Toward a Democratic Theory of Judgment

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What would it mean to foreground the capacity to judge critically and reflectively as a central feature of modern democratic citizenship? This question, raised poignantly albeit not systematically in the work of Hannah Arendt, is of crucial importance for political theory today. For Arendt, the problem of judgment arises in the wake of the collapse of inherited criteria for judgment or what she called the final break in tradition brought about by the political catastrophes of the 20th century.¹ For contemporary theorists the problem of how to judge in the absence of these criteria remains an important one. But our focus must be different. The problem is not only the collapse of traditional standards but also how to take account of the plurality of standards that characterize multiethnic and multiracial societies such as the United States and, increasingly, Western Europe.

In light of political events and the “clash of civilizations” declared by neoconservatives such as Samuel Huntington, we find ourselves increasingly called upon to make judgments about practices and cultures not always our own, judgments that require, among other things, an ability to imagine how the world looks to people whose standpoints we do not necessarily share. As Huntington’s work suggests, the temptation here is to employ our own concepts as rules with which to judge other practices and cultures. But then the question arises as to whether we have engaged in the act of critical judging—or have we, rather, applied the concepts of “our” culture to the particulars of “theirs,” all the better to confirm what we already know and claim to be? With this question arises a related temptation: if we reject such a rule-governed practice of judgment as, say, uncritical and ethnocentric, then perhaps we have little choice but to
adopt the position of the proverbial relativist. As radically divergent views can be equally valid depending on one’s standpoint and membership in a particular culture, so this relativist holds, it is best not to judge at all. Who are we—outsiders—to judge?²

The presuppositions about judging that inform the aforementioned positions have been criticized in a rich philosophical literature on the possibility of understanding another culture. Whereas the first assumes that to judge tout court is to subsume particulars under concepts already given in one’s society, the second assumes that we cannot comprehend, let alone judge, what is foreign or unknown to us at all. As Ludwig Wittgenstein, Peter Winch, Charles Taylor, John McDowell, and Donald Davidson show us, there are good reasons for questioning these related pictures of judging, beginning with the idea that to judge is to organize experience according to a “conceptual scheme,” which can be radically incommensurable across cultures.³ Such an idea misconstrues language as a prison-house of sorts, which greatly inhibits or renders fully impossible communication between members of different linguistic communities.

This philosophical debate, though invaluable, does not address another—and in my view more troubling—feature of these twin views of judging. The idea that judgment is a wholly rule-governed practice whose inherent conceptual dogmatism can be avoided only through the infinite deferral of judging itself is not only philosophically incoherent but also politically untenable. We, citizens of Western democracies, need to make judgments about cultures and practices not always our own and, where appropriate, lend or refuse them our political support. In fact, we already make such judgments: we make them when we vote for our political representatives on the basis of their public judgments (e.g., where to give foreign aid or to intervene militarily, whether English should be the
official language of the United States, or whether to allow Sharia law in the settling of disputes among American Muslims), to take obvious examples; and we make them in everyday life (e.g., when we decide what products to buy or to boycott, what causes to support or to fight, what neighborhood to live in or to avoid). The question, then, is not whether we make judgments but what making them entails. “Ultimately,” to speak with Vivasvan Soni, “it is not judgment itself that can be avoided, only responsibility for the judgment and recognition of the process of judgment.”

The Problem of Judgment

In contemporary political theory there are several ways in which judgments are formed and yet the problem of judgment is occluded. The first concerns the tendency in the work of neo-Kantian democratic thinkers such as John Rawls, Jürgen Habermas, and Seyla Benhabib to define the problem of judgment wholly as a problem of adjudicating value conflicts in the absence of universal criteria and a transcendent conception of the good. It is not that these theorists mourn the loss of a common standard according to which such conflicts could be rationally adjudicated, nor do they lament the empirical fact of value pluralism itself; on the contrary, they celebrate both as the achievement of liberal democratic societies. Nevertheless, this celebratory spirit is also deeply cautious and tempered by a persistent worry about wide-spread value differences run amuck, as it were, with no way of deciding in favor of liberal democratic values, save by means of a groundless will. To forestall such decisionism, neo-Kantians advance the idea of public reason, with which they seek ever more neutral grounds “to separate by argumentation generalizable interests from those that remain particular,” as Habermas puts it.

The problem with the neo-Kantian ideal of public reason is not so much that it
seeks to restrict certain kinds of speech, as many critics before me have held, but that it becomes hard to see how speakers and claims that are not already heard as political could come to count as such within any given socio-political context. If a central problem of judgment today, as Arendt suggests, is how to judge without falling back on concepts that render the unfamiliar the already known, then we should ask whether adherence to the rules of public reason, which works to sort particular from generalizable claims, might not hinder the ability to judge critically and reflectively, that is, in the absence of a rule. Haunting the neo-Kantian deliberative approach is what Arendt called “the problem of the new,” that is, how to take account of the inaugural character of phenomena at all.

But there is another problem. Deliberative approaches to intercultural value conflicts assume that disputes can be resolved by discursive argumentation. The ability of conceptual, discursive rationality to settle stark differences of opinion on public issues tends to presuppose the very shared sensibility that neo-Kantians deny as having any real relevance to political life. It is not difficult to see how I might reach agreement with someone who already shares my sense of what Rawls calls “reasonableness,” itself rooted in basic values, cultural background, or world-view. In that case, the proper application of concepts to the particulars of political life may well strike me as having “the unforced force of the better argument,” to speak with Habermas. But are those the conflicts that really concern us today?

These two tendencies in neo-Kantian democratic theory—the tendency of public reason to foreclose the inaugural power of speech and action, on the one hand, and the reliance on conceptual, discursive rationality as the means for settling value conflicts, on the other—may well lie behind what I see as a second way in which the problem of
judgment is occluded in contemporary political theory. I am speaking about the ontological turn to affect (and, in some cases, cognitive neuroscience) that characterizes the work of an ever growing group of scholars, including William Connolly, Leslie Thiele, Jane Bennett, Davide Panagia, John Protevi, and Jennifer Nedelsky. The efforts of these theorists to uncover and foreground the noncognitive processes tracked in affect theory and CNS can be understood as recoiling from the rationalism that shapes neo-Kantian deliberative models of democracy. More specifically, they recoil from the highly conceptualist interpretation of the Copernican Turn, according to which, as Wilfrid Sellars puts it, “to have the ability to notice a sort of thing is already to have the concept of that sort of thing.” On the face of it, this strictly conceptualist way of thinking about our relation to the world, as these thinkers suggest, makes it hard to see how we could discern anything new in it at all.

As someone who has been critical of the overly cognitivist models of political thinking, action, and judgment that inform neo-Kantian approaches, this development in political theory is in some respects understandable to me. I recognize as important the challenge to conceptions of politics that rely on exaggerated ideas of human autonomy and reason and that remain in the grip of what Stanley Cavell has called the epistemological quest. The general ascendancy of an ontological register in political theory, of which the turn to affect is part, recognizes the dependence of propositional intentionality on a background of practical attunements to situated environments. In this sense, the turn to affect takes place on the larger terrain carved out by post-foundational thinkers such as Heidegger, Wittgenstein, Taylor and Gadamer, each of whom conceives of propositional knowledge (“knowing-that”) as connected to a vast, ungrounded
background of preconceptual ways of being in the world ("knowing-how"). But there is also a crucial departure from this hermeneutic strand of philosophy. Affect is presented as a distinct layer of experience that is both prior to and beneath intentional consciousness. When the post-foundationalist avowal of embodied “knowing-how” is interpreted in terms of so-called “layer-cake” ontologies of practice, as it is in affect theory, there is a tendency, as Clive Barnett observes, “to simply assert the conceptual priority of previously denigrated terms—affect over reason, practice over representation. . . . This model of conceptual priority puts in place a view of practical attunement as a stratum that is autonomous of propositional intentionality. It is treated as a layer that [Robert Brandon writes]’could be in place before, or otherwise in the absence of the particular linguistic practices that permit anything to show up or be represented as merely there’.”

