

Aesthetic Judgment
and the Moral Image
of the World

STUDIES IN KANT

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Preface

THE JOINT PUBLICATION of these four texts is occasioned by the Kant Lectures delivered in 1990 at Stanford University. I was invited to deliver them in part as a celebration of the two-hundredth anniversary of Kant's *Critique of Judgment*. In the lectures, I discussed two of the most influential theories presented in the first and the very last part of Kant's classic.

The lectures differ in style. The lecture titled "Kant's Explanation of Aesthetic Judgment," which considers the theory in the first part of *Critique of Judgment*, aims to solve a problem to which every student of Kant's aesthetics is exposed, yet which nevertheless proves difficult to state clearly. Its solution depends on how the resources of Kant's epistemology can be employed skillfully within his aesthetics. The lecture shows how this can be accomplished, that Kant himself had only a limited insight into the details of his own theory, and that his fully articulated theory can still contribute to contemporary debates in aesthetics.

The lecture titled "The Moral Image of the World," which considers the theory in the last part of Kant's classic, has a much broader scope. It summarizes the results of my research

into the development of Kant's moral philosophy, and it shows that the architecture of the third *Critique* depends upon a change in Kant's notion of a philosophical system, which in turn emerged from an important change in the foundation of his moral philosophy, a change that occurred in the course of his work and reflections on the *Groundwork of the Metaphysics of Morals*.

Kant's conception of a moral image of the world never resulted in a definite explanation of the source and the content of such an image. But Kant, from the days of his encounter with Rousseau's work on, remained convinced of the truth of Rousseau's tenet that, without a moral image of the world, moral conduct itself must become unstable and be undermined by the suspicions of the materialist and the sophist, who are both always already operative in the ordinary man's mind.

I agree with Kant about this. The two texts that constitute the second half of this volume intend to show in what way this view can be put to work within the philosophy of politics. These two texts also originated as lectures, and no attempt has been made to eliminate the traces of their origin.

"The Contexts of Autonomy" was delivered at Emory University, at the conference "Rethinking Human Rights." It has been translated by my former student at Harvard, Professor David Pacini. It first appeared in *Daedalus, Journal of the American Academy of Arts and Sciences*, Fall 1983; the German version has been published as an appendix to my book *Ethik zum nuklearen Frieden* (Ethics Toward Nuclear Peace; Frankfurt a.M., 1990). It appears here courtesy of *Daedalus*.

I gave the lecture "The French Revolution and Classical German Philosophy" at Weimar in May 1989, at a meeting of the Goethe Association, half a year before the collapse of the East German regime and the beginning of the unification of the two German states. The text was published in German in

a booklet entitled *Eine Republik Deutschland* (One Republic of Germany; Frankfurt a.M., 1990). It has been translated by Wayne Martin and Sven Bernecker, under the direction of Professor Hans Sluga.

The third lecture argues that the justification of the claim that human rights are universally valid requires reference to a moral image of the world. The fourth lecture conceives of the connection between the political process of the French Revolution and the emergence of post-Kantian philosophy as resulting from the indispensability of a moral image of the world and its justification by fundamentally new political ideas.

To employ the notion of a moral image of the world two hundred years after Kant, yet without ignoring the insights and experiences of this century, requires, to be sure, far-reaching changes in the contents of such an image. The third lecture explains, at least in part, what the content of such an image in our time might consist in.

The four lectures can be jointly regarded as an attempt both to analyze Kant's way of reasoning and to continue it by transforming it to apply to our own questions.

I am grateful to the Philosophy Department of Stanford University for its invitation and its hospitality, to Professor Eckart Förster, who suggested this volume for his series, to Professors Pacini and Sluga and to Mr. Martin and Mr. Bernecker for their translations, and to Helen Tartar and Nancy Atkinson, both of Stanford University Press, who edited my English texts.

Munich

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Anyone who finds modern physicalist materialism irresistibly strong must accept that all his personal life, including his conceptions of knowledge, proceeds within a network of indispensable illusions. Whoever thinks differently must know that an easy reconciliation between objective knowledge and the perspectives of the first-person viewpoint is not available. Only a subtle philosophy can possibly accommodate the latter in depth without eliminating it at the same time—perhaps involuntarily and only by implication.

That this is so can be explained to a considerable degree by the mutual dependences between self-interpretations of the First Person on the one hand, and images of the world on the other. Consequently, we cannot refrain from investigating these numerous connections, from relating them to one another, and from examining to what degree we are justified in accepting these perspectives as both irreducible and valid.

I believe that Kant was indeed ill-advised when, without hesitation, he identified the moral order with the order of the highest good and the realm of grace. But that by no means implies that the notion of a moral order can be dispensed with or that it is devoid of content. In addition, unlike Kant, we must distinguish between various kinds of moral conduct and stages within the development of the moral awareness of man. This adds yet another dimension to the notion of the moral image of the world. Hence, although our analyses have shown that Kant's books cannot be used as sources of everlasting insight, he did found a philosophical tradition and open up a philosophical perspective with which we can and should remain affiliated,

Kant's Explanation of Aesthetic Judgment

KANT'S *Critique of Judgment* is generally considered to be a turning point in the history of aesthetics and the philosophy of art. It combines and reconstructs the analyses of aesthetic predicates and the aesthetic attitude that emerged in Leibniz's and Locke's schools, as they have been formulated by philosophers like Alexander Baumgarten and Johann Georg Sulzer on the one hand and like Hume and Burke on the other. But it also elevated the aesthetic theory to a new level by integrating it into the framework of a new epistemology that Kant had worked out in the *Critique of Pure Reason* based on the view that what we call "reason" consists in a complex interaction of various epistemic operations. To understand what "reason" accomplishes, one must look for operations from which such accomplishments arise. In addition, one must look to the sources from which these operations originate and to the principles or rules that guide them. The *Critique of Judgment* discloses such a source for the appreciation of the beautiful (and the sublime). Thus it proved possible to separate aesthetic judgments from other types of judgments while preserving their claim to originate in reason as such and from activities that are interwoven with the activities on which all

knowledge of our world depends. These judgments, to be sure, don't express knowledge. But their claim is justified because it is founded upon the same activities from which knowledge originates, albeit in a distinctive, interactive employment. Hence Kant first provided tools for establishing the aesthetic attitude as self-contained and autonomous, thus as the foundation for a conception of art that envisages art as a primordial way of being related to and situated within our world, a way that can neither be replaced nor surpassed by other achievements of man's rational capacities.

This is how the *Critique of Judgment* has been perceived by the philosophers and theoreticians of art who succeeded Kant. The result Kant arrived at became an almost unquestioned premise of subsequent endeavors within aesthetics, up to our own time.

This brief outline of Kant's accomplishment does not correctly describe Kant's own intention, however. He wrote the *Critique of Judgment* because he aimed to complete what he called his "critical business"—the investigation of all knowledge claims involving principles that cannot be justified by experience alone. Because earlier metaphysics had failed, it had become indispensable to understand the origins of knowledge claims, as the only means by which one could distinguish real knowledge from deeply rooted illusions. Because of the novelty and the difficulties of such an investigation, Kant believed that one could not rely on particular results before they were confirmed and supported by results in other areas of knowledge where a priori principles apparently also come into play. This methodologically holistic conviction implies that critical philosophy can establish itself decisively only as a system. And because many of the most important types of rational discourse cannot be reduced to one single fundamental mode of employing reason, the critical system could only adopt the form of a systematic connec-

tion of relatively self-contained discourses—an architectural structure that might (as Kant believed) eventually reveal a "highest point" made possible and supported by all the other discourses—which is (according to Kant) the consciousness of human freedom.

In this way, we can explain why Kant felt that he had to write a "Critique of Taste" when he had arrived at the insight that aesthetic judgment cannot be understood without including the claim that it is valid for every rational being of our kind, a claim that can be based neither upon experience nor upon rational proof, which would amount to saying that a distinctive a priori principle must be involved. Consequently—given Kant's methodological conviction—a critical investigation became mandatory.

This might sound as though Kant turned to the subject of aesthetics almost involuntarily, and not for its own sake. One might then easily suspect that he had been ill-prepared for an analysis of the subtle and complex facts with which aesthetics must come to terms. One might even be tempted to admire Kant's genius because of his ability to compose such a rich and attractive work on aesthetic phenomena from a point of view and an interest exclusively consumed in the task of completing the system of transcendental philosophy.

But this assessment of Kant's preparation for designing an aesthetics is grossly inadequate. Kant had been thinking over its topics and problems for decades. In 1764, he had published the essay "Observations on the Feeling of the Beautiful and the Sublime." In the course of his lectures, he frequently discussed aesthetic problems. His government required that lecture courses use printed textbooks as guidelines. Kant (who held a chair of logic and metaphysics) used in his annually repeated public courses textbooks by two leading aestheticians of his time: Meier's *Logic* and Baumgarten's *Metaphysics*. The logic Kant wanted to teach had a much broader

scope than that taught in contemporary logic courses. Kant described it as an instruction of the ordinary intellect as it borders, on the one side upon ignorance and, on the other, upon science and scholarship. Meier's textbook appeared to suit this purpose comparatively well. But within its treatment of the various kinds of knowledge it included such topics as the difference between a logical and an aesthetic perfection of knowledge and between a logical, an aesthetic, and a practical truth. It is therefore hardly surprising that we find elaborate reports of Kant's views on aesthetics in transcripts of his logic courses.

Kant gave his logic course every summer. During the winter, he lectured on metaphysics out of Baumgarten. The third of Baumgarten's book's four parts contains, as an indispensable prerequisite for the doctrines of metaphysical psychology, Baumgarten's "psychologia empirica." Here we find definitions in Wolff's spirit of the powers and the activities of the mind. Kant must have known this text by heart, and we can assume that he presupposes it as a stock of general knowledge when he introduces his own conceptual apparatus in the key chapters of the *Critique of Pure Reason*. Yet Baumgarten's text also contains discussions of mental capacities and states that are of obvious importance within aesthetics. It also contains frequent references to the philosophical discipline "aesthetica" and to the first book to carry this title, which had been published by Baumgarten himself.

