

REFLECTIONS ON A PHENOMENOLOGICAL ETHICS: ITS FOUNDATIONS ON EMPATHY AND THE
ACKNOWLEDGEMENT OF VULNERABILITY

Abstract:

This paper reflects on the possibility of phenomenological ethics that grounds on the acknowledgment of our ontological/situational vulnerability, to which migrants and exiled people are particularly exposed. I argue that such an ethics, while being both universal and particular and guided by reason, has its foundation in affectivity. By taking recourse on both Husserl's late ethics and the ethical approaches of J. Butler, M.A. Fineman, A. MacIntyre, M.C. Nussbaum and B. Waldenfels. I'll argue that a proper recognition of our bodily vulnerability and the concomitant absolute value of self-preservation involves both a proper material axiology and the cultivation of emotions and virtues, such as love and solidarity, within a community bound by love, reason and the pursuit of happiness.

Keywords: Affectivity, Exile, Phenomenological Ethics, Self-preservation, Vulnerability

1. Introduction:

1.1. Exile and Vulnerability

It must be acknowledged, in view of the present global political and social situation, that our age is the age of the refugee, the displaced person and mass immigration. As Edward Said reminds us: «Exile [...] is the unhealable rift forced between a human being and a native place, between the self and its true home: its essential sadness can never be surmounted»¹. True exile is a condition of terminal loss or a “damaged”, mutilated life, as Theodor W. Adorno² remarks. It amounts to a rupture with oneself, with one's own identity. But it foremost concerns, I want to suggest, a loss of the very possibility of acknowledging the personhood or even the humanity not just of the other, but also of ourselves. Exile, fuelled by the very absence of “home” in its many hues and shades is demarcated by desire: Only exiles feel they have a true home, made concrete by the impossibility of their return. For them, the return home signifies the return to place, to meaning, but more often than not, to a meaning that, having been transformed by the passing of time, remains elusive. This goes hand in hand with André Aciman's observation: «That what makes exile the pernicious thing it is not [...] not just being absent, but never being able to redeem this absence»³. Hence, it is the permanence of the exile condition, the permanence of an unredeemable absence that properly defines exile.

Exile is the existential limit experience of estrangement par excellence. Migrants and exiled people remind us of our bodily vulnerability and precariousness before the blows of fate. But vulnerability is not a contingent feature of our existence or only context specific. On the contrary, while it is primordially an ontological condition of our embodiment, as Judith Butler⁴ and Martha A. Fineman⁵ rightly claim, it also relational, insofar as it is related to «other humans, living processes and inorganic conditions and vehicles

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¹ Said (2001), p. 173.

² Adorno (2005).

³ Aciman (1999), p. 10.

⁴ Cfr. Butler (2004), (2014).

⁵ Cfr. Fineman (2010), (2013).

for living, such as infrastructure, understood as environment, social relations and networks of support»⁶.

Human vulnerability arises from our ontological condition as embodied beings. There is therefore neither a position of “invulnerability” nor a self-sufficient, autonomous subject. Dependency and vulnerability are therefore not only the consequence of blows of fate, but foremost a natural and inevitable feature of our bodily existence. As Butler remarks, «the body is constitutively social and interdependent»⁷ and it is the embodied vulnerability before others and fate that makes human life precarious. Hence, vulnerability, precariousness and dependence are intertwined. On Butler’s and Fineman’s views, then, vulnerability is both an ontological feature of our embodiment, insofar as we are both exposed to suffering and contingencies, and relational, insofar as we are vulnerable to varying degrees to power relations and to harm with respect to the dependencies and needs of our situation and our capacity to act and respond to this. Hence, a comprehension of the precariousness of the other subject is the basis for any vulnerability-centred ethics, an ethics that should be both universal and tied to a formal axiology as well as particular, that is, able to account for the particular subject and its individual life.

1.2. General Aims and Scope of this Paper

The following discussion cannot offer a comprehensive presentation of Edmund Husserl’s ethics in its development. Rather, it limits itself to some of the main aspects that insofar as they are relevant to the subject at issue. My intention is to reflect on the possibility of a phenomenological ethics that has its foundations in the acknowledgment of our ontological and situational vulnerability. Such an ethics would ground in the realm of affectivity, on whose basis the axiological sphere builds up. My proposal rests on the idea that the affective call of the other’s subjectivity is charged with a simultaneous apprehension of its vulnerability. This call not only awakens a pathic empathy but results in an acknowledgment of myself as similar to the other, that is, as a vulnerable being. Hence, perceiving the call of the other and replying to it implies an affective interchange arising from the impressional experience in which an individual presents itself originally. I also argue that affectivity awakens a strive for self-preservation that at the axiological level, constitutes an absolute value. To allow for self-preservation we require the development of a material axiology and the cultivation of emotion and virtues. Hence, the affective impressional experience of the other’s vulnerability grounds the universal ethical strive that aims at the constitution of an ethical, communalized life bound by love, reason and the pursuit of happiness. After addressing these issues, I’ll finally introduce Bernhard Waldenfels’ argument for a «responsive sort of politics»⁸. Waldenfels provides us with an additional key to understand the creation of a community: Solidarity based on reciprocal trust. In view of the humanitarian crisis we are presently facing, the development of a generative ethics based on the human subject’s vulnerability that seeks to establish such a community proves to be urgently necessary.

