

‘What Might Scheler Say to Rawls?’: A Schelerian Critique of Rawls’s Concept of ‘The Person’

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Abstract: I argue that Rawls’s political philosophy relies on a moral conception of the person which he inherits from Kant’s conception of the person, despite Rawls’s claim that he is doing political philosophy first. Scheler’s critique of Kant contains a critique of his concept of the person and I apply this critique to Rawls’s use of it as a founding part of his political philosophy. This is done not to argue against Rawls’s politics per se, but to argue, in the light of Scheler’s phenomenology, that its theoretical foundations may be unsteady. I claim that Scheler’s concept of the person may be used either for a communitarian critique of Rawls or for a foundation to strengthen Rawls’s political conception of the person.

Key words: Kant, Scheler, Rawls, Political Philosophy, Person, Personhood, Phenomenology.

In contemporary political philosophy, John Rawls is more famous than Max Scheler. Anyone who is familiar with both thinkers may struggle to connect the two but they did hold common concerns. One link can be found in the comparisons of their philosophical anthropologies, by which I mean how they conceive of the person. Rawls and Scheler conceive of the person in different ways and as part of very different projects. Scheler was a phenomenologist, who counted personhood, and the relation of values and ethics among his concerns. Rawls had a concept of person as a part of his political theory. In this paper, I want to look at the two conceptions and compare them for their utility in a Rawlsian political theory.

I use the term ‘conception of the person’ as a catch-all term to underlie the common concerns of philosophical anthropology, normative anthropology, moral psychology, and any other concerns to do with particular visions of people, what they are, and what they are like. A way of understanding the common ground between these two ideas is the notion that political philosophy consists of a “normative anthropology” (White 2012, 8), or at least “must begin in anthropology”, and that political philosophy is, at least in part, “an anthropological debate, or a series of interpretations of human and social anthropology” (Schneck 1987, 76). I, following White, understand a normative anthropology as a conception of human functioning which has normative consequences. It is a way of conceiving of what persons *are* in some sense, which may involve certain empirical or metaphysical claims, and from this saying what they should do, which is what either the personal or social ‘good’ is for them (White 2012, 8).

Rawls attempted to create a political theory which is meant to be neutral with regards to conceptions of the person and the good. I go over some arguments as to why that is not the case, based on what Rawls wrote in various parts of his oeuvre. I argue that because he claims that it is a moral conception, it has certain normative assumptions which are questionable and, as it has these assumptions, it is therefore not neutral.

I then turn my attention to Scheler's conception of the person, explained in the context of his phenomenology. From here, I look at two possible ways that the Schelerian understanding of the person can be applied to Rawls's political theory. One is as a critique of it and the other is as a way to enhance that theory by substituting Rawls's conception for Scheler's. I argue that accepting Scheler's concept still allows us to make arguments for the ends that Rawls wanted to achieve but with the strength of non-moral conception of the person. I argue that we can do this because, as Scheler's is a specifically non-moral conception of the person, we may be able to have a conception of the person which does not make normative assumptions.

As a final note, this is not an attempt to write a political philosophy based on Scheler's personalism.¹ This is instead an attempt to argue that Scheler's conception of the person can be used in place of Rawls's conception of the person. It is probably best described as an attempt to synthesise insights of Scheler's and Rawls's to see if they may be compatible. I wish to argue that, if one accepts Scheler's phenomenology of the person then, while one may use it for a critique of Rawls, one may also use it as a way to strengthen his philosophy by addressing a flaw in its foundation.

I. RAWLS'S CONCEPTION OF THE PERSON

I will begin by taking a closer look at Rawls's concept of the person. In order to do this it will be useful to briefly recap Rawls's overall theory of justice and the aims of his project before looking in greater depth at Rawls's concept of the person. Being aware that details of Rawls's views and arguments changed over time, especially between the two editions of *A Theory of Justice* (1971; revised ed. 1999) and *Political Liberalism* (1993; expanded ed. 2005), I quote from the later editions. For his concept of the person, I start with Rawls's thought from *Justice as Fairness: Political not Metaphysical* (1985) and the works afterwards. I start from here as it is in this paper that Rawls first explicitly addresses criticisms of his notion of the self or person, or in other words his normative anthropology. I want to show here that his background conception of the person, or normative anthropology, was a moral rationalistic conception that does not satisfactorily take into account the role of feelings in the constitution of the everyday conception of person.²

1] For that, see Schneck 1987.

