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Aesthetic Judgment and the Public Sphere in the Thought of Hannah Arendt

There never has been any ›aestheticization‹ of politics in
the modern age because politics is aesthetic in principle.

Jacques Rancière¹

A central question in this volume is the relationship between aesthetic practices and the constitution of a public sphere or counter-publics.² What makes the work of Hannah Arendt relevant is her tenacious insistence that aesthetic judgment, and in particular Kant's account of it in the third *Critique*³, is similar in structure to political judgment. Political judgments share the structure of aesthetic judgments, Arendt argues, insofar as both make an appeal to universality while eschewing truth criteria and the subsumption under rules or concepts that characterize logical judgments (e.g. the syllogism: All men are mortal. Socrates is a man. Socrates is mortal).⁴

Arendt's insistence that political like aesthetic claims cannot be truth claims has led Jürgen Habermas to accuse her of aestheticizing politics, that is, of identifying this realm with opinions that cannot be subjected to rational processes of validation anymore than we can validate judgments of taste. Arendt's turn to Kant's account of aesthetic judgment in the third *Critique*, Habermas maintains, is symptomatic of her refusal to provide a ›cognitive foundation‹ for politics and public debate. This leaves »a yawning abyss between knowledge and opinion that cannot be closed with arguments.«⁵ Taking up Habermas's critique, Ronald Beiner, editor of Arendt's Kant Lectures, reiterates the problems associated with »the all-important contrast between persuasive judgment and compelling truth« in Arendt's thought and wonders why she failed to recognize that »all human judgments, including aesthetic (and certainly political) judgments, incorporate a necessary cognitive dimension.« (You will be a better judge of art if you know something about the art you are judging.) A Kantian approach, which excludes knowledge from political judgment, says Beiner, »renders one incapable of speaking of ›uninformed‹ judgment and of distinguish-

ing differential capacities for knowledge so that some persons may be recognized as more qualified, and some as less qualified, to judge.«⁶

Arendt might respond to this critique by turning to a passage from Cicero, cited in her Kant lectures, in which he tells us »how little difference there is between the learned and the ignorant in judging«,⁷ or by reminding us that each individual, without expertise, should be, and indeed is, capable of judging for herself. She might remind us of why it matters for a democratic society that we hold fast to that picture of the ordinary character of judging. Before exploring the possibility of such a rebuttal, however, let us try to understand better the critique: we can never decide what counts as a legitimate judgment if we accept the (Kantian) distinction between cognitive judgments of the intellect or understanding, which are based on objective principle or law, and non-cognitive judgments of taste, which are based on nothing more than feelings of pleasure or displeasure. Because Arendt accepts this distinction, say her critics, she severs the link between reflective judgment and rational argument: she misconstrues rational debate and all truth claims as forms of compulsion which, in their difference from so-called mere opinion, are antipolitical in nature.⁸

Does Arendt in fact sever the link between argument and judgment? In my view, the critical charge entirely misses the mark. Arendt's deep suspicion of a cognitively-based practice of political judgment is not based on a naïve concept of logical reasoning. Her point is not to exclude so-called rational discourse or knowledge claims from the practice of aesthetic or political judgment – as if something or someone could stop us from making arguments in public contexts – but to press us to think about what we are doing when we reduce the practice of politics or judgment to the contest of better arguments. She disputes not the idea of argument as such but rather the assumption (central to Habermas' discourse ethics) that agreement in procedures for making arguments ought to produce agreement in conclusions, hence agreement in the political realm can be reached in the manner of giving proofs. Arendt is struggling with a difficult problem to which her critics, focused as they are on the rational adjudication of political claims, are blind: our deep sense of necessity in human affairs. If Arendt brackets the legitimation problematic that dominates the thought of Habermas, it is because she sees in our practices of justification a strong tendency towards compulsion, which, in turn, destroys the particular *qua* particular and, with it, the very space in which political speech (including arguments) can appear.⁹ What shapes Arendt's critique of the public realm as a rationally-driven culture of argument is a conception of politics as a practice of freedom. She sees how we tend to run the space of reasons into the space of causes: logical reasoning is transformed from a dialogic tool of thought, with which we aim at agreement, into a monologic tool of thought, with which we compel it. What Habermas calls »the rationality claim immanent in speech« risks becoming what Wittgenstein calls »the hardness of the logical *must*.«¹⁰

I suggested earlier that, according to Arendt, political judgments have the subjective, rather than objective, validity of aesthetic judgments. What does that mean exactly? And how is this subjective validity different from what her critics call rational discourse? We can begin to answer the first question by recalling that, for Arendt, both political claims and aesthetic claims are practices of reflective judgment in which, by contrast with what Kant calls a determinate judgment, the rule is not given.¹¹ In the absence of a concept we are confronted with the particular as something radically singular, i.e., not subsumable under a rule. As Arendt writes in her Kant lectures: »If you say, ›What a beautiful rose!‹ you do not arrive at this judgment by first saying, ›All roses are beautiful, this flower is a rose, hence this rose is beautiful.«¹² What confronts you in a reflective judgment is not the general category ›rose‹, but the particular, *this* rose. As Beiner correctly puts it, »reflective judgment means attending to the unique qualities of the particular, to the particular *qua* particular, rather than simply subsuming particulars under some universal formula. Or, as Arendt would put it, judgment involves attending to the particular as an end in itself – that is, as a singular locus of meaning that isn't reducible to universal causes or universal consequences.«¹³ That this rose is beautiful is not given in the universal nature of roses. There is nothing necessary about the beauty of this rose. The claim about beauty is not grounded in a property of the object, which could be objectively ascertained (as is the case with cognitive judgments); such a claim belongs to the structure of feeling rather than concepts (i.e., *sensus communis*, discussed below).¹⁴ This rose is judged to be beautiful; »beauty is not a property of the flower itself«,¹⁵ as Kant says, but only an expression of the pleasure felt by the judging subject in the mode of apprehending it.

In what follows I argue that we should take seriously Arendt's reliance on Kant's claim that, in an aesthetic judgment, »we *feel* our freedom«,¹⁶ for this foregrounds the fundamentally aesthetic character of politics. To say with Jacques Rancière that »politics is aesthetic in principle« is not to exclude, as Arendt's critics accuse, rationality or the place of arguments in the public realm. It is rather to rethink the sort of rationality a political claim or judgment has, and the place of feeling in that kind of rationality. At the end of the day, what Arendt's deliberative democratic critics fear is that, if all we have are feelings and opinions, we will have no way of distinguishing between rhetorical speech (addressed to the passions) and rational speech (addressed to reason). As we shall see, this worry is as old as Western philosophy.

The Rhetorical Basis of Rational Speech

»Wherever people judge the things of the world that are common to them, there is more implied in their judgments than these things. By his manner of judging, the

person discloses to an extent also himself, what kind of person he is, and this disclosure, which is involuntary, gains in validity to the degree that it has liberated itself from individual idiosyncrasies.«¹⁷ Arendt introduces two ideas here that are central to her account of judgment: (1) the act of judging the objects of the common world creates significant relations among judging persons, relations which disclose, as Arendt says in the next sentence of text, »who one is«, a public rather than private persona; (2) this disclosure of oneself as a judging person, how one judges, obtains validity (i.e., solicits the agreement of other judging persons) to the extent that it attains impartiality (i.e., takes those others into account).

What one discovers in the act of judging, says Arendt, is both one's differences with some judging persons and one's commonalities with others. »We all know very well how quickly people recognize each other, and how unequivocally they can feel that they belong (or do not belong) to each other, when they discover (or fail to discover) a kinship in questions of what pleases and displeases.«¹⁸ Based in the activity of taste (»the it-pleases-or-displeases-me«), judging allows differences and commonalities to emerge that are by no means given in advance of the act itself. Judging may well call into question my sense of community with some persons and reveal a new sense of community with others. This discovery of community is not guaranteed by the kind of rule-following associated with a »determinate judgment«, i.e., a judgment which »is logical, because its predicate is a given objective concept«,¹⁹ a judgment in which a particular is subsumed under a universal.²⁰ Such rule-following, says Arendt, compels everyone who has the power of reason and could be done in solitude.

Deeply critical of the subjectivism (solipsism and skepticism) of modernity, Arendt's turn to aesthetic judgment is based on the fundamental reality of the human condition, namely plurality. Arendt refuses to ground intersubjectivity in shared human nature (e.g., rationality) or, for that matter, in shared experience (e.g., class, ethnic, or national belonging).²¹ What she understands by plurality is more than an ontological condition, the fact that »men, not Man inhabit the earth.« Understood as *political* concept, plurality is something of which we need to take account when we decide how this shared world of ours will look and what will count as part of it. Judging is the activity that enables us to take account of plurality in this political sense. Following Kant's distinction between judgments of taste and logical judgments,²² Arendt develops the idea that whereas the latter, like the syllogism, compels everyone who has the power of reason and could just as well be discovered on one's own, the kind of validity at stake in political like aesthetic judgments requires not simply that one be in agreement with one's own self (logic's principle of non-contradiction, L.Z.), but »(...) consist(s) of being able to ›think in the place of everybody else‹.«²³ Such judgments, then, are by nature intersubjective and involve debate between individuals and groups over the ways the world is to be understood.

