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# Kant: Trials of Judgement

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***Pli***: 1 nm **(a)** [*tissu, rideau, accordéon*] fold; pleat. **(b)** [*genou, bras*] bend; [*menton, ventre*] fold; [*front*] crease, furrow, line. **(c)** [*vêtement*] shape. **(d)** fig. habit. **(e)** envelope. **(f)** [*cartes*] trick. **(g)** fold.



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## Reviews





## Editorial Introduction

This issue of *Pli* celebrates the 200th anniversary of Kant's *Critique of Judgement* and attempts to assess the importance of that work for contemporary thought. For many philosophers today this text captures the uncertainties and dangers of the Enlightenment conception of rationality and ethics. Kant's text at once engages with and questions the right of philosophy to pronounce judgement in the practical and theoretical realms, that is, to pronounce judgement on its own jurisdiction of judgement.

This question is taken up in Nancy's article, '*Lapsus Judicii*' (which appears here for the first time in English, with additional material written especially for *Pli*). In Cartesian philosophy, the right of philosophy to judge was never put in doubt. In Kant, precisely this right is made into a problem. On Nancy's reading, the right and the practice of judgement cannot be distinguished, and so the former is not anterior to the latter.

In a similar vein, Caygill takes issue with recent post-modern attempts to minimize the interdependence of aesthetics and geometry in Kant. Such an attempt, he suggests, "underestimates the resources of Kant's project ... [and] also limits the options open to the re-phrasing of the aesthetic."

Elsewhere in this issue, the *Critique of Judgement* is situated within the context of current French readings of Kant's philosophy (Williams). In "The Gulf Crisis," the *Critique of Judgement* is revealed in its utopian dimension by Milne through an attack on Derrida's neo-systematization of Kant. On a more specific issue, Crowther reconstructs the theme of the sublime in Kant's work. His objective is to show how natural phenomena can be sublime. Land, beginning from discussion of pleasure, pain and death in the *Anthropology*, exposes the role of the sublime in the autonomy of reason.

The articles in this issue end with 'Snapshots of Kant's Kant's Third *Critique*,' which is a collection of six brief commentaries on the notorious Section IX of the Introduction.

**For our next issue, *Pli* invites contributions on the theme of *Economies in Philosophy*. The deadline for submission is September 27, 1991. Our theme for the following issue will be *Sacred Violence*, with a deadline on January 31, 1992.**

# MY MOTHER IS A FISH: CURRENT FRENCH INTERPRETATIONS OF KANT'S PHILOSOPHY

***James Williams***

> *A man is no more than the sum of points of view on the man, of interpretations of him.*[1]
>
> *Only in so far, therefore, as I can unite a manifold of given representations in* one consciousness, *is it possible for me to represent to myself the identity of the* consciousness in these representations.[2]

An acrimonious argument about the subjective foundations of ethics and politics is the basis for the reception of Kant's critical philosophy in French philosophical circles. This debate or argument takes place somewhat in retreat of a series of power struggles in the spheres of academic, political and media control. On the surface of things, philosophers conduct haughty rhetorical disputes about the nature of human rights, the crisis on the Left, the rise of racism, or any other pressing problem cum media event. The television cameras, the pages of *Le Monde* and *Le nouvel observateur*, the articles in *Critique*, *Esprit*, *Temps modernes*, *Debat*, and *L'Infini* entertain 'intellectuals' debating the role of intellectuals faced by the burn out of the environment, the dismantling of the communist block and the gentrification of François Mitterand ("*Le President*"). Behind the scenes, the self-same philosophers clash at colloquia and seminars where the theoretical background to their harangues is cashed out and developed. More often than not these back room meetings set up a familiar opposition around the question: can there be universal norms to underpin society without a universal definition of man? This is equivalent to the question: 'Is humanism possible without the notion of the subject?'

There is nothing new in this conflict opposing neo-humanists, postmodernists, poststructuralists and deconstructed Marxists. Or at least, there is nothing new in the humanists' worthy defense of the subject against the foolhardy destruction of that sole basis for *decent social living*. Way back

in the heady days of existentialism, Sartre resorted time and time again to a human consciousness that could form the basis for political will and action, for recognisable norms and values within ludicrously turbulent times. Now, the times are not so turbulent and the humanists are triumphant; the will and action they put forward is one of consolidation (unlike Sartre, who put forward a revolutionary program): they set out to protect world-wide humanist gains from cynical postmodernists, 'potentially' fascist Deconstructionists and Heideggerians, and persistent Marxists. For these apostles of liberal capitalism the defence of an established order has become more than a nice little earner, it is an act of resistance against totalitarianism - now seen as outside the state. In the works of these disinterested thinkers the humanist subject is everything and it must be preserved as a concept at all cost. Nauseating they may be, these modish commentators hold the upper hand given present events. No doubt, their social, 'un-academic,' elevation breeds contempt as well as incompetence and complacency, yet I find the hysterical blabberings of a Bernard-Henri Levi compulsive reading and not without challenge:

> *OK! Let's take the problem at its roots. What is neo-fascism? How does it go from the extreme Right to the extreme Left? Decisive in this matter is the denial of the law, be that in the sense of Freud or Moses and the prophets. The Left wing falters on the notion of Right, that is, of universality, it is absolutely incapable of thinking through this notion. The left wing rejoins the crudest fascism over the naturalist hypothesis that is, until further notice, at the heart of the worst ideologies born of the aftermath of May '68. In the end, there is only one materialism even if it takes on different forms on both the right and the left . Be it "historical" with the Marxists, "stoical" with the Figaro Magazine, "libidinal" in Deleuze, materialism always says the same thing: the idea of the subject, a subject of right of resistance, is an absurd and illegitimate hypothesis. Everything is "physical," immensely and inhumanly so, where man is but an element, a thin straw blown on the wind of History, Necessity and the Libido. It is not by chance that the 1789 declaration of the rights of man is a universal declaration. It is because the strategy of human right has strictly no sense when an attempt is made to found it on a microphysics of power and desire. What are the rights of man for the neo-physicists? It's the right each man has to do what he can, all he can, and nothing but what he can. That is the right to difference of Darquier de Pellepoix, of Drieu La Rochelle, of the Nazi torturer, the rapist or the specialist in child kidnapping. From this point of view, De Benoist or Pauwels are perfectly in tune with Scherer, Lyotard, Hocqenghem and some others.*[3]





Nice rhetoric, but with the *nouveaux philosophes* - still traumatized by their first reading of Solzhenitsyn: "Death camps in the U.S.S.R.?" - the obstinate sacred cow of the rights of man hinders any research into the flaws of humanism and the cracks apparent on the surface of the subject. Instead, the champions of inalienable rights spend inordinate amounts of time associating their philosophical rivals with "indefensible" political systems and figureheads. Now this has great appeal with the pricked consciousness of the new "aware" masses, with caring politicians (who can recognize a productive con when they see one), and with those media bosses whose aim is to put the former in touch with the latter (and make a financial killing in the process). The declarations of a B-H-L. can achieve this feat of modern capitalism: to join consumers and producers in a frank exchange of self-satisfied sanctimoniousness - moral progress without moral pain, Sartre has been left behind. Of course, this seditious influence keeps apace with the constant triumphs of capitalism, the freedom to leisure, the right to control our own recreational destiny. Obviously, all this gorgeously safe and beneficial progress is endangered as soon as the sacred subject is tampered with. The consequent state of alert sustained by the *nouveaux philosophes* is summed up accurately by Philippe Sollers:

> *That every one of us is an open combination of a plurality of voices is perhaps as difficult to conceive, as sacrilegious, as the infinity and plurality of worlds in the sixteenth century. I remind you that Giordano Bruno, whose name is invoked so many times in* Finnegans Wake, *was burnt in 1600 for just that.*[4]

The odious "nouveaux philosophes" are the new clerics, the new inquisition preserving a particular status quo against dangerous extremes. They are the unctuous con men fronting a particular philosophical argument in defence of the unified subject. However, while B-H-L charms his media cronies, his rhetoric is underpined by Neo-kantian and Fichtean philosophers such as Luc Ferry and Alain Renaut, whose *manipulative* logic also bears certain

resemblances to Sartre's Existentialism in its dogged reliance upon transcendental subjectivity:

> *On the other hand, what is too often ignored is that the phenomenological or existentialist conceptions of humanism are far from breaking with the philosophy of the enlightenment; instead, they meet the main theses of Rousseau, Kant and Fichte on the humanity of man.*[5]

And yet, why worry about manipulation? Philosophy is nothing if not the manipulation of texts, and in two ways: it is the manipulation of the texts of authority; it is also, subsequently, the exploitation of attractive texts. These are the texts on which philosophers can pin their wares: usually, the established or the emerging works of *literature*. Sartre exploited the phenomenology of Husserl, diverted it into his own *Nausea* and *Being and Nothingness*; he illustrated his philosophy through many literary interpretations, for example, the work on Faulkner. This process of recuperation is not simply parasitical. There is a double function at play where Sartre furthers his own cause, but also disseminates and adds to the works of his hosts. Sartre was instrumental in introducing Husserl, Heidegger and Faulkner to wider audiences in France. His readings - irrespective of their correctness - give a productive angle on those authors.

Naturally, there is a price to pay. And it is not merely the mandatory toll of the loss of the *original*. There is a textual violence that owes less to necessity, to the multiplicity of plausible interpretations of a given text. Sartre instantiates a program through his readings: beyond the presentation of a work, he attempts a critique that points out the flaws of that text from the point of view of the program. However, because this divergence is presented as a flaw rather than as a difference independent of any common measure, the criticism becomes an intrinsic part of the reading. It becomes a legacy. For example, in his presentation of Faulkner, Sartre insists upon the humanist program organized around the subjective consciousness. He cannot accept the dissolution of the subject into the multiple layers of family, country, legend, scandal, pain and anaesthesia to which his first reading leads him (this layering is in turn Faulkner's legacy to Marquez, in *A Hundred Years of Solitude*, for example):





> *And this is what I cannot accept: everything is aimed at making us believe that these consciousnesses are always so empty, always so fleeting. Why? Because consciousness are things always too human [...]. But Faulkner knows only too well that consciousness are not,* cannot *be empty.*[6]

Later, Sartre writes this first impression into a fully fledged diversion, through an appeal to Heidegger on temporality:

> *It is no longer allowable to stop man in each present and to define him as "the sum of his possessions": on the contrary, the nature of consciousness implies that it is thrown before itself into the future; it is only possible to understand what it is through what it will be. Consciousness is determined in its being by its own possibilities: what Heidegger calls "the silent force of the possible." Faulkner's man is a creature dispossessed of its possibilities and that can only be explained through what it was. You will not recognize him in yourselves.*[7]

The demands of Sartre's program then become evident:

> *We live in the time of impossible revolutions, and Faulkner uses his extraordinary art to describe our suffocation and this world dying of old age. I like his art, I do not believe in his metaphysics: a barred future is still a future.*[8]

In contrast to these diversions take Faulkner in *As I Lay Dying*:

> *I can remember how when I was young I believed death to be a phenomenon of the body; now I know it is merely a function of the mind - and that of the minds of the ones who suffer the bereavement. Nihilists say it is the end; the fundamentalists, the beginning; when in reality it is no more than a single tenant or family moving out of a tenement or a town.*[9]

Thus a boy sinks the erasure of his mother's consciousness into the local environment and his family:

> *It was not her because it was laying right yonder in the dirt. And now it's all chopped up. It's laying in the kitchen in the bleeding pan, waiting to be cooked and et and she will be him and pa and Cash and Dewey Dell and there won't be anything in the box and so she can breathe [...]. My mother is a fish.*[10]

The generation and illustration of programs, apparent in Sartre's work, plays a central role in the French Kantian controversy. The debate takes the form of a complex conflict opposing hostile programs, to wit, the defense of the subject, and hence humanism, versus the dissolution of the subject (be that on political, legal or philosophical grounds.) The competing interpretations of Kant's critical philosophy are illustrated in the criticisms the philosophical opponents put to each other. For example, philosophers such as Ferry and Renaut borrow from Kant and Fichte so they can criticize the anti-subjectivists belonging to *"la pensée 68"* - in their opinion the source of most dissatisfaction with the humanist subject:

> *On the horizon of our thought (and particularly in the last chapter of this book) you will therefore come across the project of an analysis of the different forms taken by subjectivity in modern philosophy. This will make apparent, precisely, the error or illusion common to all the philosophical currents to which the ideal type of* 'sixties' *[that is May '68] can be applied. This error consists in the assimilation of those forms of subjectivity and in the belief that subjectivity or humanism can be denounced in their entirety.*[11]

> *[...], the importance of the* Critique of Judgement *is in showing that despite the fact that the metaphysics of absolute mastery is shorn of all sense once it is given a statute of truth, it can still constitute a horizon of sense once it is taken as a regulatory principle for thought. This is as true in the scientific order as it is in the ethico-political order.*[12]

Or, viewed from the other side, thinkers such as Derrida, Nancy and Lacoue-Labarthe draw their inspiration from a critique of Kant's philosophy in view of an attack on the subjectivism of the neo-humanists: Derrida returns to Kant, and then draws the battle lines,





> *[For Kant, and despite his critique of anthropologism] man is the sole example, the sole case of a reasonable being that can never be cited in right when we distinguish the universal concept of reasonable being from the concept of human being. It is with this fact that anthropologism regains its contested authority. It is here that the philosopher says "we" and "us." It is here that Kant's discourse always associates "reasonable being" and "humanity" through the conjunction "and" or "vel."*[13]

> *Kant speaks of modernity, and of the* mystagogues *of his time. But you will have noticed in passing how many transferrals could be made to* our *side of modernity, without me explicitly pointing out or drawing the connections. I do not say that everybody will recognise his position purely and simply on one or the other side of the argument. I am certain, though, that it can be demonstrated that any more or less organised discourse today can be, or claims to be, on one or both sides. This may be at alternate times or simultaneously. But it can be shown even if the space does not cover or exhaust the area taken over by the discourse.*[14]

The above conflict is repeated, on different bases, with the *libidinal materialist* Deleuze, the Marxist structuralist Bourdieu and the libidinal then postmodern Lyotard. All have written on Kant. Their conflicting interpretations generate their differences. In view of these differences it is also important to point out here that the pivotal role played by Kant in all these debates is also played by Heidegger. In fact, latterly, there has been a shift from Kant to Heidegger with Ferry and Renaut's *Heidegger et les Modernes* , Derrida's *De l'Esprit*, Lacoue-Labarthe's *La Fiction du Politique*, Nancy's *L'Experience de la Liberté* on Heidegger and Kant, Lyotard's *Heidegger et "les Juifs"* and Bourdieu's *L'Ontologie Politique de Martin Heidegger*. This evolution is due to the resurgence of the question of Heidegger's Nazism, a monumental focus for the opposition of the destruction of the subject and the threat to humanism and "human rights." The flow from Kant to Heidegger indicates less a specifically ideological shift than a shift of power: the Neo-kantians have gained the ascendancy over the Heideggerians due to the "political" question. Thus, the question of whether Kant or Heidegger holds centre stage in the debates seems to depend on the political fortunes of the protagonists. Note that this completes a circle:

shifts in the academic and the all-important publishing arena then reflect back on the political sphere.

All the shades of the French Kantian debate, including the shift from Kant to Heidegger, cannot be covered here; instead, I will add a series of qualifying notes to the account given above:

1. It is important, when considering the differences separating the French Kantian interpreters, not to lose sight of the common factors allowing their debates to rise above the dogmatic quarrels that divide analytic and non-analytic philosophers on this side of the channel. Despite the high political and philosophical stakes involved in the French argument, there is a willingness to avoid *ad hominem* attacks, there is also a willingness to take on the foe on a common ground (in this case Kant's critical philosophy.) The reasons for this are the shared tradition that runs throughout French philosophy and the shared forum where the debate can take place - for example, the *Colloque de Cerisy* held every year at Cerisy-la-Salle; this colloquium has lead to collaborative works such as *Les Fins de l'Homme* and *La Faculté de Juger*, in which Derrida, Ferry and Renaut, Lyotard, Nancy, Lacoue-Labarthe and Descombes have written on Kant (Descombes is the ideal case of a French analytical philosopher sharing a common past and forum with French "Continental" philosophers - *viz*, his surveys of the French scene *Le Même et l'Autre and Philosophie Par Gros Temps.*)

2. The communal tradition in the background to the argument, together with the shared topic that acts as its focus, contribute to the most important factor in any study of the debate: it alters the philosophical opinions of the protagonists, that is, it is productive. Works emanating from colloquia such as *Cerisy* play a fundamental role within the core studies produced by the philosophers in conflict over Kant. Thus, Jacques Derrida's *La Verité en Peinture*, *D'un Ton Apocalyptique Adopté Naguere en Philosophie*, *'Prejuges, devant la loi'* and *'Economimesis'* are intrinsic to the ongoing evolution of deconstruction. In these essays and books, Derrida's work marks a shift towards his later 'analogical' form of deconstruction (based on the images of fire, ash, flame, ghost and spectre.) Similarly, Luc Ferry's *Homo Aestheticus* depends upon his work in collaboration with Alain Renaut and against the thinkers of May '68. For Jean-Luc Nancy and Jean-Francois Lyotard, the influence of their work on Kant is even more important: it marks a turn in their philosophies. Nancy's collection of essays on Kant in





*L'Imperatif Categorique* (the main essay of which is included in this journal) prefigures his moves to distance himself further from Heidegger (in his recent *L'Experience de la Liberté*.) Lyotard's book on Kant *L'Enthousiasme* (that owes much to Nancy's reading of Kant's critical philosophy in *'Lapsus judicii'*) is the prolegomena to his excellent *Le Différend.* In a sense, the philosophers have pushed each other into stark definition over their position on Kant and subject based humanism, this effort has had a beneficial effect on their more solitary works.

3. Because the Kantian research influences the development of the French philosophers' original philosophy, and because that research undergoes an evolution due to the debate opposing conflicting philosophies, the Kantian interpretations issuing from the arguments can also lay claim to originality. This is true on two counts: the first, more banal point, is that a study of the debates will reveal how late twentieth-century continental philosophers handled the challenge of a crisis in humanism through an appeal to Kant's critical philosophy. Of course, this does not guarantee originality to the specific theses proposed by these philosophers - their work could be merely of historical interest and devoid of new angles in Kantian interpretation. The second point, however, runs counter to this conclusion (with one proviso: we must ascribe a philosophical value to the works of Ferry, Nancy, Lyotard, Derrida *et al.*) If current French philosophy takes its place in the philosophical order, then what is specific to that latest addition to the evolution or dissolution of the subject will leave its mark in the Kantian work. The question of the merit of the debate as a whole turns on the standing of the participants. This is, of course, a question that I will not answer here - other than suggesting a few possible reasons for elevating Derrida, Nancy, Lyotard and their foes above the dross. First, the style and presentation of their philosophies recommends them to us: there is an eclecticism in their work which gives it literary, political and experiential resonances lacking in more staid philosophies - no doubt this richness owes much to lessons learnt from Nietzsche, Benjamin and Bataille. Second, there are two obsessions in current French philosophies that condition their analyses of Kant's critical work: for them, *laws can never be universal* because *matter is always unpredictable*. Here, we find the influence of Derrida's *différance* and *revenants*, Lyotard's *incommensurabilité* and *differends*, and Nancy's *fictions* and *evenements*; we also find Ferry and Renaut's counters, *a minimal reference to legitimacy* based on *consciousness pared down to nothingness.* These obsessions allow interpretations to stray from constraints of textual

honesty and into the realm of genetical appropriation. It is farcical to speak of correct interpretations in this context; after all, that obsolete measure is itself the manifestation of an unhealthy obsession with the legitimacy of parentage.

4. Finally, if this debate is worthy of our attention, then it should also force us to become involved, to take sides. This is what differentiates philosophical and scientific observation: in philosophy, to be neutral or to claim objectivity is always to miss the point. To describe a conflict and yet to remain on the sidelines is to admit either that the conflict is over - and hence devoid of philosophical life, or, that we have no part to play in the debates - in which case why bother with them? The position taken in this account, but left in the background, undeveloped, is that every 'subject,' name, person, rigid designator, signifier, signature, is the result of a constant interpretative re-evaluation itself devoid of a single unifying subjective presence. This fact covers the self-affirming reflexive subject, the "I" of the Cartesian *cogito* or the "I think" in Kant's Transcendental Deduction. A minimal consciousness is as paradoxical as an endless deferral.

## Notes

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2) Kant, I., *Critique of Pure Reason*. Macmillan, 1985.
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4) Sollers, P., *'Joyce et cie'*, in *Tel Quel*, vol. 64, p. 20.
5) Ferry, L. and Renaut, A., *Heidegger et les modernes*. Grasset, 1988, p. 206.
6) Sartre, J-P., *'Sartoris'*, in *Situations 1*. Gallimard, 1947, p. 8.
7) Sartre, *'La temporalité chez Faulkner'*, in *Situations 1*. Gallimard, 1947, p. 79.
8) *Ibid.*, p. 80.
9) Faulkner, W., *As I lay Dying*. Chatto and Windus, 1958, p. 38.
10) Ibid., p. 60.
11) Ferry, and Renaut, *La Pensée 68*. Gallimard, 1958, p. 59.
12) *Ibid.*, p. 281.
13) Derrida, J., *'Les fins de l'homme'*, in *Marges*. Minuit, 1972, p. 145.
14) Derrida, *D'Un Ton apocalyptique adopté naguere en philosophie*. Galilée, 1983, p. 53.





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# LAPSUS JUDICII

***Jean-Luc Nancy***

What happens when philosophy becomes juridical? What happens when philosophy becomes juridical not in the sense that it takes right as one of its objects, and undertakes a reflection or meditation on that object (although we should remark that *by right* philosophy cannot do without such work), but in the sense that philosophy itself, as such, institutes, determines and presents itself according to the concept and in the form of juridical discourse (juridical practice). That is, in the sense that philosophy *legitimates itself* in a juridical manner. What is the stake, the nature, the validity of this operation that takes place independently of any 'philosophy of right'? What happens then to philosophy and right?

The question is a strange one. In historical terms it could be put thus: what if Athens presented itself in Rome and as Rome? That is, precisely, if Rome were only Rome by being that which is excluded from Rome in order to constitute it? For, without qualification, Rome can be designated as the substitution of right for philosophy (this could be proved by the history of education alone, rather than by the official history of philosophy).

In historical terms the question would therefore be: what happened in Rome when philosophy *passed away* into right?

Is it a coincidence that the philosophy knowledgeable in its own history - that is, once and for all, the Hegelian science - recognizes in the moment of Roman right the very negativity of the Self, the corollary of which is philosophical scepticism (that which *barely* belongs to philosophy)? Negativity is understood here as blocked in on itself and deprived of dialectical fecundity: the Self faces "the loss of its essence[1] in 'the equivocal universal confusion' and the 'mutual dissolution' of consciousness," designated in Roman law as *persons* (*Person* in the German text: the Latin *persona*, mask and anonymity), that is, designated with disdain. *Persona*: this Latin concept (this Etruscan word) is a strange figure that undoes the figure, the *Gestalt* of the Self - its form and comportment. Despite the fact that, here and elsewhere, the Life of the Concept arises from the "state of right," this





state remains a pure or rather most impure loss of substance and consciousness. Spirit - philosophy - passes it by, instead of passing through it.

Yet there had already been a repetition of Rome in the movement preliminary to Hegelian science. With Kant, philosophy became juridical. This is so well known (in and since Hegel) that it is even claimed that it became jurisprudence, a formal discourse, formalist and procedural. It is almost as if Kant were the Chicaneau of philosophy, and for many he is. In philosophy, it is Kant who prompts the question: what happens once philosophy becomes juridical, once philosophy announces itself as jurisdiction?

The question is thus double, and doubly heterogeneous. If philosophy is Greek, it is the *Latin* question of philosophy; if Rome is the dissolution of philosophy, it is the *philosophical* question of Rome. Let us try to approach it through as short as possible an explanation of this reciprocal implication, even if this requires a petition. Insofar as such a petition can be *justified*, this will be done after the event through an examination of the Kantian operation taken on its own terms.

If Roman right takes the place of philosophy, or gives philosophy a mask, it might also be because, in Rome and from the time of Rome, metaphysics presents itself by right. A *Latin* discourse, the juridical discourse, would therefore be intimately woven into the *Greek* discourse of metaphysics.[2] (Nor should we miss the chance of complicating the issue through an analysis of the fact that discourse is already a Latin concept; but we must cut a few corners here.) Having occurred within the logos as well as outside it, having occurred 'within' *as* 'outside,' Latin jurisdiction would formulate a discourse other than that of the *logos*. But, as a substitute for that of the *logos*, Latin jurisdiction takes its place and affirms its right: no *jus* without *ratio*. It has therefore (always?) been claimed by the *logos*, and, insofar as this latter must pass into its own history, it is also the *logos itself* that is enunciated.

What is the juridical discourse? In the Latin world - that is, as we have seen, here and now, *hic et nunc* - this predication condemns us to tautology. The repetition of certain well known facts on the subject is unavoidable. Jurisdiction is the event of *saying* the right. This saying is inherent in right itself - as, reciprocally, right must be inherent in saying, so long as an element of *codification* is set in the language, and so long as the statements formed in it must be *just*, that is, *judicious*: and that is the logical duty, role

and right of 'saying'... The fundamental entanglement of right with speech (and, inevitably, through speech, language) is what constitutes the Latin discourse. *Discourse* - statement *and* reason in the language of the XVI Century - is engendered in place of *logos* and by the coupling of *jus* and *dictio* in the twin production of the judiciary and the judicious.

*Dictio* somehow forms *judgement* itself prior to its own formulation. *Dicere*, is to show, and to be able to show, discern, fix, establish and point to that which one determines (*indicere*). The Latin saying operates by judging, it is constitutively juridical: *causam dicere*, is to establish and show the cause, to plead. Hereafter, discourse will only show things by pleading causes: this is the program that Kant is left to put into action.

Jurisdiction is not added to the *jus*. At the very most it makes it explicit, but only as a last resort does it institute it. The *jus*, one could say, to employ Hegelian terminology (if that terminology were not irrelevant here), is clearly not a spoken thing: it is "the maximum space of action or claim resulting from the natural definition or conventional statute of an individual or a group."[3] But this space must *ipso facto* be "defined with great precision in all cases"; further, "the enunciation of each *jus*, the formula that sets its limits and guarantees it within those limits, is essential." The form of this (other) determination of the logos is not the *idea* (nor the concept), it is the *formula*: that is, the "minor form." *Formula* is itself a juridical term: it is the putting into form necessary for the implementation of an action to satisfy the terms of right. To formulate, to enunciate, is to homologate according to right. But right in itself *and for itself* only exists properly through formulation and as formulation.

The *jus* is pronounced essentially of a subject: but a subject that is less a substance (as Hegel says, it loses that aspect) than a power of action and of claim (capacity, will, desire, ability, faculty - but always of right). This subject becomes reality less by its presence (proper figure, *Gestalt*) than by the contours of the space that give it figure and identity: the cutting out of the *persona*. Again, this (juridical) person or personage is a formulator, allowing the voice to resound and carry afar: if the popular etymology of the word - the *per-sonat* mask - can be added to its Etruscan origin (= the mask). (The subject of) right is thus the thing whose property is established and circumscribed by the power of the voice (or, more accurately, of the loud-hailer, a vocal artifice). This power is itself artificial and theatrical: (the





subject of) right establishes itself - or enunciates itself - on a nothingness of being and nature.

That which is enunciated by the judge - *judex*, one invested with the power of jurisdiction - is therefore the formula that says or makes right by instituting the relation of the law to the case *hic et nunc*. The inherence of the saying to right corresponds to the specific statute that could be summed up thus: fortuitousness is the essence of right, casuistics is the essence of jurisdiction. *Casus* is the fall - the fall into or through chance, contingency, the fall according to the *encounter* (that makes the judge as well as the crook): this is the accident. The 'essence' of right consists in a singular relation of accident to essence. *By right*, the law should be a universal code, the definition of which implies the cancellation or reabsorption of all chance. The case *must* be foreseen. *In fact* (but this fact is constitutive of right, it is the fact of jurisdiction), cases must be *referred* and legitimated case by case. This necessity does not depend on the pure and simple accident of an indefinite diversity of empirical cases (*personal* situations) that would forever go beyond the unavoidable limitations of the forms of the law (itself of a quite empirical nature). It is the necessity of the accidental. Or rather (because it is a question, here, of a certain *aporetic* relation of metaphysical and empirical necessity, the necessity of the factual, the effective, of events *as such*), the juridical order is the order instituted through the formal - in all senses of the word -, taking the accidental itself into account without, however, *conceiving* of its necessity.

This implies that jurisdiction is articulated according to a twofold structure. On the one hand, it enunciates the right of the case, and thereby turns it into a case. Jurisdiction therefore subsumes the accidental and picks it up from its fall (*sublates* it); jurisdiction as sublating (*aufhebend*) proceeds in the same manner as the Hegelian Concept. On the other hand, jurisdiction enunciates the right *of* this case and *in* this case. In some sense right only exists through the case, through its accidental aspect. Even though the classified, domesticated case (*casa*, the house, bears no relation to *casus*) is picked up from its fall, it has nonetheless tumbled into its own fall. The case 'is' a fall: the fallen is sublated, the fall itself cannot be picked up. The logic of the case is to tumble or slide in upon itself: the logic of the relapse. In terms of canonical law the case, even the judged case, is always *lapse* and *relapse*. The case (we shall show) also takes on that other Latin name for a fall - *lapsus*.

Thus, taking the accidental as such into account would be definitive of the Latin discourse of philosophy: never completely Greek (logical), nor completely German (speculative). As for Kant's predilection for Latin, we shall see that it, too, is no simple accident.

As cases are not only unforeseen, but unforeseeable, and as right gives itself the case of its own enunciation, so juridical discourse shows itself to be the true discourse of fiction. The prominent role played by the notion of 'juridical fiction' in and since Roman right is well known, but this is not the place for its analysis. It is enough to indicate three registers through which juridical fiction can be invoked: the register of the school exercise, where dealing with fictitious cases (possible cases, although not fact and even improbable: anything can *happen*) forms us in the handling of jurisdiction; the register of the constitution of a juridical case for a reality that by its very nature evades such a move (if you like, the creation of a reality of pure signs); the register of Roman right called *fictice* through which the law is extended to a case to which it does not apply (the illegitimate extension of the legitimacy of the sign). According to this summary division fiction would only represent a given number of type cases in the exercising of right. However, in order to produce these, right must have the generative capacity of fiction.

In effect, the relation of law to case - the relation of jurisdiction - means that *no* case is law, and a case only *falls* under law on the minimal condition where the law is said of it. The accident - that which happens - must be struck with the seal of law (of the enunciation of the law) in order to be at all: constituted as a case by right but as yet not judged. The case must be modelled or sculpted (*fictum*) according to right. Juri-diction is or makes juri-fiction. The law and the case only come before right so long as they are modelled, shaped - fictioned - of and in one another. But this necessity involves a radical implication: the installation or inauguration of right must in itself and as such be fictioned. As such, the jurisdiction must be enunciated: each year, the 'pretorial edict' formulates the principles according to which right will be said. Right repeats its installation with the investiture of each person taking[4] the right to enunciate it (the imposition of the toga and the mask). The *persona* and the *edictum* of the judge are forged of the same *fictice-gesture*: here, right says itself for the case where there can be no prior right, this is the *case of right*. (When Hadrian laid down a 'perpetual edict,'





there was no longer the fiction of the judge: in effect, the installation of right is from then on handed over to the State...)

Insofar as one is aware of *fiction* in Latin discourse, it has in principle nothing to do with the value we habitually associate with that word - the mixed Greek values of *poiesis*, of *mimesis* and *phantasia* concentrated in the German *Dichtung*. *Dichtung* composes a world; by definition, it excludes the accidental case-like structure - as does the world of metaphysical theoria. If poetry fictions, it is as theory: a vision producing its visions. In contrast, (juridical) fiction composes *with* a world, with the accidental event-like actuality of a 'worldliness' that the law neither produces nor sublates. If anything can happen in *Dichtung*, it is because it produces the unlimited field of its own production; if anything can happen for right it is because there is always something exceeding the limits of its spaces. Each time, the fiction shapes the meeting of the universal and the particular, the meeting of necessity and contingency - and this in such a way that what is shaped carries the indelible mark of the *case*, as opposed to the Hegelian synthesis where this mark is always already carried into the dialectical erasure of all its distinctive traits, right up to its complete resolution in the Concept, beyond all figure. The *figura* (which, like *fictio*, comes from *fingo*) can in no way come to pass or be overtaken: it constitutes the specific order of the *persona*, of the *formula* and of the *dictio*. In saying right, the *judex* always says both that the reality of the case is in right and that its saying fictions or figures that 'being' of the case. One is tempted to say that the juridical order fundamentally arises from a cynicism of fiction, of a 'bare faced lie.' One makes *as if* (the Greek word for fiction is *hypocrisis*) - which is one of the principal motifs introduced to philosophy by Kant.