2. Empathy and Affectivity as the Foundation of Ethics

Souls are not isolated but they concern each other: «The primary modus of concern is empathy», in Husserl’s words. This means that the other concerns me within the space of an «actual or potential community». This «concern (*Angang*)» is not the product of a conscious act but grounds in the passivity of being touched by the others⁹. The constitution of a community rests thus on a primordial concern for the other, that is grounded in the

⁶ Butler (2014), pp. 103, 105.

⁷ Butler (2009), p. 31.

⁸ Waldenfels (2017), p. 93.

⁹ Husserl, Hua XV, 342. Hereafter, the first number refers to pagination in the German text, and the second to the English translation, unless otherwise stated. Husserl’s works are cited as Hua (Husserliana) followed by the volume number.

experience of being affected by the other. In Husserl's *Cartesian Mediations*, Husserl applies the notion of pairing association to the appearance of the other's body: «Pairing is a *primal form of that passive synthesis* which we designate as "association" [...]. In a *pairing association* the characteristic feature is that, in the most primitive case, two data are given intuitionally, and with prominence, in the unity of a consciousness»¹⁰. This data becomes prominent through similarity, so that the pairing becomes one of not only two bodies but of two subjective embodiments: What is appresented is «the other Ego's governing [...] the body over there»¹¹. Clearly, in this explanation, the foundation is my own *Leib* and my own consciousness: «I, as the primordial psychophysical Ego, am always prominent in my primordial field of perception [...]. In particular, my live body is always there and sensuously prominent»¹². Given that these analyses are carried out from the perspective of the perceiver, it follows that on the one hand, the other's body is given «in my primordial sphere»¹³ and on the other, his «psyche» is «essentially inaccessible to me originaliter»¹⁴.

In his *Analyses of Passive Synthesis* Husserl describes a connection between two sense data based on their similarity, thus becoming a pair¹⁵. Here, Husserl explicitly asserts the fundamental role that association plays in affectivity: «And obviously, an affective tendency simultaneously belongs to it; for something that is prominent for itself functions affectively. And a connection of something prominent stemming from homogeneity exercises a unitary and augmented affective force or tendency upon the ego»¹⁶. Husserl then adds: «We notice [...] that the two respective moments in the red triangle come into relief as moments and therefore exercise an affective force for itself»¹⁷. Association connects the two similar data that are prominent to consciousness. Consciousness relates them through association while maintaining their distinctness. But association would be impossible without the affective pull stemming from the object. Affectivity and association are then, essential to the recognition of the other than myself.

What Husserl intends is to describe an awakening «impressive experience» from which the original affection and an awakening intention towards the ego ensue¹⁸. Husserl conceives of these «impressive feelings» as belonging to nonintentional or «primary», «sensuous experiences (sensual experiences)», to put it shortly, to «impressionable experiences», that is to say, an unmodified, presenting experience, in which an individual presents itself originally¹⁹. For Husserl, «impression» is hence equivalent to sensing or sensation: «*Impression* can be [...] the name for the *experiencing*, for the internal consciousness in which the experience as an individual become constituted»²⁰. This awakening, importantly, stems not from the other as similar to me, as stated in the quoted passages of the *Cartesian Mediations*, but of myself as similar to the other: The first moment in the associative pairing is the other subject: «Its manner of appearance does not become paired in a direct association with the manner of appearance actually belonging at the time to my animate organism [...] rather it awakens reproductively *another*, an immediately similar appearance included in the system constitutive of my animate organism as a body in space. It brings to mind the way my body would look "if I were there"»²¹. Without denying that the other is given in my primordial sphere, the process of intersubjective experience

¹⁰ Hua I, p. 143; (1982), p. 112.

¹¹ Ivi, p. 151/123.

¹² Ivi, p. 143/113.

¹³ Ivi, p. 151/122.

¹⁴ Ivi, p. 153/124.

¹⁵ Hua XI, p. 132; (2001), pp. 177-178.

¹⁶ Ivi, p. 131/177.

¹⁷ Ivi, p. 132/178.

¹⁸ Ivi, p. 155/203.

¹⁹ Hua XXIII, p. 422; (2005), p. 494.

²⁰ Ivi, p. 331/403.

²¹ Hua I, p. 147; (1982), pp. 117-118.

is set into motion by the affective call of the other subject, which indicates more than mere physicality. It appresents, that is, gives indirectly, something that is not immediately presented: an alien consciousness.

