

Phenomenology and natural law: the vindication of the moral order in the works of Scheler, Hartmann, and Hildebrand, with a note on Voegelin

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In 1900/01 Edmund Husserl (1859-1938) published the two volumes of his *Logische Untersuchungen*, in which he attacks a view of logic which he names 'Psychologismus'. Obviously, the concept of logic here stands for the science of correct reasoning in general, not merely for symbolic logic. But what is the meaning of 'Psychologismus'? This concept stands for two traditions of philosophical inquiry. First of all, for the empiricist tradition deriving from Locke and Hume, and secondly for Kantian transcendentalism.¹ For the first tradition logic consists of inductive generalisations from sense-experience, for the second logic is a pattern human consciousness imposes upon the empirical world. Husserl argues that, notwithstanding the fundamental differences between these two traditions, they are in one important respect very similar: both consider logic as structured by human consciousness Le the human psyche. Hence, 'Psychologismus'.

Husserl rejects both views. He asserts, contra the Kantians, that the laws of logic are 'out there', a pattern *in* or of the world, not merely one we impose upon it, and contra the empiricists, that the laws of logic constitute an ideal and aprioristic order of being, not

¹ E. Husserl, *Logische Untersuchungen, vol.I*, Hamburg: Felix Meiner Verlag 1992, ♦ 28

merely a shorthand-way of summarizing in abstracto concrete experiences. Psychologism is 'in allen seinen Abarten und individuellen Ausgestaltungen nichts anders als Relativismus (...). Es ist dabei ganz gleich, ob er sich auf "Transzentalpsychologie" stützt und als formaler Idealismus die Objektivität der Erkenntnis zu retten glaubt, oder ob er sich auf empirische Psychologie stützt und den Relativismus als unvermeidliches Fatum auf sich nimmt. jede Lehre, welche die rein logischen Gesetze entweder nach der Art der Empiristen als empirisch-psychologische Gesetze faPt oder sie nach Art der Aprioristen mehr oder minder mythisch zurackfahrt auf gewisse arsprangliche Formen" oder "Funktionsweisenif des (menschlichen) Verstandes, auf das "Bewuptsein aberhaupt" als (menschliche) "Gattungsvernunft", auf die "pschyphophysiche Konstitution" des Menschen, auf den "intellectus ipse", der als angeborene (allgemein menschliche) Anlage dem factischen Denken und aller Erfahrung vorhergeht u.dgl. - ist eo ipso +relativist isch, und zwar von der Art des spezifischen Relativismus.'²

What is this 'specific, relativism? 'Der spezifische Relativismus stellt die Behauptung auf: Wahr ist far jede Spezies urteilender Wesen, was nach ihrer Konstitution, nach ihren Denkgesetzen als wahr zu gelten habe.'³

Husserl's opinion on this view is unequivocal: 'Diese

² Husserl, Logische Untersuchungen, vol. I, ♦ 38

³ Husserl, Logische Untersuchungen, vol. I, ♦ 36

Lehre ist widersinnig. Denn es liegt in ihrem Sinne, daß derselbe Urteilseinhalt (Satz) für den einen, nämlich für ein Subjekt der Spezies homo, wahr, für einen Anderen, nämlich für ein Subjekt einer anders konstituierten Spezies, falsch sein kann. Aber derselbe Urteilsinhalt kann nicht beides, wahr und falsch, sein. Dies liegt in dem bloßen Sinne der Worte wahr und falsch. (...) Was wahr ist, ist absolut, ist "an sich" wahr; die Wahrheit ist identisch Eine, ob sie Menschen oder Unmenschen, Engel oder Götter urteilend erfassen. Von der Wahrheit in dieser idealen Einheit gegenüber der realen Mannigfaltigkeit von Rassen, Individuen und Erlebnissen sprechen die logischen Gesetze und spechen wir alle, wenn wir nicht etwa relativistisch verwirrt sind.⁴

How do we acquire knowledge of these objective truths? By phenomenological analysis.⁵ But what does that mean? J.S. Mill, one of the 'psychologists' Husserl's criticisms were aimed at, had argued, in his System of Logic, that truths are known to us in two ways: some are known directly, and of themselves; some through the medium of other truths. The former are the subject of Intuition, or Consciousness; the latter, of Inference. The truths known by intuition are the

⁴ Husserl, Logische Untersuchungen, vol. I, ♦ 36

⁵ Husserl, Logische Untersuchungen, vol. II, Einleitung, ♦ 2

original premises from which all others are inferred. (...) whatever is known to us by consciousness is known beyond possibility of question. What one sees or feels, whether bodily or mentally, one can not but be sure that one sees or feels.⁶ This dichotomy is of course of ancient pedigree, going back to Aristotle, and Husserl has no quarrel with it. It is only on the question what one can see or feel, i.e. what truths are known by intuition, that Husserl differs with the views expressed by empiricists like Mill, as well as with those expressed by the Kantians.

In the view of Mill and the other empiricists, the laws of logic are inferred from concrete sense-experience. The principle of contradiction, for instance, he considers 'to be, like other axioms, one of our first and most familiar generalizations from experience'. They are the product of inductive inference, and are not known directly by intuition. For the Kantians too the laws of logic are inferences, although deductive rather than inductive in nature. Since they are implicit in our conceptions, they can be inferred from these conceptions by arguing backwards towards the necessary presuppositions. Hence, notwithstanding the fundamental

⁶ J.S. Mill, System of Logic, 8th ed. 1874, New York: Harper & Brothers, Introduction, ♦ 4

⁷ Mill, Logic, II, vii, ♦ 5

differences between them, both the empiricists and the Kantians regard logic as something not known directly, by intuition.

In the *Logische Untersuchungen* Husserl argues that both views are mistaken. The laws of logic do indeed belong to the things that are directly apperceived. They are hence, in Mill's words, 'known beyond possibility of question', or, as Husserl likes to put it, I apodictically true. They belong

to the sphere of the synthetic apriori. But they are experientially given, and not, *pace* Kant, transcendental.

