“WE FEEL OUR FREEDOM”
Imagination and Judgment in the Thought of Hannah Arendt

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Critics of Hannah Arendt’s Lectures on Kant’s Political Philosophy argue that Arendt fails to address the most important problem of political judgment, namely, validity. This essay shows that Arendt does indeed have an answer to the problem that preoccupies her critics, with one important caveat: she does not think that validity is the all-important problem of political judgment—the affirmation of human freedom is.

Keywords: political judgment; political freedom; Hannah Arendt; Critique of Judgment; rhetoric

At the end of reasons comes persuasion.

—Wittgenstein

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

—Jacques Rancière

A central question raised by Hannah Arendt’s Lectures on Kant’s Political Philosophy is the relationship between aesthetic judgment and political judgment.1 In this otherwise elusive, posthumous text, Arendt tenaciously held that Kant’s account of aesthetic judgment in the third Critique provides a model for political judgment: both forms of judgment concern appearances qua appearances and make an appeal to universality while eschewing truth criteria and the subsumption under rules that characterize cognitive and logi-
cal judgments (e.g., the syllogism: All men are mortal. Socrates is a man. Socrates is mortal).

In Arendt’s account, political claims, like aesthetic claims, are examples of what Kant calls “reflective judgment,” in which, by contrast with a “determinate judgment,” the rule is not given. “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’” (LKPP, pp. 13-14), writes Arendt. What confronts you in a reflective judgment, then, is not the general category “rose” but the particular, this rose. 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. “[B]eauty is not a property of the flower itself” (CJ, §32, p. 145), writes Kant, but only an expression of the pleasure felt by the judging subject in the reflective mode of apprehending it.

Arendt’s insistence that political judgments cannot be truth claims has puzzled her otherwise sympathetic readers. Most famous among them is Jürgen Habermas, who more or less accuses Arendt of aestheticizing politics, that is, of identifying this realm with opinions that cannot be subjected to rational processes of validation any more 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.” Taking up Habermas’s critique, Ronald Beiner, editor of Arendt’s Kant lectures, also emphasizes 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 distinguishing differential capacities for knowledge so that some persons may be recognized as more qualified, and some as less qualified, to judge.”

Does Arendt sever the link between argument and judgment? In my view, the critical charge entirely misses the mark. Her point is not to exclude arguments 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 to the contest of better arguments. Arendt disputes not the idea of argument as such but rather the assumption 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 legitimization problematic that dominates the thought of Habermas, it is because she sees in our practices of justification a strong tendency toward compulsion, which, in turn, destroys the particular qua particular and the very space in which political speech (including arguments) can appear. 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.”

Thinking through the blind spots that attend critiques of Arendt’s unfinished project to develop an account of judgment, we should ask, why did Arendt think she needed an account of the judging faculty? To what problem was judgment to be an answer? According to Beiner, it was this: “How to affirm freedom?” Present throughout her writings and explicitly posed in the final paragraph of Willing, the second volume of the Life of the Mind, Arendt saw in the judging faculty something that “allows us to experience a sense of positive pleasure in the contingency of the particular.” Beiner continues, Arendt’s thought here is that human beings have commonly felt the “awesome responsibility” of freedom to be an insupportable weight, which they have sought to evade by various doctrines, such as fatalism or the idea of historical process, and that the only way in which human freedom can be affirmed is by eliciting pleasure from the free acts of men by reflecting upon and judging them.

Having astutely identified the importance of affect and the central problem of freedom in Arendt’s work on judgment, Beiner goes on—quite inexplicably in my view—to endorse the aforementioned Habermasian critique, which ignores the theme of freedom as Arendt understood it (i.e., how to affirm the human capacity to begin anew) and casts the problem of judgment strictly as one of ascertaining intersubjective validity. Seyla Benhabib, working within the Habermasian framework, captures this decisive interpretive gesture when, likewise trying to comprehend Arendt’s turn to the third Critique, she writes, “What Arendt saw in Kant’s doctrine of aesthetic judgment was [. . .] a procedure for ascertaining intersubjective agreement in the
This “procedure” is the process of imaginatively thinking from standpoints not one’s own and forming what Kant called an “enlarged mentality.” Once this interpretive move is in place, Benhabib, too, finds the turn to Kant not only curious but also deeply mistaken.

And perhaps it is. If your primary concern is intersubjective validity in the political realm, why not turn to a more empirical and practical form of rationality like the Aristotelean notion of *phronesis*? Why turn to a highly philosophical text that offers at best a highly formalized account of validity that posits the agreement of others, but has no need of their actual consent? Worse still, why endorse a form of validity that is not objective but subjective, for it makes reference to nothing more than the subject’s own feeling of pleasure and merely anticipates the assent of all? Before deciding who is “right,” Arendt or her critics, let us first try to understand what this judging faculty is and why it might be relevant to democratic politics.

**JUDGMENT AND THE PROBLEM OF THE NEW**

In the widest sense of the term, judgment is the faculty that allows us to order or make sense of our experience. Be it the particulars of objects that need to be related to concepts for the purposes of cognition or the particulars of events that need to be organized into narratives for the purposes of political life, judgment gives coherence and meaning to human experience. Whether what I see over there is a “tree,” what I hear on the radio is a commentary on “the latest famine in Africa,” or what I read in the paper is an editorial on the “war between the sexes,” I am at once engaged in and a witness to the practice of judgment. The ubiquity of the judging faculty in all human activities, however, makes it almost invisible to us as judgment, as something we do. This is especially true in the case of cognitive judgments, where we seem only to report a fact that stands there quite independently from how we judge (for example, I see that tree over there because there really is a tree over there, I see two sexes because there really are two sexes, and so on).