The poetic operation - at least as it is understood by metaphysics - consists in bringing into effect the putting into work (the *energeia*) of sense. It involves in its very principle the resolution of figures, that is, of the signs of this sense - or, which boils down to the same, the creation of a pure sense beyond all signs. "*Veritas nullo egeat signo*," declares Spinoza. From this point of view Leibniz, Hegel and Mallarmé obstinately insist on the same *poiesis* (*poiesis* itself). This is the *autonomous* operation par excellence (in Greek; autonomous, that which gives itself its own law) and it presupposes the sovereign autonomy of its subject.

Barely an operation[5] - the juridical act puts into form or figure a fact whose essence or sense in principle falls outside that form. It deliberately institutes the parting of the sign from the thing; better, it is the act of that parting or separation - above all, insofar as its agent fictions itself into the *person* of the right to say the right.

It is tempting to conclude that by virtue of this auto-diction (but can we speak Greek and Latin at the same time?) the *judex* is equivalent to the poet and hence, the theoretician. More precisely, we shall say that the juridical person figures that which happens - *accidit* - to the subject of the poem (or) of knowledge, even to the extent that this subject thinks himself as, and wants to be, the origin and the propriety of an absolute right: the right of creation, or the right of truth, that is, the right whose "space of action or claim" is total, without limits, and which, therefore, escapes the limiting, localising condition of right.[6] Right always proceeds via a delimitation to a localization, that is, a dislocation. What happens to the subject is its dislocation: the limit of its own figure. The accident or event affecting the subject is the case of the absolute subject itself. The implication of jurisdiction is that the origin is a case, or, that the inaugural right involves a 'space' and hence a delimitation; and this is what contravenes the *logic* of the subject. The loss of the substance of the Self is equivalent to the de-finition of the person: that is, to finitude. What is more, the person is neither the subject nor the seat of right, except where the magistrate concedes it, according to the case, the judiciary *action*: one does not say *jus in personam*, but *actio in personam*.[7]

The juridical person is determined in the accidental, in the fictitious and (hence) in finitude and thereby forms the inverse of the subject.[8] This is why its determinations are gathered in the 'subject' *of the enunciation* (we have seen that, since right is what is said, this subject can also only be the subject of what is stated). The *person* is one who states - whether in the mode of prosecution, defence or sentence - and who states himself, but in such a way that this 'self' is not a substantial identity. What is said is the enunciation of right; it is not the 'personality,' but the *judgement* of the person.

With judgement, right implicates us once again in philosophy. Or rather, at the same time as right took the place of philosophy, philosophy began discreetly to saddle right with a problem engendered within Greek discourse.





Judgement - as much a logical or philosophical statement as a juridical one - is distinct from the concept. The subject of conception is physical or metaphysical, poetic or theoretical: it is always the subject that *conceives* of the thing, and that conceives itself whilst conceiving the thing. It does not signify it, but engenders it or produces it, and if the subject 'sees' the thing (in *theoria*) it is again, as Aristotle says, in the manner of light producing colours.

Greek discourse has no term of its own for judgement. In some sense, as we shall see, *judicium* - juridical word and the term of jurisdiction - can pass for the Latin philosopheme par excellence. Its Greek precedent is *krisis*, a more 'practical' than 'theoretical' notion denoting discernment, choice and decision, and with a connotation more moral-political (or technical and in particular medical) than properly gnoseological.

However, in the stoic theory of the sign, *krisis* not only becomes gnoseological, it even becomes determinative of the 'gnoseological.' The *kriterion* is the distinctive sign, the mark or imprint corresponding in effect to the proper character of the thing. The thing is not given or produced of itself in or by the subject - it is known by its criterion, which distinguishes it, marks it out and thereby apprehends it: this is the *phantasia kataleptike*, the 'comprehensive representation.' Yet one has still to acquire or recognise this criterion, to avoid attributing signs incorrectly under the influence of *pathos*, so letting in *phantasia*'s bad twin, *phantasma*. And one has then to *krinein*, to discern the proper signs (the *idiomes*) correctly. With the theory of the sign there emerges at once; 1/ the *pathological* possibility of error, of the accidental occurring within knowledge rather than as the lack of knowledge as such; 2/ the role of *decision* regarding the correctness of the sign (of a gesture 'added to' the *logos*); 3/ the role of enunciation, at least as the attribution or predication relating the sign to the thing.

The decision enunciated in order (in principle) to part any *pathos* from the *logos* will be transcribed by the *judicium*. Right will have prepared the concept for the absence of conception - or for unnatural, non generative, conception. The concept furnished by the sign is not the flowering of the thing itself, it is the imposition of its idiom conquered from the danger of a fall into phantasy - the idiom, therefore, always has to be conquered and is always in peril. Uncertainty is constitutive of judgement - because the *adjustment* that is its task in itself essentially involves a division: "The point

of view of judgement is *finitude* and, from this point of view, the *finitude* of things consists in the fact that they are a judgement, insofar as their presence and their universal nature (their body and soul) are unified, without this things would be nothing. But also insofar as these moments that are theirs are already so distinct that they can be, speaking absolutely, separated." (Hegel, *Encyclopedia*, Sec. 168).

Thus, the *judicium* will take the form - via the Augustinian tradition and the interpretation of the scriptures (an interpretation that itself has stoic origins) - of the particular part of an appraisal or estimation whose establishment will be fallible and personal, and yet whose outcome will nonetheless be indubitable. By way of the scholastics and *critica* (the part of *dialectica* concerned with judgement), the *judicium* will take the form of the intellectual act of *compositio*, in opposition to the *intelligentia indivisibilium* that constitutes conception. *Compositio* implies primarily assembly, shaping, fiction; there is always *hypokrisis* in *krisis*.[9] Then (which is the same thing), it implies the positioning, the imposition of the sign in place of the thing thus figured, the investiture through the sign and handed down to the sign of the right to say the thing.

The order of judgement is made up of the multiple, the uncertain and the unequal. *Opus incertum*, as the Latins said of architectonic works made out of irregular stones: a judgement must be made as to how to adjust them because the order of construction is not given in advance by the constitution of the material. Judicial work is an *opus incertum* by its very essence. Kantian critique, as constructed upon judgement, is the *opus philosophicum incertum* par excellence.

*Judicium* is not equal - better: it is founded on inequality. If *ratio* is equal for all, judgement varies from one person to another.[10] At bottom, it is already with this distribution that the *Discours de la méthode* opens, and so installs the incredible metaphysical right of truth as certainty - of truth as the subject's enunciation of its own substance and of that substance *as itself constituted by the ego's enunciation*. The *opus incertum* is at work prior to Kant, from the advent of *certitudo*. What happens to the *logos* then is shown by the Port-Royal *Logique* (or "*art* of thinking"): the *logos* becomes entirely a "logic" of judgement, of its fragility, of its straying, of its education and of its rectification, in short, of its misconception. The whole treaty of reason becomes a review of those *cases*, an enterprise correcting *lapsus judicii*: by





right an infinite enterprise because the *lapsus* belongs structurally (if we cannot say essentially) to the *judicium* - henceforth, judgement qualifies man's natural state of mind: "One's overriding preoccupation should be to form one's judgement (...). The little love men have for truth makes it such that most of the time they make little effort to distinguish what is true from what is false" (*Logique* of Port-Royal, first discourse).

Throughout the history of judgement, right has in some way given back to metaphysics what belongs to it. It has returned *ratio* to it - reason henceforth restored to the separation of signs and the composition of figures; and it has restored the *judicium* to it - the enunciation by a mask of the law of the law's fiction, and of the limits of the law's validity.

It is at this point, finally, that Latin discourse can no longer avoid holding for itself the Latin discourse *of* philosophy: Kant opens the tribunal of reason.

The above formula must be taken literally. Clearly, we understand that it can no longer be a matter of calling up *metaphorical* values from the juridical apparatus with which Kant equips his discourse. Instead, it is a matter of seeing it not as a figure, for the "tribunal of reason" is very often taken to be merely decorative of Kant's discourse, but as the very conceptuality Kant puts into play. If the order of the figure is to be taken into consideration here, it will be in the sense that the entire discourse of metaphysics is determined according to the fictioning structure of Latin right.

Moreover, it is the famous text of the "tribunal of reason" that demands all our attention. We only recall this to the extent that this text opens - at the same time figures and formulates - the entire procedure of the *Critique of Pure Reason*.

The first preface (1781) introduces the *Critique* by way of a juridical history of reason. In its dogmatic age, metaphysics began as *despotic*; its internecine struggles threw it into *anarchy* (two forms, thus, of illegitimacy); a "*physiology* of the understanding" (Locke's) was thought to have put an end to this, but, when this latter was *usurped* (because purely empirical), "everything fell back into the old dogmatism" before sinking into indifference. Yet this indifference is "a century's mature *judgement*," insisting that illusory knowledge be finished with. This judgement thus entreats reason to "take on once again the hardest of all tasks, the one of knowledge itself,

and install a tribunal to guarantee it in its legitimate claims and condemn it in all its foundationless usurpations, not in an arbitrary manner, but in the name of eternal and immutable laws."

Accordingly, this history consists in the rejection of the models of power and of nature in favour of the model of law. Right is neither *arche* nor *physis*; it is primarily *reason*. However reason in its maturity (which cannot be treated as simply natural) is primarily *judgement*. Here, judgement precedes everything - it is judgement that calls for the tribunal. And yet, it is not a founding or originary instance; it is the late derivative of the erring of metaphysics. To this extent, the founding *logos*, the *logos* that says 'know thyself,' undergoes a radical conversion, in that its root is broken. To know oneself becomes to judge oneself; to judge oneself presupposes that we have at our disposal our own "eternal and immutable laws"; but the history of reason - and no doubt the very fact that reason here presents itself *as history* - belies that these laws have ever been given in metaphysics. The tribunal can only put into effect a sentence passed according to these laws at the same time as it puts into effect the laws themselves. This judgement of judgements is the edict of the praetor of metaphysics: it says the right of the right to say. Yet, as reason puts itself in the place of the absolute praetor,[11] it is at the same time affected by juridical contingency - and in two ways:

1/ because reason must judge itself, it is itself a *case* in the sense of a withdrawal from right or a lack of right;

2/ to that extent, and if reason must take its right only from itself, its jurisdiction can only be 'absolute' within the paradoxically accidental institution of its tribunal: it comes out of a history that is neither natural nor metaphysical, a history that far from being ordered by the growing fecundity of the concept, is instead disturbed by the growing entropy of reason itself (a true *History* can only commence from critique).

Instead of having an essence - which would be to know itself - reason suffers an accident - which is to have to judge itself. Reason comes across its own case - the case of the judge.

Of course, we will learn in the *Critique* that there is a model for the tribunal, or at least that there is a criterion according to which it is possible to judge: the second preface concentrates on this. The "sure route of science" has been





shown by mathematics, physics and chemistry - and critique consists of making metaphysics take that route. However, the law thus invoked[12] does not make jurisdiction as such obsolete. The law does not *found* the tribunal, but rather leaves it the - infinite - task of *justifying* itself. This can be shown, in short, by three motifs:

1/ The mathematical-physical sciences are not and do not constitute metaphysics. In no way does Kantian philosophy tend towards epistemology (which only aims to reproduce the rigour proper to scientific discourse). But Kantian philosophy also handles itself in a completely different way from the Cartesian *mathesis*: which, via the 'envelope' of 'vulgar mathematics,' designates a universal science that is their soul or kernel. Instead, Kantian metaphysics forms *another* science, appealing to the instituted sciences as to analogical models (indeed, in the 'analogies of experience' the mathematical analogy can do no more than furnish an analogical model for the philosophical analogy charged with the task of thinking the unity of experience.) Thus the exemplary character of the sciences does not prevent them being heterogeneous to metaphysics. The analogism traverses this heterogeneity - but this is a fictioning gesture, not a gesture of identification. Kant does not have a theory *of* knowledge: he *does* theory insofar as it has lost knowledge.

2/ Without doubt reason sees itself at work in the sciences. In this sense it has always already recognized itself; from the beginning it always masters its own rationality, and does not have to *judge* itself.[13] Nonetheless, there remains the fact that these sciences are equally lacking reason. Not that they still need to be founded by philosophy in order to be sciences (this interpretation is the symmetrical double error made by the 'Neo-kantians' and the 'epistemologists,' who commend or blame Kant for the same bad reason[14]). It is precisely the self-consistency and autolegislation of the sciences that qualifies them as models; most especially, there can be no other adequate and autonomous presentation of an object than mathematics, and, from this point of view philosophy is quite unable to match it. Sciences lack reason because reason *as such* cannot be found in them; hence reason must judge, decide at one and the same time upon its own rationality insofar as it cannot not be at work in the sciences *and* insofar as in itself it is not a science. This is the *properly juridical* sense of the critical question (that neither founds, nor explains nor interprets, nor verifies, nor sublates - but dubs all those senses, or, as in navigation, sails as close to them as

possible...): "How are synthetic *a priori* judgements possible?" - given that *in fact* there are such judgements; this is a question *of right*, and the question *of* right itself. In no way does the famous "*Quid juris?*" that opens the 'Deduction of the pure concepts of the understanding' signify that the sciences will be legitimated (they need no such thing)[15]. It signifies that reason will be given figure, and clearly therefore that it does not have figure, or has lost it, or does not yet have it.

3/ The analogical model that reason finds in science - the model it *falls* upon - is already the model of the tribunal. What is shown by Thales, Galileo, Torricelli and Stahl (to recall the most celebrated page of the second preface) is the juridical figure of reason: "Reason, holding in one hand its principles, according to which alone concording appearances can be admitted as equivalent to laws, and in the experiment which it has devised in conformity with these principles, must approach nature in order to be taught by it... [in the character of] an appointed judge who compels the witnesses to answer questions which he has himself formulated."

As we can see, it is not the operation of the scientific law as such that is at stake here, but rather the gesture by which its 'subject' institutes itself - precisely insofar as it is not the subject of Cartesian metaphysics (the subject of which *is* science) and so insofar as the subject perhaps *is* not absolutely, but is instituted in saying right.

There is a double stake to this jurisdiction:

1/ It leads to a fictioning, whose principle is given by the first model: the mathematical model, more precisely, the model of geometry, whose "shining example"[16] never ceases to accompany the critical enterprise. "The true method [for demonstrating the properties of the isosceles triangle] was to... bring out what was necessarily implied in the concepts that he [Thales] had himself formed *a priori*". The *construction of the figure* is thus the matrix of legitimacy that must be assigned to reason. It would be wrong to understand this as a play on the word figure (unless the whole of Kant's text plays on this word); through its outline[17], the tracing or the modelling of its "*a priori* representation," the geometric figure as such constitutes that upon which reason insists: the *presentation* of the concept in intuition. *Figuration* is the fundamental *prerequisite*. What is more, the triangle will be the primary model for the *schema*, that non empirical *figure* given the task of providing





concepts with *significance*, and hence of putting judgement into effect. A non empirical figure, the schema is nonetheless figure; it is precisely *not* the intelligible property of an empirical image, and it is not called *schema* "by imagery." It is the form or condition of a cognition that can only take place in the figural, or whose *right* is coextensive with the trace that models figures. The signification takes place within a *significtion* (the union of the concept of intuition, shaped in a figure and as a figure). This is signification as jurisdiction: it refers, enunciates the concept's space of legitimacy (first of all enunciating for each case the very - non empirical - possibility of enunciation), the space that traces the sensible, phenomenal condition of figurabilty. In the *Critique* (in philosophy that has become juridical), to say right is to say the space of the figure in general - of phenomenal fiction (phenomenal fiction is that which replaces the *poiesis* (or) *mimesis* of the 'thing itself'). It is therefore to say space as such and for itself (to say the outline, the contour, the *limes* of and in reason), or, with help from vulgar Latin, it is *to say the spacing* of the rational *space*. This jurisdiction says juridiction itself.

2/ But the jurisdiction that is to be established is the jurisdiction of philosophy. And philosophy cannot aspire to the direct *presentation* characteristic of mathematics, for this is possible only insofar as mathematics does not involve the *existence* of things. That philosophy be required to know of that existence - of the actuality and multiplicity of that existence - would imply in the first and last resort that it could present the totality and unity of experience. In effect, this is what it must do, and what, in principle, it cannot do; for reason is not the *intuitus originarius*, for which the production of the thing and presentation of its face go together. Philosophy can thus never proceed to the "ostensive construction"[18] of geometry, that is, to use that word again, to pure *spatialisation* (or figuration), within which the intuition is isomorphic and contemporary to the concept. Philosophy must judge as to the legitimacy of the figure, that is, reason itself must trace the space of its own right. Such a gesture would be indistinguishable from the sovereign gesture of the absolute institution of right in general (of its foundation in being), *if* the condition imposed upon it were not precisely the non originary position of reason: reason is subjected to "the *a priori* forms of sensibility," to wit, space and time. Time, the *a priori* form of the 'subject,' does not present itself: it can only be figured through space ("because that inner intuition does not furnish us with any figure (*Gestalt*), we seek to rectify that lack through analogies and we represent the passing of time as a line...");

these brute facts from the Transcendental Aesthetic that opens the *Critique* encapsulate the whole problem. They mean that reason is submitted in advance to the condition of the figure: reason cannot create its own *limes*, it can only define itself within a limiting statute. The ontology of *finitude* is thus specifically involved in this *case*: ontology falls under juri-diction.

This is why the *Transcendental Doctrine of Judgement* is the decisive moment of the Analytic. Concerning judgement, the introduction to that "Doctrine"[19] distinguishes transcendental logic from formal logic. This latter "cannot give precepts to judgement," since it only gives it its forms and cannot prescribe their application to the contents, that is, "work out whether a case belongs to it in *concreto*." The judgement of the case, and hence the judgement itself, depends upon a "particular gift that cannot be learnt but only applied." According to a "logic" that has now been defined, judgement - judgement in action, said by the person judging - itself constitutes a case: one that is not necessary and hence neither predictable, nor programmable, nor teachable. This judgement is not safe from accidents, from the errors of judgement so easily committed by "a doctor, a judge or a statesman" (those who practice krisis). It is thus by chance that a case is well judged (the word comes from casus).

The transcendental logic mends this fault: it is capable of "guaranteeing judgement by set rules," and hence it defines the task of philosophy and concentrates it within itself. Philosophy cannot "give extension to the understanding" (it cannot provide space), but, "as a critique that prevents errors of judgement (*Lapsus judicii*) in the use of the small number of pure concepts given to us by the understanding, philosophy shows all its acuteness (although its use is only negative)." Hence the *Critique* comes to stand at the foundation of right; it is given the task in principle of saying the right of right, and of extracting *jus* from the fortuitousness of its *dictio*.

Yet, *this very founding operation is the juridical act par excellence*: here we are before the tribunal, at the heart of critique as such. For this reason, as the jurisdiction of all jurisdiction disengages from all juridical statutes (setting itself up as *privilege*), so, *by the same gesture*, it carves into itself the infinite fault wherein it falls continually upon its own case. In other words: because philosophy thinks itself - *says itself* - in terms of right, its thought (if thereafter it thinks anything other than itself at all) is ineluctably structured





(or affected) by the *lapsus judicii*, by the slippage and fall that are an intrinsic part of the substance fault within which jurisdiction takes place.

To conclude these notes, we shall examine, here, only the first operation of that constitutive and permanent *lapsus*: that which concerns the very principle of critical jurisdiction.

In virtue of the claims it announces (of the right it takes for itself), what is proper to transcendental logic is the ability to "indicate *a priori* the case wherein the rule can be applied," "and from outside the rule." Thus it is precisely to eliminate the fortuitousness of the case and to forge the contradictory notion of a jurisprudence that owes nothing to experience.

Moreover, is it not by the motif of jurisprudence that this operation has been accomplished in the *Critique* - by the juridical concept of *deduction*?[20] 'Jurisconsults' call 'deduction' the proof responding to the question '*quid juris*?' The deduction is the establishment of right: the transcendental deduction of the pure concepts of the understanding must establish the right of reason *in all cases*.

This is what the deduction has done, eventually establishing that the understanding "is itself a legislation for nature." Thus withdrawn from any external limiting condition, each time the understanding comes to judge, it falls upon its own case, the case of its investiture as 'legislator.' In the schematism, if judgement insists upon the union of intuition and concept, if it insists upon *figuration*, it is because the very subject of legislation is only presented to itself as figured, *spatialised* in general. By right all cases are resorbed *a priori*: but here the *a priori*, that is, right itself, is *formed* by the condition of sensibility - and in fact it is only in this way that it can allow jurisdiction to take place. The *a priori* is dis-locating. Right consists in the statement of the *spatiality* of its subject. And, for the same reason, its subject is nothing more than the enunciation of that statement: I "am" right, I am the limitation of my own statement. The right of this subject is the figural, delimiting outline of signification in general. The outline is that of a limit "internal" to itself, a frontier falling "within" reason - between the concept and intuition (or again, between the concept and its conception). It is in fact this tracing that separates the "subject" of right from the whole of its interiority, that stamps the subject with its figure, and that *subjects* it to this

figure as it draws its *persona*; thus, in the case that says right for all cases it is the *persona* of the judge doing the talking.

The final result of the *Deduction* is given in the unity of apperception (the 'I') to which representations must be gathered in order to constitute a single experience and be capable of having a *meaning*. Here, right calls for the condition *sine qua non* of its subject (the tribunal judges that it requires a judge to preside over it): in answer to this demand, critique can only do right by way of the (re)presentation of a *persona*. Regarding the "transcendental consciousness" called for in this way, Kant declares: "That the representation be clear (...) or distinct is of no importance here: it is not even a question of the reality of this consciousness; but the logical possibility of all consciousness depends on the relation to that perception as to a *faculty*."[21] / the judge is the fiction of a legislative figure - of the figure that traces and fictions spaces in general.

We need not have any qualms, therefore, over the *lapsus* of signification to which the French word *arealité* [spacing] lends itself: to say the subject of right, is to say it as space, limit and figure, and it is also to say the small measure or lack of reality of the person representing right, the person who enacts it or puts it into play. The transcendental unity of the judge as reason consists in the saying of that person.

'By right,' every effort is made to guarantee that *lapsus judicii* are avoided. 'In fact' - but this fact is *the fact of right* - the guarantor can only guarantee his own figure or fiction as guarantor. What is more, the *Critique* will never stop reason from giving in 'in fact' to the *Trieb*, the impulse that leads it to judge "outside the limits of experience," and to forge the dangerous fictions of dogmatism (God, the self, the world). Further, and through this same gesture, the irresistible character of the *Trieb* of reason will be recognized and enunciated by the tribunal as the factual limit of its own jurisdiction. Only the moral imperative will be prone to making this impulse 'see reason': but this "categorical" imperative, the seat of ultimate jurisdiction, will only give itself under the title of *factum* of reason - which by right is not a title at all. The pure fact of a pure moral person will say the final right of a figured subject. It will say it as *duty*. The imperative says the duty of constituting oneself as *judge* (of the universality of my maxim) although it may be that no *case* conforming to this judgement can present itself in experience. But it is precisely *because* no such case presents itself that one *must* judge in all cases.





The imperative is factual, it takes on the form of an *accident* (of reason) because it is the only form that can be taken by the installation of right, which is never a foundation nor an auto-foundation. The imperative is *illegitimate*: that is how it makes the law.

When philosophy makes itself juridical, when in passes into right, its judgement is pronounced through the mouth of a person ceaselessly committing the same *lapsus*. That *lapsus* through which philosophy is revealed, justly, in its entirety (it reveals the cause, its cause, its thing, *res - nothing*) - saying, in its Latin discourse, *fictio* for *dictio*, or *dictio* for *fictio*, but always *significting* its right to say.

It is well known that right furnished the model and the ideology for the bourgeois state. But on condition of hypostasising juri-diction, turning it into an Essence and a Meaning. On condition of forgetting and repressing the 'essential' *lapsus* of juri-diction. It is not surprising that the state spawns a sometimes open, always latent, revolt over *the right to say* - the ultimate requirement of the right to say *the right of what is by right without right.*

And yet, at the time and place of birth of that state, there also appeared the resistance of a dislocation. In philosophy and as philosophy, this dislocation is the resistance anticipated from Kant to Hegel. No doubt, we have not seen the end of it, although nothing can be expected of a 'return' to a 'juridical reason.' Reason has surely not finished falling upon its own case. Anything can happen.

## Postscriptum

J-F. Lyotard has written a generous note on the topic of the above text (in *Rejouer le politique*, a collective work from the *Centre de recherches philosophiques sur le politique, Paris, Galilée*, 1981, p. 95). This note includes a discussion to which I must return (welcoming the, all too rare, event of true *disputatio*). Lyotard intends to put aside the motif of "fictioning" which in his opinion arises from "a problematic of the foundation or of the origin." I can only agree with him that Kant overturns the problematic of the origin "in favour of the question of ends" (I would also refer here to the text *'La voix libre de l'homme,'* written in the context of the colloquium and the question of The Ends of Man). It does not follow, though, that the *juridical* fiction (which I took care here to distinguish from the poetic

fiction, *Dichtung*) plays the role of substitute or surrogate for a dislocated origin (rather, I would suggest a little provocatively, that there is an origin and that it is dis-location). And so, by consequence, it does not follow that the juridical fiction leads back surreptitiously to the general metaphysical thematic of the origin. On the one hand, the exact role of surrogacy in general would have to be determined (and here it would be necessary to return to the logic of the *supplement* investigated by Jacques Derrida). Does the surrogacy "conjugate" the "fragments of an origin, being or subject", or, *as surrogacy*, and displaying its surrogate nature, does it show the fragmentation that it does not "conjugate": all this is said primarily with regard to the Kantian surrogacy. This Kantian surrogacy seeks also to *ward off* the fragmentation; Kant, after all, seeks to ward off the crisis that he himself opened, or that opened itself before him (and I do not think that Kant can be shorn of his *Aufklärer* spirit as far as Lyotard does: the key is to know of which 'Kant' one speaks). Yet - and this is what may be called the Kantian drift of ontology - surrogacy thereby inscribes in being the very fragmentation of being, that is, its end or ends - the question of ends, the end as question, and perhaps as beyond question: the end inscribed as the judgement of being. This also presupposes, on the other hand, that one cannot escape being. Lyotard himself cannot. He gives the "passages between 'spaces' of legitimacy" as "language *in the process* of establishing the families of legitimacy, critical language, without rule ..." Language - that is, if I have understood correctly, the difference between sentences - is defined "if one so desires" as "being without illusion." Lyotard is circling around being, around the naming of being. Who is not? And where from to determine *illusion*, if not from an exact and adequate point of view? And then, Lyotard emphasizes the "in the process of". This "process" (in all its verve) is unmistakably, irresistibly, a surrogacy; it is in process, neither finished, nor started, but *in place* it is in process. What is this place? Lyotard would no doubt say that the question is illegitimate. Let us say that he would be right. But what is it to be right? In the end, it is not a "language game" that decides this. What does decide it is not a game, and perhaps it cannot be enunciated. If it is not being, it is at least what happens *to* being, in fact, the truth of an experience, the judgement of a past. These are not 'sentences' that can be 'right' (although there is no 'right' without 'sentences'). Truth is not a sentence - and yet truth occurs. This means that truth is, but that "being *is* not," as Heidegger says. But in the end, Lyotard knows this - and that is why this *disputatio* is possible: it is regulated





according to a common concern (or by a common imperative) that is both behind and beyond our respective 'sentences.' This does not mean that there is no difference between them or that they can be exchanged.

## Notes

1) Hegel, G. W. F., *Phenomenologie de l'esprit*. Trad. Hippolyte, J. Paris: 1939, t. II, p. 46-48; English ed., *Phenomenology of Spirit*. Trans. by Miller, A. V. Oxford: Clarendon Press, 1977, pp. 291-293. For Hegel, Roman right is rotten at the time of the empire: "In the same way as when the human body putrefies each of its parts takes on a life of its own, here, the political organism has dissolved into the atoms of private persons" (*Leçons sur la philosophie de l'histoire*. Trad. Gibelin, Paris, 1945, p. 289).

2) This would be the inevitable outcome of a study carried out via Heidegger - that is, via the thought that most rigourously determines the Helenity of philosophy. For Heidegger, in his 'climb' towards the Greek language of philosophy, encounters the need to point out a number of the displacements introduced by Latin translation. It is possible to posit that the study of these displacements would have to deny them the simple forms of generation or even of slippage - and should always recognize instead, within the Latin translation, the general character of an accident, a collision that redistributes in another way the whole semantic and conceptual apparatus that it 'passes over'; and this is not dependent upon the modes of transmission or relay of the Greek. Thus we would have to bring out the motif of a fortuitousness constitutive of the essence of modern metaphysics. (There is nothing counter to this motif in the empirical fact that right up to the end of the Empire, that which called itself 'philosophy' most often spoke Greek. Since, depending on the case, it was either not philosophy that was speaking, or, the Greek that was spoken was philosophically already Latin.)

3) Dumezil, G., *Idées romaines*. Paris: 1969, p. 41. It is impossible to do better than cite this indispensable analysis. Except perhaps to add to it the question about the *homonym jus*, designating juice (as of a fruit or meat), that has been given an etymological synonymy to the *jus*-right by certain philologists (though the sense of 'binding' and 'mixing'). This would also support the Hegelian thesis of right as dissolution.

4) This is the problem of the *origin* - which perhaps we should say does not belong precisely to right; or if it does belong to it, it is not at the point where right refers the question of its origin to philosophy (as at the start of a legal treatise), but at the point, which we are investigating, where right *turns itself* into philosophy. *There*, something happens to the metaphysical question of the origin. For the moment, let us be content with the precision that if the authority of the judge (his *imperium*) is itself a case, the

right of which must be said, this does not however constitute an exceptional case (quite *justly* not); right forbids any law of the exception, any *privilegium* (see, for example, Ellul, J., *'Sur l'artificialité du droit et du droit d'exception,'* in *Archives de philosophie du droit*, t. X. Paris: 1965). By right, the *judex* is a personification that can be given to anyone, and whose investiture cannot be taken away from the law. Already in this, he is profoundly differentiated from the philosopher as well as from the poet: for Plato both of these are *natures*.

5) Right says, it does not execute. It produces nothing other than itself - or than the fiction of its identity within the permanent mobility of its jurisprudence.

6) The totalitarianism of the modern State only comes from Rome in the light of a major conversion of nature rather than of degree: that is, the *withdrawal* of the limits of a procedure whose strictly Latin figure is (by right ...) that of an unceasing and multiple fixing of limits (juridical, cultural, ethnic linguistic, etc.) within the grounds of its *limes* - Rome has tried to constitute the juridical unity of an internal network of limits, posts and differences. At the limit ... we should say that right sanctions or signs for the differential divisions, whereas the state resorbs them, having transformed procedure into (organic, historical) process.

7) See Duguip, *Traité de droit constitutionnel*. Paris: 1923, vol. II, Sec. 28; and, on the discussion of the notion of 'subjective right,' Villey, M., *'L'idée du droit subjectif et les Systèmes juridiques romains,'* in *Revue d'histoire du droit francais et etranger*, 1946-1947.

8) Here, the subject must be understood according to the metaphysical determination that constructs it from the *hypokeimenon* to the *substance* of the Cartesian subject. This would be different (problems of translation) if we gave back to the *subjectum* its Latin values of subordinated being, subjected being, substituted being or supposed being.

9) It is thus that the *Peri psyches* characterises the *nous theôretikos* (III.5.430a15).

