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The ethical imperative in Edmund Husserl    Francesco Saverio Trincia  
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1. The ethical imperative , as it is presented by Edmund Husserl in the *Vorlesungen über Ethik und Wertlehre 1908-1914*<sup>1</sup> and the in the *Einleitung in die Ethik. Vorlesungen Sommersemester 1920-24*<sup>2</sup>, is the main topic of the comparison with the moral philosophy of Immanuel Kant. Edmund Husserl himself recognizes and assumes the necessity of the comparison with his great predecessor and forerunner in repeating the discovery that any ethical philosophy has to accept the essential feature of the *formality* ( formality of the ethical propositions and of the ethical behaviours themselves) which is , as is very well known , the condition itself of the existence and of the validity of the transcendental rules of the practical reason , according to Kant. It is for this principal reason (that is *for a reason of principle* , concerning the very different meaning that formality receives in the phenomenology of the ethical will ) that Husserl makes any effort to utilize the same notion and the same words as Kant when is speaks of his own "categorical imperative", while changing pretty deeply the meaning of them. What he wants to do is to realize for the ethical philosophy the same general project which drives his interpretation of the criticistic and transcendental tradition and, in the first place, of Kant's *Critique of pure reason*.

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<sup>1</sup> *Husserliana* XXVIII, 1988. In what follows I will use with the same meaning "ethics" and "morality" and the adjectives related to them, though Husserl himself makes a distinction in the 1914 *Vorlesungen*, For what concerns the comparison between the ethical imperative in Husserl and Kant that distinction is not too important and disturbs the comparison. Kant speaks of *Sittengesetz* ("moral law") and then of *moralische Gesetz* ("moral law") in the same paragraph 7 of the *Kritik of praktischen Vernunft* (see. *KPV*, Reclam, Stuttgart 2002, 55-56) in which is contained the definition of the imperative: "Das moralische Gesetz ist daher [...] ein *Imperativ*, der kategorisch gebietet, weil das Gesetz unbedingt ist".

<sup>2</sup> *Husserliana* XXXVII, 2004. A complete bibliography on the matter in *Fenomenologia della ragion pratica*, B.Centi and G.Gigliotti eds., Bibliopolis ,Napoli 2004, 361-364. See in particular, besides the essays quoted further, T.Cobet, *Husserl, Kant und die praktische Philosophie*, Königshausen und Neuman, Würzburg 2003; J.J. Drummond, *Moral objectivity: Husserl's sentiments of understanding*, "Husserl-Studies", 1995, 165-183; G. Funke, *Kant und Husserl: vom Primat der Praktischen Vernunft*, "Perspektiven der Philosophie", 1982, 305-304 and 1983, 199-215; J. G. Hart, *Axiology as the form of purity of heart. A reading of Husserliana XXVIII*, "Philosophy today", 1990, 206-221; E. Kohak, "Knowing good and evil" (*Genesis 3:5b*), "Husserl-Studies", 1993, 1-41; A Roth, *E.Husserl's etische Untersuchungen. Dargestellt anhand seiner Vorlesungsmanskripte*, Nijhoff, Den Haag 1960.

Transcendentalism and formalism must change their meaning, if they have to be identified as notions and words of the phenomenology as well. Every idea that practical reason is a human faculty, that operates formally as it puts aside the interest toward the *contents* of moral action as such, must be avoided. Formality becomes in Husserl rather the phenomenological (not psychological) condition of an ethical philosophy but also of a practical orientation in the world, which is based on the noetic-noematic correlation. It has to be seen as crucial, on one side the role of the subject who “lives” the “evidence” of the practical decision of his will. On the other side, the reign of the “values”, of the “material apriori”, that represents the other pole of the intentional correlation, is what justifies the correspondence between the “duty” taken as a sort of object in its *Gegebenheit*, and the “rational will” of the ethical subject. We find therefore two very different meanings of the ethical imperative. The *kantian* one, which asks *how* we have to be if we want to be moral beings, that is *how* our practical intention must be shaped so that we can consider ourselves moral; and the *husserlian* one, which asks *what we have to do* to be moral. In the first case, the answer sounds simply: the imperative orders to follow the formality of a will directed by pure duty, *aus Pflicht*<sup>3</sup>. In the second case, the order is: recognize the formality of the content of the ethical action as the “material apriori” of “goods” hierarchically connected, and do what is “best”, deciding to act as a rational subject who acts in different times and in different conditions, passing from one concrete situation to another concrete situation, and therefore as a subject *different from himself and from any other subject*, but necessarily following the laws of the “practical axiology”. Husserl’s practical philosophy realizes a new step in the development of the moral philosophy, just for the reason that Kant’s practical reason is radically interpreted and modified in the crucial point of the role played by the “values” which are not destined to dissolve themselves in the simple purity of an universal, but often empty will, like already Hegel had critically observed against Kant. The richness of his phenomenological practical reason must be still discovered, discussed and deepened as a good instrument for us, who are destined to live in a difficult, dangerous time. We are today, in any place of our world, the husserlian rational subjects who have to implement values which are “the best”, just because they are not only ours. The subjects that we ourselves are, are not (or not only) empirical subjects. Even if we are different, reason is a property of all and the moral “best” is also the “best” for all. But, again: the ethical action does not consist only in choosing what is best. The choice must be a real choice: it must be wanted, or in the precise language of phenomenological practical reason, it must be “lived” (*erlebt*). We can not admit that an action which blindly and casually reaches its goal and is therefore what an external observer judges *that must be done* because is morally right (*richtig*), has a real moral

