Emil Lask: Beyond Subjectivism

In one footnote of his *opus maius*, *Formalism in Ethics and Non-Formal Ethics of Values*, Max Scheler remarked over a peculiar discovery associated with a fundamental philosophical intuition:

> For as many as the "actions" of the mind may be, actions which should precede the discovery of truth (including voluntary actions, for instance), the discernment of the truth always lays in a sudden *intuition*, with no scale or ranking, always characterized as a kind of *receptivity*, hence not as an act of producing, doing, or making. This paragraph herein had already been printed when I found out that Emil Lask has, on many point, a very similar conception to mine.[1]

Scheler's note refers the reader to the "extraordinary" third chapter of *The Logic of Philosophy* and it has the undoubted merit of bringing to light what we may call the Laskian heritage over the problem of knowledge: knowing – discerning the truth – is receptivity, it is passive, and every knowledge is originally an intuition.[2]

Along the same line of Scheler's accurate footnote, another major thinker of the early 20th century cultural scene, Lukács – who had been a pupil of Lask at Heidelberg – in the *Nachruf* to his mentor, remarked over the receptive nature of the subject as expounded in *The Doctrine of Judgement*:

> Even the archetypal level of the objectivity must have a subject correlate, but this subject is purely receptive; the subject's knowing never consists in a predicative activity, but rather in the simple appropriation of the object.[3]

[1] M. Scheler, *Der Formalismus in der Ethik und die materiale Wertethik. Neuer Versuch der Grundlegung eines ethischen Personalismus* (1927), in: M. Scheler, Gesammelte Werke, Bd. II, Studienausgabe, hrsg. V.M. Frings, Bonn 2009, 197-198.
[2] This position, already present, though marginally, in Lask's more mature system is predominant in his final reflections, which were transcribed in the third volume of *Gesammelte Schriften* in which knowing *tout court* is identified with intuition.
[3] G. Lucáks, *Emil Lask. Ein Nachruf*, in: Kant-Studien, 22/1918, 349-370, 363.

The perspectives of Lukács and Scheler, and similarly Heidegger's discussion on Lask, in the only footnote about the latter in *Being and Time*[4], fully illustrate the unique destiny that subjectivity faces in Lask's philosophy, i.e. to become above all receptive and intuitive subjectivity.

This destiny – of which we wish to reconstruct an outline here – ultimately leads to a fruitful, albeit problematic, outcome: the incomplete elaboration of the concept of *empfangende Subjektivität* and, with it, a unique kind of logical objectivism. This concept, as we shall see, is the result of the influential contribution made by Lask to the redefinition of the theory of knowledge; indeed the 20th century, throughout manifold sectors of philosophy, was dominated by different forms of transcendental subjectivism, according to which the world, the outside, is but a construct of consciousness.

1. Lask and Rickert: the transcendental subject

The unique discourse Lask developed over the concept of subjectivity throughout his philosophy rose from the fruitful background of Neo-Kantianism by Rickert and Windelband, who had been among Lask's professors since his early years of university.

From the philosophy of his two mentors Lask inherited intuitions that proved to be fundamental already in his early works: his doctoral dissertation *The Idealism of Fichte and History* – conducted under Rickert's tutorship – and then his teaching habilitation on *Legal Philosophy*. These two works reflect Lasks's whole cultural background, particularly his mastery of the conceptual tools developed by Rickert in *The Limits of Concept Formation in Natural Science* and in *The Object of Knowledge*. From the former Lask inherited the problem of the formal structure of the historical object, of which he investigates the original formulation in the philosophy of German idealism. From the latter he took the axiological theory of knowledge and the active-synthetic model of the subject, in other words the judging consciousness, "the consciousness in general" outlined by Rickert.

[4] See M. Heidegger, *Sein und Zeit* (1927) Tübingen 1953; Eng. Transl. *Being and Time,* transl. by Joan Stambaugh, Albany 1996, 407 footnote 34.

This latter acquisition can already be recognized, albeit vaguely, in the exegesis of Fichte that Lask develops in his debut work. The undeclared intent of the *Doktorarbeit* is to track all of those influences that his mentor had adopted from the philosophy of Fichte and which ultimately had come together, *mutatis mutandis*, in epistemological form, in shaping the concept of the judging consciousness: i.e. the abstract and supra-individual character of the subject, the principle of immanence, and the non-deductibility of empirical matter.[5]

In this perspective, the operation carried out by Lask, which ensues in the *erkenntnistheoretisch* consideration developed in his doctoral dissertation, takes on the value of a reconstruction of the Fichtean genesis of Rickert's theory of knowledge and of his model of subjectivity. Already in 1897 Lask is well aware of such a connection between Rickert's theory of knowledge and Fichte's philosophy, as evidenced by a letter from the pupil to his mentor, dated 30th December of that year:

> I have recently read your *Object of Knowledge* and several problems have now become clear to me. No one more than you has the right to illustrate what Fichte wanted.[6]

Lask's adherence to Rickert's model of knowledge is more explicitly evident from the activation of the distinction – in his *Legal Philosophy* – between constitutive and methodological categories, which Rickert had presented in his *The Object of Knowledge*:

> from the point of view of the theory of knowledge, concrete reality has the value of a product of categorial synthesis. Methodology extends this Copernican perspective to the creations of the selecting process of single scientific disciplines and thus sees, for instance, in atoms and in the laws of nature the products of the conceptualization of the natural sciences.[7]

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[5] See R. Redaelli, *Emil Lask. Il soggetto e la forma*, Macerata 2016.