However, even though affectivity and association disclose the other body to me, this explanation does not identify *what* the content of this affection exactly is. In his analyses on intersubjectivity Husserl refers to an «expression (*Ausdruck*)» of an «inner body (*Innenleib*)»²², «inner embodiment (*Innenleiblichkeit*)», «innerliness (*Innerlichkeit*)»²³. Perceiving the other in the “how” it «lives its body and lives (*leibt und lebt*)» means «understanding its “expression”»²⁴. This expression is not uttered through speech, but through gestures and emotions. In *Ideas II* Husserl clarifies this point: «Yet to the appearance of the other person there also belongs [...] the interiority of psychic act [...]. Gradually [...], a system of indications is formed. [...] Precisely from here one could embark upon a systematic study of the “expression” of psychic life [...] and elaborate, as it were, the grammar of this expression. Since here this manifold expression appresents psychic existence in Corporeality, thus there is constituted with all that an objectivity which is precisely double and unitary: the man – without “introjection”»²⁵. Hence, the activity of consciousness appears through the body of the other, who also engages me emotionally. In affects like «rage, shame, fear, etc.» I do not only perceive the “burning” shame of the other, but I feel it myself²⁶. My experience of the other is a movement that comes toward me from the other’s affective call and triggers in me associative feelings, in this case shame. We do not only cognitively “understand” the other’s shame but we affectively “duplicate” it, so that we come to share an affective experience. An associative pairing and an affective interchange take place, thanks to the affective force of feelings and emotions.

Sharing an affective experience is, I’d suggest, the best example of what it means to «co-live, co-experience [...], co-rejoice» and thus «eventually to strive in the life-strivings (*Lebenstreben*) of others»²⁷, as Husserl says in a late text of 1931. This is for Husserl the ultimate meaning of being devoted to and caring for others. This experience requires from me that «I put myself in the place of the other (*Sich-in-den-Anderen-Hineinversetzen*)»²⁸ and affectively understand or rather “feel” what she/he needs. Hence, the appresentation of an inner activity is just a first step toward the mutual recognition. Primordial intersubjectivity requires in addition that we share an affective experience or primal affections. I’d suggest that primal emotions like shame, despair, anger and fear – just to name a few – are essential to the recognition of vulnerability. It is the primordial affective experience of the other’s vulnerability and precariousness that awakens not only my own subjectivity but my own vulnerable being. The other reminds me of my own precariousness, giving me a sense of myself as equally vulnerable. But how can these feelings ground an experience of ethical values? John Drummond has remarked that, while Husserl does not develop this point, «the experience of values as such [...] is not divorced from the affective dimension at work in the experience of an object as valuable»²⁹. I’d like to add that the experience of values is not at all divorced from the affective experience of the other as indispensable to the constitution of my own self, that is, as valuable to me. These reflections lead us to the second open question.

3. The Value-Positing Function of Feelings and Emotions. The Absolute Value of Self-Preservation

²² Hua XIV, p. 330; Hua XV, p. 665.

²³ Hua XIV, pp. 330-331.

²⁴ Ivi, p. 331.

²⁵ Hua IV, p. 166; (2000), p. 175.

²⁶ Hua XIV, p. 331.

²⁷ Hua XLII, p. 468.

²⁸ *Ibidem*.

²⁹ Drummond (2002), p. 34.

In the later Freiburg lecture course of 1919/20, “Introduction to Philosophy”³⁰ and in writings on ethics of the same period³¹, Husserl realises that the objective value has to be distinguished from the same value as an individual, subjective value of love³². This «problem of love», which is «one of the main problems of phenomenology»³³, leads him to question the validity of the categorical imperative. Personal values of love such as «individual values» (e.g. love for individual persons such as one’s own child or a friend, love for personalities of a higher order such as one’s own family, a community or of the neighbour) make up the «largest part of the values of an absolute ought»³⁴. These values «open two kinds of infinities in our lives», as Sara Heinämaa argues: On the one hand, they disclose «infinite emotive depths in human individuals, and on the other hand they connect individuals in continuous and progressive chains of care»³⁵. The ontology of the ethical subject combines thus universal and particular demands, which ground respectively in objective and subjective values of love. The «personal ought»³⁶ comprises all these personal absolute values, which are equally absolute, so that there is no rational preference of one value for the other. In case of having to choose, the only option is to sacrifice one value for the sake of another³⁷.

The absolute ought, as that which is required for each individual’s self-realization and true self-preservation, is an instance of the categorical imperative that determines the best on the basis of a rationally justified life, a life that is inextricably part of a community as an intertwining of not only responsibilities and duties³⁸ but of love: True love of self is inseparable from true love of the neighbour (*Nächstenliebe*)³⁹. Most importantly, we are intermingled with the other already in the lowest passive levels: This is the realm of the ‘primary we’. This claim is based on Husserl’s statements about the pre-egoic sphere, in which I am intertwined with the other. An actual «being-for-each-other» is presupposed by any constitution of personal agreement with the other. This is because we are originally conjoined in a community of drives in the manner of an «intentional intermingling»⁴⁰. Husserl understands this sphere as «radically pre-egoic»; it belongs to the lower strata of the stream devoid of Ego, that is before the I is constituted as self. Passivity comprises thus primal instincts and drives and it also concerns the history and the factual determinations of the ego’s life as a whole⁴¹. Hence, this “primary we” belongs to the sphere of the «passivity devoid of Ego (*ichlosen Passivität*)»⁴², that is to the sphere of our most basic affective strives and instincts such as the instinct for self-preservation among others.

