

*Ad 1*—But, clearly, the Constitution also presupposes something else—namely, that the truth about human existence, whatever it may be, or however it may be formulated, is such as to <sup>authorize</sup> ~~validate~~ the most fundamental principles of the Constitution itself, as regards basic human rights, proper modes of procedure for determining policies and laws, etc. In other words, the Constitution presupposes that the one thing reason is powerless to determine is the falsity of the presuppositions that the exercise of reason itself, as well as the truth about human existence, necessarily presuppose. This means that, even if this further presupposition could—and should—be formulated in terms other than those of the rational religion of the eighteenth century, still there could never be a rescinding of the three presuppositions and of what they, in turn, imply or presuppose.

This, I take it, is an analogue to Robert Hutchins's point that the one thing that is not open to discussion in a free university is the value of the discussion that is the lifeblood of the university. That an open mind is valuable is not something about which one can—or should—have an open mind. By analogy, that there is a truth about human existence; that this truth is, like all truth, determinable only by reason; and that this truth warrants, whatever else it may or may not warrant, the most fundamental principles of the Constitution itself are not things about which the processes of democratic deliberation and decision authorized by the Constitution can—or should—deliberate or decide.

I have this further reflection: Perhaps the third presupposition that I have identified, in addition to the two originally mentioned, is not so much a third as, rather, a necessary implication, or presupposition, of the second—in something like the way in which, in Apel's view, commitment to the validation of validity claims by rational discourse necessarily implies a "minimal ethics," including respect for one's discussion partners as persons, acknowledgement of their rights to participate in a completely free and open discussion, acknowledgement of one's own responsibilities so to alter existing conditions as to secure such rights, etc. If this suggestion should prove to be to the point, the most fundamental (ethical) principles of the Constitution would turn out to be already implied in the second of the original two presuppositions, which I have referred to as "the presuppositions of any and

all enlightenment"—namely, "that religious truth and existential truth in any other [nonreligious] forms are no different from any other truth in that they have to be determined, finally, by human reason rather than by appeal to authority" (2). Given this presupposition, one can reasonably suggest that the third presupposition necessarily follows, and so is not really a third presupposition after all.

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