Mereological Foundation vs. Supervenience?

A Husserlian Proposal to Re-Think Moral Supervenience in Robert Audi’s Ethical Intuitionism

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ABSTRACT. The present essay takes issue with the idea of moral supervenience. It is argued that this idea is subject to fatal objections that can be brought to light by utilizing the resources of a phenomenological approach guided by demands of descriptive authenticity and rational principles. This critical project is carried out by focusing on Robert Audi’s sophisticated moderate ethical intuitionism which has rightly gained prominence recently. The relevant problems are addressed by comparing Audi’s notion of supervenience with Edmund Husserl’s account of foundation. The latter refers to different types of (intentional) contents and their relatedness in terms of ontological dependence. Husserl’s notion of foundation challenges the view that higher-order complex intentional unities like evaluative acts could be analyzed in terms of ‘adding up’ purely descriptive and non-descriptive contents. Or (choosing the current language of supervenience debates): in terms of anchoring moral properties in natural properties. My main thesis is that applying the idea of supervenience to the field of morality involves a circularity problem that undermines the taken-for-granted presupposition of a clear-cut distinguishability of natural and moral properties. Appropriately specifying one’s duties in situations of moral conflicts, according to the idea of supervenience, calls for identifying all those natural properties or facts that are relevant for morally assessing the situation in the first place. This practical task of solving the problem of moral salience, however, cannot be met by referring to pure facts that could be determined in an independent manner, that is, as uninfluenced by those moral perceptions or moral assessments whose appropriateness or permissibility, as assumed, is under consideration. Though we may grant that supervenience delivers a plausible general or abstract picture of how morality (as well as aesthetics, religion and other normative aspects) can be part of the world we experience, it does not help us properly assessing (or explaining how to properly assess) moral issues in concrete situations. Rather, from a moral-practical point of view, it is a thoroughly suspicious idea.

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Contemporary theories of mind give rise to a host of deep-level disagreements. Related issues concern, for instance, internalism versus externalism and intentionalism versus non-intentionalism. There are advocates of privileged access accounts who argue in favor of an irreducible first-person perspective and others who fervently deny it. Persistent disagreement exists concerning the conception of cognitive phenomenology, representationalism, higher-order theories of self-consciousness, qualia, and many other topics. Notwithstanding this widely split-up research scene, most contemporary philosophers unanimously take the idea of supervenience as an essential component of a promising theory of human mind and human behavior. It is due to the vast extent of possible fields of application that the debate goes far beyond mind-body supervenience. It also includes normative supervenience and moral supervenience in particular.¹

The present essay takes issue with this taken-for-granted view. It does so by utilizing phenomenological resources. The paper is divided into five parts. In part 1 I give a sketchy view on the big picture that calls for supervenience. I ponder the motivation and theoretical background of current debates on supervenience and, doing so, narrow down the range of my considerations to an exclusive concern for moral supervenience. I call to mind, with a few rough brushes, the relevance and meaning of the chosen topic and indicate the interest it arouses from the point of view of two outstanding brands of intuitionist theory: Robert Audi’s ethical intuitionism and Edmund Husserl’s phenomenological intuitionism. In order to explain how classic phenomenology fits into present debates I shortly explain Husserl’s thesis of secondary naturalization which suitably characterizes the phenomenological approach with a view to current quarrels on naturalism and anti-naturalism.

Part 2 introduces the notion of supervenience (SV) in Audi’s ethical theory and the notion of mereological foundation (MF) in Husserl’s phenomenology. I thereby focus on explaining the relating types of determination and clarifying basic conceptual distinctions. Having done so, I take up the issue of naturalism, proceeding from the widespread agreement that SV implies at least a weak form of naturalism. I refer to Audi’s notion of ‘collateral explanation’ in order to expound his ideas on how one may naturalize explanations in the realm of moral phenomena without naturalizing moral properties. Though within a different general framework of philosophical theorizing, this account is akin to Husserl’s phenomenological position, which endorses non-naturalism while, by the same

¹ «The denial of the supervenience of valuational concepts on factual characteristics […] would sever the essential connection between value and fact on which, it seems, the whole point of our valuational activities depends. In the absence of such supervenience, the very notion of valuation would lose its significance and relevance». Kim 1993, 236, fn. 38.

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token, acknowledging secondary naturalization of higher-order intentional contents. Part 3 broaches the issue whether MF and SV can be said to represent ‘organic’ or ‘holistic’ structures. I start with pinpointing the specifically ‘organic’ character Husserl attributes to consciousness in virtue of its rational structure. Based on the analogous functioning of a ‘purely descriptive content’ (MF) and the subvenient (natural) properties (SV), I explain how precisely the phenomenological account challenges the distinction of natural and moral properties as it is presupposed in standard views of moral SV. It does so by proposing an alternative conception of how contents are intertwined in consciousness (in terms of dependency relations). In this connection I juxtapose the interlacing view via MF (Husserl) and the anchoring view via SV (Audi). Part 4 offers a more detailed analysis of how and why SV and MF represent different accounts of determining the functions of ‘purely descriptive contents’ (MF) and ‘natural’ properties (SV). Utilizing the relating differences, I take up a thought presented in part 1 which overturns a widespread view: It is not moral properties that are primarily problematic but natural properties. I then argue that Audi’s (and others’) SV account implies an equivocal usage of ‘natural property’. In order to figure out what this means in terms of critical objections to the account of SV I focus on Audi’s notion of epistemic completeness. This notion addresses the task of specifying principles which is central for an intuitionist ethics that pretends to adequately conceive of concrete practical conflicts based on an acknowledgement of value pluralism.

Part 5 briefly summarizes the main results of the foregoing discussion.

The critical purpose of this paper can be specified as follows: first, to indicate some internal difficulties of Audi’s integration of SV in his metaethical theory; secondly, to draw on phenomenological resources, relating to Husserl’s MF and its pertaining methodology of intentional analysis, for better understanding the problems that come in the wake of using accounts of SV in the field of morality. My overall constructive aim is to clarify what it means to talk about evaluative and moral experiences (or: acts) as complex phenomena in terms of involving

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2 Among the controversial issues that might be traced here is whether reference to ‘organic’ or ‘holistic’ structures plays on the idea that a whole is more than the sum of its parts. I recognize that this issue is related to important aspects that I cannot give prominence due to space restrictions. This holds, for instance, for the attempt to figure out the role of emotions in moral perception. Doing so is of crucial importance for Husserl and other phenomenologists who refuse to accept the traditional opposition of reason and emotion. What is of interest here, in particular, is how we can make sense of the intuitively and reflectively plausible idea that «[e]motion, like perception and intuition is often a response to a pattern, and it may be quite rational in the light of that pattern. Perhaps in such cases emotion often responds to the whole as more than the sum of the parts». Audi 2013, 138. This is among the questions that haunt me with regard to SV: Is it possible to meet the relevant idea of whole by means of current accounts of SV?
different kinds of properties or different layers of intentional constitution. In meeting this task, I am especially interested in expounding the systematic potential of a Husserlian phenomenology that goes beyond historical and exegetical work on Husserl's phenomenology. Among the long-term projects associated with the relating attempts is to elaborate a phenomenology of evaluative (axiological) and moral experience. According to my understanding, working on a moral phenomenology requires making explicit how ontological, epistemological, and methodological problems interfere with one another in this field of research. A so-conceived moral phenomenology, among others, should trace out what kind of metaethical theorizing is best suited to respond to our everyday moral experience.

As to the latter intricacies, some restrictions with regard to the range of materials and topics considered in the present essay should be noted. The following discussion occasionally touches on the issue of moral realism. From a Husserlian point of view, any sensible discussion of moral realism is subject to methodological considerations that benefit from preceding thorough-going phenomenological analyses of a great variety of human experiences. Embarking on the project of a phenomenology of evaluative and moral experience need not include a foregoing commitment to (strong) moral realism. In general, Husserl's phenomenology remains neutral with regard to the debate on realism. On the contrary, Audi explicitly sides with realism. Another caveat is called for. Due to the critical focus on the SV issue as part of Audi's ethical intuitionism, there are many other parts of it that I had to leave aside in order to stay within a reasonable limit of length. For instance, I had to skip all those highly interesting aspects dwelling on Audi's ambitious project of modifying and combining a Russian-style intuitionism with an equally


4 In general, Audi and Husserl agree, contrary to error theories and like approaches, that folk morality, however imperfect, partly flawed and partly dogmatic, must not be ignored or repudiated in the lump when doing ethics. Given this agreement that adequately responding to our everyday moral experience is a reasonable demand on ethical theory, the above question does not beg the question against either SV or MF. To be sure, taking seriously folk morality from the point of view of an intuitionist theory requires elaborating a sophisticated account of intuition which is immune to standard objections against intuitionism (e.g. arbitrariness; inability to explain and cope with moral disagreement). In my view, both Husserl and Audi have the conceptual and systematic resources to accomplish this task. It is, however, clear that Husserl's phenomenological approach, which came to birth more than a century ago, stands in need of considerable interpretative and adaptive work. Yet doing so is a worthwhile effort in view of a bunch of fruitful contributions to current philosophical debates that come out of it. See ZAHAVI 2012.

5 Cf. Rinofer-Kreidl 2013a and 2013c.

6 Cf. Audi 2013, 48 f.
modified Kantian deontology.  

1. Introduction

According to a widespread view, striving for knowledge within scientific contexts calls for reproducible experimental evidences, a formal language and strictly impartial findings. As to these general requirements of a scientific procedure, moral reasoning and moral knowledge easily appear suspicious. Ethicists, moreover, seem to rashly incur ontological commitments when talking about ‘moral facts’, ‘moral objects’ or ‘moral agents’. In recent decades the relating critiques particularly referred to moral properties like being courageous, dishonest or benevolent. Such properties have been labeled ‘queer’ insofar as they resist reduction to natural properties (e. g. size, weight, color, being water-soluble or saliferous). Accordingly, strong accounts of moral realism, which acknowledge moral properties or values as independently existing entities, have been rejected by arguing that such ontological commitments transcend the proper field of scientific explanation. Given that this kind of ontological profligacy defies any functional role with regard to actual or possible scientific projects, it is undue. Moral properties, on grounds of their allegedly separate (non-natural) existence, are said to be causally inefficient or inert. Hence they are unable to play any explanatory role in scientific contexts and, in addition, elude scientific explanation on their part. Consequently, the queerness objection, which has been forcefully advanced in the wake of J. L. Mackie’s rejection of objective values in favor of error theory, splits up into the following objections: arbitrary inflation of ontology, queerness and epiphenomenalism. According to this view, there is one and only one approved and promising way to stand up for moral realism: One has to defend an explanatory role of moral properties with regard to actions or events that occur in the empirical world.

