

OBLIGATION AND VALUE IN THE PHENOMENOLOGICAL PHILOSOPHY OF LAW (EDMUND HUSSERL'S WORKS)

Abstract. Basing upon the two fundamental works of Edmund Husserl (*Logische Untersuchungen* and *Idee*) the author presents Husserl's concepts of obligation and value according to the phenomenological reduction and the theory of the constitution of objects. Within the context of reduction the conclusions are: as according to Husserl the substance of normative sentences in valuation, the problems of obligation may be reduced to problems of valuation. The sense (Sinn) proves to be fundamental, prior to the existence. If anything should come to being in the ontological meaning it must become a moment of intentional life of consciousness. That is why the object and value exist in the same way but are only different names of some units of sense. The difference becomes clearer on a 'higher' level when they are characterised as intentional objects and the intentional experience directed towards them. Contrary to objects we can be directed towards values in a perceptible way (*erfassenseise*). The experience of value is always a based act. These acts are analysed against the background of *noesis* and *noema*. On the stage of constitution of the world it appears however that the substance of morality may be cognised with a personalistic attitude.

Keywords: principle of all principles, axiological attitude, phenomenology, *noesis*, *noemat*, constitute word, phenomenological reduction, *ego* and *alter ego*

OBOWIĄZEK I WARTOŚĆ W FENOMENOLOGII PRAWA PRACE EDMUNDA HUSSERLA

Streszczenie. Opierając się na dwóch fundamentalnych pracach Edmunda Husserla (*Logische Untersuchungen* i *Idee*) autor przedstawia Husserlowskie koncepcje obowiązku i wartości według redukcji fenomenologicznej i teorii ukonstytuowania się przedmiotów. W kontekście redukcji wnioski są następujące: jak według Husserla istota zdań normatywnych w wycenie, problemy obowiązku można sprowadzić do problemów wyceny. Sens (Sinn) okazuje się fundamentalny przed istnieniem. Jeśli cokolwiek ma powstać w znaczeniu ontologicznym, musi stać się momentem zamierzonego życia świadomości. Dlatego przedmiot i wartość istnieją w ten sam sposób, ale są tylko różnymi nazwami niektórych jednostek zmysłu. Różnica staje się wyraźniejsza na „wyższym” poziomie, gdy są one scharakteryzowane jako celowe obiekty i celowe doświadczenie skierowane do nich. W przeciwieństwie do przedmiotów możemy być skierowani ku wartościom w sposób dostrzegalny (*erfassenseise*). Doświadczenie wartości jest zawsze aktem opartym na drodze. Akty

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te są analizowane na tle *noesis* i *noema*. Na scenie ukonstytuowania się świata wydaje się jednak, że istotę moralności nie można poznać poza postawą personalistyczną.

Słowa kluczowe: zasada wszystkich zasad, postawa wartościująca, fenomenologia, *noesis*, *noemat*, konstytuowanie świata, redukcja fenomenologiczna, *ego* i *alter ego*

1.

Notions of obligation and value in phenomenological philosophy of law are the subject of the current article. An appropriate insight into this matter would be significant for several reasons. At least at first stages of its development, phenomenology was not supposed to be a philosophical discipline for which ethical problems would be issues of chief interest. It was contrived as a justification of objective possibilities of metaphysics for mere purposes of establishing human knowledge on lasting and truthful fundamentals. Phenomenology was then mainly the primary philosophy or a return to the sources of knowledge. That tendency was expressed in the watchword of a return to the “mere matters” recognised in the way in which this is expressed by “the principle of all principles”: “that every originary presentive intuition is a legitimising source of cognition, that everything originarily (so to speak, in its ‘personal’ actuality) offered to us in ‘intuition’ is to be accepted simply as what it is presented as being, but also only within the limits in which it is presented there” (Husserl 1983). Based on this method, phenomenology was going to reveal the authentic being or explain the sense of basic concepts of particular fields of studies, or create the universal ontology by discovering a variety of regional ontologies. It proposed new fields of studies, which were to fulfil the task – pure studies of the essence.

The universal characteristics of the interests of phenomenology encourage posing a question on the consequences that follow its findings for disciplines such as ethics and the philosophy of law. The current work shall focus on the problem of obligations and values remaining all the time on the grounds of Husserl’s philosophy. The recovery of at least the basic theses provided by Husserl on topics of the essence of regions being the subject of interest of those fields of studies could establish some basis to reconstruct the phenomenological ethics or theory of law. It is important given that some new streams of the philosophy of law have emerged more recently, and they markedly reveal their phenomenological characteristics. If we want to critically relate to them, the finding of those phenomenological assumptions and comparing them to the establishments provided on the grounds of certainly phenomenological studies may have significant sense for us at least when we recognise the internal consistencies of those new streams.

Certainly, the most fundamental categories of normative fields of studies are obligation and value. The analysis of these notions within Husserl’s work is

a highly extensive task and it requires constant referring to the main findings of his philosophy. Therefore, we shall constrain our aspirations to demonstrating the most basic propositions, which follow two of Husserl's works: *Logical Investigations* (Husserl 1973) and *Ideas* (Husserl 1973). These findings will have some basic characteristics within one more dimension. For the mere creator of those works, his analyses had an introductory character at most. This is best expressed in Husserl's own words: "We have demonstrated phenomenology as a preliminary field of studies. Only the future can reveal to us how many of the analyses carried out here are ultimate. Certainly, more than one part of what we have described, *sub specie aeterni*, should be described differently" (Husserl 1983, 235).

Our considerations would be based on identifying two crucial moments in Husserl's philosophy: the moment of reduction and the moment of its evolving or constituting forms. While referring to the moment of reduction, we will make efforts to find the essence of the relationship of the obligation and value, the way of existence of values and matters, and, next, we will generally describe features of value-attributing acts seen as intentional experiences. Other problems will be interesting to us when we recognise the analysis of our research subject with the Husserl's theory of constituting forms in the background. This will be general characteristics of problems of a person, and first and foremost relations of persons described in *Ideas II*.