The worldly relations that the practice of judging without a rule creates turn crucially on the ability to see the same thing from multiple points of view, an ability which, in Arendt's telling, is identical with what it means to *see* politically («die Sachen wirklich von verschiedenen Seiten zu *sehen*, und das heißt politisch») ²⁴. The origins of this political way of seeing lie in »Homeric objectivity« (i.e., the ability to see the same thing from opposite points of view: to see the Trojan War from the standpoint of both of its greatest protagonists, Achilles and Hector). ²⁵ What transforms this Homeric way of seeing into the ability to see from multiple points of view is nothing more than the daily practice of public speech,

citizens talking with one another. In this incessant talk the Greeks discovered that the world we have in common is usually regarded from an infinite number of standpoints, to which correspond the most diverse points of view. In a sheer inexhaustible flow of arguments, as the Sophists presented them to the citizenry of Athens, the Greek learned to exchange his own viewpoint, his own »opinion« – the way the world appeared and opened up to him (...) – with those of his fellow citizens. Greeks learned to *understand* – not to understand one another as individual persons, but to look upon the same world from one another's standpoint, to see the same in very different and frequently opposing aspects. ²⁶

It would be easy to mistake what Arendt means by the »exchange of opinions« and the »inexhaustible flow of arguments, as the Sophists presented them«, for a conception of speech as rhetorical, where rhetoric is understood as the mere form (composed of tropes and figures) that makes a certain content (composed of rational premises and ultimate principles [*archai*]) more persuasive to one's interlocutor. »Incessant talk« would, on this interpretation, be an expression of the various guises that rhetoric takes in its attempt to bring an interlocutor to see something that, if human reason operated as most Western philosophers think it should, she would grasp by following logical rules. To be human is to be condemned, as it were, to politics understood as incessant talk and thus rhetoric.

What distinguishes Arendt's account of political speech from the idea of rhetoric as a technique of persuasion is her stubborn insistence that this speech is composed not of truths dressed up in rhetorical form but of opinions, i.e., of an »it appears to me« ²⁷ – nothing more. In contrast to this political speech, she writes, is »the philosophical form of speaking (... which is) concerned with knowledge and the finding of truth and therefore demands a process of compelling proof.« ²⁸ This process entails the rule-following of logical reasoning: the deduction from premises which are apodictic and whose classic instance is the syllogism.

I said earlier that Arendt has been criticized, in the words of Habermas, for »the all-important contrast (she draws) between persuasive judgment and compelling truth«, a contrast that radically excludes »the process of reaching agreement about practical (political) questions as rational discourse.«²⁹ Ernesto Grassi – a contemporary of Arendt and, with her, a participant in Heidegger’s famous Marburg seminar on Aristotle’s *Nichomachean Ethics* – raises important questions about the very nature of rational discourse and its status in the philosophical tradition. According to that tradition, »to resort to images and metaphors, to the full set of implements proper to rhetoric«, writes Grassi, »merely serves to make it ›easier‹ to absorb rational truth.«³⁰ Turning the tables on the view that rhetorical speech is not only inferior to rational or philosophical speech but distinct from it, he argues:

To prove (*apo-deiknumi*) means to *show* something to be something, on the basis of something. To have something through which something is shown and explained definitively is the foundation of our knowledge. Apodictic, demonstrative speech is the kind of speech which establishes the definition of phenomenon by tracing it back to ultimate principles, or *archai*. It is clear that the first *archai* of any proof and hence of knowledge cannot be proved themselves because they cannot be the object of apodictic, demonstrative, logical speech; otherwise they would not be first assertions. Their non-derivable, primary character is evident from the fact that we neither can speak nor comport ourselves without them, for both speech and human activity simply presuppose them. But if the original assertions are not demonstrable, what is the character of the speech in which we express them? Obviously this type of speech cannot have a rational-theoretical character.³¹

Grassi’s answer is simple but significant: he shows that the ›indicative‹ or allusive (*semeinein*) speech that grounds philosophical or rational speech »provides the very framework within which the proof can come into existence at all.« This indicative speech »is immediately a ›showing‹ – and for this reason ›figurative‹ or ›imaginative‹, and thus in the original sense ›theoretical‹ (*theorein* – i.e., to see). It is metaphorical, i.e., it shows something which has a sense, and this means that to the figure, to that which is shown, the speech transfers (*metapherein*) a signification; in this way the speech which realizes this showing ›leads before the eyes‹ (*phainesthai*) a significance.« The premises of philosophical or rational speech (i.e., the very thing reason grasps, the ground for every deduction and every argument) »is and must be in its structure an imaginative language.«³² This conclusion radically alters the relationship of rational (philosophical) speech and rhetorical (political) speech and with it the relationship of structures of feeling, associated with aesthetics, and those

of reason, associated with argument. »The term ›rhetoric‹ assumes a fundamentally new significance; ›rhetoric‹ is not, nor can it be the art, the technique of an exterior persuasion; it is rather the speech which is the basis of rational thought.«³³

Grassi's conclusion does not deny that persuasion belongs to rhetoric, he simply refuses to define rhetoric as a technique or tool of an »exterior persuasion«, i.e., the mere form which otherwise purely rational arguments must take if they are to strike one's interlocutor with the force of truth. What distinguishes rational speech from rhetorical speech, then, is not that the former proceeds from premises which are, in Arendt's vivid description of logical reasoning, like iron ›laws‹ that »are ultimately rooted in the structure of the human brain (... and which) possess (...) the same force of compulsion as the driving necessity which regulates the function of our bodies.«³⁴ Grassi would question not the sense of necessity Arendt describes but its source: necessity lies not in the ultimate principles or *archai* from which logical reasoning proceeds, let alone in the universal structure of the human brain, but in the images and figures that generate belief. What gives us the sense of necessity, what »holds us captive« is, as Wittgenstein would say, »a picture.«³⁵ I hasten to add here that this picture is not, as the *archai* of rational (philosophical) speech pretend to be, necessary and universally valid apart from time and place; on the contrary, the picture has meaning and necessity only as part of a *praxis*, which is to say, it can change with the times. The fact that rhetoric is a *praxis* (i.e., concrete individuals talking to each other in specific contexts) is why the philosophical tradition, in the quest for a timeless, universal Truth, rejected it.³⁶ In Arendt's telling, it is a central task of judgment to loosen just this sense of timeless Truth and necessity in human affairs, especially the objective necessity of history. And such loosening requires different images and practices, new ways of producing meaning.

Learning to See Politically

As I suggested earlier, Arendt formulates the faculty of political judgment in terms of the ability to see the same object from multiple perspectives. This way of seeing (what the Greeks called »insight«), she writes in *Was ist Politik?*, creates a kind of »freedom of movement in the mental world that parallels exactly the freedom of movement in the physical world.«³⁷ Indeed, »political freedom in its highest form coincides with this insight«, that is, the ability to see from standpoints not one's own. Arendt explicitly sets this ability to see from multiple perspectives against what she calls the »tricks of the Sophists«, namely the strategy of turning arguments around, all the better to conclude, as the ancient skeptics held, that no judgment is possible.³⁸ However vital the Sophists were for attenuating dogmatism and teaching the skill

of public speaking, writes Arendt, at a certain point what becomes »important is not, that one can turn arguments around and assertions on their head, but that one developed the ability really to see things from multiple perspectives, and that means politically.«³⁹ In these passages Arendt recognizes the value of reasoned argument and the raising of doubts in the constitution of the public realm, but her account of judgment turns on the difference between being compelled by the better argument, or doubting that any compelling argument can be made (skepticism), and learning to see what the world looks like to all who share it. This difference of emphasis pulls her account in the direction both of Grassi's recovery of the humanist tradition's conception of rhetoric and of Wittgenstein's notion of the pictures that »ground« our language-games. She emphasizes what it means to see differently, to form a different picture.

Rhetorical speech, *shows* something, and thus is figurative or imaginative in the original sense of »theoretical« – (*theorein* – i.e., to see). It »leads before the eyes (*phainesthai*)«, writes Grassi. »Furthermore, if rationality is identified with the process of clarification, we are forced to admit that the primal clarity of principles is not rational (i.e., grounded) and recognize that the corresponding language in its indicative structure has an »evangelic« character, in the original Greek sense of this word, i.e., »noticing.«⁴⁰ This helps make sense of Arendt's claim that judgment entails learning to see from other points of view, that it is a faculty one develops (i.e., a skill) in the practice of political (rhetorical) speech, the exchange of opinions. What I see from those viewpoints is not the apodictic character of an argument, the certainty of its premises (though I may come to see – i.e., be persuaded by – those too); rather, I see (i.e., am affected by) what, in Grassi's words, »»comes before« and provides that which deduction can never discover«: the images that make up »the basis or framework of rational argument.«⁴¹ Foregrounded in a practice of judgment based in rhetorical speech, then, is affect or feeling, which is why Arendt turns to Kant's account of judgments of taste (the »it-pleases-or-displeases-me«) in the third *Critique*, and not to his account of practical reason in the second, or to some version of the Aristotelian notion of *phronesis*, which is the usual alternative that is commonly recommended by her otherwise puzzled critics.

