The Postmodern Kantianism of Arendt and Lyotard

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[O]nly a redeemed mankind receives the fullness of its past—which is to say, only for a redeemed mankind has its past become citable in all its moments. Each moment it has lived becomes a citation à l'ordre du jour—and that day is Judgment Day.1

Walter Benjamin

The past decade has witnessed an extraordinary resurgence of interest in Kant's writings on aesthetics, politics, and history. On the Continent much of this interest has centered on the debate between modernism and postmodernism. Both sides of the debate are in agreement that Kant's differentiation of cognitive, practical, and aesthetic domains of rationality anticipated the fragmentation of modern society into competing if not, as Weber assumed, opposed lifestyles, activities, and value spheres, and that this has generated a crisis of judgment. Tradition is deprived of its authority as a common reference point for deliberation; judgment appears to be all but submerged in the dark void of relativism. Yet, having both accepted Kant's differentiation of reason as emblematic of the pluralism of modern life, modernists and postmodernists remain divided in their response to its implications. Modernists—Habermas and Arendt too, I believe, can be classified under this rubric—attempt to circumvent the relativism of cultural fragmentation by appealing to a universal ideal of community. This solution recalls Kant's own grounding of judgments of taste in the notion of a sensus communis. By contrast, postmodernists such as Lyotard embrace relativism. Whereas the modernist emphasizes the capacity of rational agents

to rise above the parochial limits of local community in aspiring toward an autonomous perspective, the postmodernist denies the possibility of impartiality altogether, thus binding judgment to the traditional constraints of practice.

This way of viewing the debate, I shall argue, neglects the fact that the postmodernist, no less than the modernist, must acknowledge a higher community of discourse, and for two reasons: first, because the constant state of revolution endemic to the postmodern condition fosters an autonomous perspective oriented toward the idea of indeterminacy and conflict, in short, toward plurality for its own sake; second, because the affirmation of pluralism implies the idea of a community wherein everyone agrees to disagree. If this analysis is correct, the distinct advantage of the postmodernist position would reside in its capacity to combine—in however paradoxical a manner—both practical and aesthetic moments of judgment: both the Aristotelian notion of phronēsis, or the application of general rules heteronomously determined by local habits of thought, and the Kantian notion of taste, or the free, reflexive discovery of rules in light of indeterminate, transcendent ideas of community.

Taking the philosophies of Hannah Arendt and Jean-François Lyotard as representative of modernist and postmodernist responses to the crisis of judgment respectively, I intend to show that neither adequately explains the possibility of truthful evaluation. Whereas the modernist approach escapes the dilemma of relativism only at the cost of aestheticizing or depoliticizing judgment, the postmodernist alternative affirms the political reality of judgment by delivering it to the vicissitudes of changing circumstance. I therefore concur with Jean-Luc Nancy that judgment must ultimately be located in the prediscursive nexus of habits and meanings that precedes propositionally differentiated language.

The first section reviews Kant's contribution to the debate, especially his resolution of the conflict between theoretical and practical reason in the third Critique. The mediation of nature and freedom in aesthetic judgment is of cardinal importance for Arendt and Lyotard since it provides them with a non-teleological model for reconciling the standpoints of actor and philosopher-spectator. In addition, the judgmental disclosure of analogical relationships between distinct fields of rationality suggests a possible grounding
for philosophical rationality which, as we shall later see, is exploited to good advantage by Lyotard. Clearly, the delimitation of fields of rationality undertaken by the critical philosopher cannot be grounded exclusively in any particular field. Philosophical no less than aesthetic judgment must remain autonomous, or detached from particular theoretical and practical interests, since its aim is to regulate in as impartial a manner as possible the conflict arising from them. Such impartiality, however, can only be secured by invoking a universal community of discourse. The second section discusses Arendt’s use of this principle in addressing the crisis of judgment besetting the modern age. She is less concerned with the problem of justifying global philosophical judgments about rightful boundaries and more interested in the meaning of history. In particular, she hopes to show how judgment can “redeem the past” without resorting to teleological interpretations that deny the autonomy of actor and spectator. The problem with this solution, which involves transferring the model of aesthetic judgment developed by Kant to the political and historical sphere, is that it ends up depoliticizing judgment. The postmodern alternative of Lyotard discussed in the third section seems to circumvent this difficulty in that it reinstates the practical dimension of judgment (*phronēsis*) alongside the aesthetic. However, the tension between these two poles is once again resolved in favor of the aesthetic. Deprived of prescriptive force and decentered (or, if one prefers, centered on a wholly indeterminate ideal of community), judgment ceases to discriminate or discriminates in a manner that constantly vacillates depending on local circumstances. I conclude that this radical relativism can be mitigated and the truthfulness of judgment accounted for only if one acknowledges the continuity of effective history as an ontological ground supporting radical heterogeneity.

I

It is vexing to expositors of Kant that he left unclarified what is arguably the most important concept in his philosophy: judgment. Doubtless he meant many things by this term: a “faculty of thinking the particular as contained under the universal,” common to cog-
nitive, practical, and aesthetic modes of experience; a capacity for finding analogical passageways linking these disparate modalities; a distinct faculty of taste. It suffices to note for our purposes that, notwithstanding its designated role within Kant's system, a species of judgment was identified by him that may be described as evaluative in the broadest sense of the term and one, moreover, that he himself thought to exercise in coming to grips with the political events of his day. The most detailed discussion of judgment occurs in the *Critique of Judgment*, where it is introduced in conjunction with two problems. The former concerns the need to bridge the "immeasurable gulf" separating "the sensible realm of nature and the supersensible realm of the concept of reason." This "gulf" was a by-product of Kant's famed resolution of the problem of free will and determinism in the *Critique of Pure Reason*. Since understanding (the faculty of natural concepts responsible for causality) and reason (the faculty of supersensible ideas responsible for freedom) have their source in the subject, it is entirely possible, Kant concluded, that they exercise, "two distinct legislations on one and the same territory of experience without prejudice to each other" (*CJ*, 12). He later realized, however, that this resolution of the problem was not entirely satisfactory, for the categorical distinction between heterogeneous orders of reality, *phenomena* and *noumena*, belies the integral experience of the embodied moral agent for whom "the concept of freedom is meant to actualize in the world of sense the purpose proposed by its laws." Nature, Kant reasoned, "must be so thought that the conformity to law of its (causal) form at least harmonizes with the possibility of the purposes to be effected in it according to laws of freedom" (*CJ*, 11–12). Somehow we have to imagine the possibility of a supersensible ground of freely willed purposes producing causal effects in nature. Though such production is beyond our ken, Kant insisted that it is presupposed whenever we try to explain a complex event in terms of natural teleology or judge nature to be beautiful. As regards the latter case—of signal