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<sup>3</sup> I. Kant, *Grundlegung zur Metaphysik der Sitten*, KGS, IV, 397 and 416 (definition of the categorical imperative)

value. The rational will of a subject is the will that the subject himself rationally “lives” and rationally knows. Only this will is the one that builds in itself the *Richtigkeit*, the “correctness” of the goal. Only in this case we can speak of a reciprocal correspondence between will and duty.

Another general observation can be done. It is not difficult to perceive the great change that the husserlian position on ethics introduces in the relationship between morality and politics. If politics is supposed to realize a common good which is “common” not only as done *for all* (*pour le peuple*, as it was said in the democratic theories of the 18th century), but *by all* (*par le peuple*), we find in Husserl’s moral theory the motivation basing on which politics appears in its central core the question of everybody *choosing the best*, and can not be reduced to simple *doing the best*. By somehow modifying the distinction between ethics and politics, the latter shows *the way* of doing the best, as it comes out from the correlation of will and duty that should be realized by everyone. A strong support to democracy comes out from a theory of the right acting and of the fair doing: such a theory does not require simply the rule of law. We have to recognize that much can still be learned by the phenomenological ethical theory.

Ulrich Melle, one of the main scholars of Husserl’s ethics, whose 1914 lesson he has also published, has recently observed<sup>4</sup> that the main difficulty for Husserl in the 1914 *Vorlesungen*, has been to obtain a good descriptive demonstration of the analogy which connects the intellectual, intuitive *Akten* to the *Akten* which are specific and particular of the feeling and of the will. What is properly the *analogon* of the perception and of the judgment in the sphere of the feeling? How is possible to talk also in this sphere of the empty and of the filled intention? The great difficulty was for Husserl to decide if and how it is phenomenologically legitimate talking of what he calls *nicht objektivierend Akte*, “not objectivating acts”. These acts without objectivation should be specifically ethical, that is pertaining the choice of values, while maintaining the general structure of the intentionality which can not stay without referring to an object. It is not possible to discuss this problem here, but it is necessary remember that it is the main problem for every scholar of the husserlian ethics, who cares of the theoretical core of it and of the difficulty to maintain intentionality and objectivation in the ethical *Erlebnisse*<sup>5</sup>. It should also be remarked that this problem is not without connection with the feature of the ethical imperative. As an imperative which orders to do something, in fact, it refers to an object, but at the same time this object can not be neither the cause by which the imperative is moved to order something, nor it can be assumed as identical to the object of a perception or of a judgement, because it is a value – and a

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<sup>4</sup> See U. Melle, *Husserl’s personalistische Ethik*, in B. Centi, G. Gigliotti eds., *Fenomenologia della ragion pratica*, 342-344.

<sup>5</sup> See J. Benoist, *La fenomenologia e i limiti dell’oggettivazione: il problema degli atti non oggettivanti*, in *Fenomenologia della ragion pratica*, 151-174; U. Melle, *Objektivierende und nicht-objektivierende Akte*, in S. Ijsseling (Hrsg.), *Husserl-Ausgabe und Husserl-Forschung*, Kluwer, Dordrecht-Boston-London 1990, 35-49.

value can not be simply called “object”. Were the value an object , the autonomy of the moral action would be in danger. It is easy to understand that if the value that is intentioned by an *Akt* of willing or of feeling (*Willen* or *Gemüt* in the language of Husserl) is an object and if the *Akt* that realizes intentionally it is an *objectivating* one , the imperative that orders to do something in the specific categorical , not simply hypothetical way that Husserl seems to share with Kant, is going to lose itself in its object, to depend on it, just because at the same time the object is supposed to be identical with the value. Morality would become the necessity to obey to an object-value. Freedom (a notion which is not too familiar to Husserl’s ethics of values, but can not be denied even by him) would become impossible. It is not a secondary question that concerning the reason why Husserl does not seem to be interested to connect morality and freedom. Even at the end of the 1914 *Vorlesungen* where the role of the subjectivity becomes crucial it is not the case for him of a “free” subjectivity . In spite of the , the problem of distinguishing value and object presupposes in Husserl himself , and not only in the interpreters, the impossibility to get rid of the notion of freedom in a theory of ethics. Were not admitted the existence of nicht objectivierende Akte, the difficult balance constituting the imperative, between the rational subjectivity and the value that must be chosen *because is a value*, would be lost. And what would be worst, no more reason would remain to talk of the morality of the imperative. Kant would be totally lost as an interlocutor, *but this is not the aim of Husserl*.