2] I mention two caveats here:

i. Some Rawls scholars may see this as either an incorrect periodising of Rawls which is too neat of a division between the so-called 'early Rawls' and 'later Rawls', or claims too much similarity between the 'early' and 'later' Rawls. I admit that it is possible that I do one or both of those but an extended discussion of it would be a digression. I will say that, in my reading of Rawls, I see nothing in Rawls that shows that he had radically different background conceptions of the person in different works post 1971. My reading, of course, may be mistaken or may overlook some passages.

ii. Others may object that I do not look at the (much earlier written but posthumously published) *Brief Inquiry into the Meaning of Sin & Faith (with "On My Religion")*. 2009. Edited by Rawls, John and Thomas Nagel, Cambridge, Harvard University Press, and the possible religious and personalist ethical roots of

Rawls's concept of the person and the equality of people is one of the main starting premises of his political philosophy. I say this for two reasons. First, this is because Rawls utilises the method known as political constructivism. This is a method for producing and defending principles of justice and legitimacy. For Rawls, the principal "feature of political constructivism is that it uses a rather complex conception of the person and society to give form and structure to its construction" (2005, 93). I will expand on this further down.

Rawls's "political conception of the person, that is, the conception of the person as citizen" was meant for political arguments, and not metaphysical arguments about personhood. Rawls believed that if any metaphysical presuppositions were involved, then they would be "so general that they would not distinguish between the distinctive metaphysical views [...] with which philosophy traditionally has been concerned [...] [and that] they would not appear to be relevant for the structure and content of a political conception of justice one way or the other" (1985, 240). This claim is what I will take issue with.

For Rawls writes that "each person possess an inviolability founded on justice that even the welfare of society as a whole cannot override" and justice is "the first virtue of social institutions". Rawls also took questions of the "liberties of equal citizenship" to be "settled" (1999, 3). Rawls's project was to put forward an "egalitarian form of liberalism" (2005, 6). This understanding of justice has elements of distributive justice and commutative justice. Rawls wrote that all "social values – liberty and opportunity, income and wealth, and social bases of self-respect – are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage" (1999, 54). Rawls also claims that the "existing distribution" of goods or values like "income and wealth" is the "cumulative effect of prior distributions of natural assets" and that this distribution has been "improperly influenced" by "factors so arbitrary from a moral point of view" (1999, 62-3). We see here that egalitarianism was taken as morally fundamental by Rawls and that moral concerns animated and gave character to Rawls's philosophy.

For Rawls, we must have a "moral conception" of the person but this conception is itself preceded by our "everyday conception of persons as the basic units of thoughts, deliberation, and responsibility" (2005, 18). From that everyday conception, we move to a moral conception. A moral conception of the person has nothing to do with how a person acts or whether their acts are moral, immoral, or amoral. It instead means that a person (in the everyday sense of the term) is able to be both 'rational' and 'reasonable', with those two terms having specific definitions here. The term 'rational' means the capacity

Rawls's conception of the person and his later political philosophy. I think this is the more pressing concern as I am making a comparison between Rawls and Scheler, another philosopher who had religious influences and personalist concerns in ethics, so its exclusion may puzzle. That work could be fruitfully read alongside Scheler's philosophy and its absence may be seen by some as a missed opportunity. However, to discuss that work and expound on any potential links between that period of Rawls's philosophy and his later work plus defending the appropriateness of doing so considering how far Rawls's positions shifted, while doing that topic justice, would require an entirely separate paper, if not a whole book, and this would be a digression from what I want to discuss, which is Rawls's political philosophy as he decided to publish it.

a person has for a conception of the good. A person is rational when they are capable of identifying his or her particular ends and interests and the best means to attain or advance them. 'Rational' in Rawls's sense is not a synonym for egoism or self-concern. Rational agents may have affections for persons and attachments to communities. The term 'reasonable' represents the capacity a citizen has for a sense of justice (2005, 48-51). According to Rawls, "we think", that a reasonable person willingly proposes and honours the fair terms of cooperation and acknowledges the burdens of judgment and accepts their consequences. A person who has these qualities, an ability to conceive of the good and has a capacity for a sense of justice, can be a person who can engage in politics. For Rawls, this "complex conception of the person", means that when we say someone is a person for political purposes, we say that they can be a "citizen, that is, a normal and fully cooperating member of society over a complete life" (2005, 18).

