

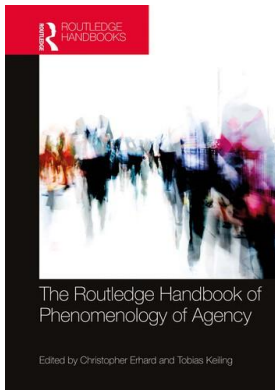
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Christopher Erhard, Tobias Keiling

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Eugene Kelly

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4

SCHELER'S PHENOMENOLOGY
OF FREEDOM AND HIS
THEORY OF ACTION*Eugene Kelly***The platform: ethical personalism**

In the Second Part (§ 6) of *Der Formalismus in der Ethik und die materiale Wertethik* (cf. Scheler 1973) Max Scheler is concerned to distinguish his new platform for normative ethics both from the deontology of Kant and the teleological eudaemonism of Aristotle and the Utilitarians. First, his material value-ethics is not a formal ethics such as Kant's, that is, an ethics founded in a single formal or a priori moral principle, the categorical imperative, which governs a consistent system of moral laws that determine, in ways specified by Kant, what is morally legitimate for an agent. These formal and rational moral laws are dictated by an agent to him or herself insofar as he or she is rational. Hence Kant's ideal agent, like that of Scheler, acts autonomously. Kant teaches, according to Scheler, that the impulse to action emerges from the chaos of natural "inclinations" toward self-gratification, but that practical reason must override these out of respect for duty and allow the rational good will to direct action in conformity to the formal system.

The phenomena that Scheler discloses speak against this Kantian account of moral action. Conformity to duty alone does not give an agent moral value, for duty, simply as a formal command to obey the moral law, bears no reference to values beyond itself. Duty emerges, on Scheler's account, from the cognition of an "ought-to-be" directed at the agent's will. The agent perceives an obligation to realize something of higher value than currently exists, or to destroy something of lower value than currently exists. Thus the duty to abstain from drinking before driving is *founded upon* the value-perception (or cognition of value) that the value of preserving human life is higher than the value of the pleasure of drinking.

The notion of "duty for duty's sake" is nonsense, for the adherence to duty must itself be justified by its aiming at a value beyond itself – that is, it must be itself governed by a value that is not simply the value of adherence to duty. Otherwise, we could not question the *legitimacy* of some purported duty. Kant's notion of a good will concerned only with its duty and not also with the value of that for the sake of which it exercises its agency would have dignity, but no other material worth. Such a will, Scheler quotes Sigwart, would be a will that "does not will what it wills" (Scheler 1973: 121; all quotations are taken from this text).

Now it would seem that the only possible alternative for ethics to a moral principle such as "duty for duty's sake" would be a eudaemonistic moral theory. J.S. Mill, a utilitarian

eudaemonist in ethics, was aghast at Kant's failure, as he saw it, to establish any specific moral rules (cf. Mill 1998: ch. 1.); he had posited instead an empty moral rule that requires us to act according to moral rules. Utilitarians, in contrast, can give material content to moral rules by demonstrating their tendency to achieve desired states such as happiness, pleasure, or utility. Justice and virtue are satisfying to contemplate in themselves, but their value is derived from the consequences of just and virtuous acts, which usually cause, intensify, and distribute pleasure or happiness in the form of states or goods. Whether such utility-motivated actions and activities must or in fact always conform to moral criteria such as right, virtue, or goodness independent of the utilitarian Greatest Happiness Principle need not be at issue. Kant presupposes that eudaemonism must of necessity "place the ground of all ethical valuation in the instinctive egoism of man's natural organization" (Scheler 1973: 7), that is, in our sentiments alone. However, Scheler believes that there is an alternative, an ethics founded upon phenomenological, a priori, and rational knowledge of material values.

During his middle period, approximately from 1912 to 1921, Scheler, along with similar efforts by E. Husserl, N. Hartmann, and D. von Hildebrand, attempted to establish a basis for normative ethics that would achieve the best of both worlds: like Kant's ethics, it would be non-teleological, for it would not aim at the realization of goods as things we desire, and yet not be "empty," but have material content. It would also be non-deontological, like Mill's ethics, and yet possess concepts of duty and right. Thus their efforts aimed at what came to be called the material ethics of value. The material content is supplied by what Scheler called the "values themselves," that is, the content of essential value-structures or meanings – Husserlian essences, if you will, or ideal existences, as Hartmann put it² – that are intuible in cognitive noetic acts of feeling. Values are "carried" by objects such as goods and events and persons, as Abraham Lincoln is perceived by many to have "carried" the value of honesty as a virtue. Pleasure or happiness is only one kind of good, and its achievement has no moral value in itself. But when a person wills to realize some state or object because it carries a value higher than those currently present, or wills some normative ought-to-be founded upon a higher value than any alternative, he acts morally. What, now, are some kinds of values, and how do we have cognitive access to them?