The problem with the turn to affect is not the principled critique of excessively cognitivist models of action and judgment, nor the attempt to account for the neglected embodied dispositions of subjects when thinking about ethical and political agency. The problem, as Barnett clarifies, is the “reduction of embodied knowing to the dimension of mute attunement and coping with environments,” which “elides the aspect of embodied knowing that involves the capacity to take part in ‘[language] games of giving and asking for reasons’.” Though it is surely right to question the starkly conceptualist approach of the neo-Kantians when we think about such language games, it is hard to see how the layer-cake model of human practice, which posits a level of experience that is already there independently of language, avoids the very problems associated with naturalism and empiricism to which this approach was originally a response. When understood as preconscious, precognitive forces, completely free of meaning, signification, or
association to their triggering source, affects figure a mind-world relation in which there is a passive reception by the senses which occurs prior to and independently of autonomous, normative processes of rational thought—and that is what Sellars, himself taking up the Kantian legacy, famously called “the Myth of the Given.”

Whatever their differences, affect theorists share with neo-Kantians the view that the capacity to judge—insofar as it operates within what Sellars called “the space of reasons,” that is, the rational and normative structure that governs the use of concepts—must be the wholly rule-governed practice of subsuming particulars under concepts. Failing that, judgments are little more than the effects of already primed dispositions that lie beyond the reach of consciousness and meaning. Concepts function here as always already super-developed things that determine in advance how the world can appear to us. To employ Kantian language, it seems as if sensible intuitions are always already conceptually determined, and in such a way that nothing can arise from experience for which we do not already have a concept. It is easy to see how affect could then be cast as fully outside the conceptual and as properly reacting to the world in all its diversity and novelty, albeit at the expense of remaining inarticulable. And it is also easy to see how the affective turn to the register of the preconceptual would be resisted by political thinkers who are concerned not to lose rational criteria for critically evaluate competing claims to truth. And so on, in an endless cycle.

Thinking about concepts as bounded and fixed, then, almost inevitably leads to the politically understandable but philosophically incoherent position that there is something in our experience that escapes or exceeds language and that finds its expression in our affective responses. It seems impossible to account not only for what is
new in our experience but also for what is singular. As Joseph Tinguely notes, “If, following Kant, concepts are general or universal, and intuitions or appearances are always singular or particular, how could it ever be possible that we could conceptualize individual items as individuals rather than as mere instantiations of a general kind?”

Any plausible answer to this question needs to take into consideration Kant’s own attempt to respond in the third *Critique*, especially his account of aesthetic judgments of taste. In what appears to be a retreat from the heavily conceptualist interpretation of the Copernican turn advanced by Sellars and John McDowell, writes Tinguely,

> Kant’s aesthetics appears to be based on an intentional encounter with an object which we can behold and attend to but for which we have no concept. This ‘aesthetic Kant’ [of the *Critique of Judgment*] seems a far cry from the ‘epistemological Kant’ [of the *Critique of Pure Reason*] who declared intuitions without concepts to be blind. Moreover, perhaps even more devastating to the heavily conceptualist reading . . ., the central theme of the entire third critique—namely, reflective judgment—is premised on an operation of the mind where [Kant writes] ‘only the particular is given and judgment has to find the universal for it’ (5:179).

It is this picture of the “two Kants” that have given us the familiar binaries (e.g., determinate versus reflective judgment, empirical [cognitive] judgment versus aesthetic [noncognitive] judgment, reason versus feeling, etc.) within which the voluminous secondary literature on Kant’s theory of judgment unfolds. More importantly for our purposes here, this picture is also one that has held the political theory debate on judgment captive, to paraphrase Wittgenstein, insofar as it presents an impossible choice:
judgments are either based on concepts and can therefore be assessed according to
accepted truth criteria; or judgments are based not on concepts but on feeling and can
therefore make no such normative claim. Crucial to this picture of the two Kants is once
again a view of concepts as bounded and fixed. If the reflective judging examined by the
“aesthetic Kant” must eschew concepts entirely, so this portrait suggests, it is because the
conceptual determination examined by the “epistemological Kant” brings the activity of
reflection to a grinding halt: the universal has been found, the particular has served its
function to demonstrate the validity of a general kind.

We can loosen the hold this picture has on us by rethinking the understanding of
carents as bounded and fixed. If one has a more flexible view of concepts—as Kant,
Arendt, and Wittgenstein in their different ways do—one can insist, with Sellars and
McDowell, that consciousness is conceptual all the way down, without giving hostage to
the highly cognitivist conception of judging that characterizes neo-Kantian political
theory. One can also give due place to affective responses as irreducibly internal to
human conceptual capacities without becoming mired in the politically troubling radical
noncognitivism of affect theory. Rationalist cognitivism or visceral precognitivism need
not be our only choices when thinking about judgment and politics.

Arendt’s Kantian Alternative

In the pages that follow, I suggest that Arendt’s Kant is an alternative both to the
highly conceptualist neo-Kantian interpretation of the Copernican Turn, on the one hand,
and to the radical noncognitivism of affect theory, on the other. It may seem strange to
present Arendt’s Kant as an alternative to noncognitivism, since it is precisely
noncognitivism of which her reliance on Kant’s third Critique stands accused in neo-
Kantians receptions of her work. This debate turns on Arendt’s insistence that politics involves the exchange of opinions that seek to persuade others, not truths that compel their agreement. Like aesthetic judgments on Kant’s account, political judgments cannot be treated as truth claims, for they are not based on concepts or the giving of proofs. Arendt’s turn to the third Critique, argues Habermas, is symptomatic of her refusal to provide a “cognitive foundation” for politics and public debate. As Ronald Beiner, editor of Arendt’s Kant Lectures, explains: “It is not clear how we could make sense of opinions that did not involve any cognitive claim (and therefore by implication truth claims that are potentially corrigible) or why we should be expected to take seriously opinions that assert no claims to truth (or do not at least claim more truth than that claimed by available alternative opinions). It would seem that all human judgments, including aesthetic (and certainly political) judgments, incorporate a necessary cognitive dimension.”

In Beiner’s influential interpretation, noncognitivism is just where the problems begin. Not only does Arendt reject cognition as relevant to political judgment, she seems to reject the very idea that there is something we could so much as call political judgment. Indeed, in her later work, what Arendt comes to seek in Kant, writes Beiner is no longer a theory of political judgment, for, as she now conceives the matter, there is only one faculty of judgment, unitary and indivisible, which is present in various circumstances—in the verdict of an aesthetic critic, the verdict of a historical observer, the tragic verdict of a storyteller or poet—and the variety of circumstances does not relevantly affect the character of the faculty thus instantiated. Hence there can be no distinct faculty that we might identify,
characteristically, as political judgment; there is only the ordinary capacity of judgment, now addressing itself to political events (or as Arendt would say, political appearances). In Beiner’s view, this shift from political judgment to judgment as such reveals the gap between Arendt’s earlier and more political account of judgment, where judging was linked up to “representative thinking” and acting, and what emerges as her “definitive formulation,” in which judging withdraws from the vita active into the life of the mind.

The idea that Arendt’s later work on judgment represents a withdrawal from politics, then, is rooted in more than the charge of noncognitivism, which I have critically addressed in previous work. It is also rooted in the accusing observation that she is no longer interested in political judgment as a distinct species of judgment at all, but only in the faculty of judging as such. This observation turns on the idea that political judgment is political because it takes as its object political things. What would count as a political thing in Arendt’s work is notoriously hard to pin down. But let’s take as an ordinary example the election of political representatives. So a judgment about, say, who should be the next mayor of Chicago would be a political judgment because the office of mayor is a political thing.