Within his lectures on metaphysics Kant devoted only minimal attention to Baumgarten's empirical psychology, but not because he assigned little importance to it. Instead, he had developed another (and this time private) lecture course under the title "Anthropology," which he also gave every winter. These lectures were *exclusively* based on the "psychologia empirica" of Baumgarten's textbook. Consequently, we can take for granted that Kant had to discuss problems of aesthet-

ics and present his views on this subject twice each winter to different audiences.

Therefore it is no surprise that Kant had developed his own aesthetics before he came to terms with the problems he intended to solve in the *Critique of Pure Reason*. Although the numerous transcripts of his anthropology lectures still await publication, we can already design a sufficiently accurate picture of Kant's earlier aesthetics, because Kant's own notes on Baumgarten and Meier, on which he based his lectures, have been preserved. The transcripts of the lectures on logic and metaphysics have also been published. What is really surprising is the extent to which this aesthetics coincides with the theorems of the *Critique of Judgment*. Almost all the notions the third *Critique* employs had been used by Kant in approximately the same sense fifteen years earlier.

To mention a few, Kant explains the aesthetic attitude as resulting from a "harmonious play" of our mental faculties in general and of the active sources of our cognition, imagination, and understanding in particular. He also remarks that judgment is operative within this play and provides it with its true unity, whereby the playful activity is strengthened in turn. The play results in pleasure. And this pleasure of "taste" differs from the pleasures of the senses because it originates from an activity; it is disinterested because it has as its object only formal properties of what is given in intuition. Kant also distinguishes clearly between the agreeable, which pleases particular subjects in changeable conditions, the beautiful, which pleases everybody universally, and the good, which is approved on rational grounds and gives rise to pleasure only in various indirect ways.

Yet Kant still persistently denied that the philosophical discipline of aesthetics could be founded upon a priori principles. One of the arguments with which he backs up this position is the lack of rules for taste. We could, to be sure,

produce some such rules (e.g., order, proportion, symmetry, and harmony). But these rules are in turn founded upon our experience of what we take to be beautiful. They cannot be justified by reason alone. This argument would be consistent with the position of the *Critique of Judgment*, which also excludes rules of taste for which one could pretend to provide a rational justification. Consequently Kant's decisive argument must have been this: we cannot detect reasons why the harmonious play of our cognitive faculties arises as it does and in the circumstances that it does. It simply occurs. Therefore the occurrence of that play can only be a fact of the natural constitution of human cognition. Its description must be given within "psychologia empirica" in the strict sense, from which it follows that aesthetics must be conceived as an ultimately empirical discipline. Within this discipline we can account for the special status of aesthetic judgment and thus for the fact that it assumes the possibility of a universal agreement, and therefore for the further fact that we become engaged in disputes about the beautiful, although we refrain from such disputes in matters where the pleasure arises from sensation.

This was precisely the argument Kant abandoned when he conceived of writing a critique of taste that would correspond to what the preceding two *Critiques* accomplished with regard to theoretical and practical reason. When he rethought the epistemology of the *Critique of Pure Reason* he quickly saw that his epistemological theorems about the relationship between imagination and understanding would allow him to produce an explanation of aesthetic judgment whose sources would not be empirical throughout but rather derived from the explanation of the possibility of our knowledge of objects. Hence the new explanation would have the a priori status of a transcendental insight.

We can now understand why Kant felt he could carry out

his plan, once conceived, with little trouble. Most of the content of his aesthetics had been available to him for a long time. Its views and its conceptual apparatus of the cognitive activities had only to be transferred to a new context. Even the prior description of the distinctive features of aesthetic judgment could be maintained. All along he had noticed that these judgments claim universal agreement and a validity that cannot be supported by decisive reasons. By now he found himself in the position to justify this claim.

This doesn't amount to saying that Kant's earlier aesthetics remained entirely unchanged. Yet the change consisted less in additions to the theorems and innovations within the terminology than in a greater precision in their employment. Previously, Kant's reference to a harmonious play of our cognitive faculties had been somewhat vague and flexible. The paradigmatic case of an object that occasions this heightened and harmonious activity had been for Kant the work of art, which indeed engages perception, imagination, judgment, and thoughtful reflection at the same time. In the new "*Critique of Taste*" (which was soon extended to the project of a *Critique of Judgment*) the notion of the play of the faculties received a more restricted and precise meaning. From now on the only activities engaged in the play were the very activities shown by the *Critique of Pure Reason* to be operative in the constitution of objects from given intuitions in space and time. Consequently, natural objects and products of the skilled crafts had to be moved into the position of paradigm cases of the beautiful, while the work of art became the subject of a complex theory with a richer set of premises. At the same time and for the same reason, the harmonious play was moved closer to the perceptual process and thus, as Kant expressed himself, deeper into the depth of the mind—a change one can hardly deplore, for an aesthetics that com-

mences with a theory of art always proceeds on insecure ground and through unexplored territory.

If one had to name a single component of the doctrines of the Critique of Pure Reason as the means by which Kant could integrate his aesthetics into his epistemology, it would have to be Kant's analysis of the various functions of imagination within cognition. In a note to the "Deduction" chapter of the original edition of the first *Critique*, Kant remarks proudly that no psychologist so far has conceived of the idea that imagination might be a necessary ingredient of perception itself (A 120).

A perception is a cognitive state in which a sensible manifold is present to us in a particular combination. Kant believes he has arguments to the effect that no combination can be given to us through the senses. Each combination has to be established through a cognitive operation for which the potentials of our imagination are responsible. Because perception is the elementary conscious state in cognition, we are led to the conclusion that imagination is operative, at least in part, before consciousness can arise. Kant employs this theorem in many contexts, but primarily in his analysis of how the notion of an object has to be understood and of how a world of objects is constituted for us through the activities of our understanding.

Kant holds that the exertion of our imagination is not self-contained. Imagination is the source of all combinations within what is sensibly given to us. But one cannot combine—at least one cannot combine a manifold into the structure of an object—unless principles of unity can be presupposed that guide the combinatory activity and determine its objective. Hence imagination in its most important cognitive usage depends upon pure concepts of an object that originate from our understanding—concepts that are at the same time

the indispensable conditions for the possibility of the thought of oneself as a constant and unchangeable point of reference for all one's thoughts and judgments.

This brief summary of Kant's well-known tenets regarding the relationship between imagination and understanding helps us elucidate the difficulties an interpretation of Kant's explanation of aesthetic judgment has to face. For it reminds us of the basic design of the epistemology that, according to Kant, allowed and indeed necessitated the move from an ultimately empirical aesthetics to an aesthetics founded upon transcendental principles. When Kant speaks in the *Critique of Judgment* of a harmonious play between imagination and understanding, he clearly appeals to his account of the two cognitive capacities as they had been analyzed in the *Critique of Pure Reason*.

In cognition and in the formation of knowledge, the two faculties necessarily cooperate, but certainly not in a harmonious play that would require the two players to operate independently of each other. Rather, imagination here thoroughly depends upon understanding and serves, so to speak, its purposes. Yet in the brief formative period of the *Critique of Judgment*, Kant convinced himself that there can be and indeed must be another way in which the operations of the two capacities are coordinated. Imagination can correspond spontaneously to a requirement established by the understanding. This correspondence would, in turn, facilitate the understanding's business and thus strengthen and expand its own operations. Furthermore, the state within which this interaction would occur could not possibly be a case of an employment of a concept, for that would inevitably amount to still another case where the imagination could only serve rather than support freely the understanding's objective. Hence one has to conceive of a cooperation between the faculty of combination (imagination) and the faculty of con-

cepts (understanding) that takes place *prior* to the employment of any particular concept.

From this image of a distinctive way in which the most fundamental cognitive capacities cooperate Kant's new theory of aesthetic judgment benefits in many ways. To begin with, aesthetic judgments are singular judgments; they are asserted while we are exposed to an individual object or scene in a perceptual situation. And we can assert these judgments without having a description of the object at our disposal. This is readily explained in terms of a cognitive process that takes place in close proximity to the process of perceiving and that precedes the process of concept formation in principle although it is compatible with it. Furthermore, because aesthetic judgment cannot be based on the usage of concepts, the reason for its being asserted can only be the occurrence of a distinctive state of feeling about the object or scene within a perceptual situation. This feeling in turn can be explained as resulting from the animation and the quickening of imagination and understanding in their harmonious play. In this way Kant eventually was able to arrive at a stable relationship between well-defined concepts of imagination, understanding, play, and feeling—a stability that was lacking in his earlier aesthetics.

That the play of the cognitive operations he envisaged had to be located so close to the perceptual process, such that the result of their coordinated interaction could only be revealed through a feeling, did not raise difficulties from Kant's point of view. His theory of perception requires anyway an employment of understanding that precedes judging and every conscious use of concepts. Kant's model of the foundation of aesthetic judgment includes, to be sure, a further component: not only is the harmonious play simply a fact that takes place in the depth of the mind; it also depends intrinsically on the noticing of the mutual accordance of the operations of imagi-

nation and understanding. Kant claims that the noticed accordance is what results in a quickened activity. Thus one might suspect that he has to take recourse to a cognitive accomplishment that cannot possibly precede, and result in nothing but, a feeling. But this suspicion would be misguided. For Kant has at his disposal the notion of another mental activity, which Wolff and his school had analyzed under the name of "reflection." Reflection belongs (together with attention) to the most elementary employments of the intellect. It is a form of knowledge that intrinsically accompanies the operations of the mind and helps to keep them within their distinctive boundaries. This results in the possibility of a comparison of the states and accomplishments of operations that are connected to and entangled with one another. Reflection and comparison so conceived can take place (and must take place in many cases) independently of any explicit awareness. This notion of reflection has become totally alien to us, whereas Kant employs many variants of it and evidently assumes it is familiar to everybody. (It should be noted in passing that reflection has to be distinguished from reflective judgment, and that when Kant speaks of reflection as functioning in the process of concept formation, this is still another of the term's many employments.)

