

Introduction

1 "We hold these truths to be self-evident, that all men are created equal, that they have been endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

.. Does this nation... still hold those "truths to be self-evident"? About a generation ago, an American diplomat could still say that "the natural and the divine foundation of the rights of man ... is self-evident to all Americans." At about the same time a German scholar could still describe the difference between German thought and that of Western Europe and the United States by saying that the West still attached decisive importance to natural right, while in Germany the very terms "natural right" and "humanity" have now become almost incomprehensible, and have lost altogether their original life and color." While abandoning the idea of natural right and through abandoning it, he continued, German thought has "created the historical sense," and thus was led eventually // 2 // to unqualified relativism.

2 Whatever might be true of the thought of the American people, certainly American social science has adopted the very attitude toward natural right which, a generation ago, could still be described with some plausibility as characteristic of German thought. The majority of the learned who still adhere to the principles of the Declaration of Independence interpret these principles not as expressions of natural right but as an ideal if not as an ideology or a myth.

4 A quote from Hans Kelsen, original German, omitted in English translation: it affirms that despotic rule is a rule of right.

5 .. generous liberals... appear to believe that our inability to acquire any genuine knowledge of what is intrinsically good or right compels us to be tolerant of every opinion about good or right or to recognize all preferences or all "civilizations" as equally respectable.

6 Once we realize that the principles of our actions have no other support than our blind choice, we really do not believe in them any more.

7 We are all in the grip of the same difficulty. Natural right in its classic form is connected with a teleological view of the universe. All natural beings have a natural end, a natural destiny, which determines what kind of operation is good for them. In the case of man, reason is required for discerning these operations; reason determines what is by nature right with ~~the~~ ultimate regard to man's natural end. The teleological view of the universe, of which the teleological view of man forms a part, would seem // 8 // to have been destroyed by modern natural science... [to evade a nonteleological view of man] .. people were forced to accept a fundamental, typically modern, dualism of a nonteleological natural science and a teleological science of man. This is the position which the modern followers of Thomas Aquinas, among others, are forced to take, a position which presupposes a break with the comprehensive view of Aristotle as well as that of Thomas Aquinas himself. The fundamental dilemma in whose grip we are is caused by the victory of modern natural science. An adequate solution to the problem of natural right cannot be found before this basic problem has been solved.

Needless to say, the present lectures cannot deal with this problem. They will have to be limited to the aspect of ~~the~~ the problem of natural right which can be clarified within the confines of the social sciences.

I. Natural Right and the Historical Approach (9 - 34)

9 The attack on natural right in the name of history takes, in most cases, the following form: ... there cannot be natural right if there are no immutable principles of justice, but history shows us that all principles of justice are mutable.

.. by proving that there is no principle of justice that has not been denied somewhere or at some time, one has not yet proved that any given denial was justified or reasonable.

10 .. knowledge of the infinitely large variety of notions of right and wrong is so far from incompatible with the idea of natural right that it is the essential condition for the emergence of that idea...

Political philosophy seems to begin with the contention that the variety of notions of right proves the nonexistence of natural right or the conventional character of all right.

11 The thesis that right and justice are conventional meant that right and justice have no basis in nature, that they are ultimately against nature, and that they have their ground in arbitrary decisions ~~arbitrary~~, explicit or implicit, of communities; they have no basis but some kind of agreement, and agreement may produce peace but it cannot produce truth.

12 Opinion is essentially variable. Men cannot live... together if opinions are not ~~x~~ stabilized by social fiat. Opinion thus becomes authoritative opinion or public dogma or Weltanschauung. Philosophizing means, then, to ascend from public dogma to essentially private ~~truth~~ knowledge. The public dogma is originally an inadequate ~~attempt~~ attempt to answer the question of the all-comprehensive truth or of the eternal order.