10) It is from there that we should date a further division that straight away cuts into the unity of judgement: the division of *judicium* and *nasus*, that is, later, *judgement* and *esprit* in the 'French' sense of the word, or again, the English *wit*, the Spanish *gusto* and later the German *Witz*, that can be found at work in Kant. 'Spirit' never ceases to erode the rationality of judgement - itself already only analogical. And, throughout the XVIII Century, it leads obstinately to the *aesthetic* question, in its double sense: 'the science of sensibility' (*cognito inferior*) and 'the science of fine arts' (the science of taste). In its double form, may be aesthetics formulates the ultimate problem of right: *the right of what is by right without right*. What Kant calls: the claim to universality of the judgement of taste - this motif should be combined with that of *critica*, which appeared long before its dialectic notion as the science (or art) of texts, of their establishment and their evaluation: a discipline without absolute criteria and





always dependent on some 'personal' judgement. Kant is *also* giving a philosophical statute to that critique. See the history of *Witz* that we have sketched in *'Menstruum universale,'* in *Alea*, n. 1, Paris: Ch. Bourgois, 1981.

11) Without ever converting it again to State despotism: this is the most constant and most remarkable - and no doubt the most audacious and hence the most problematic - trait of Kant's thought (including, or even *first* as, a thinking of the political). In this story Hadrian is of course played by Hegel.

12) Indeed, what tribunal can be installed without reference to a preexisting law - other than an tribunal of exception? Here, we have not been able to consider the *law* itself: but if it is possible to suggest that the *lex* is not the strict equivalent of a logos, then we cannot avoid saying that in the final analysis every juridical institution acts, in some way or another, according to a regimen of the exception, and thus, according to a form that right excludes. The fearsome ambiguity of right would be to withdraw in principle from the State and at the same time, to open in principle the very possibility of the tribunal of exception. In many ways the Kantian endeavour, by virtue of its very audacity, represents the tribunal of exception of metaphysics.

No doubt, such ambiguities will only begin to unravel once it has become possible to think *how the* logos *constitutes our law of exception.*

13) Is there any need for the precision that Kant's discourse, like any metaphysical discourse, is only *held* together by the primitive appropriation of its reason - and by the primitive warding off of any accident that might affect it? What must retain our attention is that *despite all this* an accident does take place - and in that primitive operation itself.

14) Conversely, see Heidegger, whose reading of Kant is of course decisive, in particular in Cassirer-Heidegger, *Debat sur le kantisme et la philosophie* (Paris, 1972); see also Weil, E., *'Sens et Fait,' in Problémes kantiens* (Paris: 1963).

15) It can be said that 'scientific' law presents itself inversely to juridical law: the latter announces a 'space of action or of claim'; the former - not only disobeying the structure of enunciation, but also excluding it to the point where its statements are only taken as valid insofar as they are independent of the enunciator - establishes what *is* within a given space (independent of the statute of that 'being'), the space engendered by the subject (of) science. As philosophical question, ethical or political, the question of 'the right of science' is always badly put insofar as it ignores the deep heterogeneity of those two orders. Science has all rights, or it has none.

16) Kant, 'The Discipline of Pure Reason', *Critique of Pure Reason*. Trans. N. Kemp-Smith. London: 1985.

17) As well as 'On paper ... but fully a priori', in Kant, *Critique of Pure Reason*. Another is given over to the general analysis of the schematism.

18) Kant, *Critique of Pure Reason.*
19) Kant, *op.* cit.
20) Kant, *op.* cit. Despite certain variations in the Kantian vocabulary (see Coninck, A. de., *L'Analytique transcendentale de Kant.* Louvain-Paris: 1955, vol. I, p. 128ff), we note that the *a priori* forms of sensibility not given by *deduction* but by *exposition.*
21) Kant, *op.* cit.

## NEW NOTES ON *LAPSUS JUDICII*

***Jean-Luc Nancy***

James Williams, preparing a translation of *'Lapsus judicii'*, has asked me to read the text I wrote a decade ago and to give him my impressions on this reading. Here they are, left in the form of discontinuous notes and in their first draft. With thanks to James Williams for the suggestion.

*Rome*: A lot more should be said about Rome, and less should be sought by moving alongside Heidegger (*viz.*, the second note, that remains uncomfortable in its effort to invert or divert Heidegger, not without irony; furthermore, not everything is clear in the note). Latinity should be reevaluated as a moment and as an instance of *dictio*, in contrast to *logos* (and this does not mean as a simple opposition). *Dictio*: enunciation, articulation, diction - not that which is guaranteed by the subject, but rather that which is coextensive to the opening of the mouth (see *'Unum Quid'* in *Ego sum*). Apart from the question of right, this contrast is also the condition of a certain type of 'address' in Latin literature (the epistolary genre, poetry in the first person singular, Virgil, Horace, The genre of the *satura*); it is also, perhaps the condition of the *portrait* in the plastic arts; and , of course, of the Augustinian *Confessions*, that philosophico-literary matrix. *Dictio* is also the political style of *proclamation*, rather than deliberation (and the religious style of Roman Catholicism). Let us say that the *ego* is Latin, from Virgil's "*quos ego*!" to Descartes' "*ego sum.*" Let us say furthermore that this does not only amount to a 'metaphysics of subjectivity.' It also involves a 'spacing' and an 'opening' in place of the 'subject' as the 'support' of the *logos*. Thus, the plan is to deconstruct Latinity. And, through Augustine, to deconstruct all that it includes of another form of *dictio*, the Judeo-Christian: declaration, testimony, witnessing, invocation. Another spacing (another *aréalité*): all these gestures suggest an open space, a spacing, a frontier that is pushed back - like the *limes* - to the ends of the





world, and right to a desert without limits. (*Vox clamantis in deserto*, it's all a matter of voices.)

*Lapsus*: after all, this word indicates error, the *'faux pas,'* and hence, it also indicates what it would have been right and just to say (at bottom, the Freudian usage has only reinforced this point). A "constitutive and permanent *lapsus*" is therefore nonsensical. Of course, this is the stake of this text: to make sense of the non-sense. But this is not sufficient, because *'lapsus'* remains a negative word - even though it is rendered as right ... (right of what is by right without right.) We must go further in the *affirmation* of that 'accident,' that is, towards its aspect of *advent*, of *emergence*. The emergence of the *saying* itself, its unpredictability, its surprise - and hence, its freedom (see *L'Expérience de la liberté*). Freedom as the condition of the emergence of sense. And in return, *sense* as the emergence of freedom.

*The origin as case*: it is a matter of the following, that if *sense* itself comes out of the 'case,' then there is a lack of sense. This means that Sense lacks any acquired signification, any given legitimacy. There is no better *case* in point than the birth of a child (how it *falls* into the world): there, sense emerges, an absolute *sense*, without prescription, unpredictable (always unpredictable so long as there is birth: but we are always being born, *dixit* Freud). Sense that has *no* given sense. A birth *cuts* into the concatenation of significations, as when we cut the umbilical cord. (See also Hegel, the severing of the child's umbilical cord, its first breath and scream: once again the *voice*.) The navel is the trace of this cut, a halt in concatenation, the liberation and the freedom to be a singular point appended to the absolute. A presence coming to presence, and not a self-presence. And what is more: there, *everything* begins again (every beginning, every freedom, every case). But do not understand this according to temporal succession; instead, it is to be understood spatially: in each case the whole of existence is at stake, but independent all other cases because the case is not a singular existence, it does not have an existence proper to it (however, the singular is the *whole* of existence). The case is the regimen of the proper that has nothing *proper* to it, it does not *appropriate* anything like an attribute to an essence. Even so, the case is made for existence (destined to exist). It exists like the proper name: having no sense until the 'sense' of the existent is named, brought forth by the *call* (*dictio* in general: *benedictio*, *maledictio*, *praedictio* ...) Or again, the case is 'neat,' detached, absolved, clearly visible, ex-posed - as non-appropriated, as inessential, the essence of existence.

*Ends*: *'Lapsus judicii'* barely mentions ends. It is concerned with the principle, the institution, the constitution, the seat and the primary state of the judge, that is, *archeology* in general. Today, it seems to me that *ends* are more pressing. *What* is

jurisdiction for? For *nothing* but itself, its proper *cause* - its *res*, thing and nothingness. But henceforth the question of *sense* [meaning and direction] is our concern. Whether this sense is *nothing*, un-finished (which would be meaningless), not a work, not subjectivity, nor God, nor humanity, only goes to show all the better how sense demands to be thought through. We must think lack of sense as sense. We must not think that the hidden art of the schematism is to be examined as an original gulf, but instead, as what gives sense to the loss of sense (the loss of the Sense of sense, the secret of the schematism). This is why I did not pursue the work on the schematism laid down in note 17. It would not have been useful. Though the following question is useful: what adventure involving sense began when Kant said, "We cannot know how we give signification to concepts (the work of the schematism)"? It is useful because it begs the question: then why are we *within* sense? And since this 'why?' (every why) presupposes sense, the question cannot take this form and must instead come down to this: 'What is being-within-sense?' - that is, 'What is it to *exist*?' We *know* that it is to be a *finite* being (from the analysis of the *case*, for example). We know that 'finitude' is the sense of being, that is, being itself, what is proper to being. (This is why Heidegger, in the Kantbuch, simultaneously founders in a post-Husserlian explanation of the schematism and makes the most clear and powerful advance in the question of finitude.) Finitude is not finiteness, it is not a limitation, relative to a given infinite. Rather, it is: no given infinite and no infinite end - however, the finite being never escapes being born and dying in its sense. In effect, this is the 'death of God.' Thus, an archi-*judex* is not sufficient, we must think the end and the finitude of *dictio*: what is real in its *res*, not language but the material sense of finite existence. 'Material': outside the signified sense and within the occurring sense, let us say, like experience (see my *Une Pensée finie*. Gallimard: 1991.) Instead of "*lapsus judicii*" we need *formula experientiae* (for the meaning of formula see '*Lapsus judicii.*')

Translated by James Williams and David Webb.



# ART AND THE ORIGIN OF GEOMETRY

***Howard Caygill***

## I

By what right does Kant gather both art and geometry under the title of aesthetic? This question addresses both the relation between the two aesthetics of the first and third critiques and the issue of 'presentation' which informs them both. The scope of the question ranges from an aesthetic of the forms of intuition - space and time - in the first, to the articulation of the aesthetic judgement of taste in the third *Critique*. This development is accompanied by the increasing prominence of the theme of 'presentation' in the critical trilogy and its emergence in the third *Critique* as a meditation upon originality, tradition and genius. These developments show the inquiry into the right by which art and geometry are gathered under aesthetic exceeding its jurisdiction, and extending itself to include the classical themes of *poiesis* and *praxis* in their modern guise of production and legislation.

Recent work in European philosophy addresses the limits of aesthetic without posing the *quaestio quid juris*. The agenda of 'postmodern' and 'deconstructive' aesthetics - with apologies for passing such freshly minted coin - is dominated by the concern to break the Kantian liaison of art and geometry. This agenda does not inquire into their mutual aesthetic entitlements, but summarily finds against geometry. In so doing it not only underestimates the resources of Kant's project, but also limits the options open to the re-phrasing of the aesthetic.

As an instance of recent writing on 'postmodern' aesthetic, I take Wolfgang Welsch's work on Dubuffet 'At the Limits of Sense: Aesthetic Aspects of the Painting of the Informal' (1979).[1] For the deconstruction of aesthetic I will read through two texts by Derrida concerned with the origin and tradition of aesthetic: Edmund Husserl's *Origin of Geometry: An Introduction* (1962, rev. 1974) and the reading of Heidegger's 'Origin of the Work of Art' in 'Restitutions' (*The Truth in Painting*, 1978). In the light of these readings I will return to the Kantian text, above all the *Critique of Judgement-Power*, and reconsider the *quaestio quid juris* of aesthetic.

## II

Wolfgang Welsch's work since 1979 has extended the limits of aesthetic by locating it within an *aisthetic* of perception. He formalises the distinction within aesthetic between a general philosophy of perception (*aisthetic*) and a specific philosophy of art (aesthetic). This distinction may be traced to Baumgarten's inaugural *Reflection on Poetry* (1735) and is reflected in the two Kantian aesthetics of the first and third critiques.[2] Welsch argues that modern aesthetics, above all the Kantian, is an 'aesthetology', that is, aesthetic defined as a supplement to logic. The quasi-logical status of the Kantian aesthetic is betrayed by its dependence on a geometrical model of sensible perception in the 'Transcendental Aesthetic' of the first *Critique*. There geometrical experience is taken to exemplify Baumgarten's definition of aesthetics as an *'ars analogi rationis'*, an art analogous to reason.[3] In order to break the analogy between the aesthetic and reason and thus develop a model of perception appropriate to postmodernity, it is necessary to disinherit geometry of its aesthetic title.

Welsch achieves the expulsion of reason from *aisthesis* by returning to Aristotle's account of perception in *De Anima*. In *Aisthesis: Characteristics and Perspectives of the Aristotelian Doctrine of the Senses* (1987), he undertakes an extremely close reading of Aristotle, one motivated by opposition to the quasi-rational character of modern aesthetics. The latter is entwined in an enlightenment account of sensibility:

> *determined and limited in its overall style and constitution, as well as its limits and meaning, by the perspective of the rational; it could only extend or at most confirm the latter, but never actually revise it.* (p. 23)

For Welsch, Aristotle's text offers the resources of an *aisthetic* account of sensible perception capable of freeing aesthetic from its tutelage to reason and logic. The main characteristic of such an account is summed up in the phrase that *'aisthesis* is basically already *krinein' (p. 434)*: *Aisthetic* perception is a form of discriminatory judgement.

Welsch finds this insight about *aisthesis* - one which he titles 'postmodern' - in the practice of modern painting. Hence a postmodern philosophy of





sensible perception, one which renounces the quasi-rationality of geometry, is born 'out of the spirit of modern painting.' This is illustrated in the Dubuffet essay, where Welsch contrasts two directions in modern painting - 'constructivism' and Dubuffet's 'informal':

> *The signature of constructivism is logical. True the artist seeks the sensible, but only in its logical configuration, works it according to constructive ideals, and presents it point-for-point in a definite and conclusive system of images. The motto for this tendency might read 'the logical construction of the pictorial world,' absolute clarity, purity, inclusivity are its order.* (1979, p. 92)

Thus the aesthetic of constructivism is an aesthetology, against which Dubuffet's 'informal':

> *seeks to overrun the logical matrix of the sensible ... Dubuffet never shows pure colours, even in seemingly monochrome images, but tonalities, levels, which in complete distinction from constructivist colour purism, are enlivened by their material consistency and activate a whole bundle of sensible valences and resonances. They evoke crackling or silence, porosity or tension, rough or delicate, warm or cold, incrustation or surge. Just as the formal character is never definite, but dissolves every clear limitation, runs over and weaves itself its dispersal, so the character of the colour opposes every restriction of being colour, every puristic autism. Form and colour do not obey a logical calculus, but tangle themselves into the equivocity of a sensible fabric.* (p. 94)

Welsch proposes against geometrical construction's 'logical matrix of the sensible' an alliance of materiality, equivocity, and discriminative judgement. These elements recur in many postmodern attempts to distinguish, in Welsch's terms, aesthetic as *aisthesis* from aesthetic as aesthetology.

In the place of form Welsch prefers material consistency; in place of constructive limitation and placing, he suggests overflow, dissolution and the woven bundles of dispersed sensible valences. In order further to distinguish art from geometry, Weslch defines *aisthetic* judgement as discriminative (*krinein*) and not constructive: it distinguishes between material contraries

such as warm/cold, incrustation/surge. Moreover, sensible experience is equivocal, not in possession of a univocal concept but in play between polysemic differences. All these moves share the quality of being motivated against and away from Kant's aesthetic, but miss its crucial point, which is the alliance of art and geometry as modes of presentation.

## III

In the case of Derrida, we have readings separated by sixteen years of two German texts from the mid-1930s concerned with art and geometry. They are Heidegger's 'The Origin of the Work of Art' (first version written in 1935, third version in 1936, published in 1949) and Husserl's *Origin of Geometry* (written in 1936, published in 1939). The names and dates of these texts show the stakes to be high: the bounds of the aesthetic and the contest of origin and tradition. Neither text is unequivocal, and Heidegger's is complicated by the existence of two quite distinct versions, the former of which 'lacks' the extensive discussion of "Van Gogh's" painted shoes crucial to Derrida's 'Restitutions'. This complicates any reading of the latter, which is haunted by the absent original of its original.

The two reflections upon art and geometry written in National Socialist Germany perform the separation of what Kant tried to hold together in the aesthetic. Yet they retain important traces of their common aesthetic entitlement. They are both meditations on origin - one the origin of art, the other of geometry - and both focus on the difficult relation between origin and tradition. The texts also meet in their preoccupation with drawing a line - the 'original moment' of both geometrical construction and the work of art. The drawing of the line gives both measure and the measured, combining the moments of *praxis* and *poiesis*. The origin denotes this combination, being, in Heidegger's words, both a 'bringing' and a 'receiving'; as presentation it both founds and passes on, is both origin and tradition.

The difficult mutual implication of origin and tradition - the bringing and the receiving - is explored by Husserl through the origin of geometry and the importance of tradition for the foundations of natural science. Husserl begins with Galileo's reception of geometry as a tradition, 'ready-made, handed down geometry', and would:





> *inquire back into the original meaning of the handed-down geometry, which continued to be valid with this very same meaning - continued and at the same time was developed further, remaining simply 'geometry' in all its new forms.* (Appendix to Derrida 1962/74, p. 157.)

This concise statement of the inquiry barely conceals the paradox of geometry: the science of what is intuitively self-evident about spatial relations is received through a tradition; self-evidence alone does not suffice for the transmission of intuition. Derrida explores this paradox through a movement across three signatures - Husserl, Kant and Joyce. By drawing out the entanglement of tradition and origin he is able to describe the mutual implication of the measured, the earth *geo-*, and the measured, *-metry*, in the movement of bringing and receiving. This movement of production and legislation, Heidegger's rift between earth and world, is deemed by Derrida to be the occasion of responsibility.

According to Derrida in 1962, Kant collapses the movement of bringing and receiving into receiving. The outcome is a view of the origin of geometry as a 'handing over', the 'history of an operation' and not a 'production' or a 'founding'; origin:

> *is understood under a dative category, and the activity of the geometer to which the 'happy thought' occurred is only the empirical unfolding of a profound reception.* (p. 40)

The origin of geometry 'is for Kant always already done' - it is given, and all that is left to tradition is to explore its given resources. This is an irresponsible position since it disowns the mutual implication of bringing and receiving, and separates intention and intuition. Yet it is not necessarily Kant's position, although it would certainly describe a 'certain Kantian discourse.'

In the short reading of Joyce later in the text Derrida transforms the crux of origin and tradition into one of univocity and equivocity. He discovers further arrests of the movement of bringing and receiving which constitutes the origin of tradition and the tradition of origin. One involves the pure univocity of original and traditional language which:

> *Because it brings everything to view within a present act of evidence, because nothing is hidden or announced in the penumbra of potential intentions, because it has mastered all the dynamics of sense, univocal language remains the same ... It is the condition that allows communication among generations of investigators no matter how distant and assures the exactitude of translation and the purity of tradition.* (p. 101)

Sure purity is pointless, and its univocity, far from being a condition of tradition, actually dissolves it 'in the limpidity of the historical ether' *(p. 102)*. But, on the other hand, equivocity as its limit also dissolves the possibility of transmission through tradition, there being no fixed meaning to bear transmission. So while 'a radical equivocity precludes history ... absolute univocity would itself have no other consequence than to sterilize of paralyse history in the indigence of an infinite iteration' *(p. 102)*. Both positions are 'irresponsible' in arresting the movement of origin which is tradition.

Derrida offers some insight into a responsible thinking of origin and tradition in his discussion of the 'reactivation' in which sense is both brought and received. It is exemplified by Joyce's responsibility for equivocation, registered in a writing which:

> *no longer translating one language into another on the basis of their common cores of sense, circulates throughout all languages at once, accumulates their energies, actualizes their most secret consonances, discloses their furthermost common horizons, cultivates their associative syntheses instead of avoiding them, and rediscovers the poetic value of passivity.* (p. 102)

There are parallels between this position and Welsch's characterization of the informal: both involve a circulation of differences which is discernible in an act of discriminative judgement. Both too resist the arrest or *Überfall* of univocal schemas which would channel the movement of origin and tradition.

Husserl's strategy emerges in the space between Kant's irresponsibility of intuition and Joyce's responsibility for equivocation. It involves the purification of empirical language to the point where the univocal elements become transparent, where it is possible 'to reach back and grasp again at its pure source a historicity or traditionality that no de facto historical totality





will yield of itself' *(p. 103)*. This reactivation, however, 'is always inscribed within a mobile system of relations and takes its source in an infinitely open project of acquisition' *(p. 104)*. - it both gives and receives, 'reaches back' from equivocation to 'grasp' univocity. Joyce's writing offers a space and time in circulation; Husserl's reactivation offers the space of a 'mobile system of relations' and the time of an 'infinitely open project of acquisition.' For the Kant of this reading, space and time are 'always already done' and the founding moment beyond recall. The latter is deemed irresponsible, taking without bringing, disavowing its origin and the violence of this origin.

Derrida characterises the ground of responsibility, the ethics of geometry, in the following terms:

> *Geometry, in effect, is the science of what is absolutely objective - i.e. spatiality - in the objects that the Earth,* our *common place, can indefinitely supply as our common ground with other men.* (p. 83)

Here indeed Kant differs from Husserl and Derrida, but for other, more responsible reasons than those proposed by Derrida. For him the earth has never been *our* common place - it has ever been divided, under law - for him geometry is a place of free reflection on this law. This political responsibility is lost in Derrida's reading of the *Origin of Geometry*, but it is there, if avoided, in the later reading of the 'Origin of the Work of Art'. For the ethics of our 'common place' also informs Derrida's reading of this 'great discourse on place and on truth' *(1987, p. 266)* where once again the themes of responsibility, origin and tradition loom large, as does the figure of Kant.

In Heidegger's text(s), the 'bringing' and 'receiving' of measure in the moment of origin is figured in the drawing of a line. The rift of earth and world - earth 'sheltered in its law' and world demanding 'its decisiveness and its measure' is described as:

> *a basic design, an outline sketch, that draws the basic features of the rise of the lighting of beings. This rift does not let the opponents break apart; it brings the opposition of measure and boundary into their common outline.* (Heidegger 1949, p. 63.)

The drawing of this sketch is a movement which Heidegger later elucidates as a 'fixing in place in the sense of a bringing forth' *(p. 84)*. This is not a fixing in place in the sense of a frame applied to heterogeneous material, but an original movement between the fixing in place of law and the bringing forth of *poiesis* - it is a movement which both founds and prosecutes a tradition.

For Husserl, the movement of origin is exemplified in the line of the geometrical construction; for Heidegger it is given through the outline sketch of the work of art. But the character of this sketch is a 'riddle' akin to the paradox of Husserlian intuition's transmitted immediacy, and the task Heidegger sets himself is 'to see the riddle' *(p. 79)*. The riddle of art concerns origin, but an origin thought as freedom and necessity. The political stake of the riddle of art is clearer in the first than in the third version of the essay. The latter thematizes, as Derrida notes, the *Überfall* or framing of the work of art in terms of aesthetic oppositions such as 'form and matter,' while the former stays with the originary *Vorsprung* 'in which everything to come is already exceeded yet also enfolded' *(1989, p. 21)*. The origin is a freedom which gives itself necessity by drawing itself into a tradition.

The problem posed by an excess which enfolds is the 'riddle' of art, one which emerges as the 'secret' of freedom:

> *The leap of origin remains essentially secret, for origin is a mode of that ground, whose necessity we must call freedom.* (p. 21)

Yet the moment of origin also both 'fixes in place' and 'brings forth.' It is the movement of giving both measure and that which exceeds it in the measured. It is not the presentation of something given before, but the giving of presentation and the presented. In this sense it exceeds one reading of the Kantian aesthetic, which sees the manifold of intuition as given; yet in another it conforms strictly to the presentation discussed in both critiques under the title of schematism.

One of Derrida's voices picks up the evocation of schematism in Heidegger's thought of the product:

> *I called it a schema: basically, and in a barely displaced Kantian sense, it's a hybrid, a mediation or a double belonging or double*





> *articulation. The product* (Zeug) *seems to be situated between the thing and the work of art (the work is always a work* of art *in this context:* Werk*). It shares in both, even though the work resembles* (gleicht) *the 'simple thing' more than does the product.* [Truth in Painting, p. 297*]*

Schematism is a movement between measure (concept) and measured (intuition), one which on occasions in the first *Critique* appears to be originary, while in the third *Critique* it appears to rest on a prior giving of measure. Heidegger sees the work of art as an originary schema which shows the product emerging between earth and world: it gives the giving of the product, its *Verlasslichkeit*. The work of art in Heidegger's text(s) and Derrida's reading performs the drawing of the rift between earth and world, the giving of measure and measured.

Another of Derrida's voices sees in this giving a 'preoriginary contract' which 'does not come from nature, such at least as it is conceived in the philosophical tradition. But from the combat of earth and world. And of its trait' *(p. 352)*. But is not a more subtle *Überfall* being perpetrated here? If we read behind the pre-originary contract Derrida finds in the third version of the *Origin* the words involving freedom and necessity written in the first, we see the trait translate itself into the mode of the ground whose necessity must be called freedom. And both Heidegger and Derrida displace this mode, this movement of giving, into the originary attunement, or *Zweckmassigkeit ohne Zweck* of the work of art. The necessity of freedom is given in the work of art, but is secret, pre-originary, without access to the *Überfälle* of tradition. But is not this claim to the right of secrecy itself an *Überfall* of tradition, disarming it in the name of the pre-originary?

When the origins of art and geometry are separated, the movement of bringing and receiving is threatened by the brutal transparency of univocal origin and by the secrecy of equivocal origin. The Enlightenment's turn to transparency which dominated its aesthetic is met in its deconstruction by the secrecy of equivocal differences which perform a law whose origin is inaccessible to its tradition. The origins of geometry and art fall apart, but the falling out itself is not properly thematised.[4] This is largely due to the versions of the Kantian aesthetic which they both present - in which Kant stands for the Enlightenment, for aesthetology, Copernican modernism, univocal clarity, and the violent 'transportation' of the table of logical

judgement onto a 'non-logical' structure. These framings of the Kantian text are themselves violent, and do not allow themselves to hear the ways in which that text questions its own question of right.

## IV

Kant's aesthetic encompasses both art and geometry, but without abolishing the difference between them. The question of right - what entitles art and geometry to the title of aesthetic - involves a justification of their differences which does not reduce them to identity. This justification involves an exposition of origin and tradition which brings together *poiesis* and *praxis* in an account of invention which exceeds the parameters of production and legislation.

Kant's thinking around origin and tradition is far more complex than is admitted by Derrida in his introduction to the *Origin of Geometry*. Kant anticipates the distinction of univocity and equivocity and indeed thematizes it in terms of the univocal evidence of axioms: intuitive figures, 'things seen'; and the equivocations of the *akroamata*, discursive figures, 'things heard.' But both are regarded as modes of a process of presentation, one which is inventive but not creative. There is indeed no pure moment of origin in Kant, but this does not mean that everything is simply 'given' but that it is invented.

It is this inventive moment of presentation which permits art and geometry to share the title of aesthetic. It also explains why there is such an extensive and unexpected discussion of geometry in the third *Critique*. For Kant's general discussion of presentation under the title of hypotyposis hinges on the practice of 'construction', of drawing a geometrical figure. But this account of construction involves an extremely subtle consideration of tradition and origin.

The issue of the origin and tradition of geometry is raised in the Preface to the second edition of the *Critique of Pure Reason* which Derrida used for his characterisation of Kant in his Introduction to Husserl. This reads:

> *A new light flashed upon the mind of the first man (be he Thales or some other) who demonstrated the properties of the isosceles triangle. The true method, he found, was not to inspect what he discerned either in the figure or in the bare concept of it, and from*





> *this, as it were, to read off its properties, but to produce what was necessarily implied in the concepts that he had himself formed* a priori, *and had put into the figure in the construction by which he presented it to himself.* (Bxi/xii)

Derrida finds in this passage no insight into the original institution of geometry, but only a description of the 'extrinsic circumstance for the emergence of a truth' *(1962, p. 41)*. But on rereading the passage it becomes apparent that the geometrical method is rather more complex. First of all, it is said to produce what was necessarily implied in the concepts that the geometer had formed *a priori*, but this had already been presented through the construction of the figure. There is, then, a difficult relation between the formation of *a priori* concepts and the presentation through construction - there is no obvious priority, but a negotiation of drawing, presentation, and the *a priori*.

The relation between construction and self-presentation at the origin of geometry is thematized in the account of the origin offered in the third *Critique*. And it is there tied in with the modalities of presentation proper to art and to politics. The route taken toward the explication of the modalities of presentation common to geometry, art and politics is indirect, but clear. Section Five of the 'First Introduction' distinguishes between reflective and determinate judgement in terms of two modes of presentation:

> *The reflective judgement thus proceeds with given appearances so as to bring them under empirical concepts of determinate natural things not schematically, but technically, not just mechanically like a tool controlled by the understanding and the senses, but artistically according to the universal but at the same time undetermined principle of a purposive ordering of nature as a system* [First Introduction, V].

This distinction illuminates and is illuminated by Kant's comments in the same Introduction in Section One on geometry. He asks whether 'this pure and therefore noble science seems to compromise something of its worth when it admits that in its elementary form it uses tools for the construction of its concepts, albeit only two, the compass and ruler.' He goes on to warn us against confusing these 'tools' with the empirical compass and rule; for the

former, necessary for the presentation of figure through construction, are *modalities* of *imagination*:

> *in elementary geometry one must not think of the actual instruments, which are incapable of rendering any figure with mathematical precision, but one should let them stand for the simplest modes of presentation of which the imagination is capable, which no instrument can equal* [First Introduction, I].

Kant argues from this that these elementary *'modalities of imagination'* - the straight line and the curve derived from the basic human experience of the horizon - inform the higher geometries which require more complex instrumentation. He then compares higher geometry with schematism.

In the passage from Section Five quoted above, schematism is shown to apply a given law mechanically in determinate judgement; reflective judgement, however, involves both the giving of law to its objects, and the giving of law to itself, the giver. In Kant's words, reflective judgement has to 'mark out' its own law for itself - it has to bring and receive the law. In the Second Introduction, Kant sees this movement as a 'transcendental principle' of judgement which 'the reflective judgement can only give as a law to and from itself.' This movement 'to and from' registers the moment of origin; for geometry this origin is imagination marking the laws of its figuration in terms of the modalities of presenting a straight edge and a curve. This account of the constitution of geometry through elementary modalities is close to Kant's later discussion in Part II of the *Critique of Judgement-Power* around the constitution and organization of life and of politics. There he writes:

> *No artificial tool can answer to the description [of being a part of a whole which produces the other parts] except that tool from whose resources the materials for all other tools (including artificial ones) is drawn. And only then and in this way can such a product be designated an organised and self-organised being.*

This 'tool' - in the case of geometry the imagination and its modalities - has a 'formative power': it gives itself its law and the object of its legislation.

The originary moment of the presentation and reception of law is exemplary insofar as it founds a tradition with its own peculiar temporality. Kant





illustrates this point in the case of geometry with the example of the geometry of the ellipse, and allies this development in geometry with art. The ancient geometers, he writes in section sixty-two:

> *investigated the properties of the ellipse without a suspicion that gravitation was also discoverable in the celestial bodies ... While in all these labours they were working unwittingly for those who were to come after them, they delighted themselves with a finality which, although belonging to the nature of things, they were able to present completely* a priori *as necessary.*

Kant then moves to show that this 'delight' was occasioned by the free play of concept and imagination in the ascription of finality. So the construction of a geometrical figure follows the same movement of presentation followed by a work of art. Intuition is inscribed with a *Zweckmassigkeit ohne Zweck* which is then contemplated and enjoyed as if it were already given.

The construction of a geometrical figure is a demarcation of space and a production of its contents which appears as if objective, and which allows objects to come into appearance. Like the product of genius which founds a tradition to be followed but not imitated, the geometrical construction is a moment of origin which is already in tradition. Kant extends this model of presentation through inscription, the marking of measure and measured, to his account of the origin of knowledge in general through a direct correlation of space and inscription:

> *space, by the limitation of which (by means of the imagination acting in accordance with a conception) the Object was alone possible, is not a quality of the thing outside me, but a mere mode of representation existing in myself. Hence when I draw a figure* in accordance with a conception, *or, in other words, when I form my own representation of what is given to me externally, be its own intrinsic nature what it may, what really happens is that I* introduce the finality *into that figure of representation.* (Sec. 62)

The introduction of finality is something that is both produced and discovered: the law is 'marked out' or given to and from. This movement or origin is inventive and is repeated throughout a tradition. The followers of

this tradition are also its inventors: they both produce and discover it. Kant describes this movement in terms of the products of a genius:

> *the rule must be gathered from the performance, i.e., from the product, which others may use to put their own talent to the test, so as to let it serve for a model, not for* imitation, *but for* following. *The possibility of this is difficult to explain.* (Sec. 47)

Yet although it is difficult to explain the implication of origin and tradition, Kant does not retreat from a clear 'statement of the difficulty' into a uni- or equivocal 'solution' to it. He remains with the question of justifying the difficult bringing and receiving of origin and its tradition.