Kant—and later Wittgenstein—called into question the idea that cognition turns on the mere physiological fact of something like perception and emphasized the crucial role of judgment in anything that has meaning for human beings. For judgment generally speaking is the ability to think the particular as contained under the universal or, writes Kant, “the faculty of subsuming under rules; that is, of determining whether something stands under a given rule [. . .] or not.” Without the faculty of judgment we could have no knowledge, for in the absence of concepts that function as rules for subsum-
ing particulars, we would have only “this” and “this,” but not anything that we could call an object of experience (for example, this “woman” or this “man”). Every “object” comes into being as such through recognition in a concept, Kant holds.

According to the logic of recognition at work in what Kant calls a “determinate judgment” (that is, logical and cognitive), it is hard to see—as the philosopher himself recognized—how there could be a new object or event, that is, something that cannot be explained as the continuation of a preceding series and in terms of what is already known. What Arendt called “the problem of the new,” however, is more than an epistemological question about how we have knowledge of particulars; and it is more than a moral question about how to save the freedom of the subject in a phenomenal world that can only be cognized through the law of causality. The problem of the new is a political question about how we, members of democratic communities, can affirm human freedom as a political reality in a world of objects and events whose causes and effects we can neither control nor predict with certainty. Arendt vividly captures the difficulty we have in so affirming:

Whenever we are confronted with something frighteningly new, our first impulse is to recognize it in a blind and uncontrolled reaction strong enough to coin a new word; our second impulse seems to be to regain control by denying that we saw anything new at all, by pretending that something similar is already known to us; only a third impulse can lead us back to what we saw and knew in the beginning. It is here that true [political] understanding begins.

At stake in the kind of judgment that is relevant to politics is not knowledge but understanding, or rather the understanding, as Arendt says, that “makes knowledge meaningful.” At stake is trying to be at home in a world composed of relations and events not of our own choosing, without succumbing to various forms of fatalism or determinism—whose other face is the idea of freedom as sovereignty.

Our ability to come to terms with what is given (that is, the past that can be neither forgotten nor changed) in a way that affirms a nonsovereign human freedom (that is, freedom that begins in political community, not outside it) can only be achieved through a critical practice of judgment. Such a practice cannot be based on the “autonomy principle” that Hume disrobed as a philosophical conceit (i.e., the idea that reason judges critically by emancipating itself completely from the customs or prejudices that compose our preliminary understanding). There is no place outside this understanding from which we can judge. When not seen as something to be leapt over in our reach for the external standpoint, this groundless ground of our judging practices is too often treated as if it determines what we can encounter in the world or it
were somehow immune to revision. In that case, our precognitive understanding of meaning is transformed from an enabling condition of democratic politics and our critical orientation in an ever-changing world into what Arendt called a “worldview” that works to “protect us against experience [and the new] insofar as everything real is already given in [it]” (*WIP*, p. 21).

A freedom-centered practice of judgment, then, cannot be modeled on the rule-following that characterizes what Kant called a determinate judgment. To obtain critical purchase on our social arrangements and the ungrounded ground of our form of life, but without yielding to the temptation of the external standpoint, we need to develop a practice of judgment that is not rule-governed. Judging without the mediation of a concept is a quotidian skill we do well to learn and practice. It always carries the risk that we will fall back on known concepts or rules for making sense of political reality out of our own sense of frustration or inadequacy. And yet if we want to come to terms with new objects and events, including those that have no place within our system of reference save as curious anomalies to the rule that merely preserve the rule, we need to develop the faculty of judgment. And developing this faculty involves more than the affirmation of contingency that post-foundationalist political thinkers have stressed. Or, better, it involves the creation of coherence and meaning that does not efface contingency and thus freedom.

Arendt holds that precisely whatever is not an object of knowledge is an occasion for developing the critical aspects of the faculty of judgment itself. It is in cases where what Kant called determinate judgment strains or fails that true judgment begins. In cases where a judgment can produce no knowledge (as a concept is not already given), the common sense or harmony of the faculties that obtains in a judgment is no longer under the legislation of the understanding (that is, the faculty of concepts), but attains a free accord. In the “free play of the faculties,” as we shall see, imagination in particular is no longer bound to the logic of recognition, which requires that it reproduce absent objects in accordance with the concept-governed linear temporality of the understanding. Imagination, when it is considered in its freedom—nothing compels us to consider it as such—is not bound to the law of causality, but is productive and spontaneous, not merely reproductive of what is already known, but generative of new forms and figures.

Foregrounding the productive role of the imagination in the faculty of judgment, I at once take up and depart from Arendt’s own unfinished project to develop a theory of political judgment. Despite her heavy reliance on Kant’s third *Critique*, she never really considered the imagination in its freedom, for she never thought of it as anything more than reproductive. Arendt’s limited view of imagination is all the more curious when we recognize that
the reproductive imagination is bound to the faculty of the understanding and
thus to concepts in a way that is difficult to square with her own vigorous
refusal of cognition as the task of political judgment. Such neglect of the free
play of imagination in a practice of judging without a concept is one reason
that Arendt’s scattered reflections on the topic have lent themselves to both
the appropriation and criticism of thinkers such as Habermas, for whom
validity looms as the single unanswered question that threatens to render her
entire account incoherent.

