

Hans-Georg Gadamer

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METHOD

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Joel Weinsheimer and Donald G. Marshall

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Catch only what you've thrown yourself, all is
mere skill and little gain;
but when you're suddenly the catcher of a ball
thrown by an eternal partner
with accurate and measured swing
towards you, to your center, in an arch
from the great bridgebuilding of God:
why catching then becomes a power—
not yours, a world's.

—Rainer Maria Rilke

the start his inquiry transcended all empirical differences and hence all ideals based on content. [Whether it fulfilled its intention to rekindle the question of "being" is another matter.]

Hence we too are beginning with the *transcendental* significance of Heidegger's problematic.¹⁸³ The problem of hermeneutics becomes universal in scope, even attaining a new dimension, through his transcendental interpretation of understanding. The interpreter's belonging to his object, which the historical school was unable to offer any convincing account of, now acquires a concretely demonstrable significance, and it is the task of hermeneutics to demonstrate it. That the structure of Dasein is thrown projection, that in realizing its own being Dasein is understanding, must also be true of the act of understanding in the human sciences. The general structure of understanding is concretized in historical understanding, in that the concrete bonds of custom and tradition and the corresponding possibilities of one's own future become effective in understanding itself. Dasein that projects itself on its own potentiality-for-being has always already "been." This is the meaning of the existential of "thrownness." The main point of the hermeneutics of facticity and its contrast with the transcendental constitution research of Husserl's phenomenology was that no freely chosen relation toward one's own being can get behind the facticity of this being. Everything that makes possible and limits Dasein's projection ineluctably precedes it. This existential structure of Dasein must be expressed in the understanding of historical tradition as well, and so we will start by following Heidegger.¹⁸⁴

¹⁸³ [See the criticism of Emilio Betti in "Hermeneutics and Historicism," Supplement I below.]

¹⁸⁴ Cf. Appendix III below.

II

Elements of a Theory of Hermeneutic Experience

1 THE ELEVATION OF THE HISTORICITY OF UNDERSTANDING TO THE STATUS OF A HERMENEUTIC PRINCIPLE

(A) THE HERMENEUTIC CIRCLE AND THE PROBLEM OF PREJUDICES

(i) *Heidegger's Disclosure of the Fore-Structure of Understanding*

Heidegger entered into the problems of historical hermeneutics and critique only in order to explicate the fore-structure of understanding for the purposes of ontology.¹⁸⁵ Our question, by contrast, is how hermeneutics, once freed from the ontological obstructions of the scientific concept of objectivity, can do justice to the historicity of understanding. Hermeneutics has traditionally understood itself as an art or technique.¹⁸⁶ This is true even of Dilthey's expansion of hermeneutics into an organon of the

¹⁸⁵ Heidegger, *Sein und Zeit*, pp. 312ff.

¹⁸⁶ Cf. Schleiermacher's *Hermeneutik*, ed. Heinz Kimmerle in *Abhandlungen der Heidelberger Akademie*, (1959), 2nd *Abhandlung*, which is explicitly committed to the old ideal of an art formulated in rules (p. 127, n.: "I . . . hate it when theory does not go beyond nature and the bases of art, whose object it is"). [See above pp. 178f.]

human sciences. One might wonder whether there is such an art or technique of understanding—we shall come back to the point. But at any rate we can inquire into the consequences for the hermeneutics of the human sciences of the fact that Heidegger derives the circular structure of understanding from the temporality of Dasein. These consequences do not need to be such that a theory is applied to practice so that the latter is performed differently—i.e., in a way that is technically correct. They could also consist in correcting (and refining) the way in which constantly exercised understanding understands itself—a process that would benefit the art of understanding at most only indirectly.

Hence we will once more examine Heidegger's description of the hermeneutical circle in order to make its new fundamental significance fruitful for our purposes. Heidegger writes, "It is not to be reduced to the level of a vicious circle, or even of a circle which is merely tolerated. In the circle is hidden a positive possibility of the most primordial kind of knowing, and we genuinely grasp this possibility only when we have understood that our first, last, and constant task in interpreting is never to allow our fore-having, fore-sight, and fore-conception to be presented to us by fancies and popular conceptions, but rather to make the scientific theme secure by working out these fore-structures in terms of the things themselves" (*Being and Time*, p. 153).

What Heidegger is working out here is not primarily a prescription for the practice of understanding, but a description of the way interpretive understanding is achieved. The point of Heidegger's hermeneutical reflection is not so much to prove that there is a circle as to show that this circle possesses an ontologically positive significance. The description as such will be obvious to every interpreter who knows what he is about.¹⁸⁷ All correct interpretation must be on guard against arbitrary fancies and the limitations imposed by imperceptible habits of thought, and it

¹⁸⁷ Cf. Emil Staiger's description, which accords with that of Heidegger, in *Die Kunst der Interpretation*, pp. 11ff. I do not, however, agree that the work of a literary critic begins only "when we are in the situation of a contemporary reader." This is something we never are, and yet we are capable of understanding, although we can never achieve a definite "personal or temporal identity" with the author. Cf. also Appendix IV below. [See also my "Vom Zirkel des Verstehens," *Kleine Schriften*, IV, 54–61 (GW, II, 57–65) and the criticism of W. Stegmüller, *Der sogenannte Zirkel des Verstehens* (Darmstadt, 1974). The objection raised from a logical point of view against talk of the "hermeneutic circle" fails to recognize that this concept makes no claim to scientific proof, but presents a logical metaphor, known to rhetoric ever since Schleiermacher. Rightly opposed to this misunderstanding is Karl-Otto Apel, *Transformationen der Philosophie* (2 vols.; Frankfurt, 1973), II, 83, 89, 216 and passim.]

must direct its gaze "on the things themselves" (which, in the case of the literary critic, are meaningful texts, which themselves are again concerned with objects). For the interpreter to let himself be guided by the things themselves is obviously not a matter of a single, "conscientious" decision, but is "the first, last, and constant task." For it is necessary to keep one's gaze fixed on the thing throughout all the constant distractions that originate in the interpreter himself. A person who is trying to understand a text is always projecting. He projects a meaning for the text as a whole as soon as some initial meaning emerges in the text. Again, the initial meaning emerges only because he is reading the text with particular expectations in regard to a certain meaning. Working out this fore-projection, which is constantly revised in terms of what emerges as he penetrates into the meaning, is understanding what is there.

This description is, of course, a rough abbreviation of the whole. The process that Heidegger describes is that every revision of the fore-projection is capable of projecting before itself a new projection of meaning; rival projects can emerge side by side until it becomes clearer what the unity of meaning is; interpretation begins with fore-conceptions that are replaced by more suitable ones. This constant process of new projection constitutes the movement of understanding and interpretation. A person who is trying to understand is exposed to distraction from fore-meanings that are not borne out by the things themselves. Working out appropriate projections, anticipatory in nature, to be confirmed "by the things" themselves, is the constant task of understanding. The only "objectivity" here is the confirmation of a fore-meaning in its being worked out. Indeed, what characterizes the arbitrariness of inappropriate fore-meanings if not that they come to nothing in being worked out? But understanding realizes its full potential only when the fore-meanings that it begins with are not arbitrary. Thus it is quite right for the interpreter not to approach the text directly, relying solely on the fore-meaning already available to him, but rather explicitly to examine the legitimacy—i.e., the origin and validity—of the fore-meanings dwelling within him.

This basic requirement must be seen as the radicalization of a procedure that we in fact exercise whenever we understand anything. Every text presents the task of not simply leaving our own linguistic usage unexamined—or in the case of a foreign language the usage that we are familiar with from writers or from daily intercourse. Rather, we regard our task as deriving our understanding of the text from the linguistic usage of the time or of the author. The question is, of course, how this general require-

ment can be fulfilled. Especially in the field of semantics we are confronted with the problem that our own use of language is unconscious. How do we discover that there is a difference between our own customary usage and that of the text?

I think we must say that generally we do so in the experience of being pulled up short by the text. Either it does not yield any meaning at all or its meaning is not compatible with what we had expected. This is what brings us up short and alerts us to a possible difference in usage. Someone who speaks the same language as I do uses the words in the sense familiar to me—this is a general presupposition that can be questioned only in particular cases. The same thing is true in the case of a foreign language: we all think we have a standard knowledge of it and assume this standard usage when we are reading a text.

What is true of fore-meanings that stem from usage, however, is equally true of the fore-meanings concerning content with which we read texts, and which make up our fore-understanding. Here too we may ask how we can break the spell of our own fore-meanings. There can, of course, be a general expectation that what the text says will fit perfectly with my own meanings and expectations. But what another person tells me, whether in conversation, letter, book, or whatever, is generally supposed to be his own and not my opinion; and this is what I am to take note of without necessarily having to share it. Yet this presupposition is not something that makes understanding easier, but harder, since the fore-meanings that determine my own understanding can go entirely unnoticed. If they give rise to misunderstandings, how can our misunderstandings of a text be perceived at all if there is nothing to contradict them? How can a text be protected against misunderstanding from the start?

If we examine the situation more closely, however, we find that meanings cannot be understood in an arbitrary way. Just as we cannot continually misunderstand the use of a word without its affecting the meaning of the whole, so we cannot stick blindly to our own fore-meaning about the thing if we want to understand the meaning of another. Of course this does not mean that when we listen to someone or read a book we must forget all our fore-meanings concerning the content and all our own ideas. All that is asked is that we remain open to the meaning of the other person or text. But this openness always includes our situating the other meaning in relation to the whole of our own meanings or ourselves in relation to it. Now, the fact is that meanings represent a fluid multiplicity of possibilities (in comparison to the agreement presented by a language and a vocabulary), but within

this multiplicity of what can be thought—i.e., of what a reader can find meaningful and hence expect to find—not everything is possible; and if a person fails to hear what the other person is really saying, he will not be able to fit what he has misunderstood into the range of his own various expectations of meaning. Thus there is a criterion here also. *The hermeneutical task becomes of itself a questioning of things* and is always in part so defined. This places hermeneutical work on a firm basis. A person trying to understand something will not resign himself from the start to relying on his own accidental fore-meanings, ignoring as consistently and stubbornly as possible the actual meaning of the text until the latter becomes so persistently audible that it breaks through what the interpreter imagines it to be. Rather, a person trying to understand a text is prepared for it to tell him something. That is why a hermeneutically trained consciousness must be, from the start, sensitive to the text's alterity. But this kind of sensitivity involves neither "neutrality" with respect to content nor the extinction of one's self, but the foregrounding and appropriation of one's own fore-meanings and prejudices. The important thing is to be aware of one's own bias, so that the text can present itself in all its otherness and thus assert its own truth against one's own fore-meanings.

When Heidegger disclosed the fore-structure of understanding in what is considered merely "reading what is there," this was a completely correct phenomenological description. He also exemplified the task that follows from this. In *Being and Time* he gave the general hermeneutical problem a concrete form in the question of being.¹⁸⁸ In order to explain the hermeneutical situation of the question of being in terms of fore-having, fore-sight, and fore-conception, he critically tested his question, directed at metaphysics, on important turning points in the history of metaphysics. Here he was only doing what historical-hermeneutical consciousness requires in every case. Methodologically conscious understanding will be concerned not merely to form anticipatory ideas, but to make them conscious, so as to check them and thus acquire right understanding from the things themselves. This is what Heidegger means when he talks about making our scientific theme "secure" by deriving our fore-having, fore-sight and fore-conception from the things themselves.

It is not at all a matter of securing ourselves against the tradition that speaks out of the text then, but, on the contrary, of excluding everything that could hinder us from understanding it

¹⁸⁸ *Sein und Zeit*, pp. 312ff.

in terms of the subject matter. It is the tyranny of hidden prejudices that makes us deaf to what speaks to us in tradition. Heidegger's demonstration that the concept of consciousness in Descartes and of spirit in Hegel is still influenced by Greek substance ontology, which sees being in terms of what is present, undoubtedly surpasses the self-understanding of modern metaphysics, yet not in an arbitrary, willful way, but on the basis of a "fore-having" that in fact makes this tradition intelligible by revealing the ontological premises of the concept of subjectivity. On the other hand, Heidegger discovers in Kant's critique of "dogmatic" metaphysics the idea of a metaphysics of finitude which is a challenge to his own ontological scheme. Thus he "secures" the scientific theme by framing it within the understanding of tradition and so putting it, in a sense, at risk. All of this is a concretization of the historical consciousness involved in understanding.

The recognition that all understanding inevitably involves some prejudice gives the hermeneutical problem its real thrust. In light of this insight it appears that *historicism, despite its critique of rationalism and of natural law philosophy, is based on the modern Enlightenment and unwittingly shares its prejudices.* And there is one prejudice of the Enlightenment that defines its essence: the fundamental prejudice of the Enlightenment is the prejudice against prejudice itself, which denies tradition its power.

The history of ideas shows that not until the Enlightenment does *the concept of prejudice* acquire the negative connotation familiar today. Actually "prejudice" means a judgment that is rendered before all the elements that determine a situation have been finally examined. In German legal terminology a "prejudice" is a provisional legal verdict before the final verdict is reached. For someone involved in a legal dispute, this kind of judgment against him affects his chances adversely. Accordingly, the French *préjudice*, as well as the Latin *praeiudicium*, means simply "adverse effect," "disadvantage," "harm." But this negative sense is only derivative. The negative consequence depends precisely on the positive validity, the value of the provisional decision as a prejudgment, like that of any precedent.

Thus "prejudice" certainly does not necessarily mean a false judgment, but part of the idea is that it can have either a positive or a negative value. This is clearly due to the influence of the Latin *praeiudicium*. There are such things as *préjugés légitimes*. This seems a long way from our current use of the word. The German *Vorurteil*, like the English "prejudice" and even more than the French *préjugé*, seems to have been limited in its meaning by the Enlightenment critique of religion simply to the sense

of an "unfounded judgment."¹⁸⁹ The only thing that gives a judgment dignity is its having a basis, a methodological justification (and not the fact that it may actually be correct). For the Enlightenment the absence of such a basis does not mean that there might be other kinds of certainty, but rather that the judgment has no foundation in the things themselves—i.e., that it is "unfounded." This conclusion follows only in the spirit of rationalism. It is the reason for discrediting prejudices and the reason scientific knowledge claims to exclude them completely.

In adopting this principle, modern science is following the rule of Cartesian doubt, accepting nothing as certain that can in any way be doubted, and adopting the idea of method that follows from this rule. In our introductory observations we have already pointed out how difficult it is to harmonize the historical knowledge that helps to shape our historical consciousness with this ideal and how difficult it is, for that reason, to comprehend its true nature on the basis of the modern conception of method. This is the place to turn those negative statements into positive ones. The concept of "prejudice" is where we can start.

(ii) *The Discrediting of Prejudice by the Enlightenment*

If we consider the Enlightenment doctrine of prejudice, we find that it makes the following division: we must make a basic distinction between the prejudice due to human authority and that due to overhastiness.¹⁹⁰ This distinction is based on the origin of prejudices in the persons who have them. Either the respect we have for others and their authority leads us into error, or else an overhastiness in ourselves. That authority is a source of prejudices accords with the well-known principle of the Enlightenment that Kant formulated: Have the courage to make use of your *own* understanding.¹⁹¹ Although this distinction is certainly not limited to the role that prejudices play in understanding texts, its chief application is still in the sphere of hermeneutics, for En-

¹⁸⁹ Cf. Leo Strauss, *Die Religionskritik Spinozas*, p. 163: "The word 'prejudice' is the most suitable expression for the great aim of the Enlightenment, the desire for free, untrammelled verification; the *Vorurteil* is the unambiguous polemical correlate of the very ambiguous word 'freedom.'"

¹⁹⁰ *Praeiudicium auctoritatis et precipitantiae*, which we find as early as Christian Thomasius' *Lectiones de praeiudiciis* (1689/90) and his *Einleitung der Vernunftlehre*, ch. 13, §§ 39–40. Cf. the article in Walch, *Philosophisches Lexikon* (1726), pp. 2794ff.