2.

We have said that we could conventionally distinguish within Husserl's philosophy its two significant moments: the moment of reduction and the moment of constituting forms. In the methodological sense, the moment of reduction is primeval in relation to the moment of constituting forms. Therefore, first we shall commence describing the results of Husserl's research into the obligation and value at the stage of reduction, and only next will we make efforts to analyse these issues in the context of matters of constituting the real world.

The purpose of the phenomenological reduction is revealing the pure awareness,

demonstrating that the awareness in itself has its relevant being (*Eigensein*), which in its absolute essence, relevant to it, does not connect with the phenomenological exclusion. In this way, the essence remains as 'the phenomenological residuum,' as certain principally specific domain of the being, which actually may become the field of new field of studies – the phenomenology (Husserl 1983, 65–66).

The sense of those words can be explained more accurately in another point of the current work. For now, it is sufficient to suggest that the phenomenological

reduction enables such analyses of the subject sphere, which allows us to realise the role of the pure 'I' within constituting the real world. All the time-space world appears then as *being*, "which constitutes the awareness within its experiences, which principally is evidently comprehensible and available to expressions only as what identically within motivated multiplicities of manifestations – while outside of it, it is nothing" (Husserl 1983, 112). As is known, the reduction does not have characteristics of a one-off act, and the operation of its revealing contains a few stages. We could then differentiate between several forms of the reduction. The first one is eidetic reduction. It is important for us, because at that stage Husserl analyses the problem of obligation, studying the essence of normative disciplines. We can find this part of his considerations in the first volume of his *Logical Investigations* (Husserl 1900–1901). The way they are being made is related to the role that *Investigations* fulfilled in the development of Husserl's views. The logical issues were the topic of this work. To say it more accurately: "the justification of the newly pure logic and the theory of cognition" (Póltawski 1973, 36). The pure logic was to be a field of studies with ideal conditions of possibilities of any field of studies in general, and was to consist of two divisions: *apophansis* or formal studies of logical laws and relations between them, and formal ontology, which was meant to differentiate and explain "all the primary concepts [...] >enabling< the cognitive relationship, in particular the theoretical relationship with some objective reference. In other words: this relates to concepts, which constitute the idea of theoretical unity or also concepts remaining with those last in a relationship established by the ideal laws (*im idealgesetzlichen Zusammenhang*)" (Husserl 1900–1901, 243 as cited in Póltawski 1973, 36). The matter was then about explaining the truthfulness of logical structures as ideal meanings (Póltawski 1973, 36). The first volume, in which we find considerations on the topic of obligation, had its purpose to refute the rule of psychologisms, while the second volume included six treatises with appropriate eidetic studies. It is a distinctive feature that they do not appear again in Husserl's later works to such a direct extent. Conclusions that the author drew gave him a form of authority of bringing the obligation-driven utterances to a different, from our point of view, type of lingual expressions. Only their closer description allows for a more direct analysis of the sense of the obligation-driven utterances within Husserl's works.

A highly extensive comprehension of the obligation-driven utterances was accepted in the first volume of *Logical Investigations*. Obligation-driven utterances are various kinds of requirements, orders, wishes, and desires of certain individuals, which can have autonomous as well as heteronomous characteristics. The starting point in the analysis of obligation-driven utterances defined in such a way is a proposition that all normative disciplines do not have separate characteristics, because they treat findings of theoretical fields of studies as their premises. For this purpose, an example of a normative proposition is

considered: “a soldier should be brave.” Such a proposition is meant to mean that one could find good and bad among soldiers, and only the brave one would be a good and valuable soldier. The evaluation is, therefore, a thesis, which constitutes the theoretical fundament for the norm or a whole system of norms. Husserl’s normative utterances always presume some evaluations (Husserl 1900–1901, 43). This, however, can express the sense of two situations: first of all that possessing certain attributes by something is the indispensable condition to recognise something as good. Secondly, for recognising something as good, it is enough that it possesses a certain property. Husserl means both situations when he refers to an act of evaluation. He finally reaches a conclusion that “(...) we could consider as the same and equivalent the following propositions: >A should be B< and >A which is not B is bad A< or also >only A which is B is good A<” (Husserl 1900–1901, 42). What we find as particularly important is the expression suggesting the equivalency and sameness of the normative proposition and the evaluation. It implies bringing the issues of obligation together with a group of subjects in philosophy related to attributing values.

2.1.

Given that the essence of normative utterances relates to evaluations, our query about the sense of obligation in Husserl’s contemplations currently turns into a query about the sense of evaluative utterances. A broader extension of these matters can be found in *Ideas I*, in analyses focusing on the issues of *nous* and *noema*. In these contemplations, an act of evaluation is seen as a kind of intentional experience and considered in relation to the intentional analysis, or the analysis of *nous–noema* related structures. As a result, anybody who would like to demonstrate the issues of values in *Ideas I* must do it in relation to the whole set of issues, which is sketched within them.

As we have said, *Logical Investigations* first of all included the logical issues contemplated with the spirit of eidetic studies. The purpose of eidetic reduction was the explanation of the fundamental concepts of the fields of studies by descriptive demonstration of pure essences of matters given in the originary presenting actuality. That issue was accurately demonstrated in *Ideas I*. The eidetic reduction only allows for a transition from particular facts to their essences. “The essence (*eidōs*) is a new kind of object. It simultaneously resembles the individual object in the individual actuality or experiential actuality and the pure essence in the significance actuality” (Husserl 1983, 9). The essence manifests in the acts of the significance actuality, whose specific feature is “that it has in its fundamentals some principal moment of actuality manifesting individually, non-differential re-appearing, being a visible part of something individual, though obviously without being its form of capturing

or any form of perceiving it within the being as the reality” (Husserl 1983, 10). Therefore, the essences do not ever become “>about which< objects.” The essence is some kind of the resource of the specific predicables, which must serve the individual object, to allow other side and relative expressions for serving its purpose (Husserl 1983, 8). The essence of one individual entity may also have a different individual entity, while “the highest features significant to the kind” determine the domain of individual entities. The task of the eidetic studies consists in a description of different regions of being by capturing their essences, or the fulfilment of the ideal of the accurate eidetic studies. At the beginning, then, Husserl’s purpose was to create the universal ontology by building the eidetic field of studies. Actually, in the first volume of *Investigations*, we could find the picture of the idea of pure logic. Having such considerations as a point of reference, Husserl presents the mutual relationship between the normative and theoretical fields of studies. When the problem of obligation already re-emerges as a problem of values, or, rather, one of its issues of the sphere of sensations and the will in the field of phenomenology, it also relates precisely with its new leading, thematic thoughts.

