

A Capacity for Agreement: Hannah Arendt and the *Critique of Judgment*

The goal of humanity cannot lie in its end
but only in its highest exemplars.¹
—Friedrich Nietzsche

1. Introduction

In the autumn of 1970, Hannah Arendt delivered a series of thirteen lectures on Immanuel Kant's *Kritik der Urteilkraft* at the New School for Social Research in New York City. During these lectures, Arendt argued that Kant's writings on judgment contain the groundwork for a political philosophy that was never fully articulated, but which may very well represent Kant's most incisive contribution to political thought. It is widely assumed that these lectures comprise the raw material for what would have become, had it not been for her death in December of 1975, the third and concluding volume of Arendt's *The Life of the Mind*.² The material presented in these lectures would have augmented the two completed volumes, *Thinking* and *Willing*, by comprising a third volume that was to have been called, simply, *Judging*. Mary McCarthy, editor of the posthumous writings, recounts in her "Postface" to *The Life of the Mind*, that following Arendt's death, which occurred less than a week after completing the final draft of *Willing*, "a sheet of paper was found in her typewriter, blank except for the heading 'Judging' and two epigraphs."³

¹Friedrich Nietzsche, "On the Uses and Disadvantages of History for Life," in *Untimely Meditations*, trans. R.J. Hollingdale (Cambridge: Cambridge University Press, 1983), pp. 57-124, at p. 111.

²A discussion concerning the relevance of Arendt's Kant lectures for conjecturing about her unwritten work on judgment appears in Ronald Beiner, "Hannah Arendt on Judging," in Hannah Arendt, *Lectures on Kant's Political Philosophy*, ed. Ronald Beiner (Chicago: University of Chicago Press, 1982), pp. 89-156. See esp. pp. 89-94.

³Mary McCarthy, "Postface," in Hannah Arendt, *The Life of the Mind*, ed. Mary McCarthy (New York: Harcourt Brace Jovanovich, 1978), p. 218. The first epigraph is from Cato and translates as: "The victorious cause pleased the gods, but the defeated one pleases Cato." The second, taken from Goethe's *Faust*, Part II, Act V, 11404-7, reads: "If

These few lines constitute the only actual text we have of *Judging* and thus any adequate understanding of the unwritten volume, as well as any comprehensive study of *The Life of the Mind*—particularly because, as Ronald Beiner has emphasized, the extant sections of *The Life of the Mind* conclude at a somewhat theoretical impasse⁴—must remain a matter of considerable conjecture.

Nevertheless, I begin with Arendt's lectures on judgment because these writings conclude with a discussion of Kant's notion of "exemplary validity."⁵ Since the few notes of Arendt's that we have regarding her volume on judgment emphasize the role of exemplarity in the *Kritik der Urteils kraft*, it is not unreasonable to assume that, had she been able to complete this text, it would have highlighted the importance of exemplarity in Kant's analysis of aesthetic judgment. Following Arendt's lead, in this paper I argue that the third *Kritik* is distinguished from the rest of Kant's writings precisely by the manner in which it uses exemplarity to demonstrate the legitimacy of judgments of taste. This reading of Kant is unconventional, but I believe that if we approach Kant's work from the vantage of exemplarity, Arendt's controversial interpretation of Kant becomes more plausible. By overlooking the importance of exemplarity in Kant's final *Kritik*, many interpreters of Arendt assume that she took exceptional liberties with her analysis of Kant's thought. While this is undoubtedly the case in certain instances, which I will discuss below, Arendt's primary interest in the social nature of judgment is not among them. In fact, as I will argue, the sociality of judgment is precisely what exemplary validity serves to legitimate in Kant's deduction of aesthetic judgment. By stressing the important role examples play in legitimating the faculty of judgment, Kant's deduction of aesthetic judgment leaves open the possibility for reading the third *Kritik* as a powerful political enterprise, and it is precisely this opening that Arendt exploits in her work by claiming that these writings constitute a genuine political philosophy.

2. Politics in Crisis

Arendt's engagement with Kant forms an integral part of her broader interest in what we may refer to as the crisis of politics, something she

I could remove the magic from my path / And forget all the enchanted spells, / Nature, I would stand before you, a man alone, / Then it would be worth the effort of being a man." See Ronald Beiner, "Judging in a World of Appearance: A Commentary on Hannah Arendt's Unwritten Finale," *History of Political Thought* 1 (1980): 117-35, pp. 117-18.

⁴Beiner, "Hannah Arendt on Judging," p. 90.

⁵For another approach to Arendt's discussion of exemplary validity, see Alan Singer, "Aesthetic Community: Recognition as an Other Sense of Sensus Communis," *boundary* 2 24, no. 1 (1997): 205-36.

described in her 1953 essay “Understanding and Politics” as the “ruin of our categories of thought and standards of judgment.”⁶ While the catalyst for Arendt’s reflection on this subject was the rise of twentieth-century totalitarianism, the manifestation of totalitarian politics was not the cause of the crisis in political judgment, but merely exposed the latent fragility of Western political authority, the foundation of which had long since eroded. Arendt points out that at least as far back as the eighteenth century, it was already evident to Montesquieu that only a frail scaffolding of customs and traditions “prevented a spectacular moral and spiritual breakdown of occidental culture.”⁷ Cultural and religious traditions that had served as common reference points for public deliberation had been deprived of their authority, leaving in their wake a legitimacy vacuum that, in the case of political deliberation, had not been adequately filled by being brought before the “tribunal of reason.”

Contextual historiography, in the work of such authors as Montesquieu, Voltaire, and Herder, in addition to having brought to light the plurality of the world’s cultural and political systems, also emphasized the contingent nature of these systems. For this reason, Arendt turns to Montesquieu to find a scholar keenly aware of the impending crisis in judgment, for it was through an historical understanding of human society—an historical perspective not yet enamored of the notion of human progress that so efficiently reigned plurality back in—that questions about the relativity of cultural meaning and its value were first broached. When Johann Herder asserts that each nation attains its own political and cultural preferences according to an internal, and for this no less justified, system of values, he is well on the way to saying, along with Nietzsche nearly a century later, that all values are contingent. Indeed, it was in the shadow of this threat, in the shadow not only of the possibility, but of the mounting plausibility, that value judgments are subjective and not sanctioned by transcendent criteria, that Kant set about writing the *Kritik der Urteilskraft*. For Arendt, the main objective of the third *Kritik* was not to establish a catalogue of principles for gauging the legitimate use of taste, but to wrestle with the fact that the habits and protocols of taste that had policed the frontiers of good judgment until the eighteenth century had begun to fail precisely because the tribunal of reason—which had recently replaced the discredited traditions of pre-modern science and epistemology—had failed to serve as an equally viable proxy for cultural and religious traditions. If Arendt is accurate in her assessment that Kant was the first major thinker to seriously tackle

⁶Hannah Arendt, “Understanding and Politics,” *Partisan Review* 20 (1953): 377-92, p. 388.