What kind of apperception, of experience, is this? In the *Logische Untersuchungen* Husserl called it 'Kategoriale Anschauung', as opposed to 'Sinnliche Anschauung'.⁸ In later works he usually spoke of 'Wesensschau, or eidetic intuition. This refers to an apperception of the essential structure Pdas Wesen') of objects. It is not from our sense -experience that we know of -infer- the laws of logic, but from the eidetically perceived eidos of these laws.

The ideas expounded in the *Logische Untersuchungen* quickly attracted the attention of some talented students and fellow-

⁸Husserl, *Logische Untersuchungen*, vol. II, vi, ♦40 ff.

academics, and in the course of the following decade something like a phenomenological 'movement, developed, chiefly in Göttingen, where Husserl taught at the university, and in Munich. At the core of this movement were Max Scheler (1874-1928),⁹ Adolf Reinach (1883-1917), Alexander Pfander (1870-1941), Dietrich von Hildebrand (1889-1977), Edith Stein (1891-1942), Hedwig Conrad-Martius (1888-1966), and Roman Ingarden (1893-1970) . In addition to these, Nicolai Hartmann (1882-1950) should be mentioned. Though he remained at some distance, both spatially and intellectually, his thought was deeply influenced by these phenomenologists.¹⁰

Later, of course, after Husserl had moved to Freiburg im Breisgau, others came to the fore, most prominently Martin

⁹Scheler always maintained that he had discovered phenomenology independently from Husserl. Cf. M. Scheler, Die deutsche Philosophie der Gegenwart, in: Ph. Witkop (ed.), Deutsches Leben der Gegenwart, Berlin 1922, p.197 ff: 'Als der Verfasser im Jahre 1901 in einer Gesellschaft, die H. Vaihinger in Halle den Mitarbeitern der 'Kantstudien', gegeben hatte, Husserl zum erstenmal persönlich kennenlernte, entspann sich ein philosophisches Gespräch, das den Begriff der Anschauung und Wahrnehmung betraf. Der Verfasser, unbefriedigt von der kantischen Philosophie, derer bis dahin nahestand (. .) war zur Überzeugung gekommen, daß der Gehalt des unserer Anschauung Gegebenen ursprünglich weit reicher sei als das, was durch sinnliche Bestände, ihre genetischen Derivate und logischen Einheitsformen an diesem Gehalt deckbar sei. Als er diese Meinung Husserl gegenüber auferte und bemerkte, er sehe in dieser Einsicht ein neues fruchtbare Prinzip für den Aufbau der theoretischen Philosophie, bemerkte Husserl sofort, daß auch er in seinem neuen, demnächst erscheinenden Werke über die Logik eine analoge Erweiterung des Anschauungsbegriffes auf die sogennante 'kategoriale Anschauung' vorgenommen habe. Von diesem Augenblick an rührte die geistige Verbindung her, die in Zukunft zwischen Husserl und dem Verfasser bestand und für den Verfasser so ungemein fruchtbar geworden ist'.

¹⁰H. Spiegelberg, The Phenomenological Movement, The Hague: Martinus Nijhoff 1960, vol. I, p.367 ff

Heidegger. And later still, phenomenology was exported to France, where it shaped the thought of Sartre, Merleau-Ponty and most of the other philosophical luminaries. But these chapters in the history of phenomenology are of no concern to us here. Suffice it to say that in the hands of these authors phenomenology turned into something else entirely.¹¹

What appealed to the early phenomenologists in the *Logische Untersuchungen* was not so much the subject of Husserl's book -the ontological foundation of logic-, but rather the more general implications of Husserl's approach of this issue. They saw the *Logische Untersuchungen* as a rejection of the subjectivism and relativism characteristic of much of modern philosophy, and leine RQckkehr zu den gropen ontologischen Gedanken der Antike und des Mittelalters'.¹² To them it resuscitated, first, the significance of the object as opposed to the subject, of the known as opposed to the knower,

¹¹ Cf. Spiegelberg, vol. II; Dermot Morgan, introduction to Phenomenology, London and New York: Routledge 2000, who discusses Brentano, Husserl, Heidegger, Gadamer, Arendt, Levinas, Sartre, Merleau-Ponty, and Derrida.

¹² I.M. Bochenski, Europische Philosophie der Gegenwart, Bern: Francke Verlag 1947, p.139. Cf. Dietrich von Hildebrand, Was ist Philosophie?, Stuttgart etc.: W. Kohlhammer 1976, p.204: 'Tats&chlich ist die durchschlagende historische wirkung der *Logischen Untersuchungen*, die Schaler aus allen L&ndern nach G6ttingen zog, der eindeutigen Widerlegung des Psychologismus, Subjectivismus und aller Arten von Relativismus zu. verdanken, . And: Edith Stein, quoted in Helmut Kuhn.et al., Die manchener Ph&nomenologie, Den Haag: Martinus Nijhoff 1975, p.26: 'Die *Logischen* Untersuchungen hatten vor allem dadurch Eindruck gemacht, dap sie als eine radikale Abkehr vom kritischen Idealismus kantischer und neukantischer PrAgung erschienen. Man sah darin eine Ineue ScholastikiI, weil der Blick sich vom Subjekt ab- und den Sachen zuwendetel.

of ontology as opposed to epistemology, and second, of universals as opposed to particulars, of the eidetic *mundus intelligibilis* as opposed to the factual world of senseperception, of understanding ('Verstehen') as opposed to explanation ('Erklaren'). All of this had been the concern of the ancient and medieval philosophers as well, but their approach had gradually become discredited in the centuries thereafter.¹³

Scheler and Reinach were the towering figures within this group of early phenomenologists.¹⁴ Their influence on the other phenomenologists even eclipsed that of Husserl himself, due to the fact that Husserl's views had partially changed since writing the *Logische Untersuchungen*. As his students had suspected for some time, and was confirmed by the publication, in 1913, of the first part of the *Ideen zu einer reinen Phanomenologie und phanomenologischen Philosophie*, Husserl had

¹³ It is not that the ancient and medieval concerns disappeared completely. There were mostly banished by those who called themselves philosophers, but remained central to the interests of theologians. Hence, at the universities the old philosophical tradition was kept alive mainly in the faculties of theology.