I said earlier that aesthetic judgment never has the validity of cognitive or scientific propositions. To say that such judgments are not rational, as Arendt's critics do, would be to concede a rather narrow understanding of what rationality is, namely a form of thinking based on giving proofs. This includes not only the kind of rationality Habermas accuses Arendt of uncritically inheriting from Kant's first *Critique*, but also the practical rationality that he associates with the central role of arguments in a discourse ethics. Following Stanley Cavell's reading of the third *Critique*, we might question the idea that rationality is a matter of reaching agreement in conclusions on

the basis of agreement in procedures. Kant's whole point, after all, was to respond to critics like Hume, who claimed that the notorious lack of agreement in aesthetic judgments shows they lack rationality. Though Kant refuted the idea that aesthetics could ever be a science or that such judgments could be proved, he insisted that, when we judge aesthetically, our claim is not merely subjective. In contrast to claims about what is agreeable (or not), a judgment of taste is characterized by subjective (not objective) necessity: lacking concepts, it exhibits a necessity that »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 rule that we are unable to state.«⁴²

Being no mere claim about what is agreeable (to me), such judgments impute the assent of others: e.g., others too ought to judge this rose beautiful. Whether others do so judge is another matter. In any case the validity of my judgment does not depend on their empirical assent. But if the validity of my judgment does not depend on their assent and certainly cannot compel it on the basis of proofs, why bother exchanging views at all? »For if it is granted that we can quarrel about something, then there must be some hope for us to arrive at agreement about it«, as Kant puts it.⁴³ This hope indicates that such judgments are not merely subjective, as Kant concludes, but also, as Cavell suggests, that the debate lives on *despite* the lack of guarantee of reaching agreement. The possibility of reaching agreement is not excluded (contra what Jean-Francois Lyotard's reading of Kant assumes), but the validity of an aesthetic judgment in no way depends on it. We expect people to support their judgments, but even if we agree with their arguments we need not agree with their conclusion. For example, I can accept your argument about why a certain painting is beautiful (e.g., its unique place in the history of art, the vivid use of color, the depth of perspective, etc.) and still disagree with your judgment of beauty. That refusal may make my sense of taste deficient in your eyes, but not in the sense of being mistaken.

This suggests that the rationality of such judgments is of a different kind. As Stephen Mulhall observes, Cavell takes up Kant's understanding of the subjective validity of aesthetic judgments to argue that rationality is a matter of the existence of patterns (of support, objection, response) rather than of agreement (in conclusions); he is suggesting that logic or rationality might be more fruitfully thought of as a matter of agreement in *patterns* rather than an agreement in *conclusions*. Whether the particular patterns or procedures are such that those competent in following them are guaranteed to reach an agreed conclusion is part of what distinguishes one type or aspect of rationality from another; but what distinguishes rationality from irrationality in any domain is agreement in – a commitment to – patterns or procedures of speaking and acting.⁴⁴

Aesthetic judgments are arguable, in other words, but in a particular way. They belong to the interlocution Kant calls *streiten* (to quarrel) rather than *disputieren* (to

dispute), that is, the kind of interlocution that, if it generates agreement, does so on the basis of persuasion rather than irrefutable proofs.⁴⁵ The issue, then, cannot be that aesthetic judgments lack rationality. In the third *Critique*, Kant no more ruled out giving reasons for our aesthetic judgments than does Arendt in her appropriation of him.⁴⁶ Someone who is unable to support her judgments is not engaging in aesthetic (Kant) or political (Arendt) judgment at all, but merely stating a subjective preference. What he ruled out, rather, was the idea that reasons could compel others to agree. Criteria are to be considered when choosing between competing judgments, but these criteria can never function as proof that a judgment is correct. Consequently, there is no single argument that can or should persuade everyone capable of reason, regardless of standpoint or context, that a particular judgment is superior (e.g., more rational) than another.

To attempt to persuade with argument in the political realm, says Arendt, is »to give an account – not to prove, but to be able to say how one came to an opinion, and for what reasons one formed it.«⁴⁷ She does not dispute the idea (precious to Habermas's notion of the practical kind of rationality presupposed in communication »oriented toward mutual understanding«) that speakers should – he would say must – be able, if asked, to justify their own speech acts. What she disputes, rather, is the idea that agreement among interlocutors follows necessarily from the ability – once each one has heard all relevant views – to defend their own views. Arendt takes up Kant's insight that we can well follow and even accept the arguments brought to defend a particular aesthetic judgment without having to accept the conclusion. Indeed »the fact that anyone who can follow an argument need not accept the conclusion – even if she doesn't find anything definitely wrong with it«, as Stephen Mulhall observes, is what led »Kant to claim that the imputed universality of aesthetic judgment does not spring from (the application of) a concept, that it cannot be thought of as objective universality.«⁴⁸ Disagreement – even deep disagreement – is possible, though neither side is making a mistake or failing to grasp that a particular judgment is well-supported. That is not least because what is at stake in aesthetic as in political life is not what is objectively true, but our human way of valuing things we hold in common, not that something *is* so, but that it *is* so, as Cavell would put it.⁴⁹

Like aesthetic judgments, political judgments too are arguable, then, but in a very specific way. The style of ›argument‹ that is proper to the political realm is not *disputieren*, demonstration by proofs, which would compel on the basis of already accepted premises, but *streiten*, a quarrel in which one interlocutor, positing or imputing the agreement of others, presents how ›it-seems-to-me.«⁵⁰ We try to persuade others of our views. But the failure to reach agreement, for Arendt as for Kant, in no ways signals a failure to communicate rationally or to follow agreed upon conventions for rational argumentation. I may well follow and even accept your argument and still not

agree with your conclusion. This sounds strange only because we are so accustomed to thinking that agreement in conclusions follows from agreement in premises and procedures, follows in such a way that anyone who accepted the premises and procedures but not the conclusion is either making a mistake or is mentally deficient. And in the case of judgments in which concepts are applied, this is more or less the case.

But the poet who judges his poem beautiful, contrary to the judgments of his audience, may accept their criticisms based on the conventions (e.g., rhyme, meter, etc.) of poetry – yet stubbornly hold to his view.⁵¹ The signers of the 1848 *Declaration of Sentiments*, who judge men and women to be created equal, contrary to the judgments of the Founders and most nineteenth-century Americans, may well accept the criticisms that men and women are different by nature – yet stubbornly hold to their view. What we hold to in the face of the apparent contradiction between these moments of agreement is neither illogical nor irrational, but rather an expression of values that have not yet found expression in the sense of a determinate concept. To anticipate the argument that follows, what we hold to in political as in aesthetic judgments (as the claim to gender *equality* suggests) is not necessarily something that is irreducibly non-conceptual (as, say, Jean François Lyotard, in his preference for the Kantian sublime, argues), but rather something that is an imaginative extension of a concept beyond its ordinary use in cognitive judgments and knowledge claims, that is, beyond its characteristic role, which is to introduce interests. Whether we eventually abandon an earlier judgment on the basis of sharpening our own power of reflective judgment (as Kant's poet does) or hold to it in the face of a world that once declared us scandalous (as the signers of the *Declaration* did), each of us must judge for ourselves and try to persuade others of our views, and this will involve an imaginative »exhibition of the concept (e.g. of equality)«, to speak with Kant, that »expands the concept itself in an unlimited way.«⁵²

This ability to persuade others of one's views depends on facility neither in logic nor rhetoric – ›rhetoric‹ understood, that is, in the highly caricatured way in which Arendt's critics understand that term, i.e., as something that (as Kant himself complained) blinds us to what is rational in an argument. One may well have the so-called »force of the better argument« and fail to convince one's interlocutors, and not because they lack competence, i.e., fail to understand what a good argument is. The ability to persuade, rather, depends upon the capacity to elicit criteria that speak to the particular case at hand and in relation to particular interlocutors. It is an ability, fundamentally creative and imaginative, to project a word like ›beautiful‹ or a phrase like ›created equal‹ into a new context in ways that others can accept, not because they (necessarily) already agree with the projection (or would have to agree if they are thinking properly), but because they are brought to see something new, a different way of framing their responses to certain objects and events. Arguments

are put forward like the *examples* that Kant holds to be the irreducible ›go-carts‹ of an aesthetic judgment: they *exhibit* connections that cannot be rationally deduced from given premises. If an argument has ›force,‹ it is more as the vehicle of an imaginative ›seeing,‹ (to stay with Arendt's own language) than an irrefutable logic. And its force is never separable from the person making the judgment and the context into which she speaks. There can no more be *the* final or conclusive argument for the equality of the sexes than there can be *the* final and conclusive argument for the beautiful. Every political or aesthetic argument must be articulated in relation to a set of particulars which vary according to time and place and, at the same time, appeal to what we have in common.