For Scheler, the world given in perception is saturated with values. It is a task of phenomenology to make those values the objects of systematic reflection by re-executing carefully the cognitive feelings, including those of preference and rejection, in which they are given, and to distinguish among their objects. The acts of preference and rejection suggest that pure values possess an order of relative worth that can be made evident when the phenomenologist reenacts feelings that have been purified in phenomenological reflection (that is, those performed after the bracketing of specific goods and situations). He then directs noetic acts of feeling upon values as qualities in themselves, and not as they appear on the contingent objects that may carry them. Thus we may attempt to intuit the value of courage by first directing our attention toward the many objects to which persons tend to attribute this material value: toward certain human actions and the situations they respond to or toward a certain type of human character. Then we may abstract from these goods and focus on the value itself. By varying our examples, our intuitive sense of the value of courage becomes clearer. We may also seek to exhibit the ways in which some values are intrinsically higher than others.³ This emerging table of values extends from the values of physical states, in general the pleasant and the unpleasant, to the values of life, which occur on two levels, the values of the useful and the worthless and those of the noble and the common. The still higher values of the spirit are those of the true, the good, and the beautiful, whose relative disvalues are the false, the wicked, and the ugly. Finally there are the values of the sacred

and the profane, which have their foundation in the value of the holy. On certain occasions a good pair of boots may have more value to the wearer than the works of Shakespeare, although the wearer of the boots would acknowledge that, viewed apart from his immediate situation, the value of great literature is preferred as a higher value than the value of comfort. The subtitle of *Formalism in Ethics* is “A New Attempt at an Ethical Personalism.” The human person bears the highest value, although the value of the personhood of an individual human being is not a material value that can be brought to givenness in a noetic act. An individual’s personality or character can be intended; it is intuitable as carried by her ego. But the personhood of the individual, although present in each of her acts, is not an intuitable content. Thus we can grasp the phenomenon of personhood as the highest value, but we cannot make some individual person who carries this and many other values an object of knowledge. For a person is forever incomplete; *she exists verbally*; she is, as it were, a being whose existence is executed in acting as a spirit, mind, and body. The subjective core of a person is what Scheler calls the order of her loves and hates, a scale of feelings directed at values themselves apart from goods. Persons can glimpse this order in others, and yet not exhaust the nature of their personhood. This crucial doctrine will occupy us again in the context of Scheler’s discussion of human freedom.

With this doctrine of the “*Ordo amoris*,” (1912–14)⁴ Scheler affirms that the feelings and emotions of every individual are neither chaotic nor random, nor invaders of the rational core of the autonomous human person, as Kant believed. They have an internal integrity that refracts, clearly or darkly, sharply or skewed, in each person in a unique way, the objective order of values. Upon the basis of an individual’s *Ordo amoris* emerge three additional and intuitable elements of human personhood: first, the *Gesinnung* or the basic moral tenor of a person. Second, her sense of a calling in life (*Bestimmung*), and third, her sense of her fate (*Schicksal*), which latter term Scheler uses for the sense we usually have of a continuous meaning of our lives. A normal person’s activities and purposes are coherent in the present and as she moves toward the future; they are not the products of caprice, for they trace their ancestry to the stable *Ordo amoris*. Even one’s acts of will, as we shall see, are posterior to an agent’s apparently inborn sense of values and how they are prioritized.

The phenomenology of freedom

It is not possible to understand Scheler’s phenomenology of action and the relation he discovers between the pure content of will and the process of its execution except on the background of a far more complex picture of the human person than those of Hume, Kant, Bentham, or even of Aristotle. This is clear from an essay that Scheler’s wife and later editor, Maria Scheler, included in a posthumous collection of brief essays from the time of *Formalism in Ethics* (1913–1916) for the second edition of the *Schriften aus dem Nachlass I* under the title “Zur Phänomenologie und Metaphysik der Freiheit” (cf. Scheler 1957). This phenomenology of freedom will introduce our discussion of moral action in *Formalism in Ethics*, and we will close with an assessment of the consequences of both for Scheler’s inchoate early metaphysics of freedom.