The main problem at the eyes of Husserl is that no ethical imperative can not be conceived , if what is ethics reduces itself to the simple *Richtigkeit*, that is to the action being “correct”. This problem involves the distinction of the practical reason from the theoretical. As Ulrich Melle points out, “is not the practical reason to be made identical to the theoretical and to the axiological reason, that is to the right way of knowing and of evaluating, if we admit that our will is rational, when it follows a right knowledge and a right way of recognizing values ?” It is clear that what Husserl calls “axiological reason” is in some way similar to the theoretical one, because in both cases it must be possible to control and measure the degree of *Richtigkeit* both of the judgement that says something of something else, and of the judgement that attributes a value to something. In both cases, as already observed above , what is done is a sort of ‘neutral’ control of rightness, that anyone can do, and which does not involve any responsibility of the acting subject itself. An *Erlebnis* is neither allowed, nor requested in this case. It seems to become clear that what makes the difference for the definition of the practical reason is exactly the ethical imperative. And this happens because the order “to do what is best of the good things that you can reach within your actual practical sphere” (*tue das Beste unter den erreichbaren Guten innerhalb deiner jeweiligen*

*praktischen Gesamtsphäre*)<sup>6</sup> could not stay without the role played by the subject whom is commanded to do his best. When you tell a subject in an imperative way: “do your best”, you expect that the subject himself gives a demonstration that he has really acted in a conscious and rational way to do what was for him the best. No other judge could never take his place and tell him, and to the world of the neutral observers, that he is a moral subject because he did his best. Ethical imperative and role of the acting subjectivity go always together. Therefore, the laws that accompany the “categorical imperative as pure formal law of the choice” express the circumstance that, on one side, the *values* that must be *chosen* by a choice, on the other side can not be left in their reciprocal isolation. This is the base to state “the law of the absorbing best”. As Husserl points out, “in any choice the better absorbs the good and the best absorbs under itself all what remains that can be judged as in itself an object of appreciation, that is as practically good”<sup>7</sup>.

The law of the absorbing best is far away from letting out the subject of the choice, from making him superfluous. It is the duty of my, and everybody’s, intellect and feeling to determine what is the best to be chosen in any situation of choice. I have to distinguish the features of any practical situation, then I have to recognize my practical possibilities and decide on the basis of a comparison between the possibilities and their relative value. It should be observed that, till to this point, we have been brought to understand the necessary role of the choosing subject, but we do not know that we have to do here not only with the laws of my intellect and of my feeling, but with the *Willensvernunft*, with the “reason of the will” in general, that can not be identified with the working of my intellect and of my feeling.

The problem of the ethical, that is of the categorical imperative comes ahead as the kantian category of the necessity and of the universality of the will can not be forgotten. The formality of the imperative has in Husserl a different meaning as in Kant, mostly because Husserl rejects the idea that reason and sensibility are “faculties” of our soul. This is very clear in paragraph 44 e of the *Vorlesungen 1920-24*<sup>8</sup>. But it is already clear that the rejection of the idea that the sensibility of the feelings and of the passions is, like in Kant, a dominion of simple *Faktizität* and that any help by the part of sensibility, any evocation of the sensibility must be avoided if the action wants to be moral, does not mean that Husserl forgets neither necessity not universality. Following Ulrich Melle’s remark, we could say that Husserl comes back in some way to the kantian idea of the autonomy of the moral reason giving laws to itself, through his formal determination of the reason of the will, but he is also helped by the brentanian notion of the categorical imperative.. In this way

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<sup>6</sup> E.Husserl, *Vorlesungen über Ethik*, 142

<sup>7</sup> E.Husserl, *Vorlesungen über Ethik*, 129-137.

<sup>8</sup> E. Husserl, *Einleitung in die Ethik*, 215-224.

he can reach what Melle calls “das Eigene der Willensvernunft”<sup>9</sup>, that is, “what is proper of the reason of the will”. The meaning that Husserl gives to the formality allows him to meet again Kant’s idea of autonomy, but in the specific sense of the equivalence between *Willensvernunft* and *Vernunftwille*: the “reason of will” is not different from the “will of the reason”, because the rationality of our decision, of what we want and desire, consists exactly in our will to be rational. There is not an objective reason of our will, which is not accompanied by our will to be rational, and this is what ethical imperative asks us to recognize. There must be, so Melle, “a will in principle directed toward reason”. This means that this will is ready “to let all his *Aktleben* as a totality, and each by each, depend from the rational law of the categorical imperative”, and also that, knowing his bent for following the powers of the inclinations, “the personal I” decides to make the categorical imperative his “life law”, and to make all his “life actions” depend on the same imperative. According to this interpretation, the formality of the practical reason in Husserl is brought again to mean the exclusion of the *Neigungen*, of the “inclinations”, and of all the “passivities” of the human life.