But there is another way of thinking about what makes a judgment political, and that is when we say that “political” characterizes the means or process by which the judgment proceeds. (To see the contrast here, think about the phrase “diplomatic policy”: “in the first case,” to speak with Joseph Tinguely, “it can describe policies about diplomatic matters, but need not themselves be arrived at by any diplomatic procedures; in the second case, it can be understood to mean a policy that is arrived at
diplomatically.”) Thus the mere notion of “political judgment” can itself be understood in two quite distinct senses. In the former case the “political” is that about which a judgment is made, that is, about an external and prior object that is independent of the judgment itself (e.g., the office of mayor); in the second case the “political” arises as something internal to the very process of judging itself. The key interpretive question in reading Arendt is whether the term “political” refers to a particular mode (form) of judgment or only to a particular kind of object (referent) judgments can have. I shall argue that it is the former, and I will be basing my case on a parallel argument made by Joseph Tinguely about how to understand Kantian aesthetic judgments.

Even to ask what Arendt means by “political judgment” is deceptive: throughout all her writings, Arendt rarely uses the term “political judgment,” preferring rather to speak of “the capacity to judge as a specifically political ability.” For her, judgment is not political because it is about political things that are prior, independent, and external to it; it is political because it is a judgment that is arrived at politically—that is to say with Arendt’s Kant, by ‘think[ing] in the place of everyone else’.” This form of thinking from the perspectives of other people, which Kant calls an enlarged way of thinking (eine erweiterte Denkungsart) and Arendt redescribes as “representative thinking,” is a crucial part of judging in her view. The objects one considers from these perspectives are not external objects in the way that, say, the office of mayor is. They emerge into view as “objects” in need of our judgment, the judgment of citizens, only as part of the very process of judging and of a broader process of orienting oneself in what Arendt calls “the common world.” Writes Arendt: “The capacity to judge is a specifically political ability in exactly the sense denoted by Kant, namely, the ability to see things not only
from one’s own point of view but in the perspective of all who happen to be present.”

Arendt’s formulations will waver somewhat on the scope of the people whose perspectives need to be taken into account. But she never wavers on speaking about judgment as political because of the means or process by which it proceeds, not because it judges political objects that are prior and external to it.

If one thinks, with Beiner and the neo-Kantian critics, that the proper meaning of political judgment is judgment of objects that are prior and external to the operation of judging itself, then it must indeed seem puzzling to exclude the cognitive dimension of judgment. What else would the faculty of judgment be judging if not the status of these objects? But if one thinks about what is political in judgment as a mode of judging rather than as a particular kind of object (referent) judgment can have, as Arendt does, then cognition is only one way in which judgment might proceed. Arendt’s point was never to exclude cognition from judgments about the common world; it was to question the view of judging as the mere adjudication of truth claims. On this view, the objects of judgment are already given to us, and judging itself is a cognitive practice of subsuming an object under a concept. As we have seen, this is the position advanced by the neo-Kantians, for whom the whole problem of judgment in multicultural democracies is how to decide among competing truth claims about existing objects of judgment in the absence of universally shared criteria. For Arendt, by contrast, the problem is rather how it is that citizens get certain objects into view as objects of judgment at all. That is the problem of what Arendt calls the common world, as we shall see. Rather than embrace a politically naïve noncognitivism, as her critics claim, Arendt’s turn to the third Critique will advance a form of interpretive understanding focused on this problem of the common
world and how it is that new objects of judgment come into view for us.

We can now grasp why Arendt’s turn to Kantian aesthetics to talk about her ostensible topic of political judgment would strike critics as deeply puzzling, for they have a very different understanding of the judging faculty. This difference concerns more than the mode versus referent models of judging just described. The critique of Arendt’s noncognitivism also turns on her critics’ fairly strict division between aesthetic and empirical judging, between the reflective judgments of taste, discussed in the third Critique, and the determinative judgments of objects discussed in the first, the Critique of Pure Reason. But this strict division does not hold in Arendt’s interpretation of Kant anymore than it holds in Kant’s own work. The point is not to exclude the relevance of cognition to politics; it is to emphasize the reflective character of all judging, aesthetic and empirical.

There is a reflective moment implicit in determinative judging, only this moment tends to get occluded in the highly conceptualist interpretation of the Copernican Turn advanced in neo-Kantian political theory and, indeed, in certain formulations of Kant himself. Reflection—the process of searching for a concept under which to subsume a particular—becomes explicit in Kant’s treatment of aesthetic experience. When the imagination and understanding are in “free play,” as they are in aesthetic judging, we find the imagination’s dialectical play of apprehension and exhibition, which is also at work in empirical judging, far more clearly thematized than it is in the first Critique. For Arendt, this reflective character of judging is an irreducible element of its political character: the ability to see things from different points of view.

Judgments of taste foreground the reflective character of judging, but they also
bring with them another set of problems. For such judgments are affective: they express the subject’s pleasure, but appear to tell us nothing about the empirical world.\textsuperscript{30} As Kant himself puts it, a judgment of taste expresses the subject’s feeling of pleasure; it “has no bearing at all on the object” and “it brings to our attention no quality of the object.” This rose is beautiful because it is judged to be beautiful. [“B]eauty is not a property of the flower itself” (\textit{CJ} §32, p. 145). And yet judgments of taste, though they make no use of objective concepts, are not merely subjective, as are claims about the agreeable (e.g., “I like canary wine.”). It would be “ridiculous” to say that this rose “is beautiful \textit{for me},” argues Kant, for a judgment of beauty takes for granted that everyone else \textit{ought} to agree (\textit{CJ} §7, p. 55.). But even if we accept the idea of “subjective universality” as Kant’s way of describing the strange normativity of aesthetic judgments, we are still left wondering how a claim about the universal communicability of a feeling (pleasure) that makes no reference to worldly objects but only to the subject’s mental state could possibly be the model for judging politically. Once the shared object of judgment drops from view, it would appear that all that is left is the self-referentiality of the subject’s pleasure in taste: “the pleasure of taste is nothing other than the subject’s explicit, conscious awareness of the validity [that is, the universalizability] of an implicit self-referential judgment.”\textsuperscript{31}

There are many different interpretations of Kant on this point, which turn mostly on the question of whether he holds a theory of pleasure that is internal (identical) to judgment rather than prior and external to it. “While there is a growing consensus in recent scholarship that Kant understood the pleasure of taste not as the object but (somehow) the form of judgment,” writes Tinguely, “there has been remarkably little agreement as to what, then, the proper object of such a judgment is. If pleasure is itself a
judgment, what is it judging?” As I explained a moment ago, the most widely accepted view holds “that the pleasure of taste is a judgment ‘about’ oneself, that is, the ‘object’ of the judgment of taste is some special state or capacity of the judging subject.” In the well-known view of Hannah Ginsborg, for example, the “free-play” of the faculties that Kant describes as part of aesthetic judging is a purely self-referential activity by which the judging subject reflects upon its mental state to see if the pleasure it feels is merely private or whether it is universally valid, that is, can with right be imputed to other judging subjects. A judgment of taste, then, is not a claim about the object but about the validity of the subject’s pleasure.