First, he notes, the sense of being free rests upon the presence of two phenomena intuitively visible in the agent. The first is capability (*Können*), the sense that *I can do* something or other. Without it, there can be no freedom; there would be no room for an action’s being *mine*. Second, there must be a sense of my own power to will, the sense not just that I can do something abstractly (visit Mongolia, e.g.) but that *in these circumstances* I can proceed to action. The sense of being able to act in some way, that is, to encounter my own freedom, is

founded in awareness of my ability to determine spontaneously my choice of some course of action. This spontaneity does not imply indetermination or a lack of a sufficient reason to act, which is merely negative; freedom is a positive sense of having a capacity to act or forbear at this moment, and eventually to determine the will to act or forbear for the sake of some end.

The determinist will now object that this awareness of capacity may be false; an agent's *sense* of power over his actions may be the result of causal conditions over which he has no consciousness or control: typically, the shaping of the agent's behavior by his environment and its determination by evolutionary and genetic factors. But this hypothesis, when it is applied to all cases of human action, and considers them as events in a causal chain, misses the origin and complexity of the phenomenon of action. Scheler writes,

Determinism knows nothing about the making (*Schließen*) of decisions (*Entschlüsse*), of the swelling up of life, from which [decisions] intuitively arose – rather it presupposes them as done, and takes notice of them. It binds them together afterwards, as a process of effect and cause – but determinism does not observe *how* each these processes, which it simply ties together in this way [as cause to effect], *come to pass* out of the inner workshop of effective life itself.

(Scheler 1957: 158)

This brief critical phenomenology of the process by which human action comes to pass will be exemplified in the following account of Scheler's phenomenology of action.⁵ Afterward, we will return to the metaphysical question of whether some human actions are free because they are founded only upon the spontaneity of the person, and whether that freedom confers moral responsibility upon the agent. Further we must ask whether Scheler's theory of the person limits the range of the human capacity in a way that compromises any metaphysical claim that humankind is free and morally responsible for its actions.

Action theory

Human action is a process whereby a person is initially goaded to action by a subliminal urge (*Streben*) or conation that becomes conscious and who then passes, reflectively, emotionally, and physically, through a unified process of responses, to action itself, whose aim is achieving some state of affairs in which values or disvalues present in the conation are realized or destroyed. The phenomenological description of this process is of course central to ethics, which, as aiming at the understanding and moral evaluation of action, does not require reference to processes and events outside of the awareness of the acting persons themselves such as to brain events, to learned associations, or to processes in a purported unconscious mind. It will, however, presuppose and be an application of the phenomenology of the human person and her world that was sketched earlier.

All action begins with conation. "Conation," Scheler writes in *Formalism* (Scheler 1973: 30 fn 24), "here designates the most general basis of experiences that are distinct from all having of objects (representation, sensation, perception), as well as from all feeling (states of feeling), etc." Conation is the restless urge in the ego that awakens our attention to itself even before we become aware of a specific object toward which it may be directed. It may be entirely undirected (a "dumb urge:" something's got to change!), or it may move toward or away from an unobjectified external or internal state, as with an inchoate desire for, or fear of, something it knows not what; it "rises up within us." The conation can arise from a

stimulus within, as when we feel hunger or lust even before we become thematically aware of it and desire something to relieve it, or from one without, as when we sense the somber growth of darkness in the late afternoon even before we think of turning on the light or seeking to change our mood.

In sum, conation first moves toward values of which the agent is antecedently, although at the moment only subliminally, aware, and not toward representations of objects. That by which conations are initially differentiated is always a value of some kind that is felt as positive or negative – again even before we give it an object, or represent to ourselves a state that ought-to-be. “The values of things are given to us prior to and independent of pictorial representations.” Thus, the conation of hunger has a clear direction “toward” the value of satisfying hunger, even if it may not yet possess a representation of a goal (*Zweck*) such as a meal (Scheler 1973: 33). Conations are the foundations of goals – if no conation, no goal – but the conation does not determine the goal; one may refuse to respond to the value toward which the conation moves, and move instead toward some other value. Conation is different from *desire*, which always “pictures” its object. The value given in the conation raises, as it were, the very question of its goal: given the conation, what next?