To sum up, we can by now understand why Kant became convinced that his epistemology provides all the resources for an explanation of aesthetic judgment that would at the same time elucidate and justify its claim to universal agreement. The objective of a critique had been defined by Kant as the justification of such a claim by means of an elucidation of the conditions of its possibility. He found himself by now in a position to account for these conditions. Consequently, he believed that the justification had been accomplished. This explains why his reasoning within the *Critique of Judgment* frequently takes the form of an argument the first premise for

which is the fact that the claim of universal agreement is inevitably connected with aesthetic judgment: since the claim can only be explained by means of his account of the harmonious play, it *must* be this distinctive state of our cognitive faculties upon which aesthetic judgment is founded.

Such a stance, ^{however}, with regard to the fundamental problem of aesthetics can hardly satisfy us as long as the principal tool of Kant's account remains insufficiently exposed and explained: the structure of the harmonious play. One could very well describe the fabrication of this tool as a combination of an old idea, that of the animation of the mind in a playful activity, with the new theory of the synthetic activities of the mind. This description makes mandatory our efforts to ^{to make} ascertain that the combination results in both a structure free of tensions and a plausible image of the epistemic state expressed through aesthetic judgment.

The text of the third *Critique* accomplishes very little, indeed almost nothing, in this regard. Kant repeatedly uses his phrase "the play between imagination and understanding." He also characterizes the states of the two operations that are engaged in the play in various ways. The most frequent and significant characterization describes the play of the imagination as free and contrasts it with the activity of the understanding "in its lawfulness." But all this doesn't lead us very far and remains unacceptably metaphorical, for the phrase and its various extensions are unsupplemented by further analyses and illustrations clarifying precisely how the cognitive operations take place and *can* take place in the way envisaged. Kant himself was not insensitive to the weaknesses of his expositions. In the Preface (the latest part of the manuscript) we find a confession, which is certainly rare in Kant's work: "Here [in the inquiry into our power of taste], given how difficult it is to solve a problem that nature has made so

involved, I hope to be excused if my solution contains a certain amount of obscurity, not altogether avoidable, as long as I have established clearly enough that the principle has been stated correctly" (1st ed., pp. ix-x).

There is only one further place where Kant made a similar confession, this time concerning the first edition of the transcendental deduction. But in that case he announced at the same time a forthcoming improved version of his text and its argument, which he indeed published soon afterwards, whereas he never rewrote parts of the *Critique of Judgment* in subsequent editions. Moreover, other writings and manuscripts betray scant evidence of a continuous effort on Kant's part. Apparently, Kant felt unable to proceed much further and imputed this to the matter's being "so involved."

Such a situation clearly challenges the interpreter to exercise both exegetical and philosophical skills. He cannot hope to find passages in Kant by means of which to clarify the philosopher's thoughts and intentions decisively. On the other hand, Kant by no means gives him permission just to repeat or vary his own phrases. An argumentative analysis is not only welcome but definitely required—an analysis that explores the theoretical and argumentative potentials at Kant's disposal. Only thus can one come up with a reading of the basic theorem in Kant's aesthetics that is both Kantian in nature and an improvement upon Kant's own expositions, which he himself admitted to be unsatisfactory.

A survey of the secondary literature rapidly reveals that the challenge is only sometimes understood and nowhere met. The task is difficult, requiring a mobilization of all the resources of Kant's epistemology. For although Kant did admit that his own "inquiry into our power of taste" remained obscure, he certainly believed that it fits perfectly into the complex doctrine of the interaction between imagination and understanding that he had worked out in the epistemology of

his *Critique of Pure Reason*. In what follows I shall present and put up for discussion a solution of the problem.

When Kant admitted that his inquiry remained obscure, he probably had in mind two theorems that jointly constitute the third *Critique's* innovation over his earlier aesthetics. First, the theorem of the harmonious play of imagination and understanding, and second, the theorem about the way in which this harmonious state within cognition is revealed by a feeling. The second theorem raises serious difficulties too, for the feeling has to be such that there can be no doubt that the aesthetic attitude has occurred. Otherwise a distinctively aesthetic judgment could not be based upon it, let alone a judgment claiming universal agreement. I shall disregard the latter problem—which can be solved without taking into consideration Kant's epistemology at large—and investigate exclusively the theorem of the harmonious play.

Attempts to interpret Kant's theorem are easily led into impasses by the overall design of the *Critique of Judgment*. Such an impasse can result from the notion of the faculty of reflective judgment that underlies the aesthetic as well as the teleological part of the third *Critique*. Kant explains this notion by reference to the acquisition, as opposed to the application, of concepts or general terms: in one of its employments the power of judgment applies general terms to particular cases; as such it is "determinative" judgment. But we are frequently in situations that expose us to objects for which applicable general concepts are lacking. These situations call for the employment of "reflective" judgment, which searches for and develops the appropriate general concept. Aesthetic judgments are based upon a usage of reflective judgment.

One has, however, to be cautious not to apply this model without further consideration. It is intended to apply first to the search for properties shared in common by classes of ob-

jects in nature and thus to the attempt to arrive at a classification of and a generalization over natural phenomena and the laws of nature. This concern is obviously quite remote from the situation in which aesthetic judgments are entertained and asserted. The classification of nature is a goal-directed, deliberate activity, whereas aesthetic judgment can develop and be entertained spontaneously and independently of any deliberation and investigation.

We would equally be led astray if we modified the picture only by insisting that reflective judgment's search for concepts in the aesthetic situation must be the search for ordinary general concepts of the first order. This could easily commit us to the unwelcome conclusion that our reason for using the predicate "beautiful" dissolves as soon as a general concept is found that applies to the object in question. The aesthetic situation must be understood in a way that does not collide with an indisputable fact: aesthetic judgments are compatible with every conceivable way of classifying and theorizing over a given object—provided we are exposed to that object in a perceptual situation.

The basic design of Kant's aesthetics encompasses still another trap for the incautious. Kant substantiates the rightfulness of the claim to universal agreement on the part of aesthetic judgment with the contention that the harmonious interaction between imagination and understanding is a necessary condition of the possibility of empirical knowledge. If "condition" were read here in the strong sense of "prerequisite," it would follow either that every object of which we can possibly have knowledge has to be beautiful in the first place, or that we cannot arrive at any knowledge about objects unless we experience the beauty of some object at the same time. The second absurdity is only of a slightly lesser magnitude than the first one. Consequently both conclusions have to be avoided by all means. Yet to see this and to discern a viable

escape from the impasses are obviously two quite different things.

So far our results have been negative, and they suggest that we cannot expect an easy solution to our problem. The Kantian model of the cognitive state upon which the aesthetic judgment is based appears to be somewhat complicated and subtle. We have good reason to look into Kant's epistemology more closely to discover the most promising point of departure for a theory that would provide the required background for Kant's talk about a harmonious play of imagination and understanding.

The power of judgment functions prominently in the *Critique of Pure Reason*, specifically in the chapter preceding the discussion of the principles of pure understanding—the chapter that expounds Kant's doctrine of the schematism. Since it also deals with the relationship between understanding and imagination, one suspects from the outset that Kant, at least in part, will allude to this doctrine when he connects his aesthetics with the foundations of his epistemology. But once again caution is in order, for two reasons.

X 1) In the first place, whatever the doctrine of the schematism amounts to in particular, it certainly employs the notion of the power of judgment in its determinative sense: concepts, that is to say the categories, are at our disposal; how they can be applied to particular instances of what is given in intuition is the question up for discussion. Yet reflective judgment operates in the reverse direction; and a usage of the power of judgment that moves from intuitions toward the categories cannot be conceived of precisely because the categories originate prior to and independently of all intuitions.

2) In the second place, imagination is responsible for the formation of perceptions. And since the origination of the aesthetic attitude is located by Kant in close proximity to the per-

ceptual process, one has reason to suspect that it is somehow entangled with the process through which we originally become aware of objects in general. There is some truth in this. But again, any attempt to approximate the two processes without emphasizing their differences would lead to unacceptable results, for aesthetic judgment always presupposes that an object is given to us which we then judge to be beautiful. This judgment, assuredly, is based upon the perception of the object, and this feature of it has to be accounted for. But the operation or set of operations through which a world of given objects is disclosed to us and which gives all perceptions of objects in this world their distinctive formal constitution cannot be the very same process on which, in whatever way, the aesthetic judgment is based. For aesthetic judgments are individual judgments about particular objects within particular perceptual situations.

We have arrived at still another negative result. It leads us, however, to a conclusion that reduces the range of possible solutions to our problem: we cannot hope to render intelligible Kant's talk of the play between imagination and understanding as long as we interpret understanding as the power that employs the categories as unifying principles of the synthetic activity of imagination. Consequently, judgment that is reflective and thus in search of concepts has to be understood, first of all, as being in search of empirical concepts.

But now we have to be afraid of being pushed back into one of the impasses already discussed. In his lectures on logic Kant always expounded as his own the analysis Wolff had given of the formation of empirical concepts: we compare given objects, reflect upon what they have in common, and abstract this from the rest, whereupon what they have in common becomes the content of a concept that applies to the objects in question as well as to other objects. Here we encounter again the notion of reflection in one of its many

usages. But we have already mentioned two reasons why aesthetic judgment cannot be understood as a preliminary stage on the way to the actual acquisition of empirical concepts.

- 1) First, aesthetic judgments are and remain distinctive singular judgments; they can never be replaced by the application of descriptive concepts.
- 2) Second and even more important, the situation in which they make sense doesn't include any comparison with other objects. But to compare is the first among the activities required for the formation of empirical concepts—according to Kant's teaching.

The situation has begun to look very much like a dilemma. One of its horns prevents any recourse to the relationship between imagination and a priori concepts (the categories). The other horn exposes us to the threat that any recourse to the only alternative, the formation of empirical concepts, is also condemned to failure. But although a model that projects the play of the powers upon the employment of the categories has been definitely excluded, we might still find a solution by using in a more sophisticated way a Kantian view of the formation of empirical concepts. Let us turn to such an attempt.

Kant wrote two versions of the Introduction to the *Critique of Judgment*. He discarded the first because it was too long and rewrote the entire text shortly before the book was printed. But the first Introduction had been written half a year earlier, while the problems of aesthetics discussed in the oldest portion of the work were much more vividly on Kant's mind. Thus it is no surprise that the first Introduction contains some clues to an adequate reconstruction of Kant's line of reasoning.