The novelty of *Ideas* involves mainly the transition of the assertions from the field of an object to the issues of the human subjectivity. More precisely, it relates to the pure awareness, which becomes revealed by the new method – the phenomenological reduction. The analysis of pure awareness could be described in terms of the well-developed concept of intentional acts in relation to the second volume of *Logical Investigations*. Given that with the aforementioned reasons we could grasp evaluations as a kind of intentional experiences, currently we also need to deal with this area.

The pure awareness appears as a result of transcendental reduction, or “suspensions” of everything that is external and substantial; it also appears as a revelation of what is immanent in the awareness. The externality is not only the empirical reality in the traditional meaning of this word. It is also any actual being and, therefore, also the psychological being. We then need “not to deal with anything outside of what we could make actual out of the essence and understand the pure immanence, of the mere awareness” (Husserl 1983, 136). The starting point within such limited Husserl’s considerations is the awareness in the sense of the cartesian *cogito*, the comprehension as any experience of my ‘I’ in its fluid, particular shapes of forms such as: I perceive, I sense, I desire, etc. They are considered as a stream of experiences “that due to their own essence, they all merge with one another” (Husserl 1983, 68–69). Every such *cogitatio* has its own essence, which should be captured within its specificity, but “it is also about characterising the unity of awareness which is demanded what is relevant for the *cogitationes*, and it demands in such a necessary way that without that unity they could not exist” (Husserl 1983, 69).

The distinguishable feature of every act is its intentionality, or its direction towards externality¹. In contrast to the stance from the period of the *Logical Investigations*, intentionality is unboundedly related to the awareness; it is its *a priori*. It is not, then, any of its separate acts; awareness or its every act is always targeted at something called the intentional object. That targeting or directing of the act at something does not mean that the intentional object of certain awareness is the same that the ‘captured’ object is. The ‘capturing’ of the object is just a certain particular manifestation of the act. If it reveals manifestation, then its intentional object is not only being realised and it is within the areas available to the spiritual perception of the targeting, but it is a captured, perceived object (Husserl 1983, 76–77). It is a remarkable differentiation in recognising values, because we cannot be directed towards anything without appropriate perceptions which capture surroundings; in other words, the distinguishable feature of an act targeted at a matter is firstly always the perceiving of matters. It is, however, different when we are directed at values. In this case, the intentional object only with certain ‘objectifying’ change of its treatment becomes the captured object. If I have an evaluative direction towards a certain matter, it does not mean that a value is the object of such an act: “as an object in the particular sense of the captured object, like as if we had to have it to judge, and similarly to all the related logical acts” (Husserl 1983, 76–77). What occurs in acts evaluating intentional objects is in its double meaning a two-fold direction towards something. We are concurrently directed towards some matter, but in a specific ‘capturing’ way, but also towards a value but not in the ‘capturing’ way. The value-attributing acts are, therefore, reinforced acts, which occur within the sphere of the will and sensations (Husserl 1983, 76–77). The feature of those reinforced acts is, however, the possibility of such a modification that their whole, complete intentional objects become noticed and due to that, elements of the natural world are not only the bare creations of nature, but also their accompanying ‘surroundings’ of values. Under such circumstances, we say that matters are valuable.

Currently, we can already see that acts of attributing values are such intentional experiences which contain the so-called supported or reinforced intentional acts, and that a value is an intentional object towards which we can never be directed in the capturing way. Only when we capture the full intentional object within an act – for instance when we notice the evaluative dimension of matters – can that value emerge, but also never autonomously as a matter. For this reason, when Husserl in his reinforced acts distinguishes the intentional object in the two-fold sense, he does not mention the bare matter and the bare value, but the bare matter and the full intentional object. He underlines this way that a value emerges as awareness founded in the awareness of matters “taking some fundamentals in relation to the matter,” never autonomously (Husserl 1983, 77–78).

¹ I do not consider the matter of unconsciousness (Husserl 1983, 69–73).

That situation becomes even more complicated within acts reinforced to a greater extent. Acts of this kind are also typical of the sphere of sensations and the sphere of the will. We shall consider them when analysing the problem of existing values, which requires, in turn, dealing with the problem of existence of matters in general. For this purpose, we should explain the essence of Husserl's differentiation between immanent perceptions and transcendental perceptions.

The essence noticeable for the directed immanent acts is "that their intentional objects – if they ever exist – belong to the same stream of experiences as themselves alone" (Husserl 1983, 79). One *cogitatio* is here referred to another *cogitatio*; awareness and the object create one entity. In turn, in the transcendental acts, perception and a perceived object refer mutually to one another, but "they are not in a way principally necessary effectively and out of the inherent nature of each thing one entity and they are independent from one another" (Husserl 1983, 86). What happens here is a strong differentiation between the mere experience and a matter understood extensively as not only a physical thing, but also a psychological object, e.g. a specific personality of a person.

The appearance (*Abschattung*) – whatever similar name it has – is something principally of a different kind than what it is out of its appearance (*das Abgeschattete*). The appearance is a form of experience. A form of experience is possible only as a form of experience, and not as something spatial. In turn, this what is manifested with an appearance (*das Abgeschattete*), is principally only possible as something spatial (actually it is spatial within its essence), however it is not possible as a form of experience (Husserl 1983, 88–89).

