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THE RESOLUTION OF TENSIONS IN THE ETHICAL DOCTRINE OF MAX SCHELER

It is widely appreciated that one of the more effective ways of introducing people to a particular area in philosophical thought is to confront them with certain relevant opinions which are opposed to each other and at the same time appear to be well-founded. Although Max Scheler does not pursue this philosophical method with anything like the explicitness with which it is employed, for instance, in the dialectics of Hegel or the *videtur quod non* and *sed contra* systems of St. Thomas, it is clear, nonetheless, that in his work certain opposed tendencies continually engage one's attention. In general, Scheler's method is not to seek a resolution of these oppositions, as in the case of Hegel and St. Thomas, by some sort of synthesis or by apposite distinction. Rather, at least in his ethics, he tends simply to reject one direction of thought in favour of a contrary tendency. Scheler is perceptive and honest enough in his ethics not to reduce every initial tension by a simple rejection of the weight of the data which lies behind one of the opposed directions. Nonetheless, this method of resolution, whether it be employed in a simple or more nuanced manner, seems to be most congenial to his way of thought.

The Tension between Ethical Objectivity and Subjectivity

One can illustrate Scheler's resolution of tension by the simple, outright rejection of one direction in a consideration of a notion which is utterly fundamental in his ethics, namely the objectivity of value. For many, of course, the whole realm of ethical reality is that of, what one may vaguely call, the subjective. Scheler, however, will have none of this. For him the opposition between the objective and the subjective covers at least two very different situations. On the one hand, the objective is that which is not arbitrary; the subjective is that which is. It is in this way that one speaks of the choice of an apple

or an orange for dessert as a purely subjective matter. On the other hand, one can speak of the objective as that which is presented to, which stands before the knower. The subject is that to which the object is presented. It is fundamental for Scheler, however, that the realm of the ethical is not fundamentally subjective in either of the two senses which have just been distinguished.

To understand Scheler's position here one must accept that ethical values and all that it designates are derived notions. Their entire meaning comes from the more basic reality of simple value. Now simple value is a real quality, either positive or negative, of things, which calls out to one for a response. The response thus elicited is that which constitutes, at least in part, the ethical. Because, however, the value to which one responds is an objective reality, this response is itself something that is objective. It is objective, in the first place, in the sense that its nature as ethically good or evil is not simply a matter of arbitrary determination. Rather, because the simple values to which the ethical corresponds are composed of necessarily consistent notes because they are *essential* realities with as little arbitrariness as the colour red, the ethical response is likewise quite outside the whims of arbitrariness. It is, incidentally, this essential, nonarbitrary nature of basic value which allows Scheler to subject it and the ethics which it found to phenomenological clarification since phenomenology consists in nothing other than bringing to clarity that which presents itself to consciousness in essential unities.

To be sure, the essential objectivity of value, its necessary resistance to any attempt to reduce it to the merely arbitrary, must be distinguished from what Scheler is inclined to call mere "logical" essentiality. The essential objectivity of value is in no way knowable by an act of "reason". One must distinguish a value essentiality, or, to use the Kantian terminology often employed by Scheler, a value *a priori* from all nonvalue essentiality. Value is known only by "feeling", not by rational perception. Nonetheless, value presents a type of *a priori* to our awareness which is as fully objective, in the sense of its being nonarbitrary, as any nonvalue essentiality.

We need not delay too long over Scheler's elaboration of the ontological status of these value essences. Let it suffice to say that for Scheler they are, in the first place, able to enjoy and, in fact, at times do enjoy full reality. They are not mere ideals, seeking for realization but never able to be brought into full actuality. They are, in the second place, however, never to be mistaken for the nonvalues with

which they are associated and by which they are borne in actual reality. While for St. Thomas value, or more exactly positive value, is a transcendental property of being itself, so that any being whatever is itself, considered under a certain aspect a good; for Scheler value, either positive or negative, is restricted totally to the category of quality, of which supreme genus it forms a well-defined type. Nonvalue realities bear value qualities; they are associated with such qualities. In fact, nonvalues and value qualities come together to form what one may call, if one is speaking of positive values, "Goods." Nonetheless, that by which any concrete reality is good is never to be confounded with any reality which lies outside this specific type of categorical quality. It is only in seeing the ontological status of value in this way that its essential objectivity can be rightly safeguarded. Values "are independent phenomena that are comprehended independently of the peculiarity of the contents...of their bearers."¹

