Changing One's Mind: Philosophy, Religion and Science

Paul Franks*

The rationality of history and the history of rationality: Menachem Fisch on the analytic idealist predicament

Abstract: Two essential Kantian insights are the significance for rationality of the capacity for criticism and the limits of cognition, discovered when criticism is pursued methodically, that are due to the perspectival character of the human standpoint. After a period of disparagement, these Kantian insights have been sympathetically construed and are now discussed within contemporary analytic philosophy. However, if Kant's assumption of a single, immutable, human framework is jettisoned, then the rationality of historical succession is called into question. Moreover, if the revolutionary character of framework transitions is acknowledged, then reason is historicized and even its character as reason is threatened. I argue that Menachem Fisch's approach to criticism and rationality offers an escape from this post-Kantian predicament that acknowledges revolutionary framework transitions and that draws upon the dialogical traditions of Jewish thought, and I also argue that Fisch's approach should be seen as thematizing, to use the terms of Kant's aesthetics and of Fichte's account of natural right, the reflecting rather than determining status of critical judgement, which involves second-personal address.

1 Introduction

What I find so inspiring about the work of Menachem Fisch is the way in which he lives his own philosophy. He does this, first, by holding himself open to revision and, second, by allowing his interests in three apparently disparate areas to interact with mutually productive effects. These areas are analytic philosophy of science since Kuhn; the history of science, in particular the history of Cambridge mathematics in the nineteenth century and the philosophy of rabbinic Judaism.[1]

Since I want to bring Fisch's work to bear on what I call the analytic idealist predicament, a few words about analytic idealism are in order. Analytic idealism involves a correction of the impoverished self-understanding, dominant during the middle third of the twentieth century, according to which analytic philosophy began in rebellion against idealism, specifically in Frege's rebellion against neo-Kantianism and in the rebellion of Russell and Moore – one might also add the American New Realists[2] – against neo-Hegelianism. Bertrand Russell did much to further this version of analytic philosophy's origins: "I regard the whole romantic movement, beginning with Rousseau and Kant, and culminating in pragmatism and

---

1 For Fisch's contributions to analytic philosophy of science, see, e.g. Fisch and Benbaji, *View*; Fisch, *Creatively*, Parts One and Two. For contributions to the history of mathematics and science, see, e.g. Fisch, *Whewell: Philosopher of Science*, and Fisch, *Creatively*, Part Three. For Fisch's relation to Kantianism, see Fisch, "Toward a History and Philosophy of Scientific Agency." And, for contributions to Jewish philosophy, see, e.g. Fisch, *Creatively*, and Fisch, *Covenant*.

2 See Chisholm, *Realism*.

---

* Corresponding author: Paul Franks, Yale University, New Haven, United States of America, e-mail: paul.franks@yale.edu

futurism, as a regrettable aberration. I should take 'back to the 18th century' as a battle-cry, if I could entertain any hope that others would rally to it."[3] In general, as analytic philosophy became dominant, post-Kantian Idealism fell from favour, both as a family of views and as a textual tradition. Although Kant himself never entirely lost his canonical status, emphasis was placed strongly on his empirical realism, while the transcendental idealism that undergirded this realism was neglected or derided.

In the 1980s and 1990s, however, analytic philosophers showed a renewed interest, not only in the idealist side of Kant's philosophy but also in post-Kantian idealism, notably in Fichte and, above all, Hegel.[4] This revival, still underway a few decades later, has understood itself not as a reversal of the analytic turn but rather as a development and deepening of analytic philosophy through the retrieval of idealist insights into the spontaneity, sociality and historicity of reason – insights developed by Kant, Fichte, Schelling and Hegel, among others, and now placed into conversation with philosophy since Frege. Though not exactly mainstream, analytic idealism or post-Kantianism is nevertheless a thriving family of approaches within multiple fields of contemporary philosophy.

In what follows, first, I will characterize what I take to be two crucial Kantian insights. In so doing, I will stick to Kantian terms so far as possible. This has the advantage of helping us to get clear about how far we are from returning to what was once known, and how far post-Kantian problems lead to what is in effect a new idea rooted in but diverging from Kant's own views. Second, I will describe how, given these insights, we find ourselves today in what I call the analytic idealist predicament. Third, I will then characterize what I consider novel in Fisch's response to this predicament. In particular, I will argue that, in his notion of *critical address*, Fisch has in effect thematized a new variety of what Kant calls reflecting judgement, a variety best understood in light of Fichte's modification of Kantianism and as exemplified by what Fisch calls the anti-traditionalist or confrontationalist strand of rabbinic Judaism.

2 Two Kantian insights

The first Kantian insight concerns the importance of *criticism* for understanding rationality. Here it is essential to distinguish the Kantian approach from a Popperian approach that played a significant role in Fisch's thinking earlier in his career. From Popper's standpoint, the crucial question is, "In what does the rationality of a theory or discourse consist?," and the answer offered is: not in justification, as others have thought, let alone in verification, but rather in vulnerability to criticism.[5] From Kant's standpoint, however, the important question is, "In what does the rationality of an agent – specifically, a finite human agent such as ourselves – consist?" The rationality of a theory or discourse would, on this view, be derivative from the

---

3 Russell, "Dr. Schiller's Analysis," 645.
4 See, among many other works, Pippin, *Hegel's Idealism*; Pippin, *Modernism*; McDowell, *Mind and World*; Pippin, *Idealism as Modernism*; Brandom, *Making it Explicit*; McDowell, *Mind*; McDowell, *Meaning*; Brandom, *Articulating Reasons*; Conant, "Varieties;" Franks, *All or Nothing*; Ameriks et al., *German Idealism and Contemporary Analytic Philosophy*; Pippin, *Persistence*; Franks, "From Quine to Hegel;" Redding, *Return*; Rödl, *Self-Consciousness*; Pippin, *Hegel's Practical Philosophy*; McDowell, *Having*; Conant, "Why Kant;" Conant, "Kant's Critique;" Kern, *Sources*; Pippin, *Hegel's Realm*; Brandom, *Spirit*; Rödl, *Self-Consciousness and Objectivity*.
5 Popper, *Logic*; Fisch, *Rational Rabbis*, 8, summarizes Popper's argument against verification as follows: "the fact that theory *T* logically entails the occurrence of an event *E*, coupled with the fact that *E* is in fact found to occur, does not, and cannot teach us anything about the truth value of *T*. This is because although *E* may follow logically from *T*, *E*'s actual occurrence could have been due to any number of causes other than those suggested by *T*!" Efron, "Portrait," 9, notes that during this period, "Fisch embraced and expanded Popper's 'critical rationalism,' the assertion that our confidence about the truth of a proposition grows not by adducing supporting evidence, but by subjecting it to the staunchest criticism we can muster." While Fisch has remained committed to this view, he has also argued for a conception of criticism as presupposing a normative framework, a conception that Popper rejects. For example, see Fisch, "How and Why," 321: "To criticize is to pass normative judgment, for which a normative framework must necessarily already be in place."

rationality of the agent developing or maintaining it. While Kant does not eschew justification in the way that Popper does, it is criticism – specifically, the capacity for unlimited criticism – in which Kant takes finite rationality to consist. Finitude, as Kant reconceives it, consists not in getting only part of the way towards the attainments of an infinitely rational agent but rather in the capacity for self-criticism in accordance with norms that are themselves subject to criticism.

This insight into finitude is, on the Kantian view, of a piece with the proper understanding of Descartes' insight into subjecthood. As Descartes noted, it is always possible to make explicit the first-person singular character of one's reflections first by adding, "I think that [...]" to one's thoughts and then by affirming "I think;" and from this it follows, not only that I exist, but also my existence as a thinker is indubitable, since doubt is also a thought.[6] Although I qua thinker am the impredicable subject of all my mental acts, it does not follow – so Kant argues – that, metaphysically speaking, I am an impredicable substance underlying all my mental properties.[7] To be sure, "The 'I think' must be able to accompany all my representations; for otherwise something would be represented in me that could not be thought at all, which is as much as to say that the representation would either be impossible or else at least would be nothing for me."[8] But this tells us nothing about metaphysics. What it tells us is that the capacity to attach the "I think" to my thoughts is necessary insofar as my thoughts are *something to me* – insofar, that is, as I am a responsible cognitive agent who is responsible for these thoughts. If I could not attach the "I think" to my thoughts, then I would not be able to criticize those thoughts in light of normative standards of logic and cognition, and to say that I am one and the same subject with respect to all my thoughts is to say that my unitariness is part and parcel of my ability to bring each of those thoughts to bear in criticism upon each and all of the others.