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3 Aside from occasional references to judgment in Kant's *Logic*, his essay "Theory and Practice," and his treatise, *Education*, a more detailed discussion of this faculty and its relationship to taste can be found in *Anthropology from a Pragmatic Point of View*. 
importance for understanding the possibility of a global judgment capable of delimiting the rightful boundaries of distinct domains of action and discourse—the underlying feeling of pleasure announces a kind of harmony between understanding and reason arising from the non-cognizable purposiveness of nature with respect to our subjectivity.

As a solution to the conflict of faculties this appeal to taste seems at first highly disingenuous since evaluative judgments are one and all subjective. The tendency to conclude that judgments of this type are merely arbitrary opinions is nonetheless resisted by Kant, who follows Shaftesbury and Burke in defending their presumption of intersubjective validity. It would be folly, Kant notes, to reprove another person’s judgment of what is gratifying in an immediate, non-reflective way, since “as regards the pleasant . . . the fundamental proposition is valid: everyone has his own taste (the taste of sense).” Thus “he is quite contented that if he says ‘Canary wine is pleasant,’ another man may correct his expression and remind him that he ought to say, ‘It is pleasant to me.’” It is otherwise in the case of pure aesthetic judgments:

Many things may have charm and pleasantness—no one troubles himself at that—but if he gives out anything as beautiful, he supposes in others the same satisfaction; he judges not merely for himself, but for everyone, and speaks of beauty as if it were a property of things. Hence he says, “The thing is beautiful,” and he does not count on the agreement of others with this his judgment of satisfaction, because he has found this agreement several times before, but he demands it of them. (CJ, 46-47)

Judgments of taste, then, are at once evaluative and cognitive, that is, they refer a subjective feeling to an object in a manner conducive to bringing about an expectation of universal agreement. However, unlike judgments of the good, which produce similar expectations, the ground of aesthetic judgments cannot be conceptually represented and objectively demonstrated; one cannot show that a painting is beautiful in the same way that one can show that a saw is useful, a square perfect, an action worthy, or an end universalizable. For to say that something is beautiful is to say nothing at all about its possible utility, worthiness, perfection, or purposiveness with respect to any conceivable end.

But how can judgment lay claim to universal validity if its source is subjective pleasure? One might suppose that an appeal to tran-
scendental grounds would help here, for on Kant's reading of the matter, transcendental judgments attributing categorical properties to objects have their origin in the subject too. The appeal can be made but not, Kant adds, without encountering difficulties arising from the peculiar reflexivity that distinguishes aesthetic from categorical judgments. The categorical properties predicated of objects of knowledge, such as causality and substance, can be proven to be universally and necessarily valid as a priori conditions for the possibility of objectivity. Ascriptions of this sort are instances of what Kant calls determinant judgment, or predication which subsumes a particular under a pre-given universal. Judgments of taste clearly do not determine their object in this way; one does not judge this diamond to be beautiful because it has been universally established in advance that all diamonds are beautiful. Rather, one judges it so only after associating its particular formal attributes with feelings of pleasure. Stated differently, such reflective judgments discover the universal (or the beautiful, or the sublime) which best captures our subjective response to a given particular.

For Kant, it is the disinterested contemplation of an object solely in regard to its pure form alone independent of any purpose it might serve (be it subjective gratification of the senses or objective conformity to some concept) that suggests a way out of the grounding dilemma. Might there not be a priori formal conditions of aesthetic pleasure analogous to the formal unity of cognitive faculties underlying the possibility of objective knowledge? The deduction of such a ground cannot, of course, aspire to rigorous demonstration in accordance with concepts or other determinate criteria, since we are here talking about the exemplary necessity and universality of certain subjective states of pleasure—our general feeling that all persons of disinterested mind ought to agree in matters of taste—not the apodeicticity of categories of possible objective knowledge. What is at issue here is the existence of a common sense (sensus communis) which enables feelings to be communicated as universally as cognitions. According to Kant, there would be no agreement in people's feelings or cognitions unless they shared the same cognitive faculties and the same "state of mind" affected by acts of judgment (CI, 75-76). Now judgment involves the subsumption of a particular under a universal, a process bringing into play the imagination (the faculty of representing sensible intuitions) and the understanding (the faculty of concepts). As for logical judgments of cognition, or
judgments which ascribe a universal property such as causality to a particular object, a sensible intuition is schematized by the faculty of imagination in prior conformity to the laws of the understanding. In the case of aesthetic judgments, however, the predicate ascribed to the object does not refer to an objective concept, but to a subjective feeling. Here the formal unity of understanding and imagination is not predetermined by understanding. Instead, the imagination, representing only the mere form of a particular intuition apart from any sensuous or conceptual content, harmonizes with the understanding spontaneously (CJ, 128–32).

The feeling of pleasure arising from the free play of cognitive faculties permits us to judge the subjective purposiveness, or beauty, of an object in a manner that leads Kant to formulate a new solution to the conflict of faculties. Not only is the imagination in its freedom harmonized with the understanding in its conformity to law, but as Kant later notes, beauty—especially natural beauty—can also be said to symbolize, and thereby harmonize with, morality. For Kant, symbols function as indirect representations and, more specifically, as concrete analogues of rational ideas to which no direct sensible intuition corresponds. In his opinion, nature in the wild, independent of any conceptual or utilitarian associations, excites those pure aesthetic feelings whose underlying formal structure—implicating, free, immediate, universal, and disinterested pleasure—is analogous to the feeling of respect accompanying our fulfillment of moral duty. Hence there is a sense in which the symbolizing of moral ideas such as freedom and the kingdom of ends by means of aesthetic "ideas" implies a supersensible ground (sometimes referred to as Geist) identifiable with neither nature nor freedom taken singly (CJ, 196–99).