[6] Letter from Lask to Rickert, dated December 30th 1897 (Heid. 3820,275).

[7] E. Lask, *Rechtsphilosophie*, in: E. Lask, Gesammelte Schriften, III Bde, hrsg. von E. Herrigel, Tübingen 1923, Bd. I, 275-331, 308. We must notice, on one hand, Lask resumes the distinction between a pre-scientific and a scientific conceptualisation, on the other hand, he distances himself from his mentor for introducing a third intermediate level of reality, different from the two levels presented by Rickert corresponding to the two different kinds of conceptualisations and categories: between the originary reality, lacking reference to values, and the

Rickert's idea of a pre-scientific conceptualization, whose result provides the material to which the *Begriffsbildung* of sciences is applied, is here expounded by Lask; in addition to the synthetic function of constitutive categories, which Rickert attributed exclusively to the theoretical subject, Lask acknowledges the action of the methodological categories which, applied to objective reality, produces the conceptual elaboration of sciences and their specific products. By acknowledging this distinction, the young Lask is accepting the Rickertian idea that established it, i.e. the unique conception of the constitutive function of categories, according to which synthesis is a mere "translating empirical evidence into recognition of a norm"[8], a translating that takes place in judgment.

In Rickert's philosophy – we should notice – knowing is judging and judging, in his view, is nothing but a practical behavior, a resolution, accepting or refusing a transcendent value that calls for its recognition. This value, which takes on the attribute of ought (*Sollen*), is identified with the rules of connection of the representations that require consent on behalf of the subjectivity. Only by recognizing such norms through judgment can there be objective knowledge. Lask assumed this theory in *Legal Philosophy* and, in part, carried it on indirectly in the earlier formulation of the Copernican revolution of Kant that he presented in the *Fichte-Buch*:

> Being, reality, objectivity, is a norm of representative connection, a universal necessity and validity of judging … Kant, specifically, refutes absolute being and reduces objectivity to the necessity of judging. But, according to him, this cognitive value of necessity is only the foundation of objectivity, not of *objects* determined in their content.[9]

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reality produced by scientific conceptualisation, there is, in Lask's view, a semi-processed product already referred to cultural meanings. On this difference between pupil and mentor see the opposing interpretations by Tuozzolo and Spinelli. See M. Tuozzolo, *Emil Lask e la logica della storia*, Milano 2004, 102; A. Spinelli, *Vita, teoria e valore nel pensiero di Emil Lask*, doctoral research disseration, Università degli studi di Messina 2010, 111 footnote 40.

[8] G. Gigliotti, *Forme costitutive e forme metodologiche nella teoria dell'elaborazione concettuale,* in: M. Signore (ed.), Rickert tra storicismo e ontologia, Milano 1989, 201-221, 203.

[9] E. Lask, *Fichtes Idealismus und die Geschichte* (1902), in: E. Lask, Sämtliche Werke, II Bde, Jena 2003, Bd. I, 1-228, 24 (italics are added by this author).

Lask reproduces almost to the letter Rickert's presentation of the *Kopernikanische Tat* in the *The Limits of Concept Formation in Natural Science: A Logical Introduction to the Historical Sciences*[10] and identifies objectivity with the norms of connection of representations (which are the sole elements of knowledge to have the character of necessity) and attributes them to predicative activity. By this exegesis Lask distinguishes the sphere of values from the mere empirical level, in other words, he distinguishes what is worthy, intended as ought, i.e. *Sollen*, from what is merely factual; and thus – in line with Rickert's philosophy – he attributes only to the former, i.e. to the ought (*Sollen*), the qualification as object of knowledge, as what makes knowledge objective. The distinction drawn between *Sein* and *Sollen* and the undisputed primacy of knowledge through judgment set the philosophy of young Lask on the path that had been drawn by the considerations developed by Rickert in *The Object of Knowledge*, from which the pupil inherits, in his earlier works, the model of the transcendental and normative subject of judging consciousness.

2. From active to passive: the receptive subject

Since the third World Congress of Philosophy in 1908, Lask began explicitly dissociating himself from the Rickertian abstract and supra-individual model of the subject, characterized by active-synthetic functions. This change had already been foretold in the 1905 inaugural lecture Lask dedicated to Hegel and the Enlightenment, in which he laid out the background that would later serve to his definitive rupture from his mentor's philosophical positions.