The above-sketched view on the interface of science and ethics has strongly  

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9 These arguments against moral realism have often also been pleaded against ethical intuitionism. This is due to the fact that there is a certain affinity and overlap between these two strands of metaethical theorizing. See Enoch 2011; Cuneo 2007; De Lapp 2013; Humber 2005; Shafar-Landau 2003; Stratton-Lake 2002; Sayer-McCord 1988 and 2009; Schabert 1997; Brink 1989; Dreier 1992; Railton 1986.
10 Consequently, the relating debates partly revolve round the question whether, with regard to normative facts, non-causal explanations are permissible or even required. See Zangwill 1996, 2006 and 2008; Sturgeon 2006; Audi R. 1993a, 1993c, 2007a and 2008a; Audi P. 2012.
dominated 20th century debates on moral realism in analytic quarters. It therefore does not come as a surprise that the notion of supervenience, when introduced into the domain of metaethics, raised high hopes in terms of accommodating moral reasoning to the requirements of scientific research. Supervenience is (mostly) meant to withhold a reductionist picture of moral properties, thereby doing justice to our everyday moral experience. Yet it is nonetheless bound to an at least weak form of naturalism. It therefore allows for rational inquiries that match with the underlying scientific worldview. Covering these distinct demands, the notion of supervenience seems to be philosophically resourceful and promising. Instead of supporting strong reductionism programs it requires specifying relations of dependency – as one of the pioneers of supervenience theory notes:

It is useful to think of supervenience as belonging in that class of relations, including causation, that have philosophical importance because they represent ways in which objects, properties, facts, events, and the like enter into dependency relationships with one another, creating a system of interconnections that give structure to the world and our experience of it. Modes of dependency or determination may differ from one another in various ways; if supervenience is thought of as such a mode, questions arise as to exactly how it differs from others, whether it is a single homogeneous relation or represents in reality two or more distinguishable relationships, and whether supervenient determination presents a philosophically significant alternative to other determinative relations.11

There are various modes of dependence and determination that must be distinguished with a view to different domains of objects. As indicated above, I am exclusively concerned with two specific conceptions of dependency relations. On the one hand, I take up the notion of foundation elaborated in Edmund Husserl’s Logical Investigations which is part of his phenomenological theory of reason and consciousness. Explaining the notion of foundation it is necessary to draw on the idea of intentional analysis. Since the kind of dependence relation Husserl has in mind refers to relations of parts and wholes, it can be designated as ‘mereological foundation’ (MF). On the other hand, I focus on the notion of supervenience (SV) as part of Robert Audi’s ethical intuitionism. Comparing the latter with Husserl’s notion of MF, I do not dwell on the detailed debates on supervenience that recently have appeared in metaethics, philosophy of mind and other fields.12 Rather, I take at face value

11 Kim 1993, p. 54.
Husserl’s and Audi’s definitions of the relating mereological and supervenience relations and follow a more restricted and modest project. I thereby assume that Husserl’s and Audi’s overall philosophical projects exhibit a hitherto unexplored shared commitment to a non-naive and non-dogmatic, that is, sophisticated and moderate brand of intuitionism (see above fn. 4).

As will be shown in the following, Audi’s usage of SV, notwithstanding his highly differentiated and carefully thought through version of a moderate ethical intuitionism, is problematic. This is due to the fact that what is at work here is the ‘big picture’ of an ethics-as-science view. In a nutshell, one can formulate the relating attitude as follows: The idea of SV helps to cope with those allegedly problematic moral properties by tying them (in a suitable manner) to natural properties whose nature and functions are well-studied and good candidates for intersubjective agreement. Contrary to this received view, I shall argue that, with regard to moral phenomena, it is the notion of natural (base or subvenient) property or the notion of natural fact, respectively, that most pressingly stands in need of clarification and analysis. It is Husserl’s MF that will give us the crucial clues to seize upon this insight.

Husserl’s notion of MF functions in an intentionalist framework. It therefore does not exclusively deal with the ontological structure of things or (natural and moral) properties but includes the wider view on how the things and properties at issue are experienced. Equally, Audi discusses SV with a view to both ontological and epistemological issues. Yet while Audi’s usage of SV is mostly interested in human action and relating issues of normativity, MF addresses the contents of intentional experiences from the point of view of theoretical reason. As will be explained in part 2, MF deals with necessary relations holding between different types of contents that can be realized in somebody’s consciousness. On condition that reference to certain kinds of objects (i.e., things or states of affairs) by means of certain intentional contents

13 Audi 1993a succinctly summarizes the peculiarities of moral SV as distinct from mental SV as follows: «First, the ontic dependence of any particular mental property on some physical subvenient property is not a priori, in the sense that it is knowable through reflection on the relations among the properties in question. It is presumably an empirical truth that mental properties supervene on physical ones at all. [...] Second, whereas moral properties are epistemically dependent on natural ones, mental properties are not epistemically dependent on physical ones [...] , it is normally not through knowledge of the base properties of the former, but rather through knowledge of behaviour which is normally taken to manifest, rather than underlie, the relevant mental property. [...] Third, [...] in the case of the mental, the candidates for base properties are not conceptually constitutive of the mental ones.» Audi 1993a, 63f. The last point draws on another basic distinction: While moral SV holds from conceptual reasons, mental SV shows a causal or at least nomic character.
and, correspondingly, undergoing certain types of acts actually is part of our human experience, the relations at issue must be realized in the consciousness at issue. In other words: A phenomenologist cannot, in principle, maintain that, for a priori reasons, certain types of objects must occur in every possible human world. She nonetheless is warranted to argue that if objects of the relevant type are realized in a given world (i.e., as possible correlates of certain experiences), they then necessarily show a certain internal rational structure (conditioned necessity). Otherwise they would not be objects of the kind at issue.

It is important to keep in mind the overall intentionalist framework of Husserl’s theory of consciousness as well as his insistence on the methodological autonomy of an intentional analysis as distinct from causal analyses dealing with processes of human feeling, thinking and acting. Given these conditions, Husserl need not consider it his primary task to explain how, for example, abstract meaning contents, which are related to other contents of consciousness by MF, could exert an impact on physical things or occurrences. Yet he does meet the naturalization challenge. He endorses non-naturalism in terms of defending the irreducibility of intentional contents to physiological (biological, chemical) processes. Arguing along these lines, he does not deny that these processes represent necessary though not sufficient conditions for mental occurrences like thoughts, feelings of pain and day dreams. And what is more, he is eager to consider what one may call the ‘secondary or indirect naturalization’ of a great variety of intentional contents within the framework of a phenomenological inquiry. ‘Secondary naturalization’ mirrors the multi-

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15 For a closer examination of this issue, focusing on reason-responsiveness as a distinctive feature of intentional acts, see Rinofner-Kreidl 2011a. (In this paper I also give a summary of how a phenomenological (intentionalist) investigation, according to Husserl, differs from a causal investigation. See pp. 236-243.)
16 Cf. Husserl 1989, §§ 62-63. In § 8 of his late book on Experience and judgment Husserl expounds what I designate ‘secondary naturalization’ as follows: «This [that all real objects are known as existing within an external, that is, spatiotemporal horizon, SR] is first of all immediately true for the world of simple, sensible experience, for pure nature. It also holds mediately for everything mundane, i.e., also for human and animal subjects as subjects in the world, for products of culture, useful things, works of art, and the like. Everything mundane participates in nature. The naturalization of spirit is not an invention of philosophers – it is a fundamental error if falsely interpreted and misused, but only under these conditions. In fact, it has its ground and its justification in this, that mediately or immediately all that is worldly has its place in the spatiotemporal sphere. Everything is here or there, and its place is determinable, as are places in general, in the same way that everything spatiotemporal is determinable […]. In this way, everything nonsensible partakes of the sensible; it is an existent from the world, existing in the one spatiotemporal horizon. Hence the existence of anything real never has any other sense than that of existence-in [Inexistenz], than that of a being in the universe, in the open horizon of spatiotemporality …». Husserl 1973, 33 f.
level character of consciousness. Intentional contents do not occur in isolation. Neither do they occur in arbitrary or casual formations or relations. Rather, they occur in lawfully structured complexities, that is, in different forms of connectedness that correspond to the nature of the connected items (see part 2). On this condition, consciousness is conceived as a structured hierarchy of tightly interrelated contents (see part 3), which comprises, for instance, thoughts about numbers or abstract concepts as well as the contents of my present rose garden perception. Accordingly, ‘secondary naturalization’ refers to the idea that even those higher-order ‘abstract’ contents like thoughts about mathematical or fictitious objects are indirectly embedded in (or bound up with) an overall ‘natural’ context via the interconnected materialization of contents in human embodied consciousness. Apart from their connectedness, which hinders to conceive of contents as ‘free floating’ or isolated entities, it is their occurrence as intentional units that allows for secondary naturalization. The latter, ultimately, is due to the subject’s embodied existence: As actually thought (or ‘lived through’) the abstract content, as a ‘mental occurrence’ or ‘mental state’, is spatially and temporarily located. In this vein, all intentional contents of consciousness, including higher-order (i.e., more complex) contents are naturalized without thereby being reduced to merely natural occurrences (states, processes) like tremblings, yawns, contractions of bowels or those neurological and chemical processes that allow humans to move their limbs and utter words.17

According to Husserl’s conception of foundation the lowest level of constitution, that is, «material reality ultimately underlies all other realities, and, as a result, the phenomenology of material nature enjoys a pre-eminent position without question».18 Yet notwithstanding this pre-eminent role of a phenomenology of material nature Husserl insists that the founded unities are «unities of a new kind. As the intuition of the essence teaches, what is new that is constituted with them can never be reduced to mere sums of other

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17 «As joined to its Body, the spirit ‘belongs’ to nature. In spite of this association, however, this linkage, it is not itself nature. The spirit has ‘effects’ in nature, and yet it does not exercise there any causality in the sense of nature. Causality is a relation between one reality and its correlate surrounding realities. But the reality of the spirit is not related to real circumstances residing within nature; rather, it is related to real circumstances that exist in the ‘surrounding world’ and in other spirits: this, however, is not nature. […] Thus we have to establish a peculiar relationship between spirit and physical nature, a relation between two sorts of realities, a relation of conditionality yet not of causality in the genuine sense. The same holds for the relation between spirit and soul or between spirit and Body as aesthesiological unity rather than as a physicalistic thing.» Husserl 1989, 296 f.