Granted his doctrine of the ontological status of value, what is more important in understanding the way in which for Scheler the essential objectivity of basic values yield an essential objectivity of ethics is to consider the two following further points: (1) One must understand that value essences, in addition to their being divided into positive and negative types, are also divided into a finite number of natural species. For Scheler these species are ranged under the headings of the sensible, the vital, the spiritual, and the religious. The species of values are, however, peculiar. Their peculiarity consists in this, that while nonvalue essences relate to each other simply as distinct, value essences relate to each other as well as "higher" and "lower." The cow is simply different from the goat and nothing more. Its essential qualities do not make it higher or better than the goat. The spiritual value, on the other hand, is not only simply different from the sensible value, it is higher and better. In fact, as they have just been set forth, the four basic value-types proceed in an ever-ascending hierarchy of value. The manner in which the rank of a value appears is again in no way perceptible by any kind of nonvalue act of knowing. It is not made evident by any kind of reasoning or inductive observation. Rather, it presents itself in an immediate intuition, in that special act of perception which Scheler calls "preference" and "subordination." Nonetheless, in this relation of value species,

1. Max Scheler, *Formalism in Ethics and Non-Formal Ethics of Value: A New Attempt toward the Foundation of an Ethical Personalism*, Manfred S. Frings and Roger G. Funk, trans. (Evanston, Ill.: Northwestern University Press, 1973), p. 185,

as in these essences considered in isolation, we remain in the realm of strict nonarbitrary objectivity.

In the *totality* of the realm of values there exists a singular order, an "order of ranks" that all values possess among themselves. It is because of this that a value is "higher" or "lower" than another one. This order lies in the *essence* of values themselves. . . . It does not belong simply to "values known" to us.²

To arrive at the essential objectivity of the ethical from the essential objectivity of simple values one must in the second place, consider Scheler's claim that simple values, disported both as positive and negative and according to the hierarchy of their species, are not mere inactive essences. Rather, they exercise a peculiar but altogether genuine force upon the intelligent observer. They "call" for response. In particular, they call for a response that is such that positive value is realized and negative value left unrealized or destroyed, and the higher positive value is preferred over that which is lower. Once again we are faced with full essential objectivity. The response for which simple values cry out is in no way arbitrary. However, the response thus called for is nothing else but the reality of the ethical. It is clear, therefore, that the realm of the ethical is a realm of full essential *a priori*, nonarbitrary objectivity.

We have indicated how Scheler rejects without condition any tendency in thought which would see the ethical as subjective in the first sense of its being arbitrary. It remains to point out how he likewise rejects any attempt to restrict value to the realm of the subjective understood now in the second sense which we have distinguished. If the tendency to make value a subjective matter in the first sense which we have distinguished may be called a tendency to ethical voluntarism, the tendency to make it subjective in the second sense which we have distinguished may be called ethical hedonism. This latter tendency, however, requires some further explanation.

We have indicated that in the second sense which we have distinguished, the subjective indicates simply that which pertains to the knowing (and feeling) subject. Now there is an ancient tradition in the analysis of value which restricts the formal occurrence of the essence to a specific state of the subject, namely, the state of pleasure, or, more broadly, the state of happiness. This is, of course, the positive

2. *Ibid.*, pp. 86-87.

tion of hedonism or of what Scheler takes to be eudaemonism. Such a position is fully aware that there are things outside the "feeling states" of the subject, that there are objects, which enter into the generation and cessation of the states of feeling which are associated with positive and negative value, but for this theory such objects are not themselves values but merely useful or harmful *causes* of values. Value itself can only be pleasure (or pain) and happiness (or unhappiness). Value itself, therefore, can only be in the subject. It can only be, in a second sense of the term, "subjective."

It is no part of Scheler's intent to deny that the feeling states of pleasure and happiness are not themselves realities in which genuine value qualities are to be found. It would be wrong, therefore, to think that Scheler is contending for an objectivity of value in such a way that would exclude its appearance in the feeling states of the subject. He is concerned, however, not to limit the appearance of value to such feeling states. Objects which impinge upon the knowing and feeling subject themselves contain basic value qualities. In fact, it is the basic value qualities which are contained in the object which make possible the value qualities of the feeling states. One is happy, one feels pleasure because of the presence of positive value qualities in the perceived object. The value qualities of feeling states are unintelligible without a reference to these objective value qualities to which they respond :

The felt existence of a positive value is followed by some kind of pleasure as a reaction in the being concerned. . . . The felt existence of a negative value is followed by displeasure (as a reaction in the being concerned). . . . Hence the being of these *feelings*, apart from their own *qualities*, is a "sign" of the *being* and *non-being* of values and disvalues.³

To be sure, the anti-hedonistic objectivity of Scheler's doctrine of basic value is not so fundamental as his insistence on its essential objectivity. It remains, however, that an ethics which is based upon a non-hedonistic objectivity of value will itself be characterized as non-hedonistic. Hence, it is clear that for Scheler, whatever the counter-tendencies to be met with in the history of ethical speculation, the realm of the ethical is eminently objective, whether this objectivity is essential or non-hedonistic in its significance. It follows that that

3. *Ibid.*, p. 355.

tendency which attempts to characterize ethics as subjective is simply to be rejected.