¹⁴ In 1917 the then 34 years old Reinach died in action as a German officer in WW I. Hildebrand, Stein and other refer to Reinach as their real teacher in phenomenology. In 1921 a number of manuscripts were published as *Gesammelte Werke*, containing among other works, the programmatic *Was ist Phänomenologie?*, and a work on the phenomenology of civil law, *Die Apriorische Grundlagen des Bürgerlichen Rechts*, first published in 1914 in the *Jahrbuch für Philosophie und phänomenologische Forschung*. In 1989 a critical edition of his works was published by Philosophia Verlag in Salzburg, as *Samtliche Werke*.

gradually returned to a form of transcendental idealism, which his followers thought he had overcome in the *Logische Untersuchungen*.

For Husserl, phenomenology now was and henceforth remained the analysis of the essence of consciousness, and it is significant that from then on Husserl invoked Descartes and Kant as the two greatest forerunners of phenomenology.¹⁵ Before, he had argued that the phenomenologist is not interested in the consciousness to which things appear, but only in the appearances - 'Anscheinungen' - themselves, and had spoken of the need 'das Ich auszuschalten, in order to perceive accurately. Now he maintained that this exclusion distorts the analysis of the appearances, because the appearances are constituted by the (transcendental) ego.

Most of Husserl's early followers in Göttingen, Munich and elsewhere, rejected this transcendental turn. To them, phenomenology was and remained a realist philosophy. Dietrich von Hildebrand presumably spoke for all of them when he wrote the following in his book *Was ist Philosophie? Der transzendentale Idealismus deutet das Erkennen in ein Hervorbringen des Gegenstandes um und leugnet dabei, daß wir*

¹⁵ Spiegelberg, vol.I, p.120

fähig sind, einen wirklichen Gegenstand, so wie er ist, zu erfassen. Gleichzeitig beansprucht er jedoch, daß die Philosophie das wirkliche Wesen der Erkenntnis beschreibt. Es ist völlig klar, daß er seine eigene Interpretation des Erkennens nicht als bloße Konstruktion betrachtet und daß er behauptet, er erschließt das authentische Wesen des Erkennens. Mit diesem Anspruch setzt er das wirkliche Wesen und den wahren Begriff der Kenntnisnahme: das Erfassen eines Gegenstandes, wie er ist, nicht jedoch das Hervorbringen eines Gegenstandes - stillschweigend voraus und führt beides insgeheim wieder ein. Dieser innere Widerspruch im transzendentalen Idealismus ist jedoch unvermeidlich. Die echte Gegebenheit der Erkenntnis und der Kenntnisnahme von etwas ist nämlich so elementar, daß jeder Versuch, sie zu leugnen oder als etwas anderes zu interpretieren, notwendig in einen circulus vitiosus führt.¹⁶

In reality, Hildebrand argues, an act of cognizance is 'jene einzigartige geistige Berührung mit dem Seienden in der sich das Seiende in seiner Eigenart entschließt, eine transzendierende Berührung des Seienden, die weder eine reale Teilnahme an dem Erkenntnisgegenstand noch ein irgende

¹⁶Dietrich von Hildebrand, Was ist *Philosophie?*, Stuttgart etc. : W. Kohlhammer 1976, p.21

geartetes Produzieren, Schaff en desselben darstellt'.¹⁷ Diese transzendierende geistige Erfahrung stellt eine intentionale Teilhabe am Seienden dar (..).¹⁸

For Husserl, after he changed his mind, the apriori world of the eide`, was a necessity of thinking', for his followers it remained a necessity of being'. As Reinach formulated it in his programmatic Was ist *Phanomenologie*?: the apriori is 'keine Notwendigkeit des Denkens, sondern eine Notwendigkeit des Seins. (..) Das apriori hat an und fur sich mit dem Denken und Erkennen auch nicht das mindeste zu tun'.¹⁹

It is obvious that this view implied a return to a fundamental notion of ancient and medieval philosophy. Thus it is not surprising that the phenomenologists returned to a study of ancient and medieval philosophy with great eagerness, stemming from their sense of its utmost pertinence. As Scheler expressed it once, from a historical point of view phenomenology can be seen as a 'Erneuerung eines intuitiven Platonismus (..), freilich mit vollständiger Beseitigung der platonischen Ideenverdinglichung und aller mythischen Beisatze. Und es ist wohl verständlich, daß von dieser ihrer

¹⁷ Hildebrand, Was ist *Philosophie?*, p.27

¹⁸ Hildebrand, Was ist *Philosophie?*, p.29

¹⁹ Adolf Reinach, Was ist *Phanomenologie*? Mfinchen: Kbsel-Verlag 1951, pp.56-57

Eigenart her die Phänomenologie (..) auch mit der gesamten platonisch-augustiniischen Philosophie der patristischen und frahmittelalterlichen Philosophie, zum Teil aber auch mit dem Aristotelismus starkere Fühlung genommen hat, .²⁰

If Husserl and his followers went separate ways with regard to the question of the ontological status of the apriori, they never disagreed as to the method of discovering the apriori. For all the phenomenologists mentioned, 'Wesensschau', eidetic intuition, is the doorway to the apriori. What exactly is this eidetic intuition?