The essence determining the domain of forms of experiences is their perceptual dimension within immanent perceptions, while the inherent nature of each spatial thing is the lacking possibility of capturing it within such a set of perceptions. However, the difference between the immanence and transcendence also consists of different ways of proposing them. We perceive that a matter emerges with its appearances, and this follows the mere essence of the spatial thing. A matter always appears in relation to a specific, present perspective that we concurrently recognise. What belongs to the essence of the spatial thing is the "ideal possibility of making a transition towards permanent multiplicities of perceptions ordered in a particular way, which allow for prolonging them further and further, and therefore they are never closed" (Husserl 1983, 91–92). Simultaneously, it is important to remember that always within such a perception, it is a matter that becomes current, and not its imagined picture or its sign. A perception captures an object in its embodied presence. It happens, because for the mere essence of the perception of a thing a perception belongs through its appearances and appropriately the sense of its intentional object (a matter) is "that it can be specifically within such perceptions, which allow for its manifestation in its appearances" (Husserl 1983, 93–94). If this is not perceived and one attempts to distinguish an imagination from "a mere thing in itself," one finds himself/

herself in absurdity, because one goes beyond the sense of matters and the sense of perception. Out of the inherent nature of each thing, it also follows that there is some inadequacy. *Never* is a thing, as perceived in the multiplicity of appearances, given as a finite entirety. What currently constitutes the “actually presented” is *always* surrounded by the horizon of something undetermined for which we have expectations of a thing based on the familiarity with the essence. Such indeterminacy in advance indicates possible multiplicities of perceptions, while those moments come to their manifestations, and what was “clear becomes unclear, what was revealed, into unrevealed etc.” (Husserl 1983, 94). And so on, towards infinity. In this sense, a certain inadequacy always connects with perceiving a matter; there is always a determined horizon of certain indeterminacy, or it is permeated with the sense of the matter. Generally, we could say that every transcendental being may come to the presentation in a way analogous as a thing, and so only through manifestations and, therefore, always to some extent inadequately.

Everything that refers to a matter loses its sense in considerations of experiences, and so also over the experience of attributing values. In the immanent perception, an experience does not manifest through its appearance. “The way of being of a form of experience is that it is principally perceivable in its reflection” (Husserl 1983, 99). It is a simple observation. For example, when one focuses on the directly sensual, feeling a related form of experience (value-attributing experiences belong to this group), then one has dealings with something absolute, “there are no parties, which could once in one way, and once differently manifest” (Husserl 1983, 95–96). This happens in the form of a reflection, or a simple observation, in which what is captured perceptually is not what is current, but it already had been before our awareness directed towards it. If then I am making an observation of a form of experience, “then I captured something what is absolutely itself in itself, whose existence principally cannot be negated, i.e. it is principally impossible to visually understand, as if it did not exist; it would be some absurdity to consider as possible, to determine that such a form of experience truthfully did not exist” (Husserl 1983, 100).

We can currently see the marked difference between the perceptuality of matters and the perceptuality of forms of experiences, including the value-attributing experiences, which has its effects in determining the existence of matters and experience. The existence of matters is, in some way, due to chance, which means that the course of experience can always make us resign from something that was already recognised within the being; it is a result of that constant “horizon of indeterminacy,” in which a matter occurs. Existence of a form of experience is, in turn, always absolutely unquestionable and, therefore, it has the form of being independent from the existence of a matter. Furthermore, an object is never independent from that sphere of pure immanence, because if we can subject a transcendental perception to an act of eidetic contemplation, and in

particular an observation of a matter, then “an equivalent of our actual experience, known as ‘the actual world’ emerges as a chance of multiple multidimensional possible worlds and non-worlds, which from their side are not different from equivalents out of the essence of possible variations of an idea of ‘experiential awareness’” (Husserl 1983, 106). The actual world emerges then just as names of certain units of sense referred to the absolute awareness attributing that sense (Husserl 1983, 128–129).

In this way, due to an operation of transcendental reduction, we achieve the sphere of pure awareness, in which a being is being constituted. It has the following meaning for our contemplations: the sense emerges as a more fundamental notion, earlier than a being. In order to perceive something as existing, it has to become a moment of intentional life of awareness. In this sense, the matter and value exist in the same way, and they are just different names of certain units of sense. That sense both in case of a matter as well as a value has a mutual source – the absolute awareness as a field of attributing meanings. The difference then is being sketched at the ‘higher’ level, when it characterises them as intentional objects and we study the intentional experiences of acts directed at them. In that moment, a difference is being sketched; a difference that we have mentioned: we can be directed towards a matter in a ‘capturing’ way, while it is not possible in case of values. Experiencing of a value is always a reinforced act. Therefore, when we already know what determines the existence of matters and values, we have to commence a more detailed analysis of reinforced acts to reveal the whole welfare of the intentional experience, which is the experience of values. It is, then, time to introduce into our contemplations the known Husserlian differentiation of two spheres of intentional experience: *nous* and *noema*.

2.2.

For Husserl, this differentiation had a fundamental meaning in the sphere of transcendental reduction. It relies on differentiating appropriate componential intentional experiences or their intentional equivalents. While recognising the ‘*nous*’, he understands “the specifically complete intentional experience determined with the assertion of its noetic components” (Husserl 1983, 234). The essence of noetic experiences is a possession of a certain sense, for instance directing the pure ‘I’ on an object, which is presumed, and attributing it due to the sense as the captured one, recognised as valuable, etc. (Husserl 1983, 213). But everywhere, the components of the *nous*-related content corresponds with the “multitude of dates in the actual pure intuition, which can be manifested within appropriate ‘noematic content,’ or shortly in the ‘*noema*’; or the terms, which we shall refer to under all circumstances” (Husserl 1983, 214). For instance, a preference or liking has its ‘liking as such.’ If we apply the phenomenological