Sensus Communis

I said earlier that the practice of judging in the absence of a concept raises the specter of particularism and relativism. Citing Kant, Arendt emphasizes that judgments of taste, far from being private and subjective (*de gustibus non disputandum est*) have ›subjective validity,‹ which entails ›an anticipated communication with others with whom I know I must finally come to some agreement.‹⁵³ This anticipated agreement relies on common sense understood as *sensus communis*, ›the very opposite of ›private feelings,‹ *sensus privates*.⁵⁴ ›Common sense,‹ she writes, ›discloses to us the nature of the world insofar as it is a common world; we owe to it the fact that our strictly private and ›subjective‹ five senses and their sensory data can adjust themselves to a nonsubjective and ›objective‹ world which we have in common with others.‹⁵⁵

What Arendt means by *sensus communis* may be akin to what Wittgenstein means by our prereflective ›agreement in judgments,‹ which underlies our practices of justification, and which is itself a practice not susceptible to or in need of proof – or, following Grassi, what Vico means by ›a judgment without reflection‹ – than it is to Kant's idea of *sensus communis* as a transcendental, *a priori* principle, which grounds the universal validity of judgments of taste (and which, therefore, is in no way the product of some social process, of deliberation or agreement in a particular community).⁵⁶ Some readers of Arendt accuse her of losing sight of the *a priori* (not to mention rational) character of the Kantian *sensus communis*, and of treating judgment as if it entailed reaching actual agreement with others or were based on some form of empirical sociality.⁵⁷ Judgment according to Arendt would then entail little more than striving for agreement with a community's norms. Rhetoric, understood in its conventional sense as a sophistic technique of persuasion, would then rear its ugly head, threatening to lure us back into the Platonic cave, where we are unable to distinguish images from the things themselves, opinion from truth.

Clearly Arendt, whose work on totalitarianism animated her account of judgment, did not wish to limit judgment or the *sensus communis* in this way. Like Kant she recognizes that empirical communities can be deeply flawed in their judgments. Furthermore, to judge according to the common understanding of a given community is, as Kant himself says, »to judge not by feeling but always by concepts, even though these concepts are usually only principles conceived obscurely.«⁵⁸ For Kant, however, what makes concepts obscure is itself often connected to feeling: it is none other than rhetoric or the arts of speech, which, in the *Critique of Judgment*, he accuses of being a perfect cheat and of »merit(ing) no respect whatsoever.« Rhetoric stands accused of being »the art of transacting a serious business of the understanding as if it were a free play of the imagination.« As Robert Dostal correctly observes, »it is just this play of imagination that Arendt wishes to affirm.« In contrast to Kant, for whom the *ars oratoria*, »insofar as this is taken to mean the art of persuasion« deceives us by means of a »beautiful illusion« and makes our »judgments unfree«, writes Dostal, Arendt affirms that »the rhetorical arguments of our fellow spectators free us.«⁵⁹ Rhetoric – understood not as a refined art of speaking mastered by the few (to instruct the rationally deficient or to deceive the many, as the philosophers would have it) but as a quotidian practice of public speech, citizens talking to one another – is, for Arendt, the condition of our freedom. We are free when we speak and act, not before and not after, as she tells us in *What is Freedom?* But there is another sense in which we could say that, according to Arendt, the rhetorical arguments or opinions of others free us: they open up the world to us in new ways. That opening up is dependent on the faculty of imagination, a faculty which Arendt's Kantian (and Aristotelian) critics generally want to keep under the control of reason (albeit practical) and the understanding, lest imagination leads us astray with the demigods and pundits who, using the art of rhetoric, disguise opinions as truths.

To appreciate the imaginative or innovative character of rhetoric in the exchange of opinion we need to recognize that when we appeal to the *sensus communis*, »woo the assent of others«, we are appealing neither to a fixed set of opinions nor to an *a priori* principle. *Sensus communis* is not a set of rules one applies but what one appeals to in judging; it marks the difference between what is and what is not communicable, i.e., what resonates (makes sense, in the ordinary meaning of that term) for others. Far from functioning to guarantee agreement in advance, *sensus communis* allows differences of perspective to emerge and become visible. *Sensus communis*, then, is not a static concept grounded in eternal truths but a creative force which generates our sense of reality and which is based in the figurative power of language, hence subject to change. By no means given in the nature of things, *sensus communis* or common sense, as Grassi following Vico and Cicero argues, »lies outside the rational process, within the sphere of ingenuity, so that it assumes an inventive char-

acter«,⁶⁰ it is based on »the activity of *ingenium* (which) consists in catching sight of relationships or *similitudines* among things.«⁶¹ These relationships are external to their terms, i.e., they are not given in the things themselves, but are a creation. They are »never eternally valid, never absolutely ›true‹, because they always emerge within limited situations bound in space and time; i.e., they are probable and seem to be true (*verisimile*), true only within the confine of the ›here‹ and ›now‹, in which the needs and problems that confront human beings are met.«⁶² Through this ingenious activity, what Cicero calls »*semina virtutum*«, writes Grassi, »we surpass what lies before us in sensory awareness.«⁶³ In stark contrast to the deductive activity of logical reasoning, which »must restrict itself to finding what already is contained in the premises«,⁶⁴ *ingenium* is the art of invention. It is the creative discovery of relationships among appearances which have no logical connection. *Ingenium*, then, produces something new. It is the basis for the discovery of community through the act of judging and it is deeply connected to the exercise of the imagination.

Following Grassi, imagination is much more than the faculty of re-presentation, i.e., the faculty of making present what is absent, which is »the reproductive imagination« in Kant. On the one hand, Arendt is clearly concerned with imagination as the faculty that gives me objects as representations so that I can be affected by them, but not in the direct way I am when the object is given to me by the senses. Imagination prepares the object so that I can reflect upon it, which is to say, judge it. It also allows me to visit standpoints not my own, creating the conditions for the relations of proximity and distance that are vital to Arendt's understanding of political space.⁶⁵ »Imagination alone enables us to see things in their proper perspective«, she writes, »to put that which is too close at a certain distance so that we can see and understand it without bias and prejudice, to be generous enough 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.«⁶⁶ On the other hand, Arendt cites Kant's observation that imagination brings together sensibility and understanding by »providing an *image for a concept*«, a »schema«, in the absence of which there would be no experience in the Kantian sense.⁶⁷ Arendt continues: »Our sensibility seems to need imagination not only as an aid to knowledge but in order to recognize sameness in the manifold. As such it is the condition of all knowledge: the (in Kant's words) ›synthesis of imagination‹, prior to apperception, is the ground of the possibility of all knowledge, especially of experience.«⁶⁸ This »synthesis of the manifold«, says Kant, »is the mere result of the power of imagination, a blind but indispensable function of the soul, without which we should have no knowledge whatsoever, but of which we are scarcely ever conscious.«⁶⁹ This is Kant's discovery in the first *Critique* of the »transcendental imagination« as a productive power, the discovery of an »unknown root« (»unbekannte Wurzel«) from which, according to Heidegger, he »recoiled« and subsumed under reason.⁷⁰

Although Arendt's account of judgment does not really explore Kant's account of imagination as a productive or generative force, she sees that it is crucially important to breaking the boundaries of identity-based experience, taking account of plurality, seeing from perspectives not one's own. This is what makes imagination (rather than reason or understanding) the political faculty par excellence.

Political Imagination (or »Being and thinking in my own identity where actually I am not«)

We have seen that Arendt refigures the validity that is appropriate to democratic politics as unthinkable apart from plurality. For her critics, by contrast, validity obtains when impartiality is achieved through the discursive adjudication of rationality claims, that is, the separation of particular from general interests. Consequently, impartiality obtains when opinions and judgments are purified of interests that are strictly private – but what remains is a form of interest nonetheless, only now this interest is said to be rational and universal in a non-transcendental sense. Although Arendt too holds impartiality to be the condition of a properly political opinion or judgment, what she understands by impartiality is akin to what Kant means when he says that concepts cannot play any role in an aesthetic judgment because they refer to objects and introduce interest, that is, the pleasure or liking »we connect with the presentation of an object's existence.« This interest is related to the object's purpose, its ability to serve an end: »interest here refers to usefulness«, observes Arendt.⁷¹ Concepts are to be excluded, according to Kant, because they entangle aesthetic – Arendt would say political – judgments in an economy of use and in a causal nexus. The »inability to think and judge a thing apart from its function or utility«, writes Arendt, indicates a »utilitarian mentality« and »philistinism.«⁷² She continues: »And the Greeks rightly suspected that this philistinism threatens (...) the political realm, as it obviously does because it will judge action by the same standards of utility which are valid for fabrication, demand that action obtain a pre-determined end and that it be permitted to seize on all means likely to further this end.«⁷³ For Arendt, who held means-ends thinking to be a denial of the freedom exhibited in action and speech, the introduction of interests, be they private or general, introduce the instrumental attitude, means-ends thinking.⁷⁴ If her critics cannot think the idea of disinterestedness in terms other than objective validity, it is because they are not centrally concerned, as she is, with the problem of freedom, and thus never see any need to relinquish the object as ground zero of every judgment. Accordingly, the relation among subjects is, for them, mediated through objects and thus through the exercise of reason and the faculty of the understanding and its application of concepts.