It is difficult to agree completely with Melle. What remains excluded from Husserl’s idea of formalism is the absence of a motivation and therefore of a content, and also of a goal of the moral action, which is instead essential in Kant. This means that the formality of the categorical imperative in Husserl is not based on the formalism as pure independence of the action from the pressure of the feeling which accompanies the intentionality choosing a value. The formalism of the categorical imperative comes out first of all from the analogy of the intentional feature of both the theoretical and of the practical reason. The formality of the first must be found also in the second. And both imply the same formality, because both are based on the same intentionality, and both must refer, following a formal law, to an object. It should be considered as a very strong criticism to Kant, the husserlian remark that kantian moral law tries to hold both the difference between the form and the material content, but also a correlation between them which should also avoid the dependence of the moral content from a logic form, that would produce the result of intellectualism. The special feature of the ethical imperative in Husserl depends on the necessity to avoid intellectualism. Husserlian formalism succeeds in saving the formality of the moral law, while explaining that this formality is not a logical one. At the same time, the idea that there are material practical *aprioris* (the values) which do not destroy that formality, being themselves ‘formally material’, allows Husserl to consider absurd the kantian conflict between reason and sensibility.

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<sup>9</sup> U. Melle, *Husserl’s personalistische Ethik*, 344.

The ethical imperative in Husserl is *not* charged of the purpose to avoid the intervention of the sensibility in the ethical will and choice. According to Kant, a decision of the will which wants to be unconditionally valid, must be motivated by something not sensible and not empirical, based on the pure reason. Husserl criticism<sup>10</sup> says that it is impossible to accept the conflict between sensibility and reason, thanks to which on the side of the sensibility and of the sensation we find the sensible feeling and the impulse (*Trieb*), while on the side of reason must be found the not sensible category of duty which is supposed to reject the sensibility. It must be considered wrong the identification of this conflict with the difference – absolutely not corresponding to the first – between the irrationality of the pure facts and the rational apriority, documented by the laws of an unconditional validity. The realm of the sensibility of the feelings and of the motivations *is not* the realm of the irrational *Faktizität*. and the categorical imperative has nothing to do to help the victory of the reason on the irrationality. The necessity and universality of the imperative *are not* affirmed against the contingency of the *Neigungen*. The clear difference between Husserl's and Kant's imperative is, according to Gianna Gigliotti, that Husserl thinks since the beginning the *Sollen* as a norm and therefore as an imperative, while in Kant the imperative mood of the ethical imperative consists in, and corresponds to the application of the law to human nature. There is no human nature which is ready to be morally guided, in Husserl. Had Kant seen – so Husserl's *Einleitung* – that there are “ideal objectivities” that are also “practical objectivities”, able, as ideal possibilities, to produce identical products, and had he observed that these objectivities can be, and actually are, evaluated, wanted, desired, defended by human beings, then the fatal contrast of reason and sensibility would have been avoided. The conflict of the sensibility (accompanied by its objects that should determine the moral decision) and reason has not any sense. When someone wants something, he evaluates this thing, and when this evaluation and this desiring is accomplished, their objects *are not* (only) natural things. The ideal objectivities are real-ideal and this means that they are not natural, because are not submitted to time. They are not temporal, and, at the same time, objects of the will, of the evaluating appreciation, of the rational desire. The ethical imperative rules on *this* realm.

As it has been properly observed<sup>11</sup>, Husserl's criticism of Kant is based on the idea that there must be in the practical sphere an object of the will to which the will refers, that is a material content of the law. Husserl sees very well the risk that the moral law considers good any not contradictory material content and is very well aware that Kant thinks that the risk can be avoided by becoming the law itself its material content. This is why Husserl tries to build a formal sphere in the class of the emotions and of the feelings, and to determine the specific moral good, the moral value. His

<sup>10</sup> E.Husserl, *Einleitung in die Ethik*, 219-220.

<sup>11</sup> See G. Gigliotti, *Materia e forma della legge morale*, in *Fenomenologia della ragion pratica*, 94-95.

main aim is to show that the objectivity of the validity, that is what makes the norm valid, may be found in a material content.

2. We obtain in this way the essential help that we need to read and to understand the two husserlian texts to which we have referred above. But in the same time, we obtain the two principal lines of thought that cooperate in building the essential feature of the husserlian ethical imperative.