The Kantian approach offers a response to the objection raised against Descartes by Georg Lichtenberg who wrote:

> We become conscious of certain representations that are not dependent upon us; others, at least we believe, are dependent upon us; where is the boundary? We know only the existence of our sensations, representations, and thoughts. It thinks, we should say, just as one says, *it lightnings*. To say *cogito* is already too much if we translate it as I think. To assume the I, to postulate it, is a practical necessity.[9]

On this view, Descartes cheats by using the first-person singular form of the verb: "*cogito.*" Of course, the existence of the I who thinks follows necessarily once the legitimacy of this use is granted. But should it be granted and, if so, why? There are processes that are not ascribed to a subject, such as rain, thunder and lightning. Why should thinking not be counted among them? Lichtenberg suggests that, insofar as we concede the legitimacy of the first-person singular, it is merely for practical purposes. Nietzsche adds that the practical purpose in question is to sweeten the poison by promulgating the illusion that no matter how dismal a human life may be, it is in fact the achievement of a freely willing subject.[10]

Here is a Kantian response. Ascribability to a subject is not merely practically convenient or necessary but theoretically necessary and indeed necessary for subjecthood *tout court*. That is to say, there would be

---

6 Descartes, *Meditations*, AT 24–6.
7 Kant, *Critique of Pure Reason*, A348–51, B406–13.
8 Kant, *Critique of Pure Reason*, B131–2: "The *I think* must be able to accompany all my representations; for otherwise something would be represented in me that could not be thought at all, which is to say that the representations would either be impossible or at least would be nothing for me."
9 Lichtenberg, *Philosophical Writings*, K76, 152.
10 Nietzsche, *Genealogy*, First Essay, Section 13, 25–6: "just as the common people separates lightning from its flash and takes the latter to be a *deed*, something performed by a subject, which is called lightning, popular morality separates strength from the manifestations of strength, as though there were an indifferent substratum behind the strong person which had the *freedom* to manifest strength or not. But there is no such substratum; there is no 'being' behind the deed, its effect and what becomes of it; 'the doer' is invented as an afterthought – the doing is everything. Basically, the common people double a deed; when they see lightning, they make a doing-a-deed out of it: they posit the same event, first as cause and then as its effect [...]. The reason the subject (or, as we more colloquially say, *the soul*) has been, until now, the best doctrine on earth, is perhaps because it facilitated that sublime self-deception whereby the majority of the dying, the weak and the oppressed of every kind could construe weakness itself as freedom, and their particular mode of existence as an *accomplishment*."

neither practice nor theory – indeed, there would be no thought at all – without ascribability and specifically first-person singular self-ascription.[11] For it is constitutive of thought that it is subject to norms of consistency, truth, validity, etc., and nothing could be subject to such norms without first-person singular self-ascription. To see this, imagine representations that are not first-person singular self-ascribable. It would be impossible to judge whether these representations are so much as consistent in a way that is normatively troubling without implicitly or explicitly ascribing them to a subject. For there is nothing normatively troubling as such about representations that are inconsistent with one another. Only if inconsistent representations are assigned to a single subject does the inconsistency become a reason for correction and revision. And only if the subject in question can self-ascribe the representations does the inconsistency become troubling *for the subject*. Were the representations to be ascribed to the subject only by an external subject, the inconsistency would be troubling for the subject, if at all, only as a derivative of being troubling for the external subject, for whom in turn they would be troubling only if they could self-ascribe their own representations. In short, representations are not thoughts unless they are self-ascribable to and by a subject.

Relativization to the first-person singular standpoint emerges, then, as the necessary condition for the possibility of self-criticism, hence as the mark of finite rational agency. This generic first-person singular standpoint is the condition not only of subjectivity but of objectivity as well. For objectivity consists in relativization to the standpoint that would be shared by any finite human agent under relevantly similar circumstances.[12]

Not for nothing, then, is Kant's philosophy called *the critical philosophy*. Critique consists in relativizing thoughts to a standpoint, and then in subjecting those relativized thoughts to criticism in light of relevant norms. The critical philosophy applies this hallmark of finite rationality to philosophy itself, outlining our shared human perspective by delineating the synthetic *a priori* principles that comprise its framework.

Some care is needed here, however. What is distinctive about finite rationality is that it is the faculty of criticism. Yet the faculty of reason *as such* is not finite. It is the faculty of absolute cognition or cognition simpliciter. For a faculty is defined by its form and end, and reason, conceived as having the form of truth and the end of immediate relation to actuality, would be the infinite cognition characteristic of divinity. There is nothing necessarily or intrinsically standpoint-relative and finite about reason. It is a contingent and extrinsic yet crucially important fact about us humans that our reason is standpoint-relative and finite.

Criticism is at once the hallmark of finite rational agency, the general strategy of Kant's philosophy and the characteristic of the age in which Kant finds himself:

> Our age is the genuine age of *criticism*, to which everything must submit. *Religion* through its *holiness* and *legislation* through its *majesty* commonly seek to exempt themselves from it. But in this way they excite a just suspicion against themselves, and cannot lay claim to that unfeigned respect that reason grants only to that which has been able to withstand its free and public examination.[13]

Kant's age is the age both of political revolution in America and France and of the intellectual revolution in which the study of nature has finally been put on the secure path of science. There could be no better time

---

11 Williams, *Descartes*, 79–84.

12 This is the point of Section 19 of the B-edition transcendental deduction. Kant, *Critique of Pure Reason*, B141–2, says that, "a judgment is nothing other than the way to bring given cognitions to the **objective** unity of apperception. That is the aim of the copula **is** in them: to distinguish the objective unity of given representations from the subjective. For this word designates the relation of the representations to the original apperception and its *necessary unity*, even if the judgment itself is empirical, hence contingent, e.g. 'Bodies are heavy.'" Here "the original apperception" is the standpoint from which first-personal self-ascription and hence finite cognition is possible. This is to be distinguished from the perspectival standpoints of individual subjects. A judgement made from the standpoint of original apperception may be expressed without any explicit "I think" by means of an objective judgement that, e.g. bodies are heavy, a judgement that is objectively either true or false in virtue of the way things are independent of the judging individual. Thus, the copula "is" in such a judgement expresses relativity to the standpoint of original apperception, and not absoluteness or non-relativity.

13 Kant, *Critique of Pure Reason*, Axi n.

for Kant's proposed philosophical revolution, in which the critical character of reason is itself subjected to criticism, with a view to establishing what finite rational agents can cognize and with the hope of placing metaphysics at last on a scientific basis. One justly:

> demands that reason should take on anew the most difficult of all its tasks, namely, that of self-knowledge, and to institute a court of justice, by which reason may secure its rightful claims while dismissing all its groundless pretensions, and this not by mere decrees but according to its own eternal and unchangeable laws; and this court is none other than the *critique of pure reason* itself.[14]

There may be a limit to our cognitive abilities, but there is no limit to our capacity for criticism, which can and should be turned even on itself.

At the same time, criticism turned upon itself discovers, according to Kant, its own internal limits: there are necessary conditions for the possibility of human cognition, which ground the principles in terms of which we criticize ourselves. This is the second Kantian insight: that human self-criticism discovers relativity not only to abstract standpoint but also to concrete perspective – to what I will call *perspectival standpoint*.[15] While an abstract, first-person singular standpoint has the formal features required for the capacity for first-person singular self-ascription, a perspectival standpoint has the additional feature that objects and events can appear to someone occupying such a standpoint as possessing some properties that, from another standpoint, may be seen to pertain to the perspectival standpoint itself.