⁷*Ibid.*, p. 384.

the problem of judgment, it is in part because prior to the Enlightenment the shared *cultural* standards for making judgments remained intact. Once room for doubting these received standards appeared, the significance of judgment as a mental capacity came to the fore. To quote Beiner, “it is precisely when the yardstick of judgment disappears that the faculty of judgment comes into its own.”⁸

One can begin to see, then, how the crisis of judgment that Arendt explores in the extreme politics of the twentieth century draws upon issues raised by historians and aestheticians of the eighteenth century insofar as these fields of inquiry were among the first to consider the prospect that values, and the judgments they engender, are inherently pluralistic. In fact, the contingency of values would come to support the implication that even reason itself might be a function of cultural and historical conditions. What culture and politics share, something that philosophy does not, is a concern with, but also a mandate to ground their legitimacy in, a public and abundantly pluralistic world. The truths of politics are of a different order from that of the truths of epistemology or ontology, and the difference lies in the intersubjectivity of its judgments. As Arendt puts it in “The Crisis in Culture,”

Culture and politics, then, belong together because it is not knowledge or truth which is at stake, but rather judgment and decision, the judicious exchange of opinion about the sphere of public life and the common world, and the decision what manner of action is to be taken in it, as well as how it is to look henceforth, what kinds of things are to appear in it.⁹

One should not construe from this passage, or from others like it, that Arendt is suggesting that because judgment is not grounded in conceptual analysis and does not pursue truth, it is therefore arbitrary and beyond the ken of intellectual critique. Rather, she is suggesting, along the same lines as Kant, that if philosophy is going to understand judgment, it must do so by relinquishing the notion that the legitimacy of judgment is a function of transcendental principles. Judgment, and in this I am referring to Kantian reflective judgment, does not have access to pre-given categories or rules. Rather, judgments must devise their own set of rules in the very process of implementing them. James Clarke, speaking of the application of political judgments, has captured the point this way: “Politics complicates the task of judging immeasurably because it too has no pre-determinate ‘object’. In other words, to judge politically is not to judge an object but to call forth the problem of judgment itself.”¹⁰ And

⁸Beiner, “Hannah Arendt on Judging,” p. 96.

⁹Hannah Arendt, “The Crisis in Culture: Its Social and Its Political Significance,” in *Between Past and Future* (New York: Penguin Books, 1977), pp. 197-226, at p. 223.

¹⁰James P. Clarke, “A Kantian Theory of Political Judgment: Arendt and Lyotard,” *Philosophy Today* 38 (1994): 135-48, p. 139.

consequently, for Arendt, when Kant sat down to formulate a theory of judgment, he unwittingly called forth the axial problem of politics. While both the first and second *Kritik* establish the limits of judgment within their respective areas of analysis—*theoretical* judgment in the case of the *Kritik der reinen Vernunft* and *practical* judgment in the case of the *Kritik der praktischen Vernunft*—both are strictly determinative insofar as they are subsumptive and therefore have no need to draft a law for their own guidance. In the *Kritik der Urteilskraft*, however, it is *aesthetic* judgment that is under consideration, and in this case judgment is reflective—a judgment that must propose *to itself*, in each unique encounter, its own principle of subsumption.¹¹ According to Arendt, it is Kant's willingness to consider a form of legitimacy that lies beyond the threshold of transcendental principles, and the potential implications for human freedom implied in making judgments in the absence of a supplied law, that makes his treatment of judgment politically germane.

Although Arendt clearly overstates the case when she asserts that Kant has no political philosophy other than what is woven throughout the lines of the *Kritik der Urteilskraft*, and while I agree on the surface with the numerous commentators who have identified important instances where Arendt misattributes ideas to Kant,¹² it is nevertheless apparent to me that Arendt's writings on judgment disclose a genuine aspect of

¹¹Reflective judgment arises whenever some particular presents itself as something for which no criteria exist through which it can be thought. That is to say, the activity of judging reflectively occurs when one is confronted by a particular for which there is no universal category of which it is a part. In such cases, it is not a matter of rendering a general commentary on a given *kind* of object, but rather of passing a judgment on *this* single object. This is what it means to say that the particular must be subsumed without the universal rule being given to determine the subsumption.

¹²Bernard Flynn, for instance, argues that when Arendt asserts that Kantian judgment is "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," she is imputing to Kant something that he does not state, namely, that judgment is valid for a public that is understood as an historically specific community. Arendt's use of the expression "happens to be present," Flynn contends, is employed in order to introduce an element of contingency into Kant's concept of judgment, which, as Flynn goes on to state, is, in fact, precisely the opposite of what Kant argues. Flynn concludes: "The consideration of the possible judgments of others is effected to the end of showing that my judgment is *not* circumscribed within my own history or the history of my contingent community, but is rather a function of the pleasure generated by the harmony of the faculties of imagination and understanding which are shared by 'every man'." See Bernard Flynn, "Arendt's Appropriation of Kant's Theory of Judgment," *Journal of the British Society for Phenomenology* 19 (1988): 128-40. Ronald Beiner levels a similarly structured critique when he highlights the fact that Arendt consistently translates *allgemein* as "general" as opposed to the more customary "universal," thereby glossing over Kant's appeal to a transcendental foundation for judgment. See Beiner, "Hannah Arendt on Judging," p. 163, n. 155. This argument has been more recently republished in Ronald Beiner, "Rereading Hannah Arendt's Kant Lectures," *Philosophy and Social Criticism* 23 (1997): 21-32, pp. 29-30.

Kant's work that warrants attention. Moreover, Arendt herself candidly acknowledges in the *Lectures* that her reading of Kant is idiosyncratic, keeping, as she says, "within Kant's spirit" while intentionally "going beyond" Kant's own presentation.¹³ But, above all, Arendt's writings on Kant are important because they recognize the extent to which Kant's theory of aesthetics is wedded to the tremendous difficulty of drawing reflective judgment into the framework of a philosophical system, and that this difficulty is bound not merely to a philosophical problem concerning thought, but to a political problem centered on judgment.

3. The Presence of Others

As I mentioned above, the problem of judgment surfaces when the implicit customs and mores that silently guide judgment within a community are made explicit, and thereby contestable, through a serious encounter with cultural and political difference. This began to occur in Europe during the late seventeenth and eighteenth centuries under, among other things, colonialism and the influence of contextual historiography, and became fully pronounced when local communities not only saw themselves as consisting of a plurality of political demands, but could openly encounter these demands in public dialogue. The basic issue, which crystallizes in the question of judgment itself, is simply how to appropriately decide between this assortment of competing political demands. How does one judge between what is just, or valuable, or desirable for a community given the diversity of subjective interests? And furthermore, because to ask how one is to judge is also to ask how one is to decide upon the criteria that make judgment possible, what criteria does one invoke in making such determinations? Borrowing again from James Clarke, since politics has no predetermined object, and since it is not concerned with the discovery of truth, it is burdened with the task of constructing its object through the very judgments a political community makes.¹⁴ The criteria for determining what is or is not a good judgment are as much the *result of* a judgment as they are the *basis for* judgment.

The conspicuous circularity that burdens political judgment—the fact that the criteria for passing judgment do not transcend the act of judging itself—is equally applicable to aesthetic judgment. In discussing the problem of performing a deduction of judgments of taste, Kant writes:

So this problem concerns the a priori principles that the pure power of judgment [uses when it makes] *aesthetic* judgments, i.e., judgments where it does not (as it does in theoretical judgments) merely have to subsume under objective concepts of the understand-

¹³See Arendt, *Lectures on Kant's Political Philosophy*, p. 33.

¹⁴Clarke, "A Kantian Theory of Political Judgment," p. 139.

ing, [so that] it is subject to a law, but where it is, subjectively, object to itself as well as law to itself [*sondern wo sie sich selbst, subjektiv, Gegenstand sowohl als Gesetz ist*].¹⁵

Because aesthetic judgment does not operate under transcendental laws provided by the understanding or by reason, it is required, in addition to carrying out the application of the law, to forge a law of its own. While Kant goes on to stipulate that this law can only be the principle of a “purposiveness in nature,” that is, the presentation of nature as if an understanding determined the unity of what is diverse with respect to nature’s empirical presentations,¹⁶ it is the self-reflexivity of reflective judgment, the fact that it institutes its own criteria, that is of interest here—if only because this is precisely what is of interest to Arendt.