In our present context of determining values based on feeling and emotions, I’d suggest that the affective experience of the other’s vulnerability brings to consciousness the absolute value of life’s preservation, which arises out of a primal form of love of the neighbour, that is, to the other. In this connection, Husserl claims that instincts as «primal impulses»⁴³ have an effect both on the self-preservation of the human species and individuals⁴⁴. Instinctive «self-preservation (*Selbsterhaltungs-instinkt*)»⁴⁵ is associated with

³⁰ Cfr. Hua Mat. IX, pp. 1-287; Hua XXXV, pp. 43-46; Melle (2002), pp. 237-241.

³¹ Cfr. Hua XLII, pp. 265-527.

³² Hua Mat. IX, pp. 146, n.1.

³³ Hua XLII, p. 524.

³⁴ Ivi, p. 337.

³⁵ Heinämaa (2020), p. 450.

³⁶ Hua XLII, p. 344.

³⁷ Ivi, p. 346, 415; cfr. Melle (2002), p. 244.

³⁸ Hua VIII, p. 198.

³⁹ Cfr. Hua XXXVII, pp. 10-12; Hua XIV, pp. 165-184, 192, 294.

⁴⁰ Hua XV, p. 366.

⁴¹ Melle (2012), p. 243f.

⁴² Hua XV, p. 595.

⁴³ Hua XLII, p. 155.

⁴⁴ Ivi, p. 93, n.

⁴⁵ Ivi p. 97.

care for others and for oneself. While one of its modes is directed to the constitution of nature, the other addresses «the satisfactory life in and with others, a life in community with them in protection against common necessities»⁴⁶. This last mode includes an «*instinct of love, generative love (Instinkt der Liebe. Generative Liebe)*»⁴⁷ and a «primal form of love of the neighbour/to the other (*Urform der Nächstenliebe*)»⁴⁸. The universal community of love leads back to its origin in the instinct of objectivation and the strive for a community. This strive aims at the constitution of a «communalized “self-preservation”» comprising also «self-responsibility and self-norming»⁴⁹. Self-satisfaction and happiness are the final stage in this teleological development, which also includes a loving care or solicitude for other⁵⁰. Husserl stresses that individual «will-of-self-preservation (*Selbsterhaltungswille*)» develops «in connection with its associates in the horizon of humanity»⁵¹: «Life in self-preservation in different levels» always contains «alien self-preservation in one’s own»⁵².

This means that we are not isolated subjects, striving individually for a fulfilled life in self-preservation. On the contrary, since we are intermingled with others in common self-preservation, ours and the other’s self-realizations are mutually dependent on each other. Husserl explicitly links the strive for love with all instinctive strivings. He asks: «Is it not the case that an intention of love values goes through all instincts» and that «instinctive strivings fulfil themselves as strivings for love?»⁵³. He adds: «The values of love of the neighbour» ground a «personal, individual relationship»⁵⁴. In these statements we find the connection between love as affective drive and the drive for self-preservation that is required to link affectivity to values: Love is thus not a higher-order emotion, but a feeling that permeates our most primitive drives, grounding the value of life’s preservation and thus an ethical life.

Ethical life is the highest point in the striving toward self-preservation, which, in the midst of obstacles and conflicts, tends to unify personal and communitarian life in a universal harmony that overcomes discordancies. This «true-self-preservation»⁵⁵ is identified with «the universal ethical strive»⁵⁶. While Husserl does not develop the point, the ethical love is not divorced from an altruistic goodwill towards the others: If a community as a «personality of higher order»⁵⁷ is united by ethical love, then what is good for others is appresented as part of my individual life-horizon, so that wanting someone else’s good as my own good⁵⁸ and for his own sake enlarges the scope of my own pursuit of a true life to embrace the other’s search, thus building up the basis of a generous *eudaimonism* in Aristotelian terms.

4. The Development of a Material Axiology. The Moral Significance of Vulnerability, Self-preservation and Hospitality

A presupposition for self-preservation is the existence of a «conveniently structured surrounding world» comprising material goods such as «nourishment, means for self-defence [...] etc.»⁵⁹ necessary to cover our needs. The ego strives in self-preservation toward the satisfaction of its needs. However, Husserl stresses the shortcomings of the natural con-

⁴⁶ Ivi p. 134.

⁴⁷ *Ibidem*.

⁴⁸ Ivi, p. 512.

⁴⁹ Hua XV, p. 421.

⁵⁰ Hua XLII, pp. 397, 508, 513.

⁵¹ Ivi, p. 225.