We should remark first of all that ethical imperatives give us an order to do something in a certain way, because the structure of our will is essentially “creative”. Not only what we are going to do in the future is in itself the result of a creative process, but also what we have already done has been created by us, and we can therefore speak of a “creative past”. If an ethical order can be given and must be obeyed to, any action has to have a “starting point with the first *fiat* which gives [ ...] the first original creative impulse”. To the starting point corresponds in the structure of acting described by Husserl in the “phenomenology of the will”, the “final point which has the feature of the ‘it is done’”. The process of the action springs (*entquillt*) from the continuity that binds and connects any will to the will that comes after. The entire process of the action has the shape of the “creation which is peculiar of the will”<sup>12</sup>. It is necessary to add to this first point a second one. An imperative is possible if, as Husserl himself remarks, what is ordered, not only *must* be done, but *can* be done, because it *can* be done. We find here again a difference from Kant, because Husserl emphasizes more than Kant that role of the *possibility* that something ordered is done, a possibility that he refers to his idea of the laws of action as laws of the good absorbed by the better and of the better absorbed by the best in any singular situation. It should be observed that in all the occasions in which Husserl utilizes the kantian expression of the “categorical imperative”, this happens together with the preoccupation to keep his position far from the idea of the centrality of the pure duty. The paragraph concerning the “laws of the will with regard to the choice” contains the analysis of the “problem of the categorical imperative”, an analysis that is done on the basis of the idea that there must be a “practical dominion” or a space within which every single choice has to be done<sup>13</sup>.

If we state that there is a relationship between “practical preferences” and “categorical imperative”, we introduce ourselves to the “laws of the choice concerning the will”. These laws oblige us to make a continuous comparison of the degree of the goods that we are supposed to choose. If we choose a good, but at the same time put aside a higher good, which therefore is not going to be realized, we obtain the result of having a minor value together with the absence of value deriving from forgetting the higher value. And also: “The putting aside what is better corrupts in any sense

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<sup>12</sup> E. Husserl, *Vorlesungen über Ethik*, 110-111.

<sup>13</sup> E. Husserl, *Vorlesungen über Ethik*, 129-137.

of the word “the positive value of the good that at that time has been preferred, and this goes up till to the destruction of the positive goodness” which is peculiar to the chosen good. It very clear now what we have remarked above: no imperative is “categorical” in the kantian sense of the word if what is chosen is not the best and therefore still something remains that can be better ( and we *actually know that is better* ), than the chosen good. In any choice the better contains in itself the good and “the best contains every other thing that in itself must be evaluated as a practical good”. If we *know* that in the concrete situation of choice in which we are, something better could come in and therefore change the hierarchy of the goods that we have found at the beginning, and this happens just because we can not help to see that the new good is better, we are going to be obliged not by an “absolute duty”, but rather by a “relative duty”. The duty is at our eyes a “conditioned duty” and this means that we have not met still the kantian “categorical imperative”. It is clear again that, while the not categorical imperative depends in Kant from the conditioning of the duty which results from its not being pure, that is from its being a duty conditioned by an empirical “if” (according to the formulation: “*if you want something, you have to do this and this*”) , or as we could also say, in some way *from what is behind us* and is inferior to our nature of rational beings, the same imperative depends in Husserl something different. The not categorical imperative in this case should be thought in fact as depending *from what is in front of us*, that is from the absolute, highest excellence of what *must* be chosen, but *is not* chosen though there is not the possibility that the best will be absorbed by another (in itself impossible) best. If our actions are not based on the categorical imperative, this is the consequence of the mistake of not recognizing and not respecting the law of the absorbing. Here has to be seen the reason of the critical remark usually done to Kant by Husserl, that is his being psychologically oriented, as a consequence of his being subject-oriented, and of the fact that his subject is the *Ego* conceived as the master of a psychological faculty. The ‘subject-object orientation’ of the husserlian ethics, and the depending of his “categorical imperative” from the excellence of the intentioned (evaluated) good, allows him to direct his criticism back to Kant on the point of the purity of the moral decision – given the radical change in the meaning of the notion of what is supposed to be “pure”, now depending from the objective, or noematic, impossibility to find out an (impossible) ‘higher best’.

By saying this, we do not mean that it is possible to ask the ethical imperative to tell us what we have to do, as we refer to a whole of already stated goods, similar to the ten commandments of the Christian religion. We have said that Husserl changes the sense of the theory according to which moral philosophy must be “formal”, but he maintains the idea of formality – which becomes a formality of the “material *aprioris*” that we call “values”. And therefore, on one side, we know that the “categorical imperative” is the only one that can not be “absorbed”, but on the other side we do

not know *before* “if for the *Ego* that in each situation exercises his will, there is really a duty which can not be absorbed or a highest good which can not be substituted by another good”. The formality of the law consists in the fact that we know that in any situation there is a “limited practical sphere” containing in itself the best good. It must be our care to make sure that this sphere, this field of practical action (*praktisches Wirkungsfeld*) is “objectively “ limited. This means that we can not make any mistake in identifying the real delimitation of the practical sphere. This happens if we let ourselves guide by the objectivity of the hierarchy of the goods. We realize that the number of goods contained from time to time in the sphere will not grow and therefore is not going to be changed. No “categorical imperative” will be possible outside the limits of an unchangeable (at that moment of time), objective whole of hierarchically ordered good. The crucial problem of ethics is the problem of the “categorical imperative”, says Husserl. “Its possibility depends on the fact that it is possible to find out a practical sphere, a field of practical action that objectively belongs to it and is also objectively limited and therefore can not be widened, and this for each moment of time in which an *Ego* is given a question of the will”. The other problem is whether this is empirically valid for a single *Ego*, or is given *apriori* for every *Ego*.