In “The Crisis in Culture,” Arendt states that in order to see the faculty of judgment in its proper perspective and to fully understand that it implies a political rather than a theoretical activity, one must first consider the faculty of reason insofar as it is the law-giving faculty. Arendt begins her discussion with the *Kritik der praktischen Vernunft*, and specifically with the categorical imperative, which epitomizes for her the principle upon which rational thought, in this case exercised in the service of morality, is established. For anything to follow from the exercise of reason, rational thought must agree with itself. The law of non-contradiction must hold, and with respect to Kant’s moral theory, the abrogation of this law signals a violation of moral principles. Arendt goes on to explain that on the basis of this “principle of agreement with oneself,”¹⁷ the entire edifice of both Western ethics, with its stress upon being in agreement with one’s own conscience, and Western logic, with its appeal to the principle of noncontradiction, are established.

In the *Kritik der Urteilskraft*, however, Arendt detects an alternative approach to the problem of legitimacy that does not rest upon the agreement reason has with itself, but rather upon a thought process directed toward a potential agreement with others. She writes:

In the *Critique of Judgment* ... Kant insisted upon a different way of thinking, for which it would not be enough to be in agreement with one’s own self, but which consists of being able to “think in the place of everybody else” and which he therefore called an “enlarged

¹⁵Immanuel Kant, *Critique of Judgment*, trans. Werner S. Pluhar (Indianapolis: Hackett Publishing, 1987), p. 153 (Ak. 288). All citations from the *Critique of Judgment* will also include the pagination referenced to the standard *Akademie* edition: *Kants gesammelte Schriften* (Berlin: Königlich Preußische Akademie der Wissenschaften, 1908-13).

¹⁶Kant, *Critique of Judgment*, p. 20 (Ak. 180-81). In this section, Kant goes so far as to say that, “the purposiveness of nature is a special a priori concept that has its origin solely in reflective judgment.”

¹⁷Arendt, “The Crisis in Culture,” p. 220. Arendt cites a tenet of Socrates as the origin of this manner of thinking: “Since I am one, it is better for me to disagree with the whole world than to be in disagreement with myself.” See Plato, *Gorgias*, 482.

mentality” (*eine erweiterte Denkungsart*). The power of judgment rests on a potential agreement with others, and the thinking process which is active in judging something is not, like the thought process of pure reasoning, a dialogue between me and myself, but finds itself always and primarily, even if I am quite alone in making up my mind, in an anticipated communication with others with whom I know I must finally come to some agreement.¹⁸

Arendt’s reference is to Kant’s three maxims of common human understanding, which entail (i) thinking for one’s self, (ii) thinking from the standpoint of everyone else, and (iii) always thinking consistently. It is the second of these maxims, which Kant refers to as “broadened” or “enlarged” thought, that is most important for Arendt, because it is this aspect of common understanding that applies specifically to judgment. Whereas thinking for oneself and thinking consistently are components of the “agreement of reason with itself,” the capacity to formulate one’s thought from the perspective of others is not. As Peter Steinberger has explained,

[L]ogical or factual truths can, in principle, be discovered by the single individual in isolation; logical reasoning and cognition do not presuppose a political world. But agreement obviously does ... [and] this implies ... that the validity of judgment is quite different from that of logic or cognition.¹⁹

Reason can persist in solitude, judgment cannot. Consequently, judgment is politically relevant precisely because it is modeled on a communicative relation and it is the potential for agreement occasioned by this communicative relation that gives judgment its specific validity.

It is no surprise, then, that for Arendt, the pivotal passages of the third *Kritik* appear in §40, which deals with taste as a *sensus communis*. In this section, Kant argues that the feeling of pleasure (or displeasure) that accompanies an aesthetic judgment is not entirely subjective. Rather, it implies a sense that is common to all:

[W]e must [here] take *sensus communis* to mean the idea of a sense *shared* [by all of us], i.e., a power to judge that in reflecting takes account (a priori), in our thought, of everyone else’s way of presenting [something], in order *as it were* to compare our own judgment with human reason in general and thus escape the illusion that arises from the ease of mistaking subjective and private conditions for objective ones, an illusion that would have a prejudicial influence on the judgment.²⁰

The validity of reflective judgment hinges upon our capacity to distance ourselves from the subjective and idiosyncratic conditions of our reflec-

¹⁸Arendt, “The Crisis in Culture,” p. 220. The quotations from Kant are both excerpted from the *Critique of Judgment*, p. 160 (Ak. 293-94).

¹⁹Peter J. Steinberger, “Hannah Arendt on Judgment,” *American Journal of Political Science* 34 (1990): 803-21, p. 813.

²⁰Kant, *Critique of Judgment*, p. 160 (Ak. 293-94).

tions. The universal applicability of judgment is substantiated through this capacity. Kant emphasizes, however, that this capacity is not a power of cognition, but is rather a “way of thinking” that involves aptitude and even training. The exercise of our capacity to judge, when it is put in the service of thinking in the position of others, “indicates a man with a *broadened way of thinking* [*erweiterter Denkungsart*],” which is expressed when “he overrides the private subjective conditions of his judgment, into which so many others are locked, as it were, and reflects on his own judgment from a *universal standpoint* (which he can determine only by transferring himself to the standpoint of others).”²¹

Valid reflective judgments are, therefore, of a very different order from those of rational thought, and, as Arendt explains, this distinction manifests itself in two ways. First, judgment must extricate itself from the subjective and private conditions that prejudicially influence the standpoint of each individual, and second, judgment, unlike reason, *cannot* function in solitude. *Judgment requires the presence of others* “in whose place” it must think in order for it to operate at all. “As logic, to be sound, depends on the presence of the self,” Arendt writes, “so judgment, to be valid, depends on the presence of others.”²² Since, for Arendt, all politics unfolds in the public sphere, the composition and theoretical structure of Kant’s aesthetic judgment seems well suited for political judgment as well. In fact, by appealing to a *sensus communis*, Kant actively retrieves from the Renaissance the humanist understanding of *sensus communis* as an elementary civic virtue, thereby underscoring the correspondence between aesthetics as a faculty of judgment and aesthetics as a footing for civil society.

The *Kritik der Urteilskraft* is therefore not simply a descriptive document as is, say, the first *Kritik*. Instead it is infused throughout with a proscriptive agenda that, for Arendt, signals the true political purchase of Kant’s aesthetic writings. Having good taste may be grounded *in* a public sense and the universal “way of thinking” this entails, but it also acts as a suitable ground *for* the cultivation of civil society.

4. A Capacity for Agreement

It is at this juncture, however, that Arendt takes Kant’s writings into her own hands and in doing so invites the not altogether unwarranted ire of strict interpreters of Kant. She contends that judgment’s claim to validity is always a “specific validity” that does not extend universally. Judgment, she claims, “can never extend further than the others in whose

²¹Kant, *Critique of Judgment*, p. 161 (Ak. 295).

²²Arendt, “The Crisis in Culture,” p. 221.

place the judging person has put himself for his consideration.”²³ The insinuation here is that aesthetic judgment operates validly only within the confines of a local public space and that the claims judgment makes are valid only insofar as they are limited by the group of people one can count as existing within a given political community. This portrayal of Arendt’s position is borne out in “The Crisis in Culture” by her own reading of two passages from the *Kritik der Urteilskraft*. Regarding the first, she writes:

Judgment, Kant says, is valid “for every single judging person,” but the emphasis in the sentence is on “judging”; it is not valid for those who do not judge or for those who are not members of the public realm where the objects of judgment appear.²⁴

And immediately following this passage, she continues:

[T]he 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.²⁵

In both of these passages, Arendt delimits the universality of aesthetic judgment by localizing its scope to what might be understood as the *polis*. By returning to a moderately Aristotelian conception of political judgment, and by emphasizing the communal aspect of Kant’s formulation of judgment, she weakens the transcendental nature of judgments of taste, and in doing so resituates the political community, the *polis*, within the realm of philosophy.