Additionally, there are positive parts to the political conception of the person, or the person as the citizen. Political persons, or citizens, are supposed to be free in three ways when put into the original position. The original position is an imaginary position where agents choose principles of justice behind a veil of ignorance in which we are unaware of our identities but do have a general knowledge of society. The original position is meant to be limited to the basic structure of society, the moral relations between an individual and the state and between citizens through state structures, and not to all social relations. First, citizens are free in that they conceive of themselves and others as having "the moral power" to have a conception of the good (1985, 240). Citizens can claim the right to view their persons as not identified with and independent from any one conception of the good or any scheme of ends. They can additionally change or revise their own conception of the good (for example, by changing their belief system or religion) without altering their political citizenship or rights. Second, citizens are regarded as free in so far as they can "regard themselves as self-originating sources of valid claims [...] [which] [...] have weight apart from being derived from duties or obligations specified by the political conception of justice, for example, from duties and obligations owed to society" (1985, 242). That is, a citizen sees themselves as free to make claims which are not based on any other person or state's conception of the good or final ends. Third, citizens are regarded as free if they are capable of taking responsibility for their ends as being legitimate within a just system, "given just background institutions and given for each person a fair index of primary goods [...] citizens are thought to be capable of adjusting their aims and aspirations in the light of what they can reasonably expect to provide for" (1985, 243).

As mentioned above, central to Rawls's moral conception of the person is that they can be both rational and reasonable, that is they can have a conception of the good and a sense of justice. This has an implication for the distribution of goods in society. For the purpose of political structures goods "are seen as answering to their needs as citizens as opposed to their preferences or desires" (1999, xiii). In other words, the distribution of goods is to be done along the lines of what citizens need as opposed to what they would want or desire. However in order to determine what people need one needs to have a

conception of human good, or *telos*, or normative anthropology. Given Rawls's emphasis on the two moral powers of human beings and the moral conception of the person, it is probably fair to characterise Rawls's human good as something like "to develop freely one's own life plan, in conformity with one's own individual and concrete (rational and reasonable) conception of the human good within a social-political context that recognizes the moral equality of all citizens" (White 2012, 389). The primary goods for Rawls are what of value to all citizens, but not things necessarily wanted by them, for determining their own conception of the good. These goods are "rights, liberties, and opportunities, and income and wealth" (Rawls 1999, 54) as well as self-respect or esteem because without that "nothing may seem worth doing, or if some things have value for us, we lack the will to strive for them" (1999, 386). Primary goods are teleological and instrumental for discovering one's own rational and reasonable personal conception of the good. Rawls's conception of the person, his normative anthropology, is as "an autonomous self-maker and (so far as is consistent with respecting the same nature in others) self-legislator" (White 2012, 392).

Rawls has two understandings of how one could argue that being the original position leads to deriving his principles of justice. One is the argument in which principles of justice are derived in the original position on the supposition that envy, and other complications such as feelings of shame, humiliation, or a lack of self-respect or feelings of personal valuelessness, do not exist and that people have mutually disinterested rationality (Rawls 1999, 124-25). This rationality is of "persons in the original position [who] try to acknowledge principles which advance their system of ends as far as possible" and do not aim to disadvantage others or themselves (1999, 125). This assumption is behind the bulk of the arguments that Rawls makes. One could understand Rawls as simply not accounting for the role of feeling or emotion in human beings but it would be dishonest to present him as not considering the role of feeling in human beings. While Rawls believes that things such as self-respect, which is "the main positive good" (1999, 477, 484), and happiness would lead to rational decision making in the original position, envy and other "special psychologies" exist and do "need to be reckoned with" (1999, 465).

In his attempt to reckon with it, Rawls follows a Kant-influenced, rationalist moral psychology. For example, Rawls states that he "pretty much followed" Kant's definition of envy as "one of the vices of hating mankind" (1999, 466). Rawls understood envy as "not a moral feeling", although resentment was and that what "marks off envy from the moral feelings is the different way in which it is accounted for, the sort of perspective from which the situation is viewed" (1999, 467). This distinction is a part of Rawls's moral psychology and his understanding of moral and natural, or non-moral, sentiments. By sentiment Rawls means "permanent ordered families of governing dispositions, such as the sense of justice and the love of mankind, and for lasting attachments to particular individuals or associations that have a central place in a person's life", by attitudes Rawls means "attitudes are ordered families of dispositions either moral or natural, but in their case the tendencies need not be so