Imagine a physical weariness out of which wells a conation that is directed toward relief, at “taking a vacation from labor.” An *unspecific* urge toward the value of relief from weariness floats in front of the mind as a goal, and only later imagination “fills in” the desire with activities possessing specific value-states that could make up the relief from work. Having such a general “goal” – a day off, a long lunch with friends, a good night’s sleep – is not yet the performance of an act of will, for no content that could function as a purpose of action has yet been posited. But in the conation toward the value of relief a representation or picture of such relief begins to form, i.e. some imagined state of affairs that would provide relief. An essential law of action states that the former founds the latter in that the choice among possible states of affairs is contemplated as appropriate or inappropriate to the values toward or away from which the conation moves (cf. Scheler 1973: 33–34). Scheler summarizes: “The conations themselves are determined and differentiated by (1) their direction, (2) the value-component of their ‘goals,’ and (3) the picture- or meaning-content arising from this value-content” (Scheler 1973: 39).

Purposes are fundamentally different from goal-directed conations. Purposes involve the representation of a state of affairs as possible, but thinking about or visualizing a thing does not necessarily involve a conation toward it, or the willing of its (possible) existence as a goal. A detective, examining a bank, may ask himself, “How might a thief obtain access to this bank?” He imagines a thief positing such a purpose as a response to a conation toward money, but the detective’s own purpose is not to obtain access to the bank. Scheler puts the key issue as follows.

What distinguishes “purpose” from a mere “goal” [e.g., of satisfying hunger], which is already given “in” conation itself and in its direction, is the fact that in a purpose a goal-content (i.e., content already given *as a goal* in conation) is *represented* in a special act. It is only in the phenomenon of “withdrawing” from conative consciousness toward representational consciousness, as well as toward representational comprehension of the goal-content given in conation, that the consciousness of purpose comes to a realization. Anything that is called a purpose of the will therefore presupposes the *representation of a goal!*

(Scheler 1973: 39–40)

Conation is not an analogue of purposeful willing; it has its origin both in the biological urges and the ego of persons, which are structured differently from the level of mind that grasps purposes and consciously wills them to be. The having of purposes, like the having of goals, does not necessarily lead to acts of will. Representations of purposes remain the mere objects of *wishes* (“I’d like to marry that girl.”) unless the representation is also given as to-be-realized by the agent (“She’d never accept.”). The genuine purpose has a value that the agent apprehends as demanding to be responded to and brought into existence by *him*. Thus only when both the representation of the goal and the demand are given can there be a purpose leading to action. Scheler marks again his distance from Kant: values, he argues, are not dependent upon or arise out of our conations or ego-driven goals; rather they *found* the differentiated goals of conation, and are, as goals to be realized, also the foundation of purposes. In the psychic life of persons, knowledge of values and our individual attunements to them are *antecedent* to goals and purposes. This is a key to understanding Scheler: values are native to persons, *ab initio* as it were; they are given in the acts of love and hate that open and close infants to the world *before* they govern goods that speak to their developing ego and become objects of craving.

When we judge a person to be acting *freely*, the events leading to action possess a unity of meaning or sense. The process flows in a person from an initial bodily and psychic state to conation, and then, via a representation of the values before his mind, to the facts present in the situation in which the person is to act, then to the person’s sense that the values before him demand a response from him, and terminate in the performance or “deed” (*Handlung*). When the process lacks such unity, or appears to be driven by factors having no realistic connection to the situation, as with a maniac, an observer would fail to understand the process and the deed that emerges from it. Scheler notes that in such cases we cease to *understand* the agent’s behavior, but instead attempt to *explain* it. “A human being is that much more comprehensible, the more free he is” (Scheler 1957:159).

We may take the following situation as typical of a unified action that has moral content.⁶ A runaway van overturns on the street, the gas-tank has cracked, and gasoline drips to the street. The driver lies unconscious in the van. A woman passing by experiences an emotional arousal, a conation: Danger! That conation is not initially aimed at any specific end. It is a directing of attention toward an external event in her milieu; as yet, it is arousal without specific purpose. The passer-by then grasps the danger to the driver, assesses the danger to herself, senses herself called upon by the value of the driver’s life, rushes to the van, flings the door open, adjusts her movements to the vicissitudes of the situation, and with others carries the driver to safety.

The moral assessment of the act of the passer-by requires that her action be viewed as a unified process, and should not, as in Kant, be seen either as a synthesis of drive, intellection, will, movement, and coordination, or as a causal series of behavior and laws covering them. On the phenomenal level, the Kantian causal models assimilate human behavior to that of a machine, whose mathematical laws render its operation lucid; but for human behavior such thinking submerges and makes invisible the organic unity of the action, or so Scheler believed. For we cannot locate the moral value of the person, conceived as an isolated “force” in a causal process, solely in her will to respect and obey the moral law. Kant’s purposes in affirming that thesis is noble, for it insulates the moral value of the agent from the contingencies of fate or luck, and it establishes a kind of moral equality among persons: each is entirely responsible for what she wills; no one can be responsible for the factitious outcome of acts of will: the success or failure of the rescue attempt, even the degree of risk involved, has no

bearing on the agent's moral worth. But Kant's moral focus on will loses sight of the disparate values realized in the process of the moral action.

