

Chapter III

KANT'S ETHICS : A PHENOMENOLOGICAL CRITIQUE

Section-A

Though our aim in the present project is to develop an understanding of values from the phenomenological point of view, it would be quite unthoughtful if we do not take into account the power and pervasive influence that Kant's treatment of ethical values has exercised over the centuries down to the present era. Some of the phenomenological thinkers we shall undertake to study in the following Chapters have sharply responded to Kant's ethical ideas. In point of fact, Max Scheler, the phenomenological thinker, has repeatedly drawn attention to the various aspects of Kant's theory if only more often to criticise some of the points in his own work, Formalism in Ethics and Non-formal Ethics of Values. Nicolai Hartmann too has also criticised Kant's ethics. It would be, therefore, necessary to begin with a clear, to the extent possible, understanding of Kant's views on the matter which will serve two-fold purposes as follows : (a) An understanding of Kant's formalism in ethics will provide the springboard for understanding the phenomenological treatment of values which is characterised as "contentful". (b) Insofar as both Scheler and Hartmann make extensive use of Kant's writings on ethics, if only in a critical way, an understanding of the insights of Kant would greatly be helpful.

We might begin by acknowledging that "Kant invented a new way of understanding morality and ourselves as moral agents. The originality and profundity of his moral philosophy have long been recognised."¹ In this Chapter, we shall but only dwell upon some aspects of his moral philosophy such as would pave the way for a more sympathetic understanding of Hartmann and Scheler. For our limited purposes, the main sub-heads under which we propose to carry on our discussion here are as follows: (i) Kant on Good will and practical reason, (ii) Formalism of Kant, (iii) Formalism and Apriorism, (iv) Intellectualism of Kant. In the later part of this Chapter, we shall look at the criticisms made by Hartmann and Scheler with regard to the earlier points of discussion. This way of following up the matter would, we hope, facilitate our main objective of considering how Hartmann and Scheler viewed Kant's position vis-a-vis their own.

(i) Kant on Good will and practical reason

Ethics, for Kant, means what he calls "pure ethics" i.e. the ethics which is completely cleansed of all empirical elements. In his Groundwork of the Metaphysics of Morals, he feels "the utmost necessity to work out for once a pure moral

1 Schneewind, J.B., "Autonomy, Obligation and Virtue : An Overview of Kant's Moral Philosophy" in Guyer Paul(ed.) The Cambridge Companion to Kant, p.309, Cambridge University Press, 1992.

philosophy completely cleansed of everything that can only be empirical...."¹ As morality, for Kant, deals with the laws, one must admit that a law has to carry with it absolute necessity to be valid. And such

grounds of obligation must be looked for, not in the nature of man nor in the circumstances of the world in which he is placed, but solely a priori in the concepts of pure reason.²

Kant identifies such pure ethics which deals with a priori rational laws as what he calls metaphysic of morals. In other words, "the pure science of laws in accordance with which everything ought to happen is called (by Kant) 'pure ethics' or 'the metaphysic of morals'".³ Thus Kant seeks to leave aside all considerations of particular moral judgements, all propositions about what ought to be or ought not to be done in particular circumstances. He looks for one absolute and a priori rule of conduct which is the same in contexts or circumstances from which the particular rules for the particular contexts or circumstances may be deduced. Acting on this rule would make an action morally good or right.⁴ Thus goodness or rightness

1 Kant, I., Groundwork of the Metaphysic of Morals, p.57.
Translated by H.J.Paton, Harper torchbooks, New York, 1964.

2 Ibid.

3 Gupta, R.K., Towards Purity of Morals, p.4.
Pragati Publication, Delhi, 1981.

4 Though it may be noted here that as against the utilitarianist who think in terms of states of affairs as good or bad consequences, for Kant and the deontologists rightness assumes primary over goodness since they do not speak of consequences i.e., good or bad states of affairs but only of the moral worth or rightness of the action.

would be the same in all circumstances. Hence, Kant believes in the purity of morals and rejects all such ethics as are based on inductive experience, that is, the ethics which derives its principles and laws from experience. Thus, "sternly he cast out from the temple of Ethics all commerce in objects of desire; the useful, the expedient, the socially advantageous".¹

Morality, as a human phenomenon, is necessarily related to good actions and good agents, though it is indirectly connected with other kinds of goodness. From the viewpoint of morality, there are three factors involved in certain action-situation which are morally significant : (i) the will which initiates the action, (ii) the intended result of an action, and (iii) the motive - the subjective reason for acting. Each of these factors is liable to be either good or bad.