18 Husserl 2014, 305 [§ 152].
From these considerations two peculiarities of a phenomenological inquiry should be clear. First, the phenomenological project of describing the entire variety of different types of human experience implies that, in the present context, it would be misleading to equate the distinction between evaluative and non-evaluative intentional acts with the distinction between evaluative properties and descriptive or natural properties. This is owing to the fact that Husserl deploys a specific type of phenomenological descriptivism that revolves round the conception of MR. Secondly, his response to the challenge of ‘naturalizing the human mind’ or ‘naturalizing subjectivity’ strictly keeps within the methodical limits of a phenomenological investigation. Correspondingly, Husserl is interested in intentional acts and their contents (instead of referring to properties simpliciter). He takes it that the crucial point is to reveal consciousness as a multi-level hierarchy of intentional accomplishments. Correspondingly, the project of a non-reductive ‘naturalization’ is transformed into a fine-grained descriptive task which is bound up with the distinction of different layers of constitution. These layers are rationally unified by means of founding relations.

2. On How to Understand MF and SV

Husserl’s conception of MF aims at a rational reconstruction of human experiences of all sorts in terms of analyzing their intentional structure. This analysis focuses on relations of ontological dependence between those contents.
that build up the experiences at issue.\textsuperscript{22} One aspect according to which relations of dependency can be classified is whether these relations hold in a one-sided or reciprocal mode.\textsuperscript{23} One-sided (unilateral) dependency, which seems to approach the notion of SV, can be specified as follows: Whenever an element A, for instance a certain brightness, is one-sidedly founded in B, for instance a color, it is a dependent content (called ‘moment’\textsuperscript{24}) with regard to B.

A content A is non-independent relatively to a content B, if there is a law rooted in the Generic Essences A, B, which lays down a priori that a content of the pure Genus A can only exist in or associated with a content of the Genus B.\textsuperscript{25}

\textit{Founding relations} of this kind do not hold for empirical or contingent reasons.\textsuperscript{26} They are warranted in an a priori and necessary mode. As far as founding relations involve dependent contents that draw on different ontological regions the corresponding statements claim to represent synthetic a priori knowledge.\textsuperscript{27} Though Husserl extensively discusses founding relations in terms of a part/whole ontology in his \textit{Third Logical Investigation (On the theory of wholes and parts)}, I shall confine myself, in what follows, to one paradigmatic instantiation of a founding relation which is of central concern to Husserl’s analysis of intentional acts in his \textit{Fifth Logical Investigation (On intentional experiences and their ‘contents’)}\textsuperscript{28}. The thesis at issue, which Husserl ascribes to his former teacher Franz Brentano, reads as follows: Each intentional experience is either itself a presentation or is based on such a presentation.\textsuperscript{29} (As will become clear in the following, instead of ‘presentation’ we may also synonymously use ‘representational content’, ‘intentional content’ or ‘intentional matter’).

In order to understand how this statement addresses the issue of founding

\textsuperscript{22} I emphatically agree with Robert Sokolowski who, very early, recognized that the logic of parts and wholes does not only refer to a narrow region of logical and ontological issues, yet lies beneath the whole range of Husserl’s phenomenological investigations. «Part-whole logic is also operative in Husserl’s description of subjectivity. His complex analyses of intentional acts, for instance, are simply applications of part-whole relationships to intentionality». \textsc{Sokolowski} 1968, 537.

\textsuperscript{23} Cf. \textsc{Husserl} 2001b, § 16.

\textsuperscript{24} Correspondingly, independent parts like, for instance, legs of chairs that can be chopped off without thereafter necessarily ceasing to exist, are called ‘pieces’. Cf. \textsc{Husserl} 2001b, 20 [= Third Logical Invest., § 11]; ibid., §§ 17, 24 and 25.

\textsuperscript{25} \textsc{Husserl} 2001b, p. 23 [= Third Logical Invest., Hua XIX/1, § 13].

\textsuperscript{26} As to Husserl’s denial of a cause/effect-reading of foundation see \textsc{Husserl} 2001b, 108 f [= Fifth Investig., Hua XIX/1, § 15a].

\textsuperscript{27} Cf. \textsc{Husserl} 2001b, pp. 19-22 [= Third Logical Invest., Hua XIX/1, §§ 11 and 12].

\textsuperscript{28} Throughout the following I shall use ‘(intentional) experience’ and ‘(intentional) act’ synonymously.

\textsuperscript{29} \textsc{Husserl} 2001b, pp. 107 f [= Fifth Investig., Hua XIX/1, § 15a].
relation, we have to introduce some of Husserl’s technical terms. Every intentional act is composed of different elements. On the one hand, it comprises the *quality* of the act according to which the intentional experience at issue, for instance, functions as an imagination, as a judgment, as expression of a wish, and so on. The quality of an act specifies the sort of act it is. On the other hand, every intentional act embodies a representational content which is called ‘matter’ and which imparts a specific cognitive content to the act at issue. The *matter* determines the mode of reference to the intended object (or state of affair) which manifests itself in the performance of the intentional act. In terms of mereological relations, quality and matter are mutually dependent parts. Hence they stand in a relationship of necessary connection. Functioning as a dependent part means that the moment at issue requires some determinate supplementation because otherwise it will not be able to come into existence at all.\(^\text{30}\) In the present context, it is suitable to focus on the notion of matter. Representational content or matter is basic in terms of dependency relations: Differences as to representational content necessarily entail differences as to those complex intentional wholes they contribute to build up. Note that this relation is asymmetrical: Differences with regard to the intentional acts as complex, mereologically unified wholes do not necessarily reflect differences with regard to their representational contents. The same matter may occur as part of different intentional acts that are qualified as, for example, mere representations (“bloße Vorstellungen”), judgments, questions, assumptions, presumptions, and so on.

With a view to moral issues relevant realizations of MF occur, among others, on occasion of undergoing (‘living-through’) evaluative experiences. Formally viewed, these experiences represent complex intentional unities that comprise different types and different layers of contents. Every evaluative act stands in need of a representational content in order to have a determinate ‘cognitive’ content.\(^\text{31}\) In other words: Every instantiation of such a higher-order intentional act necessarily requires or is dependent upon an intentional (‘representational’) content.

\(^{30}\) ‘The indefinite expression: \(A_0\) requires supplementation by \(A\), is founded upon a certain moment, plainly means the same as the expression: ‘\(A_0\) is non-independent’. HUSSERL 2001b, p. 25 [= Third Logical Invest., HUA XIX/1, § 14].

\(^{31}\) Within Husserl’s phenomenological framework ‘cognitive’ does not indicate a strongly cognitivist position in terms of privileging judgments even with regard to, for instance, perceptual experiences. Equally, in the present context ‘representational’ calls on whatever intentional content referring to whatever intended object. Yet the object is not intended as an intentional (or merely immanent) object, thereby endorsing a representationalist account which denied the transparency of human experience and consciousness, respectively. The corresponding methodological flaw amounts to projecting the attitude of intentional analysis into our naïve performance of experience. See Mattens 2010; Drummond 2012; Rinofner-Kreidl 2013c.
content which functions as founding content. Here is an example: «a joy may be built on the assertion of a state of affairs, a joy in that state of affairs. The joy is not a concrete act in its own right, and the judgement an act set up beside it: the judgement rather underlies the joy, fixes its content, realizes its abstract possibility for, without some such foundation, there could be no joy at all». Accordingly, moral experiences like, for instance, feeling guilt or shame or acting in an unfair way and thereby accepting that other persons get harmed, equally stand in need of foundation in terms of representational contents. Without this foundation there could be no feeling of guilt or shame and no unfair or unduly harming mode of acting. Husserl’s foundation model presents itself as an intuition-based and rationally explicable phenomenological equivalent to W. D. Ross’s and Robert Audi’s thesis that moral properties are consequential on natural properties. As we shall see later on, there nonetheless are profound differences that must not be ignored.

The consideration that one and the same representational content, that is, one and the same dependent part, can be realized in different wholes, that is, in different types of intentional acts, brings us back to the special problem indicated above by introducing Brentano’s thesis. According to Husserl’s mereological analysis of intentional acts, it is important not to confound two different meanings of ‘representation’. On the one hand, this term refers to the matter of an intentional act. Accordingly, representations function as dependent parts whose existence requires the existence of an appropriate relating whole. On the other hand, the term ‘representation’ addresses a specific type of an independent intentional act which, as an integrated whole of its composing moments, manifests a certain quality, namely that it merely represents the intended object – without, at the same time, judging upon it, acknowledging it as beautiful or disgusting, and so on. Adhering to Husserl’s conceptual distinctions, which are based on his mereological investigations, we are able to see through and cope with this basic ambiguity in our talk about representations (Vorstellungen).

For the sake of examining Audi’s utilization of SV more closely from the point of view of Husserl’s mereology, I shall come back to the above-mentioned

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32 The relevant explanations, as far as details are concerned, are mainly given in Husserl’s early lectures on ethics and value theory. Meanwhile, these explanations have been gleaned and made publicly accessible in Husserlana XXVIII (Husserl. 1988). In the second volume of the Logical Investigations (1901), we find only sparse remarks on the relevant issues concerning emotionally-based higher-order intentional acts, so-called ‘Gemütsakte’.

33 Husserl 2001b, 116 [= Fifth Investig., Hua XIX/1, § 18]. See Husserl 2001b, 107-109 [= Fifth Investig., Hua XIX/1, § 15a].

34 See Husserl 2001b, 171-74 [= Fifth Investig., Hua XIX/1, § 44].
Brentano-thesis (each intentional relation is either itself a presentation or is based on such a presentation) later on. For the time being, it suffices to note that this thesis can be considered as roughly analogous to the guiding principle that lies beneath judgments about various instantiations of SV. Carrying on Husserl’s considerations the relating thesis can be phrased as follows: In order to be ontologically respectable a property either must be a natural property or must be based on, that is, one-sidedly founded upon a natural property. (Jede ontologisch zulässige Eigenschaft ist entweder eine natürliche Eigenschaft oder gründet [im Sinne einer einseitigen Abhängigkeitsbeziehung] in einer solchen.)

As mentioned earlier, when Husserl inquires into relations of foundation he does not refer to properties but, owing to his intentionalist framework, to matters of intentional acts, that is, to representational contents.

According to Audi, it is only on a specifically cognitivist condition that it does make sense to speak about moral properties. The cognitivist assumption is that moral propositions are truth-apt, that is, able to be true or false and, in each case, are either true or false. Cognitivists argue that the truth-aptness of moral propositions is best explained by acknowledging moral properties which represent certain states of affairs and function as truth-makers of the relating propositions. Audi takes it that moral properties are not identical with non-moral (natural) properties. Nor can they be reduced to non-moral properties. Moral properties nevertheless are consequential on natural properties.

They are constitutively anchored in natural properties. Arguing along these lines is meant to bring together two seemingly contrary though not incompatible characteristics or tendencies, namely that moral properties «have their feet firmly planted in the natural world and still [...] rise above it».

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35 It is only with regard to linguistic surface that the latter wording deviates from the analogous wording in Husserl’s Fifth Logical Investigation. Actually, Husserl’s formulation is incomplete. Spelled out completely it runs as follows: Every intentional experience must either be a representation or entail a representation. Otherwise it could not manifest itself in consciousness (due to the lack of content).