The elements in an action or deed are as follows. We follow Scheler and apply each element to the narrative of the rescue-scenario.

- 1 *The presence of the situation and the object of the deed.* A conation is directed toward some "practical value-objects" that have appeared to the agent within the range of values available to her, given the structure of her milieu and her basic moral tenor. In our situation, a conation directed toward the value of the imperiled life of the driver may be prominent. The agent senses an incipient demand for action: "Something must be done." The practical object in the situation is given as resisting or "with-standing" the will, which aims at saving the driver's life; if she could simply "wish" the driver's safety and it would be done, no action would be needed, and a "willing to do" could not be formed. This resistance to the will need not be physical; the mere will of another can resist her (the command of a policeman), or, in some cases, the qualities of the situation itself. The phenomenon of resistance is normally found in the following order: it is placed (1) in the object beyond the ego and body of the agent (a barrier of some kind – a wall, distance – stands in the way of action); (2) in the body itself (one cannot run fast or far enough); (3) in the psychic sphere (the person may be conflicted; she wishes, after all, to preserve her own life, which a spark to the gasoline could end).
- 2 *The content of the efforts required by the deed* (What is to be done?). Here, along with their concomitant values, "pictures" arise in the mind in which possible courses of action appear: "running away from," or "running towards" the stricken driver.
- 3 *The willing of one set of compossible value-contents.* The path of the decision leads from the moral tenor through intentions, deliberation, and resolution. The moral tenor of the agent may incline her to accept the level of risk to her own life in an attempt to rescue the driver. On the level of intention, she experiences the rescue of the driver's life as an ought-to-be that founds her purpose. She then deliberates as to how best to effect the rescue, and resolves to take that course of action.

Of course she cannot propose to act counter to her moral tenor, and her deliberation takes account of her own capacity for action, that is, her knowledge of what she is capable of doing (Scheler 1957: 128). Thus if this passer-by is disposed to assist the trapped driver, she could only imagine herself performing a rescue that is within the range of her power (her sense of the capacities of her body). She might imagine herself running to the rescue, but not flying there. Scheler notes, admirably, that this experience of capacity or incapacity is an immediate sense, and is not dependent upon one's past successes or failures in conducting a rescue in situations similar to this one. It is simple and unique, like the sense of being alive, which is neither simply a piece of knowledge, nor built up from such states as vitality or weariness. The sense of "being able" cannot be improved by exercise and practice; it determines rather what activities we will practice and develop, and how we go about doing so (cf. Scheler 1973: 232–237, "Ability and Ought" [*Können und Sollen*]).

- 4 *The psychic activities directed toward the lived body leading to movement of the members (the "willing-to-do").* Here the agent moves beyond mere intention (a wish that the driver be saved, that he "ought to be" saved) to a decision to engage herself in the values carried by the situation ("I will run to his assistance"). The will-to-do is a willing to do something – not the willing of its *outcome* (I will save him), which may be beyond

the agent's control. Of course, if she is wise, she "calculates" her chances of achieving a given outcome, but she wills the *action* in the hope that it will have that outcome.

- 5 *The states of sensation and feeling present during the execution of the selected action.* The transition from a willing-to-do to the action itself takes place across feelings and sensations, such as the bodily movements of the agent, or her sense of strength or weakness as she moves. She then immediately (i.e. non-mediately, *unvermittelt*) senses the effectiveness of her resolution upon her body. "There is an efficacy of willing that acts on our lived body and issues forth into movement" (Scheler 1973: 130). The kinematic sensations and visceral events direct or specify the conations that propel the action; they may indicate a need for more effort, or a change of direction, and they may change as the action proceeds. Since the efficacy of will is variable, it has moral relevance: she may initially desire to come to the rescue, may even imagine a course of action and proceed to act, but then feel reluctant and cease; her conation evaporates. Alternatively, she may be overly fearful, foolishly triumphant, or selfless, and these states modify the moral value of her action.
- 6 *The experienced realization of the content (the "performance").* The object for the sake of which the action was initiated – the saving of the driver – is joined with the content of the will-to-do (i.e. to do the action thought needed to save him). The trapped driver is or is not reached, is or is not pulled free. The agent grasps the success or failure of her performance.
- 7 *The states and feelings responding to the ends that have been realized.* This will be joy or sadness, satisfaction or regret. Note that the outcome of the action – the safety or death of the driver, or of the passer-by – does not belong to it as part of its moral content and certainly not to its unity of meaning as an action. For the results are always contingent, that is, dependent upon luck or circumstances and not upon the agent's will. Yet if the agent survives, her feeling of success or failure in what she tried to accomplish brings additional moral value to her action. We tend quite rightly to admire an agent who belittles her role in the success of her action, or is aggrieved at her failure. Such evaluations are directed at the moral values manifested upon the agent, not upon her success or failure itself, which outside observers would simply welcome or regret. Those observers would of course rejoice at the sight of the saved driver, but that is not to evaluate the rescuer.