⁵² Ivi, pp. 417, 467.

⁵³ Hua XLII, p. 417.

⁵⁴ Ivi, p. 467.

⁵⁵ Hua XLII, p. 487.

⁵⁶ Ivi, p. 172, n.

⁵⁷ Hua XIV, p. 182; Hua XXVII, p. 22.

⁵⁸ Cfr. Hart (1992), p. 308.

⁵⁹ Hua XLII, p. 326f.

cept of reason, in view of the fact that satisfaction cannot be ensured by means of an increase in the production and acquisition of goods. He concludes: «Therefore, with respect to real praxis, human beings do not actually come to a “self-preservation”»⁶⁰, so that we «must search for a new manner of self-preservation (*neue Weise der Selbsterhaltung*)»⁶¹. Hence, insofar as we cannot be satisfied with «ethical truth as truth tied to situations (*Situationswahrheit*)»⁶², the development from custom to morals demands a teleological continuation toward the inner or proper character of virtue. Furthermore, since both «hedonistic values (*Genusswerte*)»⁶³ and objective values such as practical goods are contingent⁶⁴, only unconditional, absolute values of love can build a «concordant system of values as a stable possession»⁶⁵. The «absolute ought essentially concerns absolute values, persons and their personal and ideal values»⁶⁶. But it is individually determined: Each of us has her/his own absolute ought «and what is to be chosen must answer not to what is the best, but to the question “What ought I?”; [...] or “Which is now necessary to me?” (*Was soll ich? [...] Welches ist jetzt mein Notwendiges?*)»⁶⁷. To go against these absolute values would amount to a self-betrayal, a «betrayal of one’s own essence»⁶⁸. Endorsing the norm that requires us to live «in ethical seriousness» amounts to live «in the seriousness of the decision for a true and authentic *Dasein*» and is to be regarded as a model for the ethical life generally⁶⁹. Husserl points here to a central theme of his late ethics: the absolute ought that grounds on the personal love and calling of the subject which, together with the striving for the autonomy of reason, make up the individual essence of a person⁷⁰.

This emphasis on reason also characterises Husserl’s “Essay on Renewal” of 1922-1924⁷¹ and his three lectures on Fichte’s ideal of humanity⁷². At this later stage, ethics is no longer based on logic but on the phenomenology of the person. Self-consciousness, personal self-contemplation, self-evaluation and self-determination are the essential traits of persons that distinguish them from the «passive-not-free» strivings (inclinations, affects) of other living beings⁷³. For Husserl, it belongs to the essence of the personal subject to strive for the autonomy of reason, that is, for a life that is self-determined and self-responsible. He conceives of the subject as a rational agent within a community of reason, a rational community⁷⁴. Central to Husserl’s later axiology is the «realization of rational autonomy» in the struggle with the powers of irrationalities and passivity, and correlatively, with the realization of the good and the best among the objectively highest values⁷⁵. Husserl does not renounce his former axiological ethics, but he rather endows it with a grounding affective structure that provides ethics with a material content, namely, the subjective values of love, such that the whole life of a person now becomes linked to the absolute ought of love.

In this connection, both Nussbaum⁷⁶ and MacIntyre⁷⁷ argue that an ethics that has emphasized the virtues of autonomy has led to the failure of moral philosophy hitherto to

⁶⁰ Ivi, p. 382.

⁶¹ Ivi, p. 368.

⁶² Ivi, p. 484, n.

⁶³ Ivi, p. 376.

⁶⁴ Ivi, p. 382.

⁶⁵ *Ibidem*.

⁶⁶ Ivi, p. 377.

⁶⁷ Ivi, p. 390.

⁶⁸ Ivi, p. 377; cfr. Melle (2002), p. 244.

⁶⁹ Hua XLII, p. 455.

⁷⁰ Ivi, p. 344.

⁷¹ Hua XXVII, pp. 3-127.

⁷² Hua XXV, pp. 267-293.

⁷³ Hua XXVII, p. 23f.

⁷⁴ Melle (2007), p. 7; cfr. Hua XXXV, p. 44.

⁷⁵ Melle (2007), p. 17.

⁷⁶ Nussbaum (2006), pp. 130-132.

account for embodiment. Individual autonomy as understood by a deontological ethics is difficult to reconcile «with concepts such as dependency or vulnerability», as also Fineman⁷⁸ points out. This overemphasis on rational agency and on individual autonomy needs to be counterbalanced by a virtue ethics that accounts for what MacIntyre⁷⁹ calls «the virtues of acknowledged dependence». Hospitality is just one example of a duty that involves a disposition, since it has to be willing and it extends beyond the realm of one's own community⁸⁰. However, MacIntyre stresses that hospitality must be accompanied by another moral virtue towards others, *miser cordia*⁸¹, as a form of charity in Aquinas' terms. Such dispositions are required in practicing the «virtue of just generosity»⁸². This virtue is characterized by three main traits: By giving rise to communal relationships that are affectively grounded, it extends beyond one's own community to embrace strangers or foreigners in relationships of hospitality and attends to their needs through the exercise of *miser cordia*⁸³. This virtue of generosity, that is, the «virtues of giving»⁸⁴, requires that the giver be not calculating, that is, cherishing an expectation that the giving and receiving will be proportional, while the counterpart, the «virtue of receiving»⁸⁵, entails gratitude towards the giver and, as I'd like to add, a moral obligation of an adequate acknowledgement or return in accordance with subjective circumstances. Hence, whereas Fineman opposes autonomy and vulnerability, MacIntyre revises the concept of autonomy and recognises human vulnerability through the virtues of acknowledged dependence.