¹⁹¹ At the beginning of his essay, "What Is Enlightenment?" (1784).

lightenment critique is primarily directed against the religious tradition of Christianity—i.e., the Bible. By treating the Bible as a historical document, biblical criticism endangers its own dogmatic claims. This is the real radicality of the modern Enlightenment compared to all other movements of enlightenment: it must assert itself against the Bible and dogmatic interpretation of it.¹⁹² It is therefore particularly concerned with the hermeneutical problem. It wants to understand tradition correctly—i.e., rationally and without prejudice. But there is a special difficulty about this, since the sheer fact that something is written down gives it special authority. It is not altogether easy to realize that what is written down can be untrue. The written word has the tangible quality of something that can be demonstrated and is like a proof. It requires a special critical effort to free oneself from the prejudice in favor of what is written down and to distinguish here also, no less than in the case of oral assertions, between opinion and truth.¹⁹³ In general, the Enlightenment tends to accept no authority and to decide everything before the judgment seat of reason. Thus the written tradition of Scripture, like any other historical document, can claim no absolute validity; the possible truth of the tradition depends on the credibility that reason accords it. It is not tradition but reason that constitutes the ultimate source of all authority. What is written down is not necessarily true. We can know better: this is the maxim with which the modern Enlightenment approaches tradition and which ultimately leads it to undertake historical research.¹⁹⁴ It takes tradition as an object of critique, just as the natural sciences do with the evidence of the senses. This does not necessarily mean that the “prejudice against prejudices” was everywhere taken to the extremes of free thinking and atheism, as in England and France. On the contrary, the German Enlightenment recognized the “true prejudices” of

¹⁹²The enlightenment of the classical world, the fruit of which was Greek philosophy and its culmination in sophism, was quite different in nature and hence permitted a thinker like Plato to use philosophical myths to convey the religious tradition and the dialectical method of philosophizing. Cf. Erich Frank, *Philosophische Erkenntnis und religiöse Wahrheit*, pp. 31ff., and my review of it in the *Theologische Rundschau*, (1950), pp. 260–66. And see especially Gerhard Krüger, *Einsicht und Leidenschaft* (2nd ed., 1951).

¹⁹³A good example of this is the length of time it has taken for the authority of the historical writing of antiquity to be destroyed in historical studies and how slowly the study of archives and the research into sources have established themselves (cf. R. G. Collingwood, *Autobiography* [Oxford, 1939], ch. 11, where he more or less draws a parallel between turning to the study of sources and the Baconian revolution in the study of nature).

¹⁹⁴Cf. what we said about Spinoza's *Theological-Political Treatise*, pp. 181f. above.

the Christian religion. Since the human intellect is too weak to manage without prejudices, it is at least fortunate to have been educated with true prejudices.

It would be valuable to investigate to what extent this kind of modification and moderation of the Enlightenment¹⁹⁵ prepared the way for the rise of the romantic movement in Germany, as undoubtedly did the critique of the Enlightenment and the revolution by Edmund Burke. But none of this alters the fundamental fact. True prejudices must still finally be justified by rational knowledge, even though the task can never be fully completed.

Thus the criteria of the modern Enlightenment still determine the self-understanding of historicism. They do so not directly, but through a curious refraction caused by romanticism. This can be seen with particular clarity in the fundamental schema of the philosophy of history that romanticism shares with the Enlightenment and that precisely through the romantic reaction to the Enlightenment became an unshakable premise: the schema of the conquest of mythos by logos. What gives this schema its validity is the presupposition of the progressive retreat of magic in the world. It is supposed to represent progress in the history of the mind, and precisely because romanticism disparages this development, it takes over the schema itself as a self-evident truth. It shares the presupposition of the Enlightenment and only reverses its values, seeking to establish the validity of what is old simply on the fact that it is old: the “gothic” Middle Ages, the Christian European community of states, the permanent structure of society, but also the simplicity of peasant life and closeness to nature.

In contrast to the Enlightenment's faith in perfection, which thinks in terms of complete freedom from “superstition” and the prejudices of the past, we now find that olden times—the world of myth, unreflective life, not yet analyzed away by consciousness, in a “society close to nature,” the world of Christian chivalry—all these acquire a romantic magic, even a priority over truth.¹⁹⁶ Reversing the Enlightenment's presupposition results in the paradoxical tendency toward restoration—i.e., the tendency to reconstruct the old because it is old, the conscious return to the unconscious, culminating in the recognition of the superior wisdom of the primeval age of myth. But the romantic reversal of the Enlightenment's criteria of value actually perpetuates the abstract contrast between myth and reason. All criticism of the

¹⁹⁵As we find, for example, in G. F. Meier's *Beiträge zu der Lehre von den Vorurteilen des menschlichen Geschlechts* (1766).

¹⁹⁶I have analyzed an example of this process in a little study on Immermann's “Chiliasmische Sonette,” *Kleine Schriften*, II, 136–47 (GW, IX).

Enlightenment now proceeds via this romantic mirror image of the Enlightenment. Belief in the perfectibility of reason suddenly changes into the perfection of the "mythical" consciousness and finds itself reflected in a paradisiacal primal state before the "fall" of thought.¹⁹⁷

In fact the presupposition of a mysterious darkness in which there was a mythical collective consciousness that preceded all thought is just as dogmatic and abstract as that of a state of perfect enlightenment or of absolute knowledge. Primeval wisdom is only the counterimage of "primeval stupidity." All mythical consciousness is still knowledge, and if it knows about divine powers, then it has progressed beyond mere trembling before power (if this is to be regarded as the primeval state), but also beyond a collective life contained in magic rituals (as we find in the early Orient). It knows about itself, and in this knowledge it is no longer simply outside itself.¹⁹⁸

There is the related point that even the contrast between genuine mythical thinking and pseudomythical poetic thinking is a romantic illusion based on a prejudice of the Enlightenment: namely that the poetic act no longer shares the binding quality of myth because it is a creation of the free imagination. It is the old quarrel between the poets and the philosophers in the modern garb appropriate to the age of belief in science. It is now said, not that poets tell lies, but that they are incapable of saying anything true; they have only an aesthetic effect and, through their imaginative creations, they merely seek to stimulate the imagination and vitality of their hearers or readers.

Another case of romantic refraction is probably to be found in the concept of an "organic society," which Ladendorf (217) says was introduced by H. Leo.¹⁹⁹ In Karl Marx it appears as a kind of relic of natural law that limits the validity of his socio-economic theory of the class struggle.²⁰⁰ Does the idea go back to Rousseau's description of society before the division of labor and

¹⁹⁷[See my "Mythos und Vernunft," *Kleine Schriften*, IV, 48–53 (GW, VIII) and "Mythos und Wissenschaft," GW, VIII.]

¹⁹⁸Horkheimer and Adorno seem to me right in their analysis of the "dialectic of the Enlightenment" (although I must regard the application of sociological concepts such as "bourgeois" to Odysseus as a failure of historical reflection, if not, indeed, a confusion of Homer with Johann Heinrich Voss [author of the standard German translation of Homer], who had already been criticized by Goethe.

¹⁹⁹H. Leo, *Studien und Skizzen zu einer Naturlehre des Staates* (1833).

²⁰⁰Cf. the reflections on this important question by G. von Lukács in his *History and Class Consciousness*, tr. Rodney Livingstone (1923; Cambridge, Mass.: MIT Press, 1971).

the introduction of property?²⁰¹ At any rate, Plato had already demonstrated the illusory nature of this political theory in his ironical account of a state of nature in the third book of the *Republic*.²⁰²

These romantic revaluations give rise to historical science in the nineteenth century. It no longer measures the past by the standards of the present, as if they were an absolute, but it ascribes to past ages a value of their own and can even acknowledge their superiority in one respect or another. The great achievements of romanticism—the revival of the past, the discovery of the voices of the peoples in their songs, the collecting of fairy tales and legends, the cultivation of ancient customs, the discovery of the worldviews implicit in languages, the study of the "religion and wisdom of India"—all contributed to the rise of historical research, which was slowly, step by step, transformed from intuitive revival into detached historical knowledge. The fact that it was romanticism that gave birth to the historical school confirms that the romantic retrieval of origins is itself based on the Enlightenment. Nineteenth-century historiography is its finest fruit and sees itself precisely as the fulfillment of the Enlightenment, as the last step in the liberation of the mind from the trammels of dogma, the step to objective knowledge of the historical world, which stands on a par with the knowledge of nature achieved by modern science.

The fact that the restorative tendency of romanticism could combine with the fundamental concerns of the Enlightenment to create the historical sciences simply indicates that the same break with the continuity of meaning in tradition lies behind both. If the Enlightenment considers it an established fact that all tradition that reason shows to be impossible (i.e., nonsense) can only be understood historically—i.e., by going back to the past's way of looking at things—then the historical consciousness that emerges in romanticism involves a radicalization of the Enlightenment. For nonsensical tradition, which had been the exception, has become the general rule for historical consciousness. Meaning that is generally accessible through reason is so little believed that the whole of the past—even, ultimately, all the thinking of one's contemporaries—is understood only "historically." Thus the romantic critique of the Enlightenment itself ends in Enlightenment, for

²⁰¹Rousseau, *Discourse on the Origin of Inequality*.

²⁰²Cf. my "Plato and the Poets," in *Dialogue and Dialectic: Eight Hermeneutical Studies on Plato*, tr. P. Christopher Smith (New Haven: Yale University Press, 1980), pp. 54f.

it evolves as historical science and draws everything into the orbit of historicism. The basic discreditation of all prejudices, which unites the experimental fervor of the new natural sciences during the Enlightenment, is universalized and radicalized in the historical Enlightenment.

This is the point at which the attempt to critique historical hermeneutics has to start. The overcoming of all prejudices, this global demand of the Enlightenment, will itself prove to be a prejudice, and removing it opens the way to an appropriate understanding of the finitude which dominates not only our humanity but also our historical consciousness.

Does being situated within traditions really mean being subject to prejudices and limited in one's freedom? Is not, rather, all human existence, even the freest, limited and qualified in various ways? If this is true, the idea of an absolute reason is not a possibility for historical humanity. Reason exists for us only in concrete, historical terms—i.e., it is not its own master but remains constantly dependent on the given circumstances in which it operates. This is true not only in the sense in which Kant, under the influence of the skeptical critique of Hume, limited the claims of rationalism to the a priori element in the knowledge of nature; it is still truer of historical consciousness and the possibility of historical knowledge. For that man is concerned here with himself and his own creations (Vico) is only an apparent solution of the problem posed by historical knowledge. Man is alien to himself and his historical fate in a way quite different from the way nature, which knows nothing of him, is alien to him.

The epistemological question must be asked here in a fundamentally different way. We have shown above that Dilthey probably saw this, but he was not able to escape his entanglement in traditional epistemology. Since he started from the awareness of "experiences" (Erlebnisse), he was unable to build a bridge to the historical realities, because the great historical realities of society and state always have a predeterminate influence on any "experience." Self-reflection and autobiography—Dilthey's starting points—are not primary and are therefore not an adequate basis for the hermeneutical problem, because through them history is made private once more. In fact history does not belong to us; we belong to it. Long before we understand ourselves through the process of self-examination, we understand ourselves in a self-evident way in the family, society, and state in which we live. The focus of subjectivity is a distorting mirror. The self-awareness of the individual is only a flickering in the closed circuits of historical life. *That is why the prejudices of the individual, far*

more than his judgments, constitute the historical reality of his being.

(B) PREJUDICES AS CONDITIONS OF UNDERSTANDING

(i) *The Rehabilitation of Authority and Tradition*

Here is the point of departure for the hermeneutical problem. This is why we examined the Enlightenment's discreditation of the concept of "prejudice." What appears to be a limiting prejudice from the viewpoint of the absolute self-construction of reason in fact belongs to historical reality itself. If we want to do justice to man's finite, historical mode of being, it is necessary to fundamentally rehabilitate the concept of prejudice and acknowledge the fact that there are legitimate prejudices. Thus we can formulate the fundamental epistemological question for a truly historical hermeneutics as follows: what is the ground of the legitimacy of prejudices? What distinguishes legitimate prejudices from the countless others which it is the undeniable task of critical reason to overcome?

We can approach this question by taking the Enlightenment's critical theory of prejudices, as set out above, and giving it a positive value. The division of prejudices into those of "authority" and those of "overhastiness" is obviously based on the fundamental presupposition of the Enlightenment, namely that methodologically disciplined use of reason can safeguard us from all error. This was Descartes' idea of method. Overhastiness is the source of errors that arise in the use of one's own reason. Authority, however, is responsible for one's not using one's own reason at all. Thus the division is based on a mutually exclusive antithesis between authority and reason. The false prepossession in favor of what is old, in favor of authorities, is what has to be fought. Thus the Enlightenment attributes to Luther's reforms the fact that "the prejudice of human prestige, especially that of the philosophical [he means Aristotle] and the Roman pope, was greatly weakened."²⁰³ The Reformation, then, gives rise to a flourishing hermeneutics which teaches the right use of reason in understanding traditionary texts. Neither the doctrinal authority of the pope nor the appeal to tradition can obviate the work of hermeneutics, which can safeguard the reasonable meaning of a text against all imposition.

²⁰³Walch, *Philosophisches Lexicon* (1726), p. 1013.

This kind of hermeneutics need not lead to the radical critique of religion that we found, for example, in Spinoza. Rather, the possibility of supernatural truth can remain entirely open. Thus especially in the field of German popular philosophy, the Enlightenment limited the claims of reason and acknowledged the authority of Bible and church. We read in Walch, for example, that he distinguishes between the two classes of prejudice—authority and overhastiness—but considers them two extremes, between which it is necessary to find the right middle path, namely a mediation between reason and biblical authority. Accordingly, he regards prejudices deriving from overhastiness as prejudices in favor of the new, a predisposition to the overhasty rejection of truths simply because they are old and attested by authorities.²⁰⁴ Thus he disputes the British free thinkers (such as Collins and others) and defends the historical faith against the norm of reason. Here the meaning of prejudice deriving from overhastiness is given a conservative reinterpretation.

There can be no doubt, however, that the real consequence of the Enlightenment is different: namely the subjection of all authority to reason. Accordingly, prejudice from overhastiness is to be understood as Descartes understood it—i.e., as the source of all error in the use of reason. This fits in with the fact that after the victory of the Enlightenment, when hermeneutics was freed from all dogmatic ties, the old division returns in a new guise. Thus Schleiermacher distinguishes between partiality and overhastiness as the causes of misunderstanding.²⁰⁵ To the lasting prejudices due to partiality he contrasts the momentary ones due to overhastiness, but only the former are of interest to those concerned with scientific method. It no longer even occurs to Schleiermacher that among the prejudices in favor of authorities there might be some that are true—yet this was implied in the concept of authority in the first place. His alteration of the traditional division of prejudices documents the victory of the Enlightenment. Partiality now means only an individual limitation of understanding: “The one-sided preference for what is close to one’s own sphere of ideas.”

In fact, however, the decisive question is concealed behind the concept of partiality. That the prejudices determining what I think are due to my own partiality is a judgment based on the standpoint of their having been dissolved and enlightened, and it holds

²⁰⁴Walch, op. cit., pp. 1006ff. under the entry “Freiheit zu gedenken.” See p. 271 above.

²⁰⁵Schleiermacher, *Werke*, I, part 7, 31.

only for unjustified prejudices. If, on the other hand, there are justified prejudices productive of knowledge, then we are back to the problem of authority. Hence the radical consequences of the Enlightenment, which are still to be found in Schleiermacher’s faith in method, are not tenable.