II

Those who have followed the discussion thus far may well wonder what Kant's aesthetics has got to do with postmodern political thought. To begin with, the conflict between theoretical and practical reason motivating much of Kant's discussion of judgment crops up again in the postmodernism debate. True, one no longer talks about reason per se, yet the issue of fragmentation and conflict—in this case involving domains of discourse and action—is the same.
Two questions arise concerning this fragmentation: What place does philosophy occupy in this scheme? And to whom can the political actor appeal in deciding what is right? Lyotard is interested principally in the former, that is, he is concerned with the legitimacy of a discipline that aspires to the status of an impartial tribunal regulating the rightful boundaries of heterogeneous language games. In particular he wonders whether it makes sense to appeal to a transcendent (or transcendental) notion of reason, or community, in defending philosophy’s right to judge in these matters. If the philosopher, like the aesthetician, must judge without claiming a privileged standpoint outside the relativity of language games and must discover at each moment the universal which best fits the particular case independent of determinate criteria, then whatever regulative idea he or she invokes must necessarily remain formal and empty. Perhaps a universal ideal of community is operational here, but if so, what kind? One conforming to the harmonistic model underwriting judgments of beauty or one conforming to the transgressional aesthetics of the sublime? Lyotard, as we shall see, hopes to avoid a politics of terror (or totalitarianism) by opting for the latter. The second question is of concern to both Lyotard and Arendt, though it is Arendt who initially formulated it. Given the unreliability of conventional authority and the constraints of action in the modern age, is it not wiser (contra Lyotard) to reserve judgment to the spectator whose aesthetic distance on life secures a semblance of impartiality? If so, then would such a notion not imply something like an ideal community of speakers capable of agreeing with one another?

I shall begin with Arendt’s diagnosis of modernity, which focuses on the devastating impact the Industrial Revolution had on traditional societies “held together only by customs and traditions.” This impact was immediately registered in the degradation of cultural goods to the status of exchange values serving the social aspirations of philistine parvenus. With the advent of mass society, concern with cultural fabrication (work) gave way to the functional production of entertainment and other consumer goods (labor).

Absorption of culture into the life process was not without political implications since the public sphere—the stage on which the drama of political life is acted out and recorded before an audience of spectator-judges—is itself constituted by the narratives, artistic images, and other cultural artifacts that lend it permanence:

Culture indicates that art and politics, their conflicts and tensions notwithstanding, are interrelated and even mutually dependent. . . . The fleeting greatness of word and deed can endure in the world to the extent that beauty is bestowed upon it. Without the beauty, that is, the radiant glory in which potential immortality is made manifest in the human world, all human life would be futile and no greatness could endure.\(^5\)

Inasmuch as political action depends for its enduring appearance, its meaning and purpose, on the sound judgment and judicious understanding of a public, the "crisis in culture" is a political crisis as well. Gone is the man of action, replaced by a mass man whose "capacity for consumption [is] accompanied by inability to judge, or even to distinguish."\(^6\)

Symptomatic, too, of the crisis in culture is the widespread dissemination of scientific and technological modes of thought. The rational questioning of cultural tradition and authority and the concomitant spread of what, since Nietzsche, has come to be known as nihilism—scepticism regarding the existence of absolutes, devaluation of values claiming universal assent, and resignation to a life devoid of meaning and purpose—has had the further consequence of depriving judgment of any reliable standards. In conjunction with the rise of state bureaucracy devoted to global economic management, the demise of community based on shared values and the attendant withering away of common sense also play important roles in Arendt's account of the emergence of totalitarianism. Having "clearly exploded our categories of political thought and our standards of moral judgment," totalitarianism challenges not only the capacity of the actor to discern right from wrong, but also the capacity of the historian to understand.\(^7\)

The Eichmann trial in the sixties seemed to confirm her thesis.

\(^6\) Ibid., 199.
\(^7\) Arendt, "Understanding and Politics," 379.
Not Eichmann's diabolical nature (if he possessed one) but his banal thoughtlessness, his failure to engage in responsible judgment by blindly obeying the orders of others, was the root cause of his evil. Consequently, Arendt felt that it was all the more imperative that we ascribe to each and everyone "an independent human faculty, unsupported by law and public opinion, that judges anew in full spontaneity every deed and interest whenever the occasion arises."

But how can one judge or understand the unprecedented inhumanity of totalitarianism? What gives the historian the right to judge actions whose circumstances are so novel as to defy comprehension? Is not the actor better qualified to judge than the historian? This question was raised by Gershom Scholem with regard to Arendt's harsh judgment of those Jewish Elders who had urged compliance with Nazi authorities. Had she not presumed first-hand knowledge of their plight? While conceding that it might be too early for a "balanced judgment," Arendt replied that "the argument that we cannot judge if we were not present and involved ourselves seems to convince everyone, although it seems obvious that if it were true, neither the administration of justice nor the writing of history would be possible." The moral of this story is that if the historian must judge, the actor must understand, or insert his or her own judgments into the broader framework of a community of persons united by common narratives, meanings, and goals. Eichmann was evil because he lacked the imagination to take into account other persons' interests save those of his own chosen company. In the words of Arendt, "understanding becomes the other side of [political] action" engaged in making a new beginning, for one must "eventually come to terms with what irrevocably happened and to what unavoidably exists," including, one would think, the provenance of one's own identity and that of the community to which one belongs.