regulative or enduring” and by moral feeling and moral emotion Rawls means “the feelings and emotions that we experience on particular occasions” (1999, 420). Rawls assumes a cognitivist understanding of feelings or emotions in which the determinate element of a feeling or emotion is the explanation one has for it rather than the somatic changes one may experience alongside it.³ A necessary feature of moral feelings is that a person’s explanation of them “invokes a moral concept and its associated principles. His account of his feeling makes reference to an acknowledged right or wrong” (1999, 421). There are numerous arguments for or against the cognitivist theory of emotion, but I will not go into them here. All I want to do is bring to light that he holds a particular position on the topic and that it seems that Rawls’s ‘everyday notion of the person’ is itself metaphysically loaded.

The notion of the political person derived, the citizen, is a political one meant to apply only within the context of a democratic society. We can pick out that Rawls’s vision of the citizen is based on the relation between the individual and the state. While Rawls claims that is still meant to be based on our everyday or common sense notion of the person as a being which can think, deliberate, and be responsible, he assumes a rationalist moral psychology and cognitivist theory of emotion. This conception of the person is not metaphysically neutral. It seems to be limited among neutrality between different kinds of rationalist conception, for in *Justice as Fairness: Political not Metaphysical*, Rawls’s claim to metaphysical neutrality among conceptions of the person only specifies rationalist philosophers for which this was the case (1985, 240).⁴ Additionally, Rawls does also assume a normative anthropology of his own. Therefore, I believe that the concept of the person Rawls assumes is not our ‘everyday concept of the person’ as it is a conception with specific philosophical baggage. Rawls’s claim that he uses an ‘everyday conception of the person’ which is metaphysically neutral is a non-starter. If Rawls believes that neutrality is needed for his political philosophy to work then he has a problem. This is where I want to bring in Scheler’s philosophy.

3] I use the terms feeling and emotion as Rawls does, as terms which are either synonymous or close enough to it, while being aware that such usage may not be strictly accurate according to certain views on psychology or emotion.

4] I will put the full quotation here: “If metaphysical presuppositions are involved, perhaps they are so general that they would not distinguish between the distinctive metaphysical views – Cartesian, Leibnizian, or Kantian; realist, idealist, or materialist – with which philosophy traditionally has been concerned” (Rawls 1985, 240).

While Rawls does make a mention of realism, idealism and materialism as other metaphysical conceptions of personhood, he names no names. This is not to say that he was not aware of alternatives. That would be a ridiculously unfair claim to make. The entirety of Rawls, J.; Herman B. (ed) (2000) *Lectures on the History of Moral Philosophy* (Cambridge, Massachusetts: Harvard University Press) alone would be enough to put that to rest. So would Rawls’s numerous references to other philosophers throughout his work. The point is that Rawls skipped around the issue of presupposed conceptions of the person because, I presume, he thought of it as not a pressing concern.

II. SCHELER'S POSSIBLE COMMENTS TO RAWLS

From Rawls's conception of personhood, I believe that Scheler could have made several possible coherent responses to Rawls's claim that the conception of the citizen was neutral of any grounding beyond the everyday. I will now briefly introduce Scheler and then elaborate on Scheler's conception of the person. I will do this so that we can see whether, if it is a more accurate understanding of the everyday person, it could be accommodated into a Rawlsian political philosophy.

To begin with, a bit of background on Scheler and his method which I think may make clearer what I will argue further down. Scheler's thought had various influences from its period, the early twentieth century and three dominant influences "*Lebensphilosophie* (philosophy of life), phenomenology and the so-called 'revival of metaphysics'" can be felt strongly in his work, to varying degrees, at different periods of it (Schneck 1987, 14). The variety of the influences leads to a variety of positions held by him during his career. I want to focus on Scheler's conception of the person as it was written about in *Formalism in Ethics and Non-Formal Ethics of Values*. This conception was a part of Scheler's phenomenology, which was at first spun off from Husserl's early work. However, without getting into many details about the differences between the two, it is important to note that Scheler's phenomenology had many differences. One is a distrust of any preconditions to experiencing, especially ideal or formal a priori.⁵ Scheler's aim, which was not primarily political philosophy, was a phenomenology which sought "an intensely vital and immediate contact with the world itself" (1973b, 138-9). Scheler thought that "epistemological concerns, even a most basic epistemological distinction as the truth-falsity antinomy, are not resolvable prior to experience" and he "seeks the originary experience of things prior to their manipulation in rational reflection" (1987, 34). Scheler's phenomenology is based on being immersed in the world.