Anticipating by five years the famed lecture of Windelband on *Erneuerung des Hegelianismus*, Lasks's 1905 inaugural lecture presented Hegel as a philosopher of values, who, on one hand, shares with Kant and Fichte an attention to the sphere of values and, on the other hand, differs from them for having freed the concept of value from its ethical connotation, from the axiological meaning in which it had been traditionally relegated: value

[10] In this work Rickert wrote: "Something that, for naïve metaphysics is a property-bearing substance, for Kant becomes a rule of connection between representations. Likewise, the rules of connection between representations are the object of our knowledge" (H. Rickert, *Die Grenzen der naturwissenschaftlichen Begriffsbildung. Eine logische Einleitung in die historischen Wissenschaften*, Freiburg und Leipzig 1896-1902, 98).

does not coincide *tout court* with *Sollen*, i.e. with the ought, which is simply a feature, a mere predicate of value itself. To this point Lask writes:

> After Kant and Fichte we have taken to identifying value with ought (*Sollen*), or with norm. It is a simplistic explanation of the concept of value one which says: value is what shall be by necessity, even though it isn't always so … Hegel has refused to pass from the concept of value to the one of norm.[11]

According to Lask, value, no longer intended as the norm, as an ought (Sollen), is conceived by Hegel as a value simply to be discerned, to be seen, it is foremost a theoretical value more than an ethical one. But with the dissolution of the identity between value and *Sollen*, the very object of philosophy assumes a different connotation than it had in the *Legal Philosophy*, in which Lask still wrote that

> certainly the object of both jurisprudence and philosophy is not an existent (object), but rather a pure meaning, not a being, but rather an ought (*Sollen*), something that requires obedience.[12]

The discrepancy between value intended as *Sollen* and value in its original theoretical nature grows wider in the lecture Lask delivered at the 1908 third World Congress of Philosophy: *Gibt es einen „Primat der praktischen Vernunft" in der Logik?.* In this lecture Lask refuses the identification, established by Rickert, between validity and transcendent ought, in favor of a conception of value intended as objective validity in itself. So, disenfranchising the logical phase from the practical features, already in this lecture Lask severs the connection – axiologically declined by Rickert – between the subject and the object, so that value is that which requires to be recognized on behalf of the judging consciousness, which is committed to assenting or disagreeing, to taking a stance with respect to the sphere of validity. In this way, i.e. arguing against reducing knowledge to taking a position, Lask refutes Rickert's

[11] E. Lask, *Hegel in seinem Verhältnis zur Weltanschauung der Aufklärung* (1905), in: E. Lask, Gesammelte Schriften, Bd. I, 333-345, 339.
[12] E. Lask, *Rechtsphilosophie*, 314.

theory of knowledge (he had already questioned it in 1908), and thus he relinquishes the theoretical context within which he had initially developed his own early model of subject:

> We completely agree with the overall picture of a domain of the values that stands at the basis of this theory, the division of significance between one sphere of objective sense, in the face of subjectivity, and one sphere inherent to subjectivity itself; we accept this idea of the correspondence between objective validity and subjective sense. But we reckon it is flawed by an error that consists in the fact that, by counterposing value and practical behavior, this theory fails to include the original correlation with the sphere of value, and so it hides and supplants the genuine subjective correlate of the trans-subjective value.[13]

So the practical declination of knowledge hides, in Lask's view, the *original* subjective correlate of value, of what stands beyond the subject, of the trans-subjective. In fact such original correlate can no longer be defined – in Lask's view – in terms of Rickert's *pflichtbewußter Wille* but rather it takes on the new form of the *surrender* to the non-sensitive, of *Hingabe*, intended – as Besoli has correctly pointed out – in terms of an "essentially intuitive vision"[14].

With the introduction of *Hingabe*, of a kind of theoretical intentionality, as defined in *The Logic of Philosophy*[15], Lask reaches, in his more mature works, a new epistemological model, no longer rooted in the predicative activity of the subject, but rather in an intuitive-receptive function. Thus judging is no longer the central issue of the cognitive process, rather intuition is. This reversal of Lask's juvenile theoretical positions takes place, initially, albeit only partly, in the *Doctrine of Judgment*, and is then definitely established in the latter

[13] E. Lask, *Gibt es einen „Primat der praktischen Vernunft" in der Logik?*, in: E. Lask, Gesammelte Schriften, Bd. I, 349-356, 350.
[14] More precisely Besoli defines dedication in terms of a "*passive receptivity* of an object which does not present – in its structure – any kind of oppositions, instead it offers itself, in its *paradigmatic integrity*, to an essentially *intuitive vision*". See S. Besoli, *La verità sottratta alla conoscenza: l'esito tragico-mistico della dottrina del giudizio di Lask*, in: Id., Esistenza, verità e giudizio. Percorsi di critica e fenomenologia della conoscenza, Macerata 2002, 239-340, 302.
[15] E. Lask, *Die Logik der Philosophie und die Kategorienlehre. Eine Studie über den Herrschaftsbereich der logischen Form* (1911), in: E. Lask, Sämtliche Werke, Bd. II, 1-246, 68-69.

ramifications of his philosophy, that are preserved in the massive body of notes he left before departing for the war front.