A crisis of meaning and judgment likewise clouds political action

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10 Arendt, "Basic Moral Propositions" (Course given at the University of Chicago, Seventeenth Session), Hannah Arendt Papers, Library of Congress, Container 41, p. 024560. Cited by Beiner in Arendt, Lectures on Kant's Political Philosophy, 112.
aimed at initiating fundamental change. To appreciate the role of understanding in coming to terms with action of this sort one must turn to Arendt’s transcription of Kant’s system in *The Life of the Mind*. After treating the *vita activa*—the life of labor, work, and political action—in *The Human Condition*, Arendt returned to some of her earlier concerns pertaining to thinking, willing, and judgment—the triad comprising the *vita contemplativa*, or “life of mind,” modeled on Kant’s three *Critiques*. Kant’s distinction between *Vernunft* and *Verstand* is preserved in her distinction between *thought*, which “deals with invisibles, with representations of things that are absent” (the combined capacities of abstraction, critical reflection, and imaginative reproduction and synthesis) and *intellect*, which involves the necessary conditions for cognition.12 Thinking endows life with meaning by weaving experience into a coherent narrative; cognition, which depends on thinking, aims at demonstrable truth. The other, non-cognitive faculties of mental life—willing and judging—are also dependent on (but irreducible to) thinking.

Now Arendt no less than Kant must contend with the conflict of faculties. The freedom to initiate fundamental political change imposes a responsibility—the need to legitimate the new order—that can only be accomplished by situating the founding act within a historical narrative connecting it to a prior foundation in the past.13

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13 Arendt’s claim that the secular orders founded by the framers of the Declaration of Independence and the Declaration of the Rights of Man required legitimation vis-à-vis the civic ideals of classical antiquity lends credence to the view that the modern age is a continuation of the past by other means. This secularization thesis, which denies modernity any claim to legitimacy other than that bestowed upon it in virtue of its substantial identity with the paganism of antiquity and the Christianity of the Middle Ages, would appear to contradict Arendt’s contention that the modern world constitutes a radical break with the past. However, as Hans Blumenberg notes, Arendt correctly saw that the worldliness of the modern age is no more a simple repetition of pagan antiquity than is the unworldliness of the scientific demythologization of nature a simple repetition of the otherworldliness of the Middle Ages. See Arendt, *On Revolution* (New York: Viking Press, 1962), 195–215; *The Human Condition* (Chicago: University of Chicago Press, 1958), 320; and Hans Blumenberg, *The Legitimacy of the Modern Age*, trans. Robert M. Wallace (Cambridge, Mass.: MIT Press, 1983), 8–9.
One is tempted to recount a story of progress in which the revolutionary event is justified as inevitable or necessary, but this cannot be done without denying freedom of the will. Two alternatives remain: one resigns oneself to nihilism or redeems the meaningfulness of the past (along with hope in the future) without any appeal to ultimate ends. Nietzsche, in Arendt’s opinion, tried to do both and failed. According to Nietzsche, in order for the will to affirm nihilism as a positive expression of its freedom and power it would (so it seems) have to deny the past—that residue of congealed meaning weighing upon the present and future like a “stone.” “Powerless against what has been done,” the will, Nietzsche tells us, “is an angry spectator of all that is past.”14 Short of denying time itself (which would usher in the extinction of the will), Nietzsche can only affirm its inherent purposelessness—the “innocence of all Becoming”—in the doctrine of Eternal Recurrence.15 A better solution—one which does not end up denying the temporal openness necessary for freedom—would require redeeming each moment of the past by disinterested judgment.

At this juncture Arendt turns to Kant. She here notes two ways in which he sought to apply the concept of judgment in order to retrieve meaning out of political chaos, each demarcating distinct philosophies of history. The first departs from the central tenets of the Critique of Practical Reason: we are enjoined by practical reason to strive for moral perfection; such a state presupposes the realization of a universal kingdom of self-legislating agents regarded as ends in themselves—an ideal condition that cannot be attained by imperfect, mortal beings; yet “ought” implies “can”—we can only be obligated to strive for what we have reasonable hope of attaining; hence, we must postulate as regulative ideas the immortality of the soul and divine providence. The pursuit of moral perfection on earth is taken up further in Kant’s miscellaneous writings on history, where he argues that the achievement of a cosmopolitan federation of republics in a state of “perpetual peace” is a precondition for the free exercise of practical reason (CJ, 284). The question is posed whether we have any reason to hope that such a state can be brought


about by a species naturally inclined to pursue its own selfish interests. For the moral agent caught up in the vicissitudes of action, the answer would appear to be negative. However, from the vantage point of the spectator-judge surveying the totality of human history, the situation is quite different. The basis for this optimism (following the strategy outlined above) resides in the Idea of nature as a supersensible realm of final ends. In response to the question raised in the second half of the third Critique—Why is it necessary that man should exist at all?—Kant defends the view that humanity, like any other class of living things, must ultimately be accounted for in terms of teleology, since "absolutely no human reason . . . can hope to explain the production of even a blade of grass by mere mechanical causes" (CJ, 258). On this reading, our natural self-interestedness is judged to be so providentially designed as to force us out of a state of nature (which Kant, following Hobbes, conceives as a state of war) and into a political condition compelling lawful behavior culminating in "a moral predisposition." Man's natural "unsocial sociability" is here understood as causally effecting the progressive advent of an unnatural (i.e., moral) state of peace and harmony in accordance with an Idea of reason. It is this teleologically based interpretation of natural history, then, which perhaps explains how Kant could wax enthusiastic over the sublimity of the French Revolution as a symbol of eternal moral progress while yet condemning the lawlessness of its leaders.

