemplifications and tireless interdisciplinary attitude. Max Scheler was indeed an intellectual of broad interests, not only philosophical but also scientific, historical, sociological, anthropological and literary. It's not simply to deal with *Formalism*: it has not been written in a unified manner, it is extremely rich in digressions and theoretical insights (sometimes not fully developed), a sort of 'yard book', the result of a special mind, able to embrace the reality in its abundance of aspects, with its many points of contrast, always picking up essential nature of the *phenomena*. It is challenging to deal with this book and its language because of the living tension between the dedication to the 'world-of-life' multiplicity and its systematic intent, which is a typical feature of the phenomenological attitude.

For a long time in the Italian philosophical context Scheler's thought has been received separated from the phenomenological method and read with inappropriate categories, often Catholic categories: but Scheler attended the German Catholic circles only a few years and in any case this does not justify distortions and misrepresentations of his ideas. Italian scholars have often confined Scheler within the boundaries of Catholic traditions, hiding all the genuine potential of a very lively and original thought, full of interesting ideas for the contemporary debate. In *Formalism*, but also in his other essays, Scheler develops a phenomenological theory of value, of moral experience, which can provide us with some important tools to confront the challenges of the contemporary world: from the moral and political pluralism to the relationship between ethics and politics, from the question of foundation of normativity to the problem of education, helping us to think about the relationship between the person and the moral and political world in concrete but rigorous terms.

3. Values, Person and Society: 'Inner World' and Common World

Formalism is divided into two major parts: the *First* one proposes a theory of value as a basis for ethics, the *Second* tries to define the person by proposing a theory of personal identity based on the theory and epistemology of values of the *First part*.

In the *First part* Scheler criticizes, as Kant does, Utilitarianism but he also rejects Kant's Formalism and Apriorism: ethics, according to Scheler, is based on values, which can be distinguished in sensory values, vital values, personal values and values of the holy. 'Value' is a key word in Scheler's thought, it indicates the dimension of the things that makes them important to our lives, incarnations of an infinite variety of qualities, characterized by specific traits: *polarity* (values are always positive or negative), *comparative degree* (each value is inscribed in a network of relationships of inferiority/superiority), *simplicity* and *irreducibility to goods (or evils) that support them*. Scheler's phenomenological approach to values opens up a huge field of research on the dimension of the qualifying power of language – the field of the adjectives, for example – on the effect that things have on us, the source of each moral assertion or judgment.

Scheler's theory of values aims at exploring the axiological dimension both from a *formal* – what are values, how they relate to each other, which kind of relationship they have with the things that embody them, what is the relationship between values and the moral good and evil –, and a *material* point of view – which are the levels of values and how they interact with each other, also in terms of social and historical dynamics. It's important to emphasize that Scheler's theory, while supporting the objectivity of value judgments, has nothing to do with forms of metaphysical dogmatism. Values do not overcome concrete human lives and society: they are discovered and known through encounters between people and between people and things. Values are not only a matter of individual feeling: they draw eidetic connections, they are placed in something like an objective order, because the truth (or falsehood) of the axiological configurations is not weakened, according to Scheler's perspective, by the fact that under certain cultural, social or historical conditions, it is not possible to realize that truth. Values are real – they are not mere projections – but individuals never have complete knowledge and cognition of them: they always see only some aspects, some parts, certain layers but never all. Doing so Scheler's theory tries to save itself both from ethical relativism and absolutism.

One of the most important Scheler's theoretical achievements is that he has clarified the question of justification or epistemology of value judgment: it is only through feeling, according to Scheler, that we can have access to axiological qualities. Feeling plays for the value judgments the same role that the external perception plays for statements of fact: the role of *justification* (it provides reason to recognize them as true). In this sense, Scheler's theory takes distance, for example, from the British Sentimentalism: value judgments have truth conditions, they cannot be reduced to mere subjective emotional reactions. Scheler refuses the opposition between rationality and emotional life: the emotional sensitivity has its own 'seriousness', its own laws, its *a priori* structures, which can be described, analyzed. In *Formalism* we can find a rehabilitation of emotions, the assertion of equal dignity and autonomy of the emotional approach to the world: the organ of the emotional life – the feeling – refers to a specific level of reality and grasps it with its own proper laws.

At the centre of phenomenological ethics there is the relationship between 'right' (*richtig*) and 'just' (*gerecht*): the relationship between truth and moral adequacy, between logic and ethics[7]. Perception (adequate or inadequate) and preferences of value are the basis of any search for truth and every search for moral goodness: there can be no moral life if not through the direct exposure, the perceptual experience of values. The major Scheler's attempt – parallel to Husserl's one – is indeed to extend the search for knowledge, for truth, even to the field of the personal and moral life. Shedding light on the issue of emotional life, bringing a little bit of accuracy where the tradition saw only subjective tendencies and impulses: in the so-called 'chaos' of emotions, into the disorders of the heart. Taking the moral experience seriously means, in short, thinking of it as a form of authentic knowledge, which has to do with reality, with 'eidetic givenness', with parts of the world that are discovered and explored in a never-ending process.