reduction to such a form of experience, then we are left with some relationship between the liking and what is liked, “the relationship, which in itself comes to its demonstration in the pure immanence” (Husserl 1983, 216–217). Phenomenology deals with exactly such situations. Therefore, after applying the transcendental reduction, a significant question arises: what is meant by “what is being liked as such”; what are the elements of the *noema*? As we remember, directing towards something is the fundamental feature of awareness and for this reason each of its acts is a noetic experience. However, the mere ‘sense’ does not use up the *noem*. The full *noem* creates a complexity of noematic moments, while the moment of sense is just the pure stem, the layer reinforcing other moments, which we call moments of sense in its extended meaning. We always have to deal with the co-occurring of the noetic and noematic moment in the intentional experience. This law has its power in all the varieties of intentional experiences such as recalling, perceiving, or creative fantasy. It also takes effect in the interesting to us variant of intentional experiences – within the value-attributing acts. Husserl very strongly underlines that although there is some noematic sense within each of the aforementioned kinds of experiences, it is always different under circumstances of different kinds of experiences. We could refer, then, to different *modi* of an object. For this reason, we should separate considerably different layers, which become grouped together around some central ‘stem,’ or around the pure sense of the subject.

It is then the same problem which we mentioned as generally characterising the value-attributing reinforced act, but in the new noetic-noematic shape. The value attribution appears as a higher-order *nous*, in which “in the unity of a specific experience multiple *nouses* occur, reinforcing one another and appropriately their noematic equivalents are reinforced *noems*” (Husserl 1983, 226–227). We then need to determine what is assigned to the *noems* of varying, detailed cases of value attribution by the essence of this kind of experience, and what is attributed with the details differentiating them.

One of the significant distinguishable features of the layering of the reinforced phenomenon is that the highest layers of the whole phenomenon may drop by the way side without causing the loss of completeness with the given intentional experience, i.e. accordingly to the law of parallelism of the *nous* and *noema*. Therefore, every intentional experience, and so the value attribution act, has its own *noema*. The fundamental layer of *noem* is the subject sense. The *noem*, being an exact equivalent of *nous*, is something transcendent in relation to the mere experience of *nous*, and it is not just contained within its area. “If in this way perceiving, judging, imagining reinforces the covering layer of value-attribution, then within its entity, whose some of the moments are able to reinforce the others, determined accordingly to its highest floor as a specific form of experience of value-attribution, we have different *noems* and senses respectively” (Husserl 1983, 231–232). ‘What is perceived’ is, therefore, the sense of perception from

one perspective, and it simultaneously enters the sense of specific value attribution and, in this sense, it reinforces it. This scheme may enrich different variants of noetic-noematic structures. However, the moment of value attribution occurs as not independent, because it is necessarily reinforced by some awareness of the matter. Only as a non-independent layer, it contributes to constituting the entire object. For this reason, Husserl indicates the necessity of certain differentiations. We have to separate appropriate *noems* of demonstrations from judgments which occur as valuable within the acts, reinforcing the awareness of values. Next, we need to separate matters from states of affairs already constituted as valuable, which reinforce the awareness of values. Then, we need to separate matters from states of affairs already constituted as valuable and their corresponding noematic modifications, until, finally, there are specific value attribution experiences and the complete *noems* which belong to them (Husserl 1983, 231). These are somehow three moments: 1) the mere matter which is valuable; 2) the subject creation constituted as valuable, which assumes its matter, and as a new subject layer it introduces worthwhileness (these two differentiations apply to the possession and a state of affairs, respectively); 3) the complete *noems* belonging to the specific value-attributing experience (Husserl 1983, 216–217). If we enrich now our contemplations with differentiating “the constituted object already as valuable as such from ‘object’ which occurs in the *noem*,” then the problem of existing values will be completely clarified. As we remember, the phenomenological attitude relies on bracketing the whole reality. Despite this, what remains is, e.g., a relation between what has been perceived and the perception. This relationship is, however, demonstrated within the pure immanence. Thus, we should not pose a question when referring to the perception if something corresponds with it in the reality, because it is already absent for the reason of the above-mentioned intervention. In that moment, what had been before the reduction the object of perception or value attribution, currently can be found as what has been perceived (valuable) ‘as such,’ or the *noema*. We then talk about ‘a tree,’ ‘a material thing’ with quotation marks, while quotation marks express that radical modification of the sense of words. A matter in nature is not what a perceived ‘valuable as such’ matter is. Husserl gives some specific example here. A tree in nature can get burned, decompose into chemical components, “the sense however, the sense of such a perception, what necessarily belongs to its essence – cannot be burned (...) is separated with abysses from the whole nature and physics and also from any psychology – and even such a picturesque comparison, as naturalistic, does not express that difference sufficiently strongly” (Husserl 1983, 216). A phenomenologist does not hold off from any thesis relating to actual matters which Husserl recalls as ‘just’ matters. This is possible due to the transcendental reduction. Given this principle, it is not sensible to pose a question whether ‘what has been perceived as such’ actually exists, in the sense of ‘just,’ in the same way as ‘what has been evaluated as such’ cannot be contemplated in relation to its ‘just’ existence.

The above-mentioned considerations entitle us to draw the following conclusions:

We should differentiate objects existing ‘as such’ from objects which occur in the description of a perception in the noematic account. The phenomenological reduction constrains phenomenological considerations only with respect to the second kind of objects. It has its decisive meaning while recognising the sense of the existence of values – the problem which was described precisely, pointing to the role of the pure awareness for the existence of the world. Next, we should say that the difference between matters and values understood as this type of objects relies on differences between the ways they are being provided. A matter is provided within an act, in a capturing way, and occurs within the so-called reinforced acts. Such acts are distinguishable for structures of the higher sphere of awareness; in the case of values, this is a sphere of sensations and a sphere of will. Value attribution is, therefore, a higher-order *nous*, in which within a unity of a specific experience multiple *nouses* occur, reinforcing one above another, and appropriately to this, their noematic equivalents are reinforced *noems*. Such layerings typical of value attribution were talked about earlier. The last difference which needs to be recalled here can be found between the experience of value attribution and matters for the reason of their recognisability. We have explained these issues during the analysis of immanent and transcendental perception.