The Enlightenment’s distinction between faith in authority and using one’s own reason is, in itself, legitimate. If the prestige of authority displaces one’s own judgment, then authority is in fact a source of prejudices. But this does not preclude its being a source of truth, and that is what the Enlightenment failed to see when it denigrated all authority. To be convinced of this, we need only consider one of the greatest forerunners of the European Enlightenment, namely Descartes. Despite the radicalness of his methodological thinking, we know that Descartes excluded morality from the total reconstruction of all truths by reason. This was what he meant by his provisional morality. It seems to me symptomatic that he did not in fact elaborate his definitive morality and that its principles, as far as we can judge from his letters to Elizabeth, contain hardly anything new. It is obviously unthinkable to defer morality until modern science has progressed enough to provide a new basis for it. In fact the denigration of authority is not the only prejudice established by the Enlightenment. It also distorted the very concept of authority. Based on the Enlightenment conception of reason and freedom, the concept of authority could be viewed as diametrically opposed to reason and freedom: to be, in fact, blind obedience. This is the meaning that we find in the language critical of modern dictatorships.

But this is not the essence of authority. Admittedly, it is primarily persons that have authority; but the authority of persons is ultimately based not on the subjection and abdication of reason but on an act of acknowledgment and knowledge—the knowledge, namely, that the other is superior to oneself in judgment and insight and that for this reason his judgment takes precedence—i.e., it has priority over one’s own. This is connected with the fact that authority cannot actually be bestowed but is earned, and must be earned if someone is to lay claim to it. It rests on acknowledgment and hence on an act of reason itself which, aware of its own limitations, trusts to the better insight of others. Authority in this sense, properly understood, has nothing to do with blind obedience to commands. Indeed, authority has to do not with obedience but rather with knowledge. It is true that authority implies the capacity to command and be obeyed. But this proceeds only from the authority that a person has. Even the anonymous and impersonal authority of a superior which de-

rives from his office is not ultimately based on this hierarchy, but is what makes it possible. Here also its true basis is an act of freedom and reason that grants the authority of a superior fundamentally because he has a wider view of things or is better informed—i.e., once again, because he knows more.²⁰⁶ Thus, acknowledging authority is always connected with the idea that what the authority says is not irrational and arbitrary but can, in principle, be discovered to be true. This is the essence of the authority claimed by the teacher, the superior, the expert. The prejudices that they implant are legitimized by the person who presents them. But in this way they become prejudices not just in favor of a person but a content, since they effect the same disposition to believe something that can be brought about in other ways—e.g., by good reasons. Thus the essence of authority belongs in the context of a theory of prejudices free from the extremism of the Enlightenment.

Here we can find support in the romantic criticism of the Enlightenment; for there is one form of authority particularly defended by romanticism, namely tradition. That which has been sanctioned by tradition and custom has an authority that is nameless, and our finite historical being is marked by the fact that the authority of what has been handed down to us—and not just what is clearly grounded—always has power over our attitudes and behavior. All education depends on this, and even though, in the case of education, the educator loses his function when his charge comes of age and sets his own insight and decisions in the place of the authority of the educator, becoming mature does not mean that a person becomes his own master in the sense that he is freed from all tradition. The real force of morals, for example, is based on tradition. They are freely taken over but by no means created by a free insight or grounded on reasons.

²⁰⁶ (It seems to me that the tendency to acknowledge authority, as for instance in Karl Jaspers, *Von der Wahrheit*, pp. 766ff., and Gerhard Krüger, *Freiheit und Weltverwaltung*, pp. 231ff., lacks an intelligible basis so long as this proposition is not acknowledged.) The notorious statement, "The party (or the Leader) is always right" is not wrong because it claims that a certain leadership is superior, but because it serves to shield the leadership, by a dictatorial decree, from any criticism that might be true. True authority does not have to be authoritarian. [This issue has meanwhile been much debated, particularly in my exchange with Jürgen Habermas. See *Hermeneutik und Ideologiekritik*, ed. Jürgen Habermas (Frankfurt, 1977) and my lecture at Solothurn, "Über den Zusammenhang von Autorität und kritischer Freiheit," *Schweizer Archiv für Neurologie, Neurochirurgie und Psychiatrie*, 133 (1983), 11–16. Arnold Gehlen especially has worked out the role of institutions.]

This is precisely what we call tradition: the ground of their validity. And in fact it is to romanticism that we owe this correction of the Enlightenment: that tradition has a justification that lies beyond rational grounding and in large measure determines our institutions and attitudes. What makes classical ethics superior to modern moral philosophy is that it grounds the transition from ethics to "politics," the art of right legislation, on the indispensability of tradition.²⁰⁷ By comparison, the modern Enlightenment is abstract and revolutionary.

The concept of tradition, however, has become no less ambiguous than that of authority, and for the same reason—namely that what determines the romantic understanding of tradition is its abstract opposition to the principle of enlightenment. Romanticism conceives of tradition as an antithesis to the freedom of reason and regards it as something historically given, like nature. And whether one wants to be revolutionary and oppose it or preserve it, tradition is still viewed as the abstract opposite of free self-determination, since its validity does not require any reasons but conditions us without our questioning it. Of course, the romantic critique of the Enlightenment is not an instance of tradition's automatic dominance of tradition, of its persisting unaffected by doubt and criticism. Rather, a particular critical attitude again addresses itself to the truth of tradition and seeks to renew it. We can call it "traditionalism."

It seems to me, however, that there is no such unconditional antithesis between tradition and reason. However problematical the conscious restoration of old or the creation of new traditions may be, the romantic faith in the "growth of tradition," before which all reason must remain silent, is fundamentally like the Enlightenment, and just as prejudiced. The fact is that in tradition there is always an element of freedom and of history itself. Even the most genuine and pure tradition does not persist because of the inertia of what once existed. It needs to be affirmed, embraced, cultivated. It is, essentially, preservation, and it is active in all historical change. But preservation is an act of reason, though an inconspicuous one. For this reason, only innovation and planning appear to be the result of reason. But this is an illusion. Even where life changes violently, as in ages of revolution, far more of the old is preserved in the supposed transformation of everything than anyone knows, and it combines with the new to create a new value. At any rate, preservation is as

²⁰⁷ Cf. Aristotle, *Nicomachean Ethics*, X, 10.

much a freely chosen action as are revolution and renewal. That is why both the Enlightenment's critique of tradition and the romantic rehabilitation of it lag behind their true historical being.

These thoughts raise the question of whether in the hermeneutics of the human sciences the element of tradition should not be given its full value. Research in the human sciences cannot regard itself as in an absolute antithesis to the way in which we, as historical beings, relate to the past. At any rate, our usual relationship to the past is not characterized by distancing and freeing ourselves from tradition. Rather, we are always situated within traditions, and this is no objectifying process—i.e., we do not conceive of what tradition says as something other, something alien. It is always part of us, a model or exemplar, a kind of cognizance that our later historical judgment would hardly regard as a kind of knowledge but as the most ingenuous affinity with tradition.

Hence in regard to the dominant epistemological methodologism we must ask: has the rise of historical consciousness really divorced our scholarship from this natural relation to the past? Does understanding in the human sciences understand itself correctly when it relegates the whole of its own historicity to the position of prejudices from which we must free ourselves? Or does "unprejudiced scholarship" share more than it realizes with that naive openness and reflection in which traditions live and the past is present?

In any case, understanding in the human sciences shares one fundamental condition with the life of tradition: it lets itself be *addressed* by tradition. Is it not true of the objects that the human sciences investigate, just as for the contents of tradition, that what they are really about can be experienced only when one is addressed by them? However mediated this significance may be, and though it may proceed from a historical interest that appears to bear no relation to the present—even in the extreme case of "objective" historical research—the real fulfillment of the historical task is to determine anew the significance of what is examined. But the significance exists at the beginning of any such research as well as at the end: in choosing the theme to be investigated, awakening the desire to investigate, gaining a new problematic.

At the beginning of all historical hermeneutics, then, *the abstract antithesis between tradition and historical research, between history and the knowledge of it, must be discarded*. The effect (Wirkung) of a living tradition and the effect of historical study must constitute a unity of effect, the analysis of which would

reveal only a texture of reciprocal effects.²⁰⁸ Hence we would do well not to regard historical consciousness as something radically new—as it seems at first—but as a new element in what has always constituted the human relation to the past. In other words, we have to recognize the element of tradition in historical research and inquire into its hermeneutic productivity.

That an element of tradition affects the human sciences despite the methodological purity of their procedures, an element that constitutes their real nature and distinguishing mark, is immediately clear if we examine the history of research and note the difference between the human and natural sciences with regard to their history. Of course none of man's finite historical endeavors can completely erase the traces of this finitude. The history of mathematics or of the natural sciences is also a part of the history of the human spirit and reflects its destinies. Nevertheless, it is not just historical naivete when the natural scientist writes the history of his subject in terms of the present state of knowledge. For him errors and wrong turnings are of historical interest only, because the progress of research is the self-evident standard of examination. Thus it is only of secondary interest to see how advances in the natural sciences or in mathematics belong to the moment in history at which they took place. This interest does not affect the epistemic value of discoveries in those fields.

There is, then, no need to deny that elements of tradition can also affect the natural sciences—e.g., particular lines of research are preferred at particular places. But scientific research as such derives the law of its development not from these circumstances but from the law of the object it is investigating, which conceals its methodical efforts.²⁰⁹

It is clear that the human sciences cannot be adequately described in terms of this conception of research and progress. Of course it is possible to write a history of the solution of a problem—e.g., the deciphering of barely legible inscriptions—in which the only interest is in ultimately reaching the final result. Were

²⁰⁸ I don't agree with Scheler that the preconscious pressure of tradition decreases as historical study proceeds (*Stellung des Menschen im Kosmos*, p. 37). The independence of historical study implied in this view seems to me a liberal fiction of a sort that Scheler is generally able to see through. (Cf. similarly in his *Nachlass*, I, 228ff., where he affirms his faith in enlightenment through historical study or sociology of knowledge.)

²⁰⁹ [The question appears much more complicated since Thomas Kuhn's *The Structure of Scientific Revolutions* (Chicago, 1963) and *The Essential Tension: Selected Studies in Scientific Tradition and Change* (Chicago, 1977).]

this not so, it would have been impossible for the human sciences to have borrowed the methodology of the natural ones, as happened in the last century. But what the human sciences share with the natural is only a subordinate element of the work done in the human sciences.

This is shown by the fact that the great achievements in the human sciences almost never become outdated. A modern reader can easily make allowances for the fact that, a hundred years ago, less knowledge was available to a historian, and he therefore made judgments that were incorrect in some details. On the whole, he would still rather read Droysen or Mommsen than the latest account of the subject from the pen of a historian living today. What is the criterion here? Obviously the value and importance of research cannot be measured by a criterion based in the subject matter. Rather, the subject matter appears truly significant only when it is properly portrayed for us. Thus we are certainly interested in the subject matter, but it acquires its life only from the light in which it is presented to us. We accept the fact that the subject presents different aspects of itself at different times or from different standpoints. We accept the fact that these aspects do not simply cancel one another out as research proceeds, but are like mutually exclusive conditions that exist by themselves and combine only in us. Our historical consciousness is always filled with a variety of voices in which the echo of the past is heard. Only in the multifariousness of such voices does it exist: this constitutes the nature of the tradition in which we want to share and have a part. Modern historical research itself is not only research, but the handing down of tradition. We do not see it only in terms of progress and verified results; in it we have, as it were, a new experience of history whenever the past resounds in a new voice.

Why is this so? Obviously, in the human sciences we cannot speak of an object of research in the same sense as in the natural sciences, where research penetrates more and more deeply into nature. Rather, in the human sciences the particular research questions concerning tradition that we are interested in pursuing are motivated in a special way by the present and its interests. The theme and object of research are actually constituted by the motivation of the inquiry.²¹⁰ Hence historical research is carried along by the historical movement of life itself and cannot be

²¹⁰[That K.-G. Faber in his thorough discussion in *Theorie der Geschichtswissenschaft* (2nd ed., Munich, 1972), p. 25, cannot quote this statement without placing an ironic exclamation mark after "constituted" obliges me to ask how else one defines a "historical fact"?)

understood teleologically in terms of the object into which it is inquiring. Such an "object in itself" clearly does not exist at all. This is precisely what distinguishes the human sciences from the natural sciences. Whereas the object of the natural sciences can be described idealiter as what would be known in the perfect knowledge of nature, it is senseless to speak of a perfect knowledge of history, and for this reason it is not possible to speak of an "object in itself" toward which its research is directed.²¹¹

(ii) *The Example of the Classical*²¹²

Of course it is a lot to ask that the self-understanding of the human sciences detach itself, in the whole of its activity, from the model of the natural sciences and regard the historical movement of the things they are concerned with not simply as an impairment of their objectivity, but as something of positive value. In the recent development of the human sciences, however, there are starting points for a reflection that would really do justice to the problem. The naive schema of history-as-research no longer dominates the way the human sciences conceive of themselves. The advancement of inquiry is no longer universally conceived of as an expansion or penetration into new fields or material, but instead as raising the inquiry to a higher stage of reflection. But even where this happens, one is still thinking teleologically, from the viewpoint of progressive research, in a way appropriate to a research scientist. But a hermeneutical consciousness is gradually growing that is infusing research with a spirit of self-reflection; this is true, above all, in those human sciences that have the oldest tradition. Thus the study of classical antiquity, after it had worked over the whole extent of the available transmitted texts, continually applied itself again, with more subtle questions, to its favorite objects of study. This introduced something of an element of self-criticism by inviting reflection on what constituted the real merit of its favorite objects. The concept of the classical, which since Droysen's discovery of Hellenism had been reduced by historical thinking to a mere stylistic concept, now acquired a new scholarly legitimacy.

It requires hermeneutical reflection of some sophistication to discover how it is possible for a normative concept such as the

²¹¹[Now, in the light of the past three decades of work in the philosophy of science, I willingly acknowledge that even this formulation is too undifferentiated.]

²¹²[See my "Zwischen Phänomenologie und Dialektik: Versuch einer Selbstkritik," *GW*, II.]

classical to acquire or regain its scholarly legitimacy. For it follows from the self-understanding of historical consciousness that all of the past's normative significance has been finally dissolved by sovereign historical reason. Only at the beginnings of historicism, as for example in Winckelmann's epoch-making work, had the normative element been a real motive of historical research.

The concept of classical antiquity and of the classical—which dominated pedagogical thought in particular since the days of German classicism—combined both a normative and a historical side. A particular stage in the historical development of humanity was thought to have produced a mature and perfect form of the human. This mediation between the normative and historical senses of the concept goes back to Herder. But Hegel still preserved this mediation, even though he gave it a different emphasis, namely in terms of the history of philosophy. For him classical art retained its special distinction by being regarded as the “religion of art.” Since this form of spirit is past, it is exemplary only in a qualified sense. The fact that it is a past art testifies to the “past” character of art in general. In this way Hegel systematically justified the historicization of the concept of the classical, and he began the process of development that finally changed the classical into a descriptive stylistic concept—one that describes the short lived harmony of measure and fullness that comes between archaic rigidity and baroque dissolution. Since it became part of the aesthetic vocabulary of historical studies, the concept of the classical retains the sense of a normative content only in an unacknowledged way.²¹³

Symptomatic of renewed historical self-criticism was that after the First World War classical philology started to examine itself under the banner of a new humanism, and hesitantly again acknowledged the combination of normative and historical elements in “the classical.”²¹⁴ In so doing, it proved impossible (however one tried) to interpret the concept of the classical—which arose in antiquity and canonized certain writers—as if it expressed the unity of a stylistic ideal.²¹⁵ On the contrary, as a stylistic term the ancient concept was wholly ambiguous. Today

²¹³[On the concept of “style,” see Part One, n. 67, and Appendix I below.]

²¹⁴The congress at Naumburg on the classical (1930), which was completely dominated by Werner Jaeger, is as much an example of this as the founding of the periodical *Die Antike*. Cf. *Das Problem des Klassischen und die Antike* (1931).

²¹⁵Cf. the legitimate criticism that A. Körte made of the Naumburg lecture by J. Stroux, in the *Berichte der Sächsischen Akademie der Wissenschaften*, 86 (1934), and my note in *Gnomon*, 11 (1935), 612f. [repr. in *GW*, V, 350–53].

when we use classical as a historical stylistic concept whose clear meaning is defined by its being set against what came before and after, this concept has become quite detached from the ancient one. The concept of the classical now signifies a period of time, a phase of historical development but not a suprahistorical value.