Accounts of the self-referential structure of aesthetic judgment leave us wondering how judgment connects with objects of empirical experience and, further, how any object becomes a candidate for aesthetic judging in the first place. As Ralf Meerbote observes: “If the deduction of beauty is grounded only in the subjective relation of the mental faculties, rather than in any feature of the object, then any object can be beautiful if taken up in the right mental state.” As it turns out, this is not a position that Kant himself finally held. In *CJ* §23 Kant writes: “the attunement of the cognitive powers [imagination and understanding] varies in its proportion, depending on what difference there is among the objects that are given.” What Kant suggests here, explains Tinguely, is that “even the subjective self-relation of the faculties of judgment depends, somehow, upon actual differences among objects. The question is whether it is possible to accommodate the differences among objects in judgments of beauty without breaching the insistence [on the part of many interpreters of the third *Critique* but also often enough of Kant himself] that aesthetic reflective judging is wholly subjective.”
One cannot broach this question of the place of the object in aesthetic judging unless one critically interrogates the stark difference between aesthetic and empirical judging and pursues the entanglement of aesthetics in any claim to knowledge. For the most part, theorists who would save the aesthetic from the charge of subjectivism attempt to show that aesthetics has cognitive content (e.g., Aesthetic Cognitivism), whereas the more promising task would be to show that cognition has aesthetic content. Kirk Pillow, Rudolf Makreel, and Joseph Tinguely, among other Kant scholars, have argued that there is a way to bring together Kant’s conception of cognition as the recognition of objects under concepts and a more nuanced conception of understanding, which is inclusive of both cognitive and aesthetic dimensions. As Pillow explains:

What is distinctive about aesthetic experience is not the utter absence of concepts in our reflection on an object; such a complete absence is unintelligible in any case. Instead, aesthetic experience is distinguished from cognition narrowly construed by the fact that our response to the object is not to subsume it under a conceptual rule. Our aesthetic response instead plays at multiple ways of appreciating a form and, in the case of works of art, at multiple ways of construing meanings, rather than settling on any reductive conceptual determination. To be interpretive, our response to aesthetic ideas must draw on concepts, and this is consistent with that response being noncognitive in the narrow sense, because interpreting aesthetic ideas entails more than subsuming properties of objects under predicates of concepts. Interpretive understanding is not governed by determinative conceptual rules, but it does employ conceptual resources which working to make sense of its object.
It is not only Kant’s account of aesthetic ideas that invites us to think beyond the
dualism of empirical versus aesthetic judging.\textsuperscript{41} Taking up Kant’s account of the
“reflective specification” of concepts in the First Introduction, Makreel has argued that
Kant regards the concept “as a content to be formed instead of as a form that is fixed.”\textsuperscript{42}
As Tinguely likewise puts it, “Kant himself seems to allow that it is not just that
exhibition of general concepts guide apprehension of particular objects, but rather
apprehension of actual objects itself plays a role in specifying or determining the form or
the meaning of the general concept.”\textsuperscript{43} A concrete example, then, does not simply give
specificity to the general concept but actually expands it.\textsuperscript{44} The imaginative presentation
of aesthetic ideas that “expands the concept itself in an unlimited way,” (\textit{CJ}, §49, pp.182-
183), as Kant himself puts it, but so too does the work of apprehending imagination
guiding exhibiting imagination in empirical judgments. And it is not only “the exhibiting
imagination that is itself flexible, but rather it is in the nature of concepts themselves to
be expansive.”\textsuperscript{45} Concepts are employed in relation to intuitions and reshaped to take
account of the vast variety of empirical experience that could be counted as falling under
a concept. “If it is concepts themselves . . . which are expansive or elastic, then the
apprehension would not just identify new instances of a concept whose meaning one
already possessed, rather, the apprehension would deepen or enrich one’s understanding
of the term,” as Tinguely observes.\textsuperscript{46}

Already in Kant, then, we find an account of concepts not as fixed but elastic, as
Wittgenstein would later make explicit. One need not go beneath consciousness and
language to uncover precognitive processes that—it is claimed—alone can take account
of the novelty and richness of empirical experience, as the affect theorists would have us
do. Nor need we think about judging as a form of conceptual determination that is free of any aesthetic character, as the neo-Kantians would like. Instead we can recognize that concepts are always already involved in any experiential uptake without losing their responsiveness to the world as it actually is. For my purposes, however, this elasticity of concepts is not simply a philosophical point. It needs to be considered in relation to Arendt and the problem of politics in multicultural democracies.

Judging as a World-Building Practice

Let me now resituate this philosophical debate about the elasticity of concepts and the status of the aesthetic object in a political register. I have already suggested that what Arendt takes from Kant’s notion of aesthetic judging is the idea that the term aesthetic refers to a particular mode (form) of judging rather than to a particular kind of object (referent) judgments can have. I then attempted to transpose this insight into the debate about what Arendt means when she speaks of judging as a political ability, arguing that such judging is political because it involves the ability to see from perspectives not one’s own, not because it reflects on a specific class of objects that are external and prior to it (e.g., the office of mayor). We can now see how this argument must answer to the question of the self-referential character of judging. If aesthetic judgment has a purely self-referential structure, it would be difficult to understand how such judgment connects with the things of this world, which surely must be of concern for anyone interested in politics and therefore for Hannah Arendt. We might well wonder, then, whether Arendt, who saw in the radical subjectivism of modernity a failure of basic orientation or lack of relation to people and place that she called worldlessness, would embrace the idea of judgments as wholly self-referential. What could the judging subject’s (pleasurable)
reflection on the universal validity of its own pleasure possibly have to do with politics? The neo-Kantians would have us explain her turn to Kantian aesthetics as an unfortunate error on her part, given Arendt’s critique of subjectivism and explicitly normative commitments to democratic world-building.

In my view, there is no error. Arendt’s reading of the third *Critique*, which finds footing in Kant’s text, conceptualizes judgment neither as wholly subjective or self-referential nor as wholly conceptualist or cognitivist. Instead, she thinks about judgment as making a normative claim on others that is by definition also a claim about how the world is seen by a particular subject, that is to say, his or her opinion. Embracing opinion in its original Greek sense as how the world “appears to me,” Arendt does not adopt the broadly empiricist approach according to which perceptual content is immediately available to the senses prior to the activation of any conceptual categories. In this she follows the fundamental Kantian insight that conceptual categories are already drawn on in receptivity. Thus any claim about how the world appears to me, any opinion, is for her not merely subjective but always normative. But on what is this normativity based?

Arendt explicitly rejects the “abstraction requirement” of the traditional conception of objectivity. An irreducible epistemological demand that has been fundamental to metaphysical accounts of meaning, this requirement is premised on the view that our subjective endowments have a tendency to distort our grasp of how things really stand in the world. As Alice Crary explains, objectivity on this view requires that “the regularities constitutive of a sound conceptual practice must transcend the practice in the sense of being discernable independently of any subjective responses characteristic of us as participants in it.” The more objective our judgments, the less they rely on any
human subjective properties. Although Arendt rejects this understanding of objectivity, she does not (pace what her critics accuse) dismiss the question of validity. What she does, rather, is to ask: what kind of validity is proper to the realm of politics, where we are concerned with the problem of human freedom (how to affirm rather than deny it) and with sustaining the condition of freedom, namely plurality. Objectivity requires not simply that one “be in agreement with one’s own self [logic’s principle of non-contradiction], but . . . consist[s] of being able to ‘think in the place of everybody else.’” That is what it means “to see politically,” as Arendt puts it.

Arendt’s critics too reject the abstraction requirement. We have seen, however, that the fear of relativism leads them to insist that an otherwise “impenetrable pluralism” of opinions be managed by public reason, which would “separate by argumentation generalizable interests from those that remain particular.” Without such means, argues Beiner, we would be left with little more than the subjectivizing language of preferences, namely the language of values that characterizes liberalism. This “intrinsically subjectivizing language,” he writes, “suggests that value originates not in what is admirable or worthy of being cherished in the world but in the idiosyncracies of our own inner life. . . . It has the effect of canceling out the claims to real validity anchored in the world. Talk of values implies that we do not find goodness in the good things there in the world, but confer value from our own subjectivity.” I agree with Beiner that values are not subjective projections onto the otherwise value-free things of the world and also with his critique of liberalism on that score. But I disagree that to avoid the subjectivizing idiom of values we must treat political judgments as wholly cognitive validity claims.