Part of Scheler's phenomenological approach was focused on intentionality and our ability to understand objects as having attached meanings which we perceived paying close, almost meditative attention to the phenomena we wish to describe. His starting point was that a formal, logical system itself must be based on the concept of 'being' or 'is' and that this concept derives from intuition. For Scheler, a phenomenon is a fact of consciousness and consciousness is of facts whose foundation is their being in relation to consciousness (1973, 52). The key parts of his approach consisted of the attempt to suspend sensory data for intuition⁶ of essences, the view that consciousness presupposes the being of the person, and the view that emotive intentionality was our primary way of

5] I note here that it is 'formal a priori' or 'idea a priori' that Scheler objects to and specifically in relation to experience. Scheler does not object to the idea of the a priori in general and it is in fact a large part of his theory of ethics and his epistemology.

6] Intuition in "the sense of clear, plain, obvious, evident 'seeing'" (Spader 2002, 56). In other words, Scheler meant a clear, self-evident understanding of something that cannot be broken down any further. An alternate term for essence that Scheler used was "whatness," as in "the whatness of something" (Scheler 1973a, 48).

engaging the world. In other words that we are first emotionally affected by objects, that we *feel* things about them, before we make judgements about them (Frings 2001, 182-83).

In ethics, Scheler's major aversion was to what he called formalism. Formalism, in Scheler's vocabulary, refers to a "denial of the knowledge or conation of the 'right' or 'good' action itself, and an assertion that only the rightness or wrongness of the method or process of choosing any given action can be known" (Schneck 1987, 98). Scheler put forward a large critique of formalism, as he found it in Kantian ethics. I think Scheler's critique can be applied to Rawls's political philosophy in a pair of areas. I think that this point leads into two possible approaches to linking Scheler's and Rawls's philosophy. I will term them the Schelerian-Communitarian response and the Schelerian-Rawlsian response. This is because they fall along those standard lines in arguments over Rawls.

First, Scheler would probably have said that Rawls's everyday conception of the person was an unexamined notion which was of limited or questionable accuracy. Recall that Rawls described this everyday conception as a basic unit of thoughts, deliberation, and responsibility. Scheler would have said, I believe, that this presupposes that a person is first or foremost a rational agent rather than an emotive agent as no mention of feeling is made here. Scheler would probably have identified this as a continuation of Kant's identification of personhood with reason, with reason understood as the faculty of the mind which provides the a priori principles of cognition (Kant 1998, 134; 1999, 79). This is not to say that Rawls would be endorsing Kant's metaphysics but instead what we may call Kant's phenomenology of personhood (setting aside the anachronism of that phrase). Rawls's conception of the person would appear to understand persons without taking their ability to feel into account, let alone accounting the primacy of feeling in the structure of our experiences. Rawls's political person presupposes a kind of rationalist conception of the person, to whom feeling was subordinate or contingent. This conception of the person is not embedded in any particular context and is in fact contextless.

Here I enter into what I call the Schelerian-Communitarian response. I link this to Scheler's critique of formalism. Scheler's critique of formalism was that they draw an impassable gap between formal procedures and material facts. Rawls's formal decision making procedure, the device of the original position, seems to allow for no room for material facts and a specific kind of material fact that Scheler called values. Material facts, as they are in Scheler's philosophy are something that comes out of his phenomenology and epistemology. Without going into too much depth on this, for brevity's sake, this is because for Scheler the formal-material distinction is relative, having to do with the universality of concepts, while the a priori-a posteriori distinction is absolute, having to do with the acute difference in the kinds of contents fulfilling the concepts and propositions concerned. For example, the a priori character of the proposition "A is B" and "A is not B" cannot be simultaneously true" is formal in respect of its universality, as any objects could stand for A and B, but it is material as it based on phenomenological insight into the fact that the being and non-being at the same time and in the same respect of some object are irreconcilable in intuition (Scheler 1973a, 54).