The appeal to reason notwithstanding, Arendt finds this use of teleological judgment in resolving the dilemma of nature and freedom, and explaining the superior insight of the philosopher-historian questionable, since it relegates moral agents to the undignified status of means in attaining prior ends. Elsewhere, however, the aes-


18 Arendt, Lectures on Kant's Political Philosophy, 18, 31.
thetic strain prevails in Kant’s conceptualization of historical judgment, and it is here, she believes, that the core of Kant’s political thought resides. The “wishful participation that borders closely on enthusiasm” which Kant detects in his positive judgment of the French Revolution is described as consisting in “simply the mode of thinking of the spectators which reveals itself publicly in this game of great transformations, and manifests such a general yet disinterested sympathy for the players on one side against those on the other, even at the risk that this partiality could become very disadvantageous for them if discovered.”19 Implicit in this description is an aesthetics of judgment which Arendt characterizes as essentially imaginative, dialogical, and communitarian.20 To begin with, there is the idea that the aesthetic attitude of the spectator is superior to the moral attitude of the actor. From the standpoint of the actor revolution “is at all times unjust” since its success would involve violating the principle of publicity. As Kant puts it, a “maxim which I cannot divulge publicly without defeating my own purpose must be kept secret if it is to succeed; and, if I cannot publicly avow it without inevitably exciting general opposition to my project, the . . . opposition which can be foreseen a priori is due only to the injustice with which the maxim threatens everyone.”21 This perspective seems to clash with that of the spectator-judge for whom the sublimity of the ends takes precedence over the ignominy of the means—in this regard, at least, war is by no means a handmaiden to the “commercial spirit . . . low selfishness, cowardice, and effeminacy” wrought by a successful peace (CJ, 102). Arendt goes on to say, however, that insofar as “publicness is already the criterion of rightness in (Kant’s) moral philosophy,” the opposition between the practical and aesthetic standpoints and with it, “the conflict of politics with morality,” is partially resolved.22 The “political moralist,” whom Kant sees as forging “a morality in such a way that it conforms to the statesman’s advantage,” is the one who takes the narrow view of history as a “mere mechanism of nature.” The moral politician, by contrast, is capable of viewing history, if not as a natural process progressively striving to realize a final end, then at least as

19 Kant, Strife of the Faculties, 143.
20 Arendt, Lectures on Kant’s Political Philosophy, 66–67.
22 Arendt, Lectures on Kant’s Political Philosophy, 19.
a theater of moral purposes in which his or her own freedom is
tested and affirmed. In this instance the possibility of taking up
the moral standpoint, far from opposing the aesthetic distance of
the spectator-judge, actually presupposes it. Publicity not only be-
comes the great regulator of moral action; it also anticipates an
ideal public of spectators who transform their solitary perspectives
by communicating with one another.

Arendt proceeds to unpack the meaning of this ideal in terms
of the disinterestedness of the spectator. Of the three “maxims of
common human understanding” mentioned by Kant—think for one-
self; think from the standpoint of everyone else; and think consist-
tently—it is the second, the maxim of “enlarged thought,” that spe-
cifically applies to the disinterestedness of the spectator’s judgment.
A person of enlarged mind “detaches himself from subjective per-
sonal conditions of his judgment, which cramp the minds of so many
others, and reflects upon his judgment from a universal standpoint
(which he can only determine by shifting his ground to the stand-
point of others)” (CJ, 136–37). The importance of enlarged thought
for the problem of judgment hinges on the role of imagination. In
her earlier essay, “Understanding and Politics” (1953), Arendt
writes: “Imagination alone enables us to see things in their proper
perspective, to put that which is too close at a certain distance so
that we can see and understand it without bias or prejudice, to bridge
abysses of remoteness until we can see and understand everything
that is too far away from us as though it were our own affair.”

Imagination enables one to “represent something to oneself that is
no longer present”; thinking subjects the representation to the crit-
ical dialogue of the mind. Judging, by contrast, does not deal with
representations (universal or otherwise) but “always concerns par-
ticulars and things close to hand.” Nonetheless, it is “the by-product
of the liberating effect of thinking” and “realizes thinking, makes
it manifest in the world of appearances.”

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23 Kant, Perpetual Peace, 119.
25 Arendt, Thinking, 192–93.
appearance." As Ernst Vollrath and Ronald Beiner have pointed out, the kind of impartiality intended here should not be confused with scientific objectivity. If anything, it is more kindred to phenomenological openness; things are to be judged afresh in all their phenomenal richness and inexhaustible particularity without being subsumed in advance under conventional universals or habitual modes of classification. Still, without some mediation of universal and particular neither perception nor judgment would be possible. In the case of phenomenological description particular appearances are elevated to the rank of exemplary universals (essences) through a process of imaginative variation and eidetic intuition. Something similar happens to particular events when judged; brought into relief with the aid of narrative understanding and imaginatively interpreted with an ideal audience in mind, human actions come to exemplify what is best or worst in us, what should or should not be emulated. This is how "redemptive" judgment resolves the antinomy of freedom and necessity, willing and thinking; reconciliation with the past is made possible by endowing the contingent particular with intrinsic meaning and worth.

The work of imagination is captured further by Kant in terms of an ideal community, or audience of interpreters who are thought of as striving to reach impartial agreement and mutual understanding:

[U]nder the sensus communis we must include the idea of a sense common to all, i.e., of a faculty of judgment which, in its reflection, takes into account (a priori) the mode of representation of all other men in thought, in order, as it were, to compare its judgment with the collective reason of humanity . . . This is done by comparing our judgment with the possible rather than the actual judgments of others, and by putting ourselves in the place of any other man, by abstracting from the limitations which contingently attach to our own judgment. (CJ, 136)

Implicit reference is here made to the importance of publicity. In Kant's opinion, it is not enough to possess a right to the private use of one's reason, for even the most conscientious exercise of judgment will be biased unless it is exposed to public examination. Hence,

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the principle of aesthetic judgment has as its corollary freedom of speech and press.28

III

One wonders just how successful Arendt's reconstruction of Kant's "other" political philosophy is in dealing with the crisis of judgment symptomatic of the postmodern condition. If the postmodern condition renders reason and tradition equally suspect as authoritative reference points for judgment, then what can be the basis for saying that the standpoint of the spectator is any better than that of the actor? Can community still provide an "impartial" touchstone for judging our fragmented, alienated, and anomic condition? Before answering this question I would like to return again to Arendt's choice of Kant's aesthetics as a model of political judgment. This model, as we have seen, privileges the standpoint of the spectator over that of the actor. Although she herself would like to believe that the perspectives of actor and spectator coincide, it is clear from her own remarks that such is not really the case. Though both categorical imperative and sensus communitis enjoin the universalizability of perspectives, the former compels the judgment of particular actions in isolation from unintended consequences, the latter does not. Interestingly, some of Arendt's earlier writings anticipate a way out of this dilemma in their fusion of Aristotelian and Kantian motifs. In "The Crisis in Culture," for example, Arendt discusses the role of phronēsis in judgment:

That the capacity to judge is a specifically political ability in exactly the sense denoted by Kant, namely the ability to see things not only from one's own point of view but in the perspective of all those who happen to be present, even that judgment may be one of the fundamental abilities of man as a political being insofar as it enables him to orient himself in the public realm, in the common world... The Greeks called this ability phronēsis, or insight, and they considered it the principal virtue or excellence of the statesman in distinction from the wisdom of the philosopher.29

29 Arendt, Between Past and Future, 221.
The juxtaposition of Aristotelian and Kantian motifs is quite surprising given Kant's own conviction that prudence, or prudêntia (following Aquinas's Latin translation of phronésis), ought to be excluded from the moral-political realm as a "heteronomous" exercise of will. This decision rests on narrowly interpreting the prudence of the "political moralist" as a purely theoretical (or technical-practical) skill involving the calculation of means for efficiently bringing about desired ends, such as "exercising an influence over men and their wills" for the sake of advancing interests of state (CJ, 8). Aristotle, however, was careful to distinguish phronésis from technê and epistêmê, and accorded it the title of practical wisdom, by which he meant deliberation over ends as well as means. This activity clearly has certain features in common with Kant's notion of reflective judgment; it is "concerned with particulars as well as universals," not simply in order to subsume the particular under the universal (application), but to discover the universal, or rather, the proper mean, appropriate to a given situation; and its exercise involves considering the good of the community as well as one's own.  

One reflects on the particular situation and the opinion of one's fellow citizens in qualifying the universal, and in this regard, at least, prudence is more open to the particular and less rigidly determined by the universal than Kant's "law-testing" approach to moral judgment" (as Hegel referred to it). Still, it is quite opposed to Kant's notion of reflective judgment in its focus on the substantive qualifications of statesmanship—experience, cultivation of virtuous character, formation of sound habits, and so on—which, presupposing active membership within local political communities bound by common customs, cannot fulfill ideal conditions of impartiality, universalizability, and autonomy.  

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31 Arendt, *Between Past and Future*, 220-21. Substantive considerations, however, do enter into the account of judgment and social taste presented in Kant's *Anthropology*. There, judgment ("the faculty of discovering the particular so far as it is an instance of a rule") is similar to Aristotle's golden mean in that it involves correct understanding, which "maintains the properness of concepts necessary for the purpose for which they are used" (Kant, *Anthropology*, 92). Such discrimination "cannot be taught, but only exercised," and "does not come for years" (ibid., 93). Elsewhere, Kant talks about the "goodness of soul . . . around which the judgment of taste assembles all its judgments" as the "pure form under which all purposes must be united." But "greatness of soul and strength
One wonders why Arendt ever abandoned this classical conception of judgment, since it comports much better with the presumed truthfulness of political opinion—a presumption whose basis resides in the shared convictions of a community rather than in the demonstrations of moral theorists. Yet for a civilization whose identity has become so abstract as to verge on total disintegration, the only community capable of serving as touchstone for judgment may well be that disinterested ideal mentioned by Kant. Despite formalistic shortcomings, the “aestheticization” and concomitant “depoliticization” of sensus communis for which Gadamer rebukes Kant is possibly a better gauge of how things really stand with us than he or any other neo-Aristotelian would care to admit.

Now, no contemporary thinker of repute has capitalized on this aspect of Kant’s thought to the extent that Lyotard has. The aestheticization of science and politics which his philosophy proclaims is clearly descended from that great fragmentation of value spheres animating German thought since Kant. Yet notwithstanding the somewhat cynical manner in which Lyotard embraces the debasement of value to exchange commodity, his otherwise positive, Nietzschean paean to iconoclasm and innovation is at least tempered by...
a strong moral proclivity which owes as much, perhaps, to the "pagan" notion of *phronēsis* as it does to the modern deontological ethics of Kant. This postmodern disrespect for stylistic boundaries, whose very eclecticism mocks the rational demand for consistency, purity, and progress, would appear to put Lyotard on the side of relativism were it not for his retrieval—highly uncharacteristic of most post-structuralism—of universal notions of justice and judgment.

I will not bother repeating what I have said elsewhere about Lyotard’s vision of postmodern society. It suffices to note that the fragmentation of persons and institutions into so many atomic roles and incommensurable language games bears witness to a new legitimation crisis. According to Lyotard, the local nature of radically incommensurable language games essentially frustrates any attempt to uncover overarching rules of communication. Indeed the rules internally regulating any given language game are themselves continually contested; for in science as in daily life, conflicts between competing descriptive, prescriptive, and expressive language games go well beyond inducing the sorts of innovations generated within the rules of normal discourse. Since the postmodern condition fosters an incessant search for the new, the unknown, the anomalous, the subversive, the eclectic—in short, dissent from dominant conventions and decentralization of subjectivity—Lyotard concludes that only a "legitimation by paralogy" can satisfy "both the desire for justice and the desire for the unknown." Consequently, the democratic demand that social practices conform to a universally binding consensus as a condition of their legitimation—the modernist position defended by Habermas and Arendt—strikes him as nothing less than totalitarian.

What are the implications of this analysis for a theory of judgment? Because there is no overarching community of discourse Lyotard maintains that judgment is bound by conventional standards of taste possessing at most local validity. The accent here is

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36 Ibid., 65–67.
on competencies related to phronēsis; since standards are general—prescribing only the limits of possible judgment—their application in any given situation and, therewith, their specific meaning and validity, will also be undetermined, at least with respect to these limits. It is at this juncture, however, where practical (pagan) competencies for judgment and action lead to a more modern, aestheticized notion of the Kantian type. The heteronomy (habitualness) and parochiality (determinateness) of conventional judgment is itself permanently relativized vis-à-vis the judge’s freedom to reinterpret the content of standards. As Lyotard puts it, “the veritable nature of the judge is just to pronounce judgments, hence prescriptions, without criteria.”