In fact, however, the normative element in the concept of the classical has never completely disappeared. Even today it is still the basis of the idea of liberal education. The philologist is rightly dissatisfied with simply applying to his texts the historical stylistic concept that developed through the history of the plastic arts. The question whether Homer too is “classical” shatters the notion that the classical is merely a historical category of style analogous to categories of style used in the history of art—an instance of the fact that historical consciousness always includes more than it admits of itself.

If we try to see what this implies, we might say that the classical is a truly historical category, precisely because it is more than a concept of a period or of a historical style, and yet it nevertheless does not try to be the concept of a suprahistorical value. It does not refer to a quality that we ascribe to particular historical phenomena but to a notable mode of being historical: the historical process of preservation (*Bewahrung*) that, through constantly proving itself (*Bewährung*), allows something true (*ein Wahres*) to come into being. It is not at all the case, as the historical mode of thought would have us believe, that the value judgment which accords something the status of a classic was in fact destroyed by historical reflection and its criticism of all teleological construals of the process of history. Rather, through this criticism the value judgment implicit in the concept of the classical acquires a new, special legitimacy. The classical is something that resists historical criticism because its historical dominion, the binding power of the validity that is preserved and handed down, precedes all historical reflection and continues in it.

To take the key example of the blanket concept of “classical antiquity,” it is, of course, unhistorical to devalue Hellenism as an age of the decline and fall of classicism, and Droysen has rightly emphasized its place in the continuity of world history and stressed the importance of Hellenism for the birth and spread of Christianity. But he would not have needed to undertake this historical theodicy if there had not always been a prejudice in favor of the classical and if the culture of “humanism” had not held on to “classical antiquity” and preserved it within Western culture as the heritage of the past. The classical is fundamentally something quite different from a descriptive concept used by an objectiviz-

ing historical consciousness. It is a historical reality to which historical consciousness belongs and is subordinate. The "classical" is something raised above the vicissitudes of changing times and changing tastes. It is immediately accessible, not through that shock of recognition, as it were, that sometimes characterizes a work of art for its contemporaries and in which the beholder experiences a fulfilled apprehension of meaning that surpasses all conscious expectations. Rather, when we call something classical, there is a consciousness of something enduring, of significance that cannot be lost and that is independent of all the circumstances of time—a kind of timeless present that is contemporaneous with every other present.

So the most important thing about the concept of the classical (and this is wholly true of both the ancient and the modern use of the word) is the normative sense. But insofar as this norm is related retrospectively to a past greatness that fulfilled and embodied it, it always contains a temporal quality that articulates it historically. So it is not surprising that, with the rise of historical reflection in Germany which took Winckelmann's classicism as its standard, a historical concept of a time or period detached itself from what was regarded as classical in Winckelmann's sense. It denoted a quite specific stylistic ideal and, in a historically descriptive way, also a time or period that fulfilled this ideal. From the distance of the epigones who set up the criterion, this stylistic ideal seemed to designate a historic moment that belonged to the past. Accordingly, the concept of the classical came to be used in modern thought to describe the whole of "classical antiquity" when humanism again proclaimed the exemplarity of this antiquity. It was reviving an ancient usage, and with some justification, for those ancient authors who were "discovered" by humanism were the same ones who in late antiquity comprised the canon of classics.

They were preserved in the history of Western culture precisely because they became canonical as the writers of the "school." But it is easy to see how the historical stylistic concept was able to adopt this usage. For although there is a normative consciousness behind this concept, there is still a retrospective element. What gives birth to the classical norm is an awareness of decline and distance. It is not by accident that the concept of the classical and of classical style emerges in late periods. Callimachus and Tacitus' *Dialogue on Oratory* played a decisive role in this connection.²¹⁶ But there is something else. The authors regarded as

²¹⁶Thus Tacitus' *Dialogue on the Orators* rightly received special attention in

classical are, as we know, always the representatives of particular literary genres. They were considered the culmination of the norm of that literary genre, an ideal that literary criticism makes plain in retrospect. If we now examine these generic norms historically—i.e., if we consider their history—then the classical is seen as a stylistic phase, a climax that articulates the history of the genre in terms of before and after. Insofar as the climactic points in the history of genres belong largely within the same brief period of time, within the totality of the historical development of classical antiquity, the classical refers to such a period and thus also becomes a concept denoting a period and fuses with a concept of style.

As such a historical stylistic concept, the concept of the classical is capable of being extended to any "development" to which an immanent telos gives unity. And in fact all cultures have high periods, when a particular civilization is marked by special achievements in all fields. Thus, via its particular historical fulfillment, the classical as a general concept of value again becomes a general historical stylistic concept.

Although this is an understandable development, the historicization of the concept also involves its uprooting, and that is why when historical consciousness started to engage in self-criticism, it reinstated the normative element in the concept of the classical as well as the historical uniqueness of its fulfillment. Every "new humanism" shares with the first and oldest the consciousness of belonging in an immediate way and being bound to its model—which, as something past, is unattainable and yet present. Thus the classical epitomizes a general characteristic of historical being: preservation amid the ruins of time. The general nature of tradition is such that only the part of the past that is not past offers the possibility of historical knowledge. The classical, however, as Hegel says, is "that which is self-significant (selbst bedeutende) and hence also self-interpretive (selber Deutende)."²¹⁷ But that ultimately means that the classical preserves itself precisely *because* it is significant in itself and interprets itself; i.e., it speaks in such a way that it is not a statement about what is past—documentary evidence that still needs to be interpreted—rather,

the Naumburg discussions on the classical. The reasons for the decline of rhetoric include the recognition of its former greatness, i.e., a normative awareness. Bruno Snell is correct when he points out that the historical stylistic concepts of "baroque," "archaic," etc. all presuppose a relation to the normative concept of the classical and have only gradually lost their pejorative sense ("Wesen und Wirklichkeit des Menschen," *Festschrift für H. Plessner*, pp. 333ff.).

²¹⁷Hegel, *Ästhetik*, II, 3.

it says something to the present as if it were said specifically to it. What we call "classical" does not first require the overcoming of historical distance, for in its own constant mediation it overcomes this distance by itself. The classical, then, is certainly "timeless," but this timelessness is a mode of historical being.

Of course this is not to deny that works regarded as classical present tasks of historical understanding to a developed historical consciousness, one that is aware of historical distance. The aim of historical consciousness is not to use the classical model in the direct way, like Palladio or Corneille, but to know it as a historical phenomenon that can be understood solely in terms of its own time. But understanding it will always involve *more* than merely historically reconstructing the past "world" to which the work belongs. Our understanding will always retain the consciousness that we too belong to that world, and correlatively, that the work too belongs to our world.

This is just what the word "classical" means: that the duration of a work's power to speak directly is fundamentally unlimited.²¹⁸ However much the concept of the classical expresses distance and unattainability and is part of cultural consciousness, the phrase "classical culture" still implies something of the continuing validity of the classical. Cultural consciousness manifests an ultimate community and sharing with the world from which a classical work speaks.

This discussion of the concept of the classical claims no independent significance, but serves only to evoke a general question, namely: Does the kind of historical mediation between the past and the present that characterizes the classical ultimately underlie all historical activity as its effective substratum? Whereas romantic hermeneutics had taken homogeneous human nature as the unhistorical substratum of its theory of understanding and hence had freed the congenial interpreter from all historical conditions, the self-criticism of historical consciousness leads finally to recognizing historical movement not only in events but also in understanding itself. *Understanding is to be thought of less as a subjective act than as participating in an event of tradition, a process of transmission in which past and present are constantly mediated. This is what must be validated by hermeneutic theory, which is far too dominated by the idea of a procedure, a method.*

²¹⁸Friedrich Schlegel, *Fragments*, ed. Minor, no. 20, draws the hermeneutical consequence: "A classical work of literature is one that can never be completely understood. But it must also be one from which those who are educated and educating themselves must always desire to learn more."

(iii) *The Hermeneutic Significance of Temporal Distance*²¹⁹

Let us next consider how hermeneutics goes about its work. What consequences for understanding follow from the fact that belonging to a tradition is a condition of hermeneutics? We recall the hermeneutical rule that we must understand the whole in terms of the detail and the detail in terms of the whole. This principle stems from ancient rhetoric, and modern hermeneutics has transferred it to the art of understanding. It is a circular relationship in both cases. The anticipation of meaning in which the whole is envisaged becomes actual understanding when the parts that are determined by the whole themselves also determine this whole.

We know this from learning ancient languages. We learn that we must "construe" a sentence before we attempt to understand the linguistic meaning of the individual parts of the sentence. But the process of construal is itself already governed by an expectation of meaning that follows from the context of what has gone before. It is of course necessary for this expectation to be adjusted if the text calls for it. This means, then, that the expectation changes and that the text unifies its meaning around another expectation. Thus the movement of understanding is constantly from the whole to the part and back to the whole. Our task is to expand the unity of the understood meaning centrifugally. The harmony of all the details with the whole is the criterion of correct understanding. The failure to achieve this harmony means that understanding has failed.

Schleiermacher elaborated this hermeneutic circle of part and whole in both its objective and its subjective aspects. As the single word belongs in the total context of the sentence, so the single text belongs in the total context of a writer's work, and the latter in the whole of the literary genre or of literature. At the same time, however, the same text, as a manifestation of a creative moment, belongs to the whole of its author's inner life. Full understanding can take place only within this objective and subjective whole. Following this theory, Dilthey speaks of "structure" and of the "centering in a mid-point," which permits one to understand the whole. In this (as we have already said above²²⁰) he is applying to the historical world what has always been a principle of all textual interpretation: namely that a text must be understood in its own terms.

²¹⁹[Here especially, see my "Zwischen Phänomenologie und Dialektik: Versuch einer Selbstkritik," *GW*, II, 3ff.]

²²⁰Pp. 198, 240.

The question is, however, whether this is an adequate account of the circular movement of understanding. Here we must return to what we concluded from our analysis of Schleiermacher's hermeneutics. We can set aside Schleiermacher's ideas on subjective interpretation. When we try to understand a text, we do not try to transpose ourselves into the author's mind but, if one wants to use this terminology, we try to transpose ourselves into the perspective within which he has formed his views. But this simply means that we try to understand how what he is saying could be right. If we want to understand, we will try to make his arguments even stronger. This happens even in conversation, and it is a fortiori true of understanding what is written down that we are moving in a dimension of meaning that is intelligible in itself and as such offers no reason for going back to the subjectivity of the author. The task of hermeneutics is to clarify this miracle of understanding, which is not a mysterious communion of souls, but sharing in a common meaning.

But even Schleiermacher's description of the objective side of this circle does not get to the heart of the matter. We have seen that the goal of all attempts to reach an understanding is agreement concerning the subject matter. Hence the task of hermeneutics has always been to establish agreement where there was none or where it had been disturbed in some way. The history of hermeneutics confirms this if, for example, we think of Augustine, who sought to mediate the Gospel with the Old Testament²²¹; or early Protestantism, which faced the same problem;²²² or, finally, the Enlightenment, when (almost as if renouncing the possibility of agreement) it was supposed that a text could be "fully understood" only by means of historical interpretation. It is something qualitatively new when romanticism and Schleiermacher universalize historical consciousness by denying that the binding form of the tradition from which they come and in which they are situated provides a solid basis for all hermeneutic endeavor.

One of the immediate predecessors of Schleiermacher, the philologist Friedrich Ast, still had a view of hermeneutical work that was markedly concerned with content, since for him its purpose was to establish harmony between the worlds of classical antiquity and Christianity, between a newly discovered genuine antiquity and the Christian tradition. This is something new. In contrast to the Enlightenment, this hermeneutics no longer evaluates

²²¹[See G. Ripanti, *Agostino teoretico dell'interpretazione* (Brescia, 1980).]

²²²[See M. Flacius, *Clavis Scripturae sacrae seu de Sermonibus sacrarum literarum*, book II (1676).]

and rejects tradition according to the criterion of natural reason. But in its attempt to bring about a meaningful agreement between the two traditions to which it sees itself as belonging, this kind of hermeneutics is still pursuing the task of all preceding hermeneutics, namely to bring about agreement *in content*.

In going beyond the "particularity" of this reconciliation of the ancient classical world and Christianity, Schleiermacher and, following him, nineteenth-century science conceive the task of hermeneutics in a way that is *formally* universal. They were able to harmonize it with the natural sciences' ideal of objectivity, but only by ignoring the concretion of historical consciousness in hermeneutical theory.

Heidegger's description and existential grounding of the hermeneutic circle, by contrast, constitute a decisive turning point. Nineteenth-century hermeneutic theory often discussed the circular structure of understanding, but always within the framework of a formal relation between part and whole—or its subjective reflex, the intuitive anticipation of the whole and its subsequent articulation in the parts. According to this theory, the circular movement of understanding runs backward and forward along the text, and ceases when the text is perfectly understood. This view of understanding came to its logical culmination in Schleiermacher's theory of the divinatory act, by means of which one places oneself entirely within the writer's mind and from there resolves all that is strange and alien about the text. In contrast to this approach, Heidegger describes the circle in such a way that the understanding of the text remains permanently determined by the anticipatory movement of fore-understanding. The circle of whole and part is not dissolved in perfect understanding but, on the contrary, is most fully realized.

The circle, then, is not formal in nature. It is neither subjective nor objective, but describes understanding as the interplay of the movement of tradition and the movement of the interpreter. The anticipation of meaning that governs our understanding of a text is not an act of subjectivity, but proceeds from the commonality that binds us to the tradition. But this commonality is constantly being formed in our relation to tradition. Tradition is not simply a permanent precondition; rather, we produce it ourselves inasmuch as we understand, participate in the evolution of tradition, and hence further determine it ourselves. Thus the circle of understanding is not a "methodological" circle, but describes an element of the ontological structure of understanding.

The circle, which is fundamental to all understanding, has a further hermeneutic implication which I call the "fore-conception

of completeness." But this, too, is obviously a formal condition of all understanding. It states that only what really constitutes a unity of meaning is intelligible. So when we read a text we always assume its completeness, and only when this assumption proves mistaken—i.e., the text is not intelligible—do we begin to suspect the text and try to discover how it can be remedied. The rules of such textual criticism can be left aside, for the important thing to note is that applying them properly depends on understanding the content.

The fore-conception of completeness that guides all our understanding is, then, always determined by the specific content. Not only does the reader assume an immanent unity of meaning, but his understanding is likewise guided by the constant transcendent expectations of meaning that proceed from the relation to the truth of what is being said. Just as the recipient of a letter understands the news that it contains and first sees things with the eyes of the person who wrote the letter—i.e., considers what he writes as true, and is not trying to understand the writer's peculiar opinions as such—so also do we understand traditional texts on the basis of expectations of meaning drawn from our own prior relation to the subject matter. And just as we believe the news reported by a correspondent because he was present or is better informed, so too are we fundamentally open to the possibility that the writer of a transmitted text is better informed than we are, with our prior opinion. It is only when the attempt to accept what is said as true fails that we try to "understand" the text, psychologically or historically, as another's opinion.²²³ The prejudice of completeness, then, implies not only this formal element—that a text should completely express its meaning—but also that what it says should be the complete truth.

Here again we see that understanding means, primarily, to understand the content of what is said, and only secondarily to isolate and understand another's meaning as such. Hence the most basic of all hermeneutic preconditions remains one's own fore-understanding, which comes from being concerned with the same subject. This is what determines what can be realized as unified meaning and thus determines how the fore-conception of completeness is applied.²²⁴

²²³In a lecture on aesthetic judgment at a conference in Venice in 1958 I tried to show that it too, like historical judgment, is secondary in character and confirms the "anticipation of completeness." ("On the Problematic Character of Aesthetic Consciousness," tr. E. Kelly, *Graduate Faculty Philosophy Journal* (New School for Social Research), 9 (1982), 31–40.)

²²⁴There is one exception to this anticipation of completeness, namely the case of writing that is presenting something in disguise, e.g., a *roman à clef*.