Arendt’s vision of a well-wrought political community echoes Aristotle in that they both declare that the efficacy of politics is bounded by demographic limits. For Aristotle, the maximum size of an effective political community is reached when one can no longer communicate with all its assembled members. Book VII of the *Politics* specifically addresses the non-neutral relationship that abides between the size of a state and its political health. He writes: “To the size of states there is a limit as there is to other things, plants, animals, implements; for none of these retain their natural power when they are too large or too small.”²⁶ And shortly thereafter he continues:

[I]f the citizens of a state are to judge and to distribute offices according to merit, then they must know each other’s characters; where they do not possess this knowledge, both the election to offices and the decision of lawsuits will go wrong ... Clearly then the best

²³Ibid.

²⁴Ibid.

²⁵Ibid.

²⁶Aristotle, *Politics*, 1326a35-37.

limit of the population of a state is the largest number which suffices for the purposes of life, and can be taken in at a single view.²⁷

By restricting the scope of political judgment to “those who happen to be present,” Arendt is following Aristotle in contending that politics and political judgment cannot be legitimately applied universally. And this, of course, in addition to being opposed to Kant, is precisely the reason political theory does not fuse easily with conventional philosophy.

According to Arendt, the relationship between philosophy and public life has been one of withdrawal. The role of the philosopher in Plato’s *Republic*, despite donning the mantle of the philosopher king, was largely one of slow extrication from the public life of the *polis*, which, characterized by opinion, stands in opposition to the truths pursued by Plato’s philosopher. In the long march up and out of the cave, Arendt sees a deliberate flight from politics, and the legacy of this withdrawal motivates the passages quoted above insofar as the capacity to judge, as opposed to the ability to think and will, requires a public. Neither thinking nor willing can serve as the basis of a sound political theory, because each of these mental activities can be accomplished in solitude. It is only judging that demands plurality and thereby furnishes the means for assembling a theory of politics characterized not by the potential for certainty, but by the capacity for agreement. The enduring conflict between truth and politics, between the philosopher and the citizen, was touched off by philosophy’s degradation of *doxa*. “To the citizens’ ever-changing opinions about human affairs,” Arendt explains in “Truth and Politics,”

which themselves were in a state of constant flux, the philosopher opposed the truth about those things which in their very nature were everlasting and from which, therefore, principles could be derived to stabilize human affairs. Hence the opposite to truth was mere opinion, which was equated with illusion, and it was this degrading of opinion that gave the conflict its political poignancy.²⁸

Even when philosophers have spoken about politics, they have typically done so for the purpose of bringing about conditions suited for the life of the philosopher. In her third lecture on Kant, Arendt argues that the task has nearly always been—in Plato, in Hobbes, and to a lesser extent in Aristotle—to bring about in the public realm “that complete quiet, that absolute peace, that certainly constitutes the best condition for the life of the philosopher.”²⁹ This tranquil life is the antithesis of public life, for in silencing the din of opinion, it champions, even among the throngs of the

²⁷Ibid., 1326b15-25.

²⁸Hannah Arendt, “Truth and Politics,” in *Between Past and Future*, pp. 227-64, at p. 233.

²⁹Arendt, *Lectures on Kant’s Political Philosophy*, p. 21.

polis, a way of thinking that can be performed in utter solitude. Consequently, what compels Arendt to emphasize, or perhaps even to *over-emphasize*, the sociality of judgments of taste in her reading of Kant is a commitment to retrieve for philosophy a political mindfulness equipped to seriously address the inherent difficulties of incorporating public life and its battery of opinions into a theoretical system.

This specific task returns us to the controversial passages quoted above in which Arendt contends that Kantian judgment does not apply universally, but only to “those who happen to be present.” According to Ronald Beiner, what Arendt fails to fully appreciate is that Kant’s account of aesthetic judgment is shaped by the moral ideal of *autonomy* outlined in the *Kritik der praktischen Vernunft* and that this limits the degree to which Kant can permit relations of community to enter into the formation of judgments.³⁰ In addition, Beiner argues, Arendt fails to recognize that the third *Kritik* is very much a transcendental critique. While Kant employs concepts such as *sensus communis* and “enlarged mentality,” these do not serve to connect judgments of taste to an empirical sociality, but “merely specify conditions of intersubjective validity that are presumed when an individual subject presumes to judge something beautiful by reflecting on it *without* necessarily consulting the opinions or experiences of other judging individuals.”³¹

Beiner stresses that the *Kritik der Urteilskraft* is concerned with the mental faculty, or relationship of faculties, that renders it possible for a *transcendental* subject to posit valid judgments of taste. He continues: “The *Critique of Judgment* as a work of transcendental philosophy is concerned exclusively with the question of the possible *validity* for our judgments, and to this validity empirical sociability contributes nothing.”³² Even though the basic intention in the third *Kritik* is to defeat the subjectivity associated with personal expressions of taste, Beiner points out that Kant is far from seeking to ground the exercise of aesthetic judgment in a social basis. Kant avoids doing this because he recognizes that this would gravely affect human autonomy. In support of this, Beiner directs our attention to §32, where Kant states quite clearly that

every judgment which is to show the taste of the individual, is required to be an independent judgment of the individual himself. There must be no need of groping about among other people’s judgments ... To make the judgments of others the determining ground of one’s own would be heteronomy.³³

³⁰For another essay that argues in support of the moral nature of Arendt’s reading of Kantian judgment, albeit for different reasons, see Seyla Benhabib, “Judgment and the Moral Foundations of Politics in Arendt’s Thought,” *Political Theory* 16 (1988): 29-51.

³¹Beiner, “Rereading Hannah Arendt’s Kant Lectures,” pp. 26-27.

³²Ibid., p. 27.

³³Kant, *Critique of Judgment*, Ak. 282. Quoted in Beiner, “Rereading,” pp. 27-28.

While Beiner's arguments are well taken, to say that Kant's argument fails to invoke sociality as a ground for judgments of taste because the pronouncements of taste are not decided "by dialogue within a society"³⁴ is to simplify the issue too much, because the alternative reading, which Beiner seems to endorse—that Kant's formulation of aesthetic judgment is best understood as a purely independent judgment along the lines of moral reasoning—is equally unsatisfactory. There is much in Kant's description of aesthetic judgment that suggests it has a far greater dependence on communicative relations and empirical sociality than does his moral philosophy, and while Kant struggles arduously to keep aesthetic judgments as transcendental as possible, the necessary connection that reflective judgment has to unique empirical encounters—that reflective judgment must, for instance, devise its principle of subsumption when "only the particular is given,"³⁵ and the simple fact that aesthetic judgment concerns beauty—requires Kant to think through a nondeterminative relation to the empirical world. It is precisely because the *Kritik der Urteilskraft* does *not* follow the model furnished by the *Kritik der praktischen Vernunft*, as Beiner suggests that it does, that it is a singularly attractive text for Arendt.³⁶ The difference between these two texts