The general idea of a perspectival standpoint taken to be at rest relative to a moving vehicle in which it is situated, so that objects external to the vehicle appear to be moving relative to the standpoint, is familiar to anybody who has ever ridden in a boat, carriage or car. Copernicus' innovation consists in extrapolating this notion to the idea of a perspectival standpoint at rest relative to a large moving body whose motion is *imperceptible* to the one at relative rest. Given this extrapolation, the question arises how to determine the *true* motions construed either as relative to some privileged perspectival standpoint taken to be at rest or as relative to some perspectival standpoint that is absolutely at rest and not merely assumed to be so.

Kant's innovation consists in extrapolating the notion still further: to what he calls "the human standpoint," comprising necessary conditions for the possibility of cognition taken to be at rest with respect to criticism.[16] The claim is that if we subject our faculties of criticism to self-criticism, examining not only our beliefs but also the standards whereby we criticize our beliefs, we will find that some of those standards are immutable. Moreover, among the immutable standards, some – the logical forms of judgement and, relatedly, the unschematized categories – are immutable because they must be the standards of any finite rational agent's capacity to cognize. But some of those immutable standards are peculiarly human, and they are not necessarily shared by all other finite rational agents. In particular, space, time and the spatio-temporally inflected or schematized categories are at one and the same time grounds for normative standards of criticism and grounded in apparently arbitrary features of humanity.

What makes Kant's view idealist in his special sense of the term is that these peculiarly human standards, discovered through criticism of criticism, are determined to be privileged yet not to be absolute. Idealism of this kind may be expressed by means of two theses. First, the Constitution Thesis states that these elements – space and time, the categories, and the ideas – are privileged in the sense that some of

---

14 Ibid., Axi–xii.

15 I use the term "standpoint" to signify the necessary condition for the possibility of first-person singular self-ascription in general, and "perspectival standpoint" to signify that subset of standpoints whose properties are apt to be ascribed to objects and events perceived and/or cognized from those standpoints. The insight that standpoints are not, as such, perspectival lies at the heart of Karl Ameriks' important discussions of what is problematic about so-called "short arguments" for idealism, i.e., arguments that argue directly from standpoint relativity to perspectival standpoint relativity. See Ameriks, "Kant, Fichte, and Short Arguments," and "Kant and Short Arguments."

16 Kant, *Critique of Pure Reason*, A26/B42: "We can accordingly speak of space, extended beings, and so on, only from the human standpoint." Kant says this only after arguing in the transcendental exposition, B41, that the synthetic *a priori* status of geometry can only be explained insofar as "outer intuition [...] has its seat merely in the subject, as its formal constitution for being affected by objects."

them *constitute* the objects of sense perception and perceptually grounded cognition, thereby enabling genuine cognition of spatio-temporal objects and events.[17] They could not be falsified, because nothing that purports to falsify them could be an object or event.

Second, the Restriction Thesis states that the constitutive features in question are not absolute but relative to humanity.[18] They play this constitutive role only insofar as they comprise not the form of things as they are in themselves but the form of objects as they appear from "the human standpoint." So this standpoint is *perspectival*: objects and events appear to someone occupying the standpoint as having features that may be seen as pertaining to the standpoint itself. For reasons that we will not explore here, Kant believes that he has proven the strong claim that the form of objects as they appear could not be the form of things as they are in themselves. He takes himself to have ruled out the so-called "neglected alternative" that the form of phenomena is both the form of our human cognitive faculty and the form of things in themselves. Even if one challenges his arguments, however, it is conceivable, at least in the minimal sense that it is non-contradictory, that there are perspectival standpoints of finite rational agency different from our own, and accordingly that objects may appear to those who occupy such standpoints as having forms that are very different from the forms in which they appear to us humans. Of course, none of this means that these objects are *mental* or that we somehow *create* them. The *form* of the objects of human cognition may be grounded in us, but the *matter* is not. So the objects of human cognition are grounded in mind-independent reality in two senses: first, insofar as these objects are as they are independent of *individual* human perspectives and relative only to the *specifically* human perspectival standpoint; and, second, insofar as these objects would not be there to be cognized if they were not grounded in some reality in itself – whatever it is – independent even of the human standpoint.

Enough is now in place for the statement of the analytic idealist predicament. This predicament arises from the post-Kantian challenge to the Kantian view that there is only one immutable framework for human rationality. In ethics, there would seem to be multiple frameworks at any given moment of human culture, without any hope of reducing them all to one, or proving the superiority of one. Even in modern science, where there is arguably a dominant framework at a given moment – what Kuhn calls a paradigm in terms of which "normal science" is done – there have, by now, been several dominant frameworks.[19] After two more centuries of scientific development, Kant's contention, in the preface to the B edition of his *Critique of Pure Reason*, that after a pre-history of groping around, a fortunate individual has an insight that enables a discipline to achieve scientific status by means of a revolution, after which there can be no further revolutions, no longer carries plausibility.[20] No scientific paradigm, no matter how secure, can be considered secure against future revolutionary overthrow. Moreover, historical thinking itself, both in the human sciences and in evolutionary biology has developed into a family of rigorous disciplines, tracing the development of diachronically diverse frameworks in culture and in science, and itself depending on a framework that is synchronically distinct from the paradigms operative within the mathematical natural sciences.

This raises two troubling questions. The first is *the question of the rationality of history*: if rationality is framework dependent, then how revolutionary transitions between frameworks be seen as rational? And if each framework came to be in a non-rational manner, does this not undermine its claim to rationality? The second is *the question of the historicity of reason*. One way to answer the first question is to situate diachronic framework transitions within an overarching meta-framework that resembles Kant's putative "human standpoint" in its immutability. But this seems to short-change the revolutionary character of the transitions. Another way to answer the question is to reconceive reason as intrinsically historical. But this

---

17 Kant, *Critique of Pure Reason*, A125, says that, "we ourselves bring into the appearances that order and regularity in them that we call *nature*;" and, A127, that, "The understanding is thus not merely a faculty for making rules through the comparison of the appearances; it is itself the legislation for nature, i.e., without understanding there would not be any nature at all."

18 Kant, *Critique of Pure Reason*, B147: "the categories do not afford us cognition of things by means of intuition except through their possible application to *empirical intuition*, i.e., they serve only for the possibility of *empirical cognition*."

19 Kuhn, *Structure*.

20 Kant, *Critique of Pure Reason*, Bvii–xxii.

threatens to lose touch with the traditional understanding of reason as eternal and beyond the flux of sense perception. Can this dilemma be avoided? Is there any way to take both historicity and rationality seriously at the same time?

3 Fisch's contribution

Fisch takes the development of historical thinking utterly seriously. His work on the history of Cambridge mathematics is scrupulous, and his philosophical commitment to historicity is shown by his objection to Michael Friedman's account of framework transitions. Fisch objects that Friedman gives only a *retrospective* account of the *product* of framework transition, not a *prospective* account of the *process* of production.[21] This is a point to which I will return at the end of this article.

Fisch emphasizes that criticism culminates not only in self-criticism but also in criticism *addressed* to one by *another*. It is this notion of address – notably absent from Kant's version of critical philosophy – that enables him to move beyond both Friedman's idea of the fruitfulness of mathematics and philosophy for physics, and Galison's idea of trading zones.[22] Both of these ideas are valuable, but Fisch gives them renewed power insofar as he incorporates them within a conception of criticism as external address to which an important response is *creative ambivalence*. If Fisch had focused only on self-criticism, it would have been difficult to see ambivalence as distinguishable from and more productive than mere confusion.

This is also where Fisch's philosophy of rationality in general intersects with his philosophy of rabbinic Judaism, one of the great developments in recent Jewish thought. The intersection is already clear in *View from Within*, when Fisch and Benbaji cite the apothegm of Joshua ben Perahyah: "Acquire for yourself a colleague!"[23] Here too Fisch and Benbaji quote Michael Walzer's discussion of the distinction between the prophetic rebukes of Amos, who shares his covenantal framework with his audience, and Jonah, who does not.[24] But the intersection is even clearer in Fisch's recent book, *Covenant of Confrontation* (2019).

I want to suggest that, situated within a post-Kantian context, Fisch may be said to have discovered in effect a new species of what Kant calls *reflecting judgement*. In so doing, Fisch develops an idea of Fichte's – an idea that, surprisingly, has Jewish resonances notwithstanding Fichte's notorious antisemitism.