Presupposed in such a charge is a conception of politics as the adjudica-
tion of an otherwise “impenetrable pluralism” (Habermas) of opinions. In
order to adjudicate competing claims, we need a way to establish their cor-
rectness. Thus political opinions, Habermas insists, must have a cognitive
foundation and be subjected to rational procedures of validation. Although
Arendt’s critics distance themselves from philosophical objectivism or any
metaphysical notion of truth, they never consider the possibility that there
could be a form of validity specific to democratic politics that would not be
based on the application of rules to particulars. They thus never see, really,
that Arendt does have an answer of sorts to the question of validity that preoc-
cupies them, with one crucial caveat: she does not think that validity in itself
is the all-important problem or task for political judgment—the affirmation
of human freedom is.

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 dis-
closes 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
idiosyncracies.

Arendt introduces here two crucial ideas: (1) the act of judging creates signif-
ient relations among judging persons, relations that disclose “who one is,” a
public rather than private persona; and (2) this disclosure of oneself as a judg-
ing person obtains validity (that is, solicits the agreement of others) to the
extent that it attains impartiality (that is, takes those others into account).

What one discovers in the act of judging, says Arendt, is both one’s differ-
ences 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. (CC, p. 223)
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 rule-following associated with a determinate judgment. Such rule-following, says Arendt, compels everyone who has the power of reason and could be done in solitude.

Deeply critical of the subjectivism of modernity, Arendt’s turn to aesthetic judgment is based on what she calls the fundamental, if mostly denied, reality of the human condition, namely, plurality. Arendt refuses to ground intersubjectivity in shared human nature (for example, rationality) or in shared experience (for example, class, ethnic, or national belonging). What she understands by plurality, however, is more than an ontological condition, the fact that “men, not Man, inhabit the earth.” Understood as a political concept, plurality is something of which we need to take account when we decide what will count as part of our shared or common world. Judging is the activity that enables us to take account of plurality in this distinctly political sense. Following Kant’s account of judgments of taste, Arendt argues that the kind of validity at stake in political judgments requires not simply that one “be in agreement with one’s own self [logic’s principle of noncontradiction], but [...] consist[s] of being able to ‘think in the place of everybody else’” (CC, p. 220). Such judgments are by nature intersubjective and reflect the plurality of ways in which the world can be seen and understood.

The worldly relations that judging creates turn crucially on the ability to see the same thing from multiple points of view, an ability that, 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" [WIP, p. 96]). The origins of this way of seeing lie in “Homerische Objektivität” (i.e., the ability to see the same thing from opposite points of view: to see the Trojan War from the standpoint of both Achilles and Hector). What transforms this Homeric way of seeing into the ability to see from multiple points of view is the daily practice of public speech, “citizens talking with one another. [Arendt continues,] In this incessant talk the Greeks discovered that the world we have in common is usually regarded from an infinite number of different 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. (CH, p. 51)
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 be an expression of the various guises 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 to politics understood as incessant rhetorical talk.

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: “it appears to me” (CH, p. 51)—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” (CC, p. 223). This process entails the rule-following of logical reasoning: the deduction from premises that we hold to be apodictic.

By making plurality the condition of, rather than the problem for, intersubjective validity, Arendt shifts the question of opinion formation and political judgment from the epistemological realm, where it concerns the application of concepts to particulars and the rational adjudication of knowledge/truth claims, to the political realm, where it concerns opinion formation and practices of freedom. Politics involves the exchange of arguments in the sense of opening up the world that has been disclosed to us through language, our criteria or concepts. However one understands the attempt to give reasons, it takes for granted a prior “opening up of [the] world where argument can be received and have an impact,” as Jacques Rancière reminds us.21 This opening up is nothing other than the poetic, rhetorical, and world-creating capacity of language that Habermas sets fully at odds with what he holds to be the proper communicative use of language that makes possible the “intersubjective recognition of criticizable validity claims.”22 By contrast with Habermas, Rancière, like Arendt, holds rhetorical language to be the condition of anything we might count as validation by proofs. Proofs work on the basis of deduction from accepted premises. Opening up creates the context in which a change in perspective may happen and things we may have known all along get counted differently.

We can grasp the problems associated with Habermas’s attempt to keep separate the rhetorical and the rational aspects of language by turning to Ernesto Grassi. A contemporary of Arendt and student of Heidegger’s,
Grassi critically examines the 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.” Turning the tables, he questions the view that rhetorical speech is not only inferior to rational or philosophical speech but also distinct from it.

To prove \( \text{apo-deiknumi} \) means to show something to be something, on the basis of something. [...] 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 the first assertions. [...] 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. (RP, p. 19)

Grassi’s answer is simple but significant: he shows that the “indicative or allusive \( \text{semeinein} \) 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’ \( \text{theroein} \)—i.e., to see. It is metaphorical: it shows something that has a sense and this means that to the figure, to that which is shown, the speech transfers \( \text{metapherein} \) a signification. Such speech ‘leads before the eyes’ \( \text{phainesthai} \) a significance.

The basis of rational speech, writes Grassi, “is and must be in its structure an imaginative language” (RP, p. 20). This conclusion radically alters the relationship of rational speech and rhetorical speech: “The term ‘rhetoric’ assumes a fundamentally new significance; ‘rhetoric’ is not [...] the technique of an exterior persuasion; it is rather the speech which is the basis of rational thought” (RP, p. 20).