The opening question involved the right by which art and geometry can be included under the title of aesthetic. One answer might plead that both are forms of originary presentations which constitute the space and time of tradition through inscription. If this sounds remotely convincing, it would suggest that the attempts by Welsch, Derrida and others to re-state the aesthetic do not properly address the complexity of Kant's aesthetic. To celebrate the irresponsibility of a post-Kantian, postmodern aesthetic as does Welsch in his Gay Science of *aisthesis* ignores the problems of constitution faced by Kant's aesthetic, and does not offer any place from which to reflect on the problem of our laws. Derrida is extremely sensitive to this problem and the issue of responsibility in the aesthetic, but his Kant readings do not engage with Kant's self-acknowledged difficulty of thinking an inventive law which is both constitutive and discriminative, but which hides the traces of its productive legislation.

Perhaps it is in Kant's aesthetic, where art and geometry meet, that it is possible to raise the stakes of aesthetic by considering the giving and receiving of law and the thinking of this movement? Kant tried to approach the question of aesthetic entitlement through invention, that which both produces and discovers, brings forth and sets in place. Invention gives both measure and the measured without privileging legislation or production, it is poetic and practical, and allows an alliance between the configurations of geometrical construction and the pleasures evoked by the *Zweckmassigkeit ohne Zweck* of beauty. Kant shows that this alliance is always fragile and threatened by the modern separation of legislation and production. So instead





of opposing the rational constructions of geometry to the discriminative fields of art and celebrating their division, the critical philosophy invites us to reflect upon what it is about modernity which at once relates and separates them.

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## Notes

1) *'An den Grenzen des Sinns: Ästhetische Aspekte der Malerei des Informel (Dubuffet)'*, in *Philosophisches Jahrbuch 86*, 1979. I will also refer to Welsch's programmatic reading of Aristotle's *De Anima*, in *Aisthesis - Grundzuge und Perspektiven der aristotlischen Sinneslehre* (1987), and *'Die Geburt der postmodernen Philosophie aus dem Geist der modernen Kunst'*, in *Philosophisches Jahrbuch 97*, 1990.

2) For an account of the origins of aesthetics, see my *Art of Judgement*, chapter 3, secs. 5 & 6.

3) Baumgarten's definition in *Aesthetica* (1750) reads: *'Aesthetica (theoria liberalium artium, gnoseologia inferior, ars pulcre cogitandi, ars analogi rationis, est scientia cognitionis sensitivae'*.

4) While Derrida cannot be cast with Welsch and Sloterdijk as a postmodern antinomian celebrating radical indeterminacy, for 'deconstruction must neither reframe nor dream of the pure and simple absence of the frame' (p. 73), his framing of the frame/law in terms of 'constitution' and 'ruin' nevertheless restricts the complexity of the internal movement of origin and tradition given in the *Critique of Judgement-Power*.

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# MORAL INSIGHT AND AESTHETIC EXPERIENCE: KANT'S THEORY OF THE SUBLIME

***Paul Crowther***

## Introduction

In my book, *The Kantian Sublime*,[1] I offered an interpretation of Kant's theory of the sublime and a reconstruction of it in a more viable form. In this paper I shall refine and strengthen that strategy in a number of ways. The approach will be as follows. In Part One I will outline the basic insights and structures of argument in Kant's theory of the sublime. In particular, I will clarify an important ambiguity left over from my previous interpretation. In Part Two, I will consider Thomas Weiskel's interpretation of Kant's position. What makes Weiskel's approach so interesting is that rather than simply highlight Kant's strategies, he too attempts to reconstruct them in a more viable form. I shall argue that Weiskel's approach is flawed, and in Part Three will offer my own reconstruction. This will be based on my position in *The Kantian Sublime*, but the bulk of the discussion will be directed towards some recent criticisms of that position.

## I

Kant defines the sublime stipulatively as "the name given to whatever is absolutely great."[2] He continues by noting that "to be great and to be a magnitude are entirely different concepts."[3] Kant's cryptic contrast here comes down to the following. The absolutely great cannot be a question of magnitude, because the greatness of an item's magnitude is always relative to that of other items. No matter how gigantic an item may be, there is always some item in the world whose magnitude will be greater still. Hence, if we are to find that which can truly be described as *absolutely* great - as sublime - we must look beyond the phenomenal world to that which sustains it, namely the noumenal or supersensible realm. This is, literally, immeasurable. It forms a substratum to nature, and more significant still (for the purposes of this study) it is the seat of that which is most fundamental to human beings, namely that aspect of the self which is free and able to act on rational

principles. This supersensible self is what is *ultimately* sublime. Kant unfortunately creates needless problems for himself by insisting on this point with such rigidity as to claim that the term sublime cannot be applied to natural objects. Of course it can - and without jeopardising his basic point. This is because whilst only the supersensible may be ultimately worthy of the term 'sublime' used in a purely descriptive sense, the *aesthetic* experience of the sublime which Kant is addressing in the *Critique of Judgement* is one which hinges on the capacity of certain natural phenomena to evoke an awareness of our supersensible self. In the sublime understood in an aesthetic sense, in other words, the relevant natural phenomena play a necessary role. They are a part of the aesthetic sublime's *full* meaning. We have, therefore, reasonable entitlement to call them sublime. I will return to this issue elsewhere in this section, and in Part III.

The question which now faces us is that of how Kant moves from an encounter with natural phenomena to an awareness of our supersensible self. In affective terms, the experience involved here is a 'mental movement' from pain to pleasure. Kant gives considerable emphasis to this point, but it is by no means decisive. This is because the 'mental movement' is itself grounded on some complex cognitive strategies. These follow Kant's basic division between the *mathematical* and the *dynamical* modes of the sublime. I shall consider these modes in turn.

First, the mathematical sublime. This arises when the receptive side of our cognitive faculties (i.e. sensory perception and imagination) are overwhelmed by the vastness and scale of some natural phenomenon. Kant's discussion of this is enormously complex. His starting point is the 'aesthetic estimate' by which he means informal estimates of magnitude that proceed "by the eye alone."[4] Thereafter, his argument moves in two rather different directions which Kant fails to explicitly distinguish. In *The Kantian Sublime*, I labelled these the 'baroque thesis' and the 'austere thesis.'[5] For present purposes I will confine myself to an exposition of the latter since it is by far the more viable philosophically. Basically, the argument is as follows. Our sensory and imaginative comprehension of the world is always guided by understanding - our capacity to unify and comprehend with concepts. In his discussion of the mathematical sublime, Kant suggests that this guidance involves not just the capacity to form and apply concepts as such, but also a quite specific kind of concept - in Kant's parlance, an 'idea of reason.'[6] Ideas of reason embody a striving for totality, for absolute comprehension of the object which they are





addressed to. In the *Critique of Pure Reason*, such ideas are seen as primarily significant as regulative principles in empirical scientific enquiry. In the *Critique of Judgement*, however, Kant assigns them a more global role. There is, as it were, an *experiential* idea of reason. Kant briefly describes its workings as follows:

> *the idea of the comprehension of any phenomenon whatever, that may be given us, in a whole of intuition, is an idea imposed on us by a law of reason.*

Kant's reasoning here is characteristically obscure. The claim seems to be that given any phenomenal item, reason demands that we comprehend it in terms of a single perception or image, or contained sequence of such perceptions or images. Now overlooking the questions raised by this claim, its connection to the experience of the sublime can be established as follows. With most phenomenal items we will - as reason demands - be able to comprehend their totality in the sense that none of their major parts or aspects are beyond recall in memory or projection in imagination. We are, in Kant's terms, able to comprehend them in 'a whole of intuition.' However, the larger the object, the more difficult this task becomes. In a useful passage, Kant outlines what is involved here:

> *if the apprehension* [of a phenomenon's parts] *has reached a point beyond which the representations of sensuous intuition in the case of the parts first apprehended begin to disappear from the imagination as this advances to the apprehension of yet others, as much, then, is lost at one end as it gained at the other, and for comprehension we get a maximum which the imagination cannot exceed.*[7]

Vast phenomena, therefore, quickly overwhelm our capacity to comprehend them at the level of perception and imagination. However, a crucial clarification needs to be made, which I did not make in *The Kantian Sublime*. What is the criterion of a 'part' in the foregoing process? The importance of this question can be illustrated by a simple example. Suppose that we see the Great Pyramid of Cheops at a distance. From this viewpoint, it is easy to comprehend it as a totality; its frontal aspect is available to immediate perception, and its hidden aspects can easily be projected from memory or imagination. This means, of course, that it does not test our cognitive

receptivity in the way described by Kant. How, then, could it be found sublime? The answer is by a tacit or explicit reference to human embodiment. Even seen at a distance, we know that the pyramid dwarfs us physically. If we tried to comprehend its scale at the level of immediate bodily proximity, the task would quickly overwhelm our perceptual and imaginative capacities in just the way described by Kant. Given this, my interpretation of Kant's own position can be more precisely formulated. Reason demands that we comprehend the phenomenal totality of an item in the sense that none of those major parts or aspects *which are, or which might be, encountered in direct bodily proximity to the item,* are beyond recall in memory or projection in the imagination. I shall return to the significance of this more precise formulation in Part III.

From the foregoing points it is easy to see how we arrive at the experience of the sublime. Vast natural objects defeat our powers of perceptual and imaginative comprehension, thus occasioning a feeling of pain. Since, however, this striving for comprehension is instigated by the rational self, the failure of our cognitive faculties at the sensible level serves to present or exemplify the superiority of our supersensible being. Hence our feeling of pain gives way to one of pleasure. In the experience of the mathematical sublime, in other words, the limits imposed on sensibility reinforce our awareness of what is ultimate and infinite in humans.

Kant's treatment of the dynamic sublime is, in some ways, as obscure as his account of the mathematical mode. However, there is only one dominant structure of argument, so his position can be stated much more concisely. First, Kant suggests that:

> *The boundless ocean rising with rebellious force, the high waterfall of some mighty river, and the like, make our power of resistance of trifling moment in comparison with their might. But, provided our own position is secure, their aspect is all the more attractive for its fearfulness.*[8]

The reason why these fearful phenomena are found attractive is that they evoke an awareness that the human being is *more* than mere nature. The mighty and potentially destructive phenomenon:





> *challenges our power (one of nature) to regard as small those things of which we are want to be solicitous (worldly goods, health, and life), and hence to regard its might ... as exercising over us and our personality no such rude dominion that we should bow down before it.*[9]

The mighty natural phenomenon, in other words, can make us aware that we have a rational and supersensible aspect which is superior to nature. Something like Kant's point here is made also in a famous passage from Pascal:

> *Man is only a reed, the weakest thing in nature, but he is a thinking reed ... if the universe were to crush him, man would still be nobler than his destroyer, because he knows that he dies, and also the advantage that the universe has over him, but the universe knows nothing of this.*[10]

Mary Mothersill has picked up this analogy with Pascal to both his disadvantage and Kant's. She claims that:

> *consciousness has its rewards, but there is something ridiculous in preening ourselves on our superiority, as if it were somehow to our credit that whereas we know things about rocks, rocks don't know anything about us.*[11]

This observation is, to say the least, shallow. The point of Kant and Pascal's position is that it is self-consciousness which *redeems* human being and not only gives it meaning and value, but is indeed the very foundation of meaning and value as such. Kant's whole moral philosophy - with its emphasis on morality binding us by virtue of the demands of rationality itself - is a massive affirmation of this.

Even if we cannot accept Kant's moral philosophy, it is at least reasonable to suppose that an encounter with the might of nature in all its fearfulness can lead us to an insight of the kind which he describes. Indeed, one significant aspect of Kant's discussion of the sublime is its existential acuteness - its ability to trace the complex interplay between our awareness of finitude, and our status as rational beings. However, this leads us to the major problem which affects Kant's theory of the sublime as a whole. The problem is simply

this. Kant's arguments indicate how, in the confrontation with nature, we can be led to insights about our existence as rational beings - insights which in terms of his broader philosophical position, have a fundamentally moral import - but why, then, is the sublime special? What does the experience of the sublime have that the having of similar ideas in a context outside nature does not? One superficially promising answer is to invoke Kant's claim that the experience of the sublime involves not just the entertaining of a morally significant idea, but a 'mental movement' from pleasure to pain. Unfortunately, this will not do. For he assigns exactly the same psychological structure to the effect of the moral law's determination of the will, i.e. that feeling which Kant calls 'respect.' Indeed, in the course of his discussion of the sublime, he *explicitly* links the experience to the feeling of respect.

Overlooking the internal difficulties of Kant's arguments, then, we are left with the following problematic position overall. He shows how the experience of vast or destructive phenomena (i.e. the mathematical and dynamical sublime respectively) can lead us to existential insights of moral import. But he does *no more* than this. The feeling of the sublime is left as a mode of moral feeling which arises from nature. Now earlier on I suggested that Kant's reluctance to describe natural phenomena as sublime was misplaced. In the *aesthetic* experience of sublimity, our perceptual and imaginative capacities are tested by the natural phenomenon. It plays a necessary role, and can thence be justifiably described as sublime. What needs to be done, therefore, is to pick up various scattered insights in Kant's exposition and modify his major arguments so as to allow nature and our sensible receptivity a role equal to that which Kant assigns rational insight. The sublime, in other words, must be established as a distinctive mode of *aesthetic* experience, rather than one of moral import alone.

Before addressing this task, however, I shall first address and reject an alternative reconstructive strategy which has been undertaken in relation to Kant's theory.

## II

In his book, *The Romantic Sublime*, Thomas Weiskel rightly proposes that, in order to be made viable, Kant's approach must be "purged of its idealist metaphysics,"[12] and must also be allowed to encompass products of artifice, such as the written word, as well as objects of nature. As a means to this end,





Weiskel appropriates concepts from linguistics and psychoanalysis. The main linguistic principle is Saussure's dichotomy between *signifier* and *signified.* The former is, broadly speaking, any material object which can signify some other object in accordance with a semantic code. The latter, in contrast, is our specific understanding of that which the signifier refers to. By using this scheme Weiskel is able to express the object/mind relation involved in Kant's theory in a non-idealist idiom. The major psychoanalytic principle which Weiskel appends involves construing the sublime moment as "an economic event in the mind."[13] This means, specifically, that it is a reflection of the broader principle that any *loss* of energy at one level (i.e. an occurrence of pain and unintelligibility) must be compensated for by a gain of energy (in the form of *meaning*) at another level within a 'constant' field. It is this principle which enables Weiskel to assimilate Kant's notion of the sublime as involving a 'mental movement.' Indeed, he even goes so far as to say that:

> *if we desert an economic principle - at least the theoretical possibility of roughly calculating gain or loss - we have in my judgement no way to keep the sublime closed to 'mystical' explanations.*[14]

With these linguistic and psychoanalytic principles in mind, we can now consider the way in which Weiskel formulates two varieties of the sublime. The first of these is 'negative' or 'metaphorical' and broadly corresponds to Kant's mathematical mode. It consists of three phases. In the first of these, some signifier or set of signifiers - such as words on a page, or the colours and shapes of a landscape - stand in a determinate relation to a signified. As Weiskel puts it:

> *the flow of the signifiers constitutes a 'chain' or syntactic process whose continuity remains undisturbed.*[15]

At this stage, in other words, we simply read the text or landscape in terms of some specific set of signifieds which constitute the meaning of the text or our recognition of the landscape as a 'landscape.'

However, in the second phase, our reading is suddenly disrupted:

> *the feeling is one of* on and on, *of being lost. The signifiers cannot be grasped or understood, they overwhelm the possibility of*

> *meaning in a massive underdetermination that melts all oppositions or distinctions into a perceptual stream; or there is a sensory overload ... the imagery appropriate to this variety of the sublime is usually characterized by featureless (meaningless) horizontality or extension.*[16]

In the third phase, the principle of economy comes into operation. In Weiskel's words:

> *the syntagmic flow must be halted, or at least slowed, and the chain broken up if the discourse is to become meaningful again. This can only be done through the insertion of a substituted term into the chain, i.e. through metaphor. The absence of a signified itself assumes the status of a signifier, disposing us to feel that behind this newly significant absence lurks a newly discovered presence, the latent referent, as it were, mediated by the new sign.*[17]

On these terms, therefore, we compensate for the absence of an immediate determinate signified by reading its absence as a metaphor for a hidden signified. What this hidden signified is - God, the supersensible, soul, or whatever - is a function of ideology, that is, is determined by the system of beliefs and values which characterise the encultured individual who is having the experience.

Let me now address some of the problems which this account raises. First, Weiskel's argument faces an internal difficulty in relation to the second phase of the above process. One can certainly make sense of this phase in terms of natural objects insofar as their size or power overwhelms our immediate comprehension, i.e. the sheer profusion of signifiers arrests our capacity to grasp them in terms of some immediate signified. This model might also apply to certain works of art insofar as they are physically vast. Its application to literature, however, is altogether more problematic. For here, if we are overwhelmed, it is surely not by the profusion of *signifiers*, but rather by the narrative content which the signifiers evoke, for example, overwhelming *images* of power, desolation, endlessness, *etc.* This means, in other words, that in literature the dimension of excess occurs at the level of the *signified.* In fact, the only way that textual signifiers might fail to relate to a determinate signified is if (for whatever reason) we fail to understand the





semantic code in which they are inscribed. But this, of course, would be an experience of mere confusion rather than of sublimity.

There is also a rather more general problem which Weiskel's account faces. This consists in the way he takes his theory to be derived from Kant. The basis of this derivation is Weiskel's use of Kant's final definition of the sublime offered in section 29 of the third *Critique.* Kant writes that the sublime *"is an object (of nature) the representation of which determines the mind to regard the elevation of nature beyond our reach as equivalent to a presentation of ideas."*[18] Weiskel interprets this as follows:

> *In Kant's view the "representation" of such an object must collapse and this failure yields the intuition of "unattainability". But reason's ideas* (of the unconditioned, the totality, etc.) *are also "unattainable" since they cannot be imagined or presented in sensible form. Hence the Janus-faced mind is confronted with two dimensions of "unattainability" and it simply identifies them in what amounts to a metaphorical intuition. The imagination's inability to comprehend or represent the object comes to signify the imagination's relation to the ideas of reason.*[19]

It is worth pointing out that whilst Weiskel here takes himself to be working from Kant's most 'complete' definition, it is, in fact, one of the least satisfactory in Kant's own terms. Not only does he here (in contradiction to the main thrust of his argument) describe the natural object itself as sublime, he also presents his argument in a way that omits the central structural feature of his overall position, which consists in the claim that it is imagination's inability to meet reason's demand for a presentation of totality which evidences the superiority of our rational being. Now it is the fact that Kant omits this crucial claim here that leads Weiskel into a fundamental misinterpretation. He suggests that, for Kant, *"the imagination's inability to comprehend or represent the object comes to signify the imagination's relation to the ideas of reason."* This is true, but Weiskel is mistaken as to the nature of the signifying relation involved here. For imagination's failure to comprehend the vast object in accordance with the demands of reason is an actual example of reason's superiority over imagination. It does not, therefore, involve the 'insertion' of any *metaphorical* 'latent' meaning; rather, this particular instance of reason's superiority is so vivid and dramatic as to make us indirectly aware of its general significance. To put it in a familiar

philosophical idiom, judgements of sublimity *exemplify* imagination's inadequacy in relation to reason.

Now my grumble against Weiskel here is not simply that he misinterprets Kant, but that he misinterprets him on the one point which is most crucial to reconstructing Kant's theory in a more viable form. For, as I shall show in the next section, judgements of sublimity are founded on a special kind of exemplification wherein the scope of rational cognition is affirmed - albeit not *quite* in the sense which Kant intends. That Weiskel does misinterpret Kant on this point, is due to the fact that his mode of reconstruction is organised entirely around the notion of the sublime as a 'mental movement.' However, as I shall argue towards the end of this section, this notion is in fact something of a liability.

Before showing this, let me outline the second variety of sublimity which Weiskel putatively derives from Kant. This is called the 'positive' or 'metonymic' mode. Its first phase is the same as that undisturbed 'reading' of text or landscape which characterises the metaphorical sublime. In the second phase, however, matters are rather different. Here, some passage in a text or element in a landscape produces an excess of the *signified*. As Weiskel puts it:

> *meaning is overwhelmed by an overdetermination ... We are reading and suddenly we are caught up in a word (or any signifying argument) which seems to contain so much that there is nothing we cannot 'read into' it. What threatens here is stasis, a kind of death by plenitude ... which destroys the seeking for a signifier.*[20]

Here, in other words, the profusion of *meanings* (signifieds) is what overwhelms us. In the third phase of this experience, however, "the mind recovers by displacing its excess of signified into a dimension of contiguity which may be spatial or temporal."[21] Indeed, "the mind begins to 'spread its thought,' to avert the lingering which could deepen into an obsessive fixation."[22] On these terms, then, we compensate for the excess of meaning by channelling it into streams of determinate and continuous imagery which (one presumes) express or connote a sense of that excess from which they directly spring. They metonymically signify their own origin. This mode of





sublimity - as Weiskel also points out - is especially characteristic of artistic creation.

It is important to note that Weiskel's notion of the metonymic sublime is not meant by him to be analogous with Kant's dynamic mode (although at least one commentator has mistakenly supposed otherwise).[23] It is, rather, an *extreme* case of what Kant would call an aesthetic idea. This is defined as:

> *that representation of the imagination which induces much thought, yet without the possibility of any definite thought whatever, i.e. concept being adequate to it, and which language, consequently, can never get quite on level terms with.*[24]

In *The Kantian Sublime*, I have argued that there is indeed a plausible link between Kant's notion of the aesthetic idea and the experience of sublimity. Weiskel's position, however, is not entirely adequate. This is not due to any internal tension in his account of the metonymic mode, but rather to difficulties which pertain to his overall approach - encompassing the metaphorical sublime as well. The first of these difficulties consists in the fact that Weiskel approaches his reconstructive task in isolation. That is to say, without situating the sublime in relation to criteria of aesthetic discourse generally. Hence, whilst he putatively explains what is involved in an experience of the sublime, his explanation serves to break up the sublime into two successive acts of judgement - on the one hand an appraisal of phenomenal or imaginative excess, and on the other hand an appraisal which derives metaphorical or metonymic significance from the former. The result of this is not dissimilar to that of Kant's own theory: nature and art become merely the indirect vehicles for metaphysical and moral insight. Now in the context of the current postmodern scepticism as to the viability of distinctive aesthetic categories, this may be felt to be a strength of Weiskel's account, rather than a weakness. He shows how such a quasi-distinctive 'aesthetic' category can be deconstructed in terms of a play-off between presence and absence in an economy of cognitive energy. Against this, however, one can retort first that Weiskel's own principle of economy is simply too crude. It may be, for example, that in our interactions with the world we do broadly strive to achieve states of equilibrium, but Weiskel reduces this to *quasi-mechanistic* terms insofar as loss of meaning at one cognitive level must be compensated for by gain of meaning elsewhere in a constant total 'field' of

mental energy. This, however, does no justice to the complexity and subtleties of gain and loss in our engagement with the world. Such a model would only be of use in relation to the sublime if there were no better explanation of the experience available.

Indeed, even if there were not, Weiskel's approach would still face one crucial difficulty. As I noted earlier, the very basis of his approach is an attempt to restate Kant's notion of the sublime as a 'mental movement,' that is, as defined by a transition from a feeling of pain or privation to one of pleasure. However, whilst Weiskel's approach by-passes some of the difficulties which this raises for Kant, it is open to a psychological counter-example of the most obvious kind. For surely, we can experience the sublime without the *necessary* mediation of an occurrent state of privation and displeasure. Indeed, if someone insisted that in their experience of sublimity there was *never* the least sign of such a state, how could we hope to refute them? The real problem with Weiskel's approach is that he is trying to assimilate a feature which looms large in Kant's account but which is, in fact, psychologically contingent and looms large only because it is Kant's own way of coming to terms with the theory of the sublime dominant during his own times - namely that of Burke. Weiskel's psychological approach, in other words, is organized around what is in fact only a historical contingency in Kant's theory. I shall, therefore, now hope to formulate a more satisfying approach based on Kant's *essential* insights.

## III

Let us begin the process of reconstruction from Kant's point concerning the 'idea of reason' which compels us to comprehend any given phenomenal item in its totality. This insight reflects a truth whose validity does not depend on Kant's philosophical idealism. For if we were not compelled to comprehend phenomenal items in their totality - i.e. in such a way that none of their major parts (as encountered in immediate proximity to the body) were beyond our powers of perception, recall or projection in imagination - then we would simply be unable to control or successfully negotiate such items. Comprehension in this *sensible* sense, in other words, is a most fundamental dimension of our being-in-the-world. Now in normal circumstances this capacity will be exercised 'at a glance.' We do not *need* to go through any process of perceptual exploration or mental representation; we simply *recognise* that a phenomenal item's size or the effects of its power are





amenable to such comprehension. With vast or mighty items, however, matters are more complex. It may be that we simply recognise them as being beyond our powers of perception and sensible representation 'at a glance.' But this does not mean that the item, thereby, becomes utterly unintelligible or hostile to our hold on the world. The reason for this is that we know that no matter how formless or devastating it seems, the item is finite. We know that its size or effects must reach a stop at some point or other. This means, in other words, that its totality can be comprehended as an *idea*, i.e. in rational terms at the level of thought.

This rational capacity for articulating items which cannot be wholly grasped in sensible terms is one with which we are fully familiar, but when do we realise it in the *fullest* sense? The answer is: in the experience of the sublime. For here the extraordinary scope of thought is made vivid by sensibility's limits in relation to vast or mighty nature. There is nothing metaphorical about this. For our engagement with nature here means that the scope of thought is exemplified at the concrete as well as the abstract level. Indeed, there is a harmonious continuity wherein perceptual and imaginative exploration engender rational insight. This analysis of the sublime can also be applied with modifications to the realm of human artifice. We know that such artifice is of extraordinary scope. But we only fully realise this insight when our powers of perception and/or imagination are confronted by the appropriate sort of artifact. The criteria of appropriateness here are varied. The most obvious one is where vast or mighty artifacts overwhelm us with their sheer size or power or complexity or, of course, a combination of these. Sometimes an artifact can do this in *virtual* terms, when it represents or evokes such qualities. There is also an expressive mode of sublimity that is evaluative in character. This occurs when some work of art transcends the category of the 'good' and overwhelms us with its greatness. The way form and subject-matter are treated awakens a sense of the work's universal relevance - its capacity to illuminate innumerable episodes in different lives, and different times and places. Here, in other words, the innumerable imaginative possibilities which the work opens up makes the existential scope of artistic expression vivid to the senses. We acknowledge the work as a product of a *genius*, in the fullest sense of that term.

At the heart of these ways of articulating the sublime lies Kant's basic strategy. This consists in construing the experience as a presentation of rational insight, achieved through some phenomenal item's capacity to exceed

sensible comprehension. What Kant needs to stress - but does so only in hints - is that through this encounter the item brings different capacities in the human subject into a felt harmony. Specifically, our capacity for sensible comprehension is, despite the overload placed on it, in harmony with rational comprehension. It is this harmony which parallels that of the imagination and the understanding which is achieved through beauty. We are thence entitled to regard it as an aesthetic mode of pleasure.

With these points in mind, I shall now consider some issues which have been raised in relation to my strategy. The first is set forth by McClaskey:

> *Crowther's analysis of the sublime, like Kant's, is of what we find sublime in nature and in art as admiration of, or rejoicing in, human capacities.* [However] *Phenomenologically what we admire in the ocean, mountains and wild animals is* their *dignity, majesty, presence and exuberance, and what we take ourselves to be admiring in great as distinct from good art, is the powerful character* of the work, *and only secondarily and derivatively, the capacities of the artist. I find it puzzling to be committed to the view that we are deceived in this.*[25]

McClaskey's point about art can be dealt with simply. My analysis of the sublime in artwork *does* indeed focus on the character of the work itself. Some works articulate their material in such a way that the relevance of the articulation overwhelms us by its *universal* applicability. It is this which makes vivid the extraordinary scope of artistic expression. In such an experience the particular artist's capacities are, indeed, of derivative and secondary significance. In relation to art, in other words, McClaskey has *simply* misinterpreted my position.

There is also an element of misinterpretation in McClaskey's interpretation of my position *vis-a-vis* the sublimity of nature. Here, however, rather more complex issues are involved. I do indeed subscribe to the 'puzzling' view that it is not the object of nature *as such* which is sublime. But this does not amount to the same position as Kant's, namely that it is our rational capacity and not the object *at all* which is sublime. In this respect it will be recalled that throughout this paper I have argued that Kant gives an undue emphasis to the role of reason. Our pleasure in the sublime does not consist in a mere sense of wonder or exhilaration at the scope of rational comprehension.





Rather it flows from a felt harmony of sensibility - and thence nature - with the exercise of this capacity. Let me now relate this to McClaskey's difficulty. For her it is "puzzling" to hold that it is not the object itself which is sublime. Indeed; but if an approach on *broadly* these puzzling lines were not correct we would simply be returned to the starting point of the whole inquiry - namely, what explains our pleasure in vast and mighty objects. My approach answers this by occupying the middle-ground between McClaskey's and Kant's positions. The object is special, we admire and rejoice in it because, unlike most phenomenal items, it brings our capacities for sensible and rational comprehension into harmony. We do, in other words, admire the object but for *what it does* - and not simply for what it is.

This, however, brings us to a more fundamental question. Why, if the above analysis is true, does it *seem* to us that it is the object alone which we are enjoying? Why aren't we always explicitly aware of what it is doing to us, and what we are doing to it? An answer to these queries can be sketched on the following broad analogy. The enacting of a complex existential task may *seem* pleasurable in itself, but if we knew in advance that the task could never be successfully and definitively completed, the process of enactment would be pointless and frustrating. From this, it follows that a belief as to the successful outcome is a precondition of our taking pleasure in the process of enactment. Psychologically speaking, its trace informs the process, *even though we might not be explicitly aware of it during that time.* Our pleasure in the sublime parallels this. We could not enjoy the vastness or power of phenomenal items without being able to comprehend them as totalities in rational terms. It is the trace of this which enables us to cope with the item's excess in relation to sensible comprehension. We may be explicitly aware of our pleasure's origins, but this does not have to be the case. In the case of this latter eventuality, it will *seem* as though we are taking pleasure in the object alone. Indeed, the prevalence of this attitude should hardly surprise us. Their exercise is a matter of habit, rather than an explicitly conscious project.

Let me now address another problem - with some interesting ramifications - which McClaskey has raised in relation to my reconstruction of Kant's theory. It consists in the claim that whilst grounding the experience of the sublime on what is 'overwhelming'[26] I offer no criteria for this term. This also links up with the broader fact that I offer no arguments (to replace Kant's deeply unsatisfactory ones) for the intersubjective validity of judgements of the sublime. Professor Eva Schaper has further suggested (in conversation)

that this gap in my approach indicates the omission of something so central to Kant's philosophical aims that it is misleading to regard my approach as a 'reconstruction' of his theory. I shall deal with these related points in turn.