The Tension between Law and Love

If Scheler resolves the tension between objectivity and subjectivity in ethics by a simple rejection of one of the opposed tendencies, namely that toward subjectivity, this is not the case in regard to certain other tensions of opposition which are often encountered in this camp. In particular, this is not the case in regard to the tension which many claim to find between an ethics of love and an ethics of law. Here Scheler is inclined to give a certain validity to both directions in the tension. Here there cannot be a resolution by the simple dismissal of the exigencies of one tendency. Even here, however, Scheler attempts to maximize the role of love in ethics and to minimize the role of law as much as he can. Once again, therefore, one sees him striving to remove tensions, even if in less absolute a manner, not by synthesis or distinction but by the diminution of the importance of one of the elements in opposition.

It will be useful in understanding Scheler's doctrine on these points to consider first his notion of law and the complex of allied notions with which it appears. Scheler does not take any pains to propose a general definition of law. It would seem to be clear, however, that he takes it generally to be a meaningful expression whereby one is directed to the performance or nonperformance of certain types of comportment. Scheler is aware that not all such directives are strictly laws, that is, that not all such directives indicate that which *must* be acceded to in one's comportment. Thus he discusses with some care the difference between a strict legal command and "educational directives," "counsels," "proposals" and "advice." Given the fact that not all norms are law, it remains true that the law, taken both broadly and strictly, has a place in the realm of the ethical. What is important to see at this point, however, is what that place is.

In fact, for Scheler, the place of normative directives in the realm of the ethical is sharply limited. *Prima facie*, this limitation is somewhat surprising. If—beginning with an acceptance of Scheler's doctrine of the essential objectivity of simple value, of its distinction into positive and negative types, and of its speciation into a hierarchy of worth—one goes on to acknowledge the call for response which value sends forth to every intelligent being, it would seem that in every instan-

in order to move such a perceiver to intelligent and free response the instrumentality of some kind of norm is inescapable. Scheler does not deny that in certain instances the initiation of ethical comportment begins in this way. He does insist, however, that such mediation is by no means always necessary. That the norm is not essential in every instance in order that one may make the transition from simple value to the realm of the ethical is shown in the first place, according to Scheler, by the fact that the deepest reality in the realm of the ethical is not ethical *activity* nor even the *perduing dispositions* out of which such activity flows. Rather, both activity and dispositions acquire their significance from the *personal centre* to which they are attached:

We must emphatically reject Kant's assertion that good and evil are *originally* attached only to acts of willing. That which can be called *originally* "good" and "evil", *i.e.*, that which bears the . . . values of "good" and "evil" prior to and independent of all individual acts is the "*person*," the *being* of the person himself.⁴

If, however, what Scheler says here of the division of the ethical is true, it becomes immediately evident that the role of the norm in ethics is not so all-pervasive as it seemed. The norm has relevance only when one is engaged in the direction of ethical activity. It is nonsense to command dispositions or the fundamental personal being, which lie at the deepest levels of the ethical.

Scheler attempts to restrict the role of the law and the normative in general in a second way. Even when one is speaking of the ethical on the level of activity, it is important not to confuse ethical activity in general with freely chosen, that is, willed ethical activity. It is fully intelligible, indeed it is necessary, to recognize the reality of ethical activity whenever there is a response of an agent to basic values and their hierarchical relations, whether these responses are freely chosen and willed responses or not. The law, however, and the norm in general can only find application in regard to direction of freely willed ethical responses. It follows that in the "large number of acts which are by no means acts of willing, but which are nevertheless bearers of moral values"⁵ the law and norms generally have no place.

It will be useful at this point to indicate how the acts of ethical response to value, which are not voluntary, are individuated by Scheler.

4. *Ibid.*, p. 28.

5. *Ibid.*, p. 29.

This is done in various ways. In the first place, Scheler removes of those acts of ethical response which are not countered by contrary disposition and desires in the person who performs them from the realm of "willed choice" and, therefore, from the realm which is subject to law. If a person sees the exigencies which the object-essentialities of his situation demand of his response, he will automatically effect such a response without any need for the directive force of the law, unless the natural spontaneity of his ethical make-up is impeded by contrary tendencies and desires within himself. Scheler argues this point with considerable elaboration. He speaks of the call of simple values as it is received in an agent as constituting what he calls "oughtness." The oughtness thus received, however, is of two types. There is an "ideal oughtness", which is effected by all values upon the perceptive subject. There is also, however, what Scheler calls an "enduted oughtness." This oughtness is effected only in those instances in which there is a tendency contrary to that which the exigencies of simple values and their hierarchical arrangement indicate. That means, among other things, that the reality of duty, a reality which, incidentally, stands as the basis of all Kantian ethics, is to be found only where moral direction must be opposed to counter-directions. What is important for us, however, is that the reality of the law and the reality of norms in general can only find application in a situation in which to the experience of ideal oughtness is added the altogether particular by no means universal experience of enduted oughtness as well.