3.

Currently, we would like to take a stance regarding the views demonstrated a moment ago. It is obvious that philosophical studies with system-focus ambitions can be considered from two points of view: from the point of view of a different philosophy, in relation to the fundamentals of which we could find different ontological propositions, or also from the point of its internal consistency. Our contemplations to date have revealed the fact that Husserl’s solutions regarding the issues of value (obligation) directly follow the most fundamental phenomenological theorems. Therefore, every polemic relating to those theses simultaneously affects the evaluation of the concept of values. The demonstration of a set of allegations provided against phenomenology would significantly go beyond the current work; therefore; we shall focus on some of them at the end of our present considerations.

Currently, we would like to take a stance regarding Husserl’s proposed set of characteristics of a relation occurring between the notions of obligation and value. As we remember, Husserl in his contemplations reaches the conclusion that there is equivalency and sameness between a normative proposition and evaluation. In other words, this means the translatability of a language of norms into the language of evaluations. It seems that this type of a thesis could be refuted nowadays, and we will try to reveal appropriate pieces of argumentation. Recognising them as valid

directly leads to postulating a differentiation between the region of obligations and the region of values in relation to the field of phenomenology.

The notion of translation can be understood differently. In a more limited sense, equivalence or definitional equality is taken as a condition of translatability. Currently, we intend to focus on the notion of translatability understood more broadly as an equipoisal relation occurring between expressions mutually exchangeable within some class of contexts; the exchange does not take away from those contexts any property that they desire. In the case of our contemplations, we will be interested in the translatability with respecting the same meaning. Translatability between two languages can happen between them as entities or only between expressions from different languages (Marciszewski 1970, 231). In order to solve the problem of the translatability of evaluations into the norms, we need to answer two questions: a) is it possible to talk about the translatability of a language of evaluations into a language of norms?; b) if such translatability is possible, is this translatability between whole languages, or just between particular expressions of the language of norms and language of evaluations? We shall proceed with answering these questions.

In her considerations, Maria Ossowska distinguishes three kinds of norms: axiological norms, tetic norms, and purpose-driven norms (Ossowska 1957, chapter 5; discussion: Lande 1959, 765). The criterion of differentiation is the way of providing arguments on behalf of these norms. For axiological norms, arguments are constituted by pressure of evaluations, and in the case of two other types of norms, respectively – the pressure of the act of constituting and the pressure of certain factual relations. Since the relationship ‘an evaluation – a norm’ is significant only in the case of axiological norms, we shall focus on them right now.

We talk about an axiological norm when the expression: “For each A, A should be B” has its equivalent within the expression: “For each A, A which is not B is bad A” or “For each A, A which is B, is better A than A, which is not B” (Ossowska 1957, 120). The equivalence is recognised as a justification of a norm through the evaluation. A given person justifies a norm with evaluation; when given a question about why he/she recognises some evaluation, they would respond with referring to some evaluation. This type of ‘equivalence’ must assume the possibility of translatability from an evaluation into a norm if we understand the translation in the aforementioned way.

T. Kotarbinski goes even further in reaching conclusions. He describes normative propositions as certain evaluations, more precisely – evaluations of potential deeds (Kotarbiński 1961, 446). In this case, the difference between norms and evaluations fades away for the benefit of the latter. Views of such a type can, therefore, lead to conclusions that all or the majority of norms are hidden evaluations. Such a general thesis emerges as very risky in the light of the current modern studies applying the apparatus of deontic logic. K. Opalek carries out in

one of his works a thorough analysis of the mutual relation of interesting to us types of expressions (Opalek 1974, chapter 4), linking this issue with the analysis of the so-called optative expressions. From the syntactic point of view, these three types of utterances present themselves in the following way: if it is about directives – “D (*ut p*).” In the place of the D-operator, we can enter any proposition in the logical sense. For the symbolic presentation of optatives, one needs to take R. Carnapa’s formula: “*utinam p*” (“hopefully *p*”). In turn, the evaluation composes either of W-operator and a proposition expressing a judgment in the logical sense, or of a name of a matter combined with W-predicator. W-operators are evaluative notions, for instance: good, valid; they can be positive (Wp) or negative (Wn). An example of an evaluation could be an expression: “It is good that you are a conscientious student,” as well as a proposition: “Jan is a good man.” Beside the differences in the linguistic structure, there is gradation of directives, evaluations, and optatives, for the reason of the scope of their topics. The topic of directives can only be a human behaviour, while the topic of optatives can only be behaviours and events (a state of affairs not created by the human aware behaviour). The topic of evaluations can be about behaviours, events, as well as matters. Human behaviours and events are presented in *ut I*-, *utinam I*-, and that-propositions, out of which the two first kinds occur in the subjunctive mode, while the third one constitutes a proposition expressing a judgment in the logical sense. Matters, in turn, are determined with names. Differences between evaluations and the remaining two types of expressions also occur on account of the way of presenting objects constituting their topics.