36 «Goodness is always a consequential attribute; that which is good is good by virtue of something else in its nature, by being of a certain kind». Ross 2002, 155. Among the many details in Audi’s ethical intuitionism that are related to this basic thesis is his so-called value-instantiation view which opposes strong (platonic) value realism. According to this view, «the primary bearers of intrinsic value are [...] instances, conceived as concrete realizations, of certain kinds of states of affairs, and that these concrete elements are intrinsically good in virtue of their intrinsic (roughly, non-relational) properties». Audi 2004, 123. In this connection, we should also notice his notion of (axiological) experientialism according to which «the bearers of intrinsic value (and intrinsic disvalue) are experiences, including experiential states and processes, where these experiential elements are construed purely psychologically, roughly as qualitative mental states or processes».

37 Audi 2010a, 93; Audi 2013, 58 ff, 30-8.

38 Audi 1997, 114.

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conception of the anchoring view holds a determinate ontological dependency of moral properties. According to this view, moral properties supervene on natural properties. The relevant supervenience relation is said to be irreflexive and asymmetrical. Audi introduces the notion of moral supervenience in the following way:

first, no two things, whether acts or persons, can share all their natural properties and differ in their moral ones (if they have any); and second, any entity having moral properties possesses those properties in virtue of its natural properties (or certain of them), where ‘in virtue of’ expresses an asymmetric relation of dependence and is usually held to imply an explanatory connection as well, such that a thing’s possession of a moral property is explainable, at least in part, by appeal to its possession of one or more of the natural properties on which the moral property supervenes.\(^{39}\)

Furthermore, Audi distinguishes general supervenience between moral and natural properties and particular supervenience between an individual thing’s (or action’s) having a certain moral property, for instance lying and deceiving, and its having a certain natural one, for instance, committing a breach of contract in a business transaction.\(^{40}\) According to the above explanation of SV, it is impossible for two actions to differ in respect of rightness without differing in some natural property. SV includes a demand for generalization. If it is true that a given thing is good in virtue of its total set of natural properties or some of them (as Audi ponders in the above quotation), it must also be true that every other thing that (to a sufficient extent) realizes the same natural properties is also good.\(^{41}\) The grounding relation between natural properties and moral properties holds from a priori and necessary reasons.\(^{42}\) The idea of SV does not represent a causal or nomic, but some kind of conceptual (though not analytic) truth.\(^{43}\) By virtue of acknowledging a priori knowledge of general moral truths Audi declares himself to be a rationalist in moral epistemology.\(^{44}\)

The conception of SV as integrated in Audi’s ethical theory is primarily meant to ensure a plausible moral ontology. However, SV does not only

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39 Audi 1997, 113.
41 Relating to this generalization thesis, Audi agrees with his favorite intuitionist precursor in ethics, W.D. Ross. See Ross 1963; Ross 2002; Audi 2004, 93, 139, 150.
42 Cf. Audi 2010a, 94 f. One of Audi’s examples of a „simple moral knowledge“, which could plausibly be construed as a priori, is the following: „that it is unjust to give unequal sentences for equal crimes committed under the same circumstances“. Audi 1997, 125.
44 See Audi 1997, 95 f, 99. As to the opposition of rigidly generalist and rigidly particularist views, Audi takes a mediating position (1997 and onwards) which he dubs ‘interactionist view’: «one must
address the one-sided ontological dependency between different (types of) properties. Our perceptual (or perception-like) grasping of moral properties is, moreover, *epistemically dependent* on our taking note of the relevant natural properties. To be sure, Audi does not claim that *all* of our moral knowledge must be grounded in moral perception. In accordance with his demand for a *moderate form of foundationalism* he rather claims that at least *some* of our moral knowledge must be objectively grounded in terms of defeasible intuitive evidences. However, there may be both inferential and non-inferential moral knowledge and justification for moral judgements apart from moral perception.

As far as the debate on naturalism is concerned, the anchoring view steers for a middle path, too. On the one hand, it is said that «the supervenience view leaves open the ontological reducibility of moral properties to natural ones (whether to the natural properties *in* the base or, more likely, others), and because it *grounds* moral properties in natural ones, one might be inclined to call it a (weak) form of naturalism». On the other hand, SV mostly is considered as ruling out reductionist conceptions based on the thesis of property identity. As to the previously mentioned standard objections against moral realism (see part 1), one obvious strategy is to straightforwardly reject the epiphenomenalism objection by arguing that attributions of causal efficacy to moral facts (or: properties) should be taken seriously: «the supervenience naturalism that concerns us attributes both causal and explanatory power to moral properties». Proceeding like this, one actually grants the scientific view and tries to defend moral properties in terms of the requirements that are stipulated in accordance with this view. On this condition, the project of

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45 Cf. *Audi* 1993a, 61, 63 f. This is important, among others, because it marks a significant difference between moral properties and higher-order natural properties like, for instance, temperature or elasticity. The latter are ontologically dependent on lower-level properties, yet they are not epistemically dependent on them. Given this difference between relations of SV in physics and moral SV, I do not assume that the following line of reasoning is suited to warrant a wholesale rejection of SV. My concern is exclusively with moral SV. Other types of SV referring to other domains of objects require separate discussion.

46 *Audi* 2010a, 95.

47 *Audi* 1997, 114.

48 Prominent among the exceptions ranges Frank Jackson’s account of SV. See *Jackson* 2007.

49 *Audi* 1997, 114.

50 For a radically opposed line of reasoning that eschews the ethics-as-science view in favor of a
defending moral realism will come to naught if we fail to show how moral properties function explanatorily. Still, as Audi emphasizes in his *Moral Knowledge and Ethical Character* (1997), it is crucial how we precisely interpret and describe the possible explanatory role of moral properties. In other words: The conception of moral explanation, if duly interpreted, allows for acknowledging moral properties without exposing them to a reducibility thesis. If we follow this line of reasoning it is appropriate (and indeed indispensable) to distinguish different types of explanations. Doing so we may then argue that there is at least one understanding of ‘explanation’ that demands for a SV-based acknowledgment of moral properties. According to Audi, this is true with regard to so-called ‘collateral explanations’.

In order to grasp collateral explanations it is necessary to distinguish different types of explanations by referring to their respective aims. The explanations at issue are meant to answer one of the following questions: Why did a certain event, say a revolt, occur at a certain instant of time (causal explanation)? Why should a certain event, under prevailing circumstances, be considered rational in terms of reason-responsiveness? Collateral explanations refer to both questions, yet in different ways. The underlying natural properties are said to do all of the direct explanatory work while the supervening moral properties, for instance, injustice, come into play in an only indirect sense. They are applied to certain base properties, for instance, rigging elections, arbitrary curfews, police brutality, government seizure of land, and so on, which do all of the causal explanatory work. «[M]oral explanations are naturalized in the indirect sense that they point us to explanations in terms of the natural base properties whose presence is their ground; and these properties do the direct explaining of events».51 In what follows, I shall not give a more detailed account of this mediating or conciliatory strategy of naturalizing explanations without naturalizing moral properties.52 I shall rather dwell on another, more

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51 Audi 1997, 123.
52 See Audi 1993a, 60 ff; 1993c; 1997, 119-25; 2010a, 92 ff; 2013, 55 ff. In his recent book on moral perception Audi explicitly notes (and this seems to be a new element) that his theory «is neutral regarding the possibility that moral properties themselves are causal». Audi 2013, 44. However, the context makes clear that he still advocates the idea of naturalizing explanations without naturalizing moral properties. As the author insists, his theory does not explain how moral perception can have a causal character «by treating (moral) perceptual property instances like seeing...».
radical line of reasoning which is inspired by Husserl’s notion of MF. In the light of this alternative approach I shall argue that some of those qualifications that Audi introduces in order to accomplish a theoretically as well as practically satisfying account of normative ethics do not fit the SV model. For making explicit the consequences thereof I discuss Audi’s demand that a theory of normative ethics (ideally) should operate on condition of epistemic completeness. Before doing so, I propose to throw another glance at Husserl’s intentionalist account of consciousness in order to summarize the outcome of his MF thesis with regard to our present concern about the accurate understanding of the ‘subvenient’ lower-level elements (or: properties).

3. Do MF and SV Represent ‘Organic’ or ‘Holistic’ Structures?

According to Husserl, it is owing to relations of MF that both objects and object-directed intentional acts are constituted as rationally unified wholes. As far as I know, he does not use the designation ‘holistic’ with regard to MF. However, he does talk about ‘organic’ wholes when describing our multi-layered human consciousness which engenders different types of contents, different forms of intentionality, and different levels of complexity as response to and as manifestation of appearances and worldly ‘affordances’. For example, in the second volume of his Ideas Husserl occasionally maintains that «the spiritual Ego can be apprehended as an organism, an organism of faculties and of the development of these faculties in a normal typical style following the stages of infancy, youth, maturity, old age».\(^{53}\) Husserl’s discourse about organic structures with regard to higher-level intentional constitution (‘spiritual Ego’) should not be reduced to a merely metaphorical understanding according to which the essential and original meaning exclusively depends on those processes that are involved in the constitution of the body and the relating sensory and perceptual processes. Higher levels of constitution give rise to new and genuine meanings of ‘organic’ structures. The spiritual life of consciousness is organic in terms of motivational connections between different contents and different layers of constitution (e. g. desire-driven, so-called passive action-tendencies that then are reflectively endorsed in a positive or

\(^{53}\) Husserl 1989, 266 f [= HUA IV, § 59].