To begin with, the concept of intuition, as used by the phenomenologists (and J.S. Mill) is not an irrational or mystical form of cognizance, but simply a rendering of the Latin *intuitus*, the *participium perfectum* of the verb *intueri*,

²⁰ Max Scheler, Die deutsche Philosophie der Gegenwart, pp. 201 ff. Of course, it is rather unclear what Scheler means with 'mit vollständiger Beseitigung der platonischen Ideenverdinglichung und aller mythischen Beisatze I. If this was meant as a critique of Plato along Aristotelean lines -that Plato had

posited the eidē para ta polla, i.e. ante rem, i.e. outside of things, whereas they were merely hōn kata polloon, i.e. in re, i.e. the unity within the multiplicity - it is obviously based on a flawed reading of Plato, who throughout his oeuvre insisted that the eidē do not exist in space and time, but in the participation -parousia, methexis, koinonia- of the things in the eide`, or, what amounts to the same, the eidē in the things. The ontological priority of the eide` claimed by Plato, which in his view were ontoos on, really existant, whereas the things were merely in between being and not-being, also returns in the works of the early phenomenologists.

which means to consider, to look at, to gaze upon, to behold. Hence, intuition is more or less synonymous to perception or observation.²¹

Observation, however, is insufficiently understood, at least in modern philosophy. It is more than just the observation of empirical facts, more than just 'Sinnliche Anschauung', to which it is generally limited. Man is also capable of perceiving the world of essences, of eidē, behind or within the world of empirical fact. Perception i.e. observation is here identical to grasping, to comprehending the nature of something, seeing it with the mind's eye, as it were.

In the *Ideen*, Husserl explains the matter as follows. 'Ein individueller Gegenstand ist nicht bloß aberhaupt ein individueller, ein Dies da!, ein einmaliger, er hat als "in sich selbst" so und so beschaffener Eigenart, seinen Bestand an wesentlichen Prädikabilien, die ihm zukommen massen (als "Seiendem, wie er in sich selbst ist"), damit ihm andere, sekundäre, relative Bestimmungen zukommen können. So hat z.B. jeder Ton an und für sich ein Wesen und zuoberst das allgemeine Wesen Ton überhaupt oder vielmehr Akustisches'

²¹ Hildebrand, Was ist *Philosophie?*, p.197

aberhaupt - rein verstanden als das aus dem individuellen Ton (einzelne, oder durch Vergleichung mit anderen als "Gemeinsames") herauszuschauende Moment. '
²² 'So wie das Gegebene der individuellen oder erfahrenden Anschauung ein individueller Gegenstand ist, so das Gegebene der Wesensanschauung ein reines Wesen'²³.

The first kind of perception focuses on 'Dasein' on what something is hic et nunc, the second on 'Sosein', on what something is in essence. A focus on 'Dasein' invokes questions related to existence and non-existence, to coming into being and passing away, in short, on understanding (and manipulating) change. A focus on 'Sosein', on the other hand invokes abstracts from existence -Husserl's eidetic reduction²⁴ - and concentrates on identity and difference. It is not relevant how something came about or what it brings about, but merely what it essentially is, what its eidos is, and in what way it is related to -posited vis à vis- other eide` in the order of being, i.e. which 'Wesenszusammenhang' exist.

²² Husserl, Ideen zu einer reinen Phänomenologie und phänomenologischen *Philosophie*, Hamburg: Felix Meiner Verlag 1992, ♦ 2

²³ Husserl, Ideen, ♦ 3

²⁴ The term 'Phanomenologische Reduktion' was introduced by Husserl in the Ideen, and covers two different reductions, a reduction from particulars to essences, i.e. the eidetic reduction, but also a 'transcendental' reduction, which is concerned with the suspension of our belief in an independent reality. It was this second reduction, which was rejected by Husserl's erstwhile students and associates. Cf. Spiegelberg, vol. I, pp.133 ff.

Logic is a paradigmatic example of a 'Wesensstrukturl. Other cases often referred to by the phenomenologists are the tonal gamut and the chromatic spectrum. The world is permeated by eide` and eidetic structures like these.

Among these 'Wesenheiten' and 'Wesenszusammenhang', the early phenomenologists found one which seemed of a particular splendor: the continuum of values, of 'Wertel. Contrary to Husserl, who was not particularly interested in these matters, many of his followers were strongly drawn towards questions of value, particularly questions of ethical value. Applying Husserl's 'Wesensschau' to this subject, they began to study ethics with a phenomenological eye. This quickly proved to be a tremendously fruitful approach, yielding insights of great depth and significance.

It was Scheler who pointed out the way, above all with his *Der Formalismus in der Ethik und die materiale Wertethik*, first published in the *Jahrbuch fur Philosophie und Phanomenologische Forschung* in 1913/16. Scheler's insights were further developed and systematized by a few brilliant disciples, above all by Nicolai Hartmann in his *Ethik*, published in 1926, and by Dietrich von Hildebrand, in his *Christian Ethics*, dating from 1952, as well as in many other works.²⁵

Although there are important differences between these writers, their intentions and basic approach are very similar. In the first place, all three of them maintain that the ontological status of ethics is comparable to the ontological status of logic, as set out by Husserl in the *Logische Untersuchungen*. Hence, they follow Kant in his rejection of an empiricist (utilitarian, a posteriori) foundation of ethics, but are equally critical of Kant's own transcendental approach, when he, in line with his general philosophical stance, posits the principles of ethics as intrinsic to our thinking as rational and free agents. Scheler, Hartmann, and Hildebrand all argue that the principles of ethics cannot be reduced to the subject- whether empirical or transcendental-, and constitute an objective eidetical sphere, an a priori moral order, within the order of being.