Among the elements comprising the human perspectival standpoint or framework, Kant distinguishes between three kinds: the *constitutive*, the *regulative*, which together are *determining*, and the *reflecting*. A formal element of cognition is *constitutive* only if it cannot help but be realized by any matter given in sense perception. Thus, for example, any object or event whatsoever given in sense perception must exhibit spatio-temporal form as well as some quantitative and qualitative features identified in Kant's table of categories. Nothing could be called a sensible object that did not exhibit these formal features, for example, by having no spatio-temporal location, no unity in its multiplicity and so on.

It is with respect to constitutive elements that the framework transition problem most obviously arises. If we are asked to imagine that someone purports or proposes to deploy a framework differing from the dominant one in some constitutive respect, then it is hard to say what we are being asked to imagine. Either

---

21 Fisch and Benbaji, *View*, 89: "*Dynamics of Reason* limits itself exclusively to inquiring into the rationality of transitions to well-formed alternatives, to explaining the conditions under which a new framework can be rationally considered a 'live option' from the perspective of the old. It leaves wholly unattended questions concerning the rational motivation for developing such alternatives in the first place." The requirement of prospective understanding is apparently influenced by Collingwood. See Fisch, "How and Why," 577, summarizing what he learned from Collingwood: "Writing good history requires imaginatively *ignoring* such foreknowledge as our subjects could not have had; to recapture the essential openendedness of their state of relative innocence as to the eventual outcome of their efforts."

22 Fisch and Benbaji, *View*, 281–91.

23 Ibid., 223.

24 Ibid., 185.

there can be no such thing as an alternative, or the element in question is not in fact constitutive, or it can somehow lose its constitutive status.

Starting with Reichenbach's classic account of shifting constitutive status in light of relativity theory, diachronic framework transitions have captured the attention of many post-Kantian philosophers of science.[25] In Fisch's account, however, it is synchronic framework diversity that provides the key to the solution of diachronic framework transitions. Without multiple frameworks coexisting at a given time, there would be no possibility of trusted critics inhabiting neighbouring but distinct disciplines.

Some have sought to deal with diachronic framework transitions by focusing on *regulative* elements of the framework. A formal element is regulative only if it expresses a value that need not or cannot be realized by means of any matter given in sense perception. For this reason, while spatio-temporal form and what Kant calls the mathematical categories of quantity and quality are constitutive, the dynamic categories of substance-accident, cause-effect and community are regulative.[26] Although Kant argues that these grounding relations must be presupposed in order to represent sense perceptions as in and of temporal events, it nevertheless remains the case that neither substantial grounding, nor causing, nor community can themselves be given in sense perception. Regulative values cannot be fully realized in the way that they would be if they could be given in sense perception, but they may be partly realized within a theoretical embedding of the framework, and they should be realized to the greatest extent possible.[27] Thus, scientific theories can realize the goals of explanation – in terms of substantiality, causality and community – to a greater or lesser extent, and they should be judged in part by the degree to which they realize these goals.

One might deal with the analytic idealist dilemma by reconstruing putatively constitutive elements as regulative. Alternatively, one might keep constitutive elements but emphasize an immutable regulative aspect shared by alternative frameworks, a regulative aspect that allows for assessments of the rationality of transitions. Michael Friedman has made a well-argued proposal of the latter kind, attending carefully both to the philosophical and to the history of science issues.[28] However, in *The View from Within*, Fisch and Benbaji criticize Friedman's strategy as an attempt to ameliorate the radical character of transitions that really merit being called revolutionary.[29] For a strategy of the first kind, which denies "the myth of the framework" altogether, one may look to Popper's work, and – notwithstanding his own earlier Popperianism – Fisch criticizes Popper's appeal to nothing more than general logic plus regulative values.[30] Thus, Fisch insists on some version of the second Kantian insight, the framework dependence or relativity to perspectival standpoint of knowledge.

The third Kantian status – the *reflecting* – has not been explicitly invoked in this debate so far as I know, but it deserves attention and, I will argue, Fisch has implicitly invoked it. Both judgements applying constitutive elements and judgements seeking to realize regulative elements are *determining* judgements in Kant's terminology, because they involve the application of determinate concepts whose contents are settled. In contrast, reflecting judgements involve concepts whose contents are not settled.[31] Some judgements may be reflecting because the concepts they deploy are new concepts, still in formation, that will at some point become settled concepts figuring in determining judgements. Until that time, each judgement must involve the process of comparing and contrasting particular cases, a process that Locke called

25 Reichenbach, *Relativity*.

26 Kant, *Critique of Pure Reason*, A178/B221–AA181/B224, A664/B692.

27 Kant, *Critique of Pure Reason*, A664/B692. See Friedman, "Regulative and Constitutive," 78–80.

28 Friedman, *Dynamics*.

29 Fisch and Benbaji, *View*, 145: Friedman "retreat[s] from a revolutionary to an essentially *evolutionary* account of scientific paradigm succession."

30 Popper, *Myth*.

31 Kant, *Critique of the Power of Judgment*, 5. 179: "The power of judgment in general is the faculty for thinking of the particular as contained under the universal. If the universal (the rule, the principle, the law) is given, then the power of judgment, which subsumes the particular under it (even when, as a transcendental power of judgment, it provides the conditions *a priori* in accordance with which anything can be subsumed under that universal) is *determining*. If, however, only the particular is given, for which the universal is to be found, then the power of judgment is merely *reflecting*."

reflection. However, some judgements are reflecting because the concepts they deploy *cannot* become settled. In such cases, the process of contrast and comparison can never be replaced by the application of a concept to a particular on the basis of its characteristics. Kant himself gives two different sorts of examples: aesthetic judgements and teleological judgements. Aesthetic judgements are reflecting because, he argues, beauty and other aesthetic concepts cannot be defined independently of specific human responses to particulars. Here criticism consists in discursive appeal to particular cases and cannot invoke established universals. Teleological judgements of natural processes and systems are reflecting because, Kant argues, they invoke a concept of purposiveness that has no clear ground in non-intentional nature and that depends on an intentional model; accordingly, if and when it becomes possible to replace a teleological account of some natural pattern of phenomena with a non-teleological account appealing only to fundamental physical forces and modes of causality, it should be replaced. Consequently, no teleological account can count as settled.

It is an implication of Kant's account of aesthetic judgement as reflecting – although apparently not an implication noticed by Kant – that there is a possibility of *aesthetic revolution*.[32] A revolutionary work of art divides its audience in such a way that its enemies will deny that it counts as art at all. Those who are convinced, however, are called upon to reflect upon and to judge anew old instances whose status was previously beyond question. Borges wrote, "The fact is that each writer creates his precursors. His work modifies our conception of the past, as it will modify the future."[33] Each revolutionary artist not only creates their precursors but may also disenfranchise works of the past that are not precursors.[34]

There is no reason to think that aesthetic and teleological judgements exhaust the reflecting, and Kant does not claim that they do. Post-Kantians have sometimes argued that the reflecting plays a role in historiography or in politics or in some other area of judgement. Fisch's illuminating account of criticism seems to me to amount to the characterization of critical judgements as reflecting.

Although Fisch engages significantly with Robert Brandom and thereby with Brandom's version of Hegelianism – indeed Fisch sometimes calls his own approach "neo-Hegelian" – it nevertheless seems to me that the German Idealist most pertinent here is Fichte.[35] Hegel's dialectic of reciprocal recognition in the *Phenomenology of Spirit* may be better known, and it has the advantage of historical development, but Fichte's earlier account, in which he seems to have coined the concept, is worth considering for the light it sheds on the practice of criticism.