\(^{54}\) Audi 2013, 44.
negative manner). In this connection, motivation does not address psychological processes and underlying psychological laws. Neither is usage of the term ‘motivation’ committed to psychological determinism. It rather refers to intentional acts and their contents, including those connections and unifications of contents that result from relations of MF. It is with regard to relations of this peculiar sort that Husserl, as early as 1900, invokes the real unifying ‘forces’ of intentional acts and objects: «The only true unifying factors, we may roundly say, are relations of ‘foundation’». There are other aspects of organicity as well that come into play in Husserl’s theory of consciousness which, in its entirety, is conceived as a theory of reason (cf. §§ 136 ff of the first volume of Ideas). Reason manifests itself at different levels of complexity in a manifold of different ways, including obvious and hidden forms. Furthermore, there is a teleological tendency in consciousness, prevailing at different layers of meaning constitution, whose core structure is the relation between ‘mere’ (signitive) intention and intuitive fulfilment. What is the overall picture of human consciousness lying beneath Husserl’s investigation, which reveals relations of fulfillment at different levels of constitution, thereby tracing back higher-order intentional activities to lower-level accomplishments of consciousness? According to Husserl’s phenomenological approach, consciousness represents a multitude of contents (e.g. feelings, thoughts, beliefs, appraisals of various types) that, owing to their mereological unification, are systematically, that is, non-arbitrarily arranged and ordered. The resulting sequences of specific contents and accomplishments belong to different levels of constitution and embrace different types of acts that are directed to a variety of objects and state of affairs. The hierarchically ordered strata of consciousness are ‘objectively’ interrelated (‘interwoven’) due to the intrinsic nature of the contents involved. In this vein, consciousness is a gradually emerging complex structure of intentional acts and correlating intentional objects. In accordance with Husserl’s mature conception of intentionality, as presented in the first book of his Ideas, consciousness comprises both noetic (act-inherent) and noematic (object-related) complexities. MF is not only some part or aspect of this general picture of consciousness; it is the very cement that warrants that consciousness appears as a dynamic and gradually expanding unity of manifold sub-unities. Relating to Husserl’s account of MF, the terms ‘organic’

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54 *Husserl* 2001b, 36 [= Third Investg.,HUA XIX/1, § 22].
56 The most basic level of constitution that can be reached in course of this ‘reconstruction’ analysis, according to Husserl, is the constitution of so-called ‘inner’ time consciousness which represents an entirely passive form of unification.
or ‘holistic’, if applicable at all in the present context, bear on a purely immanent rational unity of consciousness. This unity, however, is not grounded in specific intentions individual agents may or may not display at certain instants of time. As explained above, the unity at issue is not in any relevant sense subjective or response-dependent. It is exclusively based on the nature of the relating contents and, correspondingly, on the types of acts involved. It therefore is objective in the required sense. Note that the present understanding slightly deviates from a common view. The term ‘organic’ and even more so the term ‘holistic’ is usually associated with various forms of biological life that tightly fit into their natural environment in terms of biologically ‘programmed’ adaptive processes. According to their non-literal reading, the terms ‘organicity’ and ‘holism’ refer to a variety of self-regulating and internally diversified structures that nonetheless are geared to context-dependent modes of operation. (In this sense, one may refer to a ‘holism of meaning’ or a ‘holism of reasons’). Although the relevant unity does not come to existence owing to a garden-variety of human agents’ intentions, it is nevertheless true that a richly diversified and gradually forming up rational unity of consciousness could not manifest itself if there were no possible agents at all who perceived certain things, pursued certain ends, expected or regretted certain decisions and actions of theirs, and so on. The agents’ intentions do not

57 With a view to current writings on (moral) perception, Husserl’s idea of objectivity is perfectly (though unwittingly) approached in Church 2013, 193 f (see the third, i.e., the weakest form of objectivity described here).

58 As far as Husserl’s transcendental phenomenology (as elaborated in Ideas I) is concerned, it should be noted that any reference to ‘context-dependence’, which dwells on a basic distinction between an organism and its ‘inner’ mental states, on the one hand, and its ‘outer’ context, on the other, is problematic. It is inappropriate insofar as it suggests that the organism could be separated, in principle, from its environment. According to Husserl’s understanding of a proper phenomenological-transcendental account, the relation between pure consciousness and world, for purely methodological reasons, must be analyzed in terms of correlative: Each and every manifestation of consciousness is a specific modification of its worldly orientation (‘world-relatedness’). See Husserl 2014, §§ 43, 52, 55 and §§ 149-153. A thorough inquiry into these matters, among others, required discussing the stronger metaphysical interpretation of Husserl’s transcendental phenomenology as advanced by Uwe Meixner and others. Meixner argues in favor of the thesis that the physical supervenes on consciousness. Yet he presents it as a non-reductive idealism that does not pretend to completely explain the physical in terms of consciousness and leaves room for an internal realism. See Meixner 2010.

59 A Husserlian-style epistemic foundationalism (qua intuitionism) certainly does not endorse radical holism. It nonetheless overshoots the mark to argue that Husserl’s phenomenology, owing to its commitment to a rational brand of intuitionism, would be altogether blind or insensitive to questions of context-dependence. See my reply to Michael Dummett’s ‘Humpty-Dumpty’ objection in Rinofner-Kreidl 2003, chapt. 3, especially pp. 69-89. It is among the outstanding virtues of Audi’s intuitionism that it takes account of contexts and contingent circumstances by subscribing to what Audi calls ‘moderate particularism’. See below (part 4).
bring forth the relevant rational unity. The latter, rather, appears on occasion of the former (see my reference to the notion of a conditioned necessity in Part 1).

With a view to my present concern, there is especially one remarkable aspect of Husserl’s ‘organic’ view of consciousness that deserves attention. As indicated above, higher-order intentional acts like, for instance, aesthetic or moral experiences, involve a representational content. It is near at hand to consider these representational contents as the ‘factual’ or ‘purely descriptive contents’ that are equivalent to the so-called base or subvenient properties of the SV model. However, in case of Husserl’s MF, the factual content (i.e., the representational or intentional content) either is the content of a (possible) mere presentation or of a (possible) judgment. This purely descriptive content shows two peculiar features that sharply contrast with the natural properties according to the SV model. First, whenever higher-order complexities, for instance, evaluative acts, emerge or materialize, there is by necessity a ‘factual’ content involved which functions as a dependent part whose existence depends on the existence of the relating whole. Secondly (as indicated above), it is indispensable to distinguish two different notions of representation that come into play in Husserl’s intentional analysis. On the one hand, there is the factual content as tightly integrated moment (i.e., as a dependent part) within an overall whole which manifests itself as a specific intentional complexity. On the other hand, there are full-fledged intentional experiences that do not involve positive or negative assessments but, instead, simply represent some object or state of affairs. These intentional acts, which may be designated as ‘purely fact-orientated’,60 occur as mere representations (Vorstellungen) or judgments (Urteile). The upshot of distinguishing these two notions of representation is that what ‘representation’ means changes according to the respective whole at issue.

Now, how could the above elaborations be illuminating with a view to the SV debate and its implications for the prospects of defending moral realism? The basic assumption of this debate is that moral properties could be demystified and integrated in our scientific ontology by considering them as ‘pick-a-back’-attached to natural properties. Based on the above presentation of the MF thesis and the conceptual distinctions introduced within Husserl’s intentionalist framework I propose to challenge the account of moral SV by the

60 Though this characterization is appropriate with regard to the above comparison, more differentiated thoughts are required in other contexts, for instance, when discussing the fact/value dichotomy. See RINOFNER-KREIDL 2014b and 2015b. I take it that a phenomenological approach challenges the received view (‘how can we acknowledge values in a world of facts?’) by radically reframing its guiding question (‘how do we come to know facts in a primordially value-driven and value-imbued world?’).
following theses (i-iii).

i) Evaluative and moral acts (or, for that matter, actions) necessarily require some intentional matter (Husserl). Moral properties ground in sets of natural properties (Audi), yet thereby alter the ‘naturalness’ of their ‘base properties’ in accordance with the two different meanings of representation discussed above. Correspondingly, we should say that natural properties as part of moral phenomena (e.g., a person’s outburst and shouting with an employee) differ from natural properties that occur in non-moral contexts (e.g., some water-soluble or inflammable stuff in a chemist’s experimental setting).

ii) If i) is a promising move it becomes doubtful whether there is a SV relation between moral properties and natural properties that could be described in terms of Audi’s anchoring view – given that this implies assuming two neatly distinguishable types of properties. 61 Contrary to the ethics-as-science view, which tacitly invokes an at least methodological concern for Ockham’s razor, Husserl’s MF account offers an alternative description which neither pleads for Ockham’s razor nor is committed to a strong version of moral realism in terms of value Platonism. 62 According to Husserl’s ‘organic’ view of MF, it is the peculiar character of the whole that, in case of such complex higher-order intentional units like moral acts, determines the function or meaning of its dependent parts. 63 Instead of anchoring moral properties in natural properties, a suitably sophisticated phenomenological approach proceeds the other way round: It describes the interlacement or interpenetration of intentional contents and, in particular, the holistic or organic integration of lower-level moments (i.e., dependent parts) within higher-level unities. For reasons of quick and convenient identification, I therefore propose to call this Husserlian approach an

61 Of course, there are also non-phenomenologists who challenge this assumption, for instance in terms of ‘property overlap’. See DARDIS 2008, 131-151.

62 Here, I cannot discuss in detail how Husserl succeeds in steering clear of both an empiricist or nominalist and a Platonist position. Doing so would require explaining the specific character of Husserl’s transcendental phenomenology. See RINOFNER-KREIDL 2000, 159-246 and 2015b.

63 In the first volume of Husserl’s Ideas, this overall character of the whole is introduced as the positing that dominates all lower-level unifications: «It is essentially inherent to each intentional experience, whatever else may be found in its concrete composition, to have at least one, but as a rule several ‘theses, ‘characters of positing’ that are bound up with the manner of founding. Among these several posittings, one is then necessarily, so to speak, the archon, unifying all the others in itself and dominating them throughout». HUSSERL 2014, p. 232 [= HUA III/1 § 117]. Cf. DRUMMOND 2004, 112 f.
interlacing or interpenetrating view\textsuperscript{64}, as opposed to Audi’s (and others’) anchoring view.

iii) If we utilize the interlacing view with regard to evaluative and moral phenomena and, correspondingly, conceive of the relevant ‘factual’ moments as dependent parts of complex evaluative and moral phenomena, then these ‘factual contents’ cannot be identified with natural properties as referred to by scientific theories. On this condition, the real task for advocates of moral realism is not to ontologically ‘upgrade’ so-called moral properties by showing how they can contribute to scientific explanations in virtue of their relation to natural properties. The urgent task rather is to deploy appropriately fine-grained descriptive tools that allow for accurately grasping the specific complexity or ‘organicity’ of evaluative and moral (as well as other higher-order intentional) phenomena, according to their own internal rational structure.