The teleologist in morals, who proclaims that the action was good simply and only because the man was saved or because other positive outcomes arose from it, such as the joy of the rescued person and his family, his ability to return to work, and so forth, is simply untrue to the values we feel and the judgments we make when we perceive the action. The deontologist who says that the action was good simply and only because the agent's will was good – that is, because it chose to do its duty "for the sake of" the duty – offers an inadequate account of the agent's moral worth; he leaves out morally relevant value-material such as the virtue of her boldness, and the value of the life of the driver. If this phenomenology of action is correct, material value-ethics is able to argue that the moral worth of the action is not located in the formal intention of the agent alone (respect for the moral law, the sense of obligation to help a person in distress), though her intention has moral worth, but it is also not dependent upon the success or failure of the action. Its moral worth is found in the person – thus ethical Personalism – who, whether or not the intended action is brought to completeness, acts *throughout* its execution. Of course, the central moral feature of the unified act is described in point 3, in which the value of the content possibly present in the situation (the life of the driver as a value) is affirmed by the passer-by. It originates in the basic moral tenor of the agent, from which springs a conation urging her toward this specific material

value. Point 4 elevates action above a mere wish that things be a certain way: in wishes a material value-content is no doubt given (I wish there were no hungry children), but there is no resolution to do something to realize that wish; it does not terminate in action.

What are the implications of Scheler's characterization of an action as a unity? Of course there are phenomenally distinct parts within the action that can be brought to givenness. In the complex action we have taken as a model, there may be other factors contained within it, indeed random and incomplete ones that do not dissolve the unity of the act, such as the agent's initial hesitation, her fear, her self-questioning ("Why get involved?"), insofar as the agent "pays these intruders no mind." We must keep in mind that the unity Scheler is speaking of is a unity of *sense* or *meaning* that runs through the entire action. This unity of meaning is what the "disinterested rational observer" understands when he judges the act as the moral whole it is. Scheler's insistence upon this point derives from his concern that if we divide the action into a chain of events, where the only genuinely moral event of the chain is the act of will that "causes" the action, then the *action* could not bear any moral value, for the will alone would bear it, all else would be a causal outcome of the act of will and the circumstances in which it was exerted. In that case, the moral philosopher is forced to choose between a deontological and a teleological ethics: the act is good either because the will was good or because the outcome was good. This was the problem we faced at the outset. But for material value-ethics, for as long as the rescuer is engaged in the act, she bears moral merit or demerit of different kinds throughout, until events pass "out of her hands" to where she no longer has effective control.

In our moral assessment of a person we normally ask ourselves: what material values are present in her action? What situation and the values it will bear is she attempting to bring about? Is her action free and spontaneous, on the one hand, or either coerced or the product of caprice? Could determination, skill, and fortitude be perceived upon the agent's person and upon her character, factors which made it possible for her respond in acts of feeling to the positive values she felt within her situation and upon the ends she willed to realize? We sense the moral worthiness of this rescuer as she carries out her deed; we admire her for what she attempted to do by means of the deed. Moral evaluation must consider and prioritize these meanings if it is to be complete. In sum then, the agent seeking to rescue the trapped driver does not will that he be saved, for that is impossible. Rather she wills to perform an action aimed at saving him, whose values, purpose, and the technique it demands she grasps and visualizes beforehand and as she moves toward the driver. Her moral merit or demerit lies in the material values functional in her person that condition her moral attitudes, her fortitude of will, and even her response to the outcome of her action.