Kant substantiates here his contention that the play of the faculties takes place at the very beginning of the process of conceptualization by remarking that the aesthetic attitude arises "before we attend to a comparison of an object with

others" (AA XX,224). But comparison is the first of the activities leading to the formation of empirical concepts. This amounts to saying that a process of reflection regarding the possible formation of concepts commences *before* any attempt has been made to discover what objects share. One cannot, of course, avoid wondering *in what way* the faculty of understanding can become involved and then operative in a sufficiently elementary manner in a situation thus conceived. To repeat: Kant describes the situation in which the harmonious play takes place with reference to imagination (whose operations he says are "free") *as well as* with reference to understanding, which he says is involved "in its lawfulness." We must, once again, wonder how understanding, in its lawfulness, can enter a situation that cannot be elucidated by reference to the constitutive usage of the categories and that precludes general concepts.

We have come to a turning point. Once one realizes that this is precisely the question that has to be answered, a solution of our problem can begin to emerge. That Kant himself must have envisaged such a solution can again be shown by means of passages from the first Introduction. The key term for the solution, which term Kant employs only here in a prominent way within the context of aesthetics, is "exhibition" ("Darstellung," traditionally translated as "presentation").

The introduction of this term into the language of philosophy is one of Kant's many accomplishments. He employs it in his theory of the usage of concepts. Although Kant's theory of the acquisition of concepts coincided with the traditional theory, he developed a rather advanced view on the possession and the usage of concepts. It derived from his central doctrine about the fundamental difference between intuition and concept and their mutual dependence within knowledge. Concepts without intuitions are not only empty in the well-

known general sense of Kant's famous sentence, but also empty—or rather, not really in our possession—if we don't know how to apply them. But applying them means to be capable of producing instances of them in intuition. Instances can, to be sure, be produced in many ways; and the more abstract the concepts are the more difficult this will be. But Kant holds that ordinarily and ultimately instances have to be produced in intuition, whose unitary form is temporal and spatial. It is this context within which the term "exhibition" acquires its philosophical meaning. To exhibit a concept means to associate with it in intuition a manifold of a distinctive unitary (temporal and/or spatial) shape.

The only explicit exposition of the theorem is found in the chapter on the schematism. The objective of this chapter is the exhibition of the categories, thus concepts a priori. But it states clearly that the possession of empirical concepts includes the ability to exhibit them as well. The first Introduction, looking back to the analysis of taste, points out with equal clarity that the power of judgment holds up the imagination (as it merely apprehends the object) to the understanding (as it *exhibits* a concept in general) (AA XX,223). We are now in the position to illustrate Kant's metaphorical talk of the harmonious play in a way that sheds considerable light on the aesthetic experience.

But first I will briefly discuss a possible objection and a difficulty that might have prevented interpreters from achieving an adequate reading of Kant's critique of taste. One can object that although the "exhibition" of a quality like "red" can consist in the production of some red objects, Kant insists that in the aesthetic situation only formal—namely, spatial and temporal—features count. But then we have to remind ourselves that in the aesthetic situation no *particular* concept can be exhibited, for the absence of appropriate concepts is essential to it. If the understanding operates in the aesthetic situation as

the power of exhibiting concepts, it must do so by virtue of a feature distinctive of the exhibition of concepts that are derived from perceptions in a general and formal way. This can only be the unity and the precision of the arrangement of a perceived manifold in space and time.

A further difficulty with the Kantian theory of the foundation of aesthetic judgment we are about to design seems to be this. The direction in which reflective judgment operates is *from* perception and imagination *toward* understanding and its concepts. But "exhibition" is, in contrast, a notion that has its place within the theory of the usage and the application of concepts. Thus it appears to be confined to the scope of the activity of determinative judgment; and that disqualifies it for any service in a Kantian aesthetics. The difficulty can strike one as very serious. It might even explain in part Kant's failure to present his view all along with reference to "exhibition" as the contribution of understanding to the aesthetic situation.

Nevertheless, the difficulty dissolves rapidly at this stage of our investigation, in the following way. It is reflective judgment that holds the power of imagination (as it perceives and thus synthesizes a manifold) up to the understanding. But that does not necessarily mean that it is engaged in a search for concepts that would actually apply to the perception in question. Rather, it compares the state of imagination with the conditions of a possible conceptualization in general. Yet a symptom of the possession of a concept is always the possibility of its being exhibited in intuition. One cannot even search for concepts unless one conceives them already in light of the way in which they can be exhibited. But that amounts to saying that the ascent of reflective judgment from imagination toward understanding necessarily always already takes into account the way in which concepts are generally applied and thus exhibited. This is precisely how under-

standing as such enters the play *prior* to the acquisition of any particular concept.

The picture of the harmonious play that begins to emerge has many attractive aspects for aesthetics. Kant links the aesthetic experience closely to the cognitive process. But he can still avoid its intellectualization. He is also able to account for both the complexity and the internal unity displayed by objects we describe as beautiful. Imagination provides the complexity, and the accordance with the general structure of exhibition provides the concise unity of the form. Both features can be encountered in perception as such. But their harmony is revealed only through the intellectual operation of reflection, which in turn continuously refers to what only the understanding can accomplish. It will be hard to find other aesthetic theories that could claim similar achievements.

But our account of the harmonious play is still incomplete, for we have not yet discussed how the freedom of imagination enters the picture. (Kant, one will remember, describes the harmonious play as taking place between imagination *in its freedom* and understanding in its lawfulness.) In its ordinary operation, imagination is by no means free. Rather, it *serves* other cognitive powers in various ways. (1) It synthesizes what is given in intuition according to the rules of understanding (the categories). (2) It apprehends particular manifolds while respecting the way in which the manifolds are given. (3) It provides instances of empirical concepts by designing appropriate images for them by means of which the concepts are "exhibited." What then does it mean that it operates freely?

To respond to this question, one can reason in the following way. A power suitable for such various service hardly depends completely upon one of the masters it serves or upon all of them jointly. It must have the potential to operate in a

way both natural to itself and adaptable to many different functions. All the bound functions of imagination amount to the constitution of particular forms and shapes. Thus if the activity of imagination develops freely, it will pass through manifolds in various ways and produce traces of forms without aiming at particular forms and without stopping when they have been attained. The "fantasia" in music is thus not by accident named after an employment of imagination that, according to Kant, has a cognitive analogue or foundation. Kant followed Hobbes in analyzing *pleasure* as the heightened state, the *quicken*ing of an activity. Thus the free activity of imagination must be pleasing in itself.

This free activity, however, is not yet equivalent to the harmonious play of the cognitive powers. This play does not take place before the free employment of imagination results by itself in the creation of forms that correspond to the general feature of an exhibition of an empirical concept. In such cases the lawfulness of understanding is fulfilled without any coercion. And this, in turn, at least appears to facilitate the understanding's activity. It also strengthens the understanding's readiness to form concepts and to apply them, which means to exhibit them. Imagination profits from this accordance too. For the power of understanding refrains from further interference in such a situation. Rather, it accepts and approves the continuation of the free activity of its counterpart.

Moreover, one has to bear in mind that all this has to take place within a perceptual situation. Exhibition requires that the precise form of an empirical object will be produced. It may appear as if this would be incompatible with the freedom of imagination. But Kant claims correctly that it is quite conceivable that an object presents in perception precisely that form imagination would create while being engaged in its free activity. In addition, the very same form can suit the general features of an exhibition. Whenever all three of these con-

ditions are fulfilled at the same time, the harmonious play originates. It results in the readiness of the mind to contemplate the object in question continuously—until the needs of the daily life or the tiring of the attention bring contemplation to an end. We describe such an object as beautiful.

The aesthetic state of the harmonious play is embedded in many other cognitive operations. (1) It is preceded by the constitution of a world of objects. The free performance of imagination accords with (2) the perception of a particular empirical object. (3) The understanding can entertain any knowledge with regard to the object it might possess. It would not disturb the aesthetic situation or contribute to it in any way.

But the power of reflective judgment is indeed constitutive of the situation. For only by virtue of reflection can the accordance of the accomplishments of the two powers be noticed. The power of imagination, to be sure, can remain free within its perceiving without any reference to understanding as such. But the heightened activity of understanding depends upon the noticing of the accordance of its own activity with the freedom of imagination.

The harmonious agreement of the cognitive powers, thus conceived, is playful in a particular sense: the mutual agreement comes about without coercion, and the two activities concur automatically. The play can thus be compared to a dance of two partners who harmonize in their movements without influencing each other and who enjoy their joint performance.

We must, however, admit that in the very few places where Kant does not speak only in abstraction about the play, he conceives it more frequently as an interaction. In that case a ball game (without competition) would be a more appropriate analogy. In a lecture transcript from the winter of 1794/95, one finds a fairly detailed description. Kant attributes here to the power of understanding the function of curbing the imagina-

tion in a certain sense. In its free play, imagination tends to become extravagant. If that happens, understanding calls it to order. Only thus is the harmonious play secured. I suggest that we take this as a somewhat misguided description of the play itself. It confuses a quite imaginable secondary component of the play with its overall constitution.

The lecture transcripts provide us with another, this time very interesting observation with regard to the play. It explains, among other things, why Kant is inclined to call also the play itself (and not only the performance of the imagination) "free" and why he could very well describe the entire state of the mind within the play as a state of freedom. Our knowledge depends upon the operations of powers that are very different in nature and origin. Hence the acquisition of knowledge inescapably depends upon mutual coercion: our understanding is *restricted* in its usage to what is given in intuition, and our imagination has to *serve* under the understanding's principles of unity. "They are like two friends who dislike but can't relinquish each other, for they live in a continuous fight and yet can't do without each other" (AA XXIV,1,p.707). Taking up Kant's illustration, we can say that only in the aesthetic situation does the fight come to an end, the coercion cease, and an unconstrained accordance prevail. It is no surprise that such a state will be experienced with pleasure.