What distinguishes rational speech from rhetorical speech, then, is not that the former proceeds from premises that 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,” Grassi would question not the sense of necessity Arendt describes but its source: necessity lies not in the ultimate principles 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.”
hasten to add that this picture is not, as the archai of rational speech pretend to be, necessary and universally valid apart from time and place. The picture has meaning and necessity only as part of a praxis; thus 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 Truth, rejected it. For Arendt, it is a central task of judgment to loosen our sense of such truth and necessity in human affairs. And such loosening requires different images and practices, new ways of producing meaning.

LEARNING TO SEE POLITICALLY

We have seen that Arendt formulates the faculty of political judgment in terms of the ability to see the same object from multiple perspectives. Arendt sets this ability against what she calls the "tricks of the Sophists," namely, the strategy of turning arguments around so as to conclude, as the ancient skeptics held, that no judgment is possible (WIP, p. 96). 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" (WIP, p. 96). Arendt recognizes the value of argument in the public realm, but her account of judgment turns on the difference between, on the one side, being compelled by the better argument or doubting that any compelling argument can be made (skepticism) and, on the other side, learning to see what the world looks like to all who share it. This difference of emphasis pulls her account in the direction of both Grassi’s recovery of the humanist tradition’s conception of rhetoric and Wittgenstein’s notion of the pictures that ground our language-games. She emphasizes what it means to see differently, to form a different picture.

I said earlier that aesthetic judgment has subjective not objective validity. To conclude that such judgments are not rational, however, would be to concede (with Arendt’s critics) a rather narrow understanding of what rationality is, namely, a form of thinking based on giving proofs. This includes not only the scientific rationality Habermas accuses Arendt of uncritically inheriting from Kant’s first Critique but also the practical rationality associated 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. Although 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. The claim “this painting is beautiful” is different from the claim “I like canary wine,” says Kant. It would be ridiculous to say, this painting “is beautiful for me” (CJ, §7, p. 55); a judgment of beauty posits the agreement of others. Lacking concepts, such a judgment exhibits a necessity that “can only be called exemplarly, 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” (CJ, §18, p. 85).27

Whether others do so agree is another matter. In any case, the validity of my judgment does not depend on their empirical assent, Kant holds. But if the validity of my judgment does not depend on such assent and 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 (CJ, §56, p. 211). This hope indicates that such judgments are not merely subjective, but also, as Cavell emphasizes, that the debate lives on despite the lack of guarantee of reaching agreement. The possibility of such agreement is not excluded, 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 (such as its unique place in the history of art, the artist’s vivid use of color, or the representation of perspective) 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. Cavell takes up the Kantian notion of the subjective validity of aesthetic judgments to call our attention to the notion of “pattern and support,” rather than agreement in conclusions, as the crucial element in rational argument. Stephen Mulhall parses Cavell’s view thus:

Cavell is not suggesting that logic or 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 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.28
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 reading of him. 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 Kant ruled out, rather, was the idea that reasons could compel others to agree with an aesthetic judgment. 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, of a particular aesthetic or political judgment. That is why rhetoric, which takes account of such things, is an enabling mode of speech in the interlocution proper to such judgments.

Aesthetic and political judgments are arguable, in other words, but in a particular way. They belong to the interlocution Kant calls *streiten* (to quarrel or contend) 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 (*CJ*, §56). Whereas *disputieren* assumes that agreement can be reached through an exchange of arguments constrained by the rules set out by conceptual logic and objective knowledge (as with determinate judgments), *streiten* occurs when concepts are lacking and agreement cannot be reached through the giving of proofs (as with reflective judgments). And yet, despite the absence of the objective necessity of an agreement reached by proofs, the debate lives on, for each judging subject makes an aesthetic claim that posits the agreement of others and attempts to persuade them of her or his view.

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” (*LKPP*, p. 41). She does not dispute the idea (precious to Habermas’s notion of the practical rationality 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 is the idea that agreement follows necessarily from our acceptance of certain arguments and principles of argumentation. Arendt takes up Kant’s insight that we can well follow and even accept the arguments brought to defend a judgment without having to accept the conclusion. Disagreement—even deep disagreement—is possible, although neither side is making a mistake or failing to grasp that a particular judgment is well supported. This sounds strange 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 pro-
cedures but not the conclusion is either making a mistake or is mentally deficient. And in the case of judgments in which we apply concepts, 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 (for example, rhyme, meter, and so on) of poetry—yet stubbornly hold to his view (CJ, §32, p. 145). The signers of the 1848 *Declaration of Sentiments*, who judge men and women to be created equal, contrary to the judgments of the American Founding Fathers and most nineteenth-century Americans, may well accept the criticism 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 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 aesthetic judgments and political judgments alike (as the claim to gender equality suggests) is not necessarily something that is irreducibly nonconceptual (as Jean François Lyotard, in his preference for the Kantian sublime, argues). Rather, we hold to an imaginative extension of a concept beyond its ordinary use in cognitive judgments and affirm freedom. Whether we eventually abandon a 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 declared us scandalous (as the signers of the *Declaration* did), we must judge for ourselves and try to persuade others of our views. This involves an imaginative “exhibition of the concept [for example, of equality],” to speak with Kant, that “expands the concept itself in an unlimited way” (CJ, §49, p. 183).

This ability to persuade others of one’s views does not depend on facility in logic. 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, that is, fail to understand what a good argument is). The ability to persuade depends upon the capacity to elicit criteria that speak to the particular case at hand and in relation to particular interlocutors. It is a rhetorical 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 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 or conclusive argument for the beautiful. Every political or aesthetic argument must be articulated in relation to a set of particulars that vary according to time and place and appeal to what we have in common.