Husserl’s answer will be that what is given *apriori* for every *Ego* is not the concrete, changing from time to time, feature of the always changing contents of each sphere of each singular individual, but the formal structure of the choice, always depending from the identification of the highest *summum bonum*. What is more remarkable here is the way in which Husserl connects to the categorical imperative the *praktisches Wirkungsfeld*, the “field of the practical action, of the choice. There is a reciprocity of belonging: there is no categorical imperative without his practical sphere, but also no practical sphere without the categorical imperative. Imperative means choice, but in the way Husserl thinks it, it loses its contingency and binds itself to the formal *law of the best*. Husserl will says a few pages (or, better, lessons) further that the conclusion of what he calls the objective consideration is not enough. We have obtained, he says “a purely formal determination of what is absolutely *gesollt*, “due”, for each moment of time and for every subject; but this something that is categorically *gesollt* is really a categorical imperative?”<sup>14</sup>. The answer given in the important two pages of the lessons is negative. The rightness of an ethical judgement *does not* attribute to it any value. There is a value of the judging that remains off-side when the judgement is not realized on the ground of rational motivations. It takes the right direction only when is guided by rational principles, evident in themselves. “Only in these cases the moment the attributes value lays originally in the judging; the *Richtigkeit* is given originally in

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<sup>14</sup> E. Husserl, *Vorlesungen über Ethik*, 152.

the evidence and produces originally the attitude of value". But before this last point is reached, before the noetic-noematic correlation comes to correct the objective attitude of the categorical imperative and to remind us the importance of the "living" intentionality, the main preoccupation of Husserl is to remind, against Kant, that it "must be considered without any sense (*widersinnig*) a formal rule of the evaluation and of the will based on the presupposition that their material content, and therefore the content-specificity of the objects of the will and of the evaluation, is irrelevant". It is the "analogy between formal and material in the practical sphere, and the formal and material in the logical sphere" (this is the general, essential presupposition of the husserlian ethics, as it should be always remembered) what forbids us "to fall in the mistake to pre-shape with the only aid of a categorical imperative deprived of any content what is practically requested and what is therefore due [*gesollt*] in the from time to time concrete and specific situation"<sup>15</sup>. There must be in ethics too the "factual truth", that the formal logic "with all its laws" can not give us. In the lessons of the *Einleitung in die Ethik*, less than ten years after, Husserl refers to the general structure of the intentionality to remind that any intention, even the willing, desiring, evaluating one, must have an object. In 1914 is more important the analogy and the parallelism between the theoretical and practical reason, to establish that there can not be an imperative without content. This will help Husserl to stress finally on the role of the subjective and noetically evident ethical judgement, if we want to have a categorical imperative "reach of value". Logic tells us that any proposition containing a contradictory material content is false, but logic can not tell us if single cases of propositions with a content "materially determined" are or not contradictory. Only of the "forms of logical conclusion" it can be said that they are or are not false. The same happens for the axiology and the formal practice. We know the law, the *formal law*, that tells us that in what is practically reachable "the better is enemy of the good" and that the better must not be postponed. But this formal principle does not tells us "what is good, better, best". A scientific and *apriori* ethics should contain "the fundamental classes of the values and of the practical goods" and, furthermore, should make explicit "the laws of the preference".

It is very important to observe that the conclusion of the 1914 lessons does not accomplish the task. The problem remains then, as we have seen, that it must be decided when and how we can speak of the "evidence" of an ethical judgement. Only this evident judgement, "in which the judging person lives his authentic duty", has a value. Values are now seen as that which derives from the connection, in the living judgement, of *Richtigkeit*, correctness, and evidence. In these cases, the moment the attributes a value is the judging itself. "Living" our duty means that in the judgement someone lives a rational motivation. It is not – like it could seem up to the point in

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<sup>15</sup> E. Husserl, *Vorlesungen über Ethik*, 139-140.