But *Formalism* is not just a theory and epistemology of value judgment. The subtitle – *A New Attempt Toward the Foundation of an Ethical Personalism* – makes that clear. Scheler wants to do something more ambitious: he wants to draw a 'personology', a new theory of the person, very different from the Catholic Personalism (Mounier 1949, Maritain 1947), a truly philosophical theory, not a confessional or ideological one. Scheler also rejects the Kantian concept of " person-of-reason", because that concept ultimately reduces the person to mere reason activity, to a mere will conforming to the moral law. It is important, from his perspective, to save the human being from the philosophical moves that make him anonymous, indistinguishable, which reduce his essential reality only to some parts of him, like reason or will. A good ethical theory must be able to comprehend the level of individuality: the level which includes, for example, the lucky encounters with a person or a work of art, the

---

7   See also: R. De Monticelli, *Esercizi di pensiero per apprendisti filosofi*, Bollati Boringhieri, Torino 2006.

field of the discoveries of our own vocation, of our attempts to understand and conquer our own place in the world. Scheler's theory of the person wants to be, indeed, a theory of individuality and personal identity, which is also a very useful tool for observing the contemporary reality, to reflect on pluralism and cultural differences, to glimpse how to reconcile the respect for the fundamental rights with the right of uniqueness, of cultural and spiritual specificity. Because it is definitely a good thing that there are many orders of priority – many conceptions of the good – but these differences have to live together and interact with each other.

From where do we have to start to establish a good theory on tolerance? How can we reconcile ethics with many possible *ethe*, the universal demand of good for everyone with the respect for everyone's vocation? Perhaps from Scheler's pages it is possible to start thinking about a new kind of Liberalism, a 'vocational Liberalism', different from traditional forms[8]. A Liberalism which is able to draw a solid foundation for human rights, while keeping alive the sense of everyone's different destination (*Bestimmung*), the fact that every person feels herself called to achieve a certain portion of good in the world, some values between those possible. Because people must be thought of in this dual node: they belong and must necessarily belong to some context – family, community, State – where they should cooperate and respect each other, but they remain individuals with their own dreams, their hopes, projects, vocations – absolutely individual and unique[9]. The establishment, the laws of every states must guarantee by any mean that everyone can be satisfied with his own personal identity, with the relationship between his own 'inner', emotional-axiological world, and his place in the common world, in the public world, in the world of law and legality.

8   See especially, in the Italian edition of *Formalism*: 'La persona nei contesti etici', pp. 919-1141.
9   See also: R. De Monticelli, *Sull'idea di rinnovamento*, Raffaello Cortina, Milano 2013.

REFERENCES

De Monticelli R. (2006), *Esercizi di pensiero per apprendisti filosofi*, Bollati Boringhieri, Torino;

De Monticelli R. (2013), *Sull'idea di rinnovamento*, Raffaello Cortina, Milano;

Gallagher S., Zahavi D. (2008), *The Phenomenological Mind: An Introduction to Philosophy of Mind and Cognitive Science*, Routledge;

Guccinelli R. (2007), *La forma del fare. Estetica e ontologia in Jeanne Hersch*, Bruno Mondadori, Milano;

Guccinelli R. (2013), "Introductory Essay" to M. Scheler, *Il formalismo nell'etica e l'etica materiale dei valori*, edited by R. Guccinelli, Bompiani, Milano 2013;

Maritain J. (1947), *La personne et le bien commun*, Italian edition: *La persona e il bene comune*, edited by: M. Mazzolani, Morcelliana, 2009;

Mounier M. (1949), *Le personnalisme*, Italian edition: *Il personalismo*, edited by G. Campanini, M. Pesenti, AVE, 2004;

Scheler M. (1911-19), *Vorbilder und Führer*, GW X, pp. 255-319, Italian edition: *Modelli e capi. Per un personalismo etico in sociologia e filosofia della storia*, edited by E. Caminada, with an introductory essay by G. Cusinato; Franco Angeli, Milano 2011;

Scheler M. (1913, 1923), *Wesen und Formen der Sympathie*; GW VII, pp. 9-259, Italian edition: *Essenza e forme della simpatia*, edited by L. Boella, tr. by L. Oliva and S. Soannini, Franco Angeli, Milano 2010;

Scheler M. (1921), *Vom Ewigen im Menschen*, GW V, Italian edition: *L'eterno nell'uomo*, edited by P. Premoli De Marchi, Bompiani, Milano 2009;

Scheler M. (1927³), *Der Formalismus in der Ethik und die materiale Wertethik. Neuer Versuch der Grundlegung eines ethischen Personalismus*, Mit einem Anhang von Maria Scheler, *Gesammelte Werke*, Bd. II., Studienausgabe, 8. Aufl., Nach der 7. durchges. U. verb. Aufl. 2000, hrsg. v. M. Frings, Bouvier Verlag, Bonn 2009;

Scheler M. (1996), *Il formalismo nell'etica e l'etica materiale dei valori*, edited by G. Caronello, San Paolo, Cinisello Balsamo.