³⁴Beiner, "Rereading Hannah Arendt's Kant Lectures," p. 28. In fact, Arendt does not claim that we should determine our judgments on the basis of a collective *dialogue* with people in our community, nor is the outcome of one's judgment anything other than one's own. For Arendt, judgment is not consensus. Indeed, in the interpretive essay that follows the collection of Kant lectures, Beiner himself cites a passage from an unpublished lecture Arendt gave at the New School in the Spring of 1965 in which she speaks directly to this issue in the form of an extended example of representative thinking: "Suppose I look at a specific slum dwelling and I perceive in this particular building the general notion which it does not exhibit directly, the notion of poverty and misery. I arrive at this notion by representing to myself how I would feel if I had to live there, that is, I try to think in the place of the slum-dweller. The judgment I shall come up with will by no means necessarily be the same as that of the inhabitants, whom time and hopelessness may have dulled to the outrage of their condition, but it will become for my further judging of these matters an outstanding example to which I refer ... Furthermore, while I take into account others when judging, this does not mean that I conform in my judgment to those of others, I still speak with my own voice and I do not count noses in order to arrive at what I think is right. But my judgment is no longer subjective either." Thus, while Beiner is right to point out the narrowing of scope Arendt brings to Kant's formulation of judgment, he pushes this too far when he suggests that she envisions judgment as a type of democratic consensus. The passage is from a lecture course given at the New School entitled "Some Questions of Moral Philosophy." This passage comes from the Fourth Session, 24 March 1965. It was also included in the final lecture of a course conducted at the University of Chicago entitled "Basic Moral Problems." Hannah Arendt Papers, Library of Congress, Container 40, p. 024648. Cited in Beiner, "Hannah Arendt on Judging," pp. 107-8.

³⁵Kant, *Critique of Judgment*, pp. 18-19 (*Ak.* 179).

³⁶In drawing a comparison between the neo-Kantian interpretations of Rawls and Arendt, Beiner states that this "analogy between Arendt and Rawls may help us to appre-

comes down to the fact that *moral* deliberation is a matter of acting according to universal postulates that do not change. In the case of aesthetic judgments, however, the object is always treated as a contingent particular, and judgments about such objects do not proceed by merely correctly or incorrectly applying a universal postulate of aesthetic judgment to specific cases. Rather, the specificity of the case is itself relevant to the formation of a valid judgment, and it is this inextricable link with the particular object that involves one's encounter with empirical experience and consequently demands that judgment be understood as a fundamentally *relational* faculty, and a faculty whose possibility depends upon the presence of others.

While I take Beiner's argument to be useful in pointing out the tendentious elements in Arendt's reading of Kant's aesthetics, his critique is an oversimplification of the arguments given by both Kant and Arendt. The upshot of this is that Beiner obscures the very real methodological differences that inhere between the second and third *Kritik*, and by reading the third *Kritik* as the proximate outcome of Kant's moral philosophy he obscures the importance of Arendt's analysis. If, however, it can be shown that Kant's analysis of aesthetic judgment depends significantly on models of good taste set within historical tradition, Arendt's emphasis on the sociality of the *Kritik der Urteils kraft* becomes more justifiable. Toward this end I will now turn to Kant's deduction of aesthetic judgment and more specifically to the often disregarded importance he places on "exemplary validity."

5. A Peculiarity of Taste

In the "fourth moment" of the *Analytic of Beautiful* Kant explains that while the agreeable gives rise to pleasure, what one calls beautiful *necessarily* gives rise to pleasure and hence to a necessary liking. This necessity, however, is "of a special kind." It is not a theoretically objective necessity that allows one to cognize a priori that everyone *will* feel this liking, nor is it a pure practical necessity in which case one absolutely *ought* to feel this liking in accordance with objective laws. Instead, this necessity, which is precisely the modality that the deduction must legitimate, is referred to by Kant as an "exemplary" necessity. He explains:

Rather, as a necessity that is thought in an aesthetic judgment, it can only be called *exemplary*, i.e., a necessity of the assent of *everyone* to a judgment that is regarded as an example of a universal rule that we are unable to state. Since an aesthetic judgment is not an

ciate the deep underlying affinities, which Arendt does not fully own up to, between the structure of Kant's *moral* thinking and the structure of his philosophy of aesthetic judgment." See Beiner, "Rereading Hannah Arendt's Kant Lectures," p. 28.

objective and cognitive one, this necessity cannot be derived from determinate concepts and hence is not apodeictic.³⁷

If judgments of taste had a determinate objective principle (as cognitive judgments do), then anyone making them in accordance with that principle would claim that his judgment was *unconditionally* necessary. If judgments of taste had no principle at all (as in the case of judgments of mere sense about the agreeable), then no one would ever think to consider them necessary. Since judgments of taste satisfy neither of these conditions, aesthetic judgments must have a subjective principle that determines, by feelings rather than by concepts, what is liked or disliked. This principle is a common sense, a *sensus communis*, and only under the presupposition that there is a common sense can judgments of taste be made. Kant concludes the fourth moment by stipulating that the “*Beautiful* is what without a concept is cognized as the object of a *necessary* liking,” and this reference to necessity paves the way for the deduction.

The term deduction as it is used in Kant’s writings derives from an explicitly legal context that Kant appeals to in the opening lines of the *Transcendental Deduction* of the *Kritik der reinen Vernunft*:

Jurists, when speaking of rights and claims, distinguish in a legal action the question of right (*quid juris*) from the question of fact (*quid facti*); and they demand that both be proved. Proof of the former, which has to state the right or the legal claim, they entitle the *deduction*.³⁸

The demand to which the deduction responds is that of legal justification, that is, not that something *did* happen, but that its happening occasions the implementation of the law that is shown to be legitimate. This distinction between *quid juris* and *quid facti* permits the law to function formally, beyond the contingencies of empirical actions, and beyond the merely factual. The law stands beyond or above particular actions as they occur in daily experience and in this way assumes a universal and necessary quality. What the deduction establishes is the legitimacy that is ascribed to any law that demands, in all cases, a universal conformity; and thereby establishes not the legitimacy of the law in its existence (*facti*), but in its application, its use. As Kant writes elsewhere,

Quaestio facti, the question of fact, is in which way one has first obtained a concept; *quaestio juris*, the juridical question, is with what right one possesses this concept and uses it.³⁹

³⁷Kant, *Critique of Judgment*, p. 85 (Ak. 237).

³⁸Immanuel Kant, *Critique of Pure Reason*, trans. Norman Kemp Smith (New York: St. Martin’s Press, 1965), p. 120 (A84/B116).

³⁹*Kants gesammelte Schriften* 18, p. 267 (no. 5636). Quoted in Arendt, *Lectures on Kant’s Political Philosophy*, p. 42.

But since aesthetic judgments do not utilize concepts, one ought to ask why Kant is obligated to undertake a deduction of aesthetic judgments at all, and further, how such a deduction would even be possible given that there is no *quid juris* that can a priori apply rules to judgments of taste.⁴⁰

Kant's response to these questions is both simple and evasive: the aesthetic deduction will ultimately not concern the legitimacy of judgments of taste as such. Rather, the deduction will address itself to the more oblique question of how one can demand universal assent for a judgment of taste that has *already* been made. As Kant explains, "what we shall have to establish is merely the *universal validity*, for the power of judgment as such, of a *singular* judgment."⁴¹ Since judgments concerning taste are not subordinated to a priori concepts, the deduction must steer clear of them. Indeed, the singularity attributed to judgments of taste is *presupposed* at the outset of the deduction and is not included in what the deduction attempts to prove. The peculiar singularity of aesthetic judgments is both the condition under which the deduction must proceed and the terms by which the deduction will be constrained. As we shall see, the universal validity of these singular judgments, the very thing that the deduction must establish, is tied directly to the power of examples and to their fundamentally public nature.