Thus the meaning of "belonging"—i.e., the element of tradition in our historical-hermeneutical activity—is fulfilled in the commonality of fundamental, enabling prejudices. Hermeneutics must start from the position that a person seeking to understand something has a bond to the subject matter that comes into language through the traditional text and has, or acquires, a connection with the tradition from which the text speaks. On the other hand, hermeneutical consciousness is aware that its bond to this subject matter does not consist in some self-evident, unquestioned unanimity, as is the case with the unbroken stream of tradition. Hermeneutic work is based on a polarity of familiarity and strangeness; but this polarity is not to be regarded psychologically, with Schleiermacher, as the range that covers the mystery of individuality, but truly hermeneutically—i.e., in regard to what has been said: the language in which the text addresses us, the story that it tells us. Here too there is a tension. It is in the play between the traditional text's strangeness and familiarity to us, between being a historically intended, distanced object and belonging to a tradition. *The true locus of hermeneutics is this in-between.*

Given the intermediate position in which hermeneutics operates, it follows that its work is not to develop a procedure of understanding, but to clarify the conditions in which understanding takes place. But these conditions do not amount to a "procedure" or method which the interpreter must of himself bring to bear on the text; rather, they must be given. The prejudices and fore-meanings that occupy the interpreter's consciousness are not at his free disposal. He cannot separate in advance the productive prejudices that enable understanding from the prejudices that hinder it and lead to misunderstandings.

This presents one of the most difficult hermeneutical problems (cf. the interesting remarks by Leo Strauss in *Persecution and the Art of Writing*). This exceptional hermeneutical case is of special significance, in that it goes beyond interpretation of meaning in the same way as when historical source criticism goes back behind the tradition. Although the task here is not a historical, but a hermeneutical one, it can be performed only by using understanding of the subject matter as a key to discover what is behind the disguise—just as in conversation we understand irony to the extent to which we are in agreement with the other person on the subject matter. Thus the apparent exception confirms that understanding involves agreement. [I doubt that Strauss is right in the way he carries out his theory, for instance in his discussion of Spinoza. Dissembling meaning implies a high degree of consciousness. Accommodation, conforming, and so on do not have to occur consciously. In my view, Strauss did not sufficiently see this. See op. cit., pp. 223ff. and my "Hermeneutics and Historicism," Supplement I below. These problems have meanwhile been much disputed, in my view, on too narrowly semantic a basis. See Donald Davidson, *Inquiries into Truth and Interpretation* (Oxford, 1984).]

Rather, this separation must take place in the process of understanding itself, and hence hermeneutics must ask how that happens. But that means it must foreground what has remained entirely peripheral in previous hermeneutics: temporal distance and its significance for understanding.

This point can be clarified by comparing it with the hermeneutic theory of romanticism. We recall that the latter conceived of understanding as the reproduction of an original production. Hence it was possible to say that one should be able to understand an author better than he understood himself. We examined the origin of this statement and its connection with the aesthetics of genius, but must now come back to it, since our present inquiry lends it a new importance.

That subsequent understanding is superior to the original production and hence can be described as superior understanding does not depend so much on the conscious realization that places the interpreter on the same level as the author (as Schleiermacher said) but instead denotes an insuperable difference between the interpreter and the author that is created by historical distance. Every age has to understand a transmitted text in its own way, for the text belongs to the whole tradition whose content interests the age and in which it seeks to understand itself. The real meaning of a text, as it speaks to the interpreter, does not depend on the contingencies of the author and his original audience. It certainly is not identical with them, for it is always co-determined also by the historical situation of the interpreter and hence by the totality of the objective course of history. A writer like Chladenius,²²⁵ who does not yet view understanding in terms of history, is saying the same thing in a naive, ingenuous way when he says that an author does not need to know the real meaning of what he has written; and hence the interpreter can, and must, often understand more than he. But this is of fundamental importance. Not just occasionally but always, the meaning of a text goes beyond its author. That is why understanding is not merely a reproductive but always a productive activity as well. Perhaps it is not correct to refer to this productive element in understanding as "better understanding." For this phrase is, as we have shown, a principle of criticism taken from the Enlightenment and revised on the basis of the aesthetics of genius. Understanding is not, in fact, understanding better, either in the sense of superior knowledge of the subject because of clearer ideas or in the sense of fundamental superiority of conscious over unconscious produc-

²²⁵Cf. p. 183 above.

tion. It is enough to say that we understand in a *different* way, if we understand at all.

Such a conception of understanding breaks right through the circle drawn by romantic hermeneutics. Since we are now concerned not with individuality and what it thinks but with the truth of what is said, a text is not understood as a mere expression of life but is taken seriously in its claim to truth. That this is what is meant by "understanding" was once self-evident (we need only recall Chladenius).²²⁶ But this dimension of the hermeneutical problem was discredited by historical consciousness and the psychological turn that Schleiermacher gave to hermeneutics, and could only be regained when the aporias of historicism came to light and led finally to the fundamentally new development to which Heidegger, in my view, gave the decisive impetus. For the hermeneutic productivity of temporal distance could be understood only when Heidegger gave understanding an ontological orientation by interpreting it as an "existential" and when he interpreted Dasein's mode of being in terms of time.

Time is no longer primarily a gulf to be bridged because it separates; it is actually the supportive ground of the course of events in which the present is rooted. Hence temporal distance is not something that must be overcome. This was, rather, the naive assumption of historicism, namely that we must transpose ourselves into the spirit of the age, think with its ideas and its thoughts, not with our own, and thus advance toward historical objectivity. In fact the important thing is to recognize temporal distance as a positive and productive condition enabling understanding. It is not a yawning abyss but is filled with the continuity of custom and tradition, in the light of which everything handed down presents itself to us. Here it is not too much to speak of the genuine productivity of the course of events. Everyone is familiar with the curious impotence of our judgment where temporal distance has not given us sure criteria. Thus the judgment of contemporary works of art is desperately uncertain for the scholarly consciousness. Obviously we approach such creations with unverifiable prejudices, presuppositions that have too great an influence over us for us to know about them; these can give contemporary creations an extra resonance that does not correspond to their true content and significance. Only when all their relations to the present time have faded away can their real nature appear, so that the understanding of what is said in them can claim to be authoritative and universal.

²²⁶Cf. p. 183 above.

In historical studies this experience has led to the idea that objective knowledge can be achieved only if there has been a certain historical distance. It is true that what a thing has to say, its intrinsic content, first appears only after it is divorced from the fleeting circumstances that gave rise to it. The positive conditions of historical understanding include the relative closure of a historical event, which allows us to view it as a whole, and its distance from contemporary opinions concerning its import. The implicit presupposition of historical method, then, is that the permanent significance of something can first be known objectively only when it belongs to a closed context—in other words, when it is dead enough to have only historical interest. Only then does it seem possible to exclude the subjective involvement of the observer. This is, in fact, a paradox, the epistemological counterpart to the old moral problem of whether anyone can be called happy before his death. Just as Aristotle showed how this kind of problem can serve to sharpen the powers of human judgment,²²⁷ so hermeneutical reflection cannot fail to find here a sharpening of the methodological self-consciousness of science. It is true that certain hermeneutic requirements are automatically fulfilled when a historical context has come to be of only historical interest. Certain sources of error are automatically excluded. But it is questionable whether this is the end of the hermeneutical problem. Temporal distance obviously means something other than the extinction of our interest in the object. It lets the true meaning of the object emerge fully. But the discovery of the true meaning of a text or a work of art is never finished; it is in fact an infinite process. Not only are fresh sources of error constantly excluded, so that all kinds of things are filtered out that obscure the true meaning; but new sources of understanding are continually emerging that reveal unsuspected elements of meaning. The temporal distance that performs the filtering process is not fixed, but is itself undergoing constant movement and extension. And along with the negative side of the filtering process brought about by temporal distance there is also the positive side, namely the value it has for understanding. It not only lets local and limited prejudices die away, but allows those that bring about genuine understanding to emerge clearly as such.

Often temporal distance²²⁸ can solve question of critique in hermeneutics, namely how to distinguish the true prejudices, by

²²⁷ *Nicomachean Ethics*, I, 7.

²²⁸ [I have here softened the original text ("It is only temporal distance that can solve . . ."): it is distance, not only temporal distance, that makes this hermeneutic problem solvable. See also *GW*, II, 64.]

which we *understand*, from the *false* ones, by which we *misunderstand*. Hence the hermeneutically trained mind will also include historical consciousness. It will make conscious the prejudices governing our own understanding, so that the text, as another's meaning, can be isolated and valued on its own. Foregrounding (*abheben*) a prejudice clearly requires suspending its validity for us. For as long as our mind is influenced by a prejudice, we do not consider it a judgment. How then can we foreground it? It is impossible to make ourselves aware of a prejudice while it is constantly operating unnoticed, but only when it is, so to speak, provoked. The encounter with a traditionary text can provide this provocation. For what leads to understanding must be something that has already asserted itself in its own separate validity. Understanding begins, as we have already said above,²²⁹ when something addresses us. This is the first condition of hermeneutics. We now know what this requires, namely the fundamental suspension of our own prejudices. But all suspension of judgments and hence, a fortiori, of prejudices, has the logical structure of a *question*.

The essence of the *question* is to open up possibilities and keep them open. If a prejudice becomes questionable in view of what another person or a text says to us, this does not mean that it is simply set aside and the text or the other person accepted as valid in its place. Rather, historical objectivism shows its naivete in accepting this disregarding of ourselves as what actually happens. In fact our own prejudice is properly brought into play by being put at risk. Only by being given full play is it able to experience the other's claim to truth and make it possible for him to have full play himself.

The naivete of so-called historicism consists in the fact that it does not undertake this reflection, and in trusting to the fact that its procedure is methodical, it forgets its own historicity. We must here appeal from a badly understood historical thinking to one that can better perform the task of understanding. Real historical thinking must take account of its own historicity. Only then will it cease to chase the phantom of a historical object that is the object of progressive research, and learn to view the object as the counterpart of itself and hence understand both. The true historical object is not an object at all, but the unity of the one and the other, a relationship that constitutes both the reality of history and the reality of historical understanding.²³⁰ A hermeneutics ad-

²²⁹ Pp. 290 and 295 above.

²³⁰ [Here constantly arises the danger of "appropriating" the other person in one's own understanding and thereby failing to recognize his or her otherness.]

equate to the subject matter would have to demonstrate the reality and efficacy of history within understanding itself. I shall refer to this as "history of effect." *Understanding is, essentially, a historically effected event.*

(iv) *The Principle of History of Effect (Wirkungsgeschichte)*

Historical interest is directed not only toward the historical phenomenon and the traditional work but also, secondarily, toward their effect in history (which also includes the history of research); the history of effect is generally regarded as a mere supplement to historical inquiry, from Hermann Grimm's *Raffael* to Gundolf and beyond—though it has occasioned many valuable insights. To this extent, history of effect is not new. But to require an inquiry into history of effect every time a work of art or an aspect of the tradition is led out of the twilight region between tradition and history so that it can be seen clearly and openly in terms of its own meaning—this is a new demand (addressed not to research, but to its methodological consciousness) that proceeds inevitably from thinking historical consciousness through.

It is not, of course, a hermeneutical requirement in the sense of the traditional conception of hermeneutics. I am not saying that historical inquiry should develop inquiry into the history of effect as a kind of inquiry separate from understanding the work itself. The requirement is of a more theoretical kind. Historical consciousness must become conscious that in the apparent immediacy with which it approaches a work of art or a traditional text, there is also another kind of inquiry in play, albeit unrecognized and unregulated. If we are trying to understand a historical phenomenon from the historical distance that is characteristic of our hermeneutical situation, we are always already affected by history. It determines in advance both what seems to us worth inquiring about and what will appear as an object of investigation, and we more or less forget half of what is really there—in fact, we miss the whole truth of the phenomenon—when we take its immediate appearance as the whole truth.

In our understanding, which we imagine is so innocent because its results seem so self-evident, the other presents itself so much in terms of our own selves that there is no longer a question of self and other. In relying on its critical method, historical objectivism conceals the fact that historical consciousness is itself situated in the web of historical effects. By means of methodical critique it does away with the arbitrariness of "relevant" appro-

priations of the past, but it preserves its good conscience by failing to recognize the presuppositions—certainly not arbitrary, but still fundamental—that govern its own understanding, and hence falls short of reaching that truth which, despite the finite nature of our understanding, could be reached. In this respect, historical objectivism resembles statistics, which are such excellent means of propaganda because they let the "facts" speak and hence simulate an objectivity that in reality depends on the legitimacy of the questions asked.

We are not saying, then, that history of effect must be developed as a new independent discipline ancillary to the human sciences, but that we should learn to understand ourselves better and recognize that in all understanding, whether we are expressly aware of it or not, the efficacy of history is at work. When a naive faith in scientific method denies the existence of effective history, there can be an actual deformation of knowledge. We are familiar with this from the history of science, where it appears as the irrefutable proof of something that is obviously false. But on the whole the power of effective history does not depend on its being recognized. This, precisely, is the power of history over finite human consciousness, namely that it prevails even where faith in method leads one to deny one's own historicity. Our need to become conscious of effective history is urgent because it is necessary for scientific consciousness. But this does not mean it can ever be absolutely fulfilled. That we should become completely aware of effective history is just as hybrid a statement as when Hegel speaks of absolute knowledge, in which history would become completely transparent to itself and hence be raised to the level of a concept. Rather, historically effected consciousness (*wirkungsgeschichtliches Bewußtsein*) is an element in the act of understanding itself and, as we shall see, is already effectual in *finding the right questions to ask*.

Consciousness of being affected by history (*wirkungsgeschichtliches Bewußtsein*) is primarily consciousness of the hermeneutical *situation*. To acquire an awareness of a situation is, however, always a task of peculiar difficulty. The very idea of a situation means that we are not standing outside it and hence are unable to have any objective knowledge of it.²³¹ We always find ourselves within a situation, and throwing light on it is a task that is never entirely finished. This is also true of the hermeneutic sit-

²³¹The structure of the concept of situation has been illuminated chiefly by Karl Jaspers, *Die geistige Situation der Zeit*, and Erich Rothacker. [See my "Was ist Wahrheit," *Kleine Schriften*, I, 46–58, esp. pp. 55ff. (GW, II, 44ff.)]

uation—i.e., the situation in which we find ourselves with regard to the tradition that we are trying to understand. The illumination of this situation—reflection on effective history—can never be completely achieved; yet the fact that it cannot be completed is due not to a deficiency in reflection but to the essence of the historical being that we are. *To be historically means that knowledge of oneself can never be complete.* All self-knowledge arises from what is historically pregiven, what with Hegel we call “substance,” because it underlies all subjective intentions and actions, and hence both prescribes and limits every possibility for understanding any tradition whatsoever in its historical alterity. This almost defines the aim of philosophical hermeneutics: its task is to retrace the path of Hegel’s phenomenology of mind until we discover in all that is subjective the substantiality that determines it.

Every finite present has its limitations. We define the concept of “situation” by saying that it represents a standpoint that limits the possibility of vision. Hence essential to the concept of situation is the concept of “horizon.” The horizon is the range of vision that includes everything that can be seen from a particular vantage point. Applying this to the thinking mind, we speak of narrowness of horizon, of the possible expansion of horizon, of the opening up of new horizons, and so forth. Since Nietzsche and Husserl,²³² the word has been used in philosophy to characterize the way in which thought is tied to its finite determinacy, and the way one’s range of vision is gradually expanded. A person who has no horizon does not see far enough and hence overvalues what is nearest to him. On the other hand, “to have a horizon” means not being limited to what is nearby but being able to see beyond it. A person who has an horizon knows the relative significance of everything within this horizon, whether it is near or far, great or small. Similarly, working out the hermeneutical situation means acquiring the right horizon of inquiry for the questions evoked by the encounter with tradition.