The way of relating *ut*- and *utinam*-propositions to their topics can be determined as ‘purposefully prospective,’ while evaluations, that-propositions are formulated with the indicative mode, not subjunctive one: they express judgments in the logical sense. The common feature of all the three categories of evaluations (behaviours, events, and matters) is demonstrating the topic in a way expressing thoughts regarding its realism. However, when evaluations of human behaviours and events are considered, the author reaches a conclusion that in terms of their syntactic structure, they can approach directives, and then they may have not only a structure: “W that *p*,” but also: “W (*ut p*)”². This fact leads to distinguishing evaluations of objects (behaviours or events) thought about as having a place (occurring), formulated in the indicative mode and containing “P,” which represent in the logical sense: evaluations of objects (behaviours related to events) thought about in the purposeful-prospective way. Evaluations of the first group were called by the mentioned author the appropriate evaluations, and evaluations of the second group: quasi-evaluations. What is the relation of quasi-evaluations to the remaining two types of utterances? There is no difference between quasi-evaluations and optatives. Within an utterance: “It would be good if

² The exact explanation can be found in Opalek (1974, 96–101).

no raining happened to us” (schema “W (*ut p*)”), the word “good” may be replaced with “*utinam*.” Hence inference that quasi-evaluations are latent optatives. In the second case, however, finding a relation is not that simple. A feature of directives is the so-called addressing or determining a relationship: an issuer of a directive – an addressee. In the meantime, most of optatives and part of quasi-evaluations do not contain an element of addressing. Only in the colloquial language could we attribute this feature to specific-individual quasi-evaluations of human behaviour, which can be brought to weaker type directives (advice, prompting, etc.) (Opalek 1974, 111). A conclusion which follows this contemplation suggests that quasi-evaluations are either latent, as they are presented in the form of value attribution with optatives, or latent directives³. One could not say this in relation to evaluations corresponding with the type: “W that p.”

The above contemplations can raise some doubts, especially when a deontic proposition formula is considered “D (*ut p*),” for a schema “D, that p” or “D, that p occurs” is usually accepted in the deontic logic. However, a precious property of the entered differentiations is that they generally disable formulation of inferences, as to a relation of evaluations to norms. They refute theses that all norms are latent evaluations, or also that all evaluations are latent norms. This calls to question the assumption – indispensable for comparing law and morality – that moral systems formulated in the form of an ordered set of evaluations or ideas can be translated as a whole into expressions within a shape of a system of norm. An attempt of this sort is not possible at all when the supreme evaluations of a given system should be accepted as appropriate evaluations⁴.

4.

At this stage, we are finalising our considerations regarding obligation and value in the context of a moment of reduction. As it was easy to notice, differentiating that aspect of our considerations had mainly conventional characteristics. Particularly in the last part of the second point, we already partly entered the area of issues of constituting. Currently, we wish to fully develop this thread. It will then be a different way of capturing the issues of interest.

We remember that the starting point of Husserl’s considerations is natural cognition. Only transcendental reduction fully repeals that stance and reveals pure awareness as a field of attributing meanings, in which we notice noetic-noematic structures and the laws governing them. In this part of considerations, obligation and value were analysed in relation to the existence of a matter and we

³ K. Opalek extends his analysis to other forms of evaluations (Opalek 1974, 111–113).

⁴ On the relation of dividing evaluations to quasi-evaluations and evaluations appropriate for dividing to categorical and instrumental, see Opalek 1974, 101–102.

studied Husserl's concept of value-attributing acts. However, phenomenological studies are constrained to problems which we called here a moment of reduction. Husserl attempts in his considerations to 'rebuild' the natural world, but already as a creation of a constitution being made by pure awareness. "The world possesses its whole mere being as a certain >sens<, which assumes absolute awareness as a field of meaning-attributing operations (...)" (Husserl 1983, 128–129). As a result, this intervention leads to differentiating the world of nature from the spiritual world. Referring to what we had said in the former parts, we could say that the world of nature consists of matters provided within their appearances, featured with inadequacy, whose unity is a result of an act of awareness, which unifies those different horizons of the determinacy of matters⁵. However, what is the most significant to us is the solutions regarding the spiritual world, in which Husserl creates his construction of *Alter Ego*, and then attempts to sketch a theory of society, obviously again only at the level of basic studies. Then, we would like to request information regarding a place of a problem of obligation and value understood as elements of the constructed social world.

We also ought to remember that what governs these studies are the assumptions and results of analysis which Husserl had introduced in his former contemplations, though they are applied with other purposes. We underline that we are not interested in the mere theory of constituting, but its results. We shall not then deal with the important problem of phenomenological time.

4.1.

To date, we have considered the subject as the so-called pre-social subject which knows only two types of experiences: immanent and transcendental. In turn, a social subject can be described with the experience of other subjects, whose distinguishable feature is a moment of becoming present by empathising. This type of experience ultimately makes us distinguish the world of nature and the spiritual world.

Now, we shall take the solipsistic unit as a starting point (Husserl 1989, 103–127). It carries out an observation of itself, but reducing the body. It then finds 'I' as spiritual, referring to the stream of experiences. Spirituality is here specifically understood as associated with the lack of its settlement in the body. "What belongs to the essence of pure I is a possibility of originary capturing oneself, noticing oneself" (Husserl 1989, 107–108). 'I' is then given in the absolute undoubtedness; it is manifestable within a reflection and so it does not have anything mystical or mysterious in itself. Pure 'I' is variable in its activity, but the mere 'I' is not a subject to such transformations. It manifests as "absolutely personally within

⁵ Problems of differentiating these two states of awareness are talked through in: Husserl 1989.

its unity non-manifestable through appearances, being adequately capturable in the reflective direction of a gaze, within the direction leading it back to itself as a centre of the awareness related functions” (Husserl 1989, 110–111). We remember that everything what presents itself as immanent perception is absolutely simple and explicit; similarly, then, ‘I’ does not hide in itself any multiplicity. From the transcendent ‘I’ one could differentiate a real psychic subject. Respectively, this differentiation could be replaced with terms of spirit and soul. In contrast to the pure ‘I’ that we have talked about, suggesting that it is not substantial, a soul is associated with substantial realism. It is, therefore, similar to a material matter. Every feature of personality belongs to psychological properties, intellectual disposition, sensuality, etc. We capture those psychic experiences always as ‘something real’ in the specifically phenomenological understanding of this expression. Thus, the analogy between a material matter and the soul follows the common part of the ontological form, which we have already talked about in the previous points of contemplations (Husserl 1989, 133). Going further in these solipsistic considerations, we could notice that there is a co-existing body within all the experience of objects. In relation to that, Husserl analyses situations when the object experienced through the body is the mere body itself. A result of such an experience is conclusion that the body constitutes in two ways: one the one hand, I experience it as a physical matter, while on the other as a matter in which ‘I’ exist. In other words, while entering a physical relationship with other material matters, the body provides not only the experience of external physical events, but also specific sensual experience (Husserl 1989, 152–153). In the case of the latter experience, the body is a place of localising feelings. This, in turn, is a basis to finding another difference between the body and physical matters. The body is an organ of the will of ‘I’, while the purely material matter can be only mechanistically moved (Husserl 1989, 159, we omit the issues of § 39). In this way, in a solipsistic primordial experience of the world, my body and other objects emerge, and among them also other objects, which reveal their similarity to my body. This similarity is connected with the sensation of separation of the body and leads to attributing it a sense of ‘someone else’s body’, and it is the beginning of understanding another person’s psychic life. It is a monad which, according to Leibniz, “does not have windows.” Its subjectivity is, then, being recognised with empathising, transferring within an act of intuitional obviousness of my ‘I’ to ‘someone else’s body.’ A different understanding of someone else’s subjectivity is impossible (Husserl 1989, 165–169).