²⁵ other significant contributors to the phenomenological study of ethics are (1) Hans Reiner (1896-19), whose main work is *Grundlagen der Sittlichkeit*, Meisenheim am Glan: Verlag Anton Hain 1974; (2) Otto Friedrich Bollnow (1903-1991), author of several incisive studies, such as *Das Wesen der Stimmungen*, Frankfurt am Main: Vittorio Klostermann 1995; *Wesen und Wandel der Tugenden*, Frankfurt am Main: Ullstein 1958; *Einfache Sittlichkeit*, Gottingen: Vandenhoeck & Ruprecht 1962; *Die Ehrfurcht*, Frankfurt am main: Vittorio Klostermann 1947; (3) Johannes Hessen (), *Wertlehre*, Munich and Basel: Ernst Reinhardt Verlag 1959; *Ethik*, Leiden: E.J. Brill 1954

They accept Kant's argument that demands ('Imperativen') which could be reduced to a utilitarian calculus, are at best 'Ratschlage der Klugheit', but not ethical demands.²⁶ only if demands are ultimate ends, 'Selbstzweckl', they deserve to be called ethical. An ethical demand is ethical, independent of its consequences. It is good in itself, or it is not an ethical demand at all. Hence, ethical demands are not subordinate to our aims, but superior to them. They sit in judgment on our aims ('Zweckel').

However, this important insight was, according to the phenomenologists, marred by Kant's belief that, since ethical demands are superior to our aims, and our aims are part of the empirical world, ethical demands must be normative concepts, which our -practical- reason imposes upon the world. 'Kant ist auperstande, ein A priori sich vorzustellen, das nicht in einer Funktion des Subjekts bestundel', writes Hartmann.

That is a fundamental mistake, in the phenomenologists' view. 'Kann das Subjekt den Inhalt des Apriorischen nicht ebenso gegenständlich erschauen, wie den des Aposteriorischen?

²⁶ I. Kant, *Grundlegung zur Metaphysik der Sitten*, Darmstadt: Wissenschaftliche Buchgesellschaft 1998, pp.44 ff They are 'Ratschlage der Klugheit, when their aim is 'Glückseligkeit, which is leine(..), Absicht, die man sicher und a priori bei jedem Menschen voraussetzen kann, weil sie zu seinem Wesen gehOrt'. Otherwise, lim Gebrauch der Mittel zu allerlei beliebigen Zwecken', one would have to speak of 'Regeln der Geschicklichkeit'.

DaB apriorische Inhalte nicht an realen ("empirischen") Gegenständen als solchen abzulesen sind, das tut doch ihrer Gegenständlichkeit aberhaupt keinen Eintrag. Geometrische Verhältnisse sind zwar nicht von Dingen, auch nicht von gezeichneten Figuren abstrahierbar, sondern hOchstens an ihnen demonstrierbar; aber sie sind deswegen doch etwas rein Objektives, als Objekt anschaubares und haben mit Bewußtseinsfunktionen nichts zu tun. Das Verh<is von Ursache und Wirkung ist zwar niemals wahrnehmbar, auch wenn beide Glieder der Wahrnehmung gegeben sind; aber es ist deswegen doch ein Gegenstandsverhältnis und wird einzig als solches dem Wahrgenommenen eingefägt. Nichts laBt darauf schließen, daß es ein Verhältnis von Bewußtseinsfunktionen ist'.²⁷

In fact, Scheler, Hartmann, and Hildebrand argue, ethical demands, or rather the values which lie behind these demands, are the object of a specific type of perception: eidetic perception.

²⁷ N. Hartmann, *Ethik*, Berlin: Walter de Gruyter 1962, pp.104-105 Cf. M. Scheler, *Der Formalismus in der Ethik und die materiale Wertethik*, Bern and Munich: Francke Verlag 1980, pp.74: 'Es ist -wie mir scheint- das prooton pseudos bei dieser Gleichstellung (of perception and senseexperience, A.K.) , daB man, anstatt die schlichte Frage zu stellen: Was ist gegeben?, die Frage stellt: "Was kann gegeben sein?" Dann meint man: das, wofür es keine Sinnesfunktionen - wo nicht gar auch noch Sinnesorgane und Reize- gibt, "kann" uns ja gar nicht gegeben sein. Ist man in these grundfalsche Art der Fragestellung einmal hineingekommen, so muB man nämlich schließen, daB all derjenige gegebene Gehalt der Erfahrung, der die als 11sinnlichen Gehalt"

feststellbaren Elemente seiner Qberragt, durch sie nicht deckbar ist, ein irgendwie von uns 'Hinzugebrachtes", ein Ergebnis unserer 'BetAtigung", eines "Formens", einer "Bearbeitung" und dergleichen seil.

Values are at the center of our consciousness. With cognition and volition, valuation is at the core of conscious life. In fact, valuation precedes volition, volition presupposes valuation. Moreover, valuation also precedes cognition. 'Alles primAre Verhalten zur Welt aberhaupt, nicht nur zur Aupenwelt, sondern auch zur Innenwelt, nicht nur zu anderen, sondern auch zu unserem eigenen Ich, ist (..) nicht ein I'vorstelliges", ein Verhalten des Wahrnehmens, sondern immer gleichzeitig (..) primAr ein (..) wertnehmendes Verhalten', writes Scheler.²⁸Indeed, value-free ('vorstellige') perception paradoxically presupposes that the observer has incorporated certain values, such as love of truth -the Platonic eros-, humility, and self-control.²⁹

'Wertnehmen' is the term used by Scheler. Translated literally it would have to be rendered as 'valuetaking'. The term suggests that, in valuing, values are not posited by us,

²⁸ Scheler, *Formalismus*, p.206

²⁹ Scheler, *Vom Wesen der Philosophie und der moralischen Bedingung des philosophischen Erkennens*, in: *Vom Ewigen im Menschen*, Bern: Francke Verlag 1954, p.89

but given.³⁰ Values are objective, not subjective and relative. However, there are some exceptions. Some values are posited, in some cases man is indeed chre'matoon metron, the measure of things. To understand in which cases, we need to have a typology of values.