Nussbaum also recognizes the normative significance of human vulnerability and develops a teleological ethics based on the cultivation of emotions, an ethics that regards feelings and emotions as forces inducing moral practices and as taking place in a particular social context. Her own Aristotelian/Marxian approach to dignity is based on the material and social prerequisites for living a dignified human life. Nussbaum therefore concludes that «need and capacity, rationality and animality, are thoroughly interwoven, and that the dignity of the human being is the dignity of a needy enmattered being»⁸⁶ whose rational capacities, in contrast to its relatively stable needs, evolve in time. This state of neediness and this lack of self-sufficiency is brought to the fore by emotions⁸⁷. Nussbaum has a normative view of emotions: She assumes that they should give rise to «mutual respect and reciprocity», that they can allow the consideration of people «as ends rather than as means, and as agents rather than simply as passive recipients of benefits» and finally, that they can include «concern for the needs of others»⁸⁸. This concern for the needs or pain of another involves an acknowledgment of a «similar vulnerability»⁸⁹, which is based on a sense of «commonness»⁹⁰ that ultimately grounds a community. For Nussbaum, however, the aforementioned *eudaimonistic* judgment that is based on empathy, from which the moral obligation arises, needs to be complemented by a theory of the «basic human goods»⁹¹ that are required to meet our needs for nutrition, shelter, bodily integrity, attachment, education, health and social life, to name just a few.

⁷⁷ MacIntyre (1999), pp. 4, 8.

⁷⁸ Fineman (2010), p. 259.

⁷⁹ MacIntyre (1999), p. 9.

⁸⁰ Ivi, p. 123.

⁸¹ Ivi, p. 121.

⁸² Ivi, p. 122.

⁸³ Ivi, p. 126.

⁸⁴ *Ibidem*.

⁸⁵ *Ibidem*.

⁸⁶ Nussbaum (2006), p. 278.

⁸⁷ Nussbaum (2001), p. 12.

⁸⁸ *Ibidem*.

⁸⁹ Ivi, p. 318.

⁹⁰ Ivi, p. 317.

⁹¹ Nussbaum (2001), p. 376; cfr. (2013), p. 123.

Even though the endless quest for practical goods cannot be an aim of an ethical life – as Husserl rightly remarks – and in spite of the epistemological problem of justifying ethical statements with a material content – which Husserl was well aware of, as Peucker⁹² suggests – we require both a theory of the basic human goods to ensure our self-preservation and a «set of capabilities or opportunities for functioning»⁹³ that promote resilience with the aim of fostering people's capacity for autonomy⁹⁴. Nussbaum sees «life», «bodily health» and «integrity», «senses, imagination and thought», which is achieved mainly through education, «emotions», i.e. the ability to have attachment to things and other people; «practical reason», i.e. the ability to conceive of the good and to critically reflect; «affiliation», i.e. the ability to interact socially with reciprocal respect; «play» and finally, «control over one's environment», i.e. the ability to participate in politics and to hold property as amongst these capabilities and opportunities⁹⁵. Nussbaum's capabilities theory not only has the merit of considering the needs of a subject taken as a person in the fullest sense of the term, but it also establishes a threshold of basic entitlements that aims to promote a person's capacity for autonomy. These entitlements can be read, I want to suggest, as economic, social and personal values that provide the basis for a material axiology that accounts for our bodily vulnerability and allows for self-preservation. In order to be able to justify these material values we need to determine the respective functions of affectivity and reason as well as their mutual relationship.

5. *The Order of Foundation between Affectivity and Reason. The quest for Happiness*

Husserl takes up this issue in his later writings on the ontology of the spirit or of personal life, as developed in his *Kaizo* articles. As mentioned above, Husserl grounds axiological ethics on the subjective values of love and moves from individual ethics to social ethics, which is placed into their full context of a world order under the guidance of a rational faith (*Vernunftglaube*) in God, who gives ultimate meaning to the blows of fate and the open possibilities of the «irrational/senseless (*Unsinnigkeiten*)» such as destiny, death, illness and misery⁹⁶, to which human beings are inevitably subjected to.