Arendt’s turn to the third Critique is not an unfortunate embrace of values
understood as subjective preferences. It is an effort to navigate between the Scylla of the conception of validity put forward in the traditional conception of objectivity, in which our subjective endowments and affective life can play no role, and the Charybdis of subjective preferences, in which an aesthetic claim based on the judging subject’s feeling has no normative standing. The claim “This painting is beautiful” is neither objective nor merely subjective, argues Kant—and Arendt agrees. If our appreciation of beauty is not part of a discourse ethics, as Beiner following Habermas wants it to be, that is because such appreciation outstrips the limits of our discursive, claim making abilities. There is no rational decision procedure, no deductive or inferential claim, by which one could prove to another judging subject that this painting is beautiful, argues Kant. The claim to beauty can never prove itself as valid based on the “unforced force of the better argument,” to cite Habermas again. And yet this claim is not mere preference. It is not an expression of “the idiosyncracies of our own inner life.” That is because such judgments make a normative claim on the feelings of others: others too ought to find this painting beautiful. Whether others do in fact so find is an entirely different (empirical) question in both Kant’s and Arendt’s view. Nevertheless, a judgment of beauty would never get off the ground were it restricted to the “ridiculous” (CJ §7, p. 55.) claim: it is beautiful to me.

The problem that Beiner has rightly identified in modern liberalism is one with which Arendt would surely agree. But the reductive language of subjective preferences requires a more nuanced understanding of the normativity of aesthetic judgments, not a flight back into the language game of criticizable validity claims or the rules of public reason.

It is Kant himself who gives us a way to think about judgments that are normative
and yet not based on concepts or, better, are not conceptual in the way that Arendt’s critics think they must be. This is the distinction, mentioned earlier, that Kant draws between persuasion (Überredung) and conviction (Überzeugung). As Tinguely explains, the distinction between persuasion and conviction is more than semantic.

Because the German word “reden” refers to speech or discourse, persuasion as Überredung literally carries the sense of being ‘talked-over’ or cajoled through speech to a position one is unable to refute. This emphasis on the manipulative potential of discourse exposes a worry that modeling knowledge on the order of discursive concepts and the inferential connections between them leaves one vulnerable to a kind of fast-talking sophistry and the suspicion that “persuasion is mere illusion . . . . Unlike persuasion, conviction is not merely a position which I cannot refuse but one which I recognize as my own, one for which I take responsibility. Put otherwise, a conviction is not a position foisted on me from the outside, as it were, heteronomously but one which is issued from within, autonomously.  

The distinction between persuasion and conviction in the first Critique can be connected with Kant’s claim in the third Critique, continues Tinguely, that some forms of knowledge or truth require more than discursive or inferential articulation: ‘all proofs must . . . not [merely] persuade, but convince. (5:461).’ Kant’s concern is to point out a gap between the actual “holding something to be true” (A820/B848) of personal conviction and the mere seeming to be (or sounding) true of conceptually valid, honey-tongued persuasion. Rationalistic decision procedures by which one logically infers from one concept or position to
another seems to come up short, not just of experiences of beauty, but of any
standard of knowledge that we could recognize as our own. (Orientation, 3).

I point to Kant’s reservations about the limits of our discursive, claim making
abilities to suggest that the proper application of concepts does not settle the problem of
normativity in the way the neo-Kantians assume it should. We are still left with the
question of what it means to be convinced rather than merely persuaded by an argument,
and this issue cannot be settled by means of proofs. The third Critique gives examples of
the person who is convinced that his judgment of beauty is right, who “refuse[s] to listen
to reasons and arguments” (CJ §33, p. 148), who will accept no proofs that his judgment
is wrong. He feels, in the deep sense that Kant reserves for conviction, that his judgment
is right—the relevant experts be damned. This raises the question of feeling, not below
the level of language and consciousness, where the affect theorists would place it, but
within the space of reasons, that is, as normative. Indeed, comments Tinguely, “the aim
of Kant’s aesthetics is to bring affectivity within the domain of normativity; in quarreling
about taste, we place demands on the feelings of others.”

In the Critique of Judgment Kant explains this normativity in terms of sensus
communis, “a subjective principle, which determines only by feeling rather than
concepts, though nonetheless with universal validity, what is liked or disliked” (§20).
Sensus communis is the condition of possibility for the communicability of feelings,
representations, which makes (or ought to make) possible the capacity to think in the
place of other subjects—what Kant calls an enlarged way of thinking (eine erweitete
Denkungsart). It was just this manner of thinking from standpoints not one’s own; a
manner of thinking that left the narrow conception of cognition behind in favor of a
conception of aesthetic normativity for which “truth” is hardly or even the highest cognitive value, that truly captured Arendt’s attention.60

I argued earlier that judging is political, not because it is about political objects that are prior and external to it, but because it proceeds by taking into account the perspectives of others. What we count as “political” arises in, is internal to, the very process of judging itself. Understood in this way, judging is constitutive of the space in which the objects of judgment can appear. Rather than think of judgment with the neo-Kantians as a problem of reaching agreement, as the adjudication of value conflicts in the absence of a transcendent idea of the good, Arendt focuses our attention on what we might call the prior question of what it means to have a world in common, a world in which value differences present themselves not as preferences but as politically relevant objects for judgment in the first place. To speak with Arendt, the problem of judgment is not simply how to judge in the absence of universal rules but rather how to recognize objects as candidates for our judgment. The corrosive effect of the radical subjectivism that characterizes modernity in Arendt’s view is to destroy the common world in which these objects can so much as appear.

The world we have in common is not something we cognize in the narrow sense of cognition that I have been questioning. Indeed, the more nuanced conception of the aesthetic that I discussed earlier is, I believe, what Arendt had in mind when she turned to Kant and developed the notion of representative thinking as a way of building the common world. We can think representatively not because we eschew concepts but because we are called upon to see an object or event in something other than narrowly cognitive terms. Space is made, in other words, for considering the opinions of others on
things, for opinions call on us to do something more than redeem them as validity claims. Consequently, the exchange of opinions involves more than the proper application of concepts. But that does not mean that opinions make no reference to concepts at all, only that they are not restricted to the narrow act of deciding which conceptual rules apply.

If what makes such judgment political is not the intrinsically political nature of an object but thinking about it from different points of view, perhaps we can say that this kind of thinking enables us to see previously unseen—that is, uncounted—objects as politically relevant, as part of the common world. Judging is the most political of our mental abilities, in Arendt’s view, because—in the proper sense of the term—judging itself cannot get off the ground without taking account of the viewpoints of others. The irreducible ground of judging is plurality—not just the empirical existence of other people, but the active taking into account of their points of view. Only in this way is the elasticity of concepts discussed earlier of political significance. If we can be responsive to the variety and richness of empirical experience without taking flight in the preconceptual register of affect, that responsiveness is not simply given in our life with language (as a purely philosophical account might lead us to believe); it is something we, democratic citizens, need to do—to acknowledge or count unfamiliar utterances and events as potentially significant for the world we have in common.

We can now better understand that what makes a judgment aesthetic (Kant) or political (Arendt) is not the relation to the judged object, which is external and prior to the judging practice, but the mode by which the judgment proceeds. Judging is neither the mere reaction of the subject to an external object nor to its own inner life. The judging subject’s relation to the object is never direct in the sense of an effect (pleasure) to its
cause (beauty) but rather is mediated through the standpoints of other subjects. It is not, then, that the object is nothing, as the argument for aesthetic judgment’s self-referential character would suggest. It is rather that things come into view for us as objects of judgment in the first place by means of their mediation through the standpoints of others.