Opinion formation, though not the same operation as judging, is a kind of precursor to judging, i.e., one's ability to attain adequate disinterestedness in forming an opinion will, in turn, manifest itself in one's ability to judge without a rule. Opinion formation emerges in Arendt's view only once we have no rules under which to subsume particulars. Like an aesthetic judgment of beauty, an opinion does not designate something in the object about which the opinion is held, but only how the subject is affected, i.e., opinion as »it appears to me.« The famous claim of the American Founding Fathers, »We hold these truths to be self evident etc.«, to take Arendt's example, is a political opinion that tells us something about the values of the people who held it (e.g., their desire for freedom), not a statement of fact that tells us something about the objective equality of men.⁷⁵ Likewise the brilliant rhetorical repetition with a difference that opens the founding American feminist text mentioned earlier, the 1848 *Declaration of Sentiments*, is an opinion in the aforementioned sense, rather than a statement of fact about the objective equality of women and men. More precisely, in both cases objective equality is expressed in the form of an opinion. Taken as part of the practice of judgment, political opinion formation is guided by a sense of necessity: others too ought to hold these truths to be self-evident. Whether others will so hold, of course, is a different matter, for the ›universal voice‹ that guides the formation of such an opinion is not a guarantee of an actual, empirical agreement based on the proper application of concepts. Each of us must form our own opinion, for such a guarantee does not exist. Were opinions formed in the manner of cognitive judgments, this would not be the case. Based in shared concepts and criteria, cognitive judgments are comprehensive over objects and subjects, which is to say, as Kant argues, »others may see and observe for (us).«⁷⁶

As no concept determines the formation of opinion according to Arendt, such formation cannot entail – not in the first place – the subject's relation to the object, which defines cognitive judgments in Kant's view. Rather, the relation to the object is mediated through the subject's relation to the standpoints of other subjects or, more precisely, by taking the viewpoints of others on the same object into account. Arendt describes this intersubjective relation as »representative thinking«:

I form an opinion by considering a given issue from different viewpoints, by making present to my mind the standpoints of those who are absent; that is, I represent them. This process of representation does not blindly adopt the actual views of those who stand somewhere else, and hence look upon the world from a different perspective; this is a question neither of empathy, as though I tried to be or to feel like somebody else, nor of counting noses and joining a majority but of being and thinking in my own identity where actually I am not. The more people's standpoints I have present in my mind while

I am pondering a given issue, and the better I can imagine how I would feel and think if I were in their place, the stronger will be my capacity for representative thinking and the more valid my final conclusions, my opinion.⁷⁷

The Kantian name for representative thinking, Arendt adds, is »enlarged mentality« or, more exactly, an enlarged manner of thinking (»eine erweiterte Denkungsart«) whose condition of possibility is not the faculty of understanding, but imagination.⁷⁸ It is this faculty, at work in seeing from the standpoints of other people, that keeps enlarged thought from becoming either an enlarged empathy or the majority opinion. Imagination is a means, writes Arendt, and I quote again, »to see things in their proper perspective, to be strong enough to put that which is too close at a certain distance so that we can see and understand it without bias and prejudice, to be generous enough 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.«⁷⁹ Imagination mediates: it does not move above perspectives as if they were something to transcend in the name of pure objectivity, nor does it move among perspectives as if they were identities in need of our recognition or empathic projection; rather imagination enables »being and thinking in my own identity where actually I am not.«⁸⁰

To unpack this curious formulation of enlarged thinking let us consider the special art upon which it is based, what Arendt calls »training the imagination to go visiting.«⁸¹ Commenting on this art of imaginatively occupying the standpoints of other people, Iris Marion Young argues that it assumes a reversibility in social positions that denies structured relations of power and ultimately difference. »Dialogue participants are able to take account of the perspective of others because they have heard those perspectives expressed«, writes Young, not because »the person judging imagines what the world looks like from other perspectives.«⁸² Likewise, Lisa Disch is critical of the notion that »a single person can imaginatively anticipate each one of the different perspectives that are relevant to a situation. It is this presupposition that reproduces an aspect of (the very) empathy (Arendt otherwise rejects in her account of representative thinking, L.Z.); it effects an erasure of difference.«⁸³ Both Young and Disch agree, then, that the idea of enlarged thought must be based in actual dialogue, not imaginative dialogue. This »actual dialogue between *real* (rather than hypothetical interlocutors)«, as Beiner likewise observes, sets the parameters for the kind of validity or universality that is proper to political judgment and whose condition is common sense.⁸⁴ We could qualify this critique and say that imagination is no substitute for hearing other perspectives but nonetheless necessary according to Arendt because, empirically speaking, we cannot possibly hear all relevant perspectives. To do so, however, would be to accept the conception of imagination implicit in the critique, namely, that this faculty is at best a stand in for real objects, including

the actual opinions of other people, and at worst a distortion of those objects, in accordance with the interests of the subject exercising imagination.⁸⁵

In contrast to the emphasis on actual dialogue and an ›interpersonal relationship‹ (centered on mutual understanding or mutual recognition) in a ›discourse ethics‹, Arendt's invokes imagination in order to develop reference to another, third perspective from which one observes, and attempts to see from, other standpoints but at a distance. The point after all is not to express empathy for, or achieve identification with, other people, but rather to enlarge one's perspective such that one can judge. Arendt does not discount the importance of actual dialogue any more than Kant did, but rather emphasizes the unique position of *outsideness* from which we judge. It is this third perspective that Arendt had in mind when she claimed above that imaginative visiting involves, not the mutual understanding of »one another as individual persons«, but the understanding that involves coming to »see the same world from one another's standpoint, to see the same in very different and frequently opposing aspects.« At stake is the difference between understanding another *person* and understanding the *world*, the world not as an object we cognize but »the space in which things become public«, as Arendt says.⁸⁶

For Arendt, the kind of understanding made possible by exercising imagination concerns our ability to see objects and events outside the economy of use and the causal nexus. »Being and thinking in my own identity where actually I am not« is the position achieved not when, understanding another person (as in a discourse ethics), I yield my private to the general interest, but when I look at the world from multiple standpoints (not identity positions) to which I am always something of an outsider and, in this way, also something of an outsider to my self as an acting being.⁸⁷ This is the position of the spectator that Arendt describes in her Kant lectures. The spectator is the one who, through the use of imagination, can reflect on the whole in a disinterested manner, that is, a manner free not simply from private interest but from interest *tout court*, which is to say from any standard of utility whatsoever. Were the imagination merely reproductive and concept-governed, it might be possible to attain the kind of impartiality that Arendt's readers associate with the position of the spectator, namely the impartiality of the general interest. But would one be poised to apprehend objects and events in their freedom?

Being so poised, Kant could express enthusiasm about the new, the world-historical event of the French Revolution, although from the standpoint of a morally acting being, Kant said, he would have to condemn it. From the standpoint of the spectator, however, he could find in this event ›signs‹ of progress. These ›signs of history‹ are not facts that can be presented by the reproductive imagination in accordance with the understanding and judged according to a rule of cognition. Rather, as David Carroll observes, such signs »have as their referent the future which they

in some sense anticipate but can in no way be considered to determine.«⁸⁸ To the spectator, the French Revolution does not provide cognitive confirmation that mankind is progressing; rather, it inspires »hope«, as Arendt writes, by »opening up new horizons for the future.«⁸⁹ As a world-historical event, the Revolution indicated what cannot be proved, but must be indicated: human freedom.

The freedom-affirming position of the spectator »does not tell one how to act«, writes Arendt of Kant's enthusiasm.⁹⁰ What one sees from this impartial standpoint, then, is not the general interest or anything that could be considered a guide to political action or to further judgment. The judgment one makes as a spectator is in no way connected with an end. Indeed, »even if the end viewed in connection with this event (the Revolution) should not now be attained, even if the revolution or reform of a national constitution should finally miscarry«, Arendt cites Kant, nothing can destroy the hope that the event inspired.⁹¹ For a new event, from the perspective of the spectator poised to apprehend it in its freedom, is not a means toward an empirical end of any kind, and thus the validity of the judgment in no way turns on the realization of an end. Rather, validity is here tied to an affirmation of freedom that expands the very peculiar kind of objectivity that Arendt associates with the political sphere, namely, the objectivity or sense of reality that turns on seeing an object or event from as many sides as possible. Like »the highest form of objectivity« that arose when Homer, setting aside the judgment of History, sang the praise of both the Greeks *and* the Trojans, so too does Kant's judgment of the French Revolution expand our sense of the real, for it refuses to judge on the basis of victory or defeat, of interest or end whatsoever.

The judgment that at once expands our sense of reality and affirms freedom is possible only once the faculties are »in free play«, as Kant puts it. Only where the imagination is not restrained by a concept (given by the understanding) or the moral law (given by reason) can such a judgment come to pass. And the French Revolution was for Kant a world-historical event for which we have no rule of cognition. In free play, the imagination is no longer in the service of the application of concepts. But the application of a concept was not the task Kant had in mind when he expressed enthusiasm for the French Revolution, which provided no concepts and no maxim for acting whatsoever. To judge objects and events in their freedom expands our sense of community, not because it tells us what is morally or politically justified and thus what we should do, but because it expands our sense of what is real or communicable.