which objectivity and contents were the main issues – sufficient to say that “it is so”, because now effective reasons direct the action in a certain direction, and we say with *Richtigkeit* that “it is so”. An external watcher is not admitted now. Things come now to be given and make a request of evaluation to the judgement, Husserl says. We have now the original consciousness of the *Richtigkeit* of our judgement and it is for this reason – as our judgement has in itself the value of its evidence – that we evidently recognize the value of the objects of the judgement. The noetic-noematic correlation is perfect: We have now the fulfilling of the intention of the judgement. Value of the evident judgment and value of the object refer to each other. “The fulfilling realizes itself thanks to its goal”. It is “an internal fullness of the *adaequatio* of the intention to the given intended”<sup>16</sup>. This means that “the subject constitutes originally in his will the *Richtigkeit* of his goal”. He has an ethical goal in front of himself, but in the same way as in any expression of the phenomenological intentionality, this given goal is constituted by the subject. The goal is given as *value*, just because it is the object of a judgement carrying in itself the value of its rational evidence. The conclusion concerns the final feature of the imperative. The “objective imperative” remains solid when it orders to do the best of what is reachable. Behaving differently would be incorrect, because the end of the general essence of the will would be lost. The moment of the objectivity can not be forgotten. But the noetic moment is as much important, in the logic (follow the logic laws, says the imperative in this case, if you do not want to give a contradiction the form of a judgement), as also in the “noetic of the will”. The first imperative is now integrated by its necessary complement, “act and will according to reason”, do not be content of your judgement being “correct”: “only the rational will is full of value”. Reason wins, in Husserl like in Kant, but only in the first because its imperative contains a value *and* is intentionally directed to values. Everything changes, according to Husserl, when the problem of a “phenomenology of the will” is raised. That is not what Kant has done<sup>17</sup> (*Einleitung in die Ethik*, pp. 212- 215). It is for this reason that Kant has not accepted and bettered the analysis of David Hume on the problem of the “pure will” and first of all of the “validity of the will”. Kant was convinced that the answer to these question could be an done in a simply “rationalistic” way. It is now possible to understand what is meant by saying that his way to speak of the categorical imperative was rationalistic, as it was based on “simple concepts”, and not on “life act giving originally sense” (*ursprünglich sinngebenden Aktleben*). Kant puts at the highest degree the “concept of the practical law”, but according to Husserl this is only a dead “word” external to the phenomenological experience of the transcendental constitution of moral actions. This law should be recognized as valid for the will of every rational being. This an important point. According to Husserl – as we can deduce from

<sup>16</sup> E. Husserl, *Vorlesungen über Ethik*, 153.

<sup>17</sup> E. Husserl, *Einleitung in die Ethik*, 212-215.

the difference between referring to “concepts” of the supreme practical law of morality and giving a phenomenological description of the moral action and decision - the law in which the categorical imperative is expressed, and which tell us to behave on behalf of pure duty, *aus Pflicht*, is made of empty words. There is no possibility to obtain from these concepts and dead words the real phenomenon of the moral order to behave by pure acceptance of the duty, that is following the “practical law” of which we have the concept. This happens because we do not know what may mean that this law is “valid” for all the rational beings. This “validity” itself is only a dead word. To understand it, we need rather to realize the phenomenological description of *what essentially happens* (that is, of what happens as described according to the phenomenological ideality), when an order is given to behave by duty, that is when our ethical judgement, evident and full of value, is directed to a value. In this case, a moral action is constituted. This constitution is not, according to Sebastian Luft, “a mere *possibility* of the factual ego, but what the ‘ego’ always does in *all* of its factual, practical willing, thinking, etc. activities, including the philosophical. This constituting activity is not a rigid structure, but a continuing process in the transcendental history of self-enworlding subjectivity”<sup>18</sup>. Kant gives us the concept of the practical law, but the rational attitude toward the concept of the moral action does not tell us that we do behave morally, Which is the difference, we could ask, between the practical law and the theoretical law? And between their validities? They are both concepts of a law. The validity of the will, asks Husserl, how and when is to be proved as original by the moral actors? Say “duty” and you will have a dead word without any normative evidence. Say: this and this is the way in which a normative action is realized, and you will have the *living* power of the normative. In the first case, you have the concept of the imperative, in the second you have the imperative itself.

What could be called a “living norm” or a “living imperative”, can not, according to Husserl, consist in the fact that we *know* that it is universally valid. “Validity of the will” can not be the same as the validity of a judgement, and therefore: “What is the validity of the will?” If we say that *Richtigkeit*, “correctness”, is the validity of the judgement, can we say that “there are in the sphere of will parallel concepts”, a truth of the will and a “correctness of the action of will?” Are the “concepts” the same? Or instead, the parallelism of the concepts underlines their difference, and the problem becomes then to understand the real feature of the *Erlebnisse* of willing, evaluating, desiring, feeling? What we call a “norm” is not something that you can compare to a law, because phenomenology shows that there must be a value in the rational will as such, and a value that is intentionally intended by that will. This is the “living norm”: something which you can phenomenologically describe as “giving norms”. And only in this way it becomes possible to

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<sup>18</sup> S. Luft, *Husserl's concept of the 'transcendental Person'. Another look at the Husserl-Heidegger relationship*, “International Journal of Philosophical Studies”, 2, 2005, 164.

understand the binding power of the ethical imperative. “Ethical” means in this case the *Erlebniss* of the binding power of a norm which reflects itself *in the way and in the, what’ of the action of willing*.