The metaphysics of freedom

The metaphysical reflections upon freedom and determinism that follow upon the phenomenology of freedom in the essay, *Zur Phänomenologie und Metaphysik der Freiheit* (manuscripts written between 1912-14), are founded upon the conviction that the *phenomenon* of freedom and moral responsibility must be affirmed as real, given the phenomenology of action in *Formalism in Ethics* that was just presented. He writes in this posthumous essay, "I or another may in any given concrete case be under an illusion about my own or he about his freedom; *that there is freedom*, is a phenomenon found even in illusion" (Scheler 1957: 162). He is harsh in his rejection of past thinkers who denied the phenomenon itself as illusory.

In Hume and Bentham, according to Scheler, moral agency is seen as an application of a mechanistic metaphysical theory derived from the sciences of nature, where human action

is assumed to be determined by a struggle within the ego or the sentiments among motives of varying strength. Scheler notes that the idea of an ego of constant character that works upon motives from a position outside of them, or chooses “freely” among them, implies a pure indeterminism that makes no sense of action (Scheler 1957: 175). Kant postulates a noumenal freedom of the human person that renders freedom humanly incomprehensible, and Bentham, at one point, suggests without further discussion that we can only do what our desires for pleasure and fear of pain can move us to do, and hence humans are unfree.⁷

Fundamentally, the error that is common to the Enlightenment thinkers is “the separation of the ego from the so-called ‘motives.’ The human being varies itself *as a whole* in each of its experiences [*Erlebnisse*]. Experiences occur in pure duration as a unique concrete flow, in which nothing is separated” (Scheler 1957: 162). “Ego” in this essay seems to be conflated with the “person,” although an appendix to Scheler’s essay attempts to clarify the distinction. In *Formalism*, Scheler distinguishes the functionality of the ego, which is presumably the sources of conations, and which corresponds to the lived body (*Leib*), from that of the *psyche*, which is the emotional center of a person, and that again from the “unobjectifiable” individual human person. “Experience” refers to noetic acts, including body-awareness, the feeling of values, and intellectual judgments. But there is one self-developing human person. The separation of the ego from the “motives” or conations results in viewing the human being as a complex mechanism whose “states” are measured by clock time rather than by duration.

Scheler argues further against Enlightenment thinkers that epiphenomenalism, which developed in the wake of the Enlightenment, is a “construction” that maintains that ideas are emanations of brain activity and can exert no influence upon it. It has an absurd consequence: “Thus the denial of psychic causality by the epiphenomenalists leads to a conception according to which the processes of psychic events are purely arbitrary” (Scheler 1957: 163). Some state of mind A_m that is the epiphenomenon of brain event A_b could have no link in *meaning* to the mental state B_m that follows it, for B_m is an effusion of a different brain state B_b , and yet two brain states cannot be linked by meaning nor caused by A_m or B_m . In a word, how could we account for a meaningful and coherent succession of ideas if they are caused by a series of uncomprehending brain events? Rather he holds it to be phenomenologically *evident* that mental acts, selecting from and interpreting the phenomena present to them, emerge from what Scheler calls the *lawfulness of life*, one of the highest levels upon which freedom appears. These levels form a “step-like construction of growing freedom, whose essential content we can describe upon the phenomenal level without reference to the concrete order of nature” (Scheler 1957: 162).

No doubt the phenomenon of the oasis is given in the mirage; but the question remains, is it a mirage? Scheler is well aware that behind the scenes of our consciousness causal events in our brains, unknown in their details, could be the source of some or all of the conscious events whose running-off they determine. He cites the claim of determinists that the consciousness of freedom “could be an *illusion*; that it could be illusory also in that the determining motives of our action are hidden from us, and we place other [motives] or none at all, in their place” (Scheler 1957: 162). Powerful considerations today indeed speak for such a possibility despite Scheler’s skepticism,⁸ such as the principles of sufficient reason and the conservation of mass and energy, considerations that weigh especially heavily when, as today, the nature of conscious mind in its relation to the brain and body is still quite unclear.

The complex phenomenology of human action, where human conations are shaped by the feeling of values, where ordered emotions cognize goals, purposes, and actions while the mind rationally assesses the actual situation, makes the case for a linear mechanistic determinism of human action unpersuasive. The question of moral freedom, however, is not

solved until the question of the origins of our moral character is solved. Simply put, to what extent are the *Ordo amoris*, *Gesinnung*, moral milieu, calling, and fate of a person, around which a person's ontic life takes on meaning, God-given, inborn, or freely chosen by him or her? Scheler has no clear answer. Scheler admonishes the person to "become what she (normatively) is," but he leaves the source of what a person is, her unique order of values, quite obscure, even more so by insisting that its origin and content are not subject to the will of the individual.