Values are not all of the same type. Scheler identifies several different value-modalities'.³¹ First of all, the kosmos noe'tos of values comprises the value of the pleasant. Also belonging to this modality is the value of the useful, which is never an ultimate value but is derived from the pleasant. A second modality comprises the values of life, such as vitality, vigour, energy, health, strength, ability, etc. In short, lalle jene Qualitaten, die von dem Gegensatz des "Edlen" und "Gemeinen" (oder auch des "Guten" in der besonderen Pragnanz des Ausdrucks, in der es dem "Tuchtigen" gleichsteht, und nicht dem "Bosen", sondern dem "Schlechten" entgegengesetzt ist) umspannt ist'.³² A third modality comprises all the spiritual values ('geistigen Werte'), subdivided by Scheler into four different categories:

³⁰ Scheler, *Formalismus*, p.91: 'Einen I'Verstand, der der Natur seine Gesetze vorschriebell (gesetze die nicht in ihr selbst gelegen waren), oder eine "praktische Vernunft", die dem Triebbundel erst ihre "Form" aufzupressen hatte, gibt es nicht!'

³¹ Scheler, *Formalismus*, pp.122 ff

³² Scheler, *Formalismus*, p.123

aesthetic values, intellectual values -those pertaining to the finding of truth-, ethical values, and religious values.³³

The values of the first of these modalities, those regarding the pleasant and the useful, are wholly subjective and relative. Valuable is here what appears valuable to the individual. Therefore, according to Hildebrand, they should not be called values at all. The other modalities, however, contain absolute and objective values, that are truly given and demand to be recognized. These values do not follow us; we are obliged to follow them.

Of course, this evokes the question how one is to do that. How are we to serve several masters at the same time? Which of the masters ranks highest? or have we reached a point here, from whereon no clear guidance can be given and we are fated, like Buridan's mule, to stand at a loss between various competing demands? Scheler, Hartmann, and Hildebrand all insist that this is not the case, because there is an objective ranking between and within the various value-modalities, determined by the elevation ('Hohe') and the force ('Starkel') of a value.

33 The typologies of values given by Hartmann and Hildebrand are somewhat different. D. von Hildebrand, *Ethik*, Stuttgart etc.: W. Kohlhammer 1973, pp.39 ff, distinguishes between Idas subjektiv Befriedigendel, Idas objektive Gute fur die Person', and 'Wertel, approximately covering respectively Scheler Is first, second, and third modality. Hartmann, *Ethik*, pp.335, includes Scheler's second modality, the 'Nietzschean, life-values in the ethical values, and excludes values of religion, although he incorporates the values such as 'Fulle, and 'Reinheit', which are often regarded as religious, in the ethical sphere.

In terms of elevation, the values of life rank lower than the spiritual values, in the nature of things. within the modality of spiritual values the ethical values presumably rank lowest, the intellectual values higher, the aesthetic higher still, and the religious rank highest, at least in Scheler's view.³⁴ Within each of these categories a further ranking is possible.

In terms of force, on the other hand, the ranking between the various value-modalities and values is exactly the opposite. The values of life are more forceful than the spiritual values. Within the modality of the spiritual values the ethical values are the most forceful, etc.

The implication of this 'Wesensstruktur' is as important as it is evident: the higher the level of a value, the more valuable it is, but the less force it has. The more forceful, i.e. the lower values are in a sense primary, but the higher values reach out further into the transcendent en grant a fuller participation in being. What precisely does this mean?

34 'Presumably', because this is an inference. Scheler never explicitly states that the hierarchy of spiritual values is structured in that way. I believe Hildebrand has a similar view. Hartmann would obviously deny the place of honor to the religious values, and would probably include them in the ethical values. Cf. the previous note.

Within the modality of ethical value, for instance, this means that '(d)ie Versündigung am nieder Wert ist im allgemeinen schwerer als die am höheren; die Erfüllung des höheren aber ist moralisch wertvoller als die des niederen. Der Mord gilt als schwerstes Vergehen, aber die Respektierung fremden Lebens ist deswegen nicht der höchste moralische Habitus -nicht zu vergleichen mit Freundschaft. Liebe, Vert rauensw-ardige it. (...) Vers-andigung gegen niedere Werte ist schimpflich, ehrenruhig, empbrend, aber ihre Erfüllung erreicht nur eben das Niveau des Anstandigen, ohne sich darüber zu erheben. Die Verletzung höherer Werte dagegen hat wohl den Charakter moralischer Verfehlung, aber nichts direkt Entwürdigendes, während die Realisation dieser Werte etwas Erhebendes, Befreiendes, ja Begeisterndes haben kann'.³⁵

We will leave aside now the life-values, the aesthetic values, the intellectual values, and the religious values, and focus on 'das Reich der ethischen Wertel', as Hartmann calls it.³⁶ In doing so, we are merely going along with the phenomenologists, whose efforts are principally directed at the investigation of ethical values.³⁷ Hartmann justifies this

³⁵ Hartmann, *Ethik*, p.277. As this analysis makes clear, the concept of 'duty' is pertinent only to the less elevated and more forceful values. It makes no sense to speak of duty with regard to the highest values.

³⁶ Hartmann, *Ethik*, p.251

³⁷ However, both Hartmann and Hildebrand wrote a treatise on aesthetics.

limitation with the argument that I (u)nser Wissen um. Struktur und Ordnung des Wertreiches ist (...) ein noch ganz im Stadium des Suchens und Tastens steckendes. Wir können nur vom Besondern aus, von einzelnen uns gerade zugänglich gewordenen Wertgruppen aus, in das Wertreich hineinblicken, aber nicht von der Überschau des Ganzen aus das Einzelne deduktiv bestimmen. (.) (D) as Gebiet der sittlichen Werte, als das unter den höheren Wertregionen noch am ehesten zugängliche, mup (...) die Anhaltspunkte zur allgemeinen Werttheorie hergeben'.³⁸

The *differentia specifica* of ethical values is their pertaining to what the phenomenologists call 'persons'. Only persons can be I carriers I of ethical values Wertträger . At the core of this notion of the person are ideas like responsibility, free will, and intentionality. Only a subject which possesses personhood can be meaningfully judged on the basis of an ethical standard. Hence, not all human beings are persons: children for instance are not persons in the full sense of the word, until they have come of age. They cannot be

³⁸ Hartmann, *Ethik*, pp.250-251

held (fully) responsible for their conduct, and are thus not, or only in part, 'carriers, of ethical values'.³⁹

Persons 'carry' or fail to 'carry' ethical values in three different ways: in their actions, in their affections, and in their dispositions.⁴⁰ These are the three realms, in which ethical value can manifest itself.