6. By Example

The opening lines of §31 make clear that the obligation to provide a deduction arises in those cases in which a judgment lays claim to necessity, regardless of whether concepts are involved in arriving at that judgment. However, the deduction of judgments of taste differs from the deduction of empirical judgments insofar as judgments of taste associate the presentation of an object not with an empirical concept, but with a feeling, and do so *as if* this feeling were a predicate conjoined with the cognition of an object. A judgment of taste, therefore, cannot indicate a priori which particular objects will produce feelings of pleasure, but can nonetheless assert that when this empirical encounter does occur, and when the pleasure conjoined with an aesthetic judgment is produced, it is justifiably extended to all people.

Whenever individuals offer judgments as proof of their good taste, it is evident that they should judge for themselves and not simply base their

⁴⁰In a concluding commentary following the several sections that comprise the body of the deduction, Kant admits that "[w]hat makes this deduction so easy is that it does not need to justify the objective reality of a concept; for beauty is not a concept of an object, and a judgment of taste is not a cognitive judgment." Kant, *Critique of Judgment*, p. 156 (Ak. 290).

⁴¹Kant, *Critique of Judgment*, p. 143 (Ak. 280-81).

estimations on the judgments of others. This, Kant insists, would be tantamount to a posteriori imitation, a “grop[ing] about among other people’s judgments,”⁴² which can only produce a false sense of universality. If this is the case, if true judgments of taste must be rigorously autonomous and involve no influence garnered from the judgments of others, the problem immediately arises as to the role of models in influencing good taste. Kant recognizes this dilemma and attempts to sort out the problem by turning to two examples. His first example involves the precedent set by classical art:

It is true that we extol, and rightly so, the works of the ancients as models, and call their authors classical, as if they form a certain noble class among writers which gives laws to people by the precedent it sets [*der dem Volke durch seinen Vorgang Gesetze gibt*]. This seems to point to a posteriori sources of taste and to refute the autonomy of every subject’s taste. But we might just as well say: the fact that the ancient mathematicians are to this day considered to be virtually indispensable models of supreme thoroughness and elegance in the synthetic method proves that our reason [only] imitates and is unable on its own to produce rigorous and highly intuitive proofs by constructing concepts.⁴³

Here Kant formulates a distinction that he will return to in his discussion of genius, namely, the difference between imitation and copying (*Nachahmung* and *Nachmachung*). Classical models are not to be slavishly copied but are, like the precedents set in mathematics, interpreted and expanded upon. The point is not to recreate the same achievements, but to employ the same principles in the service of new achievements. To quote Kant,

if each subject always had to start from nothing but the crude predisposition given him by nature, [many] of his attempts would fail, if other people before him had not failed in theirs; they did not make these attempts in order to turn their successors into mere imitators ...⁴⁴

In Kant’s second example, this distinction is made even more apparent. Here his subject is religious. He writes:

In religion, everyone must surely find the rule for his conduct within himself, since he is also the one who remains responsible for his conduct and cannot put the blame for his offenses on others on the ground that they were his teachers and predecessors; yet even here the example of virtue and holiness will always accomplish more than any universal precepts we have received from priests or philosophers, or for that matter found within ourselves. Such an example [*ein Beispiel*], set for us in history, does not make dispensable the autonomy of virtue that arises from our own and original (a priori) idea of morality, nor does it transform this idea into a mechanism of imitation [*Nachahmung*]. *Following* by reference to a precedent, rather than imitating, is the right term for any influence

⁴²Kant, *Critique of Judgment*, p. 145 (Ak. 282).

⁴³Ibid., p. 146 (Ak. 282-83).

⁴⁴Ibid., p. 146 (Ak. 283).

that products of an exemplary author may have on others [*Nachfolge, die sich auf einen Vorgang bezieht, nicht Nachahmung, ist der rechte Ausdruck für allen Einfluß, welchen Produkte eines exemplarischen Urhebers auf andere haben können*].⁴⁵

Here, of course, Kant speaks of moral examples, which have recourse to a priori laws that guide judgment, but aesthetic examples, and the taste they influence, do not have the same recourse to a pre-given rule for their application. It is for this reason that Kant, within §32, makes his boldest statement concerning the importance of examples. In concluding the section he writes:

Among all our abilities and talents, taste is precisely what stands most in need of examples regarding what has enjoyed the longest-lasting approval in the course of cultural progress, in order that it will not become uncouth again and relapse into the crudeness of its first attempts; and taste needs this because its judgment cannot be determined by concepts and precepts.⁴⁶

Here, in a rather succinct statement that has no notable follow-up, Kant suggests that what taste cannot acquire through concepts or a priori principles it acquires through examples. But at the end of §32 the analysis breaks off, and it does so at precisely the moment it is most required. Above all, it is left unclear what qualifies as an example. If the example is needed as a guide for judgment, if, as Kant states in the *Kritik der reinen Vernunft*, examples must serve as, “the go-cart of judgment”⁴⁷—coaxing rather than demanding consent—then on what basis is this important function validated? From Kant’s discussion in §32, it seems that the guidance the example provides for judgment is warranted not by a purely rational assessment, but by some relation to tradition. One comes to know what an example is by encountering it both as part of a tradition and *within a judging community*. Kant suggests this point in the passage quoted above when he speaks of religious examples and of the role they play in shaping the moral character of a people. Examples are validated by historical precedent, and it is to such precedents that judgment turns for guidance. Consequently, examples exist both in relation to communities of people who have repeatedly judged them to be exemplary, and in relation to the history of those judgments that have set certain objects and individuals above others as models. Since an a priori aesthetic basis for judging one thing better than another can never be established, because no rule can be established that can account for each single case, examples always occur a posteriori as a byproduct of historical reflection.

⁴⁵Ibid., pp. 146–47 (Ak. 283).

⁴⁶Ibid., p. 147 (Ak. 283).

⁴⁷Immanuel Kant, *Critique of Pure Reason*, p. 178 (A134/B173).

And so we find that Kant's deduction of aesthetic judgment falters when it is faced with two conflicting demands. On the one hand, Kant must pull aesthetics out of the melee of opinions and personal inclination by grounding it in an a priori basis, but on the other hand, because individual aesthetic judgments *themselves* cannot be grounded a priori, Kant is forced to admit that some other means of guiding judgments must exist, and, whatever this guide ends up being, it must be a posteriori.

This is no small matter for Kant's critical project. In the Introduction to the third *Kritik*, for instance, Kant goes so far as to orient his entire critical project around this "mysterious sense," because judgment must, as Donald Crawford has argued, form the transcendental bridge between understanding and reason and it must do so without succumbing to fallaciously transcendent principles.⁴⁸ While there is a necessity entailed in judgments of taste, it is not the same necessity that requires one to experience the phenomena of the world in terms of space and time, nor is it the same necessity that grounds the principle of noncontradiction and its practical application in the moral law. Taste requires *instruction*, and this instruction, while it may not interfere with Kant's explication of judgment in its formal presentation, does intervene in the actual application of universal judgments of taste. One cannot, for instance, simply hand a person a list of rules and say, "follow these principles and you will have good taste." Being aesthetically maladroit is not the same as being immoral, for in the case of the latter clear arguments can be mobilized to account for this behavior. In the case of the person who poorly applies judgments of taste, however, the only thing that can be marshaled in critique of his or her unsound judgment is a reference to other judgments, that is, to exemplars of good taste. As Kant states in §60, speaking of the development of taste through the fine arts, the indisputable remedy for crudeness of taste is, above all, culture:

It seems that for all fine art, insofar as we aim at its highest degree of perfection, the propaedeutic does not consist in [following] precepts but in cultivating our mental powers by exposing ourselves beforehand to what we call *humaniora*.⁴⁹

And immediately following this passage, which speaks of culture as the propaedeutic of taste, Kant refers to classical Greece as a superlative example of the harmonious combination of taste and cultural (civil) life. In this passage Kant addresses, in oblique terms, the difficulty that rests at the heart of his analysis of aesthetic judgment, namely, the dual demand for universal rules and individual freedom—the core dilemma of

⁴⁸Donald W. Crawford, *Kant's Aesthetic Theory* (Madison: University of Wisconsin Press, 1974), p. 28.