He conceives of the ethical subject as a person, whom he views on the one hand, fully in the modern tradition as free and autonomous being who is capable of rational self-determination, but on the other, from a phenomenological standpoint as determined by both passive drives, instincts and the contingencies of factual life, which cannot but affect its rational activity. Insofar as human life is unavoidably tensioned between these two poles, we may ask ourselves what kind of self-shaping or life form is most adequate to solve this abyss between reason and affects. While the first clue lies in the value-positing function of emotions and feelings as explained above, the second lies in Husserl's conception of a foundational order between affectivity and reason as developed in his later ethics, which resume Aristotelian concerns.

Husserl analyses how virtues arise out of this free and active self-determining and consequent self-foundation (*Urstiftung*) of the ego. In the follow of Aristotle, he distinguishes between the acts that originally ground morality and create the ethical ego and those «authentic virtuous acts» which are performed without reflection and which ground in the former. Virtuous acts as «the original founding of a self-normalization (*Selbstnormierung*) and self-creation (*Selbstschöpfung*)» of a moral ego⁹⁷ display the habitual moral will of the person and ground in passively constituted habits, drives and strivings. They require a self-education, a self-enhancing process of the ego and thus, a critical self-reflection, through which the personal I can arrive at a higher form of con-

⁹² Peucker (2008), p. 317.

⁹³ Nussbaum (2001), p. 416.

⁹⁴ *Ibidem*; cfr. Fineman (2010), p. 255; (2013), p. 19.

⁹⁵ Nussbaum (2001), p. 417f.

⁹⁶ Hua XLII, p. 398.

⁹⁷ Hua XXXVII, p. 162.

sciousness and reorganise its whole life accordingly. Husserl calls this process «renewal (*Erneuerung*)»⁹⁸.

This renewal aims at the «authentic» person, a person that can have or experience values. To experience them, it has to be affected and feel emotions, which constitute the sensation-material subjected to the valuing act of the feeling consciousness. The experiencing of affective values is required in order to hear the call for the «absolute ought» that consists in leading a purposeful and active life guided by both «truth, reason and rightness»⁹⁹ and «pure love»¹⁰⁰, in accordance with our «best possible» capacities and conscience¹⁰¹ and with the respective «material state of affairs»¹⁰². In conclusion, embracing this quest is first of all an act of love, a love for rationality and the cultivation of communitarian values.

The human being is motivated by love to search for these ideal values that arise out of «the true» and «best I»¹⁰³ that is able to justify its acts. Hence, Husserl defines ethics as «the science of the total life of action of a rational subjectivity, lived from the point of view of reason that regulates this whole life in a unified way»¹⁰⁴. The subject can be valued as a «true subject» only insofar as it willingly submits to the categorical imperative: «Be a true subject, lead a life that you can wholly justify by insight, a life out of practical reason»¹⁰⁵. Husserl advocates here an unrestricted ethical rationalism, which is grounded in a particular emotion: personal pure love. This quest for rational justification does not arise only out of a universal demand (Kant), but originally out of our affective life, more precisely the love for reason and for others.

At first sight, *eudaimonia* seems to be in tension with the categorical imperative¹⁰⁶. This conflict can only be resolved within a «community of love»¹⁰⁷, wherein, as stated above, each person takes the values of the others as if they were its own. Now this not only means that the search for one's true self is interwoven with the search of others but that my love of self is one with the true love of the neighbour: True love of the neighbour demands that I regard his needs as mine, it means to take «his/her good as my own»¹⁰⁸, as James Hart argues, so that this communalization of lives founded on emphatic perception gives rise to communalized self-preservation and thus to solidarity. This «identification of a material performance as good or bad and as mine» can be understood as a «moral act», which is «caught up in the categoriality», constituting thus the distinctive moment of moral categories¹⁰⁹.

In conclusion, Husserl's late ethical theory combines the assumption of absolute ethical laws and rational values with a demand for a phenomenological analysis of our emotive and feeling consciousness, reconciling rationality with affectivity through the order of foundation. Such emotional experiences do not ground in objectifying acts of an intellectual reason; on the contrary, they are themselves objectifying and value-positing acts that must, however, comply with the demands of practical reason. Hence, the criterion for rational justification and evaluation arises from an affective demand: logical or theoretical consciousness has its foundation in affective consciousness.

6. Final Remarks

⁹⁸ Hua XXVII, p. 20.

⁹⁹ Hua XXVII, p. 33.

¹⁰⁰ Ivi, p. 28.

¹⁰¹ Ivi, p. 34.

¹⁰² Ivi, p. 40f.

¹⁰³ Hua XXVII, p. 35.

¹⁰⁴ Ivi, p. 21.

¹⁰⁵ Ivi, p. 36.

¹⁰⁶ Hua XLII, p. 311.

¹⁰⁷ Ivi, p. 313.

¹⁰⁸ Hart (1992), p. 308.

¹⁰⁹ Sokolowski (2017), pp. 60-63.