13 Yet the founders of the historical school ~~seemed~~ seemed to have recognized somehow that the acceptance of any universal or abstract principles has necessarily a revolutionary, disturbing, unsettling effect... For the recognition of universal principles forces man to judge the established order, of what is actual here and now, ~~and~~ in the light of the natural or rational order; and what is actual here and now is more likely than not to fall short of the universal and unchangeable norm. The recognition of universal BL: Did not the historical school want an empirically based account of the meaning of history, against the Hegelians? Was it not the romantics, or the romantic wing, that turned against classicism and its aesthetics? Did the two coincide?

principles thus tends to // 14 // prevent men from wholeheartedly identifying themselves with, or accepting, the social order that fate has allotted to them. It tends to alienate them from their place on earth. It tends to make them strangers, even strangers on the earth.

9 In the first place, "consent of all mankind" is by no means a necessary condition of the existence of natural right. Some of the greatest natural right teachers have argued that, precisely if natural right is rational, its discovery presupposes the cultivation of reason, and therefore natural right will not be known universally: one ought not even to expect any real knowledge of natural right among savages.*

* References to Plato Hobbes Locke Rousseau Montesquieu Marsilius

14 .. one universal and uniform goal was set up for all men: the natural right of each individual was a right uniformly belonging to every man as man. But uniformity was said to be unnatural and hence bad. It was evidently impossible to individualize rights in full accordance with the natural diversity of individuals. The only kind of rights that were neither incompatible with social life nor uniform were "historical" rights: rights of Englishmen for example in contradistinction to the rights of man. Local and temporal variety seemed to supply a safe and solid middle ground between antisocial individualism and unnatural universality.

BL: The good is always concrete; and one has to start from people as they are.

15 n. Reference to Kant and to Herder on their opposition to otherworldliness or transcendence.

BL Hegel ambiguous about religion, but the opposition of the historical school to Hegel was not for a restoration of religious thought. Cf Schleiermacher.

16 It soon appeared that there was a conflict between the assumptions that had given the decisive impetus to historical studies and the results, as well as the requirements, of genuine historical understanding. In the moment these assumptions were abandoned, the infancy of historicism came to its end. Historicism now appeared as a particular form of positivism.

BL Cf Dilthey Troeltsch: positivism formulates radically the discovery of the empirical approach to science.

17 Precisely in the interests of empirical knowledge it became necessary to insist that the methods of natural science be not considered authoritative for historical studies. In addition, what "scientific" psychology and sociology had to say about man proved to be trivial and poor if compared with what could be learned from the great historians. Thus history was thought to supply the only empirical and hence the only solid knowledge of what is truly human, of man as man: of his greatness and misery. Since all human pursuits start from and return to man, the empirical study of humanity could seem to be justified in claiming a higher dignity than all other studies of reality. History -- history divorced from all dubious or metaphysical assumptions -- became the highest authority.

17 The historical school had obscured the fact that particular or historical standards can become authoritative only on the basis of a universal principle which imposes an obligation on the individual to accept, or to bow to, the standards suggested by the tradition or the situation which has molded him. Yet no universal principle will ever sanction the acceptance of every historical standard or of every victorious cause: to conform with tradition or to jump on "the wave of the future" is not obviously better than to burn what one has worshiped or to resist the trend of history. Thus all standards suggested by history as such proved to be fundamentally ambiguous...

BL ambiguity of historical dialectic.

18 The mood created by historicism and its practical failure was interpreted as the unheard-of experience of the true experience of man as man -- of a situation which earlier man had concealed from himself by believing in universal and unchangeable principles.

19 If the historicist contention is to have any solidity, it must be based not on history but on philosophy... The basic stratum of that philosophic analysis is a "critique of reason" that allegedly proves the impossibility of theoretical metaphysics and of philosophic ethics or natural right. Once all metaphysical and ethical views can be assumed to be, strictly speaking, untenable, that is, untenable as regards their claim to be simply true, their historical fate necessarily appears to be deserved.

20 Historicism stems from a nonskeptical tradition -- from that modern tradition which tried to define the limits of human knowledge and which therefore admitted that, within certain limits, genuine knowledge is possible. In contradistinction to all skepticism, historicism rests at least partly on such a critique of human thought as claims to articulate what is called "the experience of history."