In the *Doctrine of Judgment*[16] – indeed already anticipated in *Logic of Philosophy* – Lask carries out a unique hermeneutic process: differently than in the tradition of Kantianism and of Neo-Kantianism, he attributes to judgment a derivative and secondary function with respect to the original being of the object (identified with the truth) within the surrender (*Hingabe*). In this perspective, judgment is reduced to "*an artificial structural complication* of the simple original objective structure"[17] on which the knowing subject operates. The intervention of subjectivity, similarly as to what happens also in the reflexive categories, brings with it thus the inveterate stigma of artificiality – Lask speaks of *Strukturkünstlichkeit des Urteils*[18] – that violates and compromises the *original and autonomous* region of the object.

On the grounds of such considerations, in the *Doctrine of Judgment*, the predicative activity takes on the specific function of a "deforming elaboration", a "transformation of the object"[19], aimed at reproducing the object within the sphere of consciousness. Such reproduction leads to the creation of what Lask calls the "quasi-transcendent object" and takes place through an "isolating experience"[20] that brings into presence the different elements of the object, drawing them out against their backdrop by a kind of "laceration", and so providing them with the necessary substrate, with the fruitful grounds from which they can rise. In this way the *Menschenwerk* is explained merely as a lesion of the original sphere which, coming into contact with the subject, is fragmented in single elements and subsequently recomposed in the act of judgment: here lays the characteristic of artificiality of the judging act – its way of destroying and then reassembling – in the fact that it is precluded "a direct and adequate apprehension of the objective backdrop in its unbroken whole".[21]

[16] On the Laskian *Doctrine of Judgment* see F. Beiser, *Emil Lask and Kantianism*, in: The Philosophical Forum 39/2008, 283-295; D. Emundts, *Emil Lask on Judgment and Truth*, in: The Philosophical Forum, 39/2008, 263-281.
[17] E. Lask, *Die Lehre vom Urteil* (1912), in: E. Lask, Sämtliche Werke, Bd. II, 248-403, 253.
[18] *Ibid.,* 255.
[19] *Ibid.,* 253.
[20] *Ibid.,* 356.
[21] *Ibid.,* 354.

The activity of judgment is destined to fail, unable to reproduce or – better said – re-figure the transcendent sense; on the contrary *surrender* seems to Lask as the only subjective correlate of the transcendent sense:

> In as much as knowing is the subjective correlate of the sense, an oppositionally separate sense must correspond to an oppositionally separate judicative knowing, while as the supra-oppositional sense must correspond to a supra-judicative supra-oppositional knowledge. This kind of knowledge should be considered as the subjective correlate of the mere original structure, thus as a mere surrender to the categorially invested material … It apprehends the unbroken or restored original, in which there is only the simple being of the contents in categories.[22]

Lask here is establishing a correspondence between the oppositional sense destined to judging and a supra-oppositional sense – constituted by the original compound of non-sensible form and sensible matter – which is apprehended, comprehended by surrendering. In this perspective, *Hingabe* takes on the role of knowledge of the original structure, of the categorially invested material: it apprehends the original, comprehends the *primum.* But how is the surrender – as Lask calls it here – configured and why is it attributed a direct and privileged cognitive access to the transcendent object? How is this access possible?

To answer these questions we must look to the first occurrence of this term in the philosophy of Lask: in the lecture delivered in 1908. Here, in expounding the concept of subjective sense, Lask relies, albeit *en passant*, on the concept of "surrender":

> We call "subjective" sense that which is inherent to "surrender" and especially to "knowing", and so on, simply because, albeit clearly representing a sense and not a psychic matter-of-fact lacking meaning, nonetheless, compared to objective validity, it reveals a characteristically differing property, that refers to the personal experience that provides the backdrop. It is a kind of sense that, in its essential significance, preserves – so to speak – the memory of the lived moment and

[22] *Ibid.,* 336-337.

> embraces it within. Its comprehension implies knowing the matter-of-fact of the personal experience, it implies preserving the passage through the personal experience, it is – so to speak – a sense embedded in personal experience.[23]

The subjective sense, non-reduced to the mere psychic matter-of-fact, differs from the objective validity for its *reference* – Lask says – to personal experience. This sense is, in fact, *embedded* in the subject's experience, which functions as the backdrop – in this specific meaning – as the *subjectum*. In this way the experiential sphere provides the space where objective validity may manifest itself, translated into subjective sense. But how does this process take place?