What initiates an action is called by Kant "goodwill". Generally, a will is closely bound up with action. The will does not mean mere wish to do something. It means taking a decision and to act or perform. From a psychological point of view, the will is the action. In other words, the will is the same as the action from the viewpoint of what goes on in the mind of a doer during taking a decision. "And Kant, as a matter of fact, uses the terms 'good will' and 'good action' almost discriminately".²

1 Loring, L.M., Two Kinds of Values, p.68.
Routledge & Kegan Paul, London, 1966.

2 Field, G.C., Moral Theory, p.19, Methuen & Co.Ltd.,
London, University Paperback Series, 1966.

Let us now understand what good will is, keeping in mind our present purpose. Kant defines 'good will' thus :

It is impossible to conceive anything at all in the world, or even out of it, which can be taken as good without qualification, except a goodwill.¹

We would proceed now by first explaining what is meant by "good without qualification". ^{This} phrase, in other words, means "good in all circumstances or contexts". A thing can be called "good without qualification" whose goodness is not dependent on any particular circumstance or context; its goodness consists in itself. Thus goodness of good will consists in itself. That is to say, the goodness of good will lies intrinsically in itself. According to David Ross, Kant has offered two tests of goodness without qualification :

- (1) That which is good without qualification must never unite with anything else to produce bad results;
- (2) it must never unite with anything else to constitute a bad whole.²

And good will and not anything else, according to Kant, satisfies the above tests.

Here Kant's point is that good will is the only thing which is absolutely unconditioned and its goodness remains

1 Kant, I., Groundwork of the Metaphysics of Morals, op.cit., p.61.

2 Ross, D., Kant's Moral Theory, p.10, Oxford University Press, 1954.

static without different circumstances, contexts, etc. Thus Paton says,

It is good in itself and not merely in its relation to something else. Its goodness is not limited to goodness in this or in that relation; it is, in short, good without limitation or qualification or restriction.¹

Good will is "will which is inwardly good and whose goodness in no way depends on anything outside itself".² Thus good will possesses its full worth in itself and that worth cannot be determined or increased and cannot be outweighed or dimmed either by consequence or by varying contexts in which it may be found.

Kant is quite aware that there are plenty of good things which are good in many respects. Among these kinds of things may be included, for example, (i) mental abilities like intelligence, wit, wisdom etc., (ii) emotions - courage, determination etc., (iii) blessing of fortune - power, honour, wealth etc., (iv) essentials of happiness - health, the good life etc.

All these may at most be helpful to good will but they can never be unqualified good like good will. All these are good when they are in conjunction with a good will; otherwise, they can never be good without limitation in themselves. Thus, the

1 Paton, H.J., The Categorical Imperative, p.34, Hutchinson & Co. (Publishers) Ltd., London, 7th Impression, 1970.

2 William, T.C., The Concept of the Categorical Imperative, p.2. Oxford University Press, 1968.

actual goodness of the things we have listed above is contextual, varies with their circumstances and contexts; and therefore, they are not unqualified good.

It would be a fundamental error for Kant to suppose that the goodness of good will is derived from the goodness of ends it aim at. As Kant clarifies,

A good will is not good because of what it effects or accomplishes - because of its fitness for attaining some proposed end : it is good through its willing alone - that is, good in itself.¹

An action which flows from a good will is morally good regardless of whether it produces good or bad results. Given appropriate conditions, an agent who performs an action from the good will will try his best to do good. But it is not all conditioned by the result that an action produces. For,

It will still shine like a jewel for its own sake as something which has its full value in itself.²

Good will, according to Kant, may be conceived to act under human conditions only. As Williams puts it, "the possible experience of a good will which is open to human beings is that of a will which acts from duty in the face of subjective inclinations and desires".³

1 Kant, I., Groundwork of the Metaphysic of Morals, op.cit., p.62.

2 Ibid.

3 Williams, T.C., The Concept of the Categorical Imperative, op.cit., p.3.

Let us now turn to Kant's notion of practical reason and see its relation to the good will. On Kant's view, reason or rationality can be displayed in action as well as in thought. Reason, when it determines action is called by Kant practical reason as opposed to "theoretical reason" which is displayed in thought. The practical reason is "the reason in its practical (moral) use or function".¹ The practical reason is concerned with the production of moral choices or decisions in accordance with the moral law. Reason has the influence on the will as the latter is produced by the former. In Kant's words,

.... reason has been imparted to us a practical power - that is, as one which is to have influence on the will; its true function must be to produce a will which is good, not as a means to some further end, but in itself...²

Thus reason is the guiding force of the will. It is the reason which guides our will to make our choice of something as what we ought to do or ought not to do. Kant ^{sometimes} seems to identify the reason with the will. He calls the latter the rational will. Kant attributes the initiation of action to the will and not to the desires as they are not rational as such. It is the rational will which guides our choices in action.