Judging Creates Political Space

Though judgment is a way of constructing and discovering (the limits of) community, this does not mean that it would or ought to translate into a blueprint for political

action. That judgment need not provide a guide for action and, in fact, may even be at radical odds with any maxim for action – as it was in Kant’s enthusiasm for the French Revolution – is crucial to Arendt’s claim that the spectator position is one from which we are able to see the whole without the mediation of a concept based on the presence of an interest. Spectators do not produce judgments that ought then serve as *principles* either for action or for other judgments; they create, rather, the *space* in which the objects of political judgment, the actors and actions themselves, can appear, and in this sense alter our sense of what belongs in the common world. If the world (not nature but the human artifice), as Arendt argues, »is the space in which things become public«, then judging is a practice that alters that world, what we will count as public or political, what we will hear and see in it. In this space, created by judging, the objects of judgment appear: »The judgment of the spectator creates the space in [omit without] which no such objects could appear at all. The public realm is constituted by the critics and the spectators, not by the actors and the makers. And this critic and spectator sits in every actor«, writes Arendt;⁹² »spectator« is not another person, but simply a different mode of relating to, or being in, the common world. This shift in emphasis amounts to a Copernican turn in the relationship of action to judgment: i.e., we have first not the actors but the spectators, not the objects of judgment but the practice of judgment. Arendt attributes it to Kant, but it is Hannah Arendt herself who discovers, in her idiosyncratic reading of Kant, that it is the judging activity of the spectators, not the object they judge or its maker, that creates the public space.

Calling our attention to the activity of judging as formative of the public realm, Arendt emphasizes what aesthetic theory calls practices of reception. But she seems to discount the potentially transformative and generative contribution of the object of judgment itself as well as the creative activity of the artist, actor, or maker. Kant, by contrast with Arendt, emphasizes not only the spectators but the role of the artist and the formative power of creative imagination, the ability to present objects in new, unfamiliar ways – what Kant called »genius.« In his discussion of »aesthetic ideas« Kant describes the imagination as »very mighty when it creates, as it were, another nature out of the material that actual nature gives it.«⁹³ Indeed, »we may even restructure experience«, adds Kant, »(and) in this process we feel our freedom from the law of association (which attaches to the empirical, i.e., reproductive) use of the imagination; for although it is under that law that nature lends us material, yet we can process that material into something quite different, namely into something that surpasses nature.«⁹⁴ This faculty of presentation »prompts so much thought, but to which no determinate thought whatsoever, i.e., no (determinate) *concept*, can be adequate, so that no language can express it completely and allow us to grasp it.«⁹⁵ Such aesthetic presentations »strive toward something that lies beyond the bounds of experience« (hence they are called aesthetic ideas and are the counterpart of ratio-

nal ideas), but they are presentations nonetheless. Rather than exhibiting that which is radically unrepresentable (as is the case in the Kantian sublime), the faculty of presentation at work in the exhibition of aesthetic ideas »expands the concept itself in an unlimited way.«⁹⁶ The imagination, in other words, can work on or order material in such a way that we are able to create out of it non-causal associations and even a new nature. Concepts themselves are not so much excluded as expanded, and this has important consequences for how we think about our own political (Arendt) or aesthetic (Kant) activity.

We might ask whether this concept-transforming activity of the imagination is confined to the activity of genius. Although Kant himself inclines to cast taste as the faculty that »clips its (genius') wings«, bringing it in line with what is communicable (what others can follow and assent to), surely the spectator too – including the spectator that exists in every actor or artist – is called upon to exert imagination in trying to comprehend a work. In this way, then, our sense of what is communicable is not static but dynamic. The imagination is, after all, in free play when we judge reflectively, not only when we create new objects of judgment. If Arendt associates the faculty of productive imagination exclusively with genius, applauding Kant's subordination of genius to taste, that may be because she was determined to emphasize the importance of plurality in judging. In contrast to the solitary genius, »spectators exist only in the plural«,⁹⁷ as she claimed, and the need to take account of plurality, of other views, is what distinguishes a political or aesthetic judgment from a logical or cognitive one. Arendt was concerned with the creation of the public, the space of the world in which the objects of judgment can appear.

But of course a text such as the 1848 *Declaration of Sentiments* puts forward at once a judgment, which has been reached individually by each of its signers, and an imaginative ›object‹, which not only serves as the occasion for future judgments, but which stimulates the imagination of judging spectators and expands their sense of what is communicable, what they will count as part of the common world. Like a work of art, such a document is potentially defamiliarizing: working with what is communicable (e.g., the idea, already put forward in the *Declaration of Independence*, that all men are created equal) it expands our sense of what we can communicate (e.g., that women too can be included in the original idea of equality). Positing the agreement of all (»we hold these truths to be self-evident«) and not just its signers, such a document creatively (re)presents the concept of equality in a way that, to cite Kant on productive imagination again, »quickens the mind by opening up for it a view«⁹⁸ that is excluded by every logical presentation of the concept of equality. It is this creative expansion of the concept that we miss whenever we talk about the logical extension of something like equality or rights. Every extension of a political concept always involves an imaginative opening up of the world that allows

us to see and articulate relations between things that have none (in any necessary, logical sense), to create relations that are external to their terms. Indeed, political relations are always external to their terms, and thus they always involve an imaginative element, the ability to see or to forge new connections.

We can judge without a concept, exactly as Arendt held, then, because we are not limited to *disputieren* (i.e., agreement on the basis of proofs from established premises); we are capable of creating new forms or figures with which to make sense of objects and events. And we can argue about the meaning of those objects and events without declaring a *Widerstreit*, the impossibility of any agreement whatsoever. In this process of making sense or judging reflectively, we refuse to limit ourselves to proofs based on concepts already given, and instead alter our sense of what is common or shared: we alter what Arendt calls the world. With time the forms and figures, given by the reflective judgment, also become ossified as rules (i.e., judgments that serve as principles of judgment) which too, in turn, demand the response of imagination to break up the closure of rule-governed practices, unsettling their settled instantiation in a freedom-denying mode of common sense. That is why Arendt, like Kant, emphasizes judging as an activity, not judgments as the result of an activity, judgments which, being valid for all, could be extended beyond the activity of judging subjects and applied in rule-like fashion by other subjects.

What we affirm in a political judgment is experienced not as a cognitive commitment to a set of rationally agreed upon precepts (as they are encoded in, say, a constitution – though it *can* be experienced as that too) but as pleasure, as shared sensibility. »We *feel* our freedom«, as Kant put it, when we judge aesthetically or, as Arendt shows, politically. For validity theorists, this shared sensibility will never be enough to secure the actual experience and institutions of freedom – or it will be too much, leading to fanaticism in the name of freedom. If the pleasure that obtains in a judgment arises not in relation to the object but to nothing more than the judgment itself, then we are thrown back on ourselves and our own practice: we take pleasure in what we hold (e.g., that these truths are self-evident). What gives us pleasure is how we judge, that is to say, that we judge objects and events in their freedom. We don't *have* to hold these truths to be self-evident any more than we *have* to hold men and women equal or the rose beautiful; nothing compels us. There is nothing necessary in what we hold. That we do so hold is an expression of our freedom. In the judgment, we discover the nature and limits of what we hold in common. This ›who‹ shows itself in the political judgments we make daily and, with them, in the company we choose to keep, the sense of community we feel. This is the simple but crucial lesson that we can learn from Arendt's aesthetic account of political judgment.

Notes

- 1 Jacques Rancière, *Dis-agreement. Politics and Philosophy*, Minneapolis 1999, 58.
- 2 I wish to thank Mary Dietz, Gregor Gnädig, Bonnie Honig, Peter Meyers, and George Shulman for their help with this essay.
- 3 See Immanuel Kant, *Critique of Judgment (Kritik der Urteilskraft)*, Indianapolis 1987.
- 4 Clearly, not all judgments take the form of the syllogism, whose major premise is itself a judgment. Judgment is defined as the »faculty for subsuming under rules; that is, of distinguishing whether something does or does not stand under a given rule«. *Critique of Pure Reason* B171. On the relationship of judgments to the syllogism see Beatrice Longuenesse, *Kant and the Capacity to Judge. Sensibility and Discursivity in the Transcendental Analytic of the Critique of Pure Reason*, Princeton 1998, 90-92.
- 5 Jürgen Habermas, Hannah Arendt's Communications Concept of Power, in: Lewis Hinchman, and Sandra Hinchman, eds., *Hannah Arendt. Critical Essays*, Albany 1994, 211-229, 225.
- 6 Ronald Beiner, *Hannah Arendt on Judging*, in: Hannah Arendt, *Lectures on Kant's Political Philosophy*, Chicago 1982, 89-156, 136. For a similar critique see Albrecht Wellmer, *Hannah Arendt on Judgment. The Unwritten Doctrine of Reason*, in: Ronald Beiner, and Jennifer Nedlesky, eds., *Judgment, Imagination, and Politics. Themes from Kant and Arendt*, Boston 2001, 165-181, here 166.
- 7 Hannah Arendt. *Lectures on Kant's Political Philosophy*. Ed. by Ronald Beiner, Chicago 1982, 64.
- 8 See Wellmer, Arendt, as note 6, 169.
- 9 On Arendt's bracketing of the legitimization problematic see Dana Villa, *Arendt and Heidegger. The Fate of the Political*, Princeton 1996, 72. For another defense of Arendt contra Habermas see Lisa Jane Disch, *Hannah Arendt and the Limits of Philosophy*, Ithaca 1994.
- 10 Ludwig Wittgenstein. *Remarks on the Foundations of Mathematics*, vol. I. Ed. by G. H. Wright, R. Rhees, and G. E. M. Anscombe, Cambridge 1996, 121, emphasis L.W.
- 11 »(T)he peculiar feature of aesthetic and teleological judgments is not that they are reflective judgments (*for every judgment on empirical objects as such is reflective*); it is rather that they are *merely* reflective judgments, judgments in which reflection can never arrive at conceptual *determination*.« Longuenesse, *Kant*, as note 4, 164, emphasis B. L. The difference lies also in this: In a reflective judgment, the faculty of judgment does not, for its activity of reflection, borrow the rules or principles of reflection from either the understanding or reason; rather it gives or presents a principle of its own.
- 12 Arendt, *Lectures*, as note 7, 13-14.
- 13 Ronald Beiner, *Rereading Hannah Arendt's Kant Lectures*, in: idem and Nedlesky, eds., *Judgment*, as note 6, 91-102, here 94. Beiner tends to make it sound as if subsumption under rules (in a determinative judgment) were easy in the Kantian system. He tends to exclude reflection from such judgments, reserving it for reflective judgment. Following Longuenesse (see preceding note), I would argue that this view is not only an incorrect account of (both forms of) judgment in Kant, but leads to a series of misreadings of Arendt's reading of Kant. There is a tendency to think of determinative judgment as a kind of top-down application of the (a priori) categories to sensible intuitions. But that would be to ignore »the objectifying role that Kant grants *to the logical forms of judgment as forms of reflection*.« Longuenesse, *Kant and the Capacity to Judge*, as note 3, 12, emphasis B. L.
- 14 Kant writes: »If judgments of taste had (as cognitive judgments do) a determinate objective principle, then anyone making them in accordance with that principle would claim that his judgment is unconditionally necessary. (...) So they (judgments of taste) must have a subjective principle, which determines only by feeling rather than by concepts, though nonetheless with universal validity, what is liked or disliked. Such a principle, however, could only be regarded as a *common sense*. This common sense is essentially distinct from the common understanding that is also sometimes called common sense (*sensus communis*); for the latter judges not by feeling but always by concepts, even though these concepts are usually only principles conceived obscurely.« Kant, *Critique*, as note 3, § 20, emphasis I.K. This last point is crucial. Kant is not talking about empirical opinions of a given community but about an *a priori* principle. His objection (i.e., to follow such empirical opinions amounts to heteronomy) turns here on the crucial distinction between feeling and concepts. What