There is no need to elaborate on action as a realm of ethical value. Acts are the most visible area of value-manifestation. Not surprisingly therefore, -modern- moral philosophy, the Kantian no less than in the empiricist tradition, to say nothing of moral reflection in general, is predominantly concerned with actions. There is nothing against that, in the view of the phenomenologists, as long as it is recognized that ethical value is pertinent to other spheres as well, more particularly to affections and to dispositions. But that is often not the case. Hence, a moral short-sightedness results, which fails to notice a substantial and significant segment of the moral order.

Most neglected perhaps ' is the realm of affections, emotions, or feelings.⁴¹ And yet, '(g)erade hier enthult sich

³⁹ Scheler, Formalismus, pp.469 ff; Hildebrand, *Ethik*, pp.201 ff; Hartmann, *Ethik*, p.145

⁴⁰ Cf. esp. Hildebrand, *Ethik*, pp.355 ff

⁴¹ Obviously, the fact that there is a school of thought, sometimes called emotivism, which *derives* ethical values from affections, does not contradict this statement. What we are concerned with here is the manifestation of ethical values in affections, not the manifestation of affections in ethical values. It is clear that emotivism is *eo ipso* incapable of considering the former question in any other way than considering it absurd.

der unerhb're Reich'tum und die Vielfalt sittlicher Wertel'.⁴²

The complexity and depth of the cosmos of affections is immeasurable. For example, joy, love, trust, compassion, pride, satisfaction, disgust, hate, envy, contempt, anger, irritation, dislike, lust, admiration, respect, doubt, shame, guilt, vindictiveness, fear, and repentence are specimens of affections, each in itself multifarious, and intricately related to many other affections. And there are numerous others.

All of these are essentially 'responses'. (Affection is derived from the Latin *affectuus*: influenced by, caused by, attached to) Consider the following examples of such responses. Being delighted, because one's parents have died in an accident. Feeling satisfied that one has passed an examination by cheating. Feeling compassion with the hungry and the sick, feeling contempt for those who are less well-educated. Incontestably, in all of these cases the affection in question has an ethical quality.

Apparently, an affective response in cases such as the

⁴² Hildebrand, *Ethik*, p.362

above can be ethically appropriate or inappropriate, fitting or unfitting. Appropriate responses respond to an objective ethical value and are themselves ethically valuable, inappropriate responses respond to a subjective desire and are merely subjectively valuable.⁴³ Appropriate responses are demanded from us by, inappropriate responses constitute a transgression of the moral law, that is whispered in our ears from the beyond.

The third possible carrier, of ethical value is the person himself. This is the realm, not of acts or of affections, but of the permanent qualities of 'character', of disposition.⁴⁴ 'Sie ist das eigentliche Mark der Sittlichkeit', writes Hildebrand,⁴⁵ since acts and affections are rooted in the moral quality of a person.

Hildebrand distinguishes between three moral centers' within the person. 'Diese Zentren sind in jedem Menschen der

⁴³ This is not to say that subjective desires can have no place in our life. Hildebrand, *Ethik*, p.442, argues, that they are legitimate as long as 'die Wertantwortende Haltung (...) die Vorherrschaft in unseren Seelen innehalt (...) Hier gilt es zu verstehen, daß ie Schicht, an die das sittlich neutrale, subjektiv Befriedigende appelliert, nur so lange legitim bleibt, als die Person (...) primär auf das Reich der Werte gerichtet ist. Es gehört zum Wesen dieses Bereiches, auf eine untergeordnete Sphäre beschränkt zu sein und mit der wertantwortenden Haltung zu koexistieren, die die Herrin bleiben solltel.'

⁴⁴ The term 'character' is put between quotation marks, to indicate that what is meant here is not character as something innate, which seems to be the meaning it is commonly given today, but character as something acquired, a *heksis*, a *habitus*, as it was defined by Aristotle and Thomas. The phenomenologists use the term character in this sense.

⁴⁵ Hildebrand, *Ethik*, p.356

Möglichkeit nach wesenhaft vorhanden, in den meisten haben alle drei eine relative Herrschaft, bei einigen eines von ihnen die prominente Vorherrschaft.⁴⁶ Two of these centers are directed toward subjective desires, all of which can be reduced to either concupiscence or insolence (superbia, Hochmut). The third center within us is directed toward Idas Reich der Wertel.

When this third center is predominant in a person, he is virtuous, he has a virtuous disposition. Thus, a virtue is a disposition to respond adequately, i.e. appropriately to an ethical value that is demanded from us by the order of being, whether through an action or through an affection.

The notion of virtue is central to the moral philosophy of Scheler, Hartmann, and Hildebrand. Again, it was Scheler who led the way. *Zur Rehabilitierung der Tugend*, is the title of one of his early essays.