This way of accounting for the play derives directly from what is distinctive in the foundation of Kant's epistemology. Although it is only an illustration, we are permitted to take it seriously. But then it becomes indispensable to qualify another of Kant's assertions, which is to the effect that the harmonious play is a prerequisite for the possibility of knowledge. It has become totally impossible to read this as amounting to the claim that only through an aesthetic situation are we capable of acquiring empirical knowledge. But another reading

suggests itself immediately: the harmonious agreement of the cognitive powers arises, albeit only in comparatively rare perceptual situations, from *nothing but* the fundamental constitution of the powers in question. Consequently, we have the right to assume that it is a possible state of every mind whose knowledge is of the same kind as ours. But then we also have the right to expect that all human beings will eventually agree with our own well-considered aesthetic judgments. This suffices to justify the claim of a distinctive a priori validity that is inseparable from aesthetic judgment.

The theory of the harmonious play of imagination and understanding provides Kant with the most important resources of his critique of taste and thus of the most innovative part of the *Critique of Judgment*. His language of faculties and powers of the mind can easily strike the reader as archaic. But we have seen that it can be translated with ease into a language of cognitive operations. And that, within the present philosophical climate, sounds less obsolete than it did two decades ago. Besides, one should always assess the merit of a theory by its illumination of the facts of its intended application. We already began to realize that Kant's accomplishments in this regard are impressive. To be sure, he refrained almost altogether from specifying how his theory can be put to work in an analysis of aesthetic experience. That he himself felt that he lacked clarity about some features of the theory is in part responsible for this failure. I have tried to clarify and substantiate Kant's fundamental theorem and to produce an improved version of it, but exclusively with means Kant himself provides and also alludes to.

In conclusion, I would like to indicate a merit of a Kantian aesthetics that should win it a place among contemporary aesthetic theories. Kant is certainly a formalist. He is committed to the view that beauty and all other elementary and

purely aesthetic qualities depend exclusively on the formal arrangement of a perceived manifold. He aligns himself with the tradition that conceived of aesthetic phenomena in light of the formula "Unity within the manifold." It is, however, well known that the formula is vague; it is difficult to assign it a precise meaning that does not render aesthetic analysis either counterintuitive or circular. This has frequently led to the charge that formalism in aesthetics is unpromising or outright inadequate. On the other hand, formal analyses are indispensable in evaluating aesthetic qualities and artistic achievements.

The well-known formalist theories of this century are really lacking a serviceable notion of form. Such a notion would have to distinguish mathematical and ontological form from aesthetic form. It would also have to avoid the theory of the formation of *gestalts*, which is too weak to explain what is distinctively aesthetic. Besides, the form of aesthetic objects exhibits tensions and contrasts that are encompassed or dissolved by a dynamics that is an essential aspect of the form as such. This observation gave rise to theories that interpret form as an expression or a projection of bodily tensions and movements. But this leads, unfortunately, to the removal of the aesthetic experience from the processes of cognition. One would have hoped that the most prominent contemporary theory, that of Nelson Goodman, would improve the situation. But to the extent that he tries to account for aesthetic form, it can be shown that Goodman's theory is caught in a circle.

A theory of the Kantian style must become attractive in such an environment. It preserves the close connection between the aesthetic experience and the fundamental structures of cognition. It also accounts for cognition in terms of mental activities. Thus it might be in a better position to come up with an analysis of the dynamics within aesthetic form.

Finally, while it is a formalist theory, it distinguishes clearly between ontological and mathematical form on the one hand and aesthetic form on the other. Even after two hundred years, it remains promising to pursue such a program. Kant himself encourages us to do so and not to confine ourselves to the words of the *Critique of Judgment*, which (I quote again) established only "clearly enough that the principle has been stated correctly" (1st ed., p. x).

II

APPLICATIONS

The Contexts of Autonomy: Some Presuppositions of the Comprehensibility of Human Rights

WHEN EVERYTHING has been done to proclaim human rights; when everything has been said to show that human rights are norms with a claim to validity and universality; when every effort has been made to show that such claims can be rationally justified on the basis of universal principles alone; when every relevant feature of their potential for cultural imperialism has been taken into account; when, in fact, there is strong evidence to show that human rights today are set in a wholly different global context than that of their original modern constitutional proclamation and theoretical justification—even after all this, it is difficult to see how human rights claims can be championed and made effective if, even tacitly, they are regarded as fictions, however beneficial and cornucopian, and not as truth. Yet this suspicion is as widespread as is the sense of impotence in which human rights discourse is almost ineluctably mired.

What can philosophy do to check the further diminution of human rights discourse? Its greatest contribution may be in helping to reinstitute belief in the truth of human rights claims, not through a revival of past historical contexts alone, as some philosophers have sought to initiate, but through an

analysis of human rights themes, claims, and hopes in their historical context of interrelated convictions and prospects, along with an interpretation of subsequent changes in these contexts and the exploration of possible ways to justify norms within them.

Theoretical attempts to interpret human rights have notoriously tended to disregard the contexts in which human rights claims are anchored, and therefore to overlook entirely the far-reaching shifts from modern to contemporary thought contexts. This oversight may be due, in part, to the attempts by exponents of contemporary practical philosophy—whether variants of general-utility or general-will theories, of empiricist ethics or rationalist moral theories—to remain methodologically consistent within the broad frame of classical practical philosophy. Rigid adherence to a particular type of theory and its distinctive mode of argument, however, assumes that the truth of human rights claims can be made dependent upon the success of such a theory. But no theory is airtight; all can become subject to fundamental doubt. And if they do, so too does the validity of any human rights claim they might make. Even more, contemporary practical philosophy seems unable to articulate the inner perspective of the individual agent who has doubts and reservations about the normative conduct invoked by human rights claims.

To preserve the tradition of human rights in a transformed world, without succumbing either to superficial, nostalgic sentiment or to nagging suspicions that it is little more than a moral fiction, requires a theory that is sufficiently broad to incorporate what is often neglected and sufficiently bold to withstand the temptation for tidiness and harmony at any price. Such a prospect may enable us to *rethink* human rights, rather than to indulge in violently exaggerated reactions to the cant and vanity of earlier generations.

Preliminary Questions Regarding the Grounding of Rights

At the time of their first constitutional proclamation and justification, human rights were legal entitlements that, unlike other entitlements, developed pathos and triggered intense motivations. Both in the United States and in France, the majority of those who acknowledged and justified human rights, and who acted in accordance with them, were of the opinion that this pathos and motivation were supported with good reasons. Human rights, they believed, were based on valid, universal norms. It was inconceivable to them to explain human rights in terms of hidden interests or as a fiction for the integration of a newly emerging social system. If we are to reestablish the truth of human rights claims in a contemporary formulation, we must once again take seriously what is today widely discarded: belief in valid, universal norms.

Before taking up this formulation, it might be useful to introduce some easily ignored philosophical distinctions. To begin, norms are ideas about the proper ordering of conduct in the world. As such, they incorporate a notion of the world in which they would be realized. The use of norms cannot occur if they are not related to the factual circumstances of the world in which they are brought into play. The ideal of bravery, for example, makes as little sense in a world without danger, as does that of conservation in a world that husband its resources.

Second, norms embody a specific notion of the agent who is governed by them. For the ideal of bravery, the notion is of an agent who can effectively confront life-threatening circumstances; for the ideal of prudence, one who can effectively govern the human tendency toward prodigality. Thus, when we adopt a norm, we do so because it has bearing for us; in

knowing this, we simultaneously recognize ourselves as agents of a particular kind.

The correlation of world- and self-images in norms was first noted by Kant and those who followed him. For them, the variability of our images of ourselves and of the world we inhabit has far-reaching consequences for philosophical analysis: it means that the way an agent sees itself—its self-image—is no more readily deduced from a particular social world than it is from a purely abstract norm. To be sure, some of our self-images as agents do derive from our position within a particular social system. Moreover, social systems inform our sense of personal identity as well. Nevertheless, we are not wholly determined by our environment. The course of life can lead through numerous, differing self-images that may conflict. Because we are confronted with differences in outlook that both relate to and limit each other, we find, when we work through these conflicts, that of necessity we appeal to a more general and encompassing world understanding than that afforded by any specific natural or social worldview. It is this more general world-image, however variable, that is constitutive of the form of an agent's self-image.

How we construe both the order of the world and the place of agents in that world contributes as much as, if not more than, anything else to the self-images we have of ourselves as agents and to the interpretation of the arena within which we understand and accept norms for our conduct. To speak of rights as norms is to speak of a world in which an agent's conduct is to be regulated: some acts are required; others precluded; still others are guaranteed. But whether guaranteeing a sphere of freedom in which the agent can act, or assuring the minimal conditions under which the agent might live, the notion of rights is inseparable from the conditions of the factual world. This is not to suggest, however, that the principle of rights applied to real-world conditions is derived wholly

from that world; in some sense, any normative principle differs from the factual world insofar as it is an ideal for, rather than a reflection of, the ordering of the world.

Clearly, not all correlations of world- and self-images are conducive to the adoption of rights as norms. Three correlations proceeding from different images of the world may help to illustrate this point.

One view is of the world as the *intentional object* of our actions, a world in which our actions are part of a natural life cycle or serve to maintain the natural or cosmic order. In such a worldview, we would see ourselves as agents whose actions conform to and reflect our knowledge about the fundamental processes of the natural life system. And in such a world, perseverance and acceptance of fate are the norms that would bear most strongly on our lives, for these serve to sustain the life cycle. These norms also underscore the embeddedness of the agent in the world structure. But because world-image, self-image, and norm do not allow independent reflection on the conditions that enable possible courses of conduct, a prospect that is fundamental to the establishment of entitlements is absent. And without this prospect, human rights can have no place in this world.

Another view that secures at least a measure of independence for the agent is of the world as an order already constituted, but as *only a framework* for our actions. For us to comprehend the order, we must conceive of some authority who is both the author (god) of the order and independent guardian of the world. The transcendence of this god opens the prospect of the agent's conceiving of itself as independent. It does so because the agent is a member of two spheres—the present one and another, redemptive one. In the present sphere, there is an obligatory ordering that determines the agent's place and course: the agent knows both its role in life and what is required of it. The redemptive sphere places ob-

ligations on the agent as well: the god calls upon the agent to practice brotherly love. The goal and fulfillment of life is thus grounded in the redemptive sphere. This requirement to practice brotherly love introduces another dimension to the agent's self-interpretation: the agent now conceives of itself as the origin of activity that is appropriate to the redemptive sphere and that is the vehicle through which the agent is ultimately brought "before god." By virtue of its response to the call for brotherly love, then, the agent can move beyond the present world order, thereby incorporating a measure of transcendence into its self-image. Yet the universal call to brotherly love, while transcending the boundaries of regionalism, of race, and of culture, nevertheless belongs to the redemptive sphere and not to the present one. Although this call may cause us to weigh our conduct in the present sphere differently, it does not restructure our conduct. The call to brotherly love is not a universal ethic for action in this world. Despite the independence from this world sphere that the individual gains through its transcendence to the redemptive one, no conception of human rights can emerge in this correlation: this image of the world fails to promote the sense of self-determination necessary to direct independent reflection back toward the world order of the present sphere.