we follow when we follow the common sense of a given community in an empirical sense is concepts.

- 15 Kant, Critique, as note 3, § 32.
- 16 Ibid., § 49, my emphasis.
- 17 Hannah Arendt, The Crisis in Culture, in: idem, Between Past and Future: Eight Exercises in Political Thought, New York 1993, 197-226, 221.
- 18 Ibid., 223.
- 19 Kant, Critique, as note 3, § 412.
- 20 »Judgment in general is the ability to think the particular as contained under the universal. If the universal (the rule, principle, law) is given, then judgment, which subsumes the particular under it, is *determinative*. (...) But if only the particular is given and judgment has to find the universal for it, then this power is merely *reflective*.« Ibid., Introduction, sect. IV, 18, emphasis I.K.
- 21 On an objective human nature see Beiner, Rereading, as note 13, 92.
- 22 »A judgment of taste differs from a logical one in that a logical judgment subsumes a presentation under concepts of the object, whereas a judgment of taste does not subsume it under any concept at all, since otherwise the necessary universal approval could be (obtained, L.Z.) by compelling people (to give it, L.Z.). But a judgment of taste does resemble a logical judgment inasmuch as it alleges a universality and necessity, though a universality and necessity that is not governed by concept of the object and hence is merely subjective.« Kant, Critique, as note 3, § 150.
- 23 »As logic, to be sound, depends on the presence of the self, so judgment, to be valid, depends on the presence of others«, Arendt, Crisis, as note 17, 221. »The principle of agreement with oneself is very old; it was actually discovered by Socrates, whose central tenet, as formulated by Plato, is contained in the sentence: ›Since I am one, it is better for me to disagree with the whole world than to be in disagreement with myself.‹ From this sentence both Occidental ethics, with its stress upon being in agreement with one's own conscience, and Occidental logic, with its emphasis upon the axiom of contradiction, took their starting point« *ibid.*, 220.
- 24 Hannah Arendt, Was ist Politik? Ed. by Ursula Ludz, Munich 1993, 96. All translations are my own.
- 25 »This Homeric impartiality«, writes Arendt, »is still the highest type of objectivity we know. Not only does it leave behind the common interest in one's side and one's own people which, up to our own days, characterizes almost all national historiography, but it also discards the alternative of victory or defeat, which moderns have felt expresses the ›objective‹ judgment of history itself.« Hannah Arendt, The Concept of History, in: Idem, Between Past and Future: Eight Exercises in Political Thought, New York 1993, 41-90, here 51. The modern conception of objectivity, in contrast, is premised on the idea that standpoints should be eliminated, based as they are on subjective sense experience. »The ›extinction of the self‹ (...becomes, L.Z.) the condition of ›pure vision‹, in Ranke's phrase«, *ibid.*, 49.
- 26 Ibid., 51, emphasis H.A.
- 27 Ibid.
- 28 Arendt, Crisis, as note 17, 223.
- 29 Habermas, Concept, as note 5, 225. For a similar critique see Beiner, Arendt, as note 6, 106 and 137.
- 30 Ernesto Grassi, Rhetoric as Philosophy: The Humanist Tradition, Carbondale 1980, 26.
- 31 Ibid., 26, emphasis E.G.
- 32 Ibid., 20, emphasis E.G.
- 33 Ibid.
- 34 Hannah Arendt, The Human Condition, Chicago 1989, 171.
- 35 »»The picture forces itself on us (...)‹ It is very interesting that pictures do force themselves on us. And if that were not so, how could such a sentence as ›What's done cannot be undone‹ mean anything to us?« Wittgenstein, Remarks, as note 10, § 14. Wittgenstein gives a close reading of the picture of »the machine as symbol«, which lies, among other images, at the origin of the language game of logical necessity, our sense of the »logical *must*«, *ibid.*, § 121-122.
- 36 See Ernesto Grassi, Die unerhörte Metapher, Frankfurt am Main 1992, 29.
- 37 Arendt, Politik, as note 24, 97.

- 38 Ibid.
- 39 Ibid.
- 40 Grassi, Rhetoric, as note 30, 20.
- 41 Ibid., 97.
- 42 Kant, Critique, as note 3, § 18, emphasis I.K. »This necessity is of a special kind. It is not a theoretical objective necessity, allowing us to cognize *a priori* that everyone will feel this liking for the object I call beautiful. Nor is it a practical objective necessity, where, through concepts of a pure rational will that serves freely acting beings as a rule, this liking is the necessary consequence of an objective law and means nothing other than that one absolutely (without any further aim) ought to act in a certain way«, *ibid.*, § 18, emphasis I.K.
- 43 Ibid., § 56.
- 44 See Stephen Mulhall, Stanley Cavell: Philosophy's Recounting of the Ordinary, Oxford 1998, 26.
- 45 In Kant, Critique, as note 3, § 56, Kant describes the antinomy of taste: taste is a singular, subjective judgment without the mediation of a concept; taste is a judgment that lays claim to universality and necessity, which are categories of the understanding, i.e., the faculty of concepts. The thesis of the antinomy follows from the first proposition: if one judged the beautiful according to a concept, one could make a decision about what was beautiful ›by means of proofs.‹ However, such is not the case, Kant argues. The antithesis follows from the second hypothesis: if one were to judge the beautiful without any concept, one could make no claim as ›to the necessary agreement of others with the judgment, and discussion would be impossible. Again, this is not the case. The solution is found in the difference between two forms of interlocution, *streiten* and *disputieren*.
- 46 See *ibid.*, § 34; also Stanley Cavell, Must We Mean What We Say?, Cambridge 1976, 88.
- 47 Arendt, Lectures, as note 7, 41.
- 48 Mulhall, Cavell, as note 44, 25.
- 49 See Stanley Cavell, The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy, Oxford 1979, 45.
- 50 Arendt does not dispute the idea of testing one's opinions in public, but what she means by it is different. Her point is not that truth emerges through the process of falsification that takes place when arguments are made in public (as liberal thinkers like John Stuart Mill famously held), for that still treats perspectives as valuable *only* to the extent that they can be eliminated one by one, albeit publicly, in order to arrive at an agreement, a single perspective. All the validity claims in the world do not add up, in her view, to a common world if the cost of validity is the loss of plurality.
- 51 See Kant, Critique, as note 3, § 32.
- 52 Ibid., § 49.
- 53 Arendt, Crisis, as note 17, 220 f.; Kant, Critique, as note 3, § 18-22.
- 54 Arendt, Crisis, as note 17, 222.
- 55 Ibid., 221.
- 56 Kant excludes community standards as the basis for judgment. »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«, *ibid.*, § 32. This is the basis for Hans-George Gadamer's critique of the Kantian idea of common sense as a reductive concept which marks an unfortunate departure from the tradition of Cicero, Vico, and Shaftesbury, for whom common sense is a way of knowing based in the moral and civic community; see Hans-Georg Gadamer, Wahrheit und Methode, Part I, Tübingen 1990, chapter 2, 46-60. For a critique of Gadamer on this point see Rudolf A. Makkreel, Imagination and Interpretation in Kant: The Hermeneutical Import of the Critique of Judgment, Chicago 1990, chapter 8, 154-172. According to Grassi, Kant's conception of common sense could not shake the rationalistic premises of his critical philosophy, see Ernesto Grassi, The Priority of Common Sense and Imagination. Vico's Philosophical Relevance Today, in: Social Research 43 (1976), 553-580, here 560. Kant offers various definitions of *sensus communis*, see, for example, Kant, Critique, as note 3, § § 20 and 40. Grassi restricts Kant's account of common sense to the first definition he gives in § 40, where it is described as the vulgar understanding of men. In the same section, however, Kant gives an account of common sense as *sensus communis* which, unlike the common sense just described, is not a collection of ac-

tual beliefs held by all but an *a priori* concept. As a work of transcendental philosophy, the *Critique of Judgment* is concerned with the possible validity of our judgments, not the validity of actual judgments. Arendt's highly compressed discussion in Arendt, Lectures, as note 7, 70-72, understands common sense not as an *a priori* principle grounding claims to intersubjective validity, but simply as a way of marking what is public and communicable rather than private.