(ii) Formalism of Kant

Kant's theory of ethics has often been characterised by his critics as "formalism" because his concept of duty and

1 Copleston, F., A History of Philosophy, Vol.VI, Search Press, London, 5th Impression, 1977.

2 Kant, I., Groundwork of the Metaphysic of Morals, op.cit., p.64.

its formula i.e. the moral law is formal. That is to say, the concept of duty and its laws are devoid of any "material" or content. According to Kant, in order to have moral worth of an action, it must not be performed from any inclination or desire, nor performed from consideration of what results it produces, but from duty. This is precisely what constitutes Kant's "formalism".

It may be noted that Kant's formalism has a background which can be traced back to ancient philosophy, e.g. the philosophy of Aristotle which favours the pure form and neglects the matter. Matter is conceived as something indeterminate, obscure and of lower value. The form, on the other hand, is regarded as the determining principle; and it is the form which allows something to be valuable. The Aristotelian bias against matter is found to be there in the modern philosophy, particularly, in the philosophy of Descartes and Leibniz. It continues to play a major role in Kant's theory of knowledge as well as in his moral philosophy.

The seeds of Kant's formalism may be found, if has been pointed out, in Kant's first two propositions of duty.

- (i) A human action is morally good, not because it is done from immediate inclination - still less because it is done from self-interest but because it is done for the sake of duty.¹
- (ii) An action done from duty has its moral worth, not in the purpose to be attained by it, but in the maxim in accordance with which it is decided upon.²

1 Paton, H.J., (Translated and analysed), Immanuel Kant : Groundwork of the Metaphysic of Morals, op.cit., p.20.

2 Kant, I., Groundwork of the Metaphysics of Morals, op.cit., pp.67-68.

Let us now turn to Kant's concept of duty which has been characterised by the above two propositions. Kant seems to have taken a hint from Hume when the latter says that an "ought" cannot be derived from "is". That is to say, a factual situation is not sufficient of itself to obligate an agent to perform a certain action. There is nothing, for example, in the fact alone of man being in distress, which obligates one to help him - unless I acknowledge the principle that I ought to help him whenever I can. A ground of obligation which, according to Kant, contains the idea of moral necessity about the action, is needed. This moral obligation is called by Kant "duty". That such moral experience of one's duty may be characterised as phenomenological has been pointed out by F. Liverziani.

[I]n the ethics of Kant there is (or, at least, one can extract from them) a moment that can be defined as phenomenological, i.e. the moment in which Kant highlights the moral fact with the particular type of imperative that distinguishes it. For Kant, indeed, the moral experience is the experience of a voice inside ourselves that prescribes us something like a duty, like an unconditional and absolute duty to be discharged in a certain action or in refraining from such an action. Kant throws proper light on certain essential characteristics of this duty, of this moral law. And up to this point his reasoning seems to me to be substantially good phenomenology.¹

Generally, duty refers to one's specific duty, for example, one's duties as a parent, an employee, as a citizen etc. Kant makes an extension of "specific duties" to a "generalised duty" and thereby he "seeks to detach it from any idea of utility"²

1 Liverziani, F., "Value Ethics and Experience", Tymieniecka (ed.), Analecta Husserliana Vol. XVI, p. 272.

D. Reidel Publishing Company, 1983.

2 Norman, R., The Moral Philosophers, Clarendon Press, Oxford, 1983. p. 95.

For him, moral goodness of an action consists in the performance of this generalised duty for its own sake.

Now, it is clear that the concept of duty cannot be derived from mere inductive experience. It is apriori and independent of experience. It contains a sense of necessity. It is practical reason and not the particular situation which assigns necessity to a particular course of action and not to another. The necessity as such is a priori and so the moral necessity. The moral necessity of action or moral obligation is based on reason and not on experience. Hence, the concept of duty which bears a sense of necessity is a priori concept of practical reason.

Let us now consider Kant's first proposition, which we have quoted above in order to highlight the formalistic character of the notion of duty. Kant in his first as well as in the second proposition of duty seeks to distinguish the moral motive from non-moral motives of action. That is to say, he seeks to have a clear view of the moral motive which makes an act morally good by detaching it from non-moral motives.

In order for an action to be a morally good action, it is essential that it must be done from moral motive, that is, from duty only and in such an action good will is manifested. If an action is performed from immediate inclination or self-interest, then its motive would be non-moral. Thus, for Kant, we can perform an action in one of two ways : either

because it is obligatory or for some other reason. The former i.e. the action done as obligatory is called by Kant "duty" and the latter i.e. the action for some other reason is not from the conception of duty.