Quite apart from the limitation of the role of law effected by the possibility of activities of ethical response which can proceed spontaneously from a subject in which there are no counter-tendencies to be overcome by the imposition of duty and normative directives, Scheler attempts to limit the role of law further by arguing that there are certain types of ethical activity which by reason of their own nature, not just by reason of the dispositions of the agent which is to effect them, cannot be the content of legal imposition and the willed choice which it directs. In particular, Scheler is convinced that acts of faith and of love are of this type.

That faith and love are not subject to the command of law is quite obvious to Scheler. In regard to faith, one can give commandments such as: "Concentrate your attention on the contents of the dogma of your church; try to live spiritually in this dogma," but, Scheler argues, "there can be no 'duty' to execute the act of faith itself."⁶ If

6. *Ibid.*, p. 220.

feels he has to be moved to acts of faith by a command, even one given by himself, this is a sure sign that he does not have the faith and that his command is useless. The same is even more clearly true in regard to love. "If one speaks of 'duties of love,' the act of love is replaced by *doing good*."⁷ To be sure, doing good to those whom one loves is an altogether natural consequent of the act of love, but it is surely not an act of love itself. Doing good things for another can be an object of willed choice, but this in no way establishes that acts of love themselves are subject to the imposition of law with its duties and commands.

There is a final way in which Scheler attempts to constrict the role of law and willed choice in ethics. We have indicated that such basic ethical activities as faith and love cannot be objects of voluntary pursuit and, therefore, of legal command. In addition, Scheler is convinced that the ethical good in the whole of its formality can never be the object of any law or of any free choice. One must understand this rather startling position clearly.² Scheler is not saying that there can be no voluntarily chosen and legally imposed object of any ethical act whatsoever. Rather, speaking very formally, what Scheler wishes to say is that moral or ethical goodness cannot itself be the object of any law or of any free choice. Ethical good comes about as a property of that act which responds in a proper way to simple value objects. Scheler's point, however, is that this ethical goodness cannot be placed among the simple, basic values as an object of voluntary pursuit. The only object of ethical activity is simple value, not the property of ethical goodness which results from a right response to these simple values. In fact, Scheler is convinced that the attempt to pursue ethical goodness as an object constitutes the very essence of that moral decadence which is called "phariseism." He illustrates this contention in the case of someone "who does not want to do good to his fellow-man in such a way that he becomes concerned about the realization of his fellow-man's weal—but who merely seizes the opportunity 'to be good' or 'to do good.'" Such a man is "truly an example of a pharisee, who wishes only to *appear* 'good to himself.'" In fact, he "neither *is* good nor *does* 'good' . . ."⁸

Having seen Scheler's drastic limitation of the applicability of law and of norms generally, one may well be moved to ask what it is in all of those areas of the ethical in which law can find no application

7. *Ibid.*

8. *Ibid.*, p. 27.

that takes its place. In a sense, the answer to this question is that nothing takes its place. There is the essential objectivity of simple values and their hierarchical relation to each other. This is enough for the spontaneous moral response of the ethical agent to spring into action. One might, however, ask two further questions here. First, precisely in what form does the presence of simple values exercise its efficacy on the moral agent? In the second place, one might ask exactly, what is the constitution of the spontaneous response of the ethical subject? The answer to the first question is that simple values exercise their power not considered in some abstract conglomerate but rather as they are harmonized, borne, and pursued by personal "models." The answer to the second question is that the constitution of the ethical agent's spontaneity is precisely the love which values by their nature direct to themselves.

Scheler's doctrine on ethical models is rather elaborately developed. He is convinced that it is value essentiality as it is found borne in and pursued by certain types of persons which is not only the proximate explanation of all those ethical activities in which the mediation of law and willed choice have no application but which is as well the external causal explanation of the ethical stance to be found in those deeper realms of the ethical—the realm in which the personal center itself lies and the realm constituted by perduring dispositions—from which ethical activity flows.

The ethical models are divided according to the basic species of the simple values themselves. Thus, corresponding to the simple value of the sensible, one may individuate the ethical model of the *bon vivant*; to the simple value of the vital, the ethical model of the hero. Because simple value on the spiritual level is itself divided into the "subspecies" of the value of the pursuit of truth, the value of the beautiful, and that of political order, one must at this level individuate, respectively, the model of the genius, the artist, and the statesman. Finally, on the highest level of simple value, that of the religious, there appears the ethical model of the saint. The reason for the correspondence between the model and the basic value is not difficult to establish. One becomes a saint by reason of the dominance of religious values in one's life. One becomes an artist by reason of the dominance of beauty in one's life, etc. There are, to be sure, any number of problems concerned with Scheler's understanding of the ethical models. One might ask, for instance, whether the *bon vivant*, in whom values of the sensible are dominant, can reasonably

be called an ethical model. At the other end of the scale, one might ask, given the clear necessity incumbent upon all of preferring the higher to the lower values, indeed of preferring the highest value most of all, whether any model other than the saint can stand. There may or may not be ways in which the difficulties which have just been pointed out against Scheler's doctrine on the ethical model can be obviated. What is important, however, is to keep clearly in mind the central motivating role which these models play on all levels of ethical life. Thus, speaking of that part of ethical life which concerns basic moral dispositions Scheler points out :