Firstly, my interpretation *does* offer criteria of the 'overwhelming.' In relation to nature these involve phenomena which are excessive in the sense that their size or the scope of their power cannot be grasped in terms of some perception of set of sensible representations which leaves none of their major parts of (in the case of mighty objects) effects beyond our capacity for recall or projection. (In this paper I have, of course, further refined this by clarifying our criterion of a part.) Now the interesting thing is that by interpreting the overwhelming in *these* terms, the road seems clear to a justification of their intersubjective validity. It could proceed along the route mapped out by Kant in his Deduction of the judgement of *taste*. His position there hinges on the claim that we must suppose the imagination and understanding of human beings to combine in the same general proportions, otherwise communication between such beings would not be possible. Kant's development of this in relation to taste is (as I showed in *The Kantian Sublime*) unacceptable. However, it can be developed in relation to judgements of sublimity. This is because such judgements hinge on an object's being found overwhelming in relation to the body's capacities at the level of perception, imagination and recall, but not at the level of rational comprehension. The sublime, in other words, is not directed at fine cognitive *discriminations* (as is the case with taste). Rather, it invokes comprehension in the sense of 'getting a hold of' and 'making intelligible.' Now there may be people with prodigious gifts of recall, imagination and reason; but unless there were some basic common ground or norms of comprehension, communication between human beings would not be possible. This norm of comprehension is central to the sublime. What it amounts to is that given some vast or mighty object we can recognise - generally at a glance - whether it is so overwhelming as to exceed the perceptual and imaginative capacities of even the most gifted human being. Likewise we know, in advance, that no matter how big or mighty it is, it has its limits, and this fact can be comprehended by any rational person. The upshot of this is that a judgement of the sublime can have a *provisional* claim to universal validity as the basis of the phenomenon's objective properties. But this is *only* provisional. For whilst an overwhelming item can be objectively described as overwhelming, this does not, in itself, entitle us to claim it as sublime. Some such items can simply be monotonous. The problem here is that for an item's overwhelming





properties to engage us, there must be something special about the *particular* way it exemplifies these. Hence, contra McClaskey, the 'overwhelming' as applied to the sublime is not a matter of personal idiosyncrasy, but the circumstances in which it attracts aesthetic attention are. We may be drawn by the complexity of the object's overwhelming properties; or by some dominating colour or shape; we may simply like the endless repetition of its parts or, in the opposite direction, the object's apparent simplicity.

These considerations show, then, that the justification of judgements of sublimity *ultimately* comes up against the same difficulties presented by the attempts to justify the intersubjective validity of the judgement of the beautiful. (This is especially true of sublimity ascribed to works of art.) The best way of dealing with these issues is on a comparative basis, i.e. an aesthetic judgement has claim to intersubjective validity if it can be defended by comparison and contrast between the aesthetic object and other such objects. In the case of the sublimity of nature, the provisional basis of such a claim is at least provided by objective features. Indeed, this foundation makes it more likely that consensus can be reached on cases of the sublime than on cases involving most other aesthetic ascriptions.

The question which must finally be faced, then, is whether this inability to establish the claims of judgements of sublimity on anything other than a provisional status means that my approach is at best neo-Kantian rather than, as I have described it, a reconstruction of his approach. There is, of course, no shame is being described as a neo-Kantian, but the approach I have taken to his theory is, in fact, a genuine case of reconstruction. The reason for this hinges on some complex issues which I will now very briefly outline.

First, Kant's fundamental goal in his critical philosophy is to offer justification of, in the broadest sense, claims to objective knowledge. To do this he begins by clarifying the self's knowledge of its own relation to the world. The odd thing is, that viewed in relation to these aims, Kant's aesthetic theory in general is a very ambiguous enterprise. For whilst it addresses the human subject's relation to the world at the level of feeling, this level does not involve claims to objective knowledge. Rather, the pure aesthetic judgement has a claim to intersubjective validity which is based on the co-operation of the faculties involved in cognition. However, as I argued earlier, this does not, without bringing in empirical considerations, allow Kant to establish the pure aesthetic judgement's claim to universal validity. If it is *this*

strategy which defines the Kantian approach to aesthetics, then that approach is a failure. But, of course, there is much more to Kant's critical philosophy than simply its goal. His great originality lies in the *method* whereby he strives to attain it. At the heart of this strategy is the notion of *synthesis*. Unlike his philosophical predecessors, Kant does not posit a passive relation between human subject and world. Rather, the world as it appears in experience is a function of the intellect's *organisational* activity. In relation to judgements of beauty and sublimity, experience is also grounded in synthesis. Specifically, we are dealing with two different ways in which phenomena engage our sensible receptive capacities, and our organizational rational ones. It is precisely on the basis of this set of relations that I have developed Kant's theory. My approach, therefore, is a genuine case of reconstruction, insofar as it is grounded on the fundamental methodological principle of Kant's critical philosophy.

## Notes

1) Crowther, P., *The Kantian Sublime: From Morality to Art*. Oxford: The Clarendon Press, 1989.
2) Kant, I., *Critique of Judgement*. Trans. by J. C. Meredith. Oxford: Oxford Univ. Press, 1973, p. 94.
3) *Ibid.*, p. 94.
4) *Ibid.*, p. 98.
5) See Part II, chapter 4, *The Kantian Sublime*.
6) Kant, *op. cit.*, p. 105.
7) Kant, *op. cit.*, p. 109.
8) Kant, *op. cit.*, p. 110-111.
9) Kant, *op. cit.*, p. 111.
10) Pascal, B., *Pensées*. Trans. by J. Warrington, Dent & Co. London: 1973, p. 110.
11) Mothersill, M., *Beauty Restored*. Oxford: The Clarendon Press, 1984, p. 236.
12) Weiskel, T., *The Romantic Sublime: Studies in the Structure and Psychology of Transcendence*. Baltimore: John Hopkins Univ. Press, 1976, p. 23.
13) *Ibid.*, p. 24.
14) *Ibid.*, p. 24-25.
15) *Ibid.*, p. 25.
16) *Ibid.*, p. 26.
17) *Ibid.*, p. 27-28.
18) Kant, *op. cit.*, p. 119.





19) Weiskel, *op. cit.*, p. 22-23.
20) *Ibid.*, pp. 26-27.
21) *Ibid.*, p. 29.
22) *Ibid.*, p. 29.
23) Marvick, L. W., *Mallarmé and the Sublime*. Albany: State Univ. of New York Press, 1986, p. 70.
24) Kant, *op. cit.*, p. 175.
25) Review of *The Kantian Sublime*, in *Philosophy*, October 1990, p. 382.
26) *Ibid.*

# DELIGHTED TO DEATH

***Nick Land***

E. M. Cioran's essay, 'Thinking Against Oneself', begins:

> *We owe the quasi-totality of our discoveries to our violences, to the exacerbation of our disequilibrium. Even God, insofar as he intrigues us, is not to be found in our most intimate depths, but rather at the exterior limit of our fever, at the precise point where, our rage colliding with his, a shock results, an encounter that is equally ruinous for him and for us. Stricken with the malediction attached to acts, the violent man does not force his nature, does not go beyond himself, except to furiously re-enter, as aggressor, followed by his enterprises, which come to punish him for having raised them. There is no work that does not return against its author: the poem crushes the poet, the system the philosopher, the event the man of action. Some form of self-destruction, responding to his vocation and accomplishing it, is at work in the core of history; only he saves himself who sacrifices gifts and talents in order that, disengaged from his quality as a man, he is able to strut into being. If I aspire to a metaphysical career there is no price at which I am able to protect my identity, however minute are the residues that remain, it is necessary that I liquidate them; just as, on the contrary, if I adventure into a role in history, the task that I take upon myself has to exasperate my faculties to the point where I splinter with them. One always perishes by the self that one assumes: to bear a name is to claim an exact mode of collapse.*
>
> *Faithful to his appearance the violent one is not discouraged, he begins again, obstinately, because he is unable to dispense with suffering. Is he driven to devastate others? That is the detour that he borrows to rejoin his own devastation. Beneath his assured air, beneath his fanfares, is hidden one who is besotted with misfortune. It is thus amongst the violent ones that are*





> *encountered the enemies of self. And we are all violent ones, the enraged, who, having lost the key to quietude, have access only to the secrets of laceration.* [TE 9-10]

Cioran quotes Lao Tsu's maxim 'the intense life is contrary to the Tao', and compares the tranquillity of the modest life with the thirst for annihilating ecstasy that has possessed the Western world. However, acknowledging the compulsion of his Occidental heritage, he remarks *"I can pay homage to Lao Tsu a thousand times, but I am more likely to identify with an assassin."* Our culture, he argues, is essentially fanatical.

Kant began something quite new in the history of Western philosophy, by adapting thought to a rigourous austerity. Unlike Descartes, for whom doubt was only a detour to a more secure edifice of knowledge, Kant committed his thought to renunciation. Following Luther, he steeled himself against the seductions of 'the whore of reason', pursuing an ascetic doctrine that he baptized 'critical philosophy'. His great temptation was to write a 'system of pure reason' - the constructive philosophy that Hegel accomplished in his *Logic* - but he did not succumb, and went to his grave with his speculative virginity intact. His mature work was a perpetual flagellation of dialectical desire. It was not with the scholastics, but with Kant, that philosophy tasted the fierce delights of martyrdom.

In 1790, the year in which Kant's *Critique of Judgement* was published, the French revolution was in full surge. The enlightenment had climaxed in an insurrection aligned with a secular project of redemption. In his *Philosophy of Right*, Hegel describes these events as follows:

> *This is the freedom of the void which rises to a passion and takes shape in the world; while still remaining theoretical, it takes shape in the Hindu fanaticism of pure contemplation, but when it turns to actual practice, it takes shape in religion and politics alike as the fanaticism of destruction - the destruction of the whole subsisting social order - as the elimination of individuals who are objects of suspicion to any social order, and the annihilation of any organization which tries to rise anew from the ruins.* [PR 22]

Such is the insatiable fury that finds its voice, in this same period, in the literary and political writing of the Marquis de Sade. But comparing Sade

with Kant, it is not obvious that it is the Marquis - despite his obsession with orgy and massacre - who is the more excited by violence. Hegel pictures spirit migrating from Paris to Königsberg, fleeing from its annihilating frenzy towards a moderated, or concrete, negation. He suggests that Kant recoiled from the extreme negativity of deist republicanism. But, like the *ancien régime*, the Jacobins also found it necessary to imprison Sade and repress the mystical delirium of his atheism. So it is equally possible to suggest that, insofar as Kant turned away from the French revolution, it was because its basically restrained and utilitarian secularism failed to quench his thirst for extinction.

It is worth remembering that a glimpse into Kant's philosophy was sufficient to drive Kleist to suicide, and that Schopenhauer found in it the ethical imperative that existence be denied. Perhaps neither of these writers were ecclesiastical enough to enjoy the ghoulish cruelties that Kant explored. For Kant was a consummate saint, a cheerful man. He was not a stoic, but rather, faithful to his Christian heritage, a voluptuary of defeat.

Amongst other things, Kant is the first philosopher of intolerable pleasure. In his *Anthropology*, published in 1798, he writes:

> *Satisfaction is the feeling of the promotion; pain that of the obstruction of life. But life (of animals) is, as doctors have already noted, a continuous play of the antagonism of the two.*
>
> *Thus before every satisfaction there must first be pain; pain is always first. Because what would proceed from a continual promotion of living force, which does not let itself climb above a certain grade, other than a rapid death from delight?* [VII 231]

Uninhibited pleasure does not tend to the benefit of the organism, but rather, to its immolation. Or, more precisely, the enhancement of life is intrinsically bound to its abolition. Life is not consumed by death at its point of greatest depression, but at its peak, and inversely; it is only the brake provided by suffering that preserves the organism in its existence. It is pain that spares life for something other than an immediate and annihilating delight. So Kant suggests that pleasure is the combustion of life, and we survive by smouldering.





It was Kant's genius to combine the saint with the bourgeois. He was not immune to the prevalent ascetic practice of our age: accumulation. If pleasure is to be suspended, this is at least in part because it should be capitalized. A few pages later in the *Anthropology* he implores:

> *Young man! Hold work dear; refuse yourself satisfaction, not in order to renounce it, but rather to hold it as much as possible in prospect! Do not deaden the receptivity for it by premature enjoyment! The ripeness of age, which never lets the privation of any physical enjoyment be regretted, shall, in this sacrifice, secure you a capital of contentment independent of the accidents of natural law.* [VII 237]

Delights foregone will be transmuted and redeemed. This is more than a little mendacious. Since, even at the end of the Eighteenth century it had become intrinsic to capital accumulation that it was interminable. One does not capitalize that which will ever be spent. It is only with the reference to the super-natural, to a pleasure beyond natural law - which is weakly described as a 'contentment' (*Zufriedenheit*) - that this passage comes close to sanctifying denial. For it is mere hypocrisy to employ utilitarian arguments to justify the austerity demanded by an ethic of accumulation, which requires an unceasing disequilibrium between work and enjoyment. Such an argument could only be convincing if this austerity were merely provisional, like a negation that will be in turn negated. If capital is to be provided with an absolute justification - and the need for this might not necessarily be felt - it will not be found in economics, but religion, as it always has been in the past. Only religion speaks the sort of language that could possibly affirm the conclusive loss of terrestrial pleasure, such as that which is represented by the subordination of consumption to the amassing of productive resources.

The only coherent apologetic of bourgeois austerity is called 'martyrology'. A rather mild example is the account of the passion of Saint Vincent given in *The Roman Martyrology*:

> *At Valencia in Spain, in the province of Tarragona, [the death] of Saint Vincent, Deacon and Martyr, who under the most wicked governor Dacian suffered prison, starvation, the rack, the twisting*

> *of his limbs, burning coals, the iron basket, fire and other kinds of torture; and for the reward of his martyrdom he departed to heaven.* [RM 17]

A harsher version, found in Delahaye's *The Passions of the Martyrs*, tells us more about the imagination of Christendom than its history. It describes how a certain Saint George (not the English one) consummated his martyrdom:

> *Saint George is hung, flayed to the point of exposing his entrails, stretched and drawn by four machines, flayed again, tormented by salt on his open wound, nailed by his feet to a scaffold, torn by six hooks, thrown in a tub and immersed by blows from a fork. He undergoes torture at the wheel, which is fitted with swords and knives, he is stretched on a bed of bronze; molten lead is poured into his mouth, a stone covered in lead is rolled over his head and limbs. He is hung head downwards, a large stone about his neck, above a thick suffocating smoke ... He is sawn in two and thrown into a cauldron of molten lead and pitch. He is whipped with leather thongs. A red-hot cask is placed on his head. His sides are flayed, and he is burnt with torches. The sword finally terminates his martyrdom.* [PM 286]

In *The Book of Martyrs*, John Foxe makes some more general remarks about martyrdom:

> *It is marvellous to see and read the incredible numbers of Christian innocents that were slain and tormented some one way, some another, as Rabanas saith, 'Some slain with the sword; some burnt with fire; some scourged with whips; some stabbed with forks: some fastened to the cross or gibbet; some drowned in the sea; some their skins plukt off; some their tongues cut off; some stoned to death; some killed with cold; some starved with hunger; some their hands cut off, or otherwise dismembered.' Whereof Augustine also saith, 'They were bound - imprisoned - killed - tortured - burned - butchered - cut in pieces,' etc.* [BM 35]

Discussing the powerful enemies of the early Christians, Foxe remarks:





> *Neither yet were these tyrants contented with death only. The kinds of death were various and horrible. Whatever the cruelty of man's invention could devise for the punishment of man's body, was practised against the Christians. Crafty trains, outcries of enemies, imprisonment, stripes and scourgings, drawings, tearings, stonings, plates of iron laid unto them burning hot, deep dungeons, racks, strangling in prisons, the teeth of wild beasts, gridirons, gibbets and gallows, tossing upon the horns of bulls ...* [BM 37]

But theological discourses in the Western tradition are redemptive, and thus demand a happy ending. One example is that given by Foxe in his commentary upon the death of St. Lawrence:

> *Such is the wisdom and providence of God, that the blood of his dear saints (like good seed) never falls in vain to the ground, but it brings some increase: so it pleased the Lord to work at the martyrdom of this holy Lawrence, that by the constant confession of this worthy and valiant deacon, a certain soldier of Rome, being converted to the same faith, desired forthwith to be baptized of him; for which he was called to the judge, scourged, and afterwards beheaded.* [BM 52]

These examples have to be used carefully, because Kant learnt from Protestantism and secularism the necessity for internal discipline, so that, to a degree that was without philosophical precedent, he became the source of his own persecution. In the modern age, martyrdom has to become more systematic, independent of psychological and historical accident, or, to use Kant's word, autonomous. Kant describes this new passional experience as sublime, and the theory corresponding to it is to be found in his *Critique of Judgement*.

Kant's theory of the sublime is an extreme point in the history of Occidental mysticism. It is concerned with the super-natural delight experienced by the self when it intuits the splitting of itself. The task Kant sets himself is that of grasping the connection between the finite animal part of the human being (sensibility), and its transcendental moral part (reason). He argues:

> *between the realm of the natural concept, as the sensible, and the realm of the concept of freedom, as the super-sensible, there is a great gulf fixed, so that it is not possible to pass from the former to the latter (by means of the theoretical employment of reason), just as if they were so many separate worlds ...* [KU 14]

In his theory of the sublime he proposes a resolution to this rift, which hinges upon the concept of violence [*Gewalt*]. He insists: "human nature does not of its own proper motion accord with the good, but only by virtue of the violence that reason exercises upon sensibility." *(KU 124)*

He uses the word 'imagination' to refer to the pre-conscious process that grasps the raw material of sensation and moulds it into a coherent whole. The imagination is the faculty of appropriation, which assimilates passively received material to basic concepts, constituting objects of experience. In the first *Critique* Kant calls this function 'schematism'. It is the primary vitality of the organism, the basic animal vigour in which the subject is rooted, and upon which the possibility of knowledge rests. If the subject is to find delight in the excruciation of its animality, it is the imagination that must bear the fury of holy passion, and this is indeed what Kant argues:

> *that which, without our indulging in any refinements of thought, but simply in being apprehended, excites the feeling of the sublime, may appear to be frustrating for our powers of judgement, inappropriate to our faculty of presentation, and a violation of the imagination, but yet be judged even more sublime on that account.* [KU 90]

The sublimity evoked by an experience is in direct proportion to the devastation it wreaks upon the imagination. Because the pain resulting from the defeat of the imagination, or the animal part of the mind, is the tension that propels the mind as a whole into the rapture of sublime experience. Sublime pleasure is an experience of the impossibility of experience, an intuition of that part of the self that exceeds intuition by means of an immolating failure of intuition. The sublime is only touched upon as pathological disaster.

The paradoxical character of Kantian sublime experience is undoubtedly in part conditioned by the extreme severity of the metaphysical problem which





it is designed to solve. When sensibility and reason, the empirical and the transcendental, are distinguished with the rigour that Kant insists upon - as if they were two separate worlds - it is scarcely surprising that the bridge between them will exhibit inordinate stresses. Beyond such modern philosophical issues - indeed generating them - there are more deeply rooted historical effects at stake, and foremost amongst these is the Platonic-Christian affirmation of a super-terrestrial desire. Sublime experience is to be an anti-pathological eroticism, in which the body lusts after the agonized convulsions that stem from its own negation. The tension of sublimity is not merely the symptom of theoretical contradictions, but also, and more basically, the key to the mystical persuasiveness of the sublime. For it is only because of this paradoxical character - or tension - that the sublime promises to slake the raging thirst for violence that drives religious enthusiasm, and in so doing, to offer the delights of catastrophic rupture.

It is crucial to the way that sublimity functions in Kant's work that it is subsumed under the more general concept of aesthetic judgement. As the synthetic a priori judgement of the relation of imagination to the practically constitutive and theoretically regulative ideas of pure reason, it falls within the more comprehensive domain of aesthetic judgement, which is the transcendental exposition of the relation between imagination and concepts in general, which thus also includes the theoretically constitutive pure concepts of the understanding, as well as its empirical concepts. This subsumption characterizes the idealist tendency of Kant's theory, since disinterestedness is established as a presupposition of aesthetic judgement, and the question of its generation is evaded. It is not even that transcendental reason is merely presupposed by Kant, for it is thought as nothing other that pure presupposition. But the purity or absolute abstraction that underpins such a concept of reason is the absence of all intuitive content, so that the word purity - for example - also operates simultaneously in another (psycho-religious) register; employed in fact as a scantly veiled name for annihilation. Cutting against the idealism that obscures this effective or pathological functioning would involve a genealogical investigation into the emergence of disinterestedness, and it is this that drives a materialist reading of Kant towards the issue of his mysticism.

By reserving his discussion of sublime violence until he has established the presupposition of disinterestedness, Kant justifies the excruciation of animality from without. The martyrdom of the imagination is described as

rational rather than rationalizing, as irrelevant to the constitution of reason. A materialist deciphering of this revision requires that repression - to use an inappropriately mild word - precedes its justification. If one is to gain some purchase upon the gloomy cathedral of our history, along with a little fresh air, it is important to begin with the sublime rather than aesthetic contemplation in general, and to read the sublime as generative rather than revelatory in its relation to reason.

Kant outlines two types of sublimity, one mathematical, and the other dynamic. Each of these types is associated with a specific violence against the imagination, which is marked out for sacrifice due to its status as the transcendental - and thus philosophically accessible - representative of the body. The mathematical sublime is the pleasure taken by reason in the collapse of the imagination induced by the intuition of magnitude, and the dynamic sublime is the equivalent pleasure corresponding to the intuition of power. In other words, the mathematical sublime is associated with the insignificance of the human animal, and the dynamic sublime with its vulnerability. The theological resonance of these terms is not at all accidental.

Sublimity has three elements; on the one hand the two elements of the subject: its sensibility or animality and its reason or pure intelligence, and on the other an object that overwhelms the imagination, and which is driven between the two parts of the subject like a wedge. The object provoking the sublime is simultaneously crushing for the sensibility and contemptible in respect to reason, and it thus serves to demonstrate the immeasurable humiliation of animal existence before the transcendental subject. The opportunity for the dynamic sublime lies in overweening force. It is the lucid intuition of catastrophic power, and is so nakedly rooted in brutal intimidation that Kant associates it with military butchery.

The more subtle case is that of the mathematical sublime. Given time it is necessary that the imagination succeeds in unifying the flood of sensations into a coherent whole. In other words, temporal synthesis dilutes the impact of sense, and since time is an ideal form of intuition its sufficiency for this process is transcendentally guaranteed. The mathematical sublime is the pleasure resulting from the obliteration of such ordered experience. It results when the laborious construction of organized perception is ruinously undermined by means of the sudden collapse of time, with the corresponding





compression of sensation into a devastating intensity. The diabolic genius of Kant's account is worth well worth reciting:

> *Measurement of a space (as apprehension) is at the same time a description of it, and so an objective movement in the imagination and a progression. On the other hand, the comprehension of the manifold in the unity, not of thought, but of intuition, and consequently the comprehension of the successively apprehended parts in one glance, is a retrogression that removes the time-condition in the progression of the imagination, and renders co-existence intuitable. Therefore, since the time-series is a condition of the internal sense and of intuition, it is a subjective movement of the imagination by which it does violence to the internal sense - a violence which must be proportionately more striking the greater the quantum which the imagination comprehends in one intuition. The effort, therefore, to receive in a single intuition a measure for magnitudes which it takes an appreciable time to apprehend, is a mode of representation which is defeating when subjectively considered, but, objectively, is requisite for the estimation of magnitude, and is consequently expedient. Here the very same violence that is wrought on the subject through the imagination is estimated as expedient for the total purpose of feeling.* [KU 107-8]

It would be difficult to delineate the violent desire to consummate the purity of reason in the annihilation of animality more starkly. This does not prevent Kant from elaborating upon these horrors for page after page, describing sublimity as:

> *something terrifying for sensibility, ... which, for all that, has an attraction for us, arising from the fact of its being a violence which reason unleashes upon the sensibility with a view to extending its own domain (the practical) and letting sensibility look out beyond itself into the infinite, which is an abyss for it.* [KU 115]

He later adds that:

> *law ordained function ... is the genuine characteristic of human morality, wherein reason must violate sensibility.* [KU 120]

Such is the world of Gothic violence in which the enlightenment reached its crescendo; philosophers feast in the palaces of reason, and luxuriate in the screams that reach them from the dungeons of sublimity. Kant would have us believe that this sacrificial consumption of animality merely exposes the transcendentally established truth of reason in respect of the body, or rather, in frenzied contempt for it. Sublimity would be a final, almost gratuitous, negation. It would be the confirmation, rather than the generation, of the absolute supremacy enjoyed by the part of us that we share with the angels over the part that we share with the beasts. Nevertheless, he has actually taught us something quite different, if our stomachs are strong enough for it.

Reason is something that must be built, and the site of its construction first requires a demolition. The object of this demolition is the synthetic capability that Kant refers to as the imagination, and which he exhibits as natural intelligence or animal cunning. This is the capability to act without the prior authorization of a juridical power, and it is only through the crucifixion of natural intelligence that the human animal comes to prostrate itself before universal law. Kant is quite explicit about this in the second *Critique*; only that is moral which totally negates all pathological influence, for morality must never negotiate with empirical stimulation. The Kantian moral good is the total monopoly of power in the hands of reason, and reason finds its principle definition as the supersensible element of the subject, and thus as fundamentally negative. In other words, morality is precisely the powerlessness of animality. This is not the discourse of civil jurisdiction, because it presupposes the prior silencing of the defendant. It is more like the discourse of military strategy in the grand style, which insists upon utterly vanquishing the enemy before dictating terms, and for which the very idea of negotiation already smelt of humiliation and defeat. In Kant's own words (from the *Groundwork to the Metaphysics of Morals*):

> *Thus it is that man lays claim to a will which does not let anything come into account if it belongs merely to his desires and inclinations, but, contrary to these, thinks of acts being possible for him, indeed necessary, which could only occur after all desires and sensory stimulation have been ignored.* [KPV 94]





Those with a taste for the macabre can find this theme obsessively reiterated within Kant's practical philosophy. It is hard to imagine that it could be controversial to suggest that the categorical imperative presupposes a vivisection.

Kant's anti-utilitarianism is a mark of his integrity as a moralist in the Western tradition. He does not mask the perennially severe character of moral submission in order to pander to the loutish hedonism of the English. He knows that morality is only good if it hurts. This is why he refers to the delights of the sublime - where morality comes closest to touching itself - as a 'negative pleasure' (negative Lust), which is not at all the same as displeasure (Unlust). Negative Lust is a pleasure taken in the negation of a primary pleasure, which is to say, in the unpleasure of the imagination. For reason has programmatically deafened itself to the howls of the body, and it is only by means of the aesthetic detour of the sublime that the devastating effects of its sovereignty can come to be enjoyed.

Squeamishness does not befit a moralist. A certain harshness is necessary if one would prevent life from being delighted to death. Such harshness, indeed, that the pathological lunge towards death rediscovers itself in the process of its own rigourous extirpation; sublimated into the thanatropic frenzy of reason.

## Abbreviations

BM: *The Book of Martyrs.*
KPV: *Kritik der Praktischen Vernunft / Grundlegung zur Metaphysik der Sitten.*
KU: *Kritik der Urteilskraft.*
SAG: *Schriften zur Anthropologie, Geschichtsphilosophie, Politik, und Pedagogik.*
PM: *Les Passions des Martyrs.*
PR: *Grundlinien der Philosophie des Rechts.*
RM: *The Roman Martyrology.*
TE: *The Temptation to Exist.*

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# THE GULF CRISIS: DERRIDA ON KANT'S THIRD *CRITIQUE*

***Drew Milne***

> *A judgement upon an object of satisfaction may be quite* disinterested, *but yet very* interesting, *i.e. not based upon an interest, but bringing interest with it; of this kind are pure moral judgements. Only in society is it* interesting *to have taste.* [Sec. 2n. B39/M44/G41][1]

What kind of society is interested in the beautiful or sublime? Who, amid the death throes of a cold war which was never cold, is interested in Kant's *Critique of Judgement*? Kant sought to build a bridge of harmony across an immeasurable gulf between the sensible realm of the concept of nature and the super sensible realm of the concept of freedom *[Intro. (II). B12/M14/G11]*. Yet, the realm which might ground such a bridge is also an historical gulf, a history of gulf wars. Regulatory principles of reason barely trouble those whose interests are no longer even proclaimed as the defence of the 'free world.' We can barely pause for breath amid the new hurrahs for global 'free' markets whose freedom is, at best, noumenal. Rather, the 'free' interests of the market are phenomenally crude: crude oil fuels war, and the logic of petro-dollars is less than sublime. The gulf remains a gulf crisis, if not grounded, then on a war footing. Peter Sloterdijk marked the 200th anniversary of Kant's *Critique of Pure Reason*, with his own *Critique of Cynical Reason*, and asked how some sad festival of Kant scholars, might give Kant a summary of history since 1795, the year Kant published *On Perpetual Peace*.[2] Whatever the cosmopolitan purpose of Kant scholars, one hopes that rather than blushing at Kant's disappointment, they might question the idea of history as "regular procession among freely willed actions."[3] The 200th anniversary of the *Critique of Judgement* (1790) poses similar questions. Given the 200 years of intervening history - perhaps best lamented in Adorno's phrase as "permanent catastrophe"[4] - what might justify interest in the beautiful and sublime? In what kind of society is such an interest interesting?

This cult of the anniversary marks a desire to envelop history in repetition, to make statistical contigencies seem significant rather than intelligible. In the absence of perpetual peace and principles of hope to bolster reason, perhaps we might nevertheless mark this 200th anniversary by mourning the continuing reality of war, and the seemingly unavoidable relevance of the apocalyptic imagination's response to famine, genocide and ecological disaster? Against the implacable architectonics of Kantian critique, we might question thought's complicity with the intervening history. Is it possible to imagine such a history as sublime? Consider this remark from the third *Critique*:

> *War itself, provided it is conducted with order and a sacred respect for the rights of civilians, has something sublime about it, and gives nations that carry it on in such a manner a stamp of mind only the more sublime the more numerous the dangers to which they are exposed, and which they are able to meet with fortitude. On the other hand, a prolonged peace favours the predominance of a mere commercial spirit, and with it a debasing self-interest, cowardice and effeminacy, and tends to degrade the character of a nation.* [Sec. 28. M112-113/B102/G109]

Enlightenment still casts shadows. A sacred order of the nation, fighting against its less noble commercial interests, must still stand tall and brave against the collapse of gendered certainties. Lest the self debase itself in commerce with pleasure, there is disinterested beauty and the sublimity of war. So much for perpetual peace. From cold war to holy *jihad*, and amid a gulf war, here perhaps is cause for interest in differing from Kant's judgement, disputing his taste. If this is *sensus communis*, we can ill afford distinterestedness.

Philosophers are fond of ignoring the consequences of illustrative examples. Severed from systems, reason refuses the philosophical content revealed by thinking through such ornaments (*sic*) of style. The quote culled from context can only reveal its interests in disrupting the system of Kant's vocabulary, a system in which interest, be it in beauty or moral good, must become disinterested. Lest it be thought that the sublimity of war marks an abberation of bad taste among Kant's exemplifications, his earlier, largely ignored, *Observations on the Feeling of the Beautiful and Sublime* (1764) should be read. Here, in starker form, are examples - mountains, flowers, bird song,





Egyptian pyramids, St. Peter's - which are taken up again in the third *Critique*. The *Observations*, however, are also structured around more simplistic oppositions of the beautiful and sublime, and peppered with such profundities as:

> *The fair sex has just as much understanding as the male, but it is a* beautiful understanding, *whereas ours should be a* deep understanding, *an expression that signifies identity with the sublime.*[5]

Here, again, aesthetic judgement is gendered: 'our' judgement is male and deep, the other has a beauty that is only skin deep. While women are assigned to the beautiful, Kant completely excludes the skins of his dark continent from both the beautiful *and* the sublime:

> *The Negroes of Africa have by nature no feeling that rises above the trifling. ... The blacks are very vain but in the Negro's way, and so talkative that they must be driven apart from each other with thrashings.*[6]

Such pre-critical *Observations* [*Beobachtungen*], though they do not deserve their title, are no basis for criticising the *Critique of Judgement*. Nevertheless, surprising homologies between the works suggest the extent to which Kant's thought both frees itself from its historical context and remains bound to it in the many puzzling examples given in the third *Critique*. Most pertinent is their shared interest in the beautiful and the sublime, a coupling which, along with Kant's treatment of nature, has marked off the third *Critique* from most subsequent 'aesthetics.' Decisively different in the later work, however, is Kant's abandonment of empirical interests in judgements of taste and what I will call his interest in disinterestedness. However disinterested, the politics of gender, skin, race - so blatant in the *Observations* - reemerges, in sec. 16-17 of the third *Critique*, for example, amid discussion of human beauty. Kant excludes from judgements of pure beauty the tatooing of New Zealanders which might be more pleasing, he suggests, if it were not bound up with the adornment of warriors. The ideal of beauty itself elides Man with men. Kant notes the different perceptions of beauty among Negroes as marking a relation of the image of a whole race to *correctness* of beauty in the archetype of beauty in the race. Such examples must needs awake a hermeneutics of suspicion. Pure judgement must distil itself from the

violence of empirical contexts, but the violence of thought's freedom is the positivity of a false utopia. Freedom from interests is not freedom if we are interested in freedom.