But there is another way of conceiving the world, one that enables us to fill in this lacuna. We might imagine the world simply as a field that can be shaped according to norms that only we as agents can bring into play—a world that is not itself a source of norms, and still less a receptacle of norms bestowed by an authority above. The agent in this world has the self-image of being the sole source of both actions and norms. These are imposed upon the world through knowledge of laws and technical transformations, and established there in social institutions and in the constitutional state. The

norms that bear upon this agent's self-image are entirely self-derived and self-referring: they have to do with individual self-preservation, not in the sense of survival in a hostile world, but in the sense of instituting a world shaped by reason alone. This worldview/self-image, together with its norms, is hospitable to the notion of human rights. For a principle that has its origin in the agent and that can serve as the foundation for the construction of a political constitution, while simultaneously orienting all conduct, even beyond the reach of any particular society, is integral to the universal scope of rights entitlements.

The three outlooks not only illustrate the structured interdependence of worldview, self-image, and norm, but also bring into view the role of motivation. What might conceivably motivate us is unintelligible apart from the self-images we hold. As self- and world-images of an agent vary, so also do the forces that encourage the adoption of certain norms. Agents who experience the world as the nexus of fate have motivations quite different from those of agents who experience the world order as providential, and more different still from those of agents who experience it as opening up spheres of emancipating action. Within the entire range of motives commensurate with the self-image we hold, it must be possible for norms to be the decisive motivating factor in our conduct. If this were not so, norms would either be regarded as objects of intellectual inquiry and historical reflection—useful devices for the interpretation of conduct, but not for its motivation—or as necessary fictions for societal regulation. To hold that norms do motivate conduct does not require the belief that all norms function in the same way. Norms can dominate an entire life, just as they can be held in check in all but special circumstances; they can be placed above question, or they can be subjected to critical scrutiny. Nevertheless,

norms that are consonant with the agent's self-image and world-image are capable of constellating motives and of producing sufficient pathos to incite action.

The interrelationships of worldviews, self-images, and the acceptance of norms that motivate action are indeed complex and difficult to articulate conceptually, yet they are nonetheless integral to conceiving the vision of life that those who used the language of rights as a natural expression for it must have had. We may not understand their experiences, but these experiences cannot be excised from an interpretation of the original proclamation of human rights. To do this would deny us the possibility of discerning the inner perspective of those who first embraced rights, and would obscure the fact that the idea of rights carries a world concept with it. To omit is inevitably to restrict. The narrow view that considers human rights only as norms tacitly presupposes that a broader range of considerations, such as the conditions under which human rights norms will be adopted or the conditions under which they will become truly persuasive, at best belongs to the past if it was ever viable at all. For this reason, those who hold the narrow view cannot understand that the resistance of other cultures to the propagation of human rights programs is in reality resistance to a worldview or to norms that may be adopted as political or rhetorical expedients, but not as decisive motivations for conduct.

The Modern Grounding of Rights

At the root of eighteenth-century philosophical arguments for human rights stood an idea of the world and its relation to human society as a single intelligible structure. This idea, the philosophical arguments, and the first constitutional proclamation of rights were all received by, and resonated with, the general consciousness of the time; at least some of these ar-

guments were based on world conceptions that could evoke pathos in those who embraced them.

These arguments followed two theoretical lines, one dominated by Locke and Paine, the other by Rousseau and Kant. Both lines of thought held two ideas in common: they ruled out the natural sphere of human activity, as such, as a source of norms, and they developed a concept of reason according to which the form of reason itself is both the only and the sufficient source of rules and obligation for action. From these lines of thought, the modern idea of an "autonomy" of reason and of the rational human essence emerged. Not only actions, but also the norms for action, were thought to issue from this self-relation, self-organization, and self-development of reason. Moreover, the basis for the legitimacy of norms was claimed to reside in reason. It followed from this that the natural world is subject to the imposition of an order that has been rationally derived through technological transformations and constitutional social organization. No longer bound to the limited task of protecting life from natural adversities, human conduct could now transform the basic drive of self-preservation into a rational form of conscious life that followed norms derived solely from reason's understanding of itself.

Autonomy thus conceived became the backdrop for a type of theory that is explicitly based upon the conditions and needs of life (Locke). From these basic needs, legal entitlements were derived that not even the power of the state could violate, even though the idea of the state flowed from the same source. Difficulties arise for this type of theory, however, as soon as "reason" is introduced to explain the universality, reciprocity, and obligatory nature of rights, since reason is not inherent in the set of needs that gave rise to theory.

Autonomy is also an element in the type of theory that departs from the self-relation of reason and proceeds to define

"man" solely on the basis of autonomy (Rousseau). Here, rational self-preservation explains consciousness and the dynamically far-reaching self-shaping of human life. This dynamic renders the essence of man as nothing other than freedom, which is emancipation both from external influence and from previous impositions of norms. Accordingly, the function of rights, and the duty of government, is not to guarantee the opportunity for the self-shaping of life, but rather to promote the integrity of self-determination in human creative action.

The critical power generated by the interaction of these two types of theory was altogether extraordinary. It precipitated the collapse of social orders in which norms were attached to worldviews that no longer seemed tenable, offering instead a new understanding of both norms and freedom. A new self-consciousness and a new self-confidence in the race appeared. Insofar as the norms of the new self-consciousness were self-legitimizing, its distinctive character emerged more from its establishment of new orders than in rebellion against the old. In this framework arose belief in the original rights of man; here, they found support and background.

The capacity to conceive of multiple ways of categorizing reality, like the ability to understand what it is to be an outcast, a revolutionary, or a pauper, permeated the temper of the time; it centered in Rousseau. It was clear to him that the framework within which the belief in the rights of man arose needed further elaboration. From the perspective of the agent who has become conscious of freedom, it is unsatisfactory to locate this freedom in the simple relation between individual self-determination and the meaningless material world. So Rousseau added, as the correlate of the conscious life that establishes its norms from within, a richer picture of the world, one that included the basic deistic tenet of a god who supports the goals of free self-actualization. And those who fol-

lowed Rousseau broadened this view further by maintaining that the life of human freedom is reflected in the common ordering manifest in the beauties of nature.

But even this image, which Rousseau dedicated to the individual who lives under the self-image of autonomy, was soon thought to be inadequate. Its basic flaw seemed to lie in its assumption that isolated individual freedom is the Archimedean point of all worldviews. So to the Rousseau-inspired faith in freedom, Kant and his successors added an important qualification: freedom finds support and opens up possibilities for life only in a world-image of which it genuinely becomes a part; the world, in turn, must be thought to include both the potential for generating self-determined freedom and the site for the appearance of freedom.

From reflections of this order emerged attempts to transform the dominant deterministic world-image of the time (Spinoza's)—which shared many components with the theory of autonomy—in a way that opened a place for the rational self-determination of the finite being. Thus emerged the ideal of a "Spinozism of freedom," which remained influential well into the nineteenth century. Many now consider Hegel's work, which combined methodological monism and autonomous freedom, to be proof of their potential for opening a theoretical path and for penetrating the experiences of his time. Fichte, who alone attempted to make autonomous action intelligible without presupposing the notion of the person as a fixed starting point, also designed such a path. This approach made it possible to introduce questions that cannot be anchored solely in the concept of the person—questions such as those about the origins and development of the structure of consciousness—without, in the course of answering these questions, turning the belief in freedom into a fiction.

Although many today find such theories obscure, no one

can deny the value of a theory that was committed to, and brought together—however irreconcilable they appear—the premises an epoch refused to abandon. Of greater value still is the capacity of this type of theory to offer an interpretation of the autonomous agent's worldviews that does not derive its power of articulation from another worldview that is based quite differently. But perhaps the greatest value of this type of theory is that it opens the way for connecting worldviews of freedom and worldviews of other cultures within a single theoretical context. A conspicuous example of this potential may be found in the way this type of theory interprets history. History, it says, consists not only in progress toward liberation, but also in the self-development of the human spirit; and only when the human spirit is cultivated into the consciousness of freedom and self-certitude does the basic constitution of spirit, operative at each stage of its development, become manifest.

This type of theory has further potential; its analysis of human freedom could perhaps be revived. But whatever might result from such a revival, it is certain that this type of theory, just like that of Locke or Rousseau, cannot be restored by simply calling up the past. A shift in the consciousness of the age and its perception of problems makes this impossible. This shift escaped the theoretical gaze of thinkers of the early nineteenth century, yet it wholly changed the prospects for communicating and justifying human rights.

The Shifts in Contexts

It often appears as if, in our time, the universal lip service paid to human rights stands in inverse relation to subtle social and institutional communication of egoistical self-images. Our approval of human rights reflects an Enlightenment worldview of self-interest that contributed to the institution

of legal recourse for the adjudication of rights disputes. Our egoistical self-images, which also reflect Enlightenment ideals, nevertheless incorporate a propensity for nihilistic practices that can erode both norms and institutions. We may justly wonder why these conflicting forces seem to correspond in our contemporary perspective.

The more deeply we look into the worldview within which the theory of autonomy operated and within which the idea of human rights made its modern appearance, the clearer it becomes that this outlook emerged from what may be called a second level of critique or a *second level of reflectedness*. This orientation of thinking goes beyond a simple account of the possibility of error in general, characteristic of a first level of critique, to incorporate the awareness that misconceptions can inform our ways of knowing and that these may well originate in the way we reason. Reflection upon the sources of knowledge is therefore recognized as indispensable to the possibility of reliable knowledge.