In a consequential passage in the last notes penned by Lask, in which knowledge is identified with intuitive discerning, this mechanism pans out as plain receptivity:

> Knowing is surrender to truth, seizing the true sense, accepting the valid logical form that imbues a material, offering a place where the transcendent sense can become immanent, being a receptive subjectivity.[24]

We could say that surrendering is the passive *posture* of the subject, who *accepts* the transcendent sense. The *Hingabe* is opening to the non-sensitive that engages, that encompasses the sensible material. Such *topical* definition of the subject, intended as the *place* of manifestation, as substrate for the sense, as the lived and living (*Erlebnis*) experience of validity, seems to exclude activity from knowledge, in its initial moment, relegated – as we've seen – to an activity detrimental and invasive to the objective sphere: judgment is configured as a secondary and fictitious level with respect to surrender.

Now, the introduction of the notion of *Hingabe*, together with the radical devalorization of the function of judging in the cognitive process and with the activation of the concept of *Erlebnis*, leads Lask to a major re-systematization of what he classified under the term subjectivity. The subject that is presented in the *Doctrine of Judgment* and discussed

[23] E. Lask, *Gibt es einen „Primat der praktischen Vernunft" in der Logik?*, 351-352.
[24] E. Lask, *Zum System der Logik*, in: E. Lask, Gesammelte Schriften, Bd. III, 57-169, 156.

in his posthumous notes is no longer the transcendental and abstract subject of Rickert which Lask had assumed in his early works; rather it is *sinnliches Erlebenssubjekt*,[25] a sensible living subject, an individual corporeal subjectivity.

So, in the latter outcomes of Lask's philosophy, subjectivity is freed from the abstract nature of the judging consciousness and, more generally, from the Kantian transcendental model; at the same time upturning the primacy of activity, of spontaneity, over passivity; and passing from abstract to concrete, from active to passive, from judging to intuition: this is the momentous shift Lask developed over the course of his philosophical itinerary on cognitive activity.

3. The outcome of Lask's theory of knowledge: the ideal status of surrender

The final result of Lask's philosophy – the identification of knowing with mere passivity – poses a significant problem, at least in the system he develops later in life. This problem has been brought to light, albeit only incidentally, by Ernst Cassirer.

In the *Erkenntnistheorie nebst den Grenzfragen der Logik*, Cassirer engages in a decisive argumentation over the doctrine of judgment of Lask. In this doctrine Cassirer recognizes an evident reactivation of the traditional copy-theory yet, in spite of this, he does not see in Lask's philosophy a simple relapse into a pre-critical scheme:

> A new and more profound problem emerges when we observe more closely the relationship that Lask holds true between the logical-"archetypical" region and the logical-"reproductive" one. With these designations Lask explicitly assumes the epistemological foundations of the "copy theory of knowledge", although he attributes a different direction to this theory. The *whole field* of theoretical validity can no longer be considered in the sense of pre-Kantian metaphysics as the reflection of the absolute world of the object: in fact, the very concept of object, conformingly to the "Copernican revolution", wholly falls within the field of logical validity.[26]

[25] E. Lask, *Die Lehre vom Urteil*, 402, footnote 174.
[26] E. Cassirer, *Erkenntnistheorie nebst den Grenzfragen der Logik* (1913), in: E. Cassirer, Erkenntnis, Begriff, Kultur, hrsg. von R.A. Bast, Hamburg 1993, 1-76, 13.

The unique objectivistic interpretation to which Lask submits the revolution brought on by Kant – for which the object is originally categorially structured without any intervention whatsoever by subjectivity – frees the philosopher from the problem of reproducing a metalogical world, which Cassirer here calls "an absolute world of the object". Nonetheless, shifting the objective sphere in the logical space does not save the *Doctrine of Judgment* from those *aporiai* which had traditionally affected the copy theory of knowledge: the unbridgeable gap between object and representation is not overcome in Lask's structure, but simply transferred to the logical sphere. In this perspective, the transcendent archetype (though immanent to the domain of validity) suffers from the same problems that weighed over the object of dogmatic metaphysics: "the old enigma of the 'thing in itself' – wrote Cassirer – still stands before us unsolved".[27]

When faced with the "thing in itself", with the transcendent truth coinciding with the objective sphere, the propositional activity is reduced to a "fatal activity", sentenced to irremediable artificiality. In this perspective, the only thing that can justify the whole philosophical framework erected by Lask is, as we have mentioned, a pre-predicative-intuitive knowledge of the transcendent object: only this kind of knowledge allows to access the archetypical sense, which functions as the unit of measure for conformity to truth of every judgment. In this perspective, the shift from judging to surrender, and correspondingly from the sphere of validity affected by the opposition to the value with no opposite, becomes a decisive shift from activity to pure receptivity, from a world of truth *created* by the subject to a truth which one must pay close attention to.