An alteration in the basic moral tenor (of a person) is a moral process; commands (including self-commands, if there were such), educational directives (which do not reach the moral tenor), and advice and counsel cannot determine such an alteration. What alone can determine it is fidelity to a model.⁹

So all-pervasive is the ethical model, that even in those areas of ethical activity which are subject to the command of law and willed choice there must be the presence of the model. Otherwise, the command of law remains inefficacious. "All norms have their value and disvalue in accordance with the positive or negative value of the *exemplariness of the person* who posits them."¹⁰

The method in which the ethical model exercises its efficacy is not a little mysterious. One thing, however, is clear: the force of the model is never felt in the individual on whom it is exercised as the imposition of dutiful obligation or command. What obligation there is, is experienced "as an 'it obliges me to follow', not as an 'I am obliged to follow.'"¹¹ Rather than exercising the external imposition of law, the model,

the lovingly intended exemplar, draws and invites, and we "follow." This "following" is not to be understood in the sense of willing and acting, which aim only at obedience to true commands or pedagogical pseudocommands or at copying.... Following.... is to be understood in the sense of *free* devotion to the content of personal value that is accessible to autonomous insight.¹²

9. *Ibid.*, pp. 580-81.

10. *Ibid.*, pp. 573-74.

11. *Ibid.*, p. 564.

12. *Ibid.*, p. 580.

Having considered the efficacy of the ethical model, we must now consider in more detail the nature of that spontaneity which this model effects in us, namely, the act and attitude of love. It is difficult to overemphasize the importance of love in Scheler's ethical doctrine. One indication of this fact may be seen in the tendency in Scheler to make this affective spontaneity antecedent even to any act of cognition in the realm of value. Contrary to the tradition of Thomism, against which he often reacted during his philosophical career, Scheler, relying on what he conceives to have been an insight of St. Augustine, argues at times that what is simply first in the life of the mind is not mere knowledge but rather love. The proof which he offers is simple enough. No one takes notice of anything unless he is first interested in it, but to take interest is an act of love not of cognition. This argumentation may well appear as an oversimplification. After all, it can be quickly retorted that it is at least as true to say that one cannot be interested in that which one does not know as it is to say that one will not notice that in which one has no interest. As a matter of fact Scheler himself in his more considered opinion is aware that the question of the absolute primacy of love as opposed to knowledge is not so simply resolved as he at times incautiously suggests. He himself points out that if Goethe had observed that "one attempts to know only that which one loves; and the knowledge will be so much the more comprehensive and profound as love, indeed passion, is more powerful and vital," the hardly less perceptive da Vinci had insisted that "every great love is the daughter of a great knowledge."¹³

A less dubious statement of the primacy of love over cognition can be found in Scheler when one withdraws one's considerations from the question of an absolute primacy of the one or the other in our mental life and restricts one's inquiry to the question of the primacy of love over knowledge in discovering what Scheler refers to as the higher possibilities or the particular vocation of a person. Here love enjoys an unambiguous primacy. We can explain what is involved in the following way. Love always goes out to the person. It never goes out to isolated values or even complexes of value. This is why the personal model is so important. However, the person does not exhaust his ethical force simply in providing a model according to which an observer can shape his own ethical life. Rather, the person who embodies certain values becomes himself the object of our love.

13. Max Scheler, *Liebe und Erkenntnis Gesammelte Werke*, Maria Scheler, ed. (Bern: Francke Verlag, 1963), v. 4), p. 95,

It is here, however, that Scheler introduces a characteristic of love somewhat peculiar to his philosophy. For him love does not simply go out to "a value lying ready to hand for inspection. It does not reach out towards given objects (or real persons) merely on account of the positive values inherent in them and already 'given' *prior* to the coming of love."¹⁴ Rather, love is a kind of movement. It is a movement which is going out always not only to values already really present in a person but as well to those which should fittingly belong to him but are not yet present. "Love is a movement, passing from a lower value to a higher one, in which the higher value of the object or person suddenly flashes upon us."¹⁵ Or again: "Love is that *movement of intention* whereby, from a given value A in an object, its higher value is visualized. Moreover, it is just this vision of a higher value that is of the essence of love."¹⁶