---

32 See Cavell, *Claim*, 121, who compares his own post-Kantian (as well as post-Wittgensteinian), reflective understanding of aesthetics with Kuhn's understanding of science: "It is because certain human beings crave the conservation of their art that they seek to discover how, under altered circumstances, paintings and pieces of music can still be made, and hence revolutionize their art beyond the recognition of many. This is how, in my illiteracy, I read Thomas Kuhn's *The Structure of Scientific Revolutions:* that only a master of the science can accept a revolutionary change as a natural extension of that science; and that he accepts it, or proposes it, in order to maintain touch with the idea of that science, with its internal canons of comprehensibility and comprehensiveness, as if against the vision that, under altered circumstances, the normal progress of explanation and exception no longer seem to him to be science. And then what he does may not seem scientific to the old master. If this difference is taken to be a difference in their *natural* reactions (and Kuhn's use of the idea of a 'paradigm' seems to me to suggest this more than it suggests a difference in conventions) then we may wish to speak here of conceptual divergence. Perhaps the idea of a new historical period is an idea of a generation whose natural reactions – not merely whose ideas or mores – diverge from the old; it is an idea of a new (human) nature. And different historical periods may exist side by side, over long stretches, and within one human breast." Kuhn notes in *Structure*, xi, the role that conversations with Cavell, his colleague at Berkeley, played in the development of the book: "That Cavell, a philosopher mainly concerned with ethics and aesthetics, should have reached conclusions quite so congruent to my own has been a constant source of stimulation and encouragement to me." Regardless of Kuhn's intention, a post-Kantian, reflecting construal of paradigms makes a lot of sense of his major claims.
33 Borges, *Labyrinths*, 192.
34 Cavell, *Must We Mean*, 184: "new style not merely replaces an older one, it may change the significance of any earlier style; I do not think this is merely a matter of changing taste but a matter also of changing the *look*, as it were, of past art, changing the ways it can be described, outmoding some, bringing some to new light-one may even want to say, it can change what the past *is*, however against the grain that sounds."
35 Fisch engages with Brandom's neo-Hegelianism in Fisch and Benbaji, *View*, 160–202, and adopts the neo-Hegelian title himself in Fisch, "Science."

Fichte may seem an unlikely interlocutor for Fisch, because of his notorious remark that Jews should be granted civil rights within the modern state only if all their heads are chopped off in one night and replaced with heads in which there is not a single Jewish idea.[36] However, as I have argued elsewhere, insofar as there are such things as "Jewish ideas," then Fichte's conception of the reciprocal recognition embodied by what he calls the summons to self-consciousness has as strong a claim to this title as any other.[37]

In the background lies the reported conversation with which post-Kantian idealism may be said to start: the conversation between Jacobi and Lessing at Wolfenbüttel in 1780 reported by Jacobi after Lessing's death in his *Letters to Herr Moses Mendelssohn Concerning the Doctrine of Spinoza* (1785).[38] Occasioned by the reading of Goethe's as yet unpublished poem, "Prometheus," the conversation passes seamlessly to the Egyptian roots of Orphism, then to Spinoza, then to kabbalah and then back to Spinoza again, turning around Lessing's scandalous self-exposure as a Spinozist, which Jacobi aims as a weapon against the Berlin Enlightenment of Mendelssohn and his friends.

Of all the contexts assumed and alluded to in the Jacobi–Lessing conversation, it is perhaps to kabbalah that the least attention has been paid. In addition to the obscurity and linguistic difficulty of kabbalah – familiar to Lessing and his contemporaries in Latin translation and German commentary – Jacobi's statement that "the philosophy of the kabbalah [...] is, as philosophy, nothing but undeveloped or newly confused Spinozism" may have suggested that one could focus on Spinozism instead.[39] Yet, if one wants to understand Jacobi's own positive proposal, which would eventually lead to Fichte's conception of reciprocal recognition as well as Buber's dialogicism, one would do well to attend to Jacobi's own use of the concept of kabbalah.

Jacobi's position – suggestively sketched but hardly developed, to the frustration of his readers – is supposed to contrast with both the positions between which Lessing vacillates: kabbalism, which is said to regard the cosmos as animated by the world soul, and Spinozism, which denies any soul whatsoever. Although they are metaphysically distinguishable, these two views are nevertheless equivalent in the sense that they both deny divine transcendence as well as human individuality and freedom of the will. Moreover, it cannot have escaped anyone's attention at the time that the two views in question are both "Jewish." The implication is that Lessing has been corrupted by "Jewish" ideas, but – unlike Mendelssohn and his Berlin colleagues – Lessing is either too intelligent or too honest to pretend that these ideas are compatible with traditional ethics and religion. Yet, despite all this, Jacobi repurposes the term "kabbalah" in his articulation of the alternative:

> I took the occasion to speak in favour of the Kibbel, or the kabbalah in the *strict* sense-that is, *taking as starting point the view* that it is impossible, in and for itself, to derive the infinite from a given finite, or to define the transition from the one to the other, or their proportion, through any formula whatever. Hence, if anyone wants to say anything on the subject, one must speak on the basis of revelation.[40]

It had long been known among Christian kabbalists and their readers that the term "kabbalah" means "reception," and here Jacobi insists that reception requires distance: the transcendence by the infinite of the finite.

To avoid misunderstanding, Jacobi clarifies later in the conversation that he is not speaking in the first instance, about scriptural or mystical revelation from God:

---

36 Fichte, "Beitrag," 6.149–151. For an English translation of the relevant section, see Mendes-Flohr and Reinharz, *The Jew*, 257–8.

37 My reservation is that I do not believe in intrinsically Jewish ideas. Attempts to distinguish Jewish from, say, Christian ideas presuppose an untenable essentialism. There are, however, historically Jewish ideas, whose formulation and development have been intertwined with Jewish life.

38 Jacobi, *Writings*, 172–251.

39 Jacobi, *Writings*, 233–4, drawing on a connection between Spinozism and kabbalah first proposed by Wachter, *Spinozismus*. Maimon, who, unlike Wachter and Jacobi, had first-hand knowledge of kabbalah in its primary languages, reinforces Wachter's and Jacobi's claim in Maimon, *Autobiography*, 58. For discussion, see Franks, "Nothing."

40 Jacobi, *Writings*, 195–6.

A veritable and wondrous revelation! For in fact we only sense our body, as constituted in this way or that; but in thus feeling it, we become aware not only of its alterations, but of something else as well, totally different from it, which is neither mere sensation nor thought; we become aware of *other actual things*, and, of that with the very same certainty with which we become aware of ourselves, for without the *You,* the I is impossible.[41]

Suggestively, Jacobi declares that revelation occurs in the everyday event of sense perception, and – perhaps – whenever a You confronts an I. Indeed, he hints that this confrontation enables self-consciousness. Revelation in this sense – the transcendence within the everyday – requires faith, but it is not the faith required by "the religion of the Christians." In fact, it is the everyday faith discussed by Hume as that which skepticism cannot overcome.[42] And this everyday revelation that calls for faith, not the kabbalah of the world soul or of Spinoza's substance, is "the kabbalah in the *strict* sense." According to Jacobi, no monistic system, whether Spinozist realism or post-Kantian idealism, can meet the challenge of accommodating the reality of another person, world or divinity that can address you in the second person. I call this *kabbalistic realism*: a constraint on any adequate philosophical system requiring it to account, not only for the externality of sensible objects but also for the externality of other minds, with their own interiority, and for the openness of these minds to each other.

Wittingly or unwittingly, Jacobi's formulation suggests a remarkable construal of the epistemology of kabbalah (received tradition) as opposed to mesorah (transmitted tradition). A mesorah or transmitted tradition is made available, so that anyone who exerts themselves may inherit it. But a kabbalah or received tradition must be received from someone who addresses it *to you*, in a manner designed to provoke your spontaneity, so that you are the one who "understands spontaneously."[43] On the suggested view, the esoteric character of kabbalah consists not in the withholding of information that could have been imparted but rather in the role of the first-person singular and of the second-person singular within a dialectic whose point is not to convey already formed knowledge but to provoke its formation.