In the sphere of historical understanding, too, we speak of horizons, especially when referring to the claim of historical consciousness to see the past in its own terms, not in terms of our contemporary criteria and prejudices but within its own histori-

²³²[H. Kuhn already referred to this in “The Phenomenological Concept of ‘Horizon,’” in *Philosophical Essays in Memory of Husserl*, ed. Martin Farber (Cambridge, 1940), pp. 106–23. See my observations on “horizon” above, pp. 245ff.]

cal horizon. The task of historical understanding also involves acquiring an appropriate historical horizon, so that what we are trying to understand can be seen in its true dimensions. If we fail to transpose ourselves into the historical horizon from which the traditional text speaks, we will misunderstand the significance of what it has to say to us. To that extent this seems a legitimate hermeneutical requirement: we must place ourselves in the other situation in order to understand it. We may wonder, however, whether this phrase is adequate to describe the understanding that is required of us. The same is true of a conversation that we have with someone simply in order to get to know him—i.e., to discover where he is coming from and his horizon. This is not a true conversation—that is, we are not seeking agreement on some subject—because the specific contents of the conversation are only a means to get to know the horizon of the other person. Examples are oral examinations and certain kinds of conversation between doctor and patient. Historical consciousness is clearly doing something similar when it transposes itself into the situation of the past and thereby claims to have acquired the right historical horizon. In a conversation, when we have discovered the other person’s standpoint and horizon, his ideas become intelligible without our necessarily having to agree with him; so also when someone thinks historically, he comes to understand the meaning of what has been handed down without necessarily agreeing with it or seeing himself in it.

In both cases, the person understanding has, as it were, stopped trying to reach an agreement. He himself cannot be reached. By factoring the other person’s standpoint into what he is claiming to say, we are making our own standpoint safely unattainable.²³³ In considering the origin of historical thinking, we have seen that in fact it makes this ambiguous transition from means to ends—i.e., it makes an end of what is only a means. The text that is understood historically is forced to abandon its claim to be saying something true. We think we understand when we see the past from a historical standpoint—i.e., transpose ourselves into the historical situation and try to reconstruct the historical horizon. In fact, however, we have given up the claim to find in the past any truth that is valid and intelligible for ourselves. Ac-

²³³[I already discussed the moral aspect of this topic in my 1943 essay “Das Problem der Geschichte in der neueren deutschen Philosophie,” *Kleine Schriften*, I, 1–10 (GW, II, 27–36). It will also be more emphatically stressed in what follows.]

knowledging the otherness of the other in this way, making him the object of objective knowledge, involves the fundamental suspension of his claim to truth.

However, the question is whether this description really fits the hermeneutical phenomenon. Are there really two different horizons here—the horizon in which the person seeking to understand lives and the historical horizon within which he places himself? Is it a correct description of the art of historical understanding to say that we learn to transpose ourselves into alien horizons? Are there such things as closed horizons, in this sense? We recall Nietzsche's complaint against historicism that it destroyed the horizon bounded by myth in which alone a culture is able to live.²³⁴ Is the horizon of one's own present time ever closed in this way, and can a historical situation be imagined that has this kind of closed horizon?

Or is this a romantic refraction, a kind of Robinson Crusoe dream of historical enlightenment, the fiction of an unattainable island, as artificial as Crusoe himself—i.e., as the alleged primacy of the *solus ipse*? Just as the individual is never simply an individual because he is always in understanding with others, so too the closed horizon that is supposed to enclose a culture is an abstraction. The historical movement of human life consists in the fact that it is never absolutely bound to any one standpoint, and hence can never have a truly closed horizon. The horizon is, rather, something into which we move and that moves with us. Horizons change for a person who is moving. Thus the horizon of the past, out of which all human life lives and which exists in the form of tradition, is always in motion. The surrounding horizon is not set in motion by historical consciousness. But in it this motion becomes aware of itself.

When our historical consciousness transposes itself into historical horizons, this does not entail passing into alien worlds unconnected in any way with our own; instead, they together constitute the one great horizon that moves from within and that, beyond the frontiers of the present, embraces the historical depths of our self-consciousness. Everything contained in historical consciousness is in fact embraced by a single historical horizon. Our own past and that other past toward which our historical consciousness is directed help to shape this moving horizon out of which human life always lives and which determines it as heritage and tradition.

Understanding tradition undoubtedly requires a historical ho-

zison, then. But it is not the case that we acquire this horizon by transposing ourselves into a historical situation. Rather, we must always already have a horizon in order to be able to transpose ourselves into a situation. For what do we mean by "transposing ourselves"? Certainly not just disregarding ourselves. This is necessary, of course, insofar as we must imagine the other situation. But into this other situation we must bring, precisely, ourselves. Only this is the full meaning of "transposing ourselves." If we put ourselves in someone else's shoes, for example, then we will understand him—i.e., become aware of the otherness, the indissoluble individuality of the other person—by putting *ourselves* in his position.

Transposing ourselves consists neither in the empathy of one individual for another nor in subordinating another person to our own standards; rather, it always involves rising to a higher universality that overcomes not only our own particularity but also that of the other. The concept of "horizon" suggests itself because it expresses the superior breadth of vision that the person who is trying to understand must have. To acquire a horizon means that one learns to look beyond what is close at hand—not in order to look away from it but to see it better, within a larger whole and in truer proportion. To speak, with Nietzsche, of the many changing horizons into which historical consciousness teaches us to place ourselves is not a correct description. If we disregard ourselves in this way, we have no historical horizon. Nietzsche's view that historical study is deleterious to life is not, in fact, directed against historical consciousness as such, but against the self-alienation it undergoes when it regards the method of modern historical science as its own true nature. We have already pointed out that a truly historical consciousness always sees its own present in such a way that it sees itself, as well as the historically other, within the right relationships. It requires a special effort to acquire a historical horizon. We are always affected, in hope and fear, by what is nearest to us, and hence we approach the testimony of the past under its influence. Thus it is constantly necessary to guard against overhastily assimilating the past to our own expectations of meaning. Only then can we listen to tradition in a way that permits it to make its own meaning heard.

We have shown above that this is a process of foregrounding (*abheben*). Let us consider what this idea of foregrounding involves. It is always reciprocal. Whatever is being foregrounded must be foregrounded from something else, which, in turn, must be foregrounded from it. Thus all foregrounding also makes visible that from which something is foregrounded. We have de-

²³⁴Nietzsche, *Untimely Meditations*, II, at the beginning.

scribed this above as the way prejudices are brought into play. We started by saying that a hermeneutical situation is determined by the prejudices that we bring with us. They constitute, then, the horizon of a particular present, for they represent that beyond which it is impossible to see. But now it is important to avoid the error of thinking that the horizon of the present consists of a fixed set of opinions and valuations, and that the otherness of the past can be foregrounded from it as from a fixed ground.

In fact the horizon of the present is continually in the process of being formed because we are continually having to test all our prejudices. An important part of this testing occurs in encountering the past and in understanding the tradition from which we come. Hence the horizon of the present cannot be formed without the past. There is no more an isolated horizon of the present in itself than there are historical horizons which have to be acquired. *Rather, understanding is always the fusion of these horizons supposedly existing by themselves.* We are familiar with the power of this kind of fusion chiefly from earlier times and their naivete about themselves and their heritage. In a tradition this process of fusion is continually going on, for there old and new are always combining into something of living value, without either being explicitly foregrounded from the other.

If, however, there is no such thing as these distinct horizons, why do we speak of the fusion of horizons and not simply of the formation of the one horizon, whose bounds are set in the depths of tradition? To ask the question means that we are recognizing that understanding becomes a scholarly task only under special circumstances and that it is necessary to work out these circumstances as a hermeneutical situation. Every encounter with tradition that takes place within historical consciousness involves the experience of a tension between the text and the present. The hermeneutic task consists in not covering up this tension by attempting a naive assimilation of the two but in consciously bringing it out. This is why it is part of the hermeneutic approach to project a historical horizon that is different from the horizon of the present. Historical consciousness is aware of its own otherness and hence foregrounds the horizon of the past from its own. On the other hand, it is itself, as we are trying to show, only something superimposed upon continuing tradition, and hence it immediately recombines with what it has foregrounded itself from in order to become one with itself again in the unity of the historical horizon that it thus acquires.

Projecting a historical horizon, then, is only one phase in the

process of understanding; it does not become solidified into the self-alienation of a past consciousness, but is overtaken by our own present horizon of understanding. In the process of understanding, a real fusing of horizons occurs—which means that as the historical horizon is projected, it is simultaneously superseded. To bring about this fusion in a regulated way is the task of what we called historically effected consciousness. Although this task was obscured by aesthetic-historical positivism following on the heels of romantic hermeneutics, it is, in fact, the central problem of hermeneutics. It is the problem of *application*, which is to be found in all understanding.

2 THE RECOVERY OF THE FUNDAMENTAL HERMENEUTIC PROBLEM

(A) THE HERMENEUTIC PROBLEM OF APPLICATION

In the early tradition of hermeneutics, which was completely invisible to the historical self-consciousness of post-romantic scientific epistemology, this problem had its systematic place. Hermeneutics was subdivided as follows: there was a distinction between *subtilitas intelligendi* (understanding) and *subtilitas explicandi* (interpretation); and pietism added a third element, *subtilitas applicandi* (application), as in J. J. Rambach. The process of understanding was regarded as consisting of these three elements. It is notable that all three are called *subtilitas*—i.e., they are considered less as methods that we have at our disposal than as talents requiring particular finesse of mind.²³⁵ As we have seen, the hermeneutic problem acquired systematic importance because the romantics recognized the inner unity of *intelligere* and *explicare*. Interpretation is not an occasional, *post facto* supplement to understanding; rather, understanding is always interpretation, and hence interpretation is the explicit form of understanding. In accordance with this insight, interpretive language and concepts were recognized as belonging to the inner structure of understanding. This moves the whole problem of language from its peripheral and incidental position into the center of philosophy. We will return to this point.

²³⁵Rambach's *Institutiones hermeneuticae sacrae* (1723) are known to me in the compilation by Morus. There we read: *Solemus autem intelligendi explicandique subtilitatem (soliditatem vulgo).*

The inner fusion of understanding and interpretation led to the third element in the hermeneutical problem, *application*, becoming wholly excluded from any connection with hermeneutics. The edifying application of Scripture in Christian preaching, for example, now seemed very different from the historical and theological understanding of it. In the course of our reflections we have come to see that understanding always involves something like applying the text to be understood to the interpreter's present situation. Thus we are forced to go one step beyond romantic hermeneutics, as it were, by regarding not only understanding and interpretation, but also application as comprising one unified process. This is not to return to the pietist tradition of the three separate "subtleties," for, on the contrary, we consider application to be just as integral a part of the hermeneutical process as are understanding and interpretation.²³⁶

The current state of the hermeneutical discussion is what occasions my emphasizing the fundamental importance of this point. We can appeal first to the forgotten history of hermeneutics. Formerly it was considered obvious that the task of hermeneutics was to adapt the text's meaning to the concrete situation to which the text is speaking. The interpreter of the divine will who can interpret the oracle's language is the original model for this. But even today it is still the case that an interpreter's task is not simply to repeat what one of the partners says in the discussion he is translating, but to express what is said in the way that seems most appropriate to him; considering the real situation of the dialogue, which only he knows, since he alone knows both languages being used in the discussion.

Similarly, the history of hermeneutics teaches us that besides literary hermeneutics, there is also a theological and a legal hermeneutics, and together they make up the full concept of hermeneutics. As a result of the emergence of historical consciousness in the eighteenth and nineteenth centuries, philological hermeneutics and historical studies cut their ties with the other hermeneutical disciplines and established themselves as models of methodology for research in the human sciences.

The fact that *philological, legal, and theological* hermeneutics originally belonged closely together depended on recognizing application as an integral element of all understanding. In both le-

²³⁶ [Unfortunately, this plain statement is often overlooked by both sides in debates over hermeneutics.]

gal and theological hermeneutics there is an essential tension between the fixed text—the law or the gospel—on the one hand and, on the other, the sense arrived at by applying it at the concrete moment of interpretation, either in judgment or in preaching. A law does not exist in order to be understood historically, but to be concretized in its legal validity by being interpreted. Similarly, the gospel does not exist in order to be understood as a merely historical document, but to be taken in such a way that it exercises its saving effect. This implies that the text, whether law or gospel, if it is to be understood properly—i.e., according to the claim it makes—must be understood at every moment, in every concrete situation, in a new and different way. Understanding here is always application.

We began by showing that understanding, as it occurs in the human sciences, is essentially historical—i.e., that in them a text is understood only if it is understood in a different way as the occasion requires. Precisely this indicates the task of a historical hermeneutics: to consider the tension that exists between the identity of the common object and the changing situation in which it must be understood. We began by saying that the historical movement of understanding, which romantic hermeneutics pushed to the periphery, is the true center of hermeneutical inquiry appropriate to historical consciousness. Our consideration of the significance of tradition in historical consciousness started from Heidegger's analysis of the hermeneutics of facticity and sought to apply it to a hermeneutics of the human sciences. We showed that understanding is not a method which the inquiring consciousness applies to an object it chooses and so turns it into objective knowledge; rather, being situated within an event of tradition, a process of handing down, is a prior condition of understanding. *Understanding proves to be an event*, and the task of hermeneutics, seen philosophically, consists in asking what kind of understanding, what kind of science it is, that is itself advanced by historical change.

We are quite aware that we are asking something unusual of the self-understanding of modern science. All of our considerations thus far have been directed toward making this task easier by showing that it results from the convergence of a large number of problems. In fact, hermeneutical theory hitherto falls apart into distinctions that it cannot itself maintain. This is seen clearly in the attempt to construct a general theory of interpretation. When a distinction is made between cognitive, normative, and reproductive interpretation, as in Betti's *General Theory of Inter-*

pretation,²³⁷ which is based on a remarkable knowledge and survey of the subject, difficulties arise in categorizing phenomena according to this division. This is especially true of scholarly interpretation. If we put theological interpretation together with legal interpretation and assign them a normative function, then we must remember Schleiermacher who, on the contrary, closely connected theological interpretation with general interpretation, which was for him the philological-historical one. In fact, the split between the cognitive and the normative function runs right through theological hermeneutics and can hardly be overcome by distinguishing scientific knowledge from the subsequent edifying application. The split runs through legal interpretation also, in that discovering the meaning of a legal text and discovering how to apply it in a particular legal instance are not two separate actions, but one unitary process.

But even the kind of interpretation that seems furthest from the kinds we have been considering, namely performative interpretation, as in the cases of music and drama—and they acquire their real existence only in being played²³⁸—is scarcely an independent mode of interpretation. In it too there is a split between the cognitive and the normative function. No one can stage a play, read a poem, or perform a piece of music without understanding the original meaning of the text and presenting it in his reproduction and interpretation. But, similarly, no one will be able to make a performative interpretation without taking account of that other normative element—the stylistic values of one's own day—which, whenever a text is brought to sensory appearance, sets limits to the demand for a stylistically correct reproduction. When we consider that translating texts in a foreign language, imitating them, or even reading texts aloud correctly, involves the same explanatory achievement as philological interpretation, so that the two things become as one, then we cannot avoid the conclusion that the suggested distinction between cognitive, normative, and reproductive interpretation has no fundamental validity, but all three constitute one unitary phenomenon.

If this is the case, then we have the task of *redefining the her-*

²³⁷ Cf. Emilio Betti's treatise, cited above, n. 172, and his monumental work, *Teoria generale dell'interpretazione* (2 vol., Milan, 1955). [See "Hermeneutics and Historicism," Supplement I below and my "Emilio Betti und das idealistische Erbe," *Quaderni Fiorentini*, 7 (1978), 5–11 (GW, IV).]