In considering Scheler's doctrine on love that which is peculiar to him, one should not fail to notice those elements in his doctrine on the same reality which are rather commonly held but which are brought to admirable clarity by reason of the phenomenological inspection to which they are subjected. One thinks in this regard of Scheler's careful establishment of love as an intentional activity which is, nonetheless, not an act of cognition. So too, one thinks of his differentiation of love from the feeling states of pleasure and pain: "Our love for someone does not alter for all the pain and grief the loved one may cause us."¹⁷

Scheler not only clarifies the nature of love in itself by distinguishing it from other related but different essences, he also attempts some division of its essential types. In general these types correspond to the levels of basic value, with the exception that for Scheler one cannot speak of a genuine love for sensible values but only of "feelings of pleasantness" in their regard. If one cannot truly love sense values, one can, however, love all the other values. Hence, love is not to be reserved only for persons. There is, for instance, a genuine "love of nature...disclosed in the fact of nature being made an object of love *for her own sake*."¹⁸ It is wrong to think that such a

14. Max Scheler, *The Nature of Sympathy*, Peter Heath, trans. (London: Routledge and Kegan Paul, 1954), p. 153.

15. *Ibid.*, p. 152.

16. *Ibid.*, p. 153.

17. *Ibid.*, p. 147.

18. *Ibid.*, p. 155.

love of nature is possible only by "projectively endowing these objects with our human feelings, and looking at them in terms of pictures and analogies drawn from human life."

Conclusion

Having set forth Scheler's doctrine in regard to two major points of tension in ethical tradition—namely, the tension between objectivity and subjectivity, and that between law and love—we are in a position now to ask how accurately these tensions have been drawn and how successfully they have been resolved. In regard to the tension between objectivity and subjectivity in ethics, understanding this dyad both in regard to that opposition which obtains between an essentially determinate and a voluntaristic ethics and that opposition, less basic but nonetheless important, which obtains between a non-hedonistic and hedonistic ethics, I would judge that Scheler's perception of the opposition and his method of resolving it have been basically successful, indeed brilliantly so. His method of resolution, particularly in regard to the opposition of essentially determinate and arbitrary voluntaristic ethics, is drastic. He simply rejects the latter position in favour of the former. It is a mode of solution, however, which seems to be quite correct.

To be sure, one must object to Scheler's doctrine of the ontological status of value essences. A reflection on our experience of value realities indicates that they are not distinct qualities but rather aspects of non-value realities. A failure to see this is serious. When one looks for the putatively distinct, qualitative realities which, according to Scheler, values are supposed to be, nothing other than ordinary non-value realities appear. There is a great danger, as a result, of thinking that values have no reality at all; that they are, as the voluntaristic theory would have it, mere projections of what are ultimately arbitrary decisions or attitudes. That such a danger is more than a mere imaginary possibility can be seen, I would suggest, by a consideration of recent British ethical thought. G. E. Moore, in a manner at times strikingly like Scheler, had established in his *Principia Ethica* the same kind of essential, non-hedonistic objectivity of good which Scheler had established. Unfortunately, again very much like Scheler, by his insistence on the "nonnatural" quality of goodness Moore had, however, removed goodness from the being intrinsic to non-value realities. When, therefore, Moore's successors in British ethical speculation began to look for the nonnatural realities which allegedly constituted goodness they were unable to find anything, and in fact

in their various "emotivist" theories of ethics they seem to have fallen into that ethical voluntarism against which Moore and Scheler had rightly laboured with such ardour.

If Scheler's resolution of the tension between objectivity and subjectivity in ethics is seriously flawed, the final word must, however, be one which acknowledges his accomplishments. His activities in regard to the resolution of the tension between law and love, on the other hand, are more problematic. Here, as we have seen, the work of resolution is far more nuanced than his resolving work in regard to the first tension which has concerned us. Scheler provides a place not only for love but for law and for norms generally in his ethical doctrine. It is all too clear, however, that the driving force in Scheler's thought in dealing with the initial tension which appears in the camp of ethics between law and love is to reduce the role of law to the greatest extent possible. Here again, therefore, the method of resolution tends to a removal of one of the elements in tension. One must ask, in the face of this fact, if he would not, however, have been better advised to have attempted to resolve the tension in question by a more synthetic method, seeking not to remove or to reduce the importance of the element of law as much as possible but rather to co-ordinate the two elements involved, indicating the indispensable and universal function proper to each of them. My own conviction is that this would have been the preferable course.