Let us consider an example in order to put some flesh on the above theses and forestall misinterpretation. Handshakes may occur as incorporated in different types of action. Take the following: a) Two business partners agree upon realizing a certain transaction together. They shake hands in order to show each other their mutual commitment to this project. b) On a public meeting a Mafia boss hugs a local politician who cheated him though he has bribed him for many years. The hug and accompanying handshake is the agreed signal for a contract killing that is realized a few hours later by an accomplice. c) After two hours of intense and delicate conversation on the roof of a multi-storey building, a police officer shakes hand with a teenager who wanted to commit suicide. In these cases the handshake is a dependent moment of different moral or morally relevant acts. Accordingly, it expresses a) a shared intention that is considered as mutually beneficial, b) the decision to take revenge and to set going a criminal act (murder), or c) compassion for a fellow men’s desperate mood, gratefulness, relief, and a little bit of trust and self-confidence. In each case, it is the respective whole of the overall act or

\textsuperscript{64} See Husserl’s distinction between interpenetration (‘Durchdringung’) and association (‘Verknüpfung’), the former referring to dependent parts (moments), the latter to independent parts (pieces) in HUSSERL 2001b, 34 f (= Third Investig., HUA XIX/1, § 21). In § 18 of the Fifth Logical Investigation Husserl addresses the «deep differences in the ways in which acts are concretely woven into other acts, or based upon underlying acts, and made possible by such concretion...». HUSSERL 2001b, 116. The German original talks about the «Weise der Verwebung bzw. der Fundierung von Akten» HUA XIX/1, 418.
(cooperative) action that determines both that the handshake is a relevant ‘natural property’ or ‘natural fact’ and how it functions, that is, what it precisely means. This example reminds us that in the field of human action natural properties or natural facts do not occur as natural kinds. Suppose that we describe handshakes with a view to the amount of bacillus exchange that takes place when the hands of two persons come into contact with one another. Even in this case, we should not consider the overall situation of investigation, due to the relating epistemic goals and standards of the scientists involved, as entirely devoid of any normative commitments. Yet, contrary to the above-sketched cases, the test subjects do not manifest any intention of their own by shaking hands. In particular, they do not perform moral or morally relevant acts that are grounded in handshakes. Rather, their handshakes are observed as natural facts that can be grasped in a purely descriptive manner, thereby delivering evidence that, if properly accumulated and analyzed, is suitable to be fed into various explanatory projects. In opposition to this, referring to handshakes as integrated moments of intentional experiences as sketched above in cases a)-c), we are faced with “wholes that are more than the sum of their parts”. The relevant wholes cannot be explained by simply adding up the meanings or ‘effects’ of their parts whose function is assumed to remain unchanged in whatever varying wholes they happen to be integrated. On the contrary, it is the respective whole that determines the meaning or function of its parts.

What do we gain from the above example? If integrated into a moral act (or action) natural properties or natural facts function in accordance with the specifically evaluative or deontic character of the overall act unity. In other words: ‘Natural properties’ or ‘facts’ are morally relevant only as interpreted in the light of some normative ideas. (We need not assume that ‘interpreted’ indicates an intellectually demanding process. I take it that the interpretation at issue mostly takes place as an immediate understanding of the concrete manifestation of acts or actions). In the relevant contexts the explanatory role of

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65 Note that the ‘organicity’ of the relating formations of intentional units, if interpreted within the ambit of i)-iii), does not merely result from their embeddedness in culturally informed contexts of human acting. It primarily is a matter of the ‘internal’ complexity of the acts at issue (i.e., the grounding relations realized in them). Acknowledging this complexity I do not mean to deny that culturally imbued ‘meaning’ inevitably comes into play with regard to whatever concrete acts and actions we may consider.

66 Husserl does not deliver a complete and differentiated MF based description of all intentional act-wholes that lie within the horizon of human experience, including the entire range of our actual evaluative experiences (e.g. including emotional experiences like shame, envy, indignation, hate or compassion). Meeting such an encompassing descriptive task would amount to establishing the rational basis of a moral phenomenology.
so-called ‘natural properties’ also depends on their normative interpretation. That moral properties are consequential on natural properties (Audi) or that evaluative and moral acts include intentional matters as dependent parts (Husserl) can be analyzed as a modification of the ‘naturalness’ of the natural properties because these properties do not occur as natural kinds in the first place.

How should we assess the practical impact of the difference between the anchoring view and the interlacing view with regard to Audi’s considerations? One crucial point relating to Audi’s concern for SV can be couched in the following question: How is it possible, according to Audi’s conception of moral SV, to identify the relevant natural properties? Why does this question need to be addressed if one wants to defend the anchoring view? There are two reasons we should call to mind. First, the above-stated definition of SV remains unclear with regard to ascribing the concrete work of determination to the different types of properties involved. According to Audi’s usage of SV, is responsible for the moral assessment of an action? Secondly, in formulating his demand for epistemic completeness, which will be discussed below (part 4), Audi unintentionally brings to the fore how problematic it is to integrate the SV model in his intuitionist ethics. This problematic status reflects itself in the ambiguity of the terms ‘natural property’ and ‘natural fact’. Let’s start with the definition issue.

Though possibly unnoticed, the problem concerning ‘natural facts’ is part of the original definition of SV:

[…] that there is a special non-reductive relation between moral and natural properties such that (a) no two things (including actions) can have the same natural properties and differ in their moral ones, and (b) certain of the natural properties of a thing determine what moral properties it has (if any). […] Thus, the injustice of a tyrant, a moral property, might supervene on his brutality toward the people.

In the above quotation Audi makes clear that it is not the total sum of all natural properties of a thing or state of affairs that is conceptually constitutive of its moral status. We therefore are faced with the problem of how to reliably select the morally relevant non-moral properties and thereby make sure, on pain of circularity, that in doing so we do not already have recourse to moral

67 Cf. Audi 1997, 113, see above, section 2.
68 Audi 1997, p. 109, fn. 12.
69 Audi 1997, p. 97, italics mine.
qualifications of the thing or state of affairs at issue. Yet if it is true that it is our moral theory or moral principles, respectively, that help us identify and select the relevant facts, while acknowledgement of these facts is said to justify our knowledge of the final duties that are called for in a given situation, then this clearly represents a circular mode of reasoning: I refer to moral principles in order to trace those facts that then are said to ground the normative statements that, according to the theory at issue, are warranted with regard to the situation at issue, though in a defeasible manner. The unavoidability of this circular structure indicates the difficulties adhering to the notion of moral SV. It brings to light the peculiar modifications and/or narrowly restricted effectivity of the idea of SV in case of its application in the domain of ethical reasoning. Doing ethical theory, we cannot stick to the idealizing requirements of the idea of mind/body SV as it presents itself in other fields of research (philosophy of mind; cognitive sciences). Among these requirements is the assumption that the total set of natural properties is closed and that it is possible to specify these properties in a definite way, thereby eliminating all problems of vagueness. These requirements obviously do not hold with regard to moral contexts. On the contrary, the characteristic difficulties mentioned above (e. g. non-closure of relevant properties, non-specifiability of singular determining features) amount to a serious problem of vagueness with regard to the application of moral SV. Of course, Audi is aware of these intricacies. Notwithstanding his adherence to the general idea of moral SV as lying beneath all our attempts to assess the moral quality of actions, he is far from claiming that we could ever succeed in drawing up a general algorithm for determining what is morally right. Moreover, endorsing SV with regard to our moral ontology and moral epistemology does not necessarily mean to hold that

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70 Audi takes the difference between prima facie duties and final duties (with some modifications) from W.D. Ross who considers the following seven prima facie duties, that is, intrinsically reason-giving features of actions: fidelity, reparation, gratitude, justice, beneficence, self-improvement and non-maleficence. See Ross 2002, xxv-xxxvii (introduction of editor, P. Stratton-Lake), 21 ff, 30 ff; Ross 1951, pp. 76 ff, 84 ff, 94 ff, 110. Ross does not pretend to have presented a complete or necessarily closed list of duties. (I explain the difference between prima facie and final duties in part 4.) Both Ross and Audi take it for granted that it is compatible with a particularistic view to talk about morally relevant features and to compare different situations with regard to such features. Among those who are skeptical with regard to this assumption because they endorse a stronger version of particularism, thereby denying the existence of any moral principle whatever, is Jonathan Dancy. See Dancy 1983, especially 541 ff and Dancy 2004. For an argument in favor of the thesis that there are versions of SV that are compatible with a Dancy-style holism see Strømberg 2008.

71 It is not by accident that many ethicists put so much weight on moral perception notwithstanding its characteristics of context-relativity, vagueness and partial implicitness. Taking account of these characteristics without assessing them as epistemic shortcomings that thwart our attempts to gain moral knowledge is especially crucial for moral particularists. See Dancy 1991 and 2004; Blum 1994; Audi 2010a and 2013.
every morally good action must have some specific natural property in common.  

What should we take from the above? Should we concede that the clear-cut distinction between natural and moral properties, from which we started our considerations, blurs for systematic reasons? This being so, are we then compelled to recognize that the conception of moral SV founders – at least with regard to the determination of final duties? Should we consequently assume that, from a practical point of view, cognitivists and moral realists would better take seriously the debate on thick concepts instead of wasting time on the idea of moral SV? In the end, it seems that applying the notion of SV to axiological and moral experiences, we inevitably run into a debate on ‘thick concepts’. This debate indeed added fuel to the flames of skepticism with regard to the idea of SV and its alleged applicability within the domain of moral reasoning. Take, for instance, the discussion on the so-called ‘shapelessness’ of evaluative concepts. The ‘shape’ of a concept is what all those things that fall under it have in common, that is, their unifying features or real resemblances. Yet it turns out that it is impossible to present a definite and exhaustive list of natural properties that, for example, all benevolent or brave acts must have in common in order to be acts of this type. If this is correct, we cannot lay down a rule that specifies what something must be like in terms of its natural properties in order to be characterized as, say, a courageous act. Hence one of the arguments that have been advanced in favor of the irreducible thickness of evaluative properties refers to the shapelessness of the relating evaluative concepts. Those

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72 Cf. HUEMER 2005, 251 f.
73 Ironically enough, it is owing to the allegedly problematic implications of Audi’s usage of SV and its additionally required qualifications mentioned above (vagueness; missing closure of subvening properties; equivocal meaning of ‘natural property’, ‘natural fact’ or ‘natural world’; particularistic concerns) that he is kept from getting entangled in a naturalistic fallacy. «If moral properties are determined by natural ones, then provided we can know which natural ones are relevant to which moral properties, we can know moral truths on the basis of knowing non-moral truths. And both empiricists and rationalists are likely to hold that if we understand moral terms at all, we know what sorts of non-moral properties are relevant to their application ...» AUDI 1997, 98. However, acknowledging a priori moral truths, based on the notion of SV, does not imply that one knows how to assess a concrete moral action or moral situation, cf. AUDI 1997, 103.
74 For instance, RAZ 1999 and others argue that irreducible thickness (given that it can be convincingly proved) undermines SV. Still, there are those who deny that the debate on thick concepts is relevant at all with regard to the notion of SV. Cf. JACKSON 2007. The relating disagreements are due to the fact that both thick concepts and SV are deployed in different ways. In my view, it is plausible to argue that thick concepts speak against SV from an epistemological point of view, that is, with regard to ascriptive SV (i.e., that we cannot make different evaluative judgments about x unless we also make different non-evaluative judgments about x). Acknowledging thick concepts, however, does not necessarily speak against SV as an ontological account.
75 Cf. VÄYRYNEN 2013, 186-205; KIRCHIN 2010.
76 Cf. ROBERTS 2011, 505.
who defend the idea of thick concepts typically raise the above-mentioned problem of vagueness under the heading of ‘shapelessness’; and they typically consider it unresolvable. Suppose that these concerns are well-founded, how then should we go ahead with or respond to a moral epistemology and moral ontology that revolve round the widely accepted notion of SV?