This major shift is nonetheless intimately connected to a unique problem: according to the classic copy theory of knowledge (*Abbiltheorie*) assumed by Lask – Cassirer notices – "complete passiveness would entail at the same time complete objectivity".[28]

But is such complete passivity possible? Can knowledge be reduced to simple receptivity? Is knowledge exclusively surrendering to the non-sensible meaning? Lask leaves these questions unresolved, he does not systematize this intuitive vision, the original

[27] *Ibid.* p. 14.
[28] *Ibid.* p. 16.

declination of Husserlian categorial intuition[29] which he reactivates in his own philosophical discourse under the name of *Hingabe*. In spite of the obscurity of Lask's concept of *Hingabe*, there is nonetheless a decisive passage in the *Doctrine of Judgment* that answers, though indirectly, the question about the complete identification, in his latter system, of knowledge with the receptive posture of the subject. In the last book published in his lifetime, Lask speaks of a *Sündenfall* of knowledge and, with that, of the transcendent object as of a lost paradise:

> For knowledge, which passes through not-knowing the mere interlacement of the transcendental structural elements, the archetypical region has become a lost paradise … After the original sin of knowing we can no longer apprehend the transcendent sense, but the immanent oppositive one.[30]

Lask here questions the possibility of directly accessing the transcendent sense: the sense accessible by surrender shirks somehow the subject, becoming a lost paradise: i.e., out of the metaphor, there cannot be a complete appropriation of the transcendent object within the opening of surrender. In Lask's view in fact man does not know the interlacement of the transcendent structural elements, and thus he has been deprived of the complete knowledge of the object and he has no other option than to resort, through the predicative activity, to the immanent oppositive sense: the only sense he is capable of achieving. In this perspective, it would seem that knowing cannot do without activity, action, even though detrimental to judgment.

We can reckon a double dynamic underlying the observation left by Lask in his late works: on one hand, there is a clear identification of the original knowledge with the *Hingabe* intended as mere reception and, on the other hand, there is the explicit need of the predicative activity of the subject, which is incapable of achieving the complete passiveness that is

[29] On Lask's adoption of Husserl's categorial intuition see D. Petrella, *La "silenziosa esplosione del neokantismo". Emil Lask e la mediazione della fenomenologia di Husserl*, Roma 2012. More in general on the philosophical relation between Lask and Husserl see S.G. Crowell, *Husserl, Lask and the Idea of Transcendental Logic*, in Robert Sokolowski (ed*.),* Edmund Husserl and the Phenomenological Tradition. Essays in Phenomenology, Washington D.C. 1989, 63-85; K. Schuhmann/B. Smith, *Two Idealisms: Lask and Husserl*, in: Kant-Studien, 83/1993, 448-466; B. Ainbinder, *From Neo-Kantianism to Phenomenology. Emil Lask's Revision of Transcendental Philosophy: Objectivism, Reduction, Motivation*, Studia Phaenomenologica, 15/2015: 433-456.

[30] E. Lask, *Die Lehre vom Urteil*, 361.

revealed as *mere ideal*[31]. Thus if knowledge, in its utmost expression, in its original moment, is surrender to a transcendent archetype, which in turn is the unit of measure of every judgment, then knowledge takes on, in its most concrete realization, the *necessary* function of predicative activity. To this point Cassirer quotes Lask in stating that:

> If our subjectivity were allowed a simple adequate acceptation of the entity of the object in its totality and unseparability, in its archetypical activity and isolation, then and only then could we achieve with no residue the ideal of knowledge – in the sense of the copy theory of knowledge. But judging cannot last in this pure receptivity; rather it moves continuously in artificial distinctions which it later attempts to eliminate in factitious compositions. This "fatal activity of experiencing" cannot be eliminated.[32]

The inability to remain in pure receptivity leads to the impossibility of removing the propositional activity from the cognitive processes: the fatal activity cannot be eliminated – says Lask. The trans-subjective value is thus destined, in the subjective experience, to suffering from the inevitable manipulation of the discursive action. Such activity, though defined negatively, seems to remain the only real knowledge ascribed to the subject in the philosophical system of his late days – another problem concerns the posthumous notes[33]. Surrender, of which Lask left no systematic investigation into its modes, is reduced to an *ideal* passivity of doubtful realization.[34] In the *Logic of Philosophy* and in the *Doctrine of Judgment* the predicative activity is thus identified by the philosopher with knowing *tout court*, relegating instead surrender to the margins of the actual process of knowing.