In my judgment, one can come to see the validity of the synthetic method of resolution of the particular tension at hand by reconsidering the various ways in which Scheler has engineered the limitation of the role of law and normativity in his work. They all seem to be limitations established in a manner less than indubitable. One can begin here with his judgement on the derivative, nonbasic significance of activity in the realm of the ethical. It is clear enough that activity does not exhaust the *loci* of ethical value. Abiding ethical dispositions are obviously really distinct realities from ethical activities. A man may be acting in a way that must be characterized as genuinely ethically good even though the perduring disposition of his make-up, because of unfortunate personal history, may be in regard to the same object relative to which he is acting ethically quite evil. However, and this seems to indicate quite decisively the falsity of Scheler's attempt to downgrade the importance of activity in the realm of the ethical, it is the moral goodness or evil of a person's *activity* that makes him *simply* ethically good or evil. A man may, to take a banal example, have a vicious tendency to insobriety, but when he actually chooses

to remain sober he is, simply speaking, a morally good man. No doubt, he would be more perfectly good were his good activity confirmed by the goodness of his perduring dispositions, but this does not invalidate the basic moral goodness of the man who is performing a good act even when it is contrary to perduring dispositions within him. Incidentally, the primacy of the moral act has been movingly brought out by Scheler himself in his famous essay on repentance in his *On the Eternal in Man*. It is precisely the act of repentance which can reverse the moral evil of a vast accumulation of dispositions and attitudes built up in one's past history.

Scheler's attempt to individuate the personal centre as a *locus* of ethical value, distinct both from the ethical act and perduring ethical attitudes, and his attempt to posit this *locus* of ethical value as primal, would seem to be as untenable as his attempt to elevate perduring ethical attitudes to a level of importance above that of ethical activity. It is true, as Scheler argues, that good activity (as also good attitudes) must flow from the person himself. On the other hand, it is precisely the good act (and good attitudes) which make the person good. There is no third *locus* of ethical value apart from ethical activity and perduring ethical dispositions by which the person is constituted morally good. To be sure, there is a certain mysterious reciprocity between the good act flowing from the good person and at the same time constituting him a good person. In whatever way this reciprocity is explained, it seems clear, nonetheless, that it will not be by disallowing the primacy of the ethical act.

If what has just been said is true, the arguments which Scheler draws from an alleged primacy of realms of the ethical other than activity as an indication of the less than primal importance of the law as a director of moral activity loses its force. One must point out the same in regard to Scheler's attempt to reduce the role of the law and the norm generally by restricting, even in the realm of ethical activity, the scope of that activity which is freely chosen. Once again one may grant to Scheler the intelligibility and, indeed, even the utility of not confining the notion of "ethical" activity solely to those activities which are freely chosen. It is important to acknowledge various spontaneous activities in the human organism (and for that matter in subhuman organisms and natural units generally) as they react in an ordered way to the values in their environment. Nonetheless, there is also an overriding advantage in singling out for discussion those activities of intelligent and free response to value to which alone in most of Western philosophical tradition the name

“ethical,” understood in the full sense, is reserved. Ordered but nonfree human responses to value are interesting and important, but we are not *responsible* for them, nor do we need to concern ourselves directly in their regard. Those activities which are, on the other hand, intelligently known and free are our responsibility, so much so that it is our manner of comportment in these acts and these acts alone which make us ethically good or evil.

Scheler might, of course, grant this last point, insisting all the same, however, that broad and significant areas of these free activities still escape the need for normative direction. The instrumentality of the ethical model is, he could argue, quite sufficient, working through the spontaneity of love, to effect the full reality of ethical activity. This is the case at least in all those instances in which there is no counter-tendency to be overcome within the ethical agent. It is only, Scheler could argue, among the imperfect that the further instrumentality of the law and other articulated norms is necessary. One must admit that Scheler can claim a certain apparent support for this position from the author of the First Epistle to Timothy. Does he not say clearly enough that the laws, good as they are, are ‘not framed for people who are good,’ but that they are rather “for criminals and revolutionaries, for the irreligious and the wicked, for the sacrilegious and the irreverent. . . for people who kill their fathers or mothers and for murderers?” (1 Tim. 1 : 9).

Without attempting anything like a complete consideration of the way in which the law figures in the Pauline Letters, it would seem that one might counter this support to the argument of Scheler by suggesting that at this point the author of the Letter to Timothy can be said to be thinking of the law according to an accidental penal aspect or more generally as it finds an experience in those against whose tendency it, in fact, does impose its force. However, although Scheler sees it as essential to the law that it found such an experience, one might contend that the experience of the law founded in this manner is by no means essential and universal. That this understanding of the biblical author is correct and that Scheler’s view of the essence of law is distorted would seem, in fact, to be indicated if we reflect again on what is truly essential in any instance in which one passes from intelligent apprehension of value exigencies to a free activity of response.

We have once again here a classical problem in scholastic psychology, namely, whether for any intelligent and free, spontaneous activity the act of *imperium*, that is, the act of giving oneself normative direc-

tion, must be present. It seems clear that in fact it must. If the law is, according to the classic definition, an ordinance of reason for the common good promulgated by him who has responsibility thereto, there would seem to be no other way in which one, even in a situation in which one is entirely free from tendencies against the exigencies of the relevant value situation, could move to free activity except through the internal formulation for oneself of a law or a law-like internal directive norm. It is for this reason that Thomists have insisted on the inescapable need for the *imperium* and that, incidentally, Kant, using a different terminology to designate the same reality, has insisted on the need for an ethical maxim. It is for this reason as well, therefore, that Scheler's restriction of the use of law to those situations alone in which there are countertendencies to its directives is false and distorted.