Thus actions have moral worth only if they are done for the sake of duty and not from inclinations, desire etc. To act for the sake of duty is to act rationally i.e. such actions are governed by reason. Thus, "actions done from duty must coincide with actions governed by reason".¹

Kant clearly distinguishes actions which are done for the sake of duty from those that are for other reasons. For example, an action done from inclination to help other with the help of getting some benefit from them would be quite different from the same actions when it is done for the sake of duty. Again, if a person pays^{debt} his out of fear of arrest, his action though accords with duty is not done for the sake of duty. Likewise, benevolence is a duty but it ceases to have moral worth if it merely proceeds from a feeling of sympathy and not solely from duty. But, it would be of moral worth if the person regards it his duty to be benevolent to others. A true example of acting for the sake of duty would be when a man under grief and miserable conditions has no inclination to live and wants to die and yet he preserves life under the notion that it is his duty to preserve his life though he is not inclined to live. This action is done purely

1 Norman, R., The Moral Philosophers, p.98.
Clarendon Press, Oxford, 1983.

from moral motive, that is, it is done for the sake of duty.

Let us now turn to the second proposition of duty and see how it contributes towards building up a formalistic ethics. As we have already noted, it states that the moral worth of an action does not depend on the results it produces or seeks to produce, but on the basis of the maxim in accordance with which it is done. It is the formal maxim acting in accordance with which an action can have a moral value. An action would be morally good when it is done for the sake of duty on the basis of a formal maxim. A good man's maxim would be, "I will do my duty whatever my duty may be". And it is acting on such a maxim, an action becomes morally good. As Kant clarifies, "it will have to be determined by the formal principle of volition when action is done from duty...."¹

Kant's point is that the moral value of an action does not depend on the results it produces. For him, the moral value of an intention is independent of the material goodness of what is willed. It makes no difference what is willed, so long as the agent wills it from moral motive. It does not matter what result is produced by an action. But what matters is whether it is done from the moral motive or any other motive. For the moral motive is the determinant of the will which is a priori.

1. Kant, I., Groundwork of the Metaphysics of Morals, op. cit., p. 68.

At this stage, it would be quite necessary to ask as Liverziani does

whether one can really speak of duty, or the moral law, as something that is absolute in itself, to be pursued solely for its own sake and for the love of it (or, better and as Kant himself prefers, for respect of it : for we are here concerned with something that is far easier to respect than to love). One may well ask whether Kant is not running the risk of turning duty, the moral law or, if you prefer, a certain rationality into an idol.¹

As he himself goes on to say that there is "a tendency of this kind.... present in Kant" (and) "duty and the moral law in fact reveal a certain absoluteness".² We shall see how this Kantian absolutization comes under attack from Scheler.

"Kant's notion of duty", MacIntyre rightly holds,

is so formal that it can be given almost any content, it becomes available to provide a sanction and a motive for the specific duties which any particular social and moral tradition may propose. Because it detaches the notion of duty from the notions of ends, purposes, wants, and needs it suggests that, given a proposed course of action, I may only ask whether, in doing it, I can consistently will that it shall be universally done, and not ask what ends or purpose it serves.³

Now, for Kant, the law of duty is a unique kind of imperative which is unconditional, that is, what he calls "the Categorical Imperative". The uniqueness of the Categorical

1 Liverziani, F., "Value Ethics and Experience", Tymieniecka (ed.), Analecta Husserliana, Vol. XVI, op. cit., p. 273.

2 Ibid., (our emphasis).

3 MacIntyre, A., A Short History of Ethics, p. 198. Routledge & Kegan Paul, London, 1967.

Imperative lie in that they are "not conditional on any purpose at all. They are not of the form, 'Do this in order to achieve that', but simply 'Do This'".¹ As Kant states,

Act only on that maxim through which you can at the same time will that it should become a universal law.²

Though there are four formulations of the Categorical Imperative but "strictly speaking, there is only one Categorical Imperative".³ What needs to be stressed in the present context is that the Categorical Imperative is regarded by Kant "as a formal principle of the will and not as a material principle of action depending upon empirical aims and desires".⁴ It cannot prescribe any "material" or content, that is, what one ought to do in a certain situation. The formal nature of the Categorical Imperative seems to be its merit insofar as it can be applied to any rational being for not having its any reference to a particular action-situation. This means that any action which, in a certain situation, is right or wrong, would be right or wrong for any rational being whatever in that situation, no matter what his special taste, inclination or desire may be. Schneewind brings out the matter clearly :

Like the logical law of contradiction, which rules out any proposition of the form 'p and not-p', the moral law must not itself contain any "matter" or content.