Nicolai Hartmann saw clearly Scheler's further error: by denying that the person, who is constituted morally by these phenomena, can become an object, Scheler also denied to the person the status of a subject given in intuition that is the object of moral judgment.⁹ It seems that Scheler is in the end judging not the personhood of the intrepid rescuer of the driver, which lies beyond all direct knowing, but the character she manifests externally. Only God knows her personhood.

Related topics

Chapters 21 (Hanna), 23 (Strawson).

Notes

- 1 Mill refers to Kant's failure to deduce actual duties of morality from the categorical imperative as "almost grotesque."
- 2 Cf. Hartmann (1932: 184): "In their mode of being, values are Platonic ideas."
- 3 *Formalism in Ethics*, Part I, Par. 2, exhibits phenomenologically this ladder of values.
- 4 The term "ordo amoris" appears in a posthumous essay written, according to Scheler's editor and wife, at about the time of *Formalism in Ethics* (1913–16); it may have been intended for inclusion in the second half of that work, but Scheler never released it for publication, and rarely refers to the term in his published work, though he speaks in *Formalism of Pascal's ordre du coeur* or elsewhere of the *Ordnung des Menschenherzens*. He did not attempt to clarify the origins of the *Ordo amoris* or its development over time in individuals.
- 5 In Scheler's late work, especially in his *The Human Place in the Cosmos* (cf. Scheler 1928/2009), this account of action is radically transformed. Scheler's inchoate metaphysics and philosophical anthropology posit the impotence of the human will to realize values without the connivance of the blind "drives" (*Drang*). The current writer judges that the phenomenology of action that Scheler produced in an earlier phase of this career in philosophy is quite compelling, whereas the picture of humankind and its "place" in the cosmos are deeply flawed and unconvincing.
- 6 The following example was taken from and develops an earlier analysis of the process of action according to Scheler in Kelly (2011).
- 7 Cf. Bentham (1948: chapter I, 1): ["Pleasure and pain] govern us in all we do, in all we say, in all we think." Bentham, I believe, was not always consistent in his adherence to this empirical claim.
- 8 He argues that even in illusion (*Täuschung*) the phenomenon of freedom is given. Certainly that is so; I may intend the phenomenon of freedom of the will, even when I am subject to manipulations unknown to me. But Scheler is not in a position to hold that phenomena have metaphysical force.
- 9 Cf. Hartmann (1932: 319–321): "Ethics takes as its object [a person's 'actively transcendent acts (disposition, will, conduct)'] what Scheler says is incapable of becoming an object."

References

- Bentham, J. (1789/1948) *An Introduction to the Principles of Morals and Legislation*, New York: Haffner.
- Hartmann, N. (1926/1932) *Ethics. Volume I: Moral Phenomena*, London: George Allen & Unwin.
- Kelly, E. (2011) *Material Ethics of Value: Max Scheler and Nicolai Hartmann*, Berlin: Springer.
- Mill, J. S. (1863/1998) *Utilitarianism*, Oxford: Oxford University Press.
- Scheler, M. (1913–16/1973) *Formalism in Ethics and Non-Formal Ethics of Values*, trans. by M. S. Frings and R. Funk, Evanston, IL: Northwestern University Press. German edition: *Formalismus in der Ethik und die materiale Wertethik (Gesammelte Werke: Band 2)*, Bonn: Bouvier, 2000.

- Scheler, M. (1928/2009) *The Human Place in the Cosmos*, Evanston, IL: Northwestern University Press.
Scheler, M. (1957) *Schriften aus dem Nachlaß. Band 1: Zur Ethik und Erkenntnistheorie (Gesammelte Werke: Band 10)*, Bern, Munich: Francke.

Further reading

P. Blosser, *Scheler's Critique of Kant's Ethics* (Athens: Ohio University Press, 1995). Blosser notes some limitations of Scheler's understanding of Kant. M. S. Frings, *The Mind of Max Scheler* (Milwaukee: Marquette University Press, 1997). R. Funk (1974), "Thought, Values, and Action," in M. S. Frings (ed.), *Max Scheler (1874–1928). Centennial Essays* (The Hague: Nijhoff, 1974) is one of the few essays in English on the topic of Scheler's action theory. P. H. Spader, *Max Scheler's Ethical Personalism* (New York: Fordham University Press, 2002) is the only full-length study of Scheler's personalism in English. K. Wojtyła (1979), *The Acting Person* (Dordrecht: Reidel, 1979). The later Pope John-Paul II was a careful student of Scheler.