In other words, the limits which immediately determine judgment are violated as soon as they are imaginatively reinterpreted in light of an indefinite horizon of possible situations. This spectatorial horizon is likened by Lyotard to a regulative idea which postulates neither the convergence of all possible judgments nor the universalizability of any standard, but only the autonomy of judgment—its capacity to “maximize opinions,” or generate new possibilities. If a communitarian ideal is implicated here it is that wherein the plurality of voices (or language games) would be preserved without the violence of hegemony.

Lyotard first hinted at combining Aristotelian and Kantian notions of judgment in his 1979 interview with Jean-Loup Thébaud. Shortly thereafter critics such as Jean-Luc Nancy pointed out the paradox inherent in this position. Defending an Aristotelian perspective, Lyotard denied any possibility of grounding judgments claiming universal validity. Yet his self-acknowledged willingness to play “the great prescriber” who judges the proper limits governing all language games from the detached perspective of the spectator clearly presupposed such a possibility, otherwise his own critique of scientism and discursive hegemony would have been without foundation. Moreover, by prescribing very determinate boundaries to the prescriptive and descriptive language games of morality and science respectively he may have confused (so Nancy argues) determinant and reflective judgment. On this reading Lyotard over-
stepped the boundaries of aesthetic judgment. The latter may well be guided by an indeterminate idea of community, but this universal is not of the order of something that can be prescribed as a definite purpose to be striven for. Having thus succumbed to a kind of transcendental illusion, Lyotard became entrapped in a totalitarian logic of his own making—that of absolute pluralism.

One need not accept Nancy's contention that Lyotard confused *phronēsis* and reflective judgment to see the problem implicit in playing the "great prescriber." Even if, as Gadamer and other hermeneuticists have claimed, every valid application of a general rule to a concrete situation involves reinterpreting the rule in light of the peculiar circumstances of the situation while relativizing these same circumstances with respect to an indeterminate ideal of community, that is, even if every determinate judgment presupposes a reflective judgment and vice versa, such application does not always or necessarily entail prescription. This objection was finally acknowledged by Lyotard in *Le différend* (1983) where he once again returned to Kant in order to clarify the notion of a community of heterogeneous faculties "without which (the partisans of consensus, or beautiful harmony, or the partisans of conflict, or sublime incomensurability) would not even be able to agree that they are in disagreement." Lyotard's preferred symbol for this new conception of community is an archipelago:

The faculty of judging would be at least in part like a ship owner or an admiral who would launch from one island to another expeditions destined to present to the one what they have found (discovered in the old meaning of the term) in the other, and who could serve up to the first some "as-if" intuition in order to validate it. This force of intervention, war or commerce, hasn't any object, it has no island of its own, but it requires a milieu, the sea, the archipelago, the principal sea as the Aegean Sea was formerly named.

The third *Critique* takes note of symbolic or analogical passages (Übergänge) linking what are otherwise heterogeneous moral, aesthetic, and cognitive faculties. Lyotard curiously finds in this "oceanic" simile something like a higher ground on which to base the critical judgment of the philosopher—a common place (the sea)

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41 Ibid., 190.
in terms of which competing islands of discourse can be relativized (located) with respect to their particular domains of validity—though he characteristically interprets it in a manner that brings into relief an underlying tension. In *The Strife of the Faculties* (1798), Kant no longer conceived critical philosophy as a neutral tribunal that delivers final verdicts (prescriptions) without incurring new wrongs. We find instead the notion of a guardian who, while not a litigant in the dispute, intervenes indirectly on behalf of the weaker party by judging what is "just," or conducive to an agreement to disagree. The dispute in question is the conflict of faculties—in the first instance, between the "higher" university faculties of theology, law, and medicine and the "lower" faculty of philosophy; and in the second, between opposed cognitive and practical mental faculties laying claim to the same territory, human nature. One cannot regulate the various injustices (or *différends*, as Lyotard prefers to call them) which arise when conflicting "discourses" range over the same territory; at most, one can expose them by defending the equally valid claim of the weaker party, the advocate of freedom, against the apparently stronger claim of the dogmatist. The basis for this peculiar judgment would thus appear to be that the conflict of mental faculties—indeed, the very sickness of the distracted subject—may yet be conducive to the health of the soul.

For Lyotard the kind of critical judgment exercised by the philosopher is reflective rather than determinate, aesthetic rather than teleological. It is not restricted to any given locale (or discursive regime) but ranges over an entire "archipelago." Nor is it guided in advance by any theoretical or practical notion of finality. What guides this judgment are aesthetic considerations pertaining to the integrity of a whole whose parts achieve harmonious equilibrium only through conflict. This is not a judgment of beauty in Kant's sense, but a judgment of the sublime. Whereas judgments of beauty reflect the imagination's success in discovering symbols which represent ideas of reason and attest to the unity of faculties—the unity of the cognitive and the practical in the supersensible Idea of nature being a case in point—judgments of the sublime articulate just the opposite—the incommensurability of imagination and understanding, the presentation of the unpresentable. Sublime for Kant are those experiences of formlessness, boundlessness, and lack of finality such as political revolutions, which paradoxically arouse enthusiasm in us because they manage in spite of themselves to signal the finality
and community they empirically deny. 42 Sublime, too, is the lack of finality evident in the différend since it symbolizes a community in which conflict is the basis for integrity, harmony, and justice. Lyotard’s philosophy therefore testifies to a justice of judgment rather than of action and representation. As he puts it, “politics cannot have for its stake the good, but would have to have the least bad.” 43 By contrast, justice demands only that one judge without prescribing, that one listen for the silences that betoken différends so as to finally let the suppressed voice find its proper idiom. 44