1 Norman, R., The Moral Philosophers, op.cit., p.102.

2 Kant, I., Groundwork of the Metaphysic of Morals, op.cit., p.88.

3 Norman, R., The Moral Philosophers, op.cit., p.102.

4 Acton, A.B., Kant's Moral Philosophy, p.21.
Macmillan & Co., London, 19. .

Nevertheless Kant thinks form without content in morality is as empty as he thinks it would be in our experience of nature. There must be content, Kant holds, but it can only come from outside the will - from desires and needs, shaped by our awareness of the world in which we live into specific urges to act or plans for action.¹

Thus, in the present section, we have seen that "the moral law, like the idea of 'duty', cannot be defined by its content".²

(iii) Formalism and Apriorism

We have stated that the moral law must be a formal law and therefore, cannot have "matter" or content. Now Kant relates the formal nature of the moral law with his concept of apriority. For Kant, that which is formal must be a priori. It follows by implication that for Kant that which is "material" must be a posteriori.

Now, the universality and necessity is the mark of apriority. As the moral law or the Categorical Imperative must be universal and necessary, it follows that it must be a priori in nature. The universality and necessity can never be derived from the sensuous experience. Only that which is non-empirical can claim to have universality and necessity. And, for Kant,

1 Schneewind, J.B., "Autonomy, obligation, and virtue : An overview of Kant's moral philosophy" in Guyer Paul (ed.), The Cambridge Companion to Kant, op.cit., p.318.

2 Norman, R., The Moral Philosophers, op.cit., p.100.

only that which is formal is non-empirical and therefore, it must be universal and necessary. Further, for Kant, the will (i.e. good will) cannot be materially determined, because if it be so, then it would mean that it is determined by something outside of it, that is, by desire, inclination etc. And thereby, the will would be heteronomous; it can no longer be an autonomous principle.

Thus Kant holds that moral law which is a formal law must be autonomous. Only such a law must be a priori in the sense that the form can in no way be derived from the empirical world. Hence, Kant characterises the moral law as formal as well as a priori. Formalism and apriority are what constitute the peculiar nature of the moral law or the categorical Imperative. Thus it seems that in Kant's ethics formality and apriority are placed in a fixed unity.

(iv) Intellectualism of Kant

Kant has given rationality or reason the supreme place in his philosophy. In his theory of knowledge as well as in ethics, rationalism has a very dominating role. He talks of "thought" or "understanding" in his theory of knowledge, and in ethics, he talks of reason in its practical function or what he calls "practical reason". This is what has been dubbed as "intellectualism" by Hartmann.¹

1 Hartmann, N., Ethics, op.cit., p.171.

The dualism of sense-perception and understanding, intuition and thinking, the sensible and the intelligible dominates Kant's whole philosophy. In his theory of knowledge, we see that Kant speaks of two faculties, namely, "sensibility" and "understanding" from which knowledge arises. It is "sensibility" by means of which the representation of objects are given to us and "understanding" is the faculty by which we think or judge. In other words, "matter" of knowledge is supplied by "sensibility" and the "form" is given by "understanding". Kant has given the sensible a negligible position, something that is of lower value. In comparison, "understanding" or the faculty of thought has a superior position. He also identifies this contrast with what is a posterioristic and aprioristic. For him, that which is a posteriori is sensible and that which is a priori is thought or intellect.

In his ethics also the similar trend is quite visible. Here he seeks to eradicate the "sensible" from his theory of ethics as he attempts to build up his theory of ethics on a non-empirical, non-sensible and a priori plane which he calls "pure ethics" or "metaphysic of morals". It is Reason which plays an important role in his theory of ethics. It is reason in its practical (moral) use or function that guides our choices i.e. what ought to be done or ought not to be done. This practical reason produces a will (i.e. good will) which acts in accordance with the moral principle. An action will have moral worth only if it is done in conformity with the law of

reason or the Categorical Imperative without any influence of inclinations or desires. Thus it seems that Kant, having given the reason or rationality a supreme place, does not incorporate in his ethics those human emotions which are rich in moral allusion, such as, love, kindness, sympathy, compassion etc. and thereby he paves the way for "intellectualism".