²³⁸ Cf. the analysis of the ontology of the work of art in Part One, pp. 101ff. above.

meneutics of the human sciences in terms of legal and theological hermeneutics. For this we must remember the insight gained from our investigation into romantic hermeneutics, namely that both it and its culmination in psychological interpretation—i.e., deciphering and explaining the individuality of the other—treat the problem of understanding in a way that is far too one-sided. Our line of thought prevents us from dividing the hermeneutic problem in terms of the subjectivity of the interpreter and the objectivity of the meaning to be understood. This would be starting from a false antithesis that cannot be resolved even by recognizing the dialectic of subjective and objective. To distinguish between a normative function and a cognitive one is to separate what clearly belong together. The meaning of a law that emerges in its normative application is fundamentally no different from the meaning reached in understanding a text. It is quite mistaken to base the possibility of understanding a text on the postulate of a "con-geniality" that supposedly unites the creator and the interpreter of a work. If this were really the case, then the human sciences would be in a bad way. But the miracle of understanding consists in the fact that no like-mindedness is necessary to recognize what is really significant and fundamentally meaningful in tradition. We have the ability to open ourselves to the superior claim the text makes and to respond to what it has to tell us. Hermeneutics in the sphere of philology and the historical sciences is not "knowledge as domination"²³⁹—i.e., an appropriation as taking possession; rather, it consists in subordinating ourselves to the text's claim to dominate our minds. Of this, however, legal and theological hermeneutics are the true model. To interpret the law's will or the promises of God is clearly not a form of domination but of service. They are interpretations—which includes application—in the service of what is considered valid. Our thesis is that historical hermeneutics too has a task of application to perform, because it too serves applicable meaning, in that it explicitly and consciously bridges the temporal distance that separates the interpreter from the text and overcomes the alienation of meaning that the text has undergone.²⁴⁰

²³⁹ Cf. the distinctions in Max Scheler, *Wissen und Bildung* (1927), p. 26.

²⁴⁰ [In many respects, the discussion here is much too restricted to the special situation of the historical human sciences and "being that is oriented to a text." Only in Part Three have I succeeded in broadening the issue to language and dialogue, though in fact I have had it constantly in view; and consequently, only there have I grasped in a fundamental way the notions of distance and otherness. See also pp. 298f.]

(B) THE HERMENEUTIC RELEVANCE OF ARISTOTLE²⁴¹

At this point a problem arises that we have touched on several times. If the heart of the hermeneutical problem is that one and the same tradition must time and again be understood in a different way, the problem, logically speaking, concerns the relationship between the universal and the particular. Understanding, then, is a special case of applying something universal to a particular situation. This makes *Aristotelian ethics* of especially important for us—we touched on it in the introductory remarks on the theory of the human sciences.²⁴² It is true that Aristotle is not concerned with the hermeneutical problem and certainly not with its historical dimension, but with the right estimation of the role that reason has to play in moral action. But what interests us here is precisely that he is concerned with reason and with knowledge, not detached from a being that is becoming, but determined by it and determinative of it. By circumscribing the intellectualism of Socrates and Plato in his inquiry into the good, Aristotle became the founder of ethics as a discipline independent of metaphysics. Criticizing the Platonic idea of the good as an empty generality, he asks instead the question of what is humanly good, what is good in terms of human action.²⁴³ His critique demonstrates that the equation of virtue and knowledge, arete and logos, which is the basis of Plato's and Socrates' theory of virtue, is an exaggeration. Aristotle restores the balance by showing that the basis of moral knowledge in man is orexis, striving, and its development into a fixed demeanor (hexis). The very name "ethics" indicates that Aristotle bases arete on practice and "ethos."

Human civilization differs essentially from nature in that it is not simply a place where capacities and powers work themselves out; man becomes what he is through what he does and how he behaves—i.e., he behaves in a certain way because of what he has become. Thus Aristotle sees ethos as differing from physis in being a sphere in which the laws of nature do not operate, yet not a sphere of lawlessness but of human institutions and human modes of behavior which are mutable, and like rules only to a limited degree.

²⁴¹ See my "Zwischen Phänomenologie und Dialektik: Versuch einer Selbstkritik," *GW*, II, and its reference on p. 12 to my "Praktisches Wissen," *GW*, V, 230–48.]

²⁴² Cf. pp. 14ff. and 31 above.

²⁴³ *Nicomachean Ethics*, I, 4. [See my *The Idea of the Good in Platonic-Aristotelian Philosophy*, tr. P. Christopher Smith (New Haven: Yale University Press, 1986).]

The question is whether there can be any such thing as philosophical knowledge of the moral being of man and what role knowledge (i.e., logos) plays in the moral being of man. If man always encounters the good in the form of the particular practical situation in which he finds himself, the task of moral knowledge is to determine what the concrete situation asks of him—or, to put it another way, the person acting must view the concrete situation in light of what is asked of him in general. But—negatively put—this means that knowledge that cannot be applied to the concrete situation remains meaningless and even risks obscuring what the situation calls for. This state of affairs, which represents the nature of moral reflection, not only makes philosophical ethics a methodologically difficult problem, but *also gives the problem of method a moral relevance*. In contrast to the theory of the good based on Plato's doctrine of ideas, Aristotle emphasizes that it is impossible for ethics to achieve the extreme exactitude of mathematics. Indeed, to demand this kind of exactitude would be inappropriate. What needs to be done is simply to make an outline and by means of this sketch give some help to moral consciousness.²⁴⁴ But how such help can be possible is already a moral problem. For obviously it is characteristic of the moral phenomenon that the person acting must himself know and decide, and he cannot let anything take this responsibility from him. Thus it is essential that philosophical ethics have the right approach, so that it does not usurp the place of moral consciousness and yet does not seek a purely theoretical and "historical" knowledge either but, by outlining phenomena, helps moral consciousness to attain clarity concerning itself. This asks a lot of the person who is to receive this help, namely the person listening to Aristotle's lecture. He must be mature enough not to ask that his instruction provide anything other than it can and may give. To put it positively, through education and practice he must himself already have developed a demeanor that he is constantly concerned to preserve in the concrete situations of his life and prove through right behavior.²⁴⁵

As we see, the problem of method is entirely determined by the object—a general Aristotelian principle—and the important thing for us is to examine more closely the curious relation between moral being and moral consciousness that Aristotle sets out in his *Ethics*. Aristotle remains Socratic in that he retains knowledge

²⁴⁴ Cf. *Nicomachean Ethics*, I, 7 and II, 2.

²⁴⁵ The final chapter of the *Nicomachean Ethics* gives the fullest expression to this requirement and thus forms the transition to the *Politics*.

as an essential component of moral being, and it is precisely the balance between the heritage of Socrates and Plato and Aristotle's point concerning ethos that interests us. *For the hermeneutical problem too is clearly distinct from "pure" knowledge detached from any particular kind of being.* We spoke of the interpreter's belonging to the tradition he is interpreting, and we saw that understanding itself is a historical event. The alienation of the interpreter from the interpreted by the objectifying methods of modern science, characteristic of the hermeneutics and historiography of the nineteenth century, appeared as the consequence of a false objectification. My purpose in returning to the example of Aristotelian ethics is to help us realize and avoid this. For moral knowledge, as Aristotle describes it, is clearly not objective knowledge—i.e., the knower is not standing over against a situation that he merely observes; he is directly confronted with what he sees. It is something that he has to do.²⁴⁶

Obviously this is not what we mean by knowing in the realm of science. Thus the distinction that Aristotle makes between moral knowledge (*phronesis*) and theoretical knowledge (*episteme*) is a simple one, especially when we remember that science, for the Greeks, is represented by the model of mathematics, a knowledge of what is unchangeable, a knowledge that depends on proof and that can therefore be learned by anybody. A hermeneutics of the human sciences certainly has nothing to learn from mathematical as distinguished from moral knowledge. The human sciences stand closer to moral knowledge than to that kind of "theoretical" knowledge. They are "moral sciences." Their object is man and what he knows of himself. But he knows himself as an acting being, and this kind of knowledge of himself does not seek to establish what is. An active being, rather, is concerned with what is not always the same but can also be different. In it he can discover the point at which he has to act. The purpose of his knowledge is to govern his *action*.

Here lies the real problem of moral knowledge that occupies Aristotle in his *Ethics*. For we find action governed by knowledge in an exemplary form where the Greeks speak of *techne*. This is the skill, the knowledge of the craftsman who knows how to make some specific thing. The question is whether moral knowledge is knowledge of this kind. This would mean that it was knowledge of how to make oneself. Does man learn to make

²⁴⁶Here we shall be following *Nicomachean Ethics*, VI, unless otherwise noted. [An analysis of this book written in 1930 was first published under the title "Praktisches Wissen" in *GW*, V, 230–48.]

himself what he ought to be, in the same way that the craftsman learns to make things according to his plan and will? Does man project himself on an *eidos* of himself in the same way that the craftsman carries within himself an *eidos* of what he is trying to make and embody in his material? We know that Socrates and Plato did apply the concept of *techne* to the concept of man's being, and it is undeniable that they did discover something true here. In the political sphere, at any rate, the model of *techne* has an eminently critical function, in that it reveals the untenability of what is called the art of politics, in which everyone involved in politics—i.e., every citizen—regards himself as an expert. Characteristically, the knowledge of the craftsman is the only one that Socrates, in his famous account of his experience of his fellow-countrymen, recognizes as real knowledge within its own sphere.²⁴⁷ But even the craftsmen disappoint him. Their knowledge is not the true knowledge that constitutes a man and a citizen as such. But it is real knowledge. It is a real art and skill, and not simply a high degree of experience. In this respect it is clearly one with the true moral knowledge that Socrates is seeking. Both are practical knowledge—i.e., their purpose is to determine and guide action. Consequently, they must include the application of knowledge to the particular task.

This is the point at which we can relate Aristotle's analysis of moral knowledge to the hermeneutical problem of the modern human sciences. Admittedly, hermeneutical consciousness is involved neither with technical nor moral knowledge, but these two types of knowledge still include *the same task of application* that we have recognized as the central problem of hermeneutics. Certainly application does not mean the same thing in each case. There is a curious tension between a *techne* that can be taught and one acquired through experience. The prior knowledge that a person has who has been taught a craft is not, in practice, necessarily superior to the kind of knowledge that someone has who is untrained but has had extensive experience. Although this is the case, the prior knowledge involved in a *techne* cannot be called "theoretical," especially since experience is automatically acquired in using this knowledge. For, as knowledge, it is always related to practical application, and even if the recalcitrant material does not always obey the person who has learned his craft, Aristotle can still rightly quote the words of the poet: "Techne loves tyche (luck) and tyche loves techne." This means that the person who has been taught his trade is will have the most luck.

²⁴⁷Plato, *Apology*, 22cd.

A genuine mastery of the matter is acquired practically in the *techne*, and just this provides a model for moral knowledge. For in moral knowledge too it is clear that experience can never be sufficient for making right moral decisions. Here too moral consciousness itself calls for prior direction to guide action; indeed, we cannot be content here with the uncertain relation between prior knowledge and success in the present case that obtains in the case of a *techne*. There is, no doubt, a real analogy between the fully developed moral consciousness and the capacity to make something—i.e., a *techne*—but they are certainly not the same.

On the contrary, the differences are patent. It is obvious that man is not at his own disposal in the same way that the craftsman's material is at his disposal. Clearly he cannot make himself in the same way that he can make something else. Thus it will have to be another kind of knowledge that he has of himself in his moral being, a knowledge that is distinct from the knowledge that guides the making of something. Aristotle captures this difference in a bold and unique way when he calls this kind of knowledge self-knowledge—i.e., knowledge for oneself.²⁴⁸ This distinguishes the self-knowledge of moral consciousness from *theoretical* knowledge in a way that seems immediately evident. But it also distinguishes it from *technical* knowledge, and to make this double distinction Aristotle ventures the odd expression "self-knowledge."

It is the distinction from technical knowledge that is the more difficult task if, with Aristotle, we define the "object" of this knowledge ontologically not as something general that always is as it is, but as something individual that can also be different. For at first sight the tasks seem wholly analogous. A person who knows how to make something knows something good, and he knows it "for himself," so that, where there is the possibility of doing so, he is really able to make it. He takes the right material and chooses the right means to do the work. Thus he must know how to apply what has been learned in a general way to the concrete situation. Is the same not true of moral consciousness? A person who has to make moral decisions has always already learned something. He has been so formed by education and cus-

²⁴⁸ *Nicomachean Ethics*, VI, 8, 1141 b 33, 1142 a 30; *Eudemian Ethics*, VIII, 2, 1246 b 36. [In my view, one misses the essential methodological unity of ethics and politics in Aristotle if one does not include here *politike phronesis* (as Gauthier fails to do in the new introduction to the 2nd ed. of his commentary on the *Nicomachean Ethics* [Louvain, 1970]). See my review, reprinted in *GW*, VI, 304–06.]

tom that he knows in general what is right. The task of making a moral decision is that of doing the right thing in a particular situation—i.e., seeing what is right within the situation and grasping it. He too has to act, choosing the right means, and his conduct must be governed just as carefully as that of the craftsman. How then is it nevertheless a knowledge of a quite different kind?

From Aristotle's analysis of *phronesis* one can derive a variety of answers to this question, for Aristotle's ability to describe phenomena from every aspect constitutes his real genius. "The empirical, comprehended in its synthesis, is the speculative concept" (Hegel).²⁴⁹ Let us consider here a few points that are important for our discussion.

1. We learn a *techne* and can also forget it. But we do not learn moral knowledge, nor can we forget it. We do not stand over against it, as if it were something that we can acquire or not, as we can choose to acquire an objective skill, a *techne*. Rather, we are always already in the situation of having to act (disregarding the special position of children, for whom obedience to the person educating them replaces their own decision), and hence we must already possess and be able to apply moral knowledge. That is why the concept of application is highly problematical. For we can only apply something that we already have; but we do not possess moral knowledge in such a way that we already have it and then apply it to specific situations. The image that a man has of what he ought to be—i.e., his ideas of right and wrong, of decency, courage, dignity, loyalty, and so forth (all concepts that have their equivalents in Aristotle's catalogue of virtues)—are certainly in some sense images that he uses to guide his conduct. But there is still a basic difference between this and the guiding image the craftsman uses: the plan of the object he is going to make. What is right, for example, cannot be fully determined independently of the situation that requires a right action from me, whereas the *eidos* of what a craftsman wants to make is fully determined by the use for which it is intended.

It is true that what is right seems equally determinate in an absolute sense. For what is right is formulated in laws and contained in general rules of conduct that, although uncoded, can be very exactly determined and are universally binding. Thus, administering justice is a special task that requires both knowledge and skill. Is it not a *techne*, then? Does it not also consist in

²⁴⁹ *Werke* (1832), XIV, 341.

applying laws and rules to the concrete case? Do we not speak of the "art" of the judge? Why is what Aristotle describes as the judge's form of phronesis (*dikastike phronesis*) not a *techne*?²⁵⁰

If we think about it, we shall see that applying laws involves a curious legal ambiguity. The situation of the craftsman is quite different. With the design of the object and the rules for executing it, the craftsman proceeds to carry it out. He may be forced to adapt himself to particular circumstances; he may have to resign himself to executing his design in a way other than he originally intended. But this resignation does not mean that his knowledge of what he wants is improved. Rather, he simply omits certain things in the execution. What we have here is the painful imperfection associated with applying one's knowledge.

By comparison, the situation of the person "applying" law is quite different. In a certain instance he will have to refrain from applying the full rigor of the law. But if he does, it is not because he has no alternative, but because to do otherwise would not be right. In restraining the law, he is not diminishing it but, on the contrary, finding the better law. Aristotle²⁵¹ expresses this very clearly in his analysis of *epieikeia* (equity): *epieikeia* is the correction of the law.²⁵² Aristotle shows that every law is in a necessary tension with concrete action, in that it is general and hence cannot contain practical reality in its full concreteness. We have already touched on this problem near the beginning of the present volume when we were considering the faculty of judgment.²⁵³ Clearly legal hermeneutics finds its proper place here.²⁵⁴ The law is always deficient, not because it is imperfect in itself but because human reality is necessarily imperfect in comparison to the ordered world of law, and hence allows of no simple application of the law.

From what we have said it is clear that Aristotle's position on the problem of *natural law* is highly subtle and certainly not to be equated with the later natural-law tradition. I will briefly outline the way the idea of natural law is related to the hermeneuti-

²⁵⁰ *Nicomachean Ethics*, VI, 8.