This mediated relation to objects makes judging a world-building practice. Only a practice that takes account of the viewpoints of others can take into account the inaugural character of political phenomena and count as *political*, as matters of common concern, new speakers and claims. As Arendt explicitly states in her Kant lectures, it is the judgment of the spectators that creates the space in which the objects of the common world can appear, not the other way around. 61 To have a “common world” in Arendt’s sense is precisely *not* to share a world-view. On the contrary, this common world exists in her account only where there is a plurality of world-views. Our sense of what is common, “the sameness of the object,” as Arendt puts it, can appear only when it is seen from different perspectives. “The end of the common world has come when it is seen only under one aspect and is permitted to present itself in only one perspective,” she writes. 62 Consequently, the loss of competing perspectives or views results not in a world that is shared but in a loss of what we have common. It is this collapse of the common world, and not (as the neo-Kantians hold) the adjudication of value differences, that is the real problem of judgment today.
Notes

1 Whereas her contemporaries (e.g., Eric Voeglin and Leo Strauss) tended to see in the ruin of inherited standards a crisis of judgment, Arendt saw a problem but also a huge opportunity to practice judgment anew. Judgment is a crisis only if we think about it as the subsumption of particulars under known rules. The real problem, in her view, was not the loss of standards but the tendency to cling to known rules like so many “banisters” for judging, long after they had lost their ability to speak to actual experiences. The problem was not relativism, as it was for Strauss and Voeglin, but dogmatic certainty about criteria of judgment that had lost their meaning in the post-war reality. See Hannah Arendt, *Lectures on Kant’s Political Philosophy*, ed. Ronald Beiner (Chicago: University of Chicago Press, 1982); Hannah Arendt, “The Crisis in Culture,” in *Between Past and Future: Eight Exercises in Political Thought*, ed. Jerome Kohn (New York: Penguin, 2006), 194-222. I discuss Arendt’s account of judgment as a response to totalitarianism in Linda M. G. Zerilli, “‘We Feel Our Freedom’: Imagination and Judgment in the Thought of Hannah Arendt,” *Political Theory* 33, no. 2 (April 2005): 158-188.

2 Arendt confronted similar questions in her report on the Eichmann trial and, more generally, as she struggled to respond to the political catastrophes of the twentieth century. In her view, there is a tendency to think that first-hand experience is the condition of judging. Thus those individuals who did not live through the Nazi terror are in no position to judge those who did experience it, whatever their role might have been. Eichmann was merely following orders in a context where to do otherwise would have been tantamount to signing one’s own death warrant, the defense argued; would not each
of us had done the same? Arendt not only refuted the idea that Eichmann was a monster who did not feel himself bound by moral law but also that he was an ordinary person whose actions we, outsiders, were in no position to judge.


6 Capturing this sense of urgency, Habermas writes:

The limits of a decisionistic treatment of practical questions are overcome as soon as argumentation is expected to treat the generalizability of interests, instead of being resigned to an impenetrable pluralism of apparently ultimate value orientations. It is not the fact of this pluralism that is here disputed, but the assertion that it is impossible to separate by argumentation generalizable interests from those that remain particular.

Jürgen Habermas, Legitimation Crisis, trans. Thomas McCarthy (Boston: Beacon, 1975),
Although there is no single idea of the good that can or ought to be defended in the neo-Kantian view, there can and ought to be agreement about the ground rules for debate. In the case of Rawls, we can agree to disagree and leave the most divisive topics off the public table. What we do agree to debate can in principle be discussed rationally through the use of shared concepts (justice as fairness) and norms (e.g., reasonableness). Habermas, by contrast, believes that all topics can in principle be on the table if subjected to certain procedural norms of argumentation, for implicit in all human communication, regardless of cultural particularity, is an orientation toward rational legitimation. Universality in public matters is thus based on agreement or rational consensus achieved at the end of a ‘discourse of reasons’ (or public debate) to which various individuals take part. Implicit in our discursive practices is an assurance that the claims we make are capable of being validated with respect to the truth of what they assert, their appropriateness to the situation, and our sincerity in uttering them.


9 My critique here is not in any way directed at scholars who take up the important question of affect in the ordinary sense of the term. It is directed rather at those thinkers (e.g., the new materialists, the vitalists, the new materialist vitalists) for whom affect is not a synonym for feeling, emotion, or sentiment, expressions of which are semiotically mediated and at once public and personal. As Eric Shouse explains, “affect is not a personal feeling. Feelings are personal and biographical, emotions are social, . . . and affects are pre-personal. . . . An affect is a non-conscious experience of intensity; it is a moment of unformed and unstructured potential. . . Affect cannot be fully realized in language . . . because affect is always prior to and/or outside consciousness. . . . The body has a grammar of its own that cannot be fully captured in language.” Eric Shouse, “Feeling, Emotion, Affect,” *M/C Journal* 8 (Dec. 2005) journal.media-culture.org.au/0512/03-shouses.php, 2,3. On a similar point see Brian Masumi, *Parables for the Virtual: Movement, Affect, Sensation* (Durham, NC: Duke University Press, 2002), 27.

There is debate about the extent to which the work of affect theorist Masumi can be linked up with that of affective neuroscientists such as Antonio Damasio. Whereas
Masumi is heavily influenced by Deleuze, who stresses the difference between a register of affective embodied intensity from a register of symbolic mediation, Damasio relies on the 1960s research of S. Tomkins and Paul Elkan, for whom the “basic emotions” (fear, anger, disgust, joy, sadness, and surprise) are “rapid, phylogenetically old, automatic responses of the organism that have evolved for survival purposes and lack the cognitive characteristics of higher order mental processes.” See Ruth Leys, “The Turn to Affect: A Critique,” *Critical Inquiry* 37, no. 3 (Spring 2011): 434-472; quotation is from p. 437. Leys finds a striking compatibility between Spinozist-Deleuzian inspired affect theorists and affective neuroscientists at the level of their “shared anti-intentionalism.” For both, “affective processes occur independently of intention or meaning” (Leys, 443), which is why Connolly can appeal to both Masumi and Damasio. Whether seen as hard-wired responses or not, affects (like the basic emotions) are “completely free of meaning, signification, or association to their triggering source” (Donald Nathanson quoted in Leys, 438). “What the new affect theorists and the neuroscientists share is a commitment to the idea that there is a gap between the subject’s affect and its cognition or appraisal of the affective situation or object, such that cognition or thinking comes ‘too late’ for reasons, intentions, beliefs, and meanings to play a role in action usually accorded to them” (Leys, 443). This is what makes affect so politically potent. In that small space of time the media, corporations, politicians and other malicious figures experiment with the background conditions of bare life. Though feeling is surely important when accounting for the tenacity of oppressive social and political forms, the theory of affects as radically outside meaning and signification and free of their triggering source leave us with no way to link an affect to an object and, consequently, no way to subject such manipulation to
critical judgment. So-called techniques of the self tend to pale in the face of the kind of manipulation that is described.

10 Wilfrid Sellars, *Empiricism and the Philosophy of Mind* (Cambridge, MA: Harvard University Press, 1997), 87. In the larger book manuscript I take up Sellars’ famous argument that, in the Kantian view, experience is always already conceptual. This argument is developed a decade later by John McDowell, who insists that all receptivity is always already rational and normative. There can be no “experiential intake” (what Kant calls intuition) without the use of concepts: “[t]he relevant conceptual capacities are drawn on in receptivity. . . It is not that they are exercised on an extra-conceptual deliverance of receptivity,” writes McDowell. John McDowell, *Mind and World*, (Cambridge, MA: Harvard University Press, 1996), 9. As sympathetic as I am to this conceptualist account of intentionality as a critique of empirical naturalism, it more or less summarily excludes any significant role for affect in cognition, thereby leaving us once again with the impossible choice of affect or reason.