Is it sufficient, then, to see in Kant's third *Critique* an economy of interests consigned to its own history? If so, why is Kant still besported, as if autonomously, on the contemporary market of theoretical interests? To cite one shameless instance, it seems that Kant must be discovered, like everything else, to be post-modern:

> *It is our thesis that Immanuel Kant, in his last days, reverses the field of liberalism creating the topology of the postmodern society of the spectacle under the sign of the aesthetic. All of this may be found in the* Critique of Judgement, *the definitive text of the dead power of aesthetic liberalism.*[7]

However dead this text may be, Lyotard, as befits a high priest of the postmodern, has respirited the sublime, sending ghostly shivers through the black night on which all sacred cows are postmodern.[8] Others have not prayed at the same church and have seen different histories amid the ghosts summoned by postmodernity[9] and the sublime.[10] At the same time, the interests of self-proclaimed modernity have not been uninterested in Kant's third *Critique* either. Thus, against the postmodern sublime, we might construe the endlessly re-elaborated versions of universal pragmatics in Habermas's ideal speech community as variations on Kant's community of aesthetic judgement, seeking to relink the good, the free and the beautiful in utopian intersubjectivity. Against this, however, the Kantian aesthetic has also been refigured as a paradigm for ideology, in which the moral law is seen as modelled on the commodity form.[11] This plethora of reinventions of Kant is itself part of a history in which all philosophy is sourced as the repetition of the big names of philosophy, like the nostalgia of aging sport commentators. We should nevertheless resist the temptation to retreat from history and the contemporary spectacle of neo-Kantianism. Against such a temptation, in search of differing judgements, I wish to situate Derrida.

How might we approach Derrida on Kant? Why might Derrida be interested in Kant? Kant is figured only in passing in Derrida's early writings, and not with the regularity of attention Derrida gives many other philosophers. After all, alongside textual excess and punning what could be less Derridean than





the sobriety of Kant's question of how synthetic *a priori* judgements are possible? Prone, however, to grand quasi-Heideggerian pronouncements in which the history of the West is like the history of Western metaphysics,[12] Derrida could not avoid tackling Kant for long. There is an immeasurable gulf between Kantian critique and Derridean deconstruction.[13] Philosophical texts are the *a priori* in Derrida's work through which he writes readings Herein lies literary criticism's selective affinity with Derrida. Foucault criticises Derrida for his "pedagogy" of textual exegesis,[14] but if Derridean exegesis re-writes its textual *a priori*, it may at least give us reasons for reading, if not judging, differently.

What, then, to stew and curry our metaphors, is the surplus-value of Derrida's reading of Kant? The question, at once political and economic, is raised in Derrida's essays, '*Economimesis*' and '*Parergon*', where he reads the third *Critique* through the concept of '*economimesis*' (*mimesis* and *oikonomia*)[15] and the supplementarity of the *parergon* respectively.[16] These have overlapping publication histories, and so enfold one another. Each makes reference to the other so as to suggest an inter-textual hanging-together which admits no chronological or logical priority. This circular interweaving, however, is also a gulf thematised by Derrida in *The Truth in Painting*:

> *the philosophical encloses art in its circle but its discourse on art is at once, by the same token, caught in a circle.* [P27/23]

Derrida takes Hegel's *Lectures on Aesthetics* and Heidegger's 'Origin of the Work of Art' as points of departure for *The Truth in Painting*, and perceives that these two very different discourses have "as a common interest that they exclude ... [that] which then comes to form, close and bound them from inside and outside alike" *[P27/23]*. Derrida's interest is in deconstructing this common interest in the programme shared by Hegel and Heidegger, but can be seen as following Heidegger in seeking, as Derrida puts it, "to go back behind all the oppositions that have commanded the history of aesthetics" *[P28/23]*. The risk is twofold: that of remaining within the repetition of the history of an unperceived metaphysics of art, against that of too quickly wishing an escape: "in wanting to avoid it at all costs, one can also be rushing toward the false exit, empirical chit-chat, spring green impulsive avant-gardism" *[P37/30]*. But if no beginning can be found in traditional questions ('what is a work of art?') without remaining encircled by the oppositions nature/art, *physis/techne*, Derrida takes the leap into determining this

difficulty by situating Hegel and Heidegger "in a certain historical topography" *[P41/35]* provided by Kant's third *Critique*.

The third *Critique*, writes Derrida,

> *had the merit of identifying in art (in general) one of the middle terms for resolving the 'oppositions' between mind and nature, internal and external phenomena, the inside and the outside, etc.* [P42/35]

Here opens the abyss [*Kluft*], the gulf which Kant seeks to bridge between the sensible realm of the concept of nature and the supersensible realm of the concept of freedom:

> *The analogy of the abyss and of the bridge over the abyss is an analogy which says that there must surely be an analogy between the two absolutely heterogenous worlds, a third term to cross the abyss, to heal over the gaping wound and think the gap. In a word, a* symbol. [P43/36]

By analogy we might add that the bridge over this gulf crisis will be a war of interests. We may, after all, be interested in bridging the gulf peacefully, rather than questioning its protocols and interests. Nevertheless, Derrida's attention to the analogy of the gulf is such a questioning, which provokes the question: what is Derrida's interest in this questioning? Questioning is itself a kind of answer, particularly when the insistent recoil of the question is itself the answer to all questions. What, then, against this rhetoric of the seamless chain of questions questioning, is Derrida's interest in the gulf? To avoid falling into the abyss, it would seem, and to "establish the laws of reappropriation, formalize the rules which constrain the logic of the abyss and which shuttle between the economic and the aneconomic" *[P44/37]*. I will explore Derrida's interest in the economic below, with reference to '*Economimesis*,' but let it suffice to note that this does not answer the question as to the interests of deconstruction in that which it deconstructs. Is deconstruction's interest critical? Derrida is adamant that deconstruction is distinct from analysis or critique, but works "in that place where the supposedly 'internal' order of the philosophical is articulated" *[P23-4/19]*. Accordingly, Derrida seeks, in both '*Economimesis*' and '*Parergon*,' to interrogate the general functioning of metapohor and analogy in the third





*Critique*, unravelling the relation between system and example to question the exemplary. In questioning deconstruction's interests, the question is posed as to whether, or in what ways, such interests are exemplary. How, then, does Derrida read Kant, and should we follow his example(s)?

In both '*Economimesis*' and '*Parergon*' examples are where Derrida begins or, as he puts it, feigns departures. This is in part necessitated by the circularity of the concept of art being predicated on examples. In starting from seemingly incidental remarks and examples, Derrida reads to disrupt marginality, showing how the margins are revealing fractures, the decosntructive elaboration of which delimits the violence of the system they sustain. Thus Derrida remarks: "I am going backwards, by a reflective route, from the example (if possible) toward the concept" *[P96/84]*. His procedure retraces circles without beginnings. In displacing the opposition margin/centre, however, Derrida risks insisting on a conspiracy of a system in which all the accidents or contingencies are inescapably bound to the system they seemingly exceed. The giddiness of differential polysemia is Derrida's necessary defence against the suspicion that deconstruction is a textual machine, a textual machine which can only ever return all philosophy to the chain of oppositions deconstruction delights in finding. Thus attention to margins and seemingly ornamental exemplifications is caught up in a dialectic of margin and centre which may hypostatize the centrality of margins. Nevertheless, as Derrida points out, to discern that which is marginal is already to have located the centre and its frame *[P73/63]*. It is, accordingly, Derrida's readings of particular examples which are his most interesting claims for a different kind of attention in reading Kant. However, and with a necessity that Derrida can only confirm, this particularity becomes exemplary in the system of Derrida's reading: identifying particularities grounds the connections and analogies which produce Derrida's most general and sweeping claims.

The central example elaborated in Derrida's essay '*Parergon*' concerns the delimitation of the extrinsic in ornamentation and the frames of pictures. Derrida's typography in the essay illustrates the problem by placing black lines which frame spaces in his text so as to suggest unframed fragments:

> *Here, a certain illustrative detachment, without reference, without title or legitimacy, comes as if to 'illustrate,' in place of ornament,*

> *the unstable* topos *or ornamentality. Or in other words, to 'illustrate,' if that is possible, the* parergon. [P20/16]

The *parergon*, from the Greek '*para-ergon*,' is that which is beside the main subject, subordinate, incidental, secondary or appended. Derrida takes the word from Kant's remark that:

> *Even what is called* ornamentation *[*Parerga*] i.e. what is only an adjunct, and an intrinsic constituent in the complete representation of the object, in augmenting the delight of taste does so only by means of its form. Thus it is with the frames of pictures or the drapery on statues, or the colonnades of palaces. But if ornamentation does not itself enter into the composition of the beautiful form - if it is introduced like a gold frame merely to win approval for the picture by means of its charm - it is then called* finery *and takes away from the genuine beauty.* [P62/53: Sec. 15: B61-2/M68/G65]

This is the text on which Derrida performs his exegesis for much of '*Parergon*' (a summary of which could only be ugly finery or a framed hunting trophy). In the process, Derrida convincingly elaborates a number of problems about the delimitation of the centre of the art-work, how we discern the inside and outside of the art-work. In this sense, Derrida is persuasive in showing the need to read Kant differently, especially with regard to the three examples given by Kant: "the frames of pictures or the drapery on statues, or the colonnades of palaces." These examples are selective, however, and some features of this selection need to be highlighted.

With an irony tha Derrida does not consider, it is worth noting that the bracketed word "[*parerga*]" in the above quotation, and the example "the frames of pictures" are additions made by Kant to the 1793 edition of the third *Critique*. Thus the centrality accorded them by Derrida is a supplement to Kant's supplement. But there is a different kind of selection process operating in the focus maintained by Derrida on the art-work, a more Heideggerian problem than that broached by Kant. As Derrida elegantly suggests, it seems clear, moreover, both here and elsewhere, that Kant's examples are not thought through and are often more confusing than illustrative. But rather than confirming the systematic chain of analogies that Derrida draws out, this is perhaps more intelligible as a symptom of Kant's





interests and historical context. Part of the selection of examples made by Derrida involves, for instance, omitting consideration of Kant's extraordinary claim, which immediately precedes the 'parerga' paragraph, that "delineation is the essential thing .... The colours which light up the sketch belong to the charm; they may enliven the object for sensation, but they cannot make it worthy of contemplation and beautiful" *[Sec. 14. B61/M67/G65]*. Here Kant tries to construct a form/content opposition which might discern some intrinsic form of delineation, design or drawing [*die Zeichnung*] as that which is essential. This in many ways confirms Derrida's argument, but perhaps more pertinent is the extent to which such a claim about colour in painting is almost unintelligible without generous allowance either for Kant's ignorance about art or for the historical peculiarities of art Kant may have had in mind. A hermeneutic investigation of Kant's examples needs to confront the historicity of such examples.

Kant's philosophical project, however, is not to delimit the art-object, historically or otherwise, but to investigate the objective validity of subjective aesthetic judgements, which for Kant concerns nature and the social relation to nature of which art is a part. It is not just that Kant, like many philosophical aestheticians, is more interested in philosophical problems posed by art, than in art itself. (The third *Critique* provides ample evidence of this, notably in what Derrida calls the "servile precaution and bad taste" *[E72/12]* of citing the poetry of Frederick the Great.) Kant's interest, moreover, is not in empirical aesthetic judgements, but in an analytic critique of how subjective aesthetic judgements are might be universally valid an d communicable. Thus Kant is opposed to the social definition of good taste, as it relates to empirical interests. The implicit utopian dimension of the subject-object relations of universal communicability is most evident in the conclusion of the first moment of the analytic of the beautiful, which relates an interest in moral good to the disinterestedness of judgements of taste:

> *All interest presupposes or generates a want, and, as the determining ground of assent, it leaves the judgement about the object no longer free ... It is only when the want is appeased that we can distinguish which of many men has or has not taste.* [B44/M49-50/G47]

The free play of disinterested judgement, insofar as it is universally communicable, presupposes a society in which hunger has been appeased.

Thus, paradoxically, disinterestedness is interested in a society free of want. This utopian dimension of Kant's project provides a different perspective for understanding Kant's interest in art, an interest which by contrast is firmly bound by the historical context from which thought seeks to differ. Herein lies the profound significance of Kant's prior interest in nature over art, which subsequent aesthetics, notably Hegel's, has reversed. Derrida is right to assert that "if the philosophy of art always has the greatest difficulty in dominating the history of art, a certain concept of the historicity of art, this is, paradoxically, because it too easily thinks of art as historical" *[P25/21]*. However, Kant's interest is not in the question 'what is art?'

Derrida's interest in deconstructing the "onto-interrogative structure" *[P27/22]* of this question leads him to consider Kant's examples as part of this structure rather than with regard to their historicity. Derrida thus construes his interest in Kant's examples as exemplary for Kant by inverting what I have sketched as the utopian dimension of Kant's critique of empirical interests. He does so by reconstructing, against its historicity, a different architectonic in which the example is the ground of those empirical interests which Kant excludes. Derrida writes:

> *In the absence of a general concept of rules, and given that universality remains a prerequisite, the value of the exemplary, of exemplary products of taste, becomes the sole or major reference. The exemplary is a singular product - since it is an example - which is immediately valid for all. Only certain exemplary products can have this effect of quasi-rules. Whence the historical cultural, pragmatico-anthropological character of taste.* [P125/109]

As the plausibility of Derrida's re-writing of Kant suggests here, there is a profound tension in the interest in disinterestedness. Derrida's interest, however, is not in redeeming its historicity but in making it into a systematic onto-interrogative structure: whence the characteristically Derridean indifference to the differences otherwise suggested by the words history, culture, pragmatics and anthropology. Similarly, his persuasive examination of Kant's puzzling exemplifications (man, horse, buildings) of the distinction between free and adherent beauty, Derrida sees this chain as linked by a common dependence on a "pragmatic anthropology ... a reflexive humanism" *[P123/108]*. But despite the frisson of apparently critical disagreement, this is





not a critical perspective on how such an anthropology is cultural or political, how it might be judged differently of understood historically. Rather, it serves to reinscribe Kant within Derrida's system of philosophy, a peculiarly ahistorical and inescapable system of hierarchical an foundational oppositions, or what Peter Dews has called "a philosophy of *différance* as the absolute."[17] There is a kind of Derridean imperialism which refuses to be surprised by the difficulty of thought's failures, preferring to see all this as evidence of the superiority of Derridean systematics. Thus while many of Derrida's readings of examples and analogies in Kant are indeed exemplary, requiring both a careful re-reading of both Derrida and Kant, he makes such examples and analogies systematic in a chain which annuls the particular interests revealed by such readings.

That Derrida's interest is neither critical nor that of a distinterested and rigorous reading is perhaps most evident in his interest in displacing disinterestedness. In *The Truth in Painting*, for instance, Derrida makes the point that the judgement of beauty "requires an indifference or more rigorously an absolute lack of interest for the existence of the thing" *[P52/44]*. The shift in terms is subtle, but the difference between indifference and disinterestedness takes Kant into a different philosophical matrix, a shift which Derrida notes as problematic but proceeds with nevertheless:

> *This pure disinterested pleasure (but not indifferent: Heidegger here reproaches Nietzsche with not having understood the nonindifferent structure of this letting-be), this pleasure which draws me towards a nonexistence or at least toward a thing (but what is a thing? Need here to graft on the Heideggerian question) the existence of a thing which is indifferent to me, such a pleasure determines the judgement of taste. ... Like a sort of transcendental reduction, the* epoché *of a thesis of existence the suspension of which liberates, in certain formal conditions, the pure feeling of pleasure.* [P52/44]

Derrida, despite the warning from Heidegger and against Kant, translates disinterestedness into indifference as a relation to the object, a relation to its existence. It is difficult, moreover, to see distinterestedness as a 'letting be.' The objectivity of subjective judgements is not indifferent to the existence of the objects judged, but logically independent of the objectivity of cognitive

understanding. Derrida reads Kant as a proto-phenomenologist in the claim that:

> *the structure of auto-affection is such that it affects itself with a pure objectivity of which one* must *say "it* is *beautiful" and "this statement has universal validity."* ... The entirely-other affects me /m'affecte/ with pure pleasure by depriving me both of concept and enjoyment. [(P54/47); translation ammended]

Insisting on a subtle displacement, Derrida links the subject to the object not as one effected by formal subjective judgement but as affected by the object. Derrida's onto-interrogative structure is evident, but the appropriation of Kant for a more phenomenological project is complex and interested. Heidegger's *Kant and the Problem of Metaphysics* concedes as much in its interest in Kant's *Critique of Pure Reason* for the problem of fundamental ontology and philosophical anthropology.[18]

In *'Economimesis'* Derrida's interest in Kant's third *Critique* is similarly interesting and interested. The dissemination of Derrida's concept of *'economimesis'* appears critical, introducing the problem of mimesis and political economy as a political question and as a question to which Kant is pressed for answers:

> *Under the cover of a controlled indeterminacy, pure morality and empirical culturalism are allied in the Kantian critique of pure judgements of taste. A politics, therefore, although it never occupies the centre of the stage, acts upon this discourse. It ought to be possible to read it.* [E57/3]

The stress once more is on re-reading Kant, in particular two remarks on salary from the third *Critique*, which are suggested by Derrida's motivating concept of *'economimesis'* around which his reading is organized. Any political specificity, however, is quickly displaced by Derrida in his introduction of the concept of *'economimesis'* and the law of analogy it will link:

> *It would appear that* mimesis *and* oikonomia *could have nothing to do with one another. The point is to demonstrate the contrary, to exhibit the systematic link between the two; but not between*





> *some particular political economy and mimesis, for the latter can accomodate itself to political systems that are different, even opposed to one another.* [58/3-4]

But what is political economy, if not the study of particular political economies, which would thus be displaced as the systematic link between any political economy and mimesis? Derrida's neologistic concept of 'economimesis,' which he works to disseminate in Kant's third *Critique*, draws on the "current" */E58/4/* sense of economic, with reference to salary and the structure of the production and distribution of wealth. But is Derrida's interest in political economy more than analogical?

That the economic organization of society is also political has been evident at least from Plato's *Republic* and Aristotle's *Politics*, but the science and critique of 'political economy' stems from Adam Smith, Ricardo and Marx in what Foucault has sketched as a new epistemological configuration.[19] Whatever the metaphysics of political economy, its theories of representation, ideology and value have invariably been sites of political struggle. The reluctance of contemporary theory to engage in the specificities of this tradition of political economy is most evident in the way cavalier analogies are made between post-modernity and late capitalism.[20] This has also been marked by notions of economy, economies of psychic or libidinal desire (Bataille, Lyotard, Deleuze & Guattari), in which the 'economic' lends a kind of metaphorical politics to theories which offer little more than analogies between social relations of production and reproductive desire. This shift in meaning, from the specifics of political economy to a sense of 'economic' referring to any systematic, psychic or conceptual kind of organization is neatly revealed, but with the opposite interpretative intention, by the title and argument of Derrida's essay on Bataille, 'From Restricted to General Economy: A Hegelianism without Reserve'.[21] In *'Economimesis'* Derrida reads towards concluding that the system of taste revealed by his elaboration of Kant's third *Critique* is such that "the system therefore is interested in determining the other as its other, that is, as literally disgusting" */E92/25/*. On the contrary, it is Derrida's distaste for Kant and political economy which is interested in determining both as other within his own systematic onto-interrogative structure.

This can be seen in the gain Derrida seeks to derive from Kant's examples. Developing an exegesis of sec. 43 and its "apparently irreducible

oppositions" *[E59/4]* in a process of effacement and production, Derrida quickly discerns a humanist ontology in Kant's art/nature/freedom distinctions (the gulf crisis which is bridged in the utopian notion of art as the production of freedom by means of freedom). Pursuing Kant's consequent claim that the produce of bees is not, *qua* work, art, this is all linked by Derrida to an "anthropological domesticity" *[E60/4]*. This, in turn, is rendered according to Derrida's concept of '*economimesis*' to disrupt the hierarchical distinctions between free [*freie*] art and mercenary art [*Lohnkunst*] made by Kant: "We regard the first [free art] as if it could only prove purposive as play, i.e., as an occupation that is pleasant in itself. But the second [mercenary art] is regarded as if it could only be compulsorily imposed on one as work, i.e. as occupation which is unpleasant (a trouble) in itself and which is only attractive on account of its effect. (e.g. the wage)" *[Sec. 43. B146/M164/G156]*. The domination of nature is historically modelled in the social division of labour according to the distinctions play/work, man/nature and, as such, is not without difficulties. Consideration of the emancipation of slaves suggests, however, that while the opposition of work and play may be a mixed blessing, few workers would wish to abandon the historical struggle to extend play in accordance with a distinction not dissimilar to Kant's. (Some in academic work might think Derrida's playfulness rather prematurely collapses the work/play distinction and has only meant more work and less play.) Against such considerations, Derrida's account of this opposition sees it as functioning "in the service of that onto-theological humanism, of that obscurantism of the economy one could call liberal in its era of Aufklärung" *[E62/6]*. But rather than reflecting on this historicity, he stresses, as ever, the structure of its conceptual system as a chain:

> *the whole distinction between liberal and mercenary art, with the whole machinery of hierarchical subordination that it commands, reproduces nature in its production, breaks with* mimesis, *understood as imitation of what is, only to identify itself with the free unfolding-refolding of the* physis. [E62/6]

Surprisingly, Derrida even goes on to suggest that the opposition between free art and mercenary work is simply "false"! *[E65/6]* Against this, we might note only that the dialectics of art for art's sake, glimpsed in Kant's sketch of aesthetic autonomy, do not rest simply on 'freedom' from economic value or on the metaphysical opposition of work and play, but involve the





historical and political struggle between forces and relations of production, a gulf across which freedom is the thought of utopia.

Against the utopian thought of its historically achieved difference, reconciling art and nature for modernity, Derrida prefers to displace the politics of Kantian aesthetics back into onto-interrogative ahistoricity: "The analogy leads back to this precritical time, anterior to all disassociations, oppositions and delimitations of critical discourse, 'older' even than the time of the transcendental aesthetic" *[E69/10]*. The shape of this trajectory gradually becomes more explicit in Derrida's exegesis. Rather than being interested in the utopian political economy of Kant's remarks on the double freedom of art from salary, Derrida swiftly diverts Kant's admittedly dubious division of the fine arts into a hierarchy in which the thought of freedom itself is the thought that "some power supercedes the (circular) economy, governs and places itself above (restricted) political economy. The naturalisation of political economy subordinates the production and the commerce of art to a transeconomy" *[E71/11]*. *Et tu*, Derrida! insofar as the ontology of *différance* thinks of freedom as just such a transeconomy.

Derrida's interest turns, as in '*Parergon*,' in taking the examples and reading them as systematic within chains. In '*Economimesis*,' Derrida moves the chain of examples from the art/nature distinction through the work/play distinction to confirm a systematic chain of analogies which is logo-centric:

> *The analogy between the free productivity of nature and the free productivity of genius, between God and the poet, is not only a relation of proportionality between two - two subjects, two origins, two productions. The analogical process is also a refluence of the* logos. *The origin is the* logos. [E74/13]

This in turn, argues Derrida, involves the category of expression as organized around the phono-centric privilege given to the mouth and the spoken; hence the authenticity of presence such that *"the moral agency itself derives from or depends on the value of full presence of full speech" [E83/18]*. Expression is fruitfully questioned by Derrida. With his customary ingenuity, he reveals the metaphors and analogies operating in Kant's construction of the division of the Fine-Arts; the relation of voice to presence as the auto-effective immediacy of hearing oneself speak. However, familiarity with this powerful aspect of Derrida's early work, notably in *Le voix et le phénomène*, raises the

question as to what this tells us about Kant, beyond the predictable assertion that Kant works within a logo-phonocentric system. Derrida's denouement, howver, is to throw up, to vomit: "What this logo-phonocentric system excludes is not even negative. The negative is its business and its work. What it excludes, what this very work excludes, is what does not allow itself to be digested, or represented, or stated - does not allow itself to be transformed into autoaffection by exemplarity. It is an irreducible heterogeneity which cannot be eaten either sensibly or ideally and which - this is the tautology - by never letting itself be swallowed must therefore cause itself to be vomited" *[E87/21]*. The thrownness of *Dasein* takes on a new meaning here, but the tautology is Derrida's. What is thrown up, however playfully, is a structural reading of the third *Critique*'s heterogeneity as homogeneous with Derrida's perceived system of Western philosophy. This repeated move leaves an unpleasant taste at the back of a throat whose unappeased want is a taste of freedom.

Derrida's re-reading of Kant leaves the problem of judgement unresolved. What is interesting about Derrida's re-reading of the third *Critique* is his ability to find surprising difficulties and inconsistencies so as to raise further questions. This re-reading, however, must construe an intelligible reconstruction of more plausible architectonics than that left by Kant in the third *Critique*. Thus Derrida joins the more familiar academic effort to bridge gulfs in the most notoriously and unsatisfyingly incomplete part of Kant's system. Rather than reconstruct a more plausible architectonic than that left by Kant, we might read it as interesting more for its wounds, wounds whose blood is historical and thus open to a dialogue with futurity. As such, Kant's difficulties might clarify the historical difference with sufficient clarity for the gulf between difficulty and resolution to become a question whose utopian dimension is a thought for futurity. This is not to propose more of that creative appropriation of Kant which has been so much a part of the reception of the third *Critique*, from Schiller to Marcuse.[22] Schiller's notions of beauty as freedom in appearance and of man being only fully human when at play are suggestions of utopian resources in Kant's third *Critique*, but remain premature resolutions of the gulf crises explored by Kant. Gadamer and Adorno might provide, if read together, a way to re-read these impasses in dialogue and beyond the impasses suggested by Derrida's re-reading of Kant. But such a suggestion must here remain suggestion.





Kant's gulf crisis remains one in which the violence of false aesthetic reslutions is bound up with asethetic formalism: such utopian resources refuse the history of antagonistic reality they yearn to transcend. Amid a different gulf crisis the United Nations remains a symbol, a false, barely aesthetic resolution of a false totality, in which unity is proclaimed in its palpable absence. But just as the whole is false - no identity can figure its totality without violence to the limits imposed in such totality - the analogy of worlds cannot fail, heterogeneous or otherwise, to remind us that although there are worlds within the world, they may be both heterogeneous and bound by a violent heteronomy. The bridge across the gulf may be a war, a war in which difference, rather than the identity of non-identity forces a logic of heteronomy over and against the conceptual dream of heterogony. Peace may not break out, but there is no absolute difference: the thought of a gulf is already a thought whose peaceful resolution remains utopian but necessary. If the spectre of neo-Kantianism is to take flight amid the dawn of new gulf wars, perhaps it will join hands with Benjamin's angel of history and turn its face to the past with some shame for ever suggesting the sublimity of war.

## Notes

1) Kant, I., *Critique of Pure Reason*. Trans. by J. H. Bernard. New York: Hafner, 1951, p. 39 [Sec. 2n. B39/M44/G41]. References to *Critique of Judgement* hereafter included in the main text, according to the abbreviations : Sec. and number / and B page number for reference to Barnard's translation, *op. cit.*; M and page number for reference to *Kant's Critique of Aesthetic Judgement*, trans. by J. C. Meredith (Oxford:Clarendon Press, 1911); G and page number for Kant's *Kritik der Urteilskraft*, ed. by K. Vorländer, (Leipzig: Felix Meiner, 1924).

2) Sloterdijk, P., *Critique of Cynical Reason*. Trans. M. Eldred. London: Verso, 1988, p. xxx.

3) Kant, 'Idea for a Universal History with a Cosmopolitan Purpose', in *Kant's Political Writings*, ed. by H. Reiss, trans. by H. B. Nisbet. Cambridge: C. U. P., 1970, pp. 41-53; p. 41.

4) Adorno, T. W., *Negative Dialectics*. Trans. by E. B. Ashton. London: Routledge & Kegan Paul, 1973, p. 320.

5) Kant, *Observations on the Feeling of the Beautiful and Sublime*. Trans. by J. T. Goldthwait. Berkeley & Los Angeles: Univ. of Califonia Press, 1960, p. 78.

6) Ibid., pp. 110-111.

7) Kroker, A. & Cook, D., *The Postmodern Scene: Excremental Culture and Hyper-Aesthetics*. London: Macmillan, 1986, p. 159.

8) Lyotard, J-F., 'Answering the Question: What is Postmodernism', trans. by R. Durand, in *The Postmodern Condition: A Report on Knowledge*, trans by G. Bennington & B. Massumi. Manchester: M. U. P., 1984, pp. 71-82, esp. pp. 77-9.
9) Cf. Hyssen A., 'Mapping the Postmodern' in *After the Great Divide: Modernism, ass Culture, Postmodernism*. London: Macmillan, 1988, pp. 179-221, esp. pp. 214-5.
10) Cf. Bolla, P. de., *The Discourse of the Sublime: Reading in History. Aesthetics and the Subject*. Oxford: Basil Blackwell, 1989.
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# SNAPSHOTS OF KANT'S THIRD *CRITIQUE*

In section IX of the Introduction to his *Critique of Judgement* (which is given below in the translation by J. C. Meredith), Kant clarifies his objective in the third *Critique*. In the spirit of the our celebration of the 200th anniversary of its publication, the Journal invited five contributors to respond to this section. They were then given the opportunity to view each other's work and modify or add to their own accordingly.

## *From* IX. Joinder of the Legislations of Understanding and Reason by Means of Judgement.

Understanding prescribes laws *a priori* for nature as an Object of sense, so that we may have a theoretical knowledge of it in a possible experience. Reason prescribes laws *a priori* for freedom and its peculiar causality as the supersensible in the Subject, so that we may have a purely practical knowledge. The realm of the concept of nature under the one legislation, and that of the concept of freedom under the other, are completely cut off from all reciprocal influence, that they might severally (each according to its own principles) exert upon the other, by the broad gulf that divides the supersensible from phenomena. The concept of freedom determines nothing in respect of the theoretical cognition of nature; and the concept of nature likewise nothing in respect of the practical laws of freedom. To that extent, then, it is not possible to throw a bridge from the one realm to the other. - Yet although the determining grounds of causality according to the concept of freedom (and the practical rule that this contains) have no place in nature, and the sensible cannot determine the supersensible in the Subject; still the converse is possible (not, it is true, in respect of the knowledge of nature, but of the consequences arising from the supersensible and bearing on the sensible). So much indeed is implied in the concept of a causality by freedom, the *operation* of which, in conformity with the formal laws of freedom, is to take effect in the world. The word *cause*, however, in its application to the supersensible only signifies the *ground* that determines the causality of things of nature to an effect in conformity with their appropriate natural laws, but at the same time also in unison with the formal principle of





the laws of reason - a ground which, while its possibility is impenetrable, may still be completely cleared of the charge of contradiction that it is alleged to involve. The effect in accordance with the concept of freedom is the final end which (or the manifestation of which in the sensible world) is to exist, and this presupposes the condition of the possibility of that end in nature (i.e. in the nature of the Subject as a being of the sensible world, namely, as man). It is so presupposed *a priori*, and without regard to the practical, by judgement. This faculty, with its concept of a *finality* of nature, provides us with the mediating concept between concepts of nature and the concept of freedom - a concept that makes possible the transition from the pure theoretical [legislation of understanding] to the pure practical [legislation of reason] and from conformity to law in accordance with the former to final ends according to the latter. For through that concept we cognize the possibility of the final end that can only be actualized in nature and in harmony with its laws.

Understanding, by the possibility of its supplying *a priori* laws for nature, furnishes a proof of the fact that nature is cognized by us only as phenomenon, and in so doing points to its having a supersensible substrate; but this substrate it leaves quite *undetermined*. Judgement by the *a priori* principle of its estimation of nature according to its possible particular laws provides the supersensible substrate (within as well as without us) with *determinability through the intellectual faculty*. But reason gives *determination* to the same *a priori* by its practical law. Thus judgement makes possible the transition from the realm of the concept of nature to that of the concept of freedom.