Additionally, Scheler would probably have objected to the basic structure of Rawls's liberal conception of personhood. For Scheler, liberalism in this mould would reduce people to "less-than-human abstractions of themselves [...] radically equal units of political demands and inputs" (Schneck 1987, 99). Even a Kant-inspired liberal politics with the emphasis on treating people as means and not ends, such as Rawls's, still depersonalises. While Scheler agrees that a person "must never be considered a thing or substance", he argues that formalist systems can only regard a person as "the X of certain powers" or "the X of some kind of rational activity" and we depersonalise them because the X, "that 'something' which is the subject of rational activity, must be attributed to concrete persons [...] in the same way and as something identical in all men" (Scheler 1973a, 371-72). The point here is that Rawls assumes a conception of the person which is too thin. It is, to quote Sandel's phrasing, "a pure subject of agency and possession, ultimately thin." (1999, 94). The difference here though is that Sandel's critique is meant to apply to persons in the original position, whereas the Schelerian critique is meant to apply to our everyday conception of the person which precedes that kind of deliberation. This is like Sandel's point on Rawls's citizen, that it is "[...] shorn of all its contingently-given attributes [...] [and] assumes a kind of supra-empirical status" (Sandel 1999, 94). The difference here is that, for Scheler, the underlying conception of the person which Rawls holds is essentially wrong about what a person is and does whereas Sandel is more concerned with Rawls's idea of the citizen than the person underlying it. Nevertheless from this position, one could make the standard argument that Rawls had "an incoherent conception of personhood [...] [as] essentially devoid of constitutive attachments" (Mulhall & Swift 2003, 465). More importantly though, Scheler's conception of the person provides a firmer foundation for the critique of "the desirability or feasibility of the kind of distancing of oneself from one's values" that Rawls's philosophy may require of some people (Mulhall & Swift 2003, 476). These include the presupposition of the value of autonomy and the idea that, in politics, some persons may have to set aside their commitment to conceptions of the good (Mulhall & Swift 2003, 476-77).

There is a parallel here to Scheler's critique of Kant's formal ethics. That was partly on the grounds that Kant's conception of the person was mistaken but more so on the grounds that Kant was unable to account for the need for lawfulness in ethics without recourse to feeling that lawfulness is valuable or a value itself, which lay beyond the scope of his epistemology (Spader 2002, 37-40). Likewise, undertaking what Rawls's political liberalism may require of us cannot be justified except by reference to the ability to feel the values of political liberalism. However, as his conception of the person as an isolated unit of thought, deliberation, and responsibility, not existing in a context of essential meaning or significance, it excludes a priori feeling then Rawls himself is unable to ultimately justify the values of his project. However, I believe that adopting a Schelerian conception of the person allows a way out for Rawls and his project. I wish to go into this below.

III. SCHELER'S CONCEPTION OF THE PERSON AND ITS LINK TO RAWLS

I believe that an alternate use of Scheler's critique can be made. This is what I call the Schelerian-Rawlsian response. This is a synthesis of the two positions, in which Rawls's everyday conception of the person is replaced by Scheler's phenomenological conception of the person but in which Rawls's later political philosophy may be kept intact. Rawls's conception of this citizen fits in well with Scheler's description of persons. Rawls's conception of rationality as having a capacity for a conception of the good is an essential part of the structure of experience for a person in Scheler's account. If one's conception of what one intuitively as good changes then neither their political personhood nor essential personhood is changed. One remains a person, and therefore a citizen, as long as they can have a feeling of the good. One can also understand feeling and essential intuition as the grounds of individuals' capacity to be self-validating sources of claims without endorsing any one conception of the good. Using Scheler's account of the person allows us to have a thicker conception of the person within the epistemological and moral constraints of the original position. Scheler's conception of the person is meant to describe our people as they actually are in everyday life, how they are before we try to understand them via theoretical apparatus.

For Scheler, "the person is the concrete and essential unity of being of acts of different essences [...]" which precedes all acts and is their foundation (1973, 382-83). Without understanding what an act is, in Scheler's sense then this is a cryptic definition of what a person is, especially in comparison to Rawls's political definition. An act is an occurrence of bestowing meaning by the person that can have as its object both the real and the ideal. The being of an act consists in its performance. Every act is individual and different to all other acts as acts are always towards some object, things which require acts to "bridge together their monad-like separateness" (Schneck 1987, 50). For Scheler, an intentional act is a process where *A* grasps an essence of *B*. When we intend some object, we bestow a meaning on it and this meaning is the essence that we have grasped from it (Scheler 1973a, 390).⁷ For Scheler, consciousness was conscious of something, a relation between one being (the subject) and another being where the subject bestows a meaning (or a significance) on to whatever it is that they are conscious of. A relation between beings presupposes that there are beings to have a relation. One of those beings, if the relation is a conscious relation, must be a person. For Scheler, persons have non-substantial and non-cognitive status as they have being only in the performance of acts. They are concrete centres of experience. To be a person, for Scheler, is to do.