22 We are inclined to suspect that historicism is the guise in which dogmatism ** likes to appear in our age. It seems to us that what is called the experience of history is a bird's-eye view of the history of thought, as that history came to be seen under the combined influence of the belief in necessary progress (or in the impossibility of returning to the thought of the past) and of the belief in the supreme value of diversity or uniqueness (or of the equal right of all epochs ~~in~~ or civilizations). Radical historicism does ~~not~~ not seem to be in need of those beliefs any more. But it has never examined whether ~~the~~ the "experience" to which it refers is not an outcome of those questionable beliefs.

23 Far from legitimizing the historicist inference, history seems rather to prove that all human thought, and certainly all philosophic thought, is concerned with the same fundamental themes or the same fundamental problems, and therefore that there exists an unchanging framework which persists in all // 24 // changes of human knowledge of both facts and principles.

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22 But dogmatism - or the ~~inherent~~ inclination to "identify the goal of our thinking with the point at which we have become tired of thinking" -- is so natural to man that it is not likely to be a preserve of the past.

24 There cannot be a natural right if all that man ~~can~~ could know about right were the problem of right, ~~if~~ or if the question of the principles of justice would admit of a variety of mutually exclusive answers, none of which could be proved superior to the others. There cannot be natural right if human thought, in spite of its essential incompleteness, is not capable of solving the problem of the principles of justice in a genuine and hence universally valid manner.

26 The thesis of radical historicism can be stated as follows. All understanding, all knowledge, however limited and "scientific" presupposes a frame of reference; it presupposes a horizon, a comprehensive view within which understanding and knowing take place. Only such a comprehensive vision // 27 // makes ~~xx~~ possible any seeing, any observation, any orientation. The comprehensive view of the whole cannot be validated by reasoning. Accordingly, there is a variety of such comprehensive views, each as legitimate as ~~xx~~ any other: we have to choose such a view without any rational guidance. It is absolutely necessary to choose one; neutrality or suspension of judgement is impossible. Our choice has no support but itself; it is not supported by any objective or theoretical certainty; it is separated from nothingness, the complete absence of meaning, by nothing but our choice of it. Strictly speaking, we ~~xx~~ cannot choose among different views. A single comprehensive view is imposed on us by fate: the horizon within which all our understanding and orientation take place is ~~produced~~ produced by the fate of the individual or of his society. All human thought depends on fate, on something that thought cannot master and whose workings it cannot anticipate. Yet the support of the horizon produced by fate is ultimately the choice of the individual, since that fate has to be accepted by the individual. We are free in the sense that we are free either to choose in anguish the world view and the standards imposed on us by fate or else to lose ourselves in illusory security or in despair.

The radical historicist asserts, then, that only to thought that is itself committed or "historical" does other committed or "historical" thought disclose itself, and, above all, that only to thought that is itself committed or "historical" does the true meaning of the "historicity" of all genuine thought disclose itself. The historicist thesis expresses a fundamental experience which, by its nature, is incapable of adequate expression on the level of noncommitted or detached thought.

28 The final and irrevocable insight (the radical historicist would claim) into the historical character ~~xx~~ of all thought would transcend history only if that insight were accessible to man as man and hence, in principle, at all times; but it does not transcend history if it essentially belongs to a specific historic situation. It belongs to a specific historic situation: that situation is not merely the condition of the historicist

insight but its source.

fully/
29 The assumption of an absolute moment in history is essential to historicism.... According to historicism, therefore, the absolute moment must be the moment in which the insoluble character of the fundamental riddles has become/manifest or in which the fundamental delusion of the human mind has been /to wisdom dispelled. (In text a parallel with Hegel: transition from philosoph BL absolute moments, rather differentiations and deformations of consciousness: pneumatic, noetic, scientific, historical, methodical.

30 Historicism goes beyond skepticism. It assumes that philosophy, in the full and original sense of the term, namely, the attempt to replace opinions about the whole ~~with knowledge~~ by knowledge of the whole, is not only incapable of reaching its ~~own~~ goal but absurd, because the very idea of philosophy rests on dogmatic, that is, arbitrary premises or, more specifically, on premises that are only "historical and relative." For clearly if philosophy or the attempt to replace opinions by knowledge itself rests on mere opinions, philosophy is absurd.