⁴⁹Kant, *Critique of Judgment*, p. 231 (Ak. 355).

modern liberal political theory. Up until this point this difficulty has by and large been expressed as an aesthetic problem; now, however, it is couched in terms of politics:

There were peoples during one age whose strong urge to have sociability *under laws*, through which a people becomes a lasting commonwealth, wrestled with the great problems that surround the difficult task of combining freedom (and hence also equality) with some constraint (a constraint based more on respect and submission from duty than on fear). A people in such an age had to begin by discovering the art of reciprocal communication of ideas between its most educated and its cruder segments, and by discovering how to make the improvement and refinement of the first harmonize with the natural simplicity and originality of the second, finding in this way that mean between higher culture and an undemanding nature constituting the right standard, unstable in any universal rules, even for taste, which is the universal human sense.⁵⁰

In this brief but powerful passage, which concludes the “Critique of Aesthetic Judgment,” Kant moves easily from a discussion of aesthetic judgment to political judgment. Here questions surrounding the legitimate use of a human faculty that judges freely and without pre-given laws, but is nevertheless assured of universal validity, is folded into questions concerning the establishment of a harmonious political community rooted in the free exercise of individual judgment.

While one might debate the merits of Kant’s deduction of taste according to its internal integrity, as to whether or not it is valid or successful, the real issue seems to be what happens when this aesthetic treatise is exercised normatively, when it is seen as a means toward a cultural end—something Kant’s writings strongly anticipate. Indeed, as Kant writes at the conclusion of §40, the pleasure we feel underlying our judgments of taste “comes to be imputed to everyone, so to speak, as a duty.”⁵¹ In its normative dimension, the *Kritik der Urteilskraft* leads us back to Arendt and, in particular, to the importance of *sensus communis* in articulating the distinctly political aspects of Kant’s theory of aesthetic judgment.

7. *Sensus Communis*

Sensus communis, this common sense (*gesunder Menschenverstand*), constitutes a communicability, both within the subject’s own cognition and in relation to all other judging subjects, that guarantees beyond the application of any particular concept or principle the possibility of establishing a rational communicative relation. What the faculty of judgment

⁵⁰Ibid., pp. 231-32 (*Ak.* 355-56).

⁵¹Crawford, *Kant’s Aesthetic Theory*, p. 28. The passage is quoted by Crawford and follows the J.H. Bernard translation. The translation of the passage in Pluhar is slightly different but carries the same stress. See Kant, *Critique of Judgment*, p. 162 (*Ak.* 296).

does, and the reason it is described by Kant in the Introduction to the *Kritik der Urteilskraft* as the bridge between theoretical and practical reason is to substantiate the possibility of communicative relations. In §41, immediately following the deduction of judgments of taste, Kant explains what he has in mind:

[W]e must ... take *sensus communis* to mean the idea of a sense *shared* [by all of us], i.e., a power to judge that in reflecting takes account (a priori), in our thought, of everyone else's way of presenting [something], in order *as it were* to compare our own judgment with human reason in general and thus escape the illusion that arises from the ease of mistaking subjective and private conditions for objective ones, an illusion that would have a prejudicial influence on the judgment.⁵²

This “shared sense” appears not merely as a happy circumstance, not simply as a fortunate compatibility between our judgments and those of others, nor is it a test whereby we compare the results of our judgments with the results of others to determine their relative affinity; rather, this shared sense is an a priori condition for judgment itself. In judging, we are not only attuned to the particular circumstances in which we judge, we also, “compare our judgment not so much with the actual as rather with the merely possible judgments of others, and [thus] put ourselves in the position of everyone else.”⁵³ It is the possibility of placing oneself in the position of every other judging subject that constitutes communicability not on the level of the actual judgments, but on the level of judgment as such, on the level of a judgment that is only ever possible if an a priori communicability can be a possibility.

Judgment, therefore, at least as it appears in the lines of the *Kritik der Urteilskraft*, is more than the application of a concept in the form of a rule; it is more than the cognitive facilitation of concepts in their effort to render presentations legible to the understanding, for judgment stands decidedly prior to concepts, and it is ultimately concepts that need judgment in order to function, not the other way around. What is most salient about Kant's treatment of the faculty of judgment, and what makes the *Kritik der Urteilskraft*, for all its inconclusiveness, a remarkable text, is the realization that a discussion of judgment entails a discussion of communicability as the ground upon which rationality must rest—in this regard we might also bear in mind Kant's concept of “enlightenment,” which embodies precisely this bond between reason and communality. Consequently, Kant's treatise on aesthetic judgment is not simply about another type of judgment, but is about the very possibility of judgment—an issue that emerges most prominently in the formation of a judgment about singular objects. In pursuing an answer to the question, “How is a

⁵²Kant, *Critique of Judgment*, p. 160 (Ak. 293-94).

⁵³*Ibid.*, p. 160 (Ak. 294).

singular judgment possible?” a question never explicitly acknowledged, but which pervades the text, the third *Kritik* opens itself to the question of communicability and, ultimately, to an engagement with human sociality.

It is in this regard that Arendt, in her *Lectures on Kant's Political Philosophy*, takes up the relation between judgment and communicability, and remarks early on that among the questions still troubling Kant toward the end of his life was the pivotal issue of “sociability.” Arendt writes that sociability concerns “the fact that no man can live alone, that men are interdependent not merely in their needs and cares but in their highest faculty, the human mind, which will not function outside of human society.”⁵⁴ Sociability and the communicability it entails, not concepts, are the primary condition for rational discourse, and given the special capacity of judgment to reference a “shared sense,” the faculty of judgment appears to stand in a more fundamental relation to thought than does reason or the understanding even, or perhaps especially, when judgments, such as judgments of taste, abstain from employing concepts at all. Indeed, with respect to judgments of taste, even though they are without concepts, communicability survives. Without rule or law, judgment maintains a universal legibility. Writing in his essay “Reflexionen zur Anthropologie,” Kant states the point unequivocally: “Company,” he writes, “is indispensable for the thinker.”⁵⁵

One cannot think without *thinking-with*, not because this makes for more interesting discussions, or because thought tends to direct itself towards consensus, but because thought itself is possible only where communicability is possible. On precisely this point, Arendt quotes Kant's essay “Was heisst: Sich in Denken orientieren?”:

It is said: the freedom to speak or to write can be taken away from us by the powers-that-be, but the freedom to think cannot be taken from us through them at all. However, how much and how correctly would we think if we did not think in community with others to whom we communicate our thoughts and who communicate theirs to us! Hence, we may safely state that the external power which deprives man of the freedom to communicate his thoughts *publicly* also takes away his freedom to *think* ...⁵⁶

Thinking, though a solitary practice, requires community as a condition for its possibility, and it is judgment alone among the faculties that enables that communicability.

⁵⁴ Arendt, *Lectures on Kant's Political Philosophy*, p. 10.

⁵⁵ Immanuel Kant, “Reflexionen zur Anthropologie,” no. 763. In *Kants gesammelte Schriften* 15, p. 333. Quoted in Arendt, *Lectures on Kant's Political Philosophy*, PAGE??

⁵⁶ Immanuel Kant, “Was heisst: Sich in Denken orientieren?” in *Kants gesammelte Schriften* 8, pp. 131-47. Quoted in Arendt, *Lectures on Kant's Political Philosophy*, pp. 40-41.