**SENSUS COMMUNIS**

Citing Kant, Arendt emphasizes that judgments of taste, far from being merely 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" (*CC*, pp. 220-221; *CJ*, §18-22). This anticipated agreement relies on common sense or *sensus communis*, "the very opposite of 'private feelings'" (*CC*, p. 222). "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 non-subjective and 'objective' world which we have in common and share with others. (*CC*, p. 221)

Appeal to the *sensus communis* is not striving for agreement with a community’s norms. Like Kant, Arendt recognizes that empirical communities can be deeply flawed in their judgments. Furthermore, to judge according to the common understanding of a given community is, says Kant, “to judge not by feeling but always by concepts, even though these concepts are usually only principles conceived obscurely” (*CJ*, §20, p. 87). For Kant, however, what makes concepts obscure is itself connected to feeling: it is none other than rhetoric, which, in *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 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.” Rhetoric understood as a quotidian practice of public speech is, for Arendt, the condition of our freedom; it opens up the world to us in new ways. That opening up is dependent on the faculty of
imagination, a faculty that Arendt’s critics generally want to keep under the control of reason and the understanding, lest imagination lead us astray with the rhetoricians who disguise opinions as truths.

To appreciate the imaginative character of rhetoric we need to recognize that, when we appeal to the sensus communis, we are not appealing to a fixed set of opinions but to what is communicable. Far from guaranteeing agreement in advance, sensus communis allows differences of perspective to emerge and become visible. Sensus communis is not a static concept grounded in eternal truths but a creative force that generates our sense of reality. It is based in the figurative power of language, hence subject to change. Sensus communis, as Grassi (following Vico and Cicero) writes, “lies outside the rational process, within the sphere of ingenuity, so that it assumes an inventive character”; it is based on “the activity of ingenium [which] consists in catching sight of relationships or similitudines among things” (RP, p. 8). These relationships are external to their terms: 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 confines of ‘here’ and ‘now’, in which the needs and problems that confront human beings are met. (RP, p. 10)

Through this ingenious activity, writes Grassi, “we surpass what lies before us in sensory awareness” (RP, p. 8). By contrast with the deductive activity of logical reasoning, which “must restrict itself to finding what already is contained in the premises” (RP, p. 97), ingenium is the art of invention. The creative discovery of relationships among appearances that have no logical connection, it is an exercise of radical imagination.

The imagination at work in judging without a concept is much more than the faculty of re-presentation, making present what is absent, which is “the reproductive imagination” in Kant. In the third Critique, Kant emphasizes not the reproductive power of imagination but its productive or generative power:

(In a judgment of taste the imagination must be considered in its freedom. This implies, first of all, that this power is here not taken as reproductive, where it is subject to the laws of association, but as productive and spontaneous (as the originator of chosen forms of intuition). (CJ, “General Comment on the First Division of the Analytic,” p. 91)

Arendt’s account of judgment does not explore Kant’s account of imagination as a generative force (which she associates strictly with genius and the creation of new aesthetic objects of judgment). Nevertheless, she clearly sees
that imagination is crucial for breaking the boundaries of identity-based experience: taking account of plurality and affirming freedom. Accordingly, Arendt declares imagination (rather than reason or understanding) the political faculty par excellence—once again, much to the dismay of her critics—but she never explains why foregrounding imagination is crucial to her own account of political judgment as a non-rule-governed practice. If imagination were only reproductive, it would fall under the law of the understanding, as it does in cognitive judgments, rather than be in free play, as it is in aesthetic judgments. This failure to specify the productive character of imagination in aesthetic and political judgments has consequences for how we understand Arendt’s famous account of “representative thinking.”

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, 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 nontranscendental 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 (LKPP, p. 94). Concepts are to be excluded, according to Kant, because they entangle aesthetic—Arendt would say political—judgments in an economy of use and the causal nexus. The “inability to think and judge a thing apart from its function or utility,” writes Arendt, indicates a “utilitarian mentality” and “philistinism.” She continues,

And the Greeks rightly suspected that this philistinism threatens [. . .] the political realm [. . .] 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. (CC, p. 216)
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, introduces the instrumentalist attitude. 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. 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.

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. 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.

The Kantian name for representative thinking, says Arendt, is “enlarged mentality” (CC, p. 220) or, more exactly, an enlarged manner of thinking (eine erweiterte Denkungsart) whose condition of possibility is not the faculty of understanding, but imagination. This faculty, at work in seeing from the standpoints of other people, keeps enlarged thought from becoming either an enlarged empathy or the majority opinion. Imagination is a means, writes Arendt,

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.

Imagination mediates: it moves neither above perspectives, as if they were something to transcend in the name of pure objectivity, nor at the same level
as those perspectives, as if they were identities in need of our recognition. Rather, imagination enables “being and thinking in my own identity where actually I am not.”