Section B

Hartmann's Critique of Kant's ethics

The depth and profundity of Kant's ethical thinking do not escape the notice of the subsequent thinkers. Among others, in recent times, phenomenological thinkers have also duly recognised some vital aspects of Kantian ethics, though they are critical of some other aspects of his ethics. Hartmann, though influenced by the phenomenological way of thinking, puts forward some criticism against Kant's ethics. Hartmann summarises his view with regard to Kant's ethics in the following passage :

[I]t was Kant who set up the unity of the moral law instead of the concrete variety of the virtues, the formal principle in place of the fulness of content, and subjective legislation in the position held by the objective essence of moral ideas. On account of this contrast, the present-day investigation of values finds very little solid ground under its feet.¹

1 Hartmann, N., Ethics I, Vol. I, p.204.

He even finds Kant as exception to the whole historical perspective, that is, the perspective which regards values as concrete a priori essences. Thus,

almost all philosophical ethics, although standing only half-way towards the solution of its problems, yet deserving the name of ethical research, has been fundamentally concrete ethics of values. Kant, on the contrary, and his followers are the exception in the historical succession. They constitute a chasm which separates us from the great traditions of antiquity and of the Middle Ages.¹

Hartmann who finds himself in line with the historical perspective has devoted a section of his Ethics for a critical appraisal of Kant's ethics. Let us now turn to some of his objections in this regard.

First, according to Hartmann, Kant commits a great mistake when he identifies a priori with the subjective. In fact, though Kant has been able to rescue his ethics from naturalistic way of thinking, he "was unable to escape from the subjectivism of his age, and still sought for the determinant of value in a 'reason' divorced from the world of common interests".²

As we have pointed out, according to Kant, "good will", under the influence of practical reason, is determined by the

1 Ibid.

2 Hartmann, N., Ethics, op.cit., in Editor's Introduction (Muirhead, J.H.), p.5.

moral law. But the will is free to act contrary to the moral law. Now, according to Hartmann, receiving of the law by the will from beyond itself is clearly to adopt "heteronomy". To the question, "How is the relation between the will and value to be understood?" Hartmann has the following to say,

Value is that which formulates the commandment, the 'moral law', the thing that ought to be. The will is that for which the commandment has validity. The good will therefore is "determined" by the law, it conforms itself to the law. It therefore receives the commandment from beyond itself; the commandment is not its own. For in regard to the law the will is indeed free to act contrary to it.¹

In order to properly appreciate the charge of heteronomy that Hartmann brings against Kant, we would do well to keep in mind the following point of elucidation made by Copleston.

It should be added that while Kant sometimes speaks of practical reason as though it were distinct from will and influenced the latter, he also sometimes identifies it with will. The former way of speaking suggests the picture of practical reason moving the will by means of the moral imperative. The latter way of speaking shows that for Kant the will is a rational power, not a blind drive.²

In other words, Hartmann's argument is based on the premise that the will cannot be identified with reason and the charge of heteronomy of the will is directed against Kant even though the latter speaks of the autonomy of the will on the grounds that Copleston rightly attends to. Hartmann interprets Kant's view

1 Hartmann, N., Ethics, op.cit., p.155-56.

2 Copleston, F., A History of Philosophy, Vol.VI, p.310.

as one in which it is the subject which prescribes the law that determines his will; and, thus the will determines the ought and not vice versa. So, "the will determines or creates the values, not the values the will".¹ Thus the "ought" becomes subordinate to the will which makes ethics heteronomous.

Now to proceed with the criticism that Hartmann directs against Kant, the transcendental subjectivism of Kant poses some difficulty in understanding the problem of the will. The will which is supposed to be the originator of the principles of morality have the freedom to follow it or not. But the question is : how can the will transgress that which is itself its product ?

Hartmann's point against Kant may be understood in the following way. Kant claims both autonomy and freedom for the will. If the will is really autonomous, then it claims to be so only on the ground that it is the originator of its own laws. If that be so, how can the will transgress that it makes intrinsically for itself ? For example, the nature cannot violate its own laws, even though it may well claim to be autonomous with regard to its role as originator of laws. On the other hand, if the will claims to be free on the ground that it has the freedom either to conform to its laws or to transgress

1 Hartmann, N., Ethics, op.cit., p.158.

them, then can it really claim to be the originator of laws. The point that Hartmann is trying to drive home here is that Kant's view that will is both free and autonomous involves contradiction in terms. Thus "for Kant", Hartmann avers,

the pure will is accepted as free, exactly in so far as it has no other ground of determination than the principle which inheres in its own essence. Consequently Kant's 'free' will has in truth, on the basis of these determinations, self-legislation (in the strict sense, "autonomy"), but has no freedom in the proper sense of the word. It is subject to the autonomous principles of its essence exactly as nature is subject to natural law.¹

Thus in Kant's ethics, the will can be free only by ceasing to be autonomous. Hartmann, therefore, concludes that

transcendental subjectivism is not only not required by the doctrine of the freedom of the will, but stands directly in opposition to it.²

Further, Hartmann points out that the postulation of the disjunction : either the moral law originates from the external world or it issues from the subject i.e. from reason has vitiated Kant's theory of knowledge as well as his theory of morals. Kant's distinction of the origin of moral law from the natural fact is appreciated by Hartmann. But from this, Hartmann points out, it does not follow that it issues from human reason. Hartmann's own view is that the fact of morality i.e. the values, not the moral law, originates from an ideal sphere of self-subsistent nature which is discovered a priori.