Judgment is brought about by a double step. The first attends to the discrete factors that determine the circumstance of judgment, but the other also considers the relation that one establishes with those factors insofar as *judgment itself becomes an object of judgment* the moment one considers it in terms of “everyone else’s way of presenting.” Judgment requires this shared sense, again, not because it seeks consensus, but because judgment is not simply an application (of concepts) but is constitutive of the very condition for applicability as such. This is why Kant claims that general logic cannot provide instructions on how to subsume under rules. Any attempt to distinguish whether something does or does not come under a rule can be accomplished only by means of yet another rule, and, thus, there is no rule of judgment that is not also an instance of its application. To quote Andrew Norris on this point,

[a]s long as the relationship within judgment between particular and rule is considered in epistemological terms, a skeptical regress is inevitable. The application of rules outside the province of transcendental logic cannot itself be explained or articulated as a function of the rules or concepts of the cognitive faculty, and instead indicates the non-rule-governed domain of “practice.”⁵⁷

Judgment does not follow rules but creates them in the very act of judging itself. It is for this reason that Kant insists that judgment be characterized as a “mother-wit [*Mutterwitze*]”—a talent that “can be practised only, and cannot be taught.”⁵⁸

As I mentioned above, Kant insists that we understand reflective judgment not as a power of cognition, which compels the assent of others, but as a way of thinking that solicits the assent of others by appealing to a community of sense. “We solicit everyone else’s assent,” he writes, “because we have a basis for it that is common to all.”⁵⁹ This common ground is what Kant means by common sense, and it is on the basis of this common ground that one claims universal assent for judgments of taste. Moreover, it is in relation to common sense that judgments of taste acquire “exemplary validity.” Kant writes in §22:

[I]f we are to use this common sense in such a way, we cannot base it on experience; for it seeks to justify us in making judgments that contain an ought: it does not say that everyone *will* agree with my judgment, but that he *ought* to. Hence the common sense, of

⁵⁷Andrew Norris, “Arendt, Kant, and the Politics of Common Sense,” *Polity* 29 (1996): 165-92, p. 178.

⁵⁸Kant, *Critique of Pure Reason*, p. 177 (A133/B172). In the same section, Kant speaks of the importance of examples for guiding judgment. He writes: “sharpening of the judgment is indeed the one great benefit of examples ... Examples are thus the go-cart of judgment; and those who are lacking in the natural talent can never dispense with them” (p. 178 (A134/B173)).

⁵⁹Kant, *Critique of Judgment*, p. 86 (Ak. 237).

whose judgment I am at that point offering my judgment of taste as an example, attributing to it *exemplary* validity on that account, is a mere ideal standard.⁶⁰

The point here is that each and every individual judgment of taste is a normative injunction. When one makes a judgment of taste, one is implicitly stating that everyone else ought to come to a similar judgment, and, consequently, each judgment stands as an example for the judgments of others. The exemplary validity attributed to judgments of taste arises from the fact that aesthetic judgments are always communicative, that is, they are always addressed to the entire judging public in the form of a standard or model for future judgments. In this respect, *judgments of taste are not merely the result of an application of rules, but constitute rules themselves*. The rules that judgments of taste constitute do not, however, take the form of laws, but the form of examples. It is for this reason that Kant both speaks of judgment as having “exemplary validity,” and insists that judgments of taste are fundamentally dependent upon a community. *For only within the space of a community do examples exert a normative force*. Indeed, examples can only be examples for another. Alone or in isolation, exemplarity is impossible. And thus at its core, aesthetic judgment, which is validated only through examples, requires sociality, which is of course the essence of Arendt’s argument. Judgment is the cornerstone of Arendt’s reading of Kant, because in the pages of the third *Kritik*, judgment is intimately connected to communicative sociality. Unlike logical thought, which is based on the “principle of agreement with oneself,” judgment demands that agreement be found in consort with others—which for Arendt constitutes the essences of political activity. It is no wonder, then, that viewed from this perspective, Arendt sees the third *Kritik* as a powerful, if not entirely intentional, treatise on politics.

Kant’s characterization of aesthetic judgment as bound to both communicability and communality brings Arendt to consider the political dimension of this formulation, for, as in aesthetics, politics demands that one be able to judge without precedent and do so in consort with others. But it is clear that Kant’s political writings that explicitly address the problem of political life are shaped by a different vision, a moral vision. For Kant, it is our status as rational beings that furnishes the grounds for morality insofar as each individual agent has the internal capacity to both conceive of, and engage in, morally motivated conduct. Because the moral law is given in all circumstances, it is, like theoretical judgment, always determinative. Similarly, politics, as expressed in Kant’s overt writings on politics, is decisively governed by the imperative to respect

⁶⁰Ibid., p. 89 (Ak. 239).

the capacity for moral choice.

What Arendt rejects in Kant's explicitly political writings, and what turns her towards his work on aesthetic judgment, is both his adherence to a progressive account of historical time in which humanity edges ever closer to establishing political conditions modeled on the moral ideal, and his liberalism, which consists in a deliberately narrow conception of the public sphere (as well as the primacy attributed to the individual moral agent). By contrast, Arendt maintains that politics, which presupposes our implication in a shared public life, must take those lives and their irreducible plurality of attitudes and opinions directly into account. It is the *polis*, with its shared concerns, historical narratives and evolving interests that constitutes a genuine political community and is, therefore, the appropriate object of a political philosophy. Arendt's later writings point to judging as the primary political activity, and it is in support of this that she turns to Kant's writings on aesthetics to retrieve from Kant an alternative political theory: a theory based on reflective judgment rather than on the moral law. Judgment, as she writes in "The Crisis in Culture," is "one, if not the most, important activity in which this sharing-the-world-with-others comes to pass,"⁶¹ precisely because matters of judgment, as opposed to matters of truth, are never fixed, never subordinated to a *telos*. Judgment, insofar as it is a faculty that seeks agreement not with itself but with others, is that which properly bestows on opinion its fundamental political significance, and in so doing rescues opinion from its Platonic fate.⁶²

With few exceptions, philosophical thought since the time of Plato has looked disparagingly on judgments attributed to "common sense" and public opinion, because their legitimacy is not epistemologically sound. In their respective orientations toward truth, judging and thinking are fundamentally different. With rare exception, Western philosophy has labored not to establish agreement or consensus, as judgment demands, but to compel by means of demonstrative proof in the name of abstract thought. By contrast, judgments of taste, like political opinions, are not apodeictic, but persuasive. "The modes of thought and communication that deal with truth," Arendt writes, "if seen from the political perspective, are necessarily domineering; they don't take into account other

⁶¹Arendt, "The Crisis in Culture," p. 221.

⁶²For more on Arendt's critique of teleology, see Dana R. Villa, "Beyond Good and Evil: Arendt, Nietzsche, and the Aestheticization of Political Action," *Political Theory* 20 (1992): 274-308. Villa argues that "Arendt's primary project is to deconstruct the [philosophical] tradition's teleological model of action" (p. 275). He goes on to quote Arendt from the *Human Condition*: "the transformation of action into a mode of making [is measured] by the whole terminology of political theory and political thought, which indeed makes it impossible to discuss these matters without using the categories of ends and means and thinking in terms of instrumentality" (p. 278).

people's opinions, and taking these into account is the hallmark of all strictly political thinking."⁶³ Both aesthetic and political judgment address themselves not to transcendental certainty, but to a shared public world characterized by a continuous process of coming to agreement, and, as we have seen, the means by which such agreement is achieved is not through rules of conduct, or the application of concepts, but through the compelling influence of examples.

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⁶³Arendt, "Truth and Politics," p. 241.