The emergence of critical thought that turns upon itself was fundamental to the discovery that norms can have their source in nothing other than the self-awareness of reason. Whether valid or invalid, discourses that proceed from the inward turn of reason become the basis for the insight that reason is the source of norms. Paradoxically, not only calm, rational insight, but also a peculiar *pathos* of reason, manifested as intense feelings of self-empowerment, issue from critical reflection. Even though rational discourses can in fact be the basis of error, the critical capacity of reason can be the foundation of a life free from outside control and confusion.

But the coalescing of these forces in reflective thought can precipitate a *third level of reflectedness*. Whereas the second level of reflectedness seeks sources of deception that insinuate themselves systematically into the structure of our cognitive capacities, the third level suspects that all rational sup-

positions are themselves nothing but irresistible deceptions. Whereas the second level of reflectedness generates the pathos of rational self-determination, the third level, in the course of confirming its suspicions, arrests this pathos.

The third level of reflectedness gained predominance in the middle of the nineteenth century. It gave rise to theories which claimed that life directed according to reason and self-determination is an illusion, and that it is the basic struggle for survival and the need for intense feeling, not autonomy or the pathos of freedom, that support this illusion. Of course, such theories served to reinforce the third level of reflectedness. However much they differed, they were nonetheless as one in unmasking and rejecting the basic convictions that had given rise to the notion of human rights.

A variant of this third level of reflectedness, developed by the new science of sociology, was used in two ways to explain the historical proclamation of human rights as a development of social forms: "human rights" was interpreted as the battle cry of the propertied bourgeoisie, but also as a basis for the dismantling of stratified society and for promoting a merely functionally differentiated form of society. In both interpretations, human rights are construed as a weapon to be used in a struggle, but one whose inexorable resolution human rights—paradoxically—cannot support. Still, merely to construe human rights as a weapon offers new means for understanding the intense fervor its proclamation evoked. By way of contrast, the rationality of the third level of reflectedness, which exposes illusions, wholly checks pathos.

Yet the sobriety of the diagnostic gaze is in some ways self-refuting. In a world stripped of its deceptions, everything real is meaningless. We view the world as an illusion, all world-images as repudiated, and world events as unalterable. Nothing remains to motivate us except the urge to seek refuge in an inner sanctuary, where warnings against the thoughtless

suspension of norms are mere rhetoric and not, as they had once been, a belief in the ruling power of reason. Thus, extolling the rejection of reason's exuberance can come to entail both emotional hostility and a latent desire to restore what has been lost to illusion: the primary need for self-esteem.

To restore self-esteem, the claim that the illusion of rationality must be dispelled was coupled with the claim that humans could fulfill themselves through the imposition of spontaneous, self-created form on the chaos found in the worlds of nature and thought. By the end of the nineteenth century, the appropriate form was thought to be the *polis*. Characterized by instinctive and spontaneous cooperation, the *polis* is our own construction, an invention. Rationality may well confuse such constructions with eternal laws or divine decrees, but this is fatal delusion. Behind the veil of rationality, it was now to be argued, lies the prospect that all action can be oriented and organized in the service of an order of nature or of an actual dynamic of societal development. This apocalyptic prospect foretells the great human uprising of the children of light against the children of darkness, of the fighters for freedom against all the stifling oppression of remorselessly tidy rational organization. Herzen, Proudhon, Bakunin, Kautsky, and Sorel spoke in similarly revolutionary terms. Their doctrines of political salvation tended either to accept covertly or to flaunt a deliberate nihilism as their basic position: the crippling views of the meaninglessness of everything real are turned into violent forms of radical action, untrammelled by illusions. Such radical actions first appeared toward the end of the nineteenth century under the guise of *Realpolitik*, which divorced politics from the realm of ideals and morals. In the first part of the twentieth century, these actions had, as a further consequence, the historically unparalleled torment, degradation, and annihilation of human beings. These consequences suggest that deliberate nihilism

must be interpreted as a revolt against the belief in reason as such and its derivative doctrine of human rights—a revolt staged by those who not only hold this belief to be empty, but who also fancy themselves to be serving the cause of truth.

The *horror* of the revolt and its policies of annihilation had several concrete effects: it gave strong new impetus to attempts in the early twentieth century to revive the natural-law tradition as a way to support rights; it had a far-reaching impact on UN efforts, buoyed by the revival of this tradition, to forge a new Declaration of Human Rights; and it led to the establishment within the European community of the first international institution for claiming human rights in court. Furthermore, it played a part in the recent return of philosophical ethics to the classical theoretical tradition of grounding norms rationally. Yet new variants of deliberate nihilism continue to manifest themselves in heretofore unthought ways; in numerous countries, the mass graves of many of its victims give silent testimony to this.

No doubt, the most noble motives and the most pressing causes are integral to the defense of civilization against the nihilistic practices that weaken its foundations. But motives and causes are not enough. In order to oppose nihilism effectively and perspicuously, motives and causes must be conjoined with a valid theory that can give rise to justified convictions. Because nihilism *in action* is a direct attack upon the basic convictions that underlie human rights, it is absolutely clear that for a valid theory to give rise to justified convictions, it cannot be restricted to an analysis of norms alone. Nihilistic practices, after all, know themselves to be supported by a worldview, and they perceive the norms of human rights doctrines to be empty when they are not anchored in the world; even where nihilism is overtly rejected, many of its elements can make their way into unarticulated opinions concerning the insignificance of human life and the baselessness of universal norms. The worldview of nihilistic practices

offers a different type of self-image, one derived from the attempt to intensify the energies of ancient kinds of action by liberating them from the control and inhibition of illusion. But nihilistic self-images, of course, are imaginary because they are derived from motives that do not develop naturally from a world-image, but erupt with the belief in the *dissolution* of former world-images. Imaginary though they may be, nihilistic self-images are nevertheless potent because they locate the acceptance of norms, no matter how destructive, in the nexus of self-world correlations. They therefore approximate more nearly the conditions of reality than do the views that conceive rationally defined ethics so narrowly that they overlook entirely the contexts upon which the acceptance of norms depends.

Anyone who wants to conduct a critical examination of practical nihilism, exposing *its* illusory structure, must have at hand elements of a theory of corresponding depth. Taken by itself, criticism of this order would not yet consist in the justification of human rights or in the grounding of our conviction of their existence in action, but would merely restore the cool distance of the third level of reflection. If not combined with another interpretation of the world, such an examination would leave us utterly confused, with our impulse to act paralyzed, and situated in a context from which nihilistic practices could easily reemerge.

Now other forms of criticism have appeared. Both the philosophies of "concrete existence" and of "scientific socialism" see the third level of reflectedness to be continuous with its predecessors, which first made possible modern liberal individualist and general-will theories about human rights. Both philosophies aim to strike down second-level theories of rights and third-level nihilism simultaneously by showing that second-level theories of autonomy led straightway into aggressive nihilism.

To begin, the two philosophies see nihilism operating not

only in political doctrines of apocalyptic salvation, but also in the technological powers of our time. Industrial and state bureaucracies assume that the mind is itself a machine that orders and masters material reality. But if the mind is a machine, recollective and imaginative capacities atrophy. Thus, the triumph of technology is the liquidation of the individual and its values.

At a more fundamental level, these theories maintain that the true origin of our current malaise is the assumption of third-level reflectedness that man can set himself up as the measure of all order and as the source of binding world meaning. They go on to say that this assumption of egocentrism was also basic to the second level of reflectedness. Thus they claim that the enthusiasm evoked by the first proclamation of human rights actually contained in embryonic form the greatest threat to all humanity.

To rescue humanity from this threat, these philosophies maintain, we must experience our place in the totality of what is in a fundamentally different way. To do this, we must be released from all the conditions that have informed our thinking for the past two centuries. Apart from this, all we can contribute to the possible future of the race is the recognition of our own historical situation and our abstention from all egocentric claims.

Although these philosophies appeared to be in decline, they have begun to reemerge as a philosophical force. Once again we are counseled to withdraw our claim to human rights. We are also admonished to eschew self-critical examination and the technical apparatus that is thought to provide a better life. What this admonition ignores, however, is their indispensability to our lives. Even our new sensitivity to our own physical world and the universe is made possible and sustained by our third-order-of-reflectedness thinking and its offspring, technology. The call to cast aside the imprudent use

of technology, as well as the entire third level of reflectedness, must—to be consistent—include the invocation of a self-image that has mythic origins. But once we recognize that the mythical world-images corresponding to mythical self-images leave little room for the view that the world is tender or friendly, and less room still for concern about the endangered living place of the race, we should hesitate. Such mythical world-images are untenable in our time. To be honest with ourselves, we must reject not only them, but also those calls to deconstruct society that are based, however tacitly, upon them.

If the third level of reflectedness is historically continuous with the rationality that led to the proclamation of human rights, we have only one alternative: we must either decide to stabilize ourselves within our predicament, holding out as our brightest prospect only cool detachment from our own existence, devoid of interpretation; or else find in the world situation grounds for self-images and an interpretation of our situation that again opens our conscious life to the acceptance of universal norms.

The interpretation of our contemporary world demands first of all that we discard the notion that man—the finite subject—is the axis around which the world turns and evolves. What Rousseau intimated, Kant and his successors saw more clearly: we can understand ourselves only as part of a world, a world that includes within it the possibility of freedom. To be sure, there are those who will claim that adopting such world-images is no more than a way of appropriating the benefits of hindsight in order to stabilize social conduct. For these claimants, images of autonomy are consciously false; nevertheless, they say, we employ such images, despite their discontinuity with the world we experience, “as if” they were true, owing to their usefulness for ordering conduct in the ordinary world. But adopting images in this way, while pre-

sumably serving the interests of society, actually serves the needs of the individual. Because such adoption has, primarily, cognitive use-value, it covertly enthrones the finite subject and its needs.

The charge of egocentrism, even tempered by the form of an "as if" philosophy, cannot, however, extend to the most powerful images of freedom. One of these is the unity in freedom of the autonomous agent and the world, even though both agent and world derive from opposing forces. Another is of the autonomous agent who confronts the sensuous embodiment of freedom in beautiful appearances, because the form of the beautiful is free-flowing. Both images underscore the experienced continuity between self and world in freedom. But these images and others like them in the history of autonomy are further bound together through the conviction that norms and knowledge of their validity are grounded in a sphere other than the ego. They proceed from an inner form of self-conscious life that extends beyond our sense of self-assurance, to become integrated into a total world-image.