11 See Clive Barnett, “Political Affects in Public Space: Normative Blind Spots in Non-Representational Ontologies,” *Transactions of the Institute of British Geographers* 33 (2008): 186-200; quotation is from p. 188. The Brandon quote is from Robert Brandom, *Tales of the Mighty Dead* (Cambridge, MA: Harvard University Press, 2002), 332. This layer-cake model involves a crucial departure from the thought of philosophers such as Wittgenstein, who shows not only that propositional intentionality is entangled in and unthinkable apart from a more basic level of pre-conceptual, practical intentionality, but also that there is no sharp line between unarticulated know-how and explicit knowledge. The lack of stark demarcation between “knowing-how” and “knowing-that”
allows the language game of doubting to rely on an unquestioning acceptance of many things without turning the sedimented certainties at what Wittgenstein calls “bedrock” into permanently unquestionable assumptions. Critical judgment on what stands fast for us remains an open possibility and with it our openness to the inaugural character of phenomena that Arendt called the problem of the new. I discuss Wittgenstein’s account in “Doing without Knowing: Feminism’s Politics of the Ordinary,” *Political Theory* 24, no. 4 (August 1998): 435-458.


13 Sellars, *Empiricism and the Philosophy of Mind*, 33. Whereas Sellars was questioning the idea, core to traditional epistemology, that there must be some fundamental cognitive states in direct contact with reality on which all our (inferential) knowledge lies, the new materialists treat their “given,” namely matter or sensation, as that which undercuts rather than supports claims to knowledge. Though their aims are anti-epistemological in the extreme, the new materialists accept—indeed celebrate—the ontological idea of the subject’s direct contact with a reality that is “merely there,” to cite Brandon again, outside language. This prediscursive reality then works in mysterious ways behind the subject’s back, so to speak, in the form of visceral forces and intensities that govern its being but of which it can know nothing.

14 Sellars, *Empiricism and the Philosophy of Mind*, 76.


17 Jürgen Habermas, “Hannah Arendt’s Communications Concept of Power,”

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18 Ronald Beiner, “Hannah Arendt on Judging,” in *Hannah Arendt, Lectures on Kant’s Political Philosophy*, ed. Ronald Beiner, (Chicago: University of Chicago Press, 1992), 89-156; quotation is from p. 137. In Beiner’s view, “the problem with this exclusion of knowledge from political judgment is that it renders one incapable of speaking of ‘uninformed’ judgment and of distinguishing differential capacities for knowledge so that some persons may be recognized as more qualified and some as less qualified to judge” (Ibid., 136). But this is just the kind of qualification that Arendt, following Kant’s insights on the peculiar nature of aesthetic judging, would have us question. In her strikingly original view, the capacity to judge should be expected from each and every citizen. Although Arendt turned to Homeric impartiality, to Aristotelian phronesis, and to Kantian enlarged thinking in working through her ideas on judgment, it is not Homer or Aristotle or for that matter Kant to whom we can attribute her account of judgment. Rather, it is Hannah Arendt herself who first discovers judgment as a political capacity of ordinary democratic citizens, not elites or individuals with special knowledge.
or abilities. This discovery is at least equal to her conception of action, which is normally taken to be the central feature of her political thought.

19 Ibid., 138.

20 Ibid.

21 See Zerilli, “‘We Feel Our Freedom’.” In this essay I try to show that Arendt holds to the distinction between opinion and truth insofar as her interest in judgment is focused not on the neo-Kantian problem of how to adjudicate competing validity claims but on how to sustain political freedom.


23 Tinguely’s reading argues that for Kant “feeling itself is a kind of judgmental capacity.” His broader aim is to force “the question not primarily whether aesthetics has cognitive content [as various brands of Aesthetic Cognitivism try to do] but, more fundamentally, whether cognition has aesthetic content” (Orientation, 1). What we see in the third Critique is “the emergence, out of the void between discursive normativity and total nonsense, a new terrain of rational persuasion which draws on and places claims on our affective sensibilities” (Ibid., 53). Kantian aesthetic judging is a kind of “knowing by feeling or in feeling,” to speak with Stanley Cavell. This feeling is not the radical noncognitivism of affects, which remain (on the view described in this paper) inaccessible to consciousness and thus judgment, but the normativity of sensus communis that animates the anticipated universal agreement behind every judgment of taste.
A survey of Arendt’s entire corpus shows that she speaks of “political judgment” only six times. The real issue of course is not how many times she actually mentions political judgment but what the adjective “political” means: does it signify the object which is being judged or does it signify the mode by which judgment proceeds?


Arendt writes: “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.” Ibid. And elsewhere: “As logic, to be sound, depends on the presence of the self, so judgment, to be valid, depends on the presence of others,” writes Arendt. “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.” “The Crisis in Culture,” 221, 220.

28 Arendt, “The Crisis in Culture,” 221.


30 The pleasure obtained in the act of judging is subjective. It is based on *a priori* principles and entails the agreement or harmony of the faculties (understanding and imagination) in the absence of a concept, for reflective judgment fails to produce any conceptual determination. That is why Kant speaks of aesthetic and teleological judgments as merely reflective judgments (*nur reflektierende, bloß reflektierende*). Immanuel Kant, *Critique of Judgment*, trans. Werner S. Pluhar (Indianapolis: Hackett, 1987), pp. 399, 412. See also p. 396. Hereafter cited in the text and notes as *CJ* with page references.


32 *Orientation*, 112. The interpretations at issue here are responses to Paul Guyer’s claim that Kantian aesthetic judging consists of “two acts”: the first act involves the encounter with an aesthetic object which gives rise to a feeling of pleasure, and the second act judges the validity of this pleasure. Paul Guyer, *Kant and the Claims of Taste*, 2nd ed. (Cambridge, MA: Cambridge University Press), p. 99. This two-act view treats pleasure not as the means by which we judge but as entirely prior to and independent of the judgment itself. What one judges is one’s pleasurable reaction to an object, that is, whether one can demand that others too feel this pleasure. Furthermore, Guyer advances a causal theory of pleasure, according to which such feeling is caused by the free play of the faculties (i.e., of imagination and understanding). This suggests that there is nothing
normative in the feeling itself. “It follows on the causal theory,” writes Tinguely, that neither the feeling of pleasure nor the harmonious play of the faculties can be considered as an accomplishment for which we can take credit—a rational mode of engaging or discerning an object for which we are responsible or for which we could criticize others—rather it is merely something that merely happens to one under the right condition by virtue of what Robert Pippin decries as a “peculiar psychological quirk” which happens to be shared by all humans. . . Just as it is a physical quirk that some people laugh when tickled, so too is it a psychological quirk—albeit one universally shared by all humans—that we feel pleasure when apprehension and exhibition reinforce each other in harmonious play. In neither case is there anything anyone can do about it, except perhaps cultivate an awareness or sensitivity in recognizing what is causing the experience of pleasure; because feelings, like sensations, are causal and thus not rational, it would be ridiculous to praise or blame someone for their good sense of taste as it would be to praise or blame them for being ticklish., that is, but rather that which one judges. (107).

In the larger book manuscript I argue against this two-act theory, for it deprives aesthetic (and, by extension, Arendtian political) judgments of their normativity and also makes it impossible to think about them as being at once rational and affective. This would leave us with the impossible choice of reason or affect that is presented, respectively, in the work of neo-Kantians and affect theorists.

33 This is the view of Hannah Ginsborg, who argues against Guyer that pleasure is internal to judgment, not prior and external to it. Pleasure consists in the awareness that
one’s pleasure is universally valid, that is, normative. This self-referential act of judgment makes a claim on the feelings of others, “demanding that all perceivers of the object in question should judge as I do,” writes Ginsborg. “But this demand, being universal applies just as much to myself as to any other perceiver of the object.” There is, in other words, every reason to remain in this subjective state, leaving the judging subject in a kind of endless self-referential circle. Ginsborg agrees with Guyer that the object of a judgment of taste is not the aesthetic object but one’s subjective mental state. As Tinguely explains, the only difference is that “for Guyer taste is a judgment about a (external) pleasure; for Ginsborg taste judges by means of an internal pleasure” (115).