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” (LKPP, p. 43). 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.”38 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]; it effects an erasure of difference.39

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 writes, sets the parameters for the kind of validity or universality that is proper to political judgment and whose condition is common sense.40 We could qualify this critique and say that imagination is no substitute for hearing other perspectives but nonetheless necessary 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.41

In contrast with the emphasis on actual dialogue and an “interpersonal relationship” (centered on mutual understanding or recognition) in a “discourse ethics,” Arendt’s invokes imagination to develop reference to a third perspective from which one observes and attempts to see from other standpoints, but at a distance. Arendt does not discount the importance of actual dialogue anymore than did Kant, but, again like Kant, she emphasizes the unique position of outsideness from which we judge. It is this third perspective that Arendt had in mind when she said 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.42 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 also something of an outsider to my self as an acting being.43 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 also from interest tout court, which is to say from any standard of utility whatsoever. Were the imagination merely reproductive and concept-governed, however (as Arendt herself seems to assume or at least never questions), 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 outside the economy of use and the causal nexus—to apprehend them in their freedom? Being so poised Kant could express enthusiasm about the world-historical event of the French Revolution, though from the standpoint of a moral 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 to be presented by the reproductive imagination in accordance with the understanding and judged according to a rule of cognition. Rather, 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.”44 The French Revolution does not provide cognitive confirmation for the spectator that mankind is progressing; it inspires “hope,” as Arendt writes, by “opening up new horizons for the future” (LKPP, p. 56). A world-historical event, the Revolution indicated what cannot be known, but must be exhibited, presented: human freedom.

The freedom-affirming position of the spectator “does not tell one how to act,” writes Arendt of Kant’s enthusiasm (LKPP, p. 44). 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 further judgment. The judgment of the spectator is in no way connected with an end. Indeed, “even if the end viewed in connection with this event [the French Revolution] should not
now be attained, even if the revolution or reform of a national constitution should finally miscarry,” says Arendt citing Kant, nothing can destroy the hope that the event inspired (LKPP, p. 46). 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. Validity is rather 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 does Kant’s judgment of the French Revolution expand our sense of the real, for it refuses to judge on the basis of victory and defeat, of any 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**

Judging is a way of constructing and discovering community and its limits, but 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. Contra what critics like Beiner claim, Arendt in no way turns her back on the vita active or denies the importance of judging for politics. Rather, she refuses to define this activity in terms of the production of a normative basis for politi-
Spectators do not produce judgments that ought then serve as principles for action or for other judgments; they create the space in which the objects of political judgment, the actors and actions themselves, can appear, and thus alter our sense of what belongs in the common world.

If the world is the space in which things become public, then judging is a practice that alters what we will count as such. In this space, created by judging, the objects of judgment appear. She writes,

"The judgment of the spectator creates the space without which no such objects could appear at all. The public realm is constituted by the critics and the spectators, not the actors and the makers. And this critic and spectator sits in every actor. (LKPP, p. 63)"

"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: without the judging spectators and the artifacts of judgment (for example, narratives and stories), action would have no meaning, it would vanish without a trace—it would not be a world-building activity. Arendt attributes this turn 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. By contrast with Arendt, Kant emphasizes not only the spectators but also the role of the artist and the formative power of creative imagination, the ability to present objects in new, unfamiliar ways—what he calls "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" (CJ, §49, p. 182). Indeed, "we may even restructure experience" and

[i]n 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. (Ibid., emphasis added)

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" (ibid.). Such aesthetic presentations "strive toward something that lies
beyond the bounds of experience” (hence they are called “aesthetic ideas” and are the counterpart of “rational ideas”), but they are presentations nonetheless. The faculty of presentation at work in the exhibition of aesthetic ideas, Kant writes, “expands the concept itself in an unlimited way” (CI, §49). The imagination can work on or order material in such a way that we are able to create out of it noncausal associations and even a new nature. If concepts themselves are not so much excluded as expanded in an indefinite way, 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 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), he also argues that 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 reflectivity, 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 with the solitary genius, “spectators exist only in the plural” (LKPP, p. 63), 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 in which objects of judgment appear.

But of course a text like the 1848 Declaration of Sentiments puts forward at once a collective 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 also 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 (for example, the idea, put forward in the Declaration of Independence, that all men are created equal), it expands our sense of what we can communicate.Positing the agreement of all (“We hold these truths to be self-evident”), 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” (CI, §49), which is excluded by every logical presentation of the concept of equality.
We miss this creative expansion of the concept whenever we talk about the logical extension of something like equality or rights. The original concept of political equality, after all, is a determinate concept, historically constituted in relation to white, propertied male citizens. The Declaration of Sentiments did not simply apply this concept like a rule to a new particular (women). Rather, it exhibited the idea of equality much like an aesthetic idea: “a presentation of the imagination which prompts much thought, but to which . . . no [determinate] concept, can be adequate,” to cite Kant again. Thus the “thought” that such a presentation “prompts” always exceeds the terms of the concept; “it expands the concept itself in an unlimited way.” This expansion is not logical—the concept of equality does not contain within itself the mechanism for its own extension to disenfranchised groups—but imaginative: we create new relations between things that have none (for example, between the concept of equality and the relations between the sexes, or between the rights of man and the sexual division of labor). 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. Political relations are always external to their terms: they involve not so much the ability to subsume particulars under concepts, but an imaginative element, the ability to see or to forge new connections.

Calling attention to this creative expansion of our concepts, I want to suggest an alternative not only to Habermas’s cognitivist dismissal of the third Critique as relevant to political community but also to Lyotard’s celebration of the Kantian sublime as a critical response to Habermas: the affirmation of a differend or Wiederstreit, that is, a conflict that permits no resolution whatsoever. It is important to stress the impossibility of achieving permanent resolution of any conflict we would call political; but Lyotard’s reading tends to foreclose any possibility of a politically mediated agreement about community whatsoever. Lyotard excludes more than the disputieren that Habermas endorses in a politics oriented toward mutual understanding (i.e., the exchange of proofs). He excludes as well the kind of agreement peculiar to democratic politics, namely, the übereinkommen that can be reached through streiten as persuading speech. Indeed, what for Arendt is the contingent achievement of this interlocution (i.e., the constitution of community through shared judgments) is for Lyotard just one more dangerous illusion of “empirical realism.”