I take it that at least part of a satisfying answer can be given along the path of tackling with Husserl’s conception of MF and the methodology of a Husserlian-style intentional analysis. What is the lesson phenomenology teaches us here? Whenever we state a clear-cut discernibility of natural properties and moral properties we do not refer to natural properties that could occur as part of our everyday experience. Instead, talking like this we tacitly refer to natural properties from a (purified) scientific point of view. In other words: We distinguish natural and moral properties owing to some pre-defined and ideal conditions of understanding and interpretation. It is within a certain (tacitly assumed?) theoretical framework that we reconstruct our everyday moral experience by introducing the notion of SV which presupposes (and therefore, on its part, cannot challenge) a clear-cut distinction between natural properties and moral properties.

4. Interlacing View (Husserl) vs. Anchoring View (Audi):
Different Accounts of Determining the Functions of ‘Purely Descriptive Contents’ and ‘Natural’ Properties

At this juncture, we should come back to what I stated earlier when introducing Husserl’s interlacing view as distinct from Audi’s anchoring view. The interlacing view directs our attention towards the variety of different modes of how human experiences are constituted – on condition that each and every experience emerges from an a priori intentional relatedness of consciousness and world. The interlacing view is concerned with the entire range of those wholes or intentional complexities that we originally encounter as specific manifestations of human behavior, emotional awareness, and self-understanding in a pre-theoretical and pre-reflective manner (e. g. committing a theft or a public offense and suffering from pangs of conscience thereafter). ‘Constitution’ thereby refers to all those different elements, relations, types of

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77 Here, again, it is obvious that the debate on moral SV and the discussion on the ideal of a value-free science are closely related to each other. As I argued elsewhere, the phenomenological contribution to the latter debate amounts to challenging its conceptual presuppositions. See Rinofner-Kreidl, 2014b and 2015b.

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acts and forms of unity that build up human consciousness. Husserl’s theory of constitution is embedded in a methodology that relies on autonomously effectuated shifts of attitudes. Most importantly, this refers to the shift from the so-called natural attitude to the phenomenological attitude and vice versa.\(^7^8\) Although consciousness is said to acquire most of its accomplishments in a pre-reflective mode, it is of utmost importance both with regard to the everyday self-understanding of rational agents and the possibility of a phenomenological philosophy that we can engage in deliberations and reflective analyses of the pre-reflectively accumulated accomplishments of consciousness. Truly acquiring, that is, fully understanding and acknowledging theoretical or practical beliefs, according to Husserl, requires reflective endorsement. It is worth mentioning this wider methodological background because it strengthens those doubts concerning ‘naïve’ references to ‘natural’ inclinations, contents, or properties that arise for other, purely immanent, that is, content-related reasons within the framework of Husserl’s theory of MF.\(^7^9\)

With a view to Husserl’s intuitively-based interlacing view (MF) and the outcome of the above discussion I would like to propose the following thesis: The tensions or inconsistencies that are inherent in Audi’s usage of moral SV (and presumably in other current employments of moral SV too) are due to an unexplained equivocal meaning of ‘fact’ or ‘natural property’. This ambiguity is analogous to the problems inherent in Brentano’s thesis mentioned above. With a view to assessing Audi’s SV thesis, it is therefore helpful calling to mind Husserl’s relating critique:

\begin{quote}
That each intentional experience is either itself a (mere) presentation, or is based on such a presentation, is a proposition that our previous investigations have shown to have a merely pretended self-evidence. The mistake rested on the just discussed ambiguity of ‘presentation’. In its first half, the proposition, correctly interpreted, speaks of ‘presentation’ in the sense of a certain sort of act, in its second half in the sense of the mere matter of acts […] . This second half by itself, i.e. every intentional experience is based on a presentation, has genuine self-evidence, if ‘presentation’ is interpreted as completed matter. The false proposition we reject arises if ‘presentation’ is here given the sense of an act as
\end{quote}

\(^7^8\) See Rinofner-Kreidl 2000, 160 ff, 177 f, 743.

\(^7^9\) Of course, we must keep in mind that the account of MF was established in Husserl’s pre-transcendental period (1900/01) while the terminology of natural vs. phenomenological attitude is part of his later transcendental phenomenology. For my present purposes this additional complication can be ignored. Yet it had to be taken into account in case that one tried to figure out in detail how debates on MF/SV are intertwined with debates on realism (vs. different brands of idealism or constructivism).
My suggestion is to interpret this statement in the present context as follows:

It is a priori true (‘a genuine self-evidence’) that every instantiation of a moral property, for instance, acting in a benevolent or cruel way in given circumstances, manifests itself as entailing some specific ‘natural facts’. It is, however, misguided to consider the relating ‘natural facts’, which occur as dependent parts of concrete and complex moral properties, to be identical with those natural properties that might be addressed as independent (separate) occurrences within the framework of scientific investigations. It is not at all evident that natural facts of this latter kind, which have been purified of any evaluative meaning by means of various methodical and technical devices, would (necessarily) be part of instantiations of moral properties; or that moral properties and moral experiences, respectively, could not be realized unless superimposed (‘supervening’) on facts of this very special sort.

To be sure, the above considerations do not show that Audi refers to natural properties in a naïve way. On the contrary, there are remarks suggesting that he is fully aware of the problematic implications of SV for his ethical theory. For instance, he occasionally stresses that «I do not claim […] that the notion of the factual is altogether clear». Or: «there is no easy way to specify what constitutes a descriptive, as opposed to normative, property». Yet what is missing, as far as I can see, is a general statement to the effect that it is doubtful whether Audi’s very subtle and extensive efforts in favor of defending a moderate intuitionism do not ‘at the end of the day’ undermine the idea of SV. The relevant conceptual and methodical tools I have in mind here comprise, among others, the following: the acknowledgment and re-interpretation of Ross’ distinction between prima facie and final duties, the integration of

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81 Audi 2004, 166.

82 Audi 2013, p. 107. The passage continues as follows: «but perhaps we can at least say that descriptive properties, when possessed by concrete objects, are causal. This does not seem to me to apply to moral properties, and I doubt that it applies to any normative ones [...]». Audi 2013, p. 107.

83 See part 3 where I mentioned the prima facie/final duty distinction with a view to the objection of circular reasoning.
reflective equilibrium, the relative theory-dependence of moral intuitions and other evidences; the consideration of conclusions of reflection (as distinct from conclusions of inference); the function of virtues; the idea of a mature moral agent and virtue ethical requirements in general. The overall effect of these and other conceptual and methodical tools is to ensure a sufficient consideration of context-specific requirements and dynamic aspects in Audi’s intuition-based moral epistemology. Given these and other characteristics of Audi’s ethical intuitionism there are good reasons to be highly critical towards the notion of SV. Since I cannot unfold the entirety of the conceptual and methodical tools that make up Audi’s sophisticated intuitionism and that especially come into play with regard to defending moderate particularism as indicated above, I shall argue in favor of the above thesis by focusing on Audi’s demand for epistemic completeness. Doing so is the purpose of the next section.

4.1 Epistemic Completeness
On condition that moral properties are consequential on natural properties we can endeavour to figure out those specific moral duties that make themselves felt in concrete situations. According to the idea of moral SV we might do so by ascertaining the underlying facts. Endorsing the anchoring view means «that knowledge of specific duties arises (ultimately) from knowledge of the facts that ground them». Hence it is reasonable to assume that we can gain complete knowledge of our moral obligations if we succeed in gaining complete knowledge of the relevant facts. This demand for epistemic completeness, which is understood as an ideal condition, is introduced in The Good in the Right as follows:

Let us call a moral theory epistemically complete provided it enables us, at least in principle, to determine, from (non-normative) facts about our situation – facts that it may help us identify – what we ought (overall) to do. Epistemic completeness is a kind of adequacy, or at least desideratum, in a moral theory that enables it to take us from facts of human life – that we have friends, that killing and deceit are rampant,

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84 As to the workings of reflective equilibrium see Audi 2004, 109-11, 113 f; Audi 2008a, 45, 48 et al.
85 As I argued elsewhere, within Husserl’s methodical framework relative theory-dependence (and a corresponding rejection of the so-called myth of the given) can be ensured by considering the systematic interplay between attitude, intuition and description. See Rinofner-Kreidl 2014a.
86 Audi 2004, p. 86.
87 In the present context, we need not consider the second ideal demand for ethical theory Audi addresses, namely their normative completeness. This ideal demand refers to the fact that we should be able «to explain – and, correspondingly, justify – the moral judgments we arrive at on the basis of the facts that indicate our obligations». Audi 2004, 86.
that children are dying – to what we ought to do. The more readily a moral theory enables us to do this, the better it is, other things equal.\textsuperscript{88}

This notion of epistemic completeness is crucial given that Audi does not only refer to abstract moral principles, called prima facie duties, but is primarily interested in how to apply and specify these principles according to the affordances of multiply varying situations. Thereby, ‘specifying’, first, addresses the activity of tracing out the duties at issue. Secondly, it lays down an order of priorities with regard to those competing value-commitments that are called for by the specificity of a given situation (i. e., by its normatively relevant (‘salient’) natural features), yet cannot be realized together. In other words: Specifying duties means to deal with the problem of prioritizing incompatible value-realizations on condition of a general acknowledgement of value pluralism and a concrete practical conflict in the situation at issue. Solving the problem of specification, by the same token, amounts to giving a practical (normative) reason to act in a certain manner. Or: justifying the mode of acting. Following W. D. Ross, Audi calls the so-specified duties ‘final duties’.

Suppose that you are on your way to a friend whom you have promised to help with making some urgent repairs on the roof of her house that she cannot accomplish alone. Setting out for this appointment you get involved in a traffic accident which happens on a solitary country road. As good luck would have it you are the only one who is not hurt and your car is merely slightly damaged. There are several other persons who are severely injured. There are no houses or villages within sight and it is altogether uncertain and unreasonable to assume that others will come along by chance. It is even to be expected that the ambulance car will need quite some time to reach this rural location. Given these circumstances, you decide not to continue your ride because it is obvious that the injured need your help. As you immediately realize when coming to this decision, it will be impossible to meet the promise you gave your friend and still do what you consider the most urgent duty in this particular situation. Should the concrete circumstances have been slightly different, it might well be the case that continuing your ride and helping your friend as promised could be justified. Suppose, for instance, that the accident happens nearby the local hospital so that the rescue team manages to quickly reach the place. Or that, by mere chance, there are two physicians involved in the accident who both are unscathed and immediately start to competently help the injured persons. Or that none of all those who had been involved in the accident were injured. On these conditions, your deliberation should come to a different assessment: The

\textsuperscript{88} Audi 2004, 86.
situation does not any longer block your endeavour to realize the promise you
gave to your friend. Rather, you can meet it without thereby neglecting another
duty whose realization would be more urgent. If you cannot meet your
promise due to objective situational constraints, the promise still remains a
duty. This means that you should feel remorse not having been able to meet it;
that you should try to meet it as soon as an opportunity to do so arises; that
you should feel obliged to explain to your friend what had happened, and so
on. Such ‘responses’ suggest that it would be undue to consider your prima
facie duty of meeting promises as annulled by an overruling final duty. Prima
facie duties do not cease to be valid if it turns out (and indeed very often so)
that their simultaneous realization is impossible in a given situation. It is not
the general validity of prima facie duties which is at stake in the varying
situations we encounter. It is only the conditions of their concrete realization
that stand in need of qualification.