The kantian thesis of the existence of an *intellectus archetypus*, is, according to Husserl, completely *widersinning*, “absurd”, as it contains the idea of an “infinite reason being [...] who has only pure will”. According to Husserl, this should be true in the same way that “red is not green”, or that a surface that in every point is red, is not in every point green. This shows clearly that Kant is “rationalist”: the simple *Faktum* of the pure will as belonging to a *unendliches Vernunftwesen* can not be contradicted, because the “concepts” of purity, of infinity and of reason are *apriori* defined as meaning the same thing, that is the absence of sensibility, and the possibility for the *intellectus* to be in itself an *arché*, a pure beginning not lacking of anything. Husserl is right. The idea itself of a categorical imperative is built by Kant on such notion, which contains in itself the purity of a reason which is not in any way in contact with the not pure sensible experience. It is important to observe *how* Husserl criticizes the kantian notion of a “pure reason”. He does not distinguish from it another “concept” of pure reason, nor even he denies that something as a pure reason exists. But he asks what is the “essence”, that is the noematic content, of this concept, taken, as he says, “in the original phenomenological intuition”. The problem of the concept of *purity* of a human faculty, free and pure of any empirical contamination, becomes the totally different problem of what is originally *seen* in the phenomenological insight: no more the absence of any sensibility of a pure willing being, but the absence of any psychological and metaphysical presupposition in the intuition of what something is, *taken in its essence* (for example, the categorical imperative). The “categorical”, that is the ethical feature of the imperative is therefore shown in its essential possibility.

Ethics becomes in some way more difficult, more complex, than in Kant. This happens not because of the continuous war of the reason against the sensibility, but because of its being world-related, that is of his being originally constituted of a relationship with objects which are values and that must be chosen and wanted by a practical reason continuously submitted to the control of *this kind of formality*: the formality that shapes its essential feature, and that gives us the possibility of building a *scientific but not rationalistic* ethics. For any single situation of choice, and in it for any single subject of choice, at any moment should be important to remember that this, and nothing else, is the *form* of the ethical will. This “any” is the sign or the expression of the universality of the ethical behaviour, or of the fact that we all know always what we mean when we pronounce the imperative: “Do what is best, and do it with rational evidence”. If someone makes a mistake in its ethical behaviour, this happens not because of his or her being influenced by sensibility, but of

his or her having not well chosen. The crucial importance of the choice, makes Husserl's ethic an *ethic of essential responsibility* .

We therefore find the intentional relationship between evaluating and a chosen value, as the way of the realization of (what Husserl himself does not call) responsibility. We must interpret this responsibility as always object-or value-related. Pure reason is , according to Kant , the faculty of pure knowledge, realized by a knowing I or *Ego* . Let's think now of this I or *Ego* as a willing one. "I ask", so Husserl, " if it is possible to think that an action of willing (*Wollen*) can be without an action of evaluating (*Werthen*) , and therefore without a feeling. This would be so absurd as the tonality of a sound without the intensity of it, or a colour without its wideness , or a representation without its own represented (*Vorgestellte*)". What has to be affirmed as *apriori* true is that "in unconditioned essential universality, every willing subject must be an evaluating and feeling subject". Everybody sees very clearly that the subjectivity defined in this way becomes here unconditionally and *apriori* true . The kantian pure reason is now transformed in the very different husserlian subjectivity. We say "very different" not casually. Willing and evaluating are connected in it , and this is true not in the sense that they are like the quality and the intensity of the tonality of a sound, which can not be distinguished in the unity of the tonality itself. Willing and evaluating (this is the final point that must be underlined to understand the specificity of the husserlian imperative) are one and the same thing and can not be separated "because of intentional foundation". This means that the *Vorstellen* , the "action of representing" , gives us the intentioned object, the evaluation of the object that can be represented gives us the "intentioned value", and the will (*Wollen*) gives us the realization of the evaluation of the "objectivities" (*Gegenständlichkeiten*). Therefore, there is not an imperative without a motivation, we have to say: "Every discourse on the motivation in the sense of *Willensgrund* , cause of the will, *Bestimmungsgrund* , cause of the determination of the will, comes back to this *intentional foundation of the will in a "Werthalten", in a "evaluation"*. The action of willing is motivated by *the value intentioned in the evaluation* , and in this the *Ego* of the will plays a role that can not be forgotten". The imperative is, so we can say, the expression, in the form of a command or order to do rationally the best, of what happens taken in its essence: "I will what I will, because I , in doing that ... put or establish a value". And against Kant, once again: " A motivation , according to which the *Ego* as willing were not motivated by any evaluation, by any position of values, and therefore by any feeling, can not simply be thought". An ethical imperative is possible not if and when a motivation is put aside, but only on the ground of it.