That *Alter Ego* is simultaneously an object of constituting *Ego* and a subject of its own constitutional acts. The sense of *Alter Ego* is that only in this case it is not possible to simplify the real being to intentional; the intentional being is here simultaneously real. This sense of ‘the other’ is absolutely presented within my awareness, and at the same time it occurs due to my awareness. Such a stance describes us within our social existence.

These contemplations are fundamental for making a differentiation between a natural stance and a personalistic stance in Husserl's work. Within the former one, the entirety of nature is the object of our theoretical interests – us ourselves, others, and matters are the topics of appropriate natural sciences. Within the personalistic stance, in turn, we live knowing that we are permanently subjects of the surrounding world; the world is for us. Being a person means 'to be a subject of a certain surrounding world.' "Concepts: I and the surrounding world inseparably refer to each other. While recognising that, to every person his or her surrounding world belongs, in turn multiple simultaneously communicating persons have their common surrounding world" (Husserl 1989, 195). Within the natural attitude or stance, the world is a set of matters, solids. Within the personalistic stance, these are practical objects, pieces of art, persons having their systems of customs and legal systems. Within this approach, a person is a carrier of certain only subjective world, which for any other subject cannot be the same. In the personalistic world, persons are given to each other not as objects, "but as subjects standing in front of each other" (Husserl 1989, 204). They affect each other by means of contractual relations.

A community (*Sozialitat*) constitutes itself due to the specifically social, communicative acts, in which I turns to others and that I, and the others are aware also as those, to whom it is directed and who next understand this direction, potentially following it within its behavior, direct to it in their response in agreeable or antagonistic acts etc. Those acts are what creates between persons who already know about each other by means of the supreme awareness-related unity and it absorbs the surrounding world of matters into it as the common world surrounding persons dealing with such a stance... (Husserl 1989, 204).

The legal and moral phenomena take their essence from the personal achievements; they do not have sense outside of relations between persons. They are, therefore, recognisable only when acknowledging that personalistic approach. Since the personalistic stance is a chief feature of the humanistic studies, it is not acceptable to apply this approach with methods of natural sciences in the research of phenomena of the sphere of persons. Natural sciences deal with a human being only as a matter and they are entitled to carry out studies into relations occurring between the world of matters and personal spirits, as much as it is recognised that both belong to the unity of the objective space-time world of real objects (Husserl 1989, 200–201). They are not, however, able to permeate to the sphere of the world of persons, and then they could not describe phenomena which take their sense from the essence of relations between persons. In this way, Husserl sketches a research programme to study law and morality (obligation and value) within the *ontic* sphere. On account of the basic characteristics of considerations presented in *Ideas*, these suggestions were not developed by their creator. The problem of obligation and value analysed in terms of personalistic issues was undertaken only in the considerations of existentialists.

5.

The currently scratched issues of obligation and value reveal the fact that it is impossible to critically assume an attitude to Husserl's proposed solutions without understanding the entirety of his philosophy. As it was easy to notice, every traditional philosophical concept takes in it a specific, phenomenological meaning. Particularly, it is visible in recognising analysis regarding the essence of being. Generally, it is possible to say that a distinctive feature of phenomenology is bringing its objectivity to the egological sphere. The human subjectivity is simplified to the form of pure structures of reason. This fact determines the complete characteristics of phenomenology.

The path that Husserl went to find the absolute 'I' raises a series of doubts. The weaker dimension of this philosophy is its methodology. Before his own conclusions entitle him to this, Husserl assumes the existence of a unit separated from its empirical ties with the world. Both intuitionism and transcendental reduction somehow contain within an implicit assumption of an individual outside of the social world, outside of the culture and history; meanwhile, only the final conclusions of Husserl's analysis allow for constructing such an individual. The inference is, therefore, assumed already at the beginning of considerations. If this fact is noticed, one could call to question not only the realism of the phenomenological method, but also its necessity.

However, even if we agree with this postulate of Husserl's, it appears that it inevitably leads to solipsism. In the construction of *Alter Ego*, a basic contradiction can be found: it is on the one hand an object of constituting my 'I,' and on the other – it itself makes constituting acts. As is suggested by Desanti (1963, 78–80), everything that was to be related to *Alter Ego* – its time, constitutions – had to be in advance deprived of its own autonomous meaning, because it was a result of constituting driven by *Ego*. Husserl uses the notion of constituting in two different meanings, without perceiving this fact.

Finally, the last of the main allegations which appear here is the alleged humanism of this thought. While this is true that it underlines the relationship of a human being with the world by revealing the latter as the world for humans, these ties have a one-dimensional character. The reality is integrated with a human being only through intellectual ties. Taking this function of awareness to the foreground and translating with it all the remaining kinds of human activity combines particularly strongly with the analysis of values. A value reveals itself exclusively as a unit of sense, whose source can be found in the pure awareness, and the only function of that awareness is the creation of a sense.

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