30 The most influential attempts to establish the dogmatic character of philosophy... proceed along the following lines. Philosophy.. presupposes that the whole is knowable, that is, intelligible. This presupposition leads to the consequence that the whole as it is in itself is identified with the whole in so far as it is intelligible. or in so far as it can become an object; it leads to the identification of ~~the whole~~ of being with "intelligible" or "object"; it leads to the dogmatic disregard of everything that cannot become an object for the knowing subject, or the dogmatic disregard of everything that cannot be mastered by the subject. Further to say that the whole is knowable or intelligible is tantamount to saying that the whole ~~has~~ has a permanent structure or that the whole can be anticipated by thought. If this is the case, it is, in principle, possible to predict how the whole will be ~~at~~ at any future time: the future of the whole can be anticipated by thought. The presupposition mentioned is said have its root in the dogmatic "identification of "to be" in the highest sense with "to be always"....

31 We cannot even attempt to discuss these theses. We must leave them with the following observation. Radical historicism compels us to realize the bearing of the fact that the very idea of natural right presupposes the possibility of philosophy in the full and original meaning of the term. It compels us at the same time to realize the need for unbiased reconsideration of the most elementary premises whose validity is presupposed by philosophy. The question of the validity of these premises cannot be disposed of by adopting or clinging to a more or less persistent tradition of philosophy, for it is of the essence of traditions that they cover or conceal their humble foundations by erecting impressive edifices upon them. Nothing ought to be said or done which could create the impression that unbiased reconsideration of the most elementary premises of philosophy is a merely academic or historical affair. Prior to such reconsideration, however, the issue of natural right can only remain an open question.

32 Above all, in the transition from early (theoretical) to radical (existential) historicism, the ~~XXX~~ "experience of history" was never submitted to critical analysis. It was taken for granted that it is a genuine experience and not a questionable interpretation of experience. The question was not raised whether what is really experienced does not allow of an entirely different and possibly more adequate interpretation. In particular the "experience of history" does not make doubtful the view that the fundamental problems, such as the problems of justice, persist or retain their identity in all historical change, however much they may be obscured by the temporary denial of their relevance and however variable or provisional all human solutions to these problems may be. In grasping these problems as problems, the human mind liberates itself from its historical limitations. No more is needed to legitimize philosophy in its original Socratic sense: philosophy is knowledge that one does not know....

33 Historicism assumes that modern man's turn toward history implied the divinization and eventually the discovery of a dimension of reality that had escaped classical thought, namely, of the historical dimension. If this is granted, one will be forced in the end into extreme historicism. But if historicism cannot be taken for granted, the question ~~xxxxxxxx~~ becomes

inevitable whether what was hailed in the nineteenth century as a discovery was not, in fact, an invention, that is, an arbitrary interpretation of phenomena which had always been known and which had been interpreted much more adequately prior to the emergence of the "historical consciousness" than afterward. We have to raise the question whether what is called the "discovery" of history is not, in fact, an artificial and makeshift solution to a problem that could arise only on the basis of very questionable premises.

34 I suggest this line of approach. "History" meant throughout the ages primarily political history. Accordingly, what is called the discovery of history is the work, not of philosophers in general, but of political philosophy. It was a predicament peculiar to eighteenth-century political philosophy that led to the emergence of the historical school. The political philosophy of the eighteenth century was a doctrine of natural right. It consisted in a peculiar interpretation of natural right, namely, the specifically modern interpretation. Historicism is the ultimate outcome of the crisis of modern natural right. The crisis of modern natural right or of modern political philosophy could become a crisis of philosophy as such only because in the modern centuries philosophy as such had become thoroughly politicized. Originally philosophy had been the humanizing quest for the eternal order, and hence it had been a pure source of humane inspiration and aspiration. Since the seventeenth century philosophy has become a weapon, and hence an instrument... For the politicization of philosophy consists precisely in this, that the difference between intellectuals and philosophers -- a difference formerly known as the difference between gentlemen and philosophers, on the one hand, and the difference between sophists or rhetoricians and philosophers, on the other -- becomes blurred and finally disappears.