'Das Wort Tugend', he writes in this essay, 'ist durch

⁴⁶ Hildebrand, *Sittlichkeit und ethische Werterkenntnis*, VallendarSchönstatt: Patris Verlag 1982, p.151; cf. Hildebrand, *Ethik*, p.425ff, where a typology of characters is developed on the basis of this conception. See esp. pp. 427-249, on five mixed' types, pp.451-454, on three concupiscent types, and pp.456-466 on four insolent types of character.

die pathetischen und ruhseligen Apostrophen, welche die Barger des 18. Jahrhunderts als

Dichter, Philosophen, und Prediger an sie richteten, so mißbeliebig geworden, daß wir uns eines Lachelns kaum erwehren können, wenn wir es hören oder lesen. (.) Und doch war diese alte, keifernde, zahnlose Jungfer zu anderen Zeiten, z.B. in der Blute des Mittelalters und bei den Hellenen und Romern vor der Kaiserzeit, ein hochst anmutiges, anlockendes und charmvolles Wesen. (.) Er wird Zeit, daß wir aufhbren, nur die Opponenten dener faden Barger des 18. Jahrhunderts zu sein und darum. die Tugend lacherlich zu machen. Wer verfolgt, der folgt. (..) Suchen wir auch far die Tugend wieder den welthistorischen Horizont!'.⁴⁷

And that is what Scheler, Hartmann, and Hildebrand have done, with acumen and accomplishment. In the essay just mentioned for instance, Scheler gives a penetrating phenomenological analysis of two key virtues: humility ('Demut') , and reverence ('Ehrfurcht') . And, although he never wrote a treatise on virtues *per se*, many of his works contain substantial disquisitions on specific virtues and closely related phenomena. Suffice it to mention his study on *Wesen und Formen der Sympathie*, in which Scheler discusses

⁴⁷ Scheler, *Zur Rehabilitierung der Tugend*, in: Vom *Umsturz der Werte*, Bern: Francke Verlag 1955, pp.15-17

compassion, love and hate at length.⁴⁸

Hartmann did discuss the virtues *per se*. In the second part of the *Ethik* he presents a elaborate catalogue of virtues, encompassing the cardinal virtues of justice, wisdom, courage, and temperance, but also virtues like charity, sincerity and honesty, reliability, and fidelity, trust, modesty, humility, etc .⁴⁹ The meaning of these virtues and the relation between them is analyzed and elucidated with great care and insight.

However, he most prolific on the subject of the virtues is Hildebrand. In addition to several smaller works on virtues, like *Reinheit und Jungfräulichkeit*, *Heiligkeit und Tuchtigkeit*, and *The Art of Living*, which contains fine presentations of reverence, faithfulness, responsibility, veracity, goodness, communion, hope, and gratitude, Hildebrand authored a magnificent catalogue of christian virtues, entitled *Die Umgestaltung in Christus*, and a massive treatise on the virtue of love, *Das Wesen der Liebe*.

⁴⁸ Scheler, *Wesen und Formen der Sympathie*, Bern and Munich: Francke Verlag 1974

⁴⁹ Hartmann, *Bthik*, part II, entitled 'Das Reich der ethischen Werte; Axiologie der Sitten', esp.pp.416-543

It is not necessary to go any further into this issue and set out in detail how Scheler, Hartmann, and Hildebrand discuss each virtue. The aim of this paper is merely to set out the general ideas behind the phenomenological approach to the subject of ethics. In the opinion of the present writer is the most profound approach to this subject we have. That is has received so little attention is due, not to a lack of quality, but partly to historical accident -e.g. the untimely death of Scheler at age 54-, and partly to the relativist and atheist 'Zeitgeist', which has little patience

with a view, affirming unabashedly that a logos permeates the universe, and that we participate in it, if only our minds and hearts are open to this logos.⁵⁰

Let us now turn to Eric Voegelin, whose work is honored in the conference. Both the general drift of his oeuvre and his biography are such that one is tempted to conclude that the early phenomenologists, Scheler in particular, must have exerted a considerable influence on Voegelin.

Of course, the differences are obvious enough. Voegelin did not speak much of virtues or values. This I find quite inexplicable. In view of the fact that the language of virtues

⁵⁰ Scheler, Formalismus, p.86; Hildebrand, *Ethik*, p.229

was the medium *par excellence* through which the order of being was symbolized both by the ancient Greeks and Romans, and by medieval Christianity, a symbolization which, in Voegelin's words, had achieved the maximum of differentiation, i.e. clarity concerning the *conditio humana*, one would have expected something else.⁵¹ And even when Voegelin discusses the virtues, as for instance in his comment on Plato's *Politeia*, in volume III of *Order and History*, his treatment of the matter is rather schematic and somewhat impatient. Voegelin is captured by the *idea tou agathou*, clearly not by the *aretaí*.⁵²

And yet, at a different level, the similarity, the affinity between the phenomenologists and Voegelin are just as obvious as these differences. Both are critical the empiricist and idealist reductionism, both vehemently reject the immanentization of the transcendent. To both the order of being is the central notion. Both conceive of man as participating in this order, and hence as transcendent, without knowing exactly how or why. The divine ground of the order of being is unknown and unknowable. God is a *deus absconditus*, a hidden God, who is beyond the world. At the same time, however, this hidden God is visible, to some extent, in the order of being, at least for those who 'have eyes to see'.

⁵¹ E. Voegelin, *The New Science of Politics*, Chicago & London: University of Chicago Press 1987, p.79

⁵² Voegelin, *Order and History*, vol.III, Columbia & London: University of Missouri Press 2000, pp.162-167

'We experience our own lasting in existence, passing as it is, as well as the hierarchy in lasting; and in these experiences existence become transparent, revealing something of the mystery of being, of the mystery in which it participates though it does not know what it is. Attunement, therefore, will be the state of existence when it hearkens to what is lasting in being, when it maintains a tension of awareness for its partial revelations in the order of society and the world, when it listens attentively to the silent voices of conscience and grace in human existence itself', writes Voegelin in the introduction to volume I of *Order and History*.⁵³

These lines could also have been written by Scheler, Hartmann, or Hildebrand. The 'lattunement', of which Voegelin writes, the result of the platonic *periagoog6* or the biblical *metanoia*, is

identical to what the phenomenologists call 'Wesensschaul', and, more specifically, 'Wertschaul'. In their view, the attunement is possible only through 'Wesenschaul', which enables us to 'see' and 'value', the eternal order appropriately.

Hence, the phenomenologists would argue, attunement is possible only for the virtuous man. Voegelin never seems to has drawn this conclusion. What does that mean?

⁵³Voegelin, *order and History, vol. I*, pp.4-5