The above-sketched example offers a suitable explanation of what Ross and
Audi mean when calling on the necessity to ‘specify one’s duty in accordance
with the affordances of a given situation’. Relating to this, it is illuminating to
ponder whether and how the following questions are linked up with one
another: What does it require (in terms of agent capabilites) to appropriately
specify one’s duties in various situations? – What does it mean to talk about the
‘(non-normative) facts’ whose knowledge enables us to gain knowledge about
our specific duties?

With regard to everyday processes of specifying final duties we should be
ready to admit that reference to ‘facts’, even if mostly in an implicit way, is
shaped by a considerable amount of theoretical elements. Among these are, for
instance, background convictions concerning the notions of personal identity,
person or action as well as general moral principles at different levels of
generality. As soon as these elements are reflected upon and synthetized under
the heading of an ‘ethical theory’ that is committed to a plurality of principles
(prima facie duties) and is interested in the specific modes of applying them in
concrete situations, it is near at hand to include considerations of virtue ethical
issues.

Equally, the need arises to establish conceptual and methodical tools in
order to better understand and practically cope with the relation between
theory and experience. On condition that we endorse an intuition-based
pluralistic brand of ethical theory, the idea of a reflective equilibrium, both as a

89 See A U D I 2007, 22 ff, 54 f, 66 ff, 74; A U D I 2013, 44 f; 124. It is hard to imagine how a full-blown
intuitionist ethics could do without any reference to virtue ethical considerations – given that it
typically i) accepts value pluralism, ii) puts much emphasis on improving our understanding of the
specification problem mentioned above and iii) does not believe in monistic (‘master principle’) approaches.
methodical device and as a theoretical component of doing ethics, gains momentum. As indicated by the term ‘reflective equilibrium’, there is a dialectical process going on between the attempts to gain knowledge of the relevant context-dependent facts in order to specify one’s final duties, on the one hand, and the obvious need for some theory-guided selection principle in order to pick out the relevant facts, on the other hand. On part of the agent’s capabilities, it is the agent’s varying moral ‘maturity’ that fulfils a similar task in terms of helping to bridge the gap between theoretical requirements, on the one hand, and practical wisdom and experience, on the other. Embarking on the project of an ethical intuitionism, as it is realized in Ross’s and Audi’s works, we cannot pretend to have a grip on ‘bare facts’. This is crucial with regard to the demand for epistemic completeness.

If we grant the dialectic quality of our fact-finding and duty-specifying task, it seems appropriate to doubt that we ever could present a purely fact-based definition of such basic moral notions as promising or harming – however important or even indispensable it might appear to come up with such a definition with a view to the ideal of epistemic completeness. Concerning moral experiences, it is important to notice individual differences with regard to a skillful handling of moral notions like promise, breach of contract, fidelity, and so on. The moral maturity of an agent is, so to say, part of the background that directs our actions and determines the moral quality of our acts. (It therefore is also part of the vagueness problem that burdens Audi’s reference to subvenient natural properties). The task of ascertaining the ultimate factual ground of our moral obligations includes identifying the sorts of facts that call for moral decision or moral action in the first place. It is in this connection that Audi calls to mind

that Ross, steeped as he was in Aristotle, took it that without begging any questions, we may assume that both virtue concepts and such concepts as those of injury, lying, and malice (which have been called ‘thick’ moral concepts) may be presupposed by mature moral agents.

This meets with the above reference to the ‘facts of human life’ – «that we have friends, that killing and deceit are rampant, that children are dying». Such facts certainly are represented by evaluatively ‘saturated’ or thick concepts that are embedded in a contingent variety of socially shared

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90 «Can we say in (non-normative) factual terms what it is to promise, or for someone to be injured, or to need our help?» Audi 2004, 115.
92 Audi 2004, 86.
normative interpretations of what it means to live a human life. Undoubtedly, these are facts of a special sort and the crucial issue is whether their ‘thickness’ can be drained off in such a manner that one could claim to dispose of purely ‘fact-based’ definitions of the respective states of affairs. Moreover, as advocates of a moderate ethical intuitionism we should ask ourselves whether we should really want to strive for (or better: be suspicious of) such purely fact-based definitions. There is a basic ambiguity in Audi’s reference to facts which comes to the fore when he maintains that epistemic completeness means that we should (at least ideally) be able to determine what we ought to do from the normatively neutral point of view of ‘the facts,’ and so should seek an epistemically complete theory. [...] Epistemic completeness is needed for a theory to give us the comprehensive moral guidance we seek as moral agents.\footnote{Audi 2004, 86.}

Where does this concern for ‘the normatively neutral point of view of the facts’ come from and how does it fit the above considerations that seem to support an at least weak (moderate) form of moral particularism? Here, a certain tension in Audi’s theory becomes obvious which is due to the fact that the SV account implies an idea of natural property or natural fact that does not match well with the intuitionist elements of his theory. The ‘facts of human life’ Audi refers to in connection with his demand for epistemic completeness do not coincide with a more rigorous reading of ‘natural properties’ in accordance with current conceptions of SV. Or, to put it otherwise: integrating the SV account within the framework of Audi’s ethical intuitionism calls for radical modifications with regard to the notion of SV as compared with its elaboration in other fields of philosophical investigation.

5. Conclusion

Let me summarize. My starting-point was the widely accepted view that SV offers a plausible account of human mind and action by introducing a general thesis concerning relations between different types of properties. With regard to moral phenomena it is mostly taken for granted that SV allows for considering moral properties that otherwise would appear as queer entities. Contrary to this, I argued that it is the notion of natural (base or subvenient) property or the notion of natural fact, respectively, that most pressingly
requires clarification. In preparing this thesis I approached Audi’s usage of SV by utilizing Husserl’s account of MF. For this purpose, I introduced SV and MF and discussed some crucial issues related with these conceptions. Finally, I presented my main argument as follows: While it is assumed, according to the notion of SV, that moral properties are recognized (and warranted) by means of recognizing natural properties, it turns out that it is impossible to specify the relevant natural properties in a normatively neutral way, that is, without, by the same token, having recourse to those higher-order properties whose recognition they are said to enable in the first place.\(^{94}\) In other words: When trying to make sense of the SV relation on occasion of specifying moral principles in order to solve practical conflicts, we are faced with a circularity problem. This problem indicates that the task of picking out the \textit{normatively relevant} natural components of an overall situation (‘moral salience’) cannot be met without thereby defeating a clear-cut distinguishability of natural properties and moral properties. Yet this distinguishability (and actual distinction) was assumed when introducing the notion of SV.

This outcome is fatal – given that for an intuitionist ethics it is crucial to make headway with regard to the problems of specifying moral principles and descriptively approaching the intricate ways of folk morality. From the point of view of these practical concerns, it seems as if we should say that moral SV, \textit{on a purely abstract level of reasoning}, presents itself as a plausible idea which is hard to deny because it delivers a ‘big picture’ of how moral facts are part of our world. If the above line of reasoning is correct it is, however, unwarranted to assume that, as Audi argues, the idea of SV, as a general thesis, could be part of a theory of non-causal explanation dealing with moral and other types of evaluative experiences. Though the notion of SV is appealing on an abstract level of thinking about morality and the possibility of a plausible metaethical theory, it is of no help when it comes to understand and analyze concrete actions whose moral qualities and possible justification are at stake. Endorsing the idea of SV does not contribute to substantial explanations on a mid-level or low-level analysis of moral phenomena\(^{95}\) and it does not give us any idea of

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\(^{94}\) One possible way of formulating this problem addresses the distinction between descriptive and normative concepts, thereby denying that the latter could be reduced to the former: «Obwohl die Tatsachen, die sie uns herauszugreifen gestatten, natürliche Tatsachen sind, geben uns normative Begriffe eine eigenständige Weise der Identifikation dieser Tatsachen an die Hand, eine Weise, ohne deren Hilfe wir die betreffenden Tatsachen vielleicht gar nicht herausgreifen könnten (weil ihre deskriptive Identifikation zu komplex wäre, als dass wir sie erfassen könnten)». \textsc{Dancy} 2009, 188. Recasting the relevant point we may say: «If one lacks the evaluative concept, one will be unable to identify instances of the evaluative property.» \textsc{Roberts} 2011, 505, fn. 35.

\(^{95}\) For analogous doubts with regard to SV and the requirements of a mind-body theory see \textsc{Kim} 1998, 12 ff. As Kim argues here, SV is compatible with different positions relating to the mind-body

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what it means to address human beings as practical or moral agents. The above discussion therefore strengthens the view that SV is an account whose explanatory achievements are poor. On the contrary, it stands itself in need of clarification and explanation from the point of view of a substantial ethical theory. According to the requirements of an ethical theory that does not confine itself to discussing general principles and does not leap over the variety of our actual evaluative and moral experiences, it is more important to distinguish different levels and realizations of dependence relations (as proposed by Husserl and others) than pushing ahead the discussion on SV.

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(I) Robert Audi


problem (e. g. type physicalism, emergentism, epiphenomenalism). The outcome of this insight should be noted in full length: «We must conclude then that mind-body supervenience itself is not an explanatory theory; it merely states a pattern of property covariation between the mental and the physical and points to the existence of a dependency relation between the two. Yet supervenience is silent on the nature of the dependence relation that might explain why the mental supervenes on the physical. […] supervenience is not a type of dependence relation – it is not a relation that can be placed alongside causal dependence, reductive dependence, mereological dependence, dependence grounded in definability or entailment, and the like. Rather, any of these dependence relations can generate the required covariation of properties and thereby qualify as a supervenience relation. Supervenience therefore is not a metaphysically ‘deep’ relation; it is only a ‘phenomenological’ relation about patterns of property covariation, patterns that possibly are manifestations of some deeper dependence relationships. If this is right, mind-body supervenience states the mind-body problem – it is not a solution to it.» Kne 1998, 14.

96 For a thoroughly critical stance towards SV proceeding from this assessment see Heil 2003. The author argues that one should avoid using SV when doing philosophy of mind because it does not explain anything.
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