Apart from the discussion unto here developed, it is evident that Lask establishes an epistemological priority of receptivity over activity; priority albeit unjustified, yet ever more

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[31] See U. B. Glatz, *Emil Lask. Philosophie im Verhältnis zu Weltanschauung, Leben und Erkenntnis*, Würzburg 2001, p. 207.
[32] E. Cassirer, *Erkenntnistheorie nebst den Grenzfragen der Logik*, 14.
[33] In the works published during his life, knowing – as we have discussed unto here – is identified with judging; but in the posthumous works, cognitive activity is individuated in intuition, albeit once again left un-inquired by Lask.
[34] Concerning the status of surrender Besoli speaks of a "auspicated virtuality". See S. Besoli, *La verità sottratta alla conoscenza: l'esito tragico-mistico della dottrina del giudizio di Lask*, 322.

evident in his late philosophy, where the subject is defined as *empfangende Subjektivität*. As we have seen, Lask defines surrender in the positive terms of the subjective correlate of the transcendent sense, it is that which has a privileged access to the object, while as the predicative activity only has a detrimental action on the sense accepted primarily by surrender.

And yet such preeminence of an obscurely intelligible intellectual intuition binds – in our opinion – the Laskian subject to an exceedingly ideal sphere, unhinged from the experiential level. In fact, in spite of the progressive shift of subjectivity to the level of the *Erlebnis*, the activation of an obscurely determined receptive consciousness runs the risk of leaving the concept of the subject, as presented by Lask, completely undetermined: its key outlines are still too vague; the assumed surrender to categorial form – crucial in the philosopher's last reflections collected in the third volume of the *Gesammelte Schriften* – is incapable of founding the theory of knowledge.

The indeterminateness suffered by the subject can be understood only in consideration of a key assumption underlying the philosophy developed by Lask in his *Denkweg*: his interest, at least in his late works, is focused primarily on the sphere of truth as identified with the objective sphere.

By shifting the categorial forms from the subjective to the objective and by identifying the original sphere with the independent sphere of objects, the subject is reduced to something spurious and secondary, something unessential in the constitution of reality. The truth-objective level is, to Lask, concluded and autonomous:

> The ultimate element in the theoretical field is not spontaneity and pure doing, but rather something transcendent and impersonal that has its value against subjectivity, a kingdom of truth removed from the activity that damages it.[35]

The objective logical represents, thus, in Lask's system, the original moment of the theoretical domain, compared to which the subjective action is merely something invasive and

[35] E. Lask, *Rezensionen zu:* G. Gotthardt, Bolzanos Lehre vom »Satz an sich« *und* H. Bergmann, Das philosophische Werk Bernhard Bolzanos, in: E. Lask, Sämtliche Werke, Bd. I, 329-330, 330.

detrimental. Such original primacy attributed to the "autochthonous-objective logical"[36] is reflected in the configuration of Lask's logic, which takes on the function of an authentic "logic of the object" and of an *aletheiology*[37], in as much as there is a full coincidence between object and truth. To the primacy attributed to such logic Lask subordinates the theory of knowledge, so that the transcendent sense, rather than knowledge, is the major interests of his philosophy. In this light we can understand the marginality of the role of the subject in Lask's philosophy; a role we may define as *pathogen* towards the original sphere of objects.

A careful survey of Lask's late works evidences, in fact, how the philosopher often associated the effects of subjectivity to symptoms that affect the object. In *Logic* Lask speaks of *Immanenzsymptome*, the symptoms of the immanence of the subject, or of *Antastungssymptome*, the symptoms of the lesions that the object bears after its encounter with subjectivity, or also he speaks of *Symptome der Reflexivität.*[38] In this perspective the occurrence of the term *Symptom* at the beginning of the *Logic* is particularly significant, when Lask attempts to free the concept of value from its undue traditional identification with the supersensible element:

> The living subjectivity stands before the supersensible as much as what is valid itself. The supersensible and what is valid, with respect to subjectivity, occupy the place of the object that can be apprehended … In their reference to subjectivity we can identify what binds both non-sensible spheres. But consider now what is each time *purified from the symptoms of referring to subjectivity*, thus the simple, the ultimate set as foundation, that which is attributed first and foremost – in both cases in the same measure – with moments such as the character of value, it represents not a unity, but rather a duality, i.e. a supersensible and a *Geltendes.*[39]

The purification, the liberation from the *symptoms* of reference to subjectivity, is what Lask seems to seek in his view of both the *original* structure of the object and of the *primary*

[36] S. Nachtsheim, *Alcune osservazioni sulla ricezione kantiana di Emil Lask*, in: Conoscenza, valori e cultura. Orizzonti e problemi del neocriticismo, Firenze 1997, 167-204, 170.
[37] Cf. S. G. Crowell, *Emil Lask: Aletheiology as Ontology*, in: Kant-Studien, 1996, Vol.87(1), 69-88.
[38] E. Lask, *Die Logik der Philosophie und die Kategorienlehre*, 122.
[39] *Ibid*, 10 (italics are by the author).