1 Ibid., p.159.

2 Ibid., p.160 (our emphasis).

Let us turn to Hartmann's second point criticism of Kant's ethics. As we have already stated that the moral law or the Categorical Imperative is only a formal law of action, that is, it cannot prescribe the content - what one ought to do in certain situation. And this formal law is a priori, that is, it is not derived from the empirical experience of human action. Hartmann strongly objects to Kant's identification of the a priori with the formal. According to Hartmann, it is for identifying the a priori with the formal that Kant's moral law fails to prescribe what one ought to do in a particular circumstance. It lacks "material" and cannot give any definite end to the will but only a form and as a result the will cannot function. Hartmann goes so far as to say that

An imperative which did not command anything as to the content would be empty, therefore in reality not an imperative at all.¹

Hartmann observes that it is the long-standing prejudice in favour of form which dominates not only Kant's ethics but also the whole of his philosophy. Hartmann recognises that laws, commandments and categories are universal as compared with the instances for which they hold good and in this sense they are formal. But this does not mean that it must be a priori. It is possible to have principles which have content and that they can be a priori as all principles are known a priori.

1 Ibid., p.167.

To put the matter more clearly, Hartmann's point is that the moral law can have a matter without losing its apriorical character. And therefore, the pairs "formal-material" has nothing to do at all with the pair "a priori - a posteriori". Because, for him, that which is a priori is not necessarily formal, and that which is a posteriori is not necessarily material. Hartmann readily acknowledges his agreement with Scheler on this point.

In spite of the criticism of Kant's ethics, Hartmann appreciates Kant's rejection of empirical ethics and "of all prescribing of specific ends which can arise only upon the ground of empirically given situations".¹

To turn now to the third point of criticism. We find here that Hartmann is opposed to what he calls Kant's "intellectualism". Hartmann criticises Kant's advocacy of the dichotomy between the sensible and the intelligible which equally reigns in his theory of knowledge as well as in his ethics. Since, reason is held to be in a superior position, particularly in ethics. For Kant, (i) that which is a priori is rational and (ii) that which is a posteriori is sensuous.

Let us take the latter first. For Kant, every empirical determination of the will is a determination by the sensible, that is, by the pleasure or pain. But, in fact, Hartmann points

1 Ibid., p.166.

out, the will is never determined by the sensible, that is, by pleasure or pain but by the desired objects. We desire not for pleasure but the object which is the bearer of value. It is true that pleasure is derived from the desired object when it is realised, but for this, pleasure itself is not the object of desire.

As for the (ii), i.e. that which is a priori is rational, Hartmann claims that "with Kant the intellectualism of the aprioristic is almost a settled principle"¹ in his philosophy. In ethics, Kant's Categorical Imperative is a law of reason" and it also reveals what Hartmann calls "intellectualism". But, for Kant, the ethical a priori must be rational a priori and can be expressed in judgements. This is the apriority of the Categorical Imperative. Kant cannot conceive of the a priori that is not rational, that is, emotional. Because, what is emotional is inferior to what is rational. For Hartmann, on the other hand,

Every moral preference is intuitive, is immediately there and is always contained in the grasping of a given circumstance (whether it be a situation or a finished course of conduct). It does not first wait for a judgement of the understanding.²

Thus Hartmann argues that acts of preferences are emotional acts and not intellectual. The emotional act is equally cognitive

1 Ibid., p.174.

2 Ibid., p.176.

like the rational act. For him, valuational a priori is not rational but emotional unlike that of Kant's view as to the identification of a priori with the rational.

Section C

Scheler's Critique of Kant's Ethics

Max Scheler's writings show a distinct preoccupation with Kant's ethical views even if for the purpose of refuting and criticising several of its points. There is a reawakened interest in this aspect of Scheler's thrust. Reviewing one such recent book¹ Francis Dunlop, the reviewer acknowledges such an intellectual disposition when he remarks,

Scheler shared far more with Kant than has usually been recognised and a good deal of the book is taken up with a preliminary discussion of Kant's ethical transcendentalism.²

Scheler undertakes a thorough examination of Kant's formal apriorism and some specific doctrines of the Critique of Practical Reason in his Formalism in Ethics and Non-formal Ethics of Values. In the following, we shall present some of the main critical points made by Scheler with regard to Kant's formal-aprioristic ethics.

1 Perrin, R., Max Scheler's Concept of the Person : An Ethics of Humanism, Macmillan Academic and Professional Ltd., London, 1991.