Developing Jacobi's emphasis on second-person address in a systematic manner foreign to Jacobi, Fichte attempts to solve several problems at once: not only the problem of the origin of self-conscious agency but also the foundation of human rights. Moreover, Fichte seeks to respond to Jacobi's challenge by showing that a post-Kantian idealist monism can accommodate the revelatory character of sense perception and even the I-You character of personal interaction. Fichte's argument, which I have reconstructed in detail elsewhere, is that the first moment and enabling condition of self-consciousness must be at once both receptive and spontaneous, neither exclusively one nor exclusively the other; and that this can happen in only one way, namely, when the action of another is perceived and at the same time comprehended as a "summons" to act for a reason. In such a situation, the incipient agent is "determined to be self-determining:"[44] once the summons is perceived as a summons, whatever the summonee does will count willy-nilly as a response to the summons, whether the summonee does what the summoner wants, does what the summonee does not want or indeed does nothing at all. In mode of response, the summonee is self-determining; in whether to respond at all, the summonee is determined.[45]

Not only does Fichte develop Jacobi's I-You interpretation of kabbalah as reception, but he also does so – as I have argued elsewhere – by deploying a central kabbalistic concept mentioned by Jacobi: *tsimtsum*, or the contraction of the infinite that enables coexistence with the finite.[46] Setting aside nuances

---

41 Jacobi, *Writings*, 231. I have replaced di Giovanni's correct but anachronistic translation of "Du" as "Thou" by "You."

42 Jacobi defended himself against the charge that his use of the terms "revelation" and "faith" made him a religious fanatic by appealing to Hume whose irreligious character was well known, in Jacobi, *Writings*, 253–338.

43 Mishnah Hagigah, 2.1.

44 Fichte, *Natural Right*, 3.31.

45 Fichte, *Transcendental Philosophy*, 351–2: "Either I act in accordance with the summons or I do not act in accordance with it. If I have understood this summons, I can, of course, still decide to determine myself not to act [in the manner required]; I can decide to resist the summons and can act by not acting at all. Granted, the summons must [first] be understood; then, however, one must act, even if one does not heed this summons. {Consequently, if one has understood this summons, then one must act in any case.} In every case, I give expression to my freedom."

46 Franks, "Fichte's Kabbalistic Realism."

and variations, the fundamental idea is that the uncontracted infinite is incompatible with plurality, but contraction or self-limitation is compatible both with infinity and with plurality. Contraction is at once both concentration in an action, and withdrawal from that action, leaving it for the other's uptake. The summons is both *concentration* in an act of recognizing the summonee as a rational agent, and *withdrawal* or standing back from that act of recognition, which awaits the recognition by the summonee that would render the event one of *reciprocal* recognition. Moreover, the summons is not only the originary act in which self-consciousness is born. It is also the origination of the form of normative rights claims. The self-limitation that lets You be You also establishes limits whose transgression would amount to violation.[47] These limits are therefore normative limits, and a rights claim has the form of a summons to respect the self-imposed limits implicit in the originary summons. Ironically, Fichte himself turns out to have a "Jewish" idea in his German head.

Now, Fichte notes that the judgement that a summons is appropriate or that someone has recognized a summons as a summons is a *reflecting* judgement:

> Which effects can be explained only by reference to a rational cause? [...] a sure criterion for determining that something is the effect of a rational being would be this: the effect can be thought as possible only under the condition that there is some cognition of the object of the effect. But there is only one thing whose possibility can be thought only through cognition – rather than through some merely natural force – and that is cognition itself. Thus if the only possible object of an effect – and here that also means its end – were the production of cognition, then one would necessarily have to assume that the effect had a rational cause [...]. Now the situation that has just been described is present here [i.e., in the case of the summons].[48]

Fichte's point here is that the judgement that an event is the act of a rational agent is similar to the reflecting judgement, discussed by Kant, that a structure or process is teleological: in both cases, one judges that something exists or occurs for the sake of an end. However, the judgement that an event is a rational agent's action adds to end directedness that the event occurs on the basis of the agent's cognition. This is precisely the case with a summons: insofar as the summonee cognizes the summons as a summons, they also act insofar as they are determined to self-determine. So the recognition of a summons is at once both cognition and action, and the judgement that such a recognition has occurred is therefore a reflecting judgement that whatever now ensues from the summonee is a free, end-directed action.

This judgement is also equivalent to the judgement that the one to whom the summon is addressed is *human*. And Fichte's view is that, like the aesthetic concept of beauty, the concept of humanity is permanently in a state of reflective formation and can never be settled:

> Every animal *is* what it is; only the human being is originally nothing at all. He must become what he is to be: and, since he is to be a being for himself, he must become this through himself. Nature completed all her works; only from the human being did she withdraw her hand, and precisely by doing so, she gave him over to himself. Formability as such is the character of humanity. Because it is impossible to superimpose upon a human shape any concept other than that of oneself, every human being is inwardly compelled to regard every other human being as his equal.[49]

This implies first that, like aesthetic judgements, judgements of humanity are inextricably linked to concrete exemplars, and second that we cannot rule out the possibility of surprise and revolution: a new case may change our understanding of humanity and shed a novel, retrospective light on our previous judgements.

---

47 According to Fichte, *Natural Right*, 3.108, "original right includes (1) the right to the continued existence of the absolute freedom and inviolability of the body (i.e. there should be absolutely nothing that exercises an immediate effect upon the body); (2) the right to the continued existence of our free influence within the entire sensible world." Thus, the summons establishes both the human body and human agency as vulnerable to violation. Bernstein notes that this violability of the body – extended by Fichte to private property later in the book – is the normative seed of human rights.

48 Fichte, *Natural Right*, 3.37–8.

49 Ibid., 3.45.

It is clear that Fichte did not see these implications of the reflecting character of judgements of humanity. For him, the normative constraints called human rights follow directly from the originary summons, and anyone who violates the rights of another is committing a logical contradiction by both recognizing their humanity and failing to act in accordance with this recognition. However, one readily understands from Hegel's discussion of reciprocal recognition that enslavement is not a straightforward logical contradiction. It is precisely human and not non-human beings that we enslave. Throughout human history, we have found subtle ways to justify slavery, and it has taken millennia for the implicit tensions to become evident.[50]

What would it take for Fichte's own constitutive framework of rights to one's own body and private property to be challenged as in tension with concrete instances of violated humanity? In an anonymous, early work on political philosophy, written during the French Revolution, Fichte argues that Jews should not have civil rights within the modern state that is coming into being.[51] The reason is that the Jews already constitute an international state, based on "the hatred of all humanity," and dispersed throughout the world, constituting a "state within the state" in "almost every country of Europe." Since they "are citizens of a state which is more secure and powerful than yours," and since they have a power to pillage gentile property that exceeds the power of an absolute monarch, it would be folly to grant them further rights, augmenting the advantage that they already have. Yet Fichte takes what he thinks is the high road and rejects intolerance: "They must have human rights, even if they will not grant them to us."[52]

What would it take for Fichte to recognize the concrete humanity of the Jews living in Germanic lands in the 1790s, excluded from most lines of work and residing in assigned and overpopulated areas at the pleasure of the local authorities? What would have to happen in order for Fichte to consider the possibility that the formal protection of Jewish bodies and possessions by the law could mask a dehumanization deeply rooted in European religion and culture? Could Fichte be brought to see that it was impossible to genuinely acknowledge Jewish humanity without recognizing them as citizens of the lands in which they had resided for centuries? Could he even, through criticism, come to a revolutionary revision of the constitutive framework of rights itself, as failing to fully capture his originary insight that self-consciousness begins with a second-person summons that also acknowledges the summonee as someone who is vulnerable to dehumanization?[53]

Recall now that a special kind of criticism exposes the relativity of framework to the human perspectival standpoint. Insofar as it involves the judgement of humanity, criticism of this kind has an essentially reflecting moment, and the possibility of surprise and revolution cannot be ruled out.

As I understand Fisch's conception of criticism, it exhibits a Fichtean form. It involves a second-person address, operating according to the kabbalistic logic of *tsimtsum*, that gives rise to a reason for action.[54] It also identifies a problem, the concept of which is a teleological concept.[55] In the Fichtean case, discussed above, the criticism alleges a conflict between the target's action and the constitutive rights framework of

---

50 Compare Cavell, *Claim*, 375: "What [the slaveowner] really believes is not that slaves are not human beings, but that some human beings are slaves."

51 Fichte, "Beitrag," 6.150; Mendes-Flohr and Reinharz, *The Jew*, 257: "Does the obvious idea not occur to you, that the Jews alone are citizens of a state which is more secure and powerful than any of yours? If you also give them civic rights in your states, will not your other citizens be completely trod under foot?"