Lyotard sees something crucially important that Arendt’s other critics miss: the imagination, considered in its freedom, opens a question of community that cannot be settled by a practice of politics centered on the exchange of proofs, for such a practice tends to conceal how we misunderstand precisely at those moments when we understand and also occlude from
view the source of the misunderstanding. But Lyotard offers little in the way of an alternative conception of community, other than saying that it is always in process, always anticipated but never reached. This is a familiar idea taken up by many political theorists after identity politics. Although we should remain critically vigilant about the exclusions that constitute community, the question remains as to how a more democratic community based in practices of freedom might be formed. On what basis are we in community with others and what role is played by judgments that affirm freedom in the creation of community?

**CONCLUSION**

I began this essay with Habermas’s claim that Arendt excludes the role of argument in the political realm. Grassi showed us that rational speech rests on rhetorical, ungrounded premises, and Cavell showed us that aesthetic judgments are arguable in certain ways—what Kant called streiten. Emphasizing streiten over disputieren as the interlocution appropriate to politics, I agreed with Lyotard when he questioned the idea that is central to communicative theories of the political such as liberalism: all conflicts are in principle resolvable so long as they put forward rational arguments that obey the rules of conceptual logic and the giving of proofs. The idea that one can dispute different points of view in this way occludes the question of what could possibly count as proof of an empirical concept. Proofs fail in the absence of the shared premises from which they are deduced.

Rejecting a consensus won by proofs, Arendt neither denies the place of argument in the political realm (as Habermas contended) nor excludes the possibility of reaching agreement (as Lyotard would have us do). Her point is not that political judgments must eschew all cognitive claims. It is rather, to paraphrase Cavell, to remind us that our relation to others and to the world is based on something other than knowing. “Knowledge is based on acknowledgment,” observes Wittgenstein, that is, on a mode of counting something as something, which is the condition of knowledge, but also doing something in relation to what one knows (for example, taking account of plurality). To say, for example, that a political issue like gay marriage calls for our judgment is not to foreclose cognitive questions. It is rather to say that a cognitive judgment of a thing’s existence (i.e., its function or purpose or ability to satisfy an end or a use) is not what we are being called upon to make, any more than a botanist, as Kant says, is called upon to explain the flower as a reproductive organ of a plant when he declares the flower beautiful (*CJ* §16, p. 76). One can well know such things about plants, just as one can well know certain
things about nonheterosexual practices. To judge aesthetically or politically, however, requires that we count what we know differently, count the flower as beautiful quite apart from its use, count nonheteronormative sexual practices as part of the common world, quite apart from whatever social function they might serve. Contrary to her critics’ charge, Arendt’s critique of cognitive claims in the political realm was not, never make a cognitive judgment when you judge politically; it was, do not confuse a cognitive judgment for judging politically. Something else is required, for a political judgment reveals not some property of the object but something of political significance about the one who makes it—“who one is.”

We can judge without a concept, exactly as Arendt held, because we are not limited to disputieren (i.e., agreement on the basis of proofs from established premises); we can create 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 Wiederstreit. In this process of judging reflectively we refuse to limit ourselves to proofs based on concepts and instead alter our sense of what is common or shared: we alter the world, the space in which things become public. With time, the forms and figures given by the reflective judgment, too, become ossified as rules that, in turn, too, demand the response of imagination to break up the closure of rule-governed practices. Like Kant, Arendt emphasizes judging as an activity, not judgments as the result of an activity, judgments that, 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. If the pleasure that obtains in a judgment arises not out of the immediate apprehension of an object but out of reflection (that is, it arises in relation to nothing other 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 affirm our freedom and discover the nature and limits of what we hold in common. This is the simple but crucial lesson to be learned from Arendt’s account of political judgment.
NOTES


2. The same point applies in reverse:

   For example, I may look at a rose and make a judgment of taste declaring it to be beautiful. But if I compare many singular roses and so arrive at the judgment, Roses in general are beautiful, then my judgment is not longer merely aesthetic but is a logical judgment based on an aesthetic one. (Immanuel Kant, *Critique of Judgment*, trans. Werner S. Pluhar [Indianapolis, IN: Hackett, 1987], §8, 59. Hereafter cited in the text as CJ with section and page numbers.)


13. In Arendt’s view, totalitarianism is the paradigmatic event that strains our faculty of judgment, for “the death factories erected in the heart of Europe” confront us with an unprecedented sense of meaninglessness. How are we to judge an event that reveals the ruin of “our categories of thought and standards of judgment?” (Arendt, “Understanding and Politics,” 313). If we stubbornly cling to rules that no longer speak to our experience, she argues, it is because what we have gotten used to is not so much the substance of any particular rule, but the fact of having rules with which to judge. Hannah Arendt, “Thinking and Moral Considerations,” Social Research: Fiftieth Anniversary Issue 38, no. 3 (Autumn 1971): 416-446; see especially p. 436.

14. On the relationship of judgments (Urteile) to prejudices (Vorurteile), see WIP, 17-23.

15. This point is emphasized in Samuel Fleischacker, A Third Concept of Liberty: Judgment and Freedom in Kant and Adam Smith (Princeton, NJ: Princeton University Press, 1999). Fleischaker, too, sees freedom as deeply connected to the development of the judging faculty. In contrast to Arendt, however, he develops a theory of judgment from within the liberal tradition.