In respect of the faculties of the soul generally, regarded as higher faculties, i.e. as faculties containing an autonomy, understanding is the one that contains the *constitutive a priori* principles for the *faculty of cognition* (the theoretical knowledge of nature). The *feeling of pleasure and displeasure* is provided for by the judgement in its independence from concepts and from sensations that refer to the determination of the faculty of desire and would thus be capable of being immediately practical. For the *faculty of desire* there is reason, which is practical without mediation of any pleasure of whatever origin, and which determines for it, as a higher faculty, the final end that is attended at the same time with pure intellectual delight in the Object. - Judgement's concept of a finality of nature falls, besides, under the head of natural concepts, but only as a regulative principle of the cognitive faculties -

although the aesthetic judgement on certain objects (of nature or of art) which occasions that concept, is a constitutive principle in respect of the feeling of pleasure or displeasure. The spontaneity in the play of the cognitive faculties whose harmonious accord contains the ground of this pleasure, makes the concept in question in its consequences, a suitable mediating link connecting the realm of the concept of nature with that of the concept of freedom, as this accord at the same time promotes the sensibility of the mind for moral feeling.

Translated by J. C. Meredith, Oxford University Press, 1928.
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## The Building Site of Pure Reason: On Kant's *Critique of Judgement*

**Will McNeill**

> *For, if such a system [namely of pure philosophy] should one day be achieved under the general name of metaphysics ..., then the critique must in advance have investigated the soil* [Boden] *for this edifice as deep down as the primary foundation* [Grundlage] *of the faculty of principles independent of experience, so that some part of it does not sink which would inevitably bring about the collapse of the whole.* [Kant, I., Preface, CJ, p.5 (translation ammended)]

With these words of the Preface to the first edition of the *Critique of Judgement* (1790) Kant indicates the significance of this final stage of the critical project as both completing the systematic construction of the edifice of a possible metaphysics and of laying the "primary foundation" for this edifice. The system of pure philosophy (*metaphysica specialis*) as a critique of pure reason in general is to be *completed* by investigating the possibility and limits of the faculty of judgement as belonging to the faculties of reason (in the narrow sense) and understanding. Together these three faculties constitute pure reason as the faculty of cognition from principles *a priori*.





The *Critique of Judgement* is, further, to lay the *primary foundation* for this edifice because cognition in general means nothing less than judging. That is, a critique of pure reason must, in the first instance and in its innermost core, be a critique of judgement. We note in passing Kant's own uncertainty regarding the feasibility of constructing such an edifice upon a secure foundation. The task is not simply presented as something Kant is sure of achieving, nor, however, as some remote possibility: rather, it presents itself as something of a moral imperative, an 'ought,' a *soll*: *"... if such a system... is to/should* one day be achieved [*zustande kommen soll*] ..." [emphasis added].

The *Critique of Judgement* represents Kant's most concerted attempt to found philosophy as a system, to build an "architectonic of pure reason" *[CPR, A832f]*. It is the point at which the critical project digs deepest, projects its archways widest. Yet what of this soil in which its foundations must be sunk? How does Kant conceive of the building site of pure reason?

Section IX of the Introduction to the third *Critique* is pre-figured and closely paralleled by Section II, 'Of the Realm of Philosophy in General.' This realm is not itself the building site. The building site of pure reason, Kant explains, is constituted in general by a *field* [*Feld*] which articulates the *a priori* applicability of concepts to objects, irrespective of whether any cognitive knowledge of such concepts is possible or not. This field may itself be delimited in terms of a *Boden*, which we translated above as 'soil,' and which Kant here renders by the Latin *territorium*. The *territory*, or building site proper of a *critique* of pure reason, is defined by Kant as that part of the field within which cognitive knowledge is possible for us. This territory, finally, may in turn be staked out according to a *realm* [*Gebiet*]. Kant translates *Gebiet* as the Latin *ditio* (more commonly written as *dicio*), which means a realm of sovereignty, authority, dominion or rule. The realm of particular concepts is that part of the territory for which they are legislative.

If concepts are merely empirical rather than legislative *a priori*, then they indeed have a territory, but no realm. In that case, Kant indicates, concepts then "merely" have a dwelling place or domicile [*domicilium*]. The domicile or home is here understood in accordance with a highly traditional schema, representing as it does the lack or privation of the realm of legislative sovereignty.

Philosophy in general falls into two realms: that of the concepts of nature and that pertaining to concepts of freedom. The first is the theoretical realm of the under standing, the second the practical realm of reason. However, Kant explains, the *territory* upon which philosophy in each case erects its realms and upon which the legislation of these realms is exercised, is necessarily one and the same, namely the territory of the objects of all possible experience [Preface, *pp. xvii-xviii*]. Here, indeed, lies the problem for any critical attempt to stake out the territory of pure reason, to build upon it, and to systematically "house", as Kant puts it, the family of reason [*xxi-xxii*]. For one thing, this territory does not belong within either of the two realms of philosophy (theoretical and practical), nor indeed does it constitute a realm of its own, since it has no constitutive principles *a priori*, but merely a regulative one. Subsisting nonetheless *for* philosophy in its bifurcation, the territory of critical reason must regulate not only itself, but also those realms within which legislation is possible. Having no constitutive principles *a priori*, however, this territory cannot be theoretically knowable (for only constitutive principles *a priori* prescribe a realm within which objects as appearances are accessible in intuition for a finite human knowledge). Yet knowledge or pure reason in general means the faculty of *judging* according to principles *a priori*. Judgement is the one territory of critical philosophy, the territory of critique which can neither know itself as such, nor know how it belongs to (if not within) each of the realms into which philosophy is critically divided (for the ideas which prescribe these realms - those ideas which allocate each member of reason's family its place - are likewise theoretically unknowable). Judgement is that "*primary* foundation" [emphasis added] as the territory upon which reason *must* erect its housing, but a territory whose soil threatens to disappear beneath our feet:

> *There is, then, an unbounded but also inaccessible field* [Feld] *for our whole cognitive faculty - the field of the suprasensible - wherein we find no territory* [Boden] *for ourselves, and therefore can have in it [this field], for theoretical cognition, no realm* [Gebiet] *either for concepts of understanding or of reason; a field we must indeed occupy with ideas on behalf of the theoretical as well as the practical use of reason* ... [p. xx]

A breach or cleft opens up between the two realms of philosophy, one which the faculty of judgement must bridge... *if* it is to secure its territory. While the bridge cannot run from the legislative world of nature to that of freedom:





> *the latter, after all,* is to [soll] *have an influence on the former* ... [ibid]

Scarcely enunciated, this moral imperative cedes to a moment of demonic legislation:

> *There* must [emphasis added], *therefore indeed be given a ground* [Grund] *of the unity of the suprasensible, which lies at the basis of nature, with that which the concept of freedom practically contains* ... [ibid]

...cedes to the imperative of an absolute necessity whose grounds nevertheless cannot be theoretically known. Judgement, the mediating faculty between understanding and practical reason, and its teleological cement, must bridge gaps in a transition which "merely signifies the articulation or organization of the system, but no place [*Platz*] therein" *[CJ, p. 364]*. Such articulation, that of a building without *arche*, comprises a regulation beyond the law yet existing for and in accordance with the latter, a regulation whose archeological imperative - the possible unity of the ideas of human freedom, God and nature - remains obscure. The territory that is to constitute the building site of the system threatens to implode, an implosion that would perhaps leave judgement with nothing so comforting as a dwelling place, a place of stay [*Aufenthalt*] or domicile, but merely what Kant, some pages later, calls a *peregrination [CJ, p. 304]*. A peregrination that would perhaps, now and again, lead us through an abandoned building site, that of *reason without the home, reason without the family*...

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## Diane Beddoes

> *we see in the solidifying of bones an unmistakable analogy of crystallization ... although ossification is never to be reduced to crystallization.* [WWR, p. 145]

Pure reason grows into the perfect lucidity of individuation, which rejects growth: crystalline forms do not grow, but dissolve. Reason sits at the centre of a latticed illusion of influence, preferring the frigidity of freedom to the lawlessness of growth and decay. Freedom replaces the yawning gap left by reason's disengagement of necessity from power in the leap which turns origins to ends. Reason is like a crystal, a material composition, cohering into the logical clarity of the transcendental in one spontaneous leap, petrifying itself in the thought of the achievement: as free, it is also responsible. Forgetting energetic fields, its memories of running policed by understanding, reason reigns in the sanctified stupefaction of the realm of individuated freedom, that absolute supersensibility. After reason, there are no more leaps to make: the king is dead, long live the king.

In a crystal, the leap is called concursion, and results from a rapid reduction in the kinetic energy of a fluid. Schopenhauer says of the crystal that it

> *can still to some extent be regarded as individual; it is a unity of the tendency in definite directions, arrested by coagulation, which makes the trace of this tendency permanent.* [WWR, p. 132]

The realm of reason is the seat of both permanence and individuation: territorial coagulation and arrests made in the field, in combination with the concursive leap between understanding and reason, formulate this kingdom both as irretrievably permanent and as separated from the directional tendencies which built it like bones and like crystals. Reason has only one directional tendency, enclosed as it is in a realm made for one and with only itself to appeal to.

Maintaining such a rare structure as reason is problematic, however, for like crystals, when it touches fluids its perfection is brought into jeopardy. The internal directionality of self-constituted reason is disturbed by fluidity and alien external tendencies are displayed, towards dissolution, decomposition,





dispersion, death. Yet reason does not die. It glistens in the geometric perfection of its systematic realm, assured of its difference to fluid origins in energetic fields of power by the angled rigidity of its form. Deluded by clarity, separated from the territories it controls, reason takes its momentary fragility to be permanent, immortal, and free.

Reason believes in its own capacity to maintain itself, and posts laws in the territories guarding against contact with natural constructions which might lead it to look for its causes outside the realm of strange freedom. To keep activity pure, reason claims it for its own and will no longer touch the world except with a product - its freedom - it breeds as a substitute for growth. Reason holds freedom like a charm against fluids, chanting to itself in the cool high tower where it sits with a constant eye for trouble in the field: ...I do not die, I do not die, I do not die...

We don't understand: we were born, so shouldn't we have our death too? But reason concurs with itself alone after its leap, isolated from the territories it leaves to understanding's rule. Its glittering facets reflect only each other, and reason agrees with itself: *"I do not die", then supplements this thought with another: "I am not born".* Understanding and reason cannot both be right, without the leap into freedom. There is no other legitimate leap for Kant.

> *... this analogy appears more feebly in flesh becoming firm.* [WWR, p. 145]

Woman is placed when her flesh is at its firmest (a feeble analogy to crystallization) with her legs open displaying the site of the leap from necessity to freedom - concursion - and the processes whose effect is called birth are forgotten in the following rush towards true freedom in death (which is not really death, in the end). Woman opens up a field of power, from which rational understanding drags all pregnant possibilities into the domicile, so they can be understood. Did freedom guide necessity? Only the leap of birth can testify to the formal success of the action: a boy. Woman is seeded so she might grow crystals: if the field is fertile, the crystal grows and the composition of humanity starts. If not, then the product it is just another feeble analogy to reason. Only the effect is determined and measured, as firm flesh or pure reason, sliced apart by reason in its leap to transcendence.

Like the crystal, like reason, birth is thought as a leap, a precipitate move - a query - only when processes are isolated, held silent, removed from the field and domesticated into the empirical territory of understanding. The problem of maintenance is answered by woman, the domestic animal who tends to the matter from which reason must keep itself pure, who can grow crystals from seeds in the hot moist warmth of her womb. Reason arrests the processes of growth and decay in favour of a momentary coagulation of forces, distorted to permanence, making the domicile and its degenerate occupant in one leap: a rational human being, sovereign in his realm, whose latticed mind wards off power with freedom, and whose feeling of lack is erected by Kant into the magnificent edifice of reason where he rules, in free and purely academic terms.

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## Kant Within the Limits of Judgement Alone

**Jamie Brassett**

Judgement, Kant explains in the Introduction to the *Critique of Judgement*, constructs and constitutes the bridge between Understanding and Reason, between the Faculties of Cognition and Desire; and if we remember the account Kant gives in his *Critique of Pure Reason*, we find that Judgement also links Understanding and Sensibility. In the first *Critique*, the act of judgement is a testament to the bringing together of intuition and concept in the synthetic imagination; furthermore, it is only insofar as such synthesis takes place that any idea about a subject can be ascribed to/in cognition. Indeed, if imaginative synthesis can be said to provide the content to the fictional Idea of the subject then, as the first and third *Critiques* explain, it is Reason which provides the form. In both instances, however, it is the Faculty of Judgement which does the forming; it is this faculty which institutes, or coordinates, the harmony between the faculties. It seems a shame, then, that





such harmony can only come from the violent organization of a subject under the mutual *diktat* of morality and experience.

Aesthetic judgement happens when, or as, institutions and concepts are not quite right for each another; when any possible act of cognition about anything is constantly deferred by the constituents of that possible cognition. This is 'free-play.' The production of such aesthetic ideas ("by an aesthetical idea I understand that representation of the imagination which occasions much thought, without any definite thought, i.e. any concept, being adequate to it" *[CJ, sec.49]*) mirrors that of rational ideas - as explained in the latter sections of the first *Critique*. Yet this production, which shows such promise as a potent force for the dissolution of the grounds of subjectivity (a tattered standard that was picked up by Keats and Schopenhauer, to name only two), is immediately tethered to the yoke of Reason/Understanding:

> *The spontaneity in the play of the cognitive faculties, the harmony of which contains the ground of this pleasure, makes the above concept [of the purposiveness of nature] fit to be the mediating link between the realm of the natural concept of freedom in its effects, while at the same time it promotes the sensibility of the mind to moral feeling.* [CJ, Intro. 6]

Teleological judgement binds cognition and desire even more tightly; "the judgement teleologically employed furnishes conditions determinately under which something (e.g., an organized body) is to be judged according to the idea of a purpose of nature" *[CJ., Intro. viii]*. And so, the subject checks, and is kept in check by, not only the regulative strictures of morality (noumenal causality) or desire (the will to exist) but also the geographical co-ordinates of the body.

It is here, then, that we can see the results of the Kantian architectonic. In the beginning was Space, and because of it thoughts and their content could be synthesized into knowledge and a necessary interrelation made between the subject and the things of which it was conscious *(see CPR, B277)*; synthesizing and self-consciousness were called: Judgement. But the supposition of a subject into which all these things could be held in unity, was an imposition of an idea of reason; and this supposition was called: Judgement. Then there was Reason, and it furnished the idea of a Final Purpose, whereby subjects could realize their will to existence only as moral

beings; and as such, reason determined the limits of understanding; the possibility of such a determination was called: Judgement. So, there was Judgement, and it looked about itself and saw that it had firmly defined its surroundings, it was rigid, organized, co-ordinated, neurotic.

## Response to Burnham's Commentary and Blincoe's Comments

> *For this [empirical knowledge of the subject] we require, in addition to the thought of something existing, also intuition, and in this case inner intuition, in respect of which, that is, of time, the subject must be determined. But in order so to determine it, outer objects are quite indispensable;* and it therefore follows that inner experience is itself possible only mediately, and only through outer experience. [*CPR*, B277; my emphasis.]

In this way, Kant - while asserting his non-, and yet transcendental idealist position - exemplifies the critical importance of space. Douglas Burnham's reaction to the passage from the *Critique of Judgement* also shows that an understanding of Kant's notion of space is of contemporary philosophical importance. Or, rather, it seems to. For rather than prioritizing the space that Kant seeks to co-ordinate, Burnham produces an intricate metaphorics of Kantian spatiality. He writes of a space-metaphorics that Kant uses not only as a way of fictionalizing his critical epistemology, but also as a cypher for his understanding of space itself. Burnham's only conclusion appears to be that via a (re-)sensitivization to spatial metaphors we will be able to paper over certain cracks left in the Kantian architectonic.

But what is the spatial-system that Kant has bequeathed us? The passage I have quoted above shows the importance Kant placed upon the role of space in the construction of the subject; Burnham's metaphorics, highlighting the interdependence of space and judgement, also shows this. I regard such a legacy - and I think I can look to Nicholas Blincoe's comments for support - as the imposition of a structure of repression. Kant's subjective space, or spatial subject, is as hollow as the body of a cadaver. That we can look into Kant's space and still see the organized co-ordination of the constellation of *the subject*, is as much a result of Burnham's metaphorics, as it is of Kant's Copernican revolution.





Blincoe's answer is one I would also like to advocate. Not only does he salvage the Kantian connection between the subject and space, but he provides the possibility for mapping a material space which will simultaneously extinguish the dead star of *the subject* (now called *the Other*, or Being) and revitalize a slothful, atrocious erotics upon which subjectivity can spread. If *Bad Philosophy* cannot provide the virulence necessary to the Enlightenment Idealist legacy by which we are still gripped, then, as Artaud once said, it is a matter for machine-guns.

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## Douglas Burnham

Kant writes that the causality of practical reason cannot be verified in nature, nor the reverse, but that it must be possible for nature to be determined in simultaneous accordance with the understanding and reason, which is precisely the notion of a final end. The faculty of judgement as reflective, Kant concludes, is capable of thinking such a final end, and in this way supplies a mediating concept. What is to be noted is that this final end is not simply a temporal problem of the realization in practice of a prior (supersensible) concept, for the end in question is not the end of a temporal stretch (for if it were, the understanding has available to it a principle - causality - capable of thinking this) but the end of a hierarchical 'causality' from the whole *in to* the parts, which Kant explicitly metaphorises in terms of space, and which mechanism is unintelligible to us as such. Then, as the end of this passage makes clear, what strikes Kant most about the aesthetic judgement at least is its spontaneity within the phenomenal. This spontaneity exhibits itself as a resonant and pleasurable tableau, a play (rather more in the sense of reciprocal slippage) within an undetermined space, which executes, in miniature, the broader resolution between freedom and the understanding and which Kant calls '*belebend*', 'enlivening'. We ask: what must this space be such that Kant can use it to model systems *formally unavailable* to either empirical or pure thought? I suggest it might be productive (at least provocative) to read the third *Critique* as an indirect answer this question.

Let us now take a look at Kant's extended metaphor of the chasm and that famous bridge which has an oddly qualified impossibility. This makes no sense. Either the two plateaus, phenomena and the supersensible, are actually essentially different - in which case they could not exist within the same space, and no 'third' would make it so possible - or they are different but not essentially so - in which case there is no abyss and the two 'touch'. By what right, in other words, do we shout the word 'cause' across the abyss in both directions and expect to be heard? Either the abyss is too wide, or we don't need to shout. But then the faculty of judgement enters the picture. Does it have the power to alter the essences of the understanding and practical reason such that mediation is possible, or does it reveal the abyss as an illusion?

Or does not judgement qua reflective rather *alter the space* within which the two reside, to a space that can absorb as the 'same' state essential difference and accidental difference, the distant and the near-to-hand, causation by natural law and causation according to final ends, universal agreement and non-conceptual determination. This altered geometry of space is pointed to in the alternative metaphors of Kant's section II. In interrogating that bizarre topography of field, territory, realm, domicile (upon which Will McNeill comments above) we are led to ask: what is it which makes possible the two realms on one territory if not the lying-between of intuition which accordingly opens both representation and with it the ghostly side-by-side world of the supersensible? The brige is thus exhibited as representation itself, the gulf as the constructed poles of subject and object. If then finality, as the mediating concept provided by judgement, is to bridge this gulf, it can only do so by betraying the illusion of that space within which the gulf resides.

The tableau, this stunned and auto-causative dwelling on the beautiful and the sublime, is indeed exploited by reason and judgement's finality. But the pleasurable accord itself (or its painful lack in the Sublime) is not properly speaking conditioned by reason, lest it lose its purity from the practical. It is rather taken over by reason, made to present practical reason as a symbol (as a structural marionette). But what, it needs to be asked, makes possible this symbol? For if the accord is 'merely' a matter of imagination and understanding playing around, then the symbolising takes us straight back to Kant's possible/impossible bridging. Crudely, I maintain that it is the formal impossibility of cognitive presentation contained within the aesthetic presentation precisely *as* the 'content' of this presentation which makes





possible the exploitation of the aesthetic by reason - this aesthetic form (some pattern in space and time), insofar as it is embodied in an unconceptualizable intuited manifold of the beautiful object, is reason's fifth column.

It should not surprise us that Kant has already offered (though not emphasized) such a theory of spatial and temporal forms in the first *Critique* - a space and time which in the Transcendental Aesthetic Kant not only claims are not concepts but could not, in their very *form*, ever be originally conceptual. As we suggested above, the third *Critique* can be read as an oblique commentary on that theory. But of course, Kant also says that we do in fact have *concepts* of space and time. What is often seen as an inconsistency in the text is, then, the basis for the spatially imaged theory of the *pure* faculty of aesthetic judgement which Kant had desired would solve the aporia of the critical project.

## Nick Blincoe

Jamie Brasset and Douglas Burnham both read Kant's comments on a possible (or impossible) bridge between the faculties of Understanding and Reason in spatial terms. Whilst Douglas finds this space to be organised in rich and nuanced ways, Jamie finds only a repressive formalism. How is it possible for them to come to different conclusions when they're talking about the same point?

How is it that Kant's insight unfolds into two such different spaces? It is, in the first place, insight - the tasteful judgement - that is at stake. When Kant talks about a bridge between the faculties of Understanding and Reason this insight is, apparently, negative. There is no proper relation between Understanding (which accounts for the intuition of nature) and Reason (which accounts for any moral intuition ). However, Kant is already looking at this from another angle: he is arguing for an intuition which cannot be accounted for either in the domain of the scientific understanding or in the realm of clerical reason. This intuition becomes tasteful, becomes a critical insight, when it is recognised that the space in which such intuitions are to be accounted is aesthetic. From a negative point Kant comes around to a positive

insight; there is a whole a space of aesthetics in which conceptual criteria - either moral or scientific - are redundant. The Aesthetic space is not governed by the master plan of Newtonian inertia or secular drudgery. Art is to be opposed to inertia (*in-ars*).

Why should Kant emphasise this space? One finds, through Art, an arena in which conceptual constructs begin to exercise a sentimental effect, a piquancy or a certain nuance. That is, one finds that some concepts appear to be exploited in nature, an exploitation that wreaks its pleasures over the corporeal skin of the human subject, bathing the subject in a sensual cream or extorting the subject in thorned strictures. This material effect, in the works and wiles of Art, is the exploitation of corporeality in original and inventive ways.

Kant's purpose is clear: when conceptual constructs play a direct material part in the world then one can begin to think a moral purpose (a conceptual end) exploited in the way of the world. But, he also tells us, this cannot be direct. There is, finally, no bridge. The aesthetic insight works through blockages and breaks. In articulating a space of playful nuances and valuing only the piquant it destroys all sense of casual pleasures and habitual alliances (like the Turkish pleasure in massage, such casual habits are to be renounced *[CJ, p. 126];* n.b. the habitual is the corporeal inertia not only in Kant but in Hume as well as in Hegel, despite their other antagonisms). The aesthetic insight works as it senses its own exploitation as a material effect.

It is only insofar as this world has an aesthetic value susceptible, in general, to exploitation that we can think of an exploitation for moral ends. The space of aesthetics is the universal space of psychic exploitation. In such a space one senses, everywhere, the rigours and stresses of taste and the freedom of taste is the freedom to sense this rigour rather than wallow in casual pleasures. But how to think this rigour; is the diagnosis of 'Neurosis' correct, or is Douglas Burnham's highly nuanced landscape a new possibility?

Who is speaking? Who produces such an insight? Voltaire speaks for *Critique*, and for the critical insight, in his treatise on Taste:

> *I will not hold against you those works of your youth, as do the cynical and the jealous; but I am Critique, you are with the god of taste, and here's what I say on behalf of that god, the public and myself, for, given time, we are all of the same accord.**





*Critique* speaks with apparent generosity, there will be no question of indicting youth on legalistic grounds. Rather, youth's most original nuances will be respected in the manifold of taste. However, such a manifold represents an accord. Within such a cordial insight the public domain is racked with nuances and understands these as a god-like accord. Is such a domain, a realm without determinate laws but with a sense of the law's extortion, to be held neurotic or compliantly aesthetic? Is *Critique*'s voice a neurotic reaction to the pressures of a highly vague law, or the mandarin appreciation of the piquancy of such a domain? It would require a more refined symptomology than we have time for here.

Such a symptomology would attend to what is repetitive in *Critique*'s voice. That is, to the sense of addiction that would have the voice continually harbour and reinforce the same theme. The voice would speak the space of its disposition, continually and addictively elaborating its sensual form. Such symptomologies are prevalent amongst the French kantians. For instance, Deleuze speaks of an absolutely nuanced body, one nuanced to distraction [the Body without Organs]. Lacoue-Labarthe talks of a body insistently riven by one terrible nuance, the *caesure*.

One could, however, imagine another addiction. One that was simply atrocious, lacking all nuance. What would Bad Philosophy reinforce? The slothful pleasures of laudanum draughts and opium enemas rather than the piquancy of snorting, cranking, or chasing such elaborate and nuanced syntheses or compounds as ice, ecstasy, speed-balls, crack. If such a philosophy had an insight, which is too rigourous a word, it would concern the sloth of pure addiction without the elaboration of original excuses or the attenuating circumstances of aesthetic space.

* Voltaire. *Le Temple du goût*. 1784. Texte de Kehl. Textes Litteraires Français, Lille, 1953. p. 126, ln. 425. cf. also note 13 of same page by Voltaire. These lines are directed towards Leibniz. The point being that a natural philosopher, in the broadest sense a materialist, is so by virtue of taste: which represents the relation between natural philosophy and the Ethical. Leibniz is not simply a great scientist 'more

universal than Newton' but, above all, someone with 'a great taste for *Belles Lettres*.' In sum, and prior to Kant, the realm of aesthetics represents the 'ground', *qua* relation, for philosophy. Voltaire even provides a history to demonstrate this: Lucretius, Locke, Leibniz,

Voltaire.



# Review of ART OF JUDGEMENT by Howard Caygill

(Basil Blackwell, 1989)

***Douglas Burnham***

As Howard Caygill observes, if Kant's third *Critique* has received enormous attention in the last few decades it is largely for the purposes of myopic dismemberment. What Caygill wants to show, on the contrary, is that the text must be seen as both the crowning moment of Kant's critical thought and as that the central (not merely parenthetical) task of which is to indicate previously unseen limits to transcendental thought. This involves placing the *Critique* in a context of the philosophical tradition within which Kant worked. Accordingly, Caygill's book is structured on the following three implicit presuppositions: 1) that Kant's text is more concerned with pointing (mutely if necessary) to the aporia of judgement than with solving it in a rigourous transcendental style; 2) that, for Kant, this aporia revealed itself in the philosophical tradition, and that consequently the text cannot be understood in isolation from that tradition; and 3) that, both for Kant and within the tradition within which he negotiated, judgement concerning art and political judgement are bound together, and it is this relationship that should be our proper object of study.

Caygill's book is divided neatly and precisely into quarters. The first picks up the post-Hobbes British tradition of art theory in the 17th and 18th century. The second surveys the same period in the German tradition. The third and fourth turn to Kant, first the pre-third *Critique* writings, and then (finally) the *Critique of Judgement* itself. The range in that first half is astounding - indeed, too astounding, for the treatment Caygill allots many of the prominent figures in these traditions is sketchy and often simply vague. Not uniformly so, however: the sections on Hobbes, Adam Smith, Wolff and Baumgarten are interesting and approach self-sufficiency.

The central issue in the British tradition which Kant absorbed was how to play the argument from providence out of moral judgement and into both the

spheres of politics and art. Within art, theorists of the 18th century (Shaftesbury, Hutcheson, Kames, Burke) felt that the sensory judgement of art was providentially directed towards rationality but without being mediated through either an individual faculty of reason or the collective reason of institutional legislation. But the judgement of art, as the judgement according to beauty, was at the same time a moral judgement. In Shaftesbury, for example, a providentially established beautiful order forms the ground of both the judgement of individual and collective virtue. The ontological priority of such an order to all judgement elevates the notion of civil society above the endowed and endowing sovereign of Hobbes. But the manner in which such an order determines or influences judgement is far from clear, in the absence of any mediation through productivity or the will. Similarly, even should we be inclined to identify individual judgement with individual interest, there remains the problematic mediation between the individual and the collective. In Hutcheson, because the moral sense is neither compelled nor productive, it cannot drive labour in the economy, and thus compelling labour in the 'productive classes' becomes a political issue. Caygill shows that it is because of the indeterminacy of judgement that theorists of civil society were forced to ground that society in violence. Similar problems plague other theorists of the period.

For Adam Smith, writing at the end of the 18th century, the sense of beauty is paradigmatic for a commercial civilization. The apprehension of beauty involves the pleasure of striving towards and accomplishing an end, but without the end - Kant's 'purposiveness without purpose'. In a commercial society, the drive or desire for production is similarly severed from an end, after which, however, the invisible hand would take over and ensure the actual presence of an end: civil society. The severing from an end is a natural movement according to Smith in which the pleasure in an end is confused with the 'beauty' or harmony of the means considered separately as a well-oiled machine. For Caygill, although Hume and Smith liberate the category of production from its suffocated status in the theorists of taste, they are still unable to explain the origin of the agreement between sentiment and reason, with Smith even returning fully to the providential argument by the time the 'Wealth of Nations' is written.

A quite different but certainly parallel set of problems was encountered by the theorists of the 'police' or 'policy' state in Germany. Characteristically, if Leibniz's thought provided the founding gesture of the political philosophy of





the police state, it also implied the mechanisms of critique. Unfortunately, Caygill's exposition of the first half of the above equation is far more adequate than the second. For Leibniz, in his large body of political writings, material happiness has eluded the contemporary society simply because the advancement in the ability to control nature has outstripped the ability to control the state. This notion of control is fundamental and already provides us with a contrast to the theorists of civil society. But what is to serve as the principle of control? For Leibniz, it is justice, defined as a transcendent proportionality. In order to understand Leibniz's notion of proportionality, Caygill parades us through Leibniz's early metaphysics. Leibniz refuses to accept either the nominalist claim that the universe is a collection of singular entities, nor the empiricist variation that no determination of the universal is possible in the absence of the complete set of singulars. Rather, there exists an objective principle of distribution - in other words, systems of possible interrelationships that precede even the determinate existence of entities. On these terms, Caygill rewrites Leibniz's definition of justice as: "the relation of congruity or proportionality between whole and part, as configured by a 'distributive principle' or 'union' between individual utility and the good of the whole" *[117]*. The distributive principle for Leibniz is pleasure, operating via a mechanism of reciprocal reinforcement. As Caygill describes it, "individual pleasures are qualitatively defined by the pleasure of the whole which in its turn is constituted by the sum of individual pleasures" *[119]*.

But Leibniz was apparently dissatisfied with this solution, and by the 1690s rethinks it completely. The mathematical and formal principles of the relation of part and whole need to be supplemented by dynamic principles such as cause and effect or action and passion in order for the metaphysics of either motion of subjectivity to be complete. According to Caygill, (and sadly this is where his exposition fades into vagueness at precisely the point where, if his project of giving a historical genealogy for the problems and solutions in Kant is to succeed, he needs the greatest care) this new metaphysics rests on a metaphysics of culture. Now, instead of parts and wholes, the ground distinction of human perception is activity and passivity - there exists a continuum between the passivity of perception and the activity of apperceptive unification. Consciousness is active perception, and since all perceptual material is already 'in' the subject, consciousness becomes self-productivity, or self-culturing. Justice, then, imaged as perfection is no longer a proportionality between the many and the one, but a "negotiation of activity and passivity" *[121]*. (Caygill loves this phrase and repeats it often; what it

means, exactly, is unclear.) Perfection is dynamic, a process of maximising activity through self-culturing. But, even with this potentially radical and reforming idea behind him, Leibniz is still unable to break from the theory of the police state. The mechanism of the mutual enhancement of subjective activity through beauty and love forms a basis of ethics for the later Leibniz, but he judges this basis inadequate for political purposes, and continues to demand the force of legislation.

In part two of the book, we find yet another extended survey, this time covering the problem of judgement in Kant's work from his earliest texts through the critical period until Caygill's camera finally zooms in for a close textual reading of the *Critique of Judgement*. The discussion of Kant's earlier work, however, is flawed for a by now familiar reason: Caygill attempts too much and the result is a dusty rattle from the half-forgotten pages of Kant with only rare moments of sustained insight. I will hurry to say that the chapter on the third *Critique* itself is well worth the wait.

Caygill's purpose in surveying the pre-critical writings of Kant can be seen as an attempt to give provisional justification of those three presuppositions I listed at the beginning of this review. Thus, the issue is not merely that judgement had been a central problem for Kant all through his philosophical career, but that it had always been closely related to philosophy's confrontation with its own tradition. Thus, for Caygill, the concern Kant felt in a letter of 1765 that he had found plenty of examples of bad judgements and procedures in philosophy's tradition, but no examples of the good, resurfaces in the constant and visible effort of the various critical dialectics to architectonically wrench, not indeed a good example, but a general method out of the critique of metaphysics.