Additionally, in our experience, our primary way of encountering objects is through the emotional feeling we have of it. For example, empirical objects such as a human body, or a work of art, or a room, could seem to us to be pleasant or unpleasant, agreeable or

⁷] Meanings for Scheler are meant to be non-temporal and ideal in a phenomenological sense, not a metaphysical one. Again, some of this presupposes his earlier phenomenology and epistemology as well as parts of Husserl's *Logical Investigations*.

disagreeable without our being able to demonstrate why this is the case without using ad hoc reasoning (1973a, 12-17). In these situations, we do not know which properties may have prompted this reaction. He wrote that “it is as if the *axiological nuance* of an object [...] were the *first* factor that came upon us” so that even if what is encountered is unclear to us, the value that we feel it embodies is not (1973, 18). This emotional perception is the initial act we perform upon encountering something; it is the first significant thing we recognise about it. It is done before we recognise the essence of the other being, which is to recognise it as what it is and nothing else. However, this does not preclude later thought, reflection, and reasoning about what we encounter in our experience. This kind of perception is of material facts, noted above, and specifically of values.

In sum, a person is a being of acts. That is, they are a subject which bestows significance to the other beings they encounter. This initial significance bestowal is the feeling which it gives to that subject, and then the subject intuits the other being’s essence (be it an object or another person). The subject who experiences consists of being in a context in which persons and objects have an emotional significance to them which determines their value to the subject. In Scheler’s ethics, this allows individuals to have different intuitions of the values of other ideals and beings, their worth and so understand themselves as being willing to realise different a priori conceptions of the good. Individuals may intuit different values as being attached to different objects and actions but all must have some conception of the good as a part of the structure of their experience. This conception of the good is based on their intuition of values and their own a priori individual ranking of values.

So, one may ask, how does this relate to Rawls’s views or why can they be accommodated around for it? I think there are several issues in which it may be. First, there is the issue of neutrality. Rawls wanted to claim that his conception of the person was neutral with regard to metaphysical and normative claims and sufficient to use for moral and political thought, as I have gone over above. It, however, fails at this. I think that Scheler’s conception may be more useful for this for two reasons. One, it does not assume any particular moral psychology or moral end for people but it still acknowledges that different people may value different goods (both abstract and material) for reasons we cannot understand (if they have any reason at all). It also does not regard people as abstract entities which must have certain rational powers but instead only as concrete centres of experience engaged in a situation. No particular powers are presumed and the person is also seen only as existing within a context of some kind. The immediate advantage is that Scheler’s account of the person allows us to cut off the communitarian critique of Rawls’s conception of the person at the pass, by replacing it with a conception of the person that accounts for the role of feeling in experience. In addition, it allows us to dismiss the idea that putting ourselves as citizens in the original position requires us to think of ourselves as beings of pure agency or possession in which our contingently given attributes are ignored. Why? This is because feeling and attachments between subjects and other beings and ideals becomes an essential part of the conception of person, from

which start our political philosophy and so it can become a part of a Rawlsian conception of a political person, a citizen.

This combination of Scheler's and Rawls's philosophies allows us to correct a problem in Rawls's work and make clearer the other features of his moral conception of the person. If one believes that Scheler's account of the person is correct, then one may reasonably argue for Rawlsian politics.

However, as a final note, there are still problems to be worked out. For example, adopting this conception of the person would require a reworking of the original position thought experiment into a form which is radically different – if it remains possible at all. If one's political philosophy could be called Rawlsian after that is another question. Also, more work would need to be done to actually figure out the fine details of Scheler's person. As it may have become somewhat clear above, Scheler's presentation of his concept of the person is not a neat and tidy systematic thesis and it often does lack attention to detail. In his original work in German, there are a number of inadequately defended arguments and inconsistent terminology. It is indeed, despite Scheler's protests, easy to read his conception of the person as disembodied or abstract seeming. However, I feel that if such work is done then, at worst, we have a conception of the person that has the same flaws, just like Rawls's does and, at best, we may have a better one.

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