We can only incorporate this conviction—that the ground of freedom differs from the self—into those comprehensive images that transcend seriously the agent's self-assertion. This means, among other things, that we must conceive of the finite subject in new ways. We can, for example, entertain the notion of a subject from whom a normative principle may be derived, even though the subject does not yet have a self-image or self-generated motivation. We need only note that such a subject need not be conceived of as an entity that explains or generates itself. Something may exhibit the form of a closed and complete system, yet be founded upon grounds that are not accessible within the system itself. To think of ourselves in this way is to recognize that because we are not wholly self-contained, we could not possibly generate the pathos of freedom. We can still legitimately orient conduct with

respect to what we do know about the structure of the finite subject, but we must remember that the pathos of freedom, which issues through us, has its origin in another source.

If we organized our conduct according to such a self-image—according to which we are capable of discerning the structure of our conscious lives without thereby apprehending its ground—we could still see ourselves as the original source of rights in a sense that is indispensable for a precise concept of human rights. We could, that is, base the legitimacy of human rights claims—claims to a life attaining insight and practical understanding and to the minimum means without which such life could not be supported—solely upon the inner form of our conscious life. Moreover, on this basis, we could conceive of ourselves as having sufficient power to assert these claims for ourselves and others. In this strict sense, we would remain the *origin* of human rights entitlements.

This does not mean, however, that our entire self-consciousness depends upon these claims: it would be otiose to hold that we are ourselves only to the extent that we actually assert these claims. What protects these claims from such empty pride is a larger context, one in which the possibility of infringements is real; apart from this, "human rights" would be not only instruments for the self-enhancement of our lives, instruments that help us to ignore or overcome our experience of finitude and dependence, but also ploys for transforming the legitimacy of human rights into arrogance. Unrestrained pride, then, precipitates forms of arrogance that undermine human rights still further.

At a time when the earth is overpopulated, when we seem to be taught our own nothingness, and when belief in human rights is not steadfastly supported—at a time, in short, that is dangerous precisely because we need to believe in human rights and do not—we must, to thwart those forces that

threaten to destroy us, adopt a meaning of personhood for our world that offers us a self-image free from illusion. Such a concept would have to incorporate the inseparable connections between two apparently contradictory insights: that we as persons are the origin of rights claims, and that we are—just as originally—the only place where the world makes possible a transitory consciousness in and through ourselves. To think of ourselves in this way underscores our responsibilities to think clearly and to serve the interests of freedom. This concept affirms the free process of our self-consciousness and at the same time provides a vantage point where we may be emancipated from the vanity of our unquestioning self-centrism.

Without the legitimacy of this orientation, the tradition of human rights must be deemed ungrounded and obsolete, for the concept of right in the proclamation of the original "rights of man" depends upon the idea that every human being is a source of justifiable universal principles that bring human conduct under guidance. Even if the power of this idea to convince were to dissipate, the virtues of sympathy and compassion, the contempt for exploitation and tyranny, and the knowledge of the destructive consequences of nihilistic practices would remain. But they would come from a source other than a form of life that claims the right and dignity of humans as its starting point.

Justification in the New Context

In a comprehensive justification of human rights, two powerful perspectives in contemporary thought must be taken into account: the perspective of societies whose histories include a tradition of human rights and that of societies whose cultures and histories do not. In the latter, for universal norms to be intelligible enough to be freely adopted, there

must be a new justification. Richly articulated world-images and self-images cannot simply be imposed on cultures that are implicitly thought to be inferior or whose appropriation of norms and technologies incompatible with their very foundations threatens them with collapse. At the same time, we must preserve the insights derived from the third level of reflection, introducing them into a conceptual framework in which the idea of human autonomy is formulated in a new and potentially convincing way.

I have spoken thus far of the way in which the pathos of the Enlightenment converged with the nihilism of action; for our own time, we need a self-description and world-image that converge in a different way. To this end, two trains of thought may be adduced. From the first, we may derive formal grounds for a changed self-image of our conscious life; from the second, the foundation for a changed world-image. Here, I can only sketch their points of departure, leaving open the manner in which they are to be conjoined in a single theory.

The first line of thought emerged from two of the most important philosophical thinkers of our time, Heidegger and Wittgenstein. They agreed upon one thoroughly novel idea: that which cannot be articulated, the "dark" or the "withheld," is not only the limit of what can be known, but also a formation condition of the structures peculiar to the knowable itself. Applied to our conscious life, this insight prohibits many of the naturalistic reductions of consciousness that informed the rise of third-level reflection. Such application does not oblige us to ignore or repress our knowledge of the multifaceted limitation and of the dependence of conscious life. It shows that autonomy as an orientation for conduct can still be effective and legitimate in the context of these dependencies. It deprives nihilistic practices of their bases of articulation, since the unknowable cannot be shown to be illusory.

And it can see emerging in the humanity of conscious life, which is incapable of pathos in its self-description, a ground for meaning that has a bearing not only for this life, but also for all that is real.

The second line of thought derives from the revision of an outlook on the world associated with early modernity. At that time, a cosmology and analogously constructed theory of history emerged in which the fulfillment of the race was construed as the ultimate end of world development. But this is not the only way of viewing the world that is compatible with the thought of autonomy. Indeed, what we have since learned about the world no longer allows this view. To begin with, we have good reason for holding that our conscious life is isolated in the cosmos; moreover, we foresee a future in which the earth is to become uninhabitable; above all else, we are confronted with a threat we alone have created: nuclear annihilation. A conception of our world and its ultimate end must therefore be constructed *inversely* to the world-image and teleology of early modernity. First, this worldview would have to accord priority in its ontology to the accidental over the necessary. Then we could say that the peripheral position of conscious life in the cosmos corresponds to its privileged status. Second, this world-image would have to accord priority to the transitory over the permanent. Then we could say that preservation also has meaning where lasting stability cannot be achieved. Third, this worldview would then permit us to say of the entire world process that it arrives at what was earlier conceived of as its "end" when, despite the threat of annihilation, it opens up a limited space for a self-determined life.

Such ideas would also, if they are adopted seriously into self-descriptions, cut off the transformation of the third level of reflectedness to the nihilistic practices; shorn of "illusion," such ideas are nonetheless *meaningful*. And they are so,

without relying on convictions of bygone epochs, which the good, but helpless, will is inclined to call on whenever there is no apparent way for humanity to be at home in the present.

The kind of understanding that makes use of thoughts of this order is not suitable for aligning the discourse about human rights with the pathos that surrounded the constitutional founding of the modern state. But it will be able to speak about human rights without the reservations and duplicity that undermine the very meaning of this idea.

In societies that were wedded to the tradition of human rights from the beginning, such reservations, which have their origin in the absence of convincing justifications, can be imperceptible and unrecognized by the majority. For traditions are binding, despite doubts; at least they keep doubt in check. Moreover, human rights are anchored in the constitutions of these countries, and the reference to human rights becomes a means for expressing the unity of their society, their differences notwithstanding. To be sure, such unity does not impede the growth of conduct that is the result of nihilistic practices.

But when the discourse of human rights is used to address other cultures and traditions, every weakness of its justification has direct consequences. In these cultures, there is a subtle sensitivity to the expressive power of discourse. Educated and uneducated alike know how to elicit from the invocation to accept universalistic norms the conditions of such acceptance. Without the development of acceptance conditions that are clear, credible, and commensurate with other traditions, there can be only verbal overwhelming, not a free incorporation of alien traditions into the life form of autonomy. This overwhelming forsakes the conviction that discourse about human rights can attract spontaneous agreement. Thus a second and more far-reaching consequence is that discourse about human rights becomes meaningless.

Spontaneous agreement can only issue from a discourse that is rooted in the self-image of an agent in its implicit knowledge of itself and of its world. Such discourse is not compatible with cultural relativism. Thus rights cannot be recommended with the assertion that they belong in the bundle of the achievements of Western civilization. Still less, therefore, can rights be advocated because the traditions of the West require that they be. If one advocates rights generally, it must be because of their universal validity. But then it must be possible to clarify rights within the context of other cultures and traditions—which again implies that we acknowledge their incompatibility with some forms of life and self-image. Nevertheless, it would have to be shown that real possibilities for life are opened up within their context—and not just those from which the political institutions of the West arose.

To eliminate the risk of implicit colonization that often accompanies the importation of norms, therefore, only those societies whose traditions permit the adoption of human rights can be entrusted with their appropriation, development, and proliferation. Yet precisely herein resides the universalism upon which the essence of human rights depends. We know that cultural traditions vary widely; but that these traditions may eventually grow together in fundamental self-images of the race is the sustaining hope of human rights. If this were to happen, it would become possible to speak of humankind in a sense that differs from that of the natural species or that of a worldwide political and economic interdependence. Only then, and under new and unpredictable conditions, could the language of the "rights of man" recapture the resonance and fullness of meaning that possessed those who first championed rights in modernity.

FOUR

The French Revolution and Classical German Philosophy: Toward a Determination of Their Relation

CLASSICAL GERMAN philosophy wanted to grasp the inner movements of the life grounded on reason as a single, unified structure, including its drives, emotions, and modes of striving and acting. The traditional forms of philosophical theory seemed to have shied away from that task. Given their disposition, they could not motivate a kind of inquiry able to generate an understanding of such a life and a conception in which it could recognize itself, which it could then adopt as a life-praxis and realize as its own. Thus classical German philosophy (in emulation of Rousseau) believed itself capable of gaining, for the first time since Plato, a method of thinking that could liberate life from the fog and illusion of an artificial world of concepts and could reconcile thinking with spontaneously self-developing human life.

That fundamental intention has much in common with the goal of the revolutionary movement. The feudal privileges and rituals abolished by the Revolution seemed to be of a comparably lifeless artificiality. Although establishing a rational state could be compared to the accomplishments of a construction engineer, it can also be understood as the liberation of the constitution-building powers that emerge from