Lyotard’s refusal to grant judgment any prescriptive force follows from the postmodern standpoint he shares with Arendt. If Arendt and Lyotard do not exactly repudiate the finality of judgment, they certainly deny it any determinate content. In the absence of any final verdicts we are left with little consolation but the dignity that comes from judging responsibly. Arendt, of course, found hope in a purely formal idea of community—one, she believed, that might serve to regulate our search for mutual understanding and reconciliation. Although Lyotard also embraces a formal ideal of “community”—he like Arendt has long since abandoned the quest for global narratives in favor of recounting the petit récits of localizable collectivities—he more than she has been attuned to the pessimistic implications of the current crisis. Having resigned himself to the end of community as a locus of consensus, he urges acceptance of the sublimely indeterminate, yet painful, spectacle of never-ending conflict, disruption, and (it would seem) injustice. This solution seems paradoxical in light of Lyotard’s insistence on politicizing art and philosophy; for if ideas of community and justice still find a niche in his philosophy it is in the depoliticized sense of a healthy equilibrium of heterogeneous discourses composed of discontinuous phrases—a justice, if you will, of mutually cancelling injustices. Once the sundering of the community of reason is accomplished, however, philosophical judgment is left curiously suspended in an oceanic void. Due to its extreme discrimination, judgment has deprived itself of any determinate ground on which to discriminate,

42 Lyotard, Le différend, 240–43.
43 Ibid., 203.
44 Ibid., 30.
thereby perhaps explaining Lyotard's curious opinion that the only appropriate response to linguistic fragmentation is silence. At least Arendt continued to regard the function of judgment as in some sense preserving a space for the disclosure of community and world. Lyotard's rejection of the ontological no less than the practical role of judgment, on the contrary, raises doubts about the normative basis underlying his own critical judgment.\textsuperscript{45}

Viewed in this light, Nancy's critique of Lyotard is decisive:

[Lyotard] posits "passages between 'areas' of legitimacy" such as "language (which, if you will, is Being without illusion) in process (\textit{en train}) of establishing diverse families of legitimacy, critical language, without rules." Language—that is to say, if I understand correctly, the difference either of/between phrases—is defined "if you will" as "Being without illusion." That is to say that illusion is to speak of Being, but that speaking is Being "without illusion". . . . It is in process, it hasn't finished or begun, but it is in process \textit{à la place}. What is this place? Lyotard would doubtless say that this question is illegitimate. Let's say that he is right. But what is it to be right? Ultimately it is not a "play of phrases" which decides what is right. . . . If it is not "Being" it is at least that which happens to it, in fact the truth of an experience, the judgment of a (hi)story. It is not "phrases" that are "right". . . . Truth is not a phrase—and yet truth happens.\textsuperscript{46}

In situating this difficult passage one must bear in mind Lyotard's insistence on the contextuality of all judgment. This would perhaps

\textsuperscript{45}Habermas also has difficulty accounting for the normative basis of judgment, though for somewhat different reasons. He is inclined to distinguish judgment from practical reason, the application of general norms (\textit{phronësis}), from their discursive justification. Although his understanding of judgment is informed by Gadamer's hermeneutics, which invests \textit{phronësis} with a certain reflexivity and dialogical openness, he is not willing to see in it a different, perhaps aesthetic, conception of rationality at work. The notion of aesthetic rationality in Habermas's philosophy is unclear, but some of his recent essays have alluded to a kind of artistic rationality and "truth" which would be holistic and prediscursive, implying more than an ideal speech situation. See Habermas, "Questions and Counterquestions," in \textit{Moralbewußtsein und kommunikatives Handeln} (Frankfurt: Suhrkamp, 1983), 53–125; R. J. Bernstein, ed., \textit{Habermas and Modernity} (Cambridge: M. I. T. Press, 1985); and David Ingram, \textit{Habermas and the Dialectic of Reason} (New Haven: Yale University Press, 1987), 101–03, 177–88.

\textsuperscript{46}Jean-Luc Nancy, \textit{L'imperatif categorique} (Paris: Flammarion, 1983), 60.
explain the inconsistency of many of his own judgments in the Thébaud interview about the rightful boundaries separating moral and scientific discourse. Depending on the context of his own reasoning, Lyotard argued both that prescription should be left out of science and that scientific discourse is and even should be impure and undecided. That the logical status of a scientific law or a rule of language hovers somewhere between the prescriptive and the descriptive is something to be at once praised as "paralogical" and condemned as "terroristic." The resulting lack of centeredness and discrimination conveys precisely the impression of sophistry Lyotard seeks so assiduously to cultivate. Nancy's remark, I think, can be understood as a response to the indeterminacy and ungroundedness of this situation. Accepting much of Lyotard's thesis concerning the postmodern condition, Nancy still prefers to read Kant through the eyes of Arendt and Heidegger. Judgment is not an arbitrary game of reversal, but presupposes some relationship to the truth, however this is interpreted. Judging discloses Being—discriminates and brings to light what there is. At the same time, it remains firmly embedded in a form of life, or mode of being, that presupposes a deeper, pre-thematic understanding of a global nexus of meaningful relationships comprising the always implicit background against which one acts and experiences. This disclosure (or "truth" as Heidegger would say) is already centered (enclosed or located) within a linguistically determined horizon of possible meaning—what Gadamer would call the "effective history" of past precedent (tradition as a repository of possibilities)—and for that reason must be distinguished from the sort of cognitive truth expressed in propositional or categorical judgments. Kant, too, emphasized the centrality of judgment in bringing about the synthesis of intuition and concept necessary for the possibility of experience, but by this he meant a categorial determination. For Nancy, on the contrary, this synthesis presupposes a deeper disclosure of world, self and community involving reflective judgment, or the interpretative creation or discovery of new modes of action, feeling, and cognition. Though reflective judgment encompasses and even incorporates the differential structure of language encapsulated in the notion of the dif?férend, it does not dissolve into "a play of phrases." For prior to all decentralization judgment is determined pre-categorically by the web of meanings comprising an ontological preunderstanding.
this is so, then the roots of reason reach further down into the ground than its discursive fragmentation would indicate. Can we accept the finality of this judgment? We can, I believe, so long as we remember that even in our postmodern condition—a condition in which tradition, now fragmented, has lost much of its authority—the indeterminacy of final ends and the determinacy of finite purposes, the aesthetics and pragmatics of judgment, are never absolutely opposed, but remain aspects of one and the same Being.

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