2 Journal of the British Society for Phenomenology, Vol.24, No.2, May, 1993, p.193.

To begin, it may be noted that Scheler's criticism of Kant's ethics, as he himself says in his "Introductory Remarks" to his Formalism in Ethics is not "internal criticism" but one of external criticism made from the point of view of phenomenology. Scheler's concern is avowedly not "historical Kant", but the formal ethics as such of which Kant's ethics is only an example.

Scheler sums up the propositions of Kantian ethics which he believes to be erroneous in his "Introductory Remarks" to his book Formalism in Ethics which may be briefly stated here. Every non-formal ethics, we are told, must necessarily be (i) ethics of goods and purposes, (ii) empirical, inductive and aprioristic, (iii) responsive to the consequences, and so (iv) hedonistic in nature.

Now, according to Scheler, Kant is quite right in rejecting all ethics that are based on inductive experience. For Scheler, all experience of good things and bad things presuppose the comprehension of what good and evil are. Thus Scheler recognises the apriority of values. But, according to him, Kant cannot answer the question as to how the ethical a priori can be known. Kant does not put forward any criteria to distinguish between a "fact of pure reason" and a psychological fact. Intuitive sight which exhibits the fact of intuitive content is unknown to Kant. "For this reason", Scheler

concludes, "Kant's procedure in ethics acquires a purely constructivistic character".¹ It is Scheler's view that only non-formal ethics is based on genuine facts or what he calls "value-facts" as opposed to arbitrary construction.

Further, for Scheler, "the identification of the 'a priori' with the 'formal' is fundamental error of Kant's doctrine".² According to Scheler, a priori means an ideal unit of meaning which is self-given by way of intuitive insight. It is a kind of content. Values as content are a priori. And so, that which is itself a content cannot be formal. But, for Kant, moral values are formal. In short, Scheler accuses Kant of identifying a priori, which is contentful, with the formal.

This implies, according to Scheler, another closely connected error, namely, Kant's identification of the non-formal with the sensible content and a priori with thought. On Kantian scheme, one asks "what can be given?" instead of "what is given" implying that something beyond the sensory functions cannot be given to our experience. Here, in this question, "What is given?", our attention should be directed to what and not to other sensible contents. Thus Scheler says,

It is only in the direction of the intentional act, apart /heransgelosten/ from the person, the ego, and totality of the world in which we are seeing, that we observe and see the what and how it appears.³

1 Scheler, M., Formalism in Ethics, op.cit., p.47.

2 Ibid., p:54.

3 Ibid., p.55.

"No less erroneous", Scheler further points out, "is the identification of the "a priori" with the "rational" (or "thought"), which corresponds to the identification of the "non-formal" with the "sensible" (as well as the a posteriori".¹

This identification of the a priori with the rational, according to Scheler, is very detrimental to ethics. What leads Kant to identify apriority with the rational is the longstanding prejudice, namely, the division of sensibility and reason. According to this division, what we assign to sensibility is not rational - that is not order, law and the like. Everything "alogical" e.g., intuition, feeling, loving, hating is dependent on man's psychophysical organisations and therefore "sensible". Kant is not an exception to this belief. In ethics, he is firm on the position that all feelings, even love and hate, basically belong to the sensible sphere and thus he excludes them from ethics. Because he cannot assign them to "reason". Kant assumes that man's inclinations are in a state of complete chaos and it is only a will based on reason or what he calls "practical reason" which bestows some significant structure upon this chaotic state. Scheler holds, on the contrary, that there is an eternal and absolute "lawfulness of feeling", loving and hating which are as absolute as that of pure logic. The absoluteness of feeling, loving, hating etc, is not reducible to the absoluteness of pure logic. Thus, for Scheler, it is only with the dismissal of the division of sensibility and reason that the "a priori non-formal" ethics

1 Ibid., p.70.

emerges. Scheler recognises a non-formal a priori or what he calls "emotional apriorism" as a definite necessity for any ethics which dismisses the Kantian identification of a priori with the rational.

Thus values, for Scheler, are non-formal a priori which are given to value-intuition and not to reason. Scheler accuses Kant of deriving "the a priori from the function of willing instead of from the content of moral cognition, as it occurs in feeling, preferring, loving and hating".¹

Scheler also maintains that Kant's notion of general validity of moral judgements is not connected with "essentiality" and has nothing to do with a priori. Kant refers to all connections of the "ought to be" to the necessity of ought instead of to a priori insight in the context of the values. "Thus, only what is good can become 'duty' ; or it is because it is good (in the ideal sense) that it necessarily 'ought' to be".² For Scheler, it is the insight into the a priori structure of values which gives "necessity" to the ought.

1 Ibid., p.70.

2 Ibid., p.75.