34 See especially Ginsborg, “On the Key to Kant’s Critique of Taste.”

35 In the view of Vivason Soni, for example, the self-reflexive character of aesthetic judgment leaves the object stranded. “The retreat into self-reflexivity is the privileged strategy for evading judgment about the object itself,” he writes. Soni, “The Crisis of Judgment,” 278. I agree with Soni that there are real dangers associated with the suspension of judgment, and that these arise in certain interpretations of Kant (though I would disagree that the interpretations get Kant right on this score). In the case of Arendt, however, whom Soni finds equally susceptible to this subjectivizing move, the point is not to suspend judgment but rather to create the space in which objects appear as requiring our judgment at all. As I explain below, she does not endorse suspension of judgment as an alternative to a rule-governed determination of judgment because she
does not take for granted that we already know which objects we need to judge. In a sense, the problem of judgment is not simply how to judge in the absence of universal rules but also how to recognize objects as candidates for our judgment in the first place.


37 Tinguely, Orientation, 41. Space does not permit an extended account of the debate over the self-referential character of aesthetic judgments in Kant. I am persuaded by the critique of this reading that is offered by both Robert Pippin and Joseph Tinguely. How strange must it be for Kant to conclude an inquiry into the validity of our response to objects with a wholly self-referential theory about the pleasure we take in validating our own experience of pleasure? Although the status of the object is exceedingly complex

38 In a marvelous reading of Kant’s 1786 essay, “What does it mean to orient oneself in thinking?,” Tinguely endeavors to relate the status of Kantian orientational judgments to aesthetic ones. Taking up an insight of Heidegger’s, he shows that no subjective feeling—be it that of left and right in the case of orientational judgments or pleasure in the case of aesthetic judgments—is possible without an actual engagement with objects and states of affairs. The goal of Tinguely’s reading is to show that feeling itself is a kind of judgmental capacity in Kant. His broader aim is to force “the question not primarily whether aesthetics has cognitive content [as various brands of Aesthetic Cognitivism try to do] but, more fundamentally, whether cognition has aesthetic content” *Orientation*, 1. This involves the radical rethinking of the relationship between aesthetic and empirical judging that I mentioned earlier.

39 In his account of the aesthetic idea, Kant himself points the way towards recognizing understanding as an interpretive practice which is not devoid of cognition but also not reducible to the subsumption of particulars under rules. While it is true that “no rule for conceptual subsumption can determine an aesthetic idea because the content of such an idea is not a collection of predicates,” writes Kirk Pillow, “it is also true that “the ‘indeterminacy’ of an aesthetic idea does not render it an incoherent train of associations.” Kirk Pillow, “Understanding Aestheticized,” in *Aesthetics and Cognition in Kant’s Critical Philosophy*, ed. Rebecca Kukla (Cambridge: Cambridge University
Press, 2010); quotation is from p. 252. In other words, the aesthetic idea is not that which
is incomprehensible but an interpretive supplement to conceptual understanding: “It
supplements conceptual cognition because it goes beyond the categorization of objects to
(try to) comprehend complex conceptual meanings” (Ibid., 253). Kant’s own example of
the lightening in the claws of Jupiter’s eagle, for example, takes for granted that we can
see the lightening as lightening. The genuine achievement of genius is not so much at
odds with cognition as it is “the capacity to communicate a broad and deep understanding
of something,” as Pillow puts it (254). This capacity, however, is visible only on the
condition that “we broaden our conception of understanding to encompass narrowly
cognitive and widely creative means.”

40 Kirk Pillow, “Understanding Aestheticized,” 256.

41 Zerilli, *Toward a Democratic Theory of Judgment*.

42 Rudolf Makreel, *Imagination and Interpretation in Kant: The Hermeneutical
quotation is from p. 58.

43 Tinguely, *Orientation*, 79.

44 Fred Rush has made a similar argument in relation to the exhibition or
schematizing of empirical concepts.

. . . schemas do not merely register or mark in intuition some summed general
image or model of what could count as an instance of a particular concept, whose
content is limited to prior experience of that type. Rather, a schema must be able
to countenance instances of the concept that may vary in novel ways from past
experiences and this requires an ability to produce a rule for the application of a
concept to the sensible manifold that can chart (that is, imagine) a range of completely new instances that might fall into the range of the concept sought to be applied.

Fred Rush, “The Harmony of the Faculties,” *Kant-Studien* 92 (2001): 38-61; quotation is from p. 46. Citing Rush, Tinguely observes: “it is concepts themselves, and not merely their schemata, which are expansive or elastic . . .” (*Orientation*, 80).


47 For a critique of this “self-reflexive gesture,” see Soni, 278-279.


49 The most explicit articulation of this Kantian legacy is given in the work of Wilfred Sellars and John McDowell. See note 10 above.


52 I discuss Arendt’s distinctive approach to the problem of validity in “Truth and Politics.”

53 “As logic, to be sound, depends on the presence of the self, so judgment, to be valid, depends on the presence of others,” writes Arendt. “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.” Arendt, “The Crisis in Culture,” 221, 220.

54 Hannah Arendt, *Was ist Politik?*, ed. Ursula Ludz (Munich: Piper Verlag, 1993), 96. Arendt finds this conception of objectivity exemplified in in Homeric poetry. “This Homeric impartiality 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.” Arendt, “The Concept of History,” 51. The modern conception of objectivity, in contrast, is premised on the idea that standpoints, intrinsically deceptive, should be eliminated, based as they are on subjective sense experience. “The ‘extinction of the self’ . . . [becomes] the condition of ‘pure vision,’ in Ranke’s phrase. Objectivity is a clean relation to the facts; it requires abstention from judgment. Ibid., 49.


57 Tinguely, *Orientation*, 3

58 Tinguely, *Orientation*, 59

59 Sensus communis is the condition of possibility for the communicability of
feelings, representations, which makes (or ought to make) possible the capacity to think in the place of other subjects—what Kant called an enlarged way of thinking. Sensus communis “is not a matter of social consensus, and even less one obtained by a ballot,” observes Jean-François Lyotard. “The beautiful does not get elected like Miss World.” Jean-François Lyotard, “Sensus Communis,” in Andrew Benjamin, ed., *Judging Lyotard* (London: Routledge, 1992), pp.1-25; quotation is from p. 11. It is neither empirical nor objective, neither anthropological nor historical. It is a transcendental a priori principle, something we have to presuppose if we are to make sense of judgments of taste. Notwithstanding these warning against what Kant calls “empirical realism,” argues Lyotard, sensus communis is often interpreted in anthropological and sociological terms. Kant himself leads us astray when he speaks of an enlarged way of thinking, by which we put ourselves in the place of everyone else, as a way of overcoming the limitations that attach to our own standpoint. “[O]ne puts oneself in the place of another to escape the contingency of one’s own singular judgment: does this not refer to human individuals who practice these gymnastics”? Jean-François Lyotard, *Lessons on the Analytic of the Sublime*, trans. Elizabeth Rottenberg (Stanford: Stanford University Press, 1994), p. 220. An affirmative answer to this question, argues Lyotard, is given in Arendt’s reading, which exemplifies the reduction of the subjective validity of a judgment to an empirical agreement grounded in concepts. What Arendt calls representative thinking can sound like an imaginative exercise of visiting different worldly standpoints to reach a judgment by means, if not a vote, of an empirical sense of other points of view. Well, what is wrong with that?, a neo-Kantian might ask. Isn’t the whole practice of making judgments about cultures and practices not one’s own premised on looking for what is shared across
cultural divides so as to find a common means for adjudicating differences? For Lyotard, where sensus communis is understood as a concrete sociability we find at work a conceptual logic that levels vastly heterogeneous utterances to a common or universal measure. But that is not what Arendt seeks in Kant. She has no need to reduce sensus communis to empirical agreement because reaching agreement is not the point of judging in her view.

60 See Pillow, “Understanding Aestheticized,” 257.

61 I discuss this point in Zerilli, “‘We Feel Our Freedom’.”