Through communalized self-preservation, the infinite task of giving an ethical status to mankind is guided by the goal outlined by «an open horizon of social bonds of love and a community of work in which we all on average make headway and can help ourselves in the enhancement of mankind»¹¹⁰. To attain this goal, and in view of the present situation of mass migration and exile, ethics should be based on or at least take duly account of our ontological and relational/situational vulnerability. Most importantly, vulnerability should «be at the heart of our idea of social and state responsibility» as Fineman¹¹¹ rightly demands.

In this regard, the situation of refugees fleeing from persecution has recently led Bernhard Waldenfels to take up Lévinas' ethics of the other and Derrida's reflections on hospitality in order to argue for a «responsive sort of politics» that bears in mind that refugees are fleeing from someone and something, be it a natural catastrophe, hunger, war, banishment, political or religious persecution. They are «guests on call (*Gäste auf Abruf*)»¹¹², in a state of “in-between”: located neither where they come from nor where they flee to, they endure a “waiting time” with no certain outcome. They are caught in an emotional state that oscillates between despair and hope, briefly put: refugees seek help. Waldenfels delves into the meaning of hospitality and argues for an unconditional hospitality, that is, a hospitality that is nevertheless conditioned by circumstances: an «unconditional in the conditional (*Unbedingtheit in der Bedingtheit*)»¹¹³. He understands by a «responsive sort of politics» a politics that «conceives means and ways to answer to challenges, requirements and claims»¹¹⁴. Such a politics needs ethical impulses but cannot be reduced to or exhausted by them. It should rely on differentiated practices and modes of action, which neither denies nor seeks to evade difficulties by subterfuge¹¹⁵.

In order to provide such a request with a proper ethical foundation, ethics should ground in universal ethical love and responsibility and develop a proper material and formal axiology. Although Husserl's first ethics seems to comply with these requirements insofar as it is both a normative and practical discipline that aims at establishing values and providing means for their realization, it leaves some crucial issues unanswered, as renowned is on Husserl have pointed out. I've outlined a possible answer by taking recourse on Husserl's later writings and focusing my proposal on the requirements to be met by a generative, vulnerability-based ethics. The results may be summarized as follows:

Affectivity and Empathy are essential to the recognition of vulnerability. It is crucial for the constitution not only of objects, but also of ethical intersubjectivity. In both cases, the first moment of any associative connection between similar sensitive data is the object or the other subject, whose appearance not only awakens my own subjectivity, but my own vulnerable being, giving me a sense of myself as equally vulnerable. Hence, the process of primordial experience begins by the affective call of the other person, who is grasped not only as a vulnerable body, but as an ensouled being or consciousness. This impressional, awakening experience triggers a strive for love and self-preservation that also includes alien self-preservation, so that an affective interchange ensues. Since we are intermingled with others in common love and self-preservation, ours and the other's self-realizations are mutually dependent on each other. Here, we find the first institution of an ethical value: the absolute value of life's preservation.

This affective impressional experience of the other's vulnerability grounds thus the universal ethical strive that aims at the constitution of an ethical life in communalized self-preservation and bound by love. Love is therefore not a higher-order emotion, but a

¹¹⁰ Hua XLII, p. 332.

¹¹¹ Fineman (2013), p. 19.

¹¹² Waldenfels (2017), p. 93.

¹¹³ Ivi, p. 98.

¹¹⁴ *Ibidem*.

¹¹⁵ *Ibidem*.

feeling that permeates our most primitive drives, grounding the value of life's preservation and thus ethical norms. Ethical love is enlarged by an altruistic goodwill towards the others, since the subject's pursuit of a true life embraces the other's search, thus building up the basis of a generous *eudaimonism*. Both the absolute ought that is founded on the personal love and calling of the subject and the striving for the autonomy of reason make up the individual essence of a person. Even though the early Husserl tends to overemphasize rationality and individual autonomy, we also find Husserl attempting to resolve the eventual conflicts between reason and affectivity by appealing to the relevance of intellectual consciousness or affective consciousness with respect to each particular context of decision. Later, Husserl's mature ethical theory properly reconciles reason and feelings, insofar as it provides a strong concept of a self-determining and responsible ego that shapes its life based on love and affections with the aim of reaching happiness or *eudaimonia*. But in order to ensure self-preservation with the aim of fostering people's capacity for autonomy, these spiritual values require to be counterbalanced by a theory of the basic human goods that are necessary to lead a dignified communalized life. For this purpose, ethics must acknowledge both the decisive importance of virtues such as solidarity, trust and generosity on the one hand and the concomitant moral obligations of gratitude and of adequate return or acknowledgement on the other. These entitlements and moral obligations can be regarded as economic, social and personal values that provide the basis for the material axiology sought for.

This means that the quest for rational justification of norms and values arises out of our affective life, more precisely, the love for reason and for others. The acknowledgment of both our bodily vulnerability and the absolute value for self-preservation requires that the search for one's true self be interwoven with the others within a community bound by emphatic mutual love, constituting thus the distinctive feature of moral categories. Hence, the criterion for rational justification and evaluation of moral decisions and actions arises from an affective demand: logical or theoretical consciousness is thus grounded on affective consciousness.

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