theoretical nature of the validity. Beginning from this underlying goal, which is the basis of Lask's whole philosophy, we can understand the ambiguousness with which the philosopher treats the concept of subjectivity, a subjectivity that, on one hand, is disenfranchised from the abstract and transcendental character of the subject proposed by Neo-Kantianism, yet on the hand, is still fatally relegated to the ideal level, in as much as it postulates, without explaining, a mere receptive surrender identified with the source moment of every knowledge, with the privileged access to a transcendent object, whose outlines were reminiscent to Lask's more attentive readers – i.e. Cassirer, Lukács and Rickert – of the thing-in-itself of Kantian philosophy. The ideal status of surrender reactivates thus, in Lask's late philosophy, the problem of the transcendence of the object, of the abyssal distance between subject and object, of that distance which is inherent in a thought that aims to present itself, in the philosopher's own words, in its original form of logic objectivism: "*Letztlich brauchen wir doch einen objektivistischen Standpunkt*".[40]

4. Beyond the limits of Lask's philosophy: overcoming the transcendental subjectivism

The pre-eminence of the logic of the object over theory of knowledge, in spite of the aporetic outcome we have evidenced, should not eclipse the unique dual instances that Lask's philosophy develops: the need for a concrete individual subject and the fruitful intuition of a pre-predicative receptive consciousness as the source of the cognitive processes.

The conjunction of these two instances leads, in fact, to a revolutionary result, the more revolutionary in as much as it is carried out within Neo-Kantianism: it consists in overcoming the transcendental model of the subject that dominated philosophy between the 19th and 20th centuries and in the consequential disruption of the primacy attributed, in cognitive activity, to the synthetic-constitutive functions.

The elaboration, albeit incomplete, of a living subject possessing a function of receptivity of the non-sensible forms, we may say, possessing a categorial receptivity, is thus the most original and fruitful contribution offered by Lask to the last century's

[40] E. Lask, *Zum System der Wissenschaften* (1913/14), in: E. Lask, Gesammelte Schriften, Bd. III, 237-279, 265.

erkenntnistheoretisch philosophy. Philosophers such as Heidegger[41] and Lukács were able to draw crucial intuitions from such contribution; it is inscribed in a more general current of thought that aimed at restoring a living subjectivity, made of flesh and bones, to the so-called sciences of the spirit. To the transcendental subject, in whose veins – in a famed expression used by Dilthey – "flows not real blood, but rather the diluted extract of reason as a mere activity of thought"[42], Lask opposes, at all effects, a concrete subject who does not constitute the world, does not create it, but rather accepts it within *surrender*, within a mere receptivity: a subject that *pays attention* to the non-sensitive forms.

Now, by such a model of subjectivity, the philosophy of Lask, through a unique operation aiming to restore ontological value and dignity to the world of objects, comes to the point of arguing against what Heidegger, in the *History of the concept of time: Prolegomena*, called "the ancient mythology of an intellect which glues and rigs together the matter of the world with its forms".[43] This constructivist mythology, as we have expounded, will leave no trace in Lask's thought: the categorial forms are dislocated originally *a parte objecti* and the intellect no longer composes nor binds the matter of the world.

Disenfranchised from this mythology that attributed a reality-constitutive role to consciousness, the subject can, with Lask and beyond Lask – beyond the limits of his philosophy – achieve a new form, becoming a receptive subject, a subject that takes in the world without reducing it to a product of its activity. Nonetheless, we must point out that the theoretical network of Lask provides only fragments of such a figure of subjectivity, only some suggestions, on account of the underlying objectivism and because of the philosopher's premature death at war, which condemned his theoretical work to being fatally incomplete.

Ensuing from these structural limits, the work of Lask offers only an intuition, fruitful as much as it is problematic, an intuition that, on one hand, frees the subject from the archontic position that it had been attributed by Kant and Neo-Kantianism, and on the other hand, it

[41] On the influence of Lask on the young Heidegger see S.G Crowell, *Lask, Heidegger and the homelessness of Logic*, in: Journal of the British Society for Phenomenology, 23/1992, 222-239; R. Lazzari, *Ontologia della fatticità*. *Prospettive sul giovane Heidegger (Husserl, Dilthey, Natorp, Lask)*, Milano 2002; T. Kisiel, *Why Students of Heidegger will have to read Emil Lask*, in: Heidegger's Way of Thought, New York 1992, 101–36.
[42] W. Dilthey, *Einleitung in die Geisteswissenschaften* (1883), in: W. Dilthey, Gesammelte Schriften, Bd. I, Stuttgart 1990, LXIII.
[43] M. Heidegger, *Prolegomena zur Geschichte des Zeitbegriffs* (1925), in: M. Heidegger, *Gesamtausgabe*, Bd. II, hrsg. von F.-W. Von Herrmann, Frankfurt a. M. 1975, 96.

does so by shifting subjectivity itself to the aporetic grounds of a kind of a logical objectivism, which, as we have seen, reiterates, into the logic sphere, the unbridgeable distance between the knowing subject and the object of knowledge.[44]

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