²⁵¹ *Nicomachean Ethics*, V, 14.

²⁵² *Lex superior preferenda est inferiori*, writes Melanchthon in his explanation of the *ratio* of *epieikeia* (in the earliest version of Melanchthon's *Ethics*, ed. H. Heineck [Berlin, 1893], p. 29).

²⁵³ Above, pp. 38ff.

²⁵⁴ *Ideo adhibenda est ad omnes leges interpretatio quae flectat eas ad humaniorem ac leniorem sententiam* (Melanchthon, 29): "Therefore an interpretation should be applied to every law that would bend it to more humane and lenient decisions."

cal problem.²⁵⁵ It follows from our discussion so far that Aristotle does not simply dismiss the question of natural law. He does not regard a system of laws as true law in an absolute sense, but considers the concept of equity as a necessary supplement to law. Thus he opposes an extreme conventionalism or legal positivism by explicitly distinguishing between what is naturally right and what is legally right.²⁵⁶ The distinction he has in mind is not simply that between the unchangeability of natural law and the changeability of positive law. It is true that Aristotle has generally been understood as meaning this. But the true profundity of his insight has been missed. Certainly he accepts the idea of an absolutely unchangeable law, but he limits it explicitly to the gods and says that among men not only statutory law but also natural law is changeable. For Aristotle, this changeability is wholly compatible with the fact that it is "natural" law. The sense of this assertion seems to me to be the following: some laws are entirely a matter of mere agreement (e.g., traffic regulations), but there are also things that do not admit of regulation by mere human convention because the "nature of the thing" constantly asserts itself. Thus it is quite legitimate to call such things "natural law."²⁵⁷ In that the nature of the thing still allows some room for play, natural law is still changeable. This is clearly evidenced by the examples that Aristotle adduces from other spheres. The right hand is naturally the stronger one, but there is nothing to stop us from training the left one so that it becomes as strong as the right (Aristotle obviously uses this example because it was a favorite of Plato's). A second example is even more illuminating because it already belongs in the legal sphere: one and the same measure always proves smaller when we buy wine in it than when we sell wine in it. Aristotle is not saying that people in the wine trade are constantly trying to trick their customers, but rather that this behavior corresponds to the area of free play permitted within the set limits of what is right. And he quite clearly explains that the best state "is everywhere one and the same," but it is the

²⁵⁵ Cf. the excellent critique by H. Kuhn of Leo Strauss' *Naturrecht und Geschichte* (1953), in the *Zeitschrift für Politik*, 3, no. 4 (1956).

²⁵⁶ *Nicomachean Ethics*, V, 10. The distinction itself originates, of course, with the Sophists, but it loses its destructive meaning through Plato's restriction of the *logos*, and its positive meaning in law becomes clear only in Plato's *Statesman*, 294ff., and in Aristotle.

²⁵⁷ The train of thought in the parallel place in the *Magna Moralia*, I, 33, 1194 b 30-95 a 7, cannot be understood unless one does this: "Do not suppose that if things change owing to our use, there is not therefore a natural justice; because there is" (tr. Ross).

same in a different way that "fire burns everywhere in the same way, whether in Greece or in Persia."

Despite this clear statement by Aristotle, later thinkers on natural law quoted this passage as if he were comparing the unchangeability of human law with the unchangeability of natural laws.²⁵⁸ The opposite is the case. In fact, as his very distinction shows, for Aristotle the idea of natural law has only a critical function. No dogmatic use can be made of it—i.e., we cannot invest particular laws with the dignity and inviolability of natural law. In view of the necessary imperfection of all human laws, the idea of natural law is indispensable for Aristotle; and it becomes particularly important in the question of what is equitable, which is what first really decides the law. But its function is a critical one in that the appeal to natural law is legitimate only where a discrepancy emerges between one law and another.

The special question of natural law, which Aristotle answers in extenso, does not as such interest us here, except by reason of its fundamental significance. For what Aristotle shows here is true of all man's ideas of what he ought to be, and not only of the problem of law. All these concepts are not just arbitrary ideals conditioned by convention, but despite all the variety of moral ideas in the most different times and peoples, in this sphere there is still something like the nature of the thing. This is not to say that the nature of the thing—e.g., the ideal of bravery—is a fixed standard that we could recognize and apply by ourselves. Rather, Aristotle affirms as true of the teacher of ethics precisely what is true, in his view, of all men: that he too is always already involved in a moral and political context and acquires his image of the thing from that standpoint. He does not himself regard the guiding principles that he describes as knowledge that can be taught. They are valid only as schemata. They are concretized only in the concrete situation of the person acting. Thus they are not norms to be found in the stars, nor do they have an unchanging place in a natural moral universe, so that all that would be necessary would be to perceive them. Nor are they mere conventions, but really do correspond to the nature of the thing—except that the latter is always itself determined in each case by the use the moral consciousness makes of them.

2. Here we see a fundamental modification of the conceptual relation between means and end, one that distinguishes moral from technical knowledge. It is not only that moral knowledge has no merely particular end but pertains to right living in gen-

²⁵⁸ Cf. Melanchthon, op. cit., p. 28.

eral, whereas all technical knowledge is particular and serves particular ends. Nor is it the case simply that moral knowledge must take over where technical knowledge would be desirable but is unavailable. Certainly if technical knowledge were available, it would always make it unnecessary to deliberate with oneself about the subject. Where there is a *techne*, we must learn it and then we are able to find the right means. We see that moral knowledge, however, always requires this kind of self-deliberation. Even if we conceive this knowledge in ideal perfection, it is perfect deliberation with oneself (*euboulia*) and not knowledge in the manner of a *techne*.

Thus we are dealing here with a fundamental relationship. It is not the case that extending technical knowledge would obviate the need for moral knowledge, this deliberating with oneself. Moral knowledge can never be knowable in advance like knowledge that can be taught. The relation between means and ends here is not such that one can know the right means in advance; and that is because the right end is not a mere object of knowledge either. There can be no anterior certainty concerning what the good life is directed toward as a whole. Hence Aristotle's definitions of *phronesis* have a marked uncertainty about them, in that this knowledge is sometimes related more to the end, and sometimes more to the means to the end.²⁵⁹ In fact this means that the end toward which our life as a whole tends and its elaboration in the moral principles of action described in Aristotle's *Ethics* cannot be the object of a knowledge that can be taught. No more can ethics be used dogmatically than can natural law. Rather, Aristotle's theory of virtue describes typical forms of the true mean to be observed in human life and behavior; but the moral knowl-

²⁵⁹ Aristotle says in general that *phronesis* is concerned with the means (*ta pros to telos*) and not with the *telos* itself. It is probably the contrast with the Platonic doctrine of the idea of the good that makes him emphasize that. However, *phronesis* is not simply the capacity to make the right choice of means, but is itself a moral *hexis* that also sees the *telos* toward which the person acting is aiming with his moral being. This emerges clearly from its place within the system of Aristotle's ethics. Cf. in particular *Nicomachean Ethics*, VI, 10, 1142 b 33, 1140 b 13, 1141 b 15. I was glad to see that H. Kuhn in his essay "Die Gegenwart der Griechen," *Festschrift* for H.-G. Gadamer (1960), pp. 134ff., now does full justice to this situation, although he tries to demonstrate that there is an ultimate "preferential choice" that makes Aristotle lag behind Plato. [The Latin translation of *phronesis* as *prudentia* abetted the failure to see the real state of affairs, a failure which still haunts contemporary "deontic" logic. In my review of recent work in ethics, *Philosophische Rundschau*, 32 (1985), 1-26, the noteworthy exception was T. Engberg-Pederson, *Aristotle's Theory of Moral Insight* (Oxford, 1983).]

edge that is oriented by these guiding images is the same knowledge that has to respond to the demands of the situation of the moment.

Hence also mere expediency cannot enter considerations about what might further moral ends; rather, the consideration of the means is itself a moral consideration and it is this that concretizes the moral rightness of the end. The self-knowledge of which Aristotle speaks is characterized by the fact that it includes perfect application and employs its knowledge in the immediacy of the given situation. Thus a knowledge of the particular situation (which is nevertheless not a perceptual seeing) is a necessary supplement to moral knowledge. For although it is necessary to see what a situation is asking of us, this seeing does not mean that we perceive in the situation what is visible as such, but that we learn to see it as the situation of action and hence in the light of what is right. Just as we "see" from the geometrical analysis of plane surfaces that the triangle is the simplest two-dimensional plane figure, so that we can go no further with our subdivisions, but must stop here, so also in moral deliberation, seeing what is immediately to be done is not a mere seeing but nous. This is also confirmed by what constitutes the opposite of this kind of seeing.²⁶⁰ The opposite of seeing what is right is not error or deception but blindness. A person who is overwhelmed by his passions suddenly no longer sees what is right to do in a given situation. He has lost his self-mastery and hence his own rightness—i.e., the right orientation within himself—so that, driven by the dialectic of passion, whatever his passion tells him is right seems so. Moral knowledge is really knowledge of a special kind. In a curious way it embraces both means and end, and hence differs from technical knowledge. That is why it is pointless to distinguish here between knowledge and experience, as can be done in the case of a *techné*. For moral knowledge contains a kind of experience in itself, and in fact we shall see that this is perhaps the fundamental form of experience (*Erfahrung*), compared with which all other experience represents an alienation, not to say a denaturing.²⁶¹

3. The self-knowledge of moral reflection has, in fact, a unique relation to itself. We can see this from the modifications that Aristotle presents in the context of his analysis of *phronesis*. Beside *phronesis*, the virtue of thoughtful reflection, stands "sympathetic understanding."²⁶² "Being understanding" is introduced as a

²⁶⁰ *Nicomachean Ethics*, VI, 9, 1142 a 25ff.

²⁶¹ Cf. pp. 357ff. below.

²⁶² *sunesis* ("fellow-feeling, forbearance, forgiveness"), *Nicomachean Ethics*, VI, 11.

modification of the virtue of moral knowledge since in this case it is not I who must act. Accordingly *synesis* means simply the capacity for moral judgment. Someone's sympathetic understanding is praised, of course, when in order to judge he transposes himself fully into the concrete situation of the person who has to act.²⁶³ The question here, then, is not about knowledge in general but its concretion at a particular moment. This knowledge also is not in any sense technical knowledge or the application of such. The man of the world, the man who knows all the tricks and dodges and is experienced in everything there is, does not really have sympathetic understanding for the person acting: he has it only if he satisfies one requirement, namely that he too is seeking what is right—i.e., that he is united with the other person in this commonality. The concrete example of this is the phenomenon of advice in "questions of conscience." Both the person asking for advice and the person giving it assume that they are bound together in friendship. Only friends can advise each other or, to put it another way, only a piece of advice that is meant in a friendly way has meaning for the person advised. Once again we discover that the person who is understanding does not know and judge as one who stands apart and unaffected but rather he thinks along with the other from the perspective of a specific bond of belonging, as if he too were affected.

This becomes fully clear when we consider other varieties of moral reflection listed by Aristotle, namely insight and fellow feeling.²⁶⁴ Insight here means a quality. We say that someone is insightful when they make a fair, correct judgment. An insightful person is prepared to consider the particular situation of the other person, and hence he is also most inclined to be forbearing or to forgive. Here again it is clear that this is not technical knowledge.

Finally, Aristotle makes the special nature of moral knowledge and the virtue of possessing it particularly clear by describing a naturally debased version of this moral knowledge.²⁶⁵ He says that the *deinos* is a man who has all the natural prerequisites and gifts for this moral knowledge, a man who is able, with remarkable skill, to get the most out of any situation, who is able to turn everything to his advantage and finds a way out of every situation.²⁶⁶ But this natural counterpart to *phronesis* is charac-

²⁶³ [I have slightly revised the text here. The phrase *allou legoutos* (1145 a 15) surely means only that it is not a case in which I must act. I can listen with understanding when another relates something even if I am not going to offer advice.]

²⁶⁴ *gnome*, *syngnome*.

²⁶⁵ *Nicomachean Ethics*, VI, 13, 1144 a 23ff.

²⁶⁶ He is a *panourgos*, i.e., he is capable of anything.

terized by the fact that the deinos is "capable of anything"; he uses his skills to any purpose and is without inhibition. He is aneu aretes. And it is more than accidental that such a person is given a name that also means "terrible." Nothing is so terrible, so uncanny, so appalling, as the exercise of brilliant talents for evil.

To summarize, if we relate Aristotle's description of the ethical phenomenon and especially the virtue of moral knowledge to our own investigation, we find that his analysis in fact offers a kind of *model of the problems of hermeneutics*. We too determined that application is neither a subsequent nor merely an occasional part of the phenomenon of understanding, but codetermines it as a whole from the beginning. Here too application did not consist in relating some pre-given universal to the particular situation. The interpreter dealing with a traditionary text tries to apply it to himself. But this does not mean that the text is given for him as something universal, that he first understands it per se, and then afterward uses it for particular applications. Rather, the interpreter seeks no more than to understand this universal, the text—i.e., to understand what it says, what constitutes the text's meaning and significance. In order to understand that, he must not try to disregard himself and his particular hermeneutical situation. He must relate the text to this situation if he wants to understand at all.

(C) THE EXEMPLARY SIGNIFICANCE OF LEGAL HERMENEUTICS

If this is the case, the gap between hermeneutics of the human sciences and legal hermeneutics cannot be as wide as is generally assumed. The dominant view is, of course, that only with the rise of historical consciousness was understanding raised to a method of objective science and that hermeneutics came into its own when it was elaborated into a general theory of the understanding and interpretation of texts. Legal hermeneutics does not belong in this context, for its purpose is not to understand given texts, but to be a practical measure filling a kind of gap in the system of legal dogmatics. It is thought, then, that it has nothing to do with the task of hermeneutics in the human sciences, which is the understanding of traditionary material.

But in that case *theological hermeneutics* cannot claim any independent systematic significance. Schleiermacher consciously placed it wholly within *general hermeneutics* and merely regarded it as a special application of it. Since then, scientific the-

ology's claim to be a discipline on a par with the modern historical sciences seems to depend on the fact that no laws and rules are to be applied in interpreting Scripture other than those used in understanding any other traditionary material. Thus there could no longer be any such thing as a specifically theological hermeneutics.

It is a paradoxical position if we, nevertheless, try to revive the old truth and the old unity of hermeneutical discipline within modern science. It seems that methodology of the human sciences moves into modernity when it detaches itself from all dogmatic ties. Legal hermeneutics was separated from theory of understanding as a whole because it has a dogmatic purpose, just as, by giving up its dogmatic commitment, theological hermeneutics was united with philological-historical method.

In this situation we can take special interest in the divergence between legal and historical hermeneutics and consider those cases in which legal and historical hermeneutics are concerned with the same object—i.e., cases in which legal texts are interpreted legally, in court, and also understood historically. So we will consider the approaches taken by the legal historian and the jurist to the same legal text. We can turn here to the excellent writings of E. Betti²⁶⁷ and pursue our own thinking from there. Our question is *whether or not there is a unequivocal distinction between dogmatic and historical interest*.

That there is a difference is clear. The jurist understands the meaning of the law from the present case and for the sake of this present case. By contrast, the legal historian has no case from which to start, but he seeks to determine the meaning of the law by constructing the whole range of its applications. It is only in all its applications that the law becomes concrete. Thus the legal historian cannot be content to take the original application of the law as determining its original meaning. As a historian he will, rather, have to take account of the historical change that the law has undergone. In understanding, he will have to mediate between the original application and the present application of the law.

In my view it would not be enough to say that the task of the historian was simply to "reconstruct the original meaning of the legal formula" and that of the jurist to "harmonize that meaning

²⁶⁷In addition to the works cited in nn. 172 and 237 above are many shorter articles. [Cf. also Supplement I below, "Hermeneutics and Historicism," and my essay "Emilio Betti und das idealistische Erbe," in *Quaderni Fiorentini*, 7 (1978), 5–11.]