16. For Arendt, the development of a freedom-affirming faculty of judgment requires more than an acknowledgment of contingency. Although she fiercely defends contingency against the Western philosophical tradition’s equally fierce defense of necessity, she is adamant that we need to be able to judge new political objects and events. We need to be able to judge them in their freedom, that is, produce a sense of coherence that is neither given in our pre-understanding nor exhausted by the application of known concepts. Merely affirming the contingency of objects and events does not address the quest for meaning that is at the heart of the judging faculty. And it does not take seriously the ever-present temptation, when confronted with “the haphazard character of the particular,” to assume a stance devoid of care for the world, as if “any order, any necessity, any meaning you wish to impose will do” (Arendt, “The Concept of History,” 89).

17. “The limits of a decisionistic treatment of practical questions are overcome as soon as argumentation is expected to test the generalizability of interests, instead of being resigned to an impenetrable pluralism of apparently ultimate value orientations,” writes Habermas. “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.” Citing this passage, Richard Bernstein finds a parallel in Arendt’s claim that “judgment must liberate itself from ‘subjective private conditions’.” Richard Bernstein, Between Objectivism and Relativism: Science Hermeneutics and Praxis (Philadelphia: University of Pennsylvania Press, 1983), 220. But Arendt’s approach to the plurality of opinions is different from that of Habermas. For her, this plurality is something to preserve, not overcome, in the exercise of judgment. I examine this difference in Linda M. G. Zerilli, Feminism and the Abyss of Freedom (Chicago: Chicago University Press, 2005), chap. 4.


19. Who someone is, by contrast with what she is (e.g., a white middle-class American woman, qualities she necessarily shares with others like her), is the unique disclosure of human action that emerges in the stories and other human artifacts that speak of it. Hannah Arendt, The Human Condition (Chicago: Chicago University Press, 1989), 181, 182.

20. 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. (Hannah Arendt, “The Concept of History,” Between Past and Future:
Eight Exercises in Political Thought [New York: Penguin, 1993], 41-90; quotation is from p. 51. Hereafter cited in the text as CH.


25. “‘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?” (RFM, I §14). Wittgenstein gives a close reading of the picture of “the machine as symbol,” which lies at the origin of the language game of logical necessity, our sense of the “logical must” (ibid., I, §§121-122).

26. Ernesto Grassi, Die unerhörte Metapher (Frankfurt am Main: Anton Hain, 1992), 29. 27.

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. (Kant, CJ, §18, p. 85)


29. See Kant, CJ, §34, p. 149. See also Stanley Cavell, Must We Mean What We Say? (Cambridge: Cambridge University Press, 1976), 88.

30. Jean-François Lyotard, Lessons on the Analytic of the Sublime (Kant’s “Critique of Judgment,” §§23-29), trans. Elizabeth Rottenberg (Stanford, CA: Stanford University Press, 1994). Lyotard finds in Kantian judgments of taste a resistance to reaching consensus through the giving of proofs. Although this is correct, Lyotard tends to exclude the possibility of coming to any agreement whatsoever. He thus turns to the aesthetic of the sublime, in which the faculties of imagination and reason are caught in a Wiederstreit, a quarrel with no possible resolution.

31. Kant excludes community standards as the basis for judgment.

[When]ever a subject offers a judgment as proof of his taste [concerning some object], we demand that he judge for himself; he should not have to grope about among other people’s judgments. [. . .] [T]o make other people’s judgments the basis determining one’s own would be heteronomy. (Kant, CJ, §32, pp. 145-146)

quotation is from p. 560. For a critique of the Gadamerian view, see Lyotard, Lessons. Arendt’s compressed discussion in LKPP (pp. 70-72) understands common sense neither as an a priori principle (Kant) nor as a communal mode of knowledge (Gadamer), but simply as a way of marking what is public and communicable rather than private.


34. 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).


36. This process is 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, CI, §40, p. 160). Like Kant, Arendt does not exclude 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 based on re-presenting to oneself opinions one has heard or of transposing oneself into the place of another person. See LKPP, 43.


40. Ronald Beiner, “Rereading Hannah Arendt’s Kant Lectures,” Judgment, Imagination, and Politics: Themes from Kant and Arendt, ed. by Ronald Beiner and Jennifer Nedlesky (Boston: Rowman & Littlefield, 2001), 91-102; quotation is from p. 97. 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. I find it misleading to ascribe to Arendt 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 transcendental conception of sensus communis, nothing empirical matters. Kant makes numerous gestures toward 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.

41. 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; and (2) that the justification of claims requires that speakers engage in an actual practice of argumentative justification. Even defenders of Arendt’s noncognitive account of political judgment against Habermas’s charge of incoherence (e.g., Lisa Disch) take for granted (2) because they never really find a way to counter (1), beholden as they are to the validity problematic that defines our understanding of politics.

43. For Habermas, the perspective of the third installs the objectification typical of the philosophy of consciousness. Habermas, *The Philosophical Discourse of Modernity*, 297.

44. David Carroll, “Rephrasing the Political with Kant and Lyotard: From Aesthetic to Political Judgments,” *Diacritics* 14, no. 3 (Autumn 1984): 73-88; quotation is from p. 82.

45. Beiner, “Interpretive Essay,” 92-93. Beiner argues that Arendt’s earliest writings on judgment (e.g., “The Crisis in Culture” and “Truth and Politics”) reflect her concern with the actual dialogic activity of judging citizens. In her later work, Arendt describes a solitary judging subject, who “weighs the possible judgments of an imagined Other, not the actual judgments of real interlocutors” (ibid., 92).


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