52 Fichte, "Beitrag," 6.150n.

53 To ask these questions is to attempt to remedy the lack of concern with changing norms and normative frameworks for which Fisch criticizes Brandom's account of reciprocal recognition. See Fisch and Benbaji, *View*, 200: "The problem is that, for all its sophistication, Brandom's account of rational norm determination shows no interest at all in processes of norm *changing* [...] Brandom's 'historicist rationality' is not about creating or modifying norms but about bestowing explicit normative meaning (or perhaps status) on the endorsement of norms *already hold* – at least implicitly."

54 Fisch and Benbaji, *View*, 205: "Criticism [...] is an *addressed* speech act levelled at concrete addresses with a view to prompting them to acknowledge and to attend to a mistake, shortcoming, or problem within the domain of their responsibility."

55 Fisch and Benbaji, *View*, 208–9: "A problem is [...] an objective feature of a goal-directed system, not as an epistemological category; as a fact of the matter, not as a cognitive state of perplexity or a part of speech, such as a question. And since problems are, by definition, *undesired* features of systems, they are, therefore, *normative* entities."

another. In the cases that most interest Fisch, the criticism alleges a tension between the target's action or account and their constitutive framework for understanding the world or some portion of it, their inflection of humanity.

In addition to developing the idea of the second-person critical address by finding for it a new application, Fisch grasps, as Fichte does not, the inherently historical and potentially revolutionary character of criticism. He also develops the idea further by pointing out, first, that criticism may give a reason, not for decisive action, but for ambivalence, and, second, that nobody is so exemplary that they are beyond criticism – not even God. When God wants to destroy the cities of the plain, Abraham asks, "Should the judge of the whole earth not do justice?"[56] I understand this, neither as an application of a determinate concept of justice nor as an appeal to some shared and maximizable value, but rather as an invocation of the concrete, particular conversation of justice between God and this human individual, "dust and ashes," who has left his homeland at God's command. Should God not do what is seen to be just by the human beings who seek to emulate God? Should divine justice be conducted, not from the transcendent heights, but in the thick of human weakness and neediness? There is no determinate concept or maximizable value of justice prior to this particular conversation. Nor does any finally settled concept emerge from it. What emerges, rather, is the conversation of justice itself – a work to be continued, case by challenging case. As Fisch argues, the rabbis of the classic Midrash and Talmud emphasized this moment and found similar moments in the life of other exemplary figures such as Moses, while themselves undertaking to emulate a non-submissive model of religiosity in their own relationships with God and with each other.[57]

4 Conclusion

I end with two questions, one about each of the topics in my title.

The first question concerns the rationality of history. As discussed above, Fisch understands this to require, not merely a retrospective interpretation of framework transitions that renders them rational, but a prospective account of the rationality of the agents involved. But how exactly should this requirement be construed. Of course, all historiography is in fact retrospective, so the requirement presumably is not that a prospective account be *actually* available to a cognitive agent undergoing radical criticism. But this leaves several possibilities open. Is the requirement that such an account be *potentially* available to the agent? In that case, it should use only concepts to which the agent could have had access at the time. Or is it that the agent's actions be describable as rational from the standpoint of a contemporaneous third-person observer? In that case, it would appear legitimate to use concepts available at the time but not available – for any of numerous reasons that one can imagine – to the agents themselves.

The second question is about the historicity of rationality. Fisch and Benbaji emphasize the role of the "trusted critic." Here they draw explicitly on *Avot de-Rabi Natan* 1.6. Expanding on the injunction to "acquire for oneself a friend," Version B notes:

> But a student who sits and studies alone, if he errs on a matter of law—wrongly pronouncing the pure impure, or the impure pure—if he has no friend to mend his mistake, of him it is said: "Woe to him who is alone when he falls; for he has not another to help him up." (Eccl. 4:10)[58]

Radical self-criticism is difficult for an obvious reason. One always has a good reason to conserve one's own perspectival standpoint through *ad hoc* manoeuvres. But another – the right other – can issue the challenge that brings out the irreparable failure of one's normative framework. "The rabbinic text [...] draws attention to the most personal level of critical discourse, at which individual agents are confronted and urged to take

---

56 Genesis 18.25. Fisch, *Covenant*, 68–75.
57 On Moses' welcome disobedience, thematized in Midrash Devarim Rabbah, see Fisch, "Judaism," 96–9.
58 Cited by Fisch and Benbaji, *View*, 223.

responsibility for their mistakes and oversights. At this level, the rabbinic text implies, one needs to be close, sympathetic, and trusted in order to be heard."[59] I am reminded of Rabbi Yohanan's grief over the death of his friend, Resh Lakish, and his irritation at Resh Lakish's replacement, Rabbi Eleazar ben Pedat:

> [Rabbi Yohanan] said, "Are you like Bar Lakisha? When I believed something, he would challenge me with twenty four difficulties, and I would respond to him with twenty four answers, and, inevitably, understanding was enlarged. And you say, "There is a *beraita* [i.e., an early rabbinic tradition] that supports you! Do I not know already that my belief is valid?" He went and tore his clothes and cried and said, "Where are you Bar Lakisha? Where are you Bar Lakisha?" And he shouted until he lost his mind.[60]

To be sure, even a trusted critic like Resh Lakish cannot impose change from without but can nevertheless "still be highly effective in provoking their addressees to reconsider and subsequently replace heartfelt normative commitments."[61] In light of this effectiveness, I want to ask how the concept of *trust* in play here is to be theorized? Can more be said about whom to trust? Is it an entirely psychological concept? Or, as I allow myself to hope, is it an essentially unsettled concept, tied to particular cases but not therefore wholly opaque to discussion and reason. In other words, a concept like the concepts of beauty, end-directedness, humanity and criticism: permanently unsettled, and therefore permanently open for discussion, the sort of concept that figures in Kant's reflecting judgements? For further illumination of the issues, I look to the future work of Menachem Fisch.

References

Ameriks, Karl. "Kant, Fichte, and Short Arguments to Idealism." In *Kant and the Fate of Autonomy: Appropriating Kant's Critical Philosophy*, edited by Ameriks, 163–86. Cambridge: Cambridge University Press, 2000.

Ameriks, Karl. "Kant and Short Arguments to Humility." In *Interpreting Kant's Critiques*, edited by Ameriks, 135–57. Oxford: Oxford University Press, 2003.

Ameriks, Karl, Stolzenberg, Jürgen, Franks, Paul, and Schönecker, Dieter (eds). *International Yearbook of German Idealism 3: German Idealism and Contemporary Analytic Philosophy*. Berlin: de Gruyter, 2005.

Bernstein, Jay. "Recognition and Embodiment (Fichte's Materialism)." In *German Idealism: Contemporary Perspectives*, edited by Espen Hammer. London: Routledge, 2007.

Borges, Jorge Luis. *Labyrinths: Selected Stories and Other Writings*, edited by Donald A. Yates and James E. Irby. New York, NY: New Directions, 1962.

Brandom, Robert B. *Making it Explicit: Reasoning, Representing, and Discursive Commitment*. Cambridge, MA: Harvard University Press, 1998.

Brandom, Robert B. *Tales of the Mighty Dead: Historical Essays in the Metaphysics of Intentionality*. Cambridge, MA: Harvard University Press, 2002.

Brandom, Robert B. *A Spirit of Trust: A Reading of Hegel's Phenomenology of Spirit*. Cambridge, MA: Harvard University Press, 2019.

Cavell, Stanley. "Music Discomposed." In *Must We Mean What We Say?* New York, NY: Charles Scribner's Sons, 1969.

Cavell, Stanley. *The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy*. Oxford: Oxford University Press, 1982.

Chisholm, Roderick. *Realism and the Background of Phenomenology*. Glencoe, IL: Free Press, 1960.

Conant, James F. "Varieties of Scepticism." In *Varieties of Scepticism*, edited by Denis McManus. London: Routledge, 2004.

Conant, James F. "Why Kant is not a Kantian." *Philosophical Topics* 44:1 (Spring 2016), 75–125.