More importantly, this problem of judgement judging itself is generalized in the critical period in the problem of orientation. The divided tradition which Kant found himself analyzing ceased to seem contingent. Rational judgement apparently lacks the internal measure required to overcome historical bias, so that measure must be self-provided through the exhibition of that bias. Judgement cannot directly judge itself, but must do so mediately, through the philosophical tradition. But this is complicated by the fact that, at times, Kant does feel there is a mechanism of orientation - on an analogy with his classic arguments against the identity of indiscernibles, he posits a rational 'feeling' which is provoked by a violation of symmetry or proportion. Tradition, then,





is imaged as a spatial terrain within which the philosopher orients himself with the compass of rational feeling. There is no contradiction (Caygill feels) between the necessity of exhibiting the bias of reason through tradition and this rational feeling, at least because the feeling cannot be expressed in the language of judgement - that is, it cannot be thematized discursively as a rule prior to the tradition. It must precede and co-ordinate or orient the transcendental distinction of intuition and concept, although the transcendental distinction itself is Kant's main performance of such an orientation. The reason why this rational feeling for proportion has to exceed the transcendental distinction is that the latter itself reopens the gap between the logical and the real which had already created so many problems for both the British and the German traditions.

This problem of pre-conformity between the two realms is clarified when we consider the action of what Caygill calls 'the self-alienating understanding'. If human subjectivity is free, active and productive even at the level of sensibility, then the distinction between freedom and necessity can no longer be mapped onto the transcendental distinction. Rather, we must think of the necessity as a derived condition, arising from the mind forgetting its own agency. For Caygill, the key element in this problem of conformity is pleasure. Pleasure and pain allow non-discursive access to that experience which precedes and makes possible the transcendental distinction. Pleasure and pain arise, explains Caygill, in the encounter of the active imaginative projection into passive material resistance within the world.

Caygill notes that it belongs to the nature of the problems to which the third *Critique* is committed that the text should be so full of partial statements, retractions, negative determinations and so forth - for Kant is attempting to gesture towards something that cannot properly be expressed in terms of the traditional vocabularies, but nonetheless requires them. Indeed, traditional modes of thinking about the judgement of art saturate the text to a greater degree than is at first apparent, and Caygill patiently points this out. Thus Caygill's response to one of the commonest objections to Kant: "Kant's reflections were not prompted by a personal predilection for birdsong and woodland glades, but by the apparently contradictory accounts of judgement presented by the tradition" *[p. 296-7]*. This is undoubtedly charitable. Of course, what follows from these observations is that, in negating the tradition, Kant must also be negating their amassed accounts of ethical and political judgement. It is in this direction that Caygill's efforts are now slowly moving.

What links the question of pleasure and pain to other more explicitly central concerns of the third *Critique*, is the relation of that question to formative activity or what Kant calls life. The prior accord discussed above, which cannot be further specified, affects through pleasure and pain a reminder to the self-alienated understanding. This accord, Kant tells us in the introduction, is essentially the same as the self-legislation of the reflective judgement. Pleasure is assigned not as a predicate to an object, but as an association to the activity of formation/recognition of this accord. It is the concept of life, associated with pleasure, stretching across the entire third *Critique*, which brings all these issues together: the beautiful, Kant says, is always attended by a feeling of the furtherance of life, while the sublime is a check to vitality, and in the second half, the problem of the organism, and of the good or ethical life with respect to the *summum bonum*.

The remainder of Caygill's book, some 70 pages from this point, is involved in a detailed reading of Kant's text showing how the search for an adequate formulation of these problems, and above all of the problem of supra-transcendental conformity, lies behind the various issues of that text. It is a reading which it would be unjust to call simply reductive, and yet it certainly does repeatedly and emphatically carry off the arguments in aesthetics and natural science into a field of politico-theological thought which may well be their ultimate horizon but certainly does not respect their specificity. Caygill simply inverts the error of decontextualization which he finds in other commentators on the third *Critique*. He too quickly takes up Kant's concepts of symbol and analogy, for example, as being the mode of a judgement about fundamental proportionality, rather than also considering such concepts as first, solutions to problems in aesthetics and second, structural principles of exposition. With these disclaimers, however, Caygill's corrective is certainly well enough carried out.

In the fifth section of the long final chapter, Caygill takes up the deduction of the third *Critique* in an unusual and fascinating manner: tradition, he claims, is not merely the background to Kant's text, and not merely the mediating field within which judgement returns to itself in order to judge itself, but rather "tradition is the *a priori* principle of the aesthetic judgement of taste; but further, it is a constituent element in the production of fine art by genius" [438]. At first sight, such a claim is simply bizarre: to claim that tradition for Kant is *a priori* is a sort of reverse transcendental illusion, and of the most





blatant kind. At best, it might be argued that it is tradition which generates the illusion of the *a priori*. What is Caygill getting at here?

Caygill points out, first of all, that if we treat the deduction as the third of three critical deductions of synthetic, *a priori* judgements, we immediately run into paradoxes: first, its universality is not founded in any concept; second, its necessity admits of no proof. Now, in section 32, in examining the problem of universality, Kant speaks of neither an atraditional mode of the concept of universality, nor of simply taking a vote, but of "working through" the tradition. It is precisely because, Kant says, the universality of aesthetic judgement does not rest upon a concept that it is in need of examples. Caygill writes, "The universality of the judgement of taste is legitimated, surprisingly, by the active appropriation of tradition, a remembrance which surpasses both autonomy and heteronomy" *[350]*.

With respect to the second peculiarity of aesthetic judgements, Caygill again shows Kant's appeal to tradition. Here, tradition is the horizon within which the objective principle of aesthetic judgement slowly manifests itself. However, Kant then proceeds to state the principle of judgement without any reference to judgement: roughly, he says, aesthetic judgement depends upon the "subjective formal condition of a judgement in general", but this is just the faculty of judgement itself. This is a tautology. Caygill's claim is that only an appeal to tradition as itself constituting the principle of judgement can this tautology be avoided. This Kant eventually recognizes in asking himself how we have access to the principle of judgement when we only ever have access to judgements. Thus, the principle of *sensus communis* which Kant evokes is two things at once: first, it is that same active appropriation of tradition which Kant earlier called 'following'; but it is also a sense, the sense of pleasure, or "the effect that mere reflection has on the mind" *[sec. 40]*.

Caygill then writes: "The two aspects of judgement as a critical faculty and as the source of pleasure come together in the beautiful ... Through the experience of the beautiful, the forgotten accord of the powers, erased under constraint by the concept, is brought to remembrance. The quickening activity of this remembrance, the equation of what cannot be equated (freedom and conformity to law) is stimulated by the encounter of the individual judgement with the tradition of judgements" *[p. 354-5]*. For Caygill, the productive exhibition of regularity in the tradition of the aesthetic judgement is in itself a reconciliation of freedom and conformity to law.

Once again it seems to me that Caygill has taken one false move. The general form of Kant's argument here is indeed not equivalent to the deduction of the first *Critique*; Kant is here not arguing towards the possibility of synthetic *a priori* judgements from out of the judgement forms, but is instead showing that aesthetic judgements look like and indeed are synthetic *a priori*, but of a non-discursive kind. Tradition, then, is the medium and tool of an epistemological investigation the conclusions of which (as Caygill recognizes) cannot be expressed in discursive terms, and therefore must be repeated again and again for each culturing of taste. That is to say, Caygill confuses that fact upon which Kant's argument is based (tradition) with that wherein the universality and necessity of aesthetic judgement is founded (accord of the faculties). That Kant does not make such a move is evinced by his example against treating tradition as *a posteriori*: mathematics. Kant suggests that although no modern mathematician could invent anew all the concepts and proofs in mathematics from scratch, this does not mean that the history of mathematics is the only or even the last authority. For obvious reasons mathematics does not present the same type of case as aesthetics (the very reasons we are discussing, in fact) - but Kant clearly feels the analogy is instructive. Caygill's attempt to make tradition the principle of the supra-transcendental accord of the faculties - an attempt I have some sympathy for - is not Kantian, but only and only perhaps suggested by Kant. For Kant, whatever the complexities of tradition, it remains one of those 'things' the *a priori* properties of which the mind actively stamps upon nature. What is interesting about tradition in Kant is that tradition as a production is forgotten (just as Caygill describes) and the Kantian subject comes back to what is properly its own, without recognition and in an attitude of suppliance.

Whatever the limitations of Caygill's book, the historical detail which serves as a vital corrective, and the political and fully critical horizon of his discussion (however vaguely conceived that may sometimes be) have enormous merits; they make Caygill's book worthy of attention from those either interested particularly in Kant or more generally in the history of aesthetics, especially as it crowds in on and determines political theory.



**Review**
**of**
# *JEAN BAUDRILLARD: FROM MARXISM TO POSTMODERNISM AND BEYOND*
**by Douglas Kellner**

(Polity Press, 1989)

***John O'Reilly***

Any philosopher with the epithets 'the Hugh Hefner of philosophy' and 'the Walt Disney of contemporary metaphysics' (Douglas Kellner) deserves some consideration, if not sympathy. Old Walt will surely be turning in his *gravitas*. Jean Baudrillard is only one of the most recent of French theorists to have become an item on the philosophical agenda in the English speaking world. This is no doubt partly due to the recent proliferation of translations of his work (particularly in the *Semiotexte* 'Foreign Agents' series) and the closely related factor of an increased turnover in philosophical projects fuelled by excessive demand. Derrida, in *Of Grammatology*, suggests that endemic to recent philosphical writing there is an inflation of 'language' and its signs, and a similar economic effect occurs in the demand for and recycling of philosophical projects. The consequence perhaps of excessive demand chasing too few goods. Douglas Kellner's book on Baudrillard is particularly revealing as an instance of this. The subtitle *From Marxism to Postmodernism and Beyond* does not merely denote the intellectual trajectory of Baudrillard, but delimits a contemporary theoretical economy of investments, exchanges and recycling.

Kellner provides a chronological account of Baudrillard's writings from the perspective of someone sympathetic to critical theory (a perspective, along with hermeneutics renowned for recycling long before it was considered ecologically sound). As a Critical Theorist (the dedication reads, *"In the Spirit of T. W. Adorno"*), he is at once fascinated and unsettled by a philosopher whose agenda ranges from Marshall McLuhan to metaphysics. Kellner is a generous reader of Baudrillard and tries to extract from the diverse and idiosyncratic set of Baudrillard's texts a series of identifiable philosophical positions. Whether this is coterminous with Baudrillard's interests is questionable. Given Kellner's theoretical position, which is basically

anathema to Baudrillard's, the book works exceptionally well as a primer in Baudrillard. There are limitations in the panoramic approach adopted by Kellner, in that extensive analysis of local problems must give way to the task of charting a coherent route through the variety of perspectives adopted by Baudrillard, name-checking along the way Marx, Nietzsche, Freud, Bataille, Jarry, Mauss, Levi-Strauss, Lacan, Derrida, McLuhan, Debord, Foucault, Barthes, Deleuze, Thom.

Nevertheless, Kellner identifies three different Baudrillards:

Model 1: This early item was on offer from the late sixties to the early seventies. It consists of a neo-Marxist interpretation of commodities and objects.

Model 2: More *ex* than *neo* or *post* Marxist with a more developed attack on the logic of production. He formulates his strategy of seduction. The termination of the social and the aggrandisement of the cool.

Model 3: Simulacra, the abandonment of reference and the real disappears. Post-modernism rears its head, as do hyperreality and fatal strategies. End of history.

If Baudrillard is the ultimate philosophical transvestite, the drag artist of the academic catwalk, Kellner looks but doesn't buy. In his early writings Baudrillard dons his Marxist clothes. For Kellner this is the inside leg by which all future moves are to be measured. The problem for Kellner is how yesterday's 'dreamer with a schema' became a 'philosopher with attitude.' Rather than seeing him as the Walt Disney of metaphysics he treats him as the George Best, a wasted talent of exceptional ability prone to self-destruction.

This diagnosis is really the result of Kellner's identification of Marx as the initial motor of Baudrillard's writings. The key figure I would suggest is Nietzsche. It is in this respect that the book betrays its limitations. Fundamental issues of recent continental philosophy are either not sufficiently addressed or recognised. Thus, his reading of Baudrillard's analysis of the logic of production largely ignores its conceptual series of economy, ends and teleology. What occurs instead is a kind of fast food theory, "deconstruction ... to go!" At various points he judges Baudrillard's





work of being guilty of "binarism," "oppositional thinking," "logocentrism," "phallocentrism," and "privileging" one term over another. And the problem with fast food theory is that it is often undercooked without the virtue of being raw. Kellner as critical theorist has a different agenda to Baudrillard. Moreover when he does cite Nietzsche, he provides a very traditional reading:

> *whereas Nietzsche celebrated the sovereignty of the superior individual as the mode of transition to a higher stage of being,* Baudrillard comes to attack the subject itself and to advocate quite different theoretical perspectives. (p. 20; my emphasis)

Yet because his critical theory is allied with a liberal and generous disposition, there is nothing malevolent in his attitude to recent French philosophy. On the contrary, Kellner gently chides Baudrillard with the epithet of Walt Disney for his anthropomorphosizing of objects. I think it may be truer to suggest that he animates objects. Nevertheless, this opens new vistas for the philosopher as animator - Deleuze and Guattari (Hanna-Barbera) or Georges Bataille (Fred Quimby). What is most impressive about the book is the measured tone with which he approaches the increasingly divergent, if not deranged, metaphysical interests of Baudrillard. There is only one moment in the book when Kellner's exasperation gets the better of him. It occurs in his commentary on Baudrillard's attempt to take the side of the object in the form of analysis he terms seduction. Kellner, after 160 pages of controlled exposition, realizes he may have stepped into the twilight zone:

> *one wonders which objects and ruses of the object world Baudrillard would suggest our studying and identifying with ... should we study the habits of birds and squirrels, and become more like our feathered and furry little friends ? One cannot help but wonder what it was that led Baudrillard to conclude that objects no reign supreme, and that we should submit to their dictates and laws. Was his word processor (if he has one) taking over his thought processes? Or was his television set controlling his imagination ? Did his car, as on an old episode of the old Twilight Zone television series, start driving him one day?* (p. 167)

If this reader did disagree with the author's perspective on Derrida and Nietzsche, for instance, it is only because the rest of the book is so thoroughly comprehensive in the detail of its text by text commentary. Kellner's serious political commitments are clearly spelled out throughout the book so the reader knows where he or she stands. Furthermore Kellner never allows this commitment to manifest itself in diatribe, even in the face of Baudrillard's at times frivolity and even foppery. He persists in attempting to engage in Baudrillard's development from Karl Marx to Harpo Marx, but doesn't really think that this change in style and tone is of any real philosophical significance. Kellner suggests that what he identifies as a kind of theoretical paralysis which he finds in Baudrillard's current tone does not necessarily mark the demise or decay of a philosophical project.

> *Baudrillard has shown himself to be theoretically resilient and capable of surprising new ventures. Thus it is possible that he will emerge from his current ennui and malaise, and produce some exciting new theoretical perspectives. Baudrillard's project is still open and unfinished and it is to be hoped that he will have some new surprises for us* (p. 210).

At times reading Baudrillard is like trying to eat soup with a fork. It's messy, it escapes everywhere and you are still hungry at the end. Kellner has given us a spoon.



**Review**
**of**
# A POETICS OF ART CRITICISM: THE CASE OF CHARLES BAUDELAIRE
**by Timothy Raser**

(Chapel Hill: Univ. of North Carolina, 1989)

***Peter Snowdon***

The burden of Timothy Raser's *A Poetics of Art Criticism* is that implied by the title: to treat a supposedly 'scientific' discourse as though it were a fictional one, while exposing en route the falsity of its claims to any sort of objective status as a descriptive or evaluative system. For Raser, aesthetic criticism is always the expression of a subjectivity, and a subjectivity whose strategies and concerns are more or less unmotivated, until we begin to conceive of them in narrative (or narratological) terms. The bulk of his book attempts to demonstrate this thesis through the reading of a sequence of texts by Charles Baudelaire, who as well as being the inaugurator of our poetic modernity, has also come to be viewed as one of the most significant and farsighted art critics of nineteenth century France. Raser's application of his argument to Baudelaire represents a significant challenge to most current appreciations of Baudelaire's critical work, which depend heavily on the valorization of its rhetoric by both referential and theoretical criteria. For his admirers, Baudelaire's criticism is worth reading, partly because of his perceptive account of contemporary art (his judgements often agreeing with ours, which they also helped to form), and partly because, they claim, a coherent theory of art and the aesthetic can be drawn out of it (or if not one coherent theory, then coherently presented elements that might find a place in several different theories). For Raser, the terminology that permits this sort of reading is simply itself incoherent. At the core of all critical writing on art is the arbitrary movement of a subjectivity, the personal and irrational preference of the writer, and the categories and distinctions that are used to defend it are not the structure of a genuine theory, but the tropes and *topoi* of a fictional edifice. In the end all art criticism would turn out to be a love story, the narrative of a movement of self definition told by the writer in an attempt to establish himself over against the object that has unsettled him. Raser's analysis is concerned then, not to characterize Baudelaire's

individuality as it is imagined through his writing on painting, but to expose the mechanics through which it works to assert itself against the supposed object of criticism, and also against the independent judgement of the reader.

It is to this end that Raser introduces into his argument a second major source. If Baudelaire provides Raser with his text, Kant's third *Critique* is made to serve as his flow diagram. The Four Moments of the "Analytic of the Beautiful" are called on to provide a schema through which the reading of Baudelaire can operate, and in the second part of the book, each chapter relates a particular critical text to some specific formulation of the Kantian paradox, before closing with a poem from *Les Fleurs du mal* which is converted to the emblem of the rhetorical ploy that has come under closest scrutiny. Raser does not read Kant as an independent text, though in part that task has been transferred by the acknowledgments and bibliography to Serge Trottein, whose *Théorie du jeu* is the absence at the centre of his thesis (and also at the centre of this review - as I write, the *Théorie* is still *'sous presse'*). He reduces the speculative structure of the third *Critique* to a simple (but essential) paradox : that aesthetic judgement is governed by no concept, but is yet to be understood as subjectively necessary, as binding on all free subjects, as though it were an instance of "a universal rule that cannot be enunciated" *[Critique, s.18]*. Furthermore, he interprets this paradox in the form of a dilemma: understanding the opposition of equivalences "objective-necessary : subjective-arbitrary" as inescapable. Raser takes it as self-evident that no subject exists who can pronounce such judgement. The impossibility of enunciation here is empirical not transcendental, and the work of poetics is then to understand how the empirical subject in question has chosen, given the incompatibility of the aspirations the formulation of his judgement expresses. Either we remain true to aesthetic judgement as the domain of the aconceptual, or we enter into the attempt to persuade others to agree with us, and accept that what we are engaged upon is not a rational argument, but a fiction in the service of power (our power as 'judge'). The *Critique* leads us, via the impossibility of 'aesthetics', to politics, and to the political function of rhetoric.

If Raser's opening position is an exciting one, then it is all the more disappointing to read on, and watch as the initial shock of originality rapidly gets trapped in a predictability of its own making. Responsibility for this must be traced back, if not to Kant, then to what Raser has done with him. However one wishes to cope with the paradoxes of judgements of free





beauty, to treat them as dilemmas in the sense used here is inevitably not to continue the argument Kant has begun, but to relapse into pre-critical 'categories'. And sure enough, once all the opening sophistication is out of the way (the first three chapters, which do not deal directly with Baudelaire, are also the most rewarding), it is not long before the spectres of the great dichotomies, Form and Content, Knowledge and Experience, etc., are back to haunt these putatively poststructural pages. It is their silent presence which provides *A Poetics of Art Criticism* with its own powerful armature.

When Raser uses that power it is more to contain problems than to exacerbate them. If for him aesthetics is always political, then it is a peculiarly dilute politics, in which the greatest misdemeanour known seems to be semantic slippage, and rhetorical duplicity never leads to any worse consequence than transitory incoherence. His own ethical rhetoric seems in thrall to Kant's 'purposiveness without purpose.' He states that in Baudelaire's *Salon de 1846*,

> *Beauty passes from a perception to a play of power, and aesthetic judgements pass from constatives to performatives. With this insight, Baudelaire's beauty meets Kant's, and together they open the field of modern aesthetics.* [p 92]

The stress here is as much on 'play' as on 'power'. Modern aesthetics, here, finds its counterpart in the formalism of Raser's own argument, which derives from the formality of his governing dilemma. Since Kant's 'paradox' serves to determine that all aesthetic argument must play itself out within a narrow antagonism of judgement versus knowledge, each analysis serves less to explore the complexities of a text than to demonstrate its own foregone conclusion before exiting gracefully. By the end of the book, we have been inducted into a world in which operations of immense ingenuity are undertaken, but in which nothing much that might have mattered seems to have taken place.

This is to be regretted, the more so since Raser is obviously a good reader of textual detail. Certain passages - for instance, the discussion of cloud-writing in Ruskin (on Turner) and Baudelaire (on Boudin) that opens chapter two - are masterly creative exegeses. But for the most part, the author is content to get on with conducting his main argument by a policy of 'divide and rule'. Small fragments of text are separated from their narrative continuity and

replaced in the new and larger context of Raser's own poetic theory. Once there, they find themselves rewritten in the simplified terms of his Kantian argument, having been sieved through a mixed rhetoric of authority and semantic streamlining. The reader becomes quite rapidly aware that what we have here is an exemplification of Raser's own poetics of theory, and that the author is not so much analysing Baudelaire as reincorporating fragments of this original text into his own narrative collage.

To illustrate just what is lost in this process, we can look briefly at the last chapter in the book, which deals with Baudelaire's obituary notice on Delacroix, published in the autumn of 1863. This article, itself a composite work made up of new material and extensive quotation (acknowledged and unacknowledged) from the poet's earlier essays, poses in acute form some of the immediate dilemmas of Baudelaire's critical writing. Raser, having introduced the article, begins by picking up on the metaphor of translation[1], from which he draws out Baudelaire's desire to be himself the "translator" of Delacroix's paintings who will guarantee them their immortality. (The question of why the original painting is not in itself enough to guarantee its own fame is not raised). He then discusses a number of brief passages, in which 'free' beauty, that is, a beauty free from meaning, is opposed to a beauty from which considerations of meaning (in particular, ethical meaning) are inseparable. The attraction of the former for Baudelaire, and his tendency nevertheless to abandon it for the latter are charted, first in his characterization of the painter, and then in his response to one particular work. Finally, the theme is summed up in a reading of the sonnet *'Horreur sympathique,'* whose iconographical sources seem to include Delacroix's *Ovide en exil chez les Scythes* (in the National Gallery, London). The conclusion to so much exegesis is (typically) weak:

> *Baudelaire was aware of the sensory basis of aesthetic judgement: such judgements refer only to subjective pleasure, and consequently should give primacy to formal elements. At every turn, however, Baudelaire, like any critic, encounters what could be called the temptation of knowledge: the tendency to supply logic and reference where only judgement is demanded.* [p. 8]

What has happened is that the context of analysis has been reduced to that of the Kantian paradigm. However interesting the material encountered on the way, and some of it is very interesting, only what fits the author's programme





will find its way into a serious argument. This programme by its nature excludes most of the real issues these analyses could raise: for, starting from a separation of form and content which Raser sees as essential to Kant's position, his brief is to demonstrate the return of the question of content on formal terms. We are told that Baudelaire is concerned with meaning as part of the experience of beauty, but we are not told what the meanings he is interested in might be. In this way, while undermining oppositions at the level of its own 'content', the text maintains just those oppositions in order to determine its own 'form'. And since 'form' is that about which there is nothing to be said that is not fictitious, Raser can only record the overcoming of his own position, without being able to develop the consequences of his defeat.

If we wanted to engage a real dialogue with Baudelaire's critical writing we would have to measure up to the question that is implicit in my last paragraph: what is it that the desire for a pure (and purely formal) beauty serves to repress? But in this matter Raser will be of no help to us, for he himself is on the side of repression. If we want usefully to read Baudelaire with Kant, then we would have to do so through a reading of Kant that itself attempts first of all to locate, and then to try to lift, all those forces that are at work in the third *Critique* to keep such questions down. And to begin with, such a double reading would have to reopen the question of the subject. This is the question that Raser effectively closes down in his first chapter, where he discusses various accounts of the two forms of mimesis - one limited, a mere copying, the other general, in which the artist participates in the creation of the world he represents, (see Lacoue-Labarthe, *L'Imitation des modernes*, p. 24). Here his analysis of texts by Quatremère de Quincy, M. H. Abrams and Michael Rifaterre consists largely in denying that this distinction is intelligible, without trying to take the contexts of their argument seriously (or to canvas other, possibly more persuasive, proponents of this view). His motives are revealed, however, when we see that it is precisely the nexus of terms which attribute general mimesis to a free subject involved in the production of his own freedom that are discredited, largely without argument, in relation to a text by Quatremère de Quincy. For Quatremère, we are told,

> *Imitation differs from copy by virtue of an arbitrary valorization; the more valued of the two terms is selected by a judgement which is ultimately undefined* [p. 21]

but it is Raser's own criterion of 'definition' that most noticeably escape us. Quatremère's insistence that representation that is not mere copying must place the object in *'un autre discours qui en devient l'image'*[2], and that only such alterity can guarantee the freedom of the artist-subject, is undoubtedly compromised, but can only be placed relative to a controlling discourse on alterity and freedom that is here simply ignored.

The subjectivity that is allowed to figure in Raser's text is a rigourously instrumental one, the operator of a rhetoric whose aim is a strategic local power. The more disruptive subject whose possibility was opened up for Romanticism by the theory of general mimesis is effectively excluded from discussion. Yet this is the subject that is at stake in the third *Critique*:

> *Here [in the third* Critique*], mimesis is not the representation of one thing by another, the relationship of resemblance or identification between two existents, the reproduction of a product of nature by a product of art. It is not a relationship between two products but between two productions. And between two freedoms. The artist does not imitate things as they are in nature, or if you prefer, in the natura* naturata*, but rather the acts of the* natura *naturans, the operations of the* physis. *But since an analogy has already decreed that the natura naturans is the art of an author-subject and, even, of an artist-god, mimesis unfolds the identification of the human and the divine act. (...) The 'real' mimesis: between two productive subjects, not between two things produced. This is the mimesis implied throughout the whole of the third* Critique ... [Derrida, pp. 67-8]

It is this subject too, defined by his mimetic apprehension of his own creative freedom, who has taken refuge in Baudelaire's 'pure poetry' from a world (and a subjective space) that is increasingly being occupied by a 'bad' mimesis, one that denies his essential freedom, replacing it with compulsions, obsessions, and the perversions of desire. It is this nightmare that Baudelaire's criticism confronts only indirectly and intermittently, and which his poetry assumes as the experience of its destiny. No reading of either verse or prose will hold that does not try to face up to this experience.

But to confront these demons, to undergo the rehearsal of this experience that is (or should be) criticism, requires precisely that we abandon our pretensions





to the sort of transcendent instrumental subjecthood that Raser finds at work everywhere. It comes as no surprise that Raser's text, in its pretensions to master its own situation outside the texture of criticism, should end up taking itself as its own true object, and incessantly produce itself as its own allegory. Reading *Les Phares*, Baudelaire's great poem in which the continuity of artistic tradition is defined as the purity of its protest against an inaccessible transcendence, Raser rewrites it as emblem of his own rewriting of Baudelaire:

> "Les Phares," *initiating a certain kind of art criticism, argues that great art seeks to communicate with God, with posterity. Its aim is recognizable across the universe and throughout eternity. Great art transmits a message which has been amplified much the way the light of a flame is intensified by a parabolic reflector. The message it finally transmits is magnified a thousandfold: it is repeated by* mille sentinelles, *relayed by* mille portevoix, *displayed on* mille citadelles. *This amplification allows it to reach the limits of human existence, an* "ardent sanglot qui roule d'âge en âge / Et vient mourir au bord de votre éternité". *Art has an aim, and that aim is God.*
>
> *But a price has to be paid by any artist whose voice is to be heard at an infinite distance: the price is reduction, or condensation. The light projected by a light house is the image of a flame, but the reflector has so distorted it that it is no longer recognized, visible only as a flash. In like manner, Baudelaire writes that the message of the artist is garbled, losing all nuances in order simply to be heard. The messages, which become* un cri, un ordre, un appel *were originally more complicated:* malédictions, blasphèmes, Te Deum, *etc. Plurals have become singulars; possible inflections of meaning have disappeared. The artist's message acquires force at the price of such enormous simplification that one wonders whether it can still be called the artist's.* [p. 131]

Constantly voiding Baudelaire's texts of their content, of their power to unsettle, Raser transforms them into just such vaguely motivated displays of rhetorical sophistication, projected though the megaphone of his own prose towards himself in the position of divinely unmoved subject. These 'garbled

messages' have nothing to do with Baudelaire's own absolute discursive clarity. The interpretive process that produces them as emblem is one which privileges the writer as (critical) reader, and which finds it in its own interests to deny to writing any substantive exercise of its own desired autonomy.

And so no love story, no *Bildungsroman* survives. Baudelaire's poetry is ingested into the slightly artificial formalism of this critical novel, but without ill effects for the academic narrative system. Again and again we return to variations on the original narrative kernel that is Kant's dilemma in its different disguises. In the absence of Baudelaire, Raser tells his own story, but only on the condition that he has no story of his own to tell: to cast himself as hero would be to give away his game. But all narration is a process of loss as well as assimilation. Those who wish to conserve themselves intact are inevitably the victims of their own enormous simplification.

This is a great pity. In the confrontation of Kant and Baudelaire there is the seed of a fascinating 'fiction'. Derrida's reading of the third *Critique*, drawing out the text instead of simplifying it, finds in the 'thematics' of exemplarity more than one resonance with the images and structures of *Les Fleurs du mal*. A story whose narrative would go beyond the repetitive, controlled structure of Raser's work might show how the mimetic structure of subjectivity is at the heart of Baudelaire's poetry, and also how that poetry exceeds the categories of aesthetic judgement, establishing in its place that 'aesthetic' experience we have eluded to above (see Lacoue-Labarthe, *La poésie comme expérience*).

Baudelaire's writing demonstrates a crisis of subjectivity, and so of judgement, that goes beyond the 'theoretical' paradoxes that Raser so elegantly demonstrates. By declining to look further than his own surface desires for the texts he interprets, he has managed both to raise important questions, and to behave as though he had not noticed them. The real problem about beauty in Baudelaire is not amenable to the polite and playful atmosphere that reigns here: in attributing to beauty something like the characteristics that Kant recognized in it, Baudelaire was establishing it not as a 'philosophical problem', but as a means to salvation. We cannot measure the bitterness and fear that informs his writing until we recognize that beauty was his last hope, and that it failed him. But if art failed Baudelaire, he did not fail art. This is the greatest paradox of all, as Blanchot recognized:





> *Baudelaire's life (...) is nothing but the story of his failure. And yet, this life is also a complete success. A success which was not accidental, but premeditated, and which was not a simple supplement to the failure, but which drew its purpose from that failure, which glorifies that failure, makes impotence fertile beyond measure, and draws the most dazzling truth out of a fundamental imposture.* [Blanchot, p. 133]

Timothy Raser's book, for all its many virtues, for all the originality of its perspective, takes us not one inch nearer to beginning to understand how this was possible.

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## Notes

1) A topic already dealt with in some detail by Michele Hannoosh.
2) "another discourse that becomes its image".
3) Richard Howard has translated this poem as "Guiding Lights" (p. 18); his translation of the last three stanzas on which Raser here comments runs as follows:

*These blasphemies, these ecstasies, these cries,*
*these groans and curses, tears and* Te Deums,
*re-echo through a thousand labyrinths -*
*a holy opium for mortal hearts!*

*A thousand sentries pass the order on,*
*a cry repeated by a thousand messengers;*
*hunters shout it, lost in the deep woods;*
*the beacon flares on a thousand citadels!*

*This, O Lord, is the best evidence*
*that we can offer of our dignity,*
*this sob that swells from age to age and dies*
*out on the shore of Your eternity!*

The French *porte-voix*, rendered here as 'messenger.' has the literal sense of 'megaphone.' The primary sense of *phare* is 'lighthouse,' whence Raser's interest in the technology of parabolic reflectors.



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