- 57 See David Carroll, Community after Devastation: Culture, Politics, and the ›Public Space‹, in: Mark Poster, ed., Politics, Theory, and Contemporary Culture, New York 1993, 159-196. Carroll bases his critique of Arendt on that of Lyotard, see Jean-François Lyotard, Lessons on the Analytic of the Sublime (Kant's *Critique of Judgment*, §§ 23-29), Stanford 1994. According to Ronald Beiner, Arendt mistakenly reads her favorite concepts from the third *Critique* (common sense, enlarged mentality, and so on) – as if they were – empirical, whereas for Kant they are strictly transcendental. Beiner, Rereading, as note 13, 96. I contest these critiques in an extended version of this article in Linda Zerilli, Feminism and the Abyss of Freedom, Chicago forthcoming 2005, chapter 4.
- 58 Kant, Critique, as note 3, § 20.
- 59 Kant quoted in Robert J. Dostal, Judging Human Action, in: Beiner and Nedlesky, Judgment, as note 6, 139-164, 154. Dostal accuses Arendt of failing to recognize that Kant's account of judgment cannot be entirely separated from the thematic of rationality that is at the center of the second *Critique*.
- 60 Grassi, Priority, as note 56, 565.
- 61 Grassi, Rhetoric, as note 30, 8, emphasis E.G.
- 62 Ibid., 10, emphasis E.G.
- 63 Ibid., 8.
- 64 Ibid., 97.
- 65 See Arendt, Lectures, as note 7, 68-69.
- 66 Hannah Arendt, Understanding and Politics, in: Jerome Kohn, ed., Essays in Understanding 1930-1954, New York 1994, 307-327, here 323.
- 67 Arendt, Lectures, as note 7, 81, emphasis H.A.
- 68 Ibid., 83.
- 69 Immanuel Kant, Critique of Pure Reason, London 1929, A 78.
- 70 Martin Heidegger, Kant und das Problem der Metaphysik, Frankfurt am Main 1998, 161.
- 71 Arendt, Lectures, as note 7, 94.
- 72 The task of aesthetic and teleological judgment, as Kant explains, is to judge without a concept and thus the notion of a »purpose« (end [*Zweck*]). But judgment is only possible if we assume that nature has an order that we can discern and could potentially cognize, hence a purposiveness (finality [*Zweckmässigkeit*]). Thus aesthetic judgments have (»finality without an end« or »purposiveness without a purpose« [*Zweckmässigkeit ohne Zweck*]). Ibid.
- 73 Arendt, Crisis, as note 17, 216.
- 74 This criticism applies to the two types of social interaction Habermas calls »strategic« and »communicative.« Whereas in strategic interaction actors »are interested solely in the success, that is, the consequences or outcomes of their action«, in communicative interaction actors »are prepared to harmonize their plans of action through internal means, committing themselves to pursuing goals only on the condition of an agreement (...) about definitions of the situation and prospective outcomes«, quoted in Mary Dietz, Turning Operations: Feminism, Arendt, and Politics, New York 2002, 146 f. In both cases we are dealing with a form of interest, but the normative procedures and assumptions are changed. For a good critique of Habermas's idealized model of communicative interaction see *ibid.*, esp. 144-148.
- 75 »That all men are created equal is not self-evident nor can it be proved. We hold this opinion because freedom is only possible among equals, and we believe that the joys and gratifications of free company are to be preferred to the doubtful pleasures of holding dominion. Such preferences are politically of the greatest importance.« Hannah Arendt, Truth and Politics, in: *idem*, Between Past and Future: Eight Exercises in Political Thought, New York 1993, 227-264, here 247.
- 76 If cognition were the aim of opinion formation, then we would not need to imagine how the same object looks to different people, for the understanding gives the law or criteria according to which such an object is cognized as *that* kind of object. Because cognitive judgments are comprehensive

over objects and subjects, argues Kant, others may see and observe for us. To use the concept »duck-billed platypi«, for example, is also to assert that »All duck-billed platypi lay eggs«. Members of the class of duck-billed platypi will also belong to the class of things that lay eggs. Aesthetic judgments, in contrast, are comprehensive only over subjects. No subject can judge in another subject's place (as is possible with cognitive judgments), and no judgment cancels another judgment out. On this point see Salim Kemal, Kant's Aesthetic Theory, New York 1997, 74.

- 77 Hannah Arendt, »Truth and Politics«, in: idem, Between Past and Future: Eight Exercises in Political Thought, New York 1993, 227-264, 241.
- 78 Ibid. Kant calls this process the »enlargement of the mind«, in which »we 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«, Kant, Critique, as note 3, § 40. Citing this passage, Arendt, like Kant, in no way *excludes* the role that the actual judgments of other people might play in our own. But neither does she dispute his claim that enlarged thought is not a practice of re-presenting to oneself opinions one has heard any more than it is a matter of transposing oneself into the actual place of another person, see Arendt, Lectures, as note 7, 43.
- 79 Arendt, Understanding, as note 66, 323.
- 80 Arendt, »Truth and Politics«, as note 77.
- 81 Arendt, Lectures, as note 7, 43.
- 82 Iris Marion Young, Asymmetrical Reciprocity. On Moral Respect, Wonder, and Enlarged Thought, in: Beiner and Nedlesky, Judgment, as note 6, 205-228, here 225.
- 83 Lisa Disch, Hannah Arendt and the Limits of Philosophy, Ithaca 1994, 168.
- 84 Beiner, Rereading, as note 13, 97, emphasis R.B. Beiner, Young, and Disch share the view that Arendt was mistaken to turn to Kant, for she is really interested in empirical sociability as the basis for judgment and he is not. »The *Critique of Judgment* as a work of transcendental philosophy is concerned exclusively with the question of the possible *validity* of our judgments, and to this validity empirical sociability contributes nothing«, *ibid.*, 96, emphasis R.B. It is deeply misleading to assert that at the center of Arendt's theory of political judgment is an empirical conception of *sensus communis*, as if the universal voice were the result of a vote, and it is conversely misleading to assert that, for Kant's conception of *sensus communis*, nothing empirical matters. Not only is Arendt's conception of community not reducible to a sociological one (which is what »empirical« means, finally, in these critiques), Kant's argument for an *a priori sensus communis* makes numerous and important gestures towards the actual social practices of judgment, not to dismiss these as totally irrelevant to what an aesthetic judgment is, but to discern the existence of our mutual attunement.
- 85 This limited view of imagination as empirical and reproductive is tied to certain suppositions about the status of normative political claims and the kind of rationality that is proper to politics, both of which are central to Habermas's discourse ethics: (1) that political claims are cognitive and can be treated like claims to truth; (2) that the justification of claims requires that a *real* discourse be carried out, i.e., that speakers engage in an actual practice of argumentative justification. Even defenders of Arendt's non-cognitive account of political judgment against Habermas's charge of incoherence (e.g. Lisa Disch) take for granted (2), largely because they never really find a way to counter (1), caught as they are in the validity problematic that structures our understanding of politics.
- 86 Hannah Arendt, What Remains? The Language Remains, in: idem, Essays in Understanding: 1939-1954, Orlando 1994, 1-23, here 20.
- 87 For Habermas, the perspective of the third never arises as a possibility except in the form of a return to the objectification that characterizes the classical philosophical model of knowledge he seeks to overcome with his communicative ethics, see Jürgen Habermas, Der philosophische Diskurs der Moderne: Zwölf Vorlesungen, Frankfurt am Main 1985, 346.
- 88 David Carroll, Rephrasing the Political with Kant and Lyotard. From Aesthetic to Political Judgments, in: Diacritics 14/3 (1984), 73-88, here 82.
- 89 Arendt, Lectures, as note 7, 56.
- 90 *Ibid.*, 44, emphasis H.A.
- 91 *Ibid.*, 46.
- 92 *Ibid.*, 63.
- 93 Kant, Critique, as note 3, § 49.

- 94 Ibid.
- 95 Ibid., emphasis I.K.
- 96 Ibid.
- 97 Arendt, Lectures, as note 7, 63.
- 98 Kant, Critique, as note 3, § 49.