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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, Scheler rejects the idea that lawfulness might be found in the accordance

¹ From now on “Formalism”.

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 sensibility² 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?

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

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-theoretical³, Scheler claims 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

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

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 circle⁴. Even if we did not consider appropriate such an interpretation, it seems however undeniable that 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 Gegenwart der Griechen in Neuren Denken*, Tübingen 1960, pp. 77-155; McCarthy M.H., *Kant’s Rejection of the Argument of the “Groundwork” III*, in “Kant-Studien”, 73, 1982.

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 *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 breach rather than a progression⁵.

4.1. The Circularity of Kantian Foundation in the *GMS*

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).

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.

4.2.
The
Acknowledgment
of Being Practical
by Pure Reason
as the Fact of
Reason

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 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 morality⁶, 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

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.

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 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.

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