Conant, James F. "Kant's Critique of the Layer-Cake Conception of Human Mindedness in the B Deduction." In *Kant's Critique of Pure Reason: A Critical Guide*, edited by James O'Shea. Cambridge: Cambridge University Press, 2017.

Descartes, René. "Meditations on First Philosophy." In *The Philosophical Writings of Descartes*, trans. John Cottingham, Robert Stoothoff, and Dugald Murdoch, edited by Descartes, 1–62, vol. 2. Cambridge: Cambridge University Press, 1984.

Efron, Noah. "Menachem Fisch: An Intellectual Portrait." In *Menachem Fisch: The Rationality of Religious Dispute*, edited by Hava Tirosh-Samuelson and Aaron Hughes, 1–32. Leiden: Brill, 2016.

---

59 Fisch and Benbaji, *View*, 224.
60 TB Bava Metsia, 84a.
61 Fisch and Benbaji, *View*, 251.

Fichte, Johann Gottlieb. "Beitrag zur Berichtigung der Urtheile des Publikums über die französische Revolution (1793)." In *Sämmtliche Werke*, edited by I. H. Fichte, vol. 6. Berlin: Veit, 1845.

Fichte, Johann Gottlieb. *Foundations of Transcendental Philosophy: (Wissenschaftslehre) Nova Methodo (1796/99)*, transl and edited by Daniel Breazeale, Ithaca, NY: Cornell University Press, 1992.

Fichte, Johann Gottlieb. *Foundations of Natural Right*, trans. Michael Bauer, edited by Frederick Neuhouser. Cambridge: Cambridge University Press, 2000.

Fisch, Menachem. *William Whewell: Philosopher of Science*. Oxford: Clarendon Press, 1991.

Fisch, Menachem. *Rational Rabbis: Science and Talmudic Culture*. Bloomington: Indiana University Press, 1997.

Fisch, Menachem. "Toward a History and Philosophy of Scientific Agency." *The Monist* 93:4 (October 2010), 518–44.

Fisch, Menachem. "How and Why I Write History of Science." *Science in Context* 26:4 (2013), 573–85.

Fisch, Menachem. "Science, Religion and Rationality: A Neo-Hegelian Approach." *Toronto Journal of Theology* 29:2 (2013), 319–36.

Fisch, Menachem. *Creatively Undecided: Toward a History and Philosophy of Scientific Agency*. Chicago and London: The University of Chicago Press, 2017.

Fisch, Menachem. *Covenant of Confrontation: A Study of Non-Submissive Religiosity in Rabbinic Literature (Hebrew)*. Ramat Gan, IL: Bar Ilan University Press, 2019.

Fisch, Menachem, and Benbaji, Y. *The View from Within: Normativity and the Limits of Self-Criticism*. South Bend, IN: University of Notre Dame Press, 2011.

Franks, Paul. *All or Nothing: Skepticism, Transcendental Argument and Systematicity in German Idealism*. Cambridge, MA: Harvard University Press, 2005.

Franks, Paul. "From Quine to Hegel: Naturalism, Anti-Realism, and Maimon's Question *Quid Facti*." In *German Idealism: Contemporary Perspectives*, edited by Espen Hammer, 50–69. London: Routledge, 2007.

Franks, Paul. "Nothing Comes from Nothing: Judaism, the Orient, and Kabbalah in Hegel's Reception of Spinoza." In *The Oxford Handbook of Spinoza*, edited by Michael Della Rocca, 512–39. Oxford: Oxford University Press, 2017.

Franks, Paul. "Fichte's Kabbalistic Realism: Summons as *ẓimẓum*." In *Fichte's Foundations of Natural Right: A Critical Guide*, edited by Gabriel Gottlieb, 92–116. Cambridge: Cambridge University Press, 2016.

Friedman, Michael. "Regulative and Constitutive." *Southern Journal of Philosophy* 30:S1 (1992), 73–102.

Friedman, Michael. *Dynamics of Reason*. Stanford, CA: CSLI, 2001.

Jacobi, Friedrich Heinrich. *Main Philosophical Writings and the Novel Allwill*, trans. and edited by George di Giovanni. Montreal, QC and Kingston, ON: McGill-Queens University Press, 1994.

Kant, Immanuel. *Critique of Pure Reason*, trans. and edited by Paul Guyer and Allen W. Wood. Cambridge: Cambridge University Press, 1998.

Kant, Immanuel. *Critique of the Power of Judgment*, trans. Paul Guyer and Eric Matthews. Cambridge: Cambridge University Press, 2000.

Kern, Andrea. *Sources of Knowledge: On the Concept of a Rational Capacity for Knowledge*. Cambridge, MA: Harvard University Press, 2017.

Kuhn, Thomas. *The Structure of Scientific Revolutions*. Chicago, IL: University of Chicago Press, 1962.

Lichtenberg, Georg Christoph. *Philosophical Writings*, trans. and edited by Steven Tester. Albany, NY: SUNY Press, 2012.

Maimon, Solomon. *The Autobiography of Solomon Maimon*, edited by Yitzhak Y. Melamed and Abraham P. Socher, trans. Paul Reitter. Princeton, NJ: Princeton University Press, 2018.

McDowell, John. *Mind and World*. Cambridge, MA: Harvard University Press, 1994. With a new introduction by the author, 1996.

McDowell, John. *Mind, Value, and Reality*. Cambridge, MA: Harvard University Press, 1998a.

McDowell, John. *Meaning, Knowledge, and Reality*. Cambridge, MA: Harvard University Press, 1998b.

McDowell, John. *Having the World in View: Essays on Kant, Hegel, and Sellars*. Cambridge, MA: Harvard University Press, 2009.

Mendes-Flohr, Paul, and Jehuda Reinharz (eds). *The Jew in the Modern World: A Documentary History*. Oxford: Oxford University Press, 1980.

Pippin, Robert. *Hegel's Idealism: The Satisfactions of Self-Consciousness*. Cambridge: Cambridge University Press, 1989.

Pippin, Robert. *Modernism as a Philosophical Problem: On the Dissatisfactions of European High Culture*. Oxford: Basil Blackwell, 1991; 2nd edition with new introduction and additional chapter, 1999.

Pippin, Robert. *Idealism as Modernism: Hegelian Variations*. Cambridge: Cambridge University Press, 1997.

Pippin, Robert. *The Persistence of Subjectivity: On the Kantian Aftermath*. Cambridge: Cambridge University Press, 2005.

Pippin, Robert. *Hegel's Practical Philosophy: Rational Agency as Ethical Life*. Cambridge: Cambridge University Press, 2008.

Pippin, Robert. *Hegel's Realm of Shadows: Logic as Metaphysics in 'The Science of Logic'*. Chicago, IL: University of Chicago Press, 2018.

Popper, Karl. *The Logic of Scientific Discovery*. London: Hutchinson, 1959.

Popper, Karl. *The Myth of the Framework: In Defence of Science and Rationality*, edited by M. A. Notturno. London: Routledge, 1994.

Redding, Paul. *Analytic Philosophy and the Return of Hegelian Thought*. Cambridge: Cambridge University Press, 2007.

Reichenbach, Hans. *The Theory of Relativity and A Priori Knowledge*, trans. and edited by Maria Reichenbach. Berkeley and Los Angeles, CA: University of California Press, 1965.

Rödl, Sebastian. *Self-Consciousness*. Cambridge, MA: Harvard University Press, 2007.

Rödl, Sebastian. *Self-Consciousness and Objectivity: An Introduction to Absolute Idealism*. Cambridge, MA: Harvard University Press, 2019.

Russell, Bertrand. "Dr. Schiller's Analysis of *The Analysis of Mind*." *Journal of Philosophy* 19:24 (Nov. 23, 1933), 645–51.

Wachter, Georg. *Der Spinozismus in Judenthumb oder die vom heutigen Judenthumb und dessen geheimen Kabbala vergotterte Welt, an Moses Germano sonsten Johann Peter Speeth, von Augspurg geburtig*. Amsterdam: Bey Johann Wolters, 1699.

Williams, Bernard. *Descartes: The Project of Pure Enquiry*. London: Penguin, 1978.