What, however, is one to say of Scheler's argument that it is the nature of certain important responsive activities, namely, those of faith and love, not to be subject to the command of law. Here again Scheler has repeated a classical discussion. In regard to faith the problem has been formulated in this way: How can faith, inasmuch as it is an act of religious conviction, an act of cognition, be subject to voluntary decision and thus to normative directives? The response to the question offered generally in Catholic tradition is that although faith is, indeed, formally an act of the intellect, it requires for its integrity an act of the will as well. The will can enter into this act because what is believed is not evident in itself. What is so evident exacts belief necessarily and without the possibility, so it is argued, of voluntary intervention. What is not evident in itself, however, even if—as is the case with the object of Christian faith—it is evidently credible, is such as to allow and indeed to demand the intervention of the will and, one can add therefore, the intervention of legal or at least some type of normative direction. That this analysis is not a mere *ad hoc* imposition of scholastic theology can be easily verified by anyone who reflects on his own experience of the life of faith. That it requires the intervention of the will, indeed at times a very powerful intervention of this faculty, is only too evident. This is not to say that Scheler's exclusion of the possibility of the exercise of the will in the confident, intelligent conviction of the life of faith does not have an initial appearance of justification, but it seems clear that it is nothing more than this and that, therefore, it offers no more than an initial appearance of justification for a limitation to the role of the norm in our ethical lives,

What has been said of Scheler's attempt to exclude free choice and normative direction from the realm of faith can be said of his attempt to do the same thing in regard to the activity of love. Initially it does appear that what is to be called love is something that emerges spontaneously, without the possibility of voluntary choice. It would appear that willed acts of choice, as Scheler argues, may follow love, but that such acts can never be love. Hence, acts of love themselves can never be the object of legal direction. One must acknowledge, on the other hand, that a restriction of the law in this manner is not easy to reconcile with the most basic convictions of Christian tradition. The law of love, imperative directives to love, are too pervasive and too clearly manifested in this tradition to be easily, if in any way at all, obviated. Apart from this, moreover, I would suggest that again an attentive reflection on one's experience of love will reveal that it allows, and, indeed, often demands the exercise of free voluntary choice. This is not to say that much of our loving activity is not spontaneous, but it is not all spontaneous. Moreover, what I am saying can be called a voluntary act of love is just that. It is not a mere consequent love. One suspects that this contention would be widely challenged today. One is thought to be able only to "fall into" or "fall out of" love. This is, however, to limit the manifestations of genuine love in a quite unjustified manner.

The final Schelerian attempt to limit the incidence of free choice and the normative directive which goes with it in the ethical life, namely, the contention that the value of being ethically good, however much it may be the result of ethical activity of free choice, cannot be the object of that choice, is, I would argue, even less convincing than the arguments we have considered thus far. No doubt, there is an ethical disorder in someone who helps an old lady across the street not for the sake of the old lady but only in order that he might be good. Whether such an activity is the essence of phariseeism (if there be such an essence) we need not bother to analyse. For our purposes all that need be pointed out is that Scheler has drawn too broad a conclusion from the premise of his argument. Because there is something disordered in the activity of someone who acts *only* in order to be ethically good does not at all mean that one may not integrate a desire to be ethically good within the complex of the objects of one's moral activity. Why cannot one with full regard for the dignity of the person of an old lady assist her to get across the street and at the same time pursue, consciously and deliberately, the moral goodness which results from this act of assistance?

If we have been right in restoring the extensiveness of the role of legal and normative direction in the ethical life against Scheler's attempts to limit this role, this in no way means that we must consequently limit the role of love and of the ethical model, about which Scheler writes with so much penetration. What is needed here is an understanding of the proper and indispensable role both of love and of law. (What is needed as well is an understanding of the indispensable role of the moving force of the grace of Christ. To know the law or to be initially swept up in love without having one's will freely moved to act in accordance with the law and our spontaneous love of the values served by the law avails us nothing at all. The law in such a case would, as St. Paul points out, only serve to condemn us. Cf. Rom. 7 : 7-25.) What is needed, in other words, to remove the initial tension between law and love is a method of co-ordination or synthesis, not a method in which one of the elements of the tension is removed or reduced in its significance. The method of synthesis is not always appropriate. Scheler, as we have seen, in regard to the problem of the tension between objectivity and subjectivity was right simply to reject the tendency to voluntarism and hedonism. In regard to the tension between law and love, however, the method of synthesis would appear to have been far more efficacious.