Chapter 2

Human Plurality and Precarious Life

Problems in Hannah Arendt's Theory of Judgment

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One of my earliest memories as a graduate student at the New School was the first day of a course on Hannah Arendt taught by Richard Bernstein where he described his first encounter with Arendt as both "agonistic and erotic." I was immediately intrigued. Here is Bernstein, in his own words, in the preface to *Beyond Objectivism and Relativism*:

> My first personal encounter with Hannah Arendt in 1972 was stormy. We had a sharp debate about our different interpretations of Hegel and Marx. But that encounter was not only agonistic, it was also, in Plato's sense, erotic. We met several times during the few short remaining years of her life, and each time we passionately argued with each other. She is still very much a living presence for me, and I continue to argue with her.[1]

Undoubtedly due to the impact of Bernstein's teaching, I, too, have found myself in a stormy relation with the work of Hannah Arendt, particularly concerning her theory of judgment, which is central to Bernstein's engagement with her thought. In *Philosophical Profiles*, Bernstein writes of Arendt that "[a]ll the paths of her thinking lead us to the centrality and distinctiveness of the human capacity to judge."[2] In a perfect reflection of their agonistic and erotic philosophical encounter, Bernstein goes on to suggest that there is in fact a "flagrant contradiction" at the heart of Arendt's account of judgment between the perspective of the engaged actor and the perspective of the spectator, which demands all the more attention given the importance of judgment to so many of her central philosophical claims.[3] Bernstein is consistent in his critical and incisive assessment of Arendt's work, suggesting that her thought is full of "tensions and conflicts," leaving us with "a whole series of perplexities, riddles, and contradictions," and ultimately indicts the

organizing distinction in her thought between the social and the political as "unstable" and even "untenable."[4] None of this, however, prevents Bernstein from being one of Arendt's most generous and important readers, a fact that is perhaps most beautifully reflected in his 1996, *Hannah Arendt and the Jewish Question*, where he continued "to think *with* Arendt, and sometimes *against* Arendt," this time through the lens of her approach to the Jewish question.[5]

In what follows, I take up some problems in Arendt's theory of judgment that in turn reveal a fundamental shortcoming in her conception of human plurality. I argue that Arendt's conception of political judgment, which she models on Kantian aesthetic reflective judgment, needs to be expanded to take into account the recognition of precarious life in the political domain. As it stands, her theory of judgment places an undue emphasis on the disinterested, disembodied spectator, which follows from her overly narrow understanding of the political as concerned exclusively with speech and action. Since Arendt understands judgment as a way of "doing justice," I suggest that doing justice to human plurality cannot exclude life as a fundamentally political consideration.

I begin with an assessment of Arendt's appropriation of Kant's *Critique of Judgment* as essential for political philosophy (I). I then turn to some problems in her account of judgment associated with her privileging of the perspective of spectators, taking up criticisms offered by Ronald Beiner and Judith Butler (II). This leads me to conclude that problems with Arendt's conception of judgment must be understood alongside her narrow conception of plurality in the political domain. Finally, I turn to a resource from Kant's third *Critique* mostly ignored by Arendt, namely, his account of the judgment of living organisms and the purposiveness of nature in the Critique of Teleological Judgment (III). I suggest that this provides us with resources for expanding Arendt's conception of political judgment in which the precariousness and necessities of life are fundamental for a coherent and compelling account of human plurality.

PART I: ARENDT ON KANT AND JUDGMENT

Although some engagement with the question of judgment can be found throughout Arendt's writings, the most sustained treatment of this human capacity is contained in her *Lectures on Kant's Political Philosophy*, lectures that were given at the New School for Social Research in 1970. These lectures, published after her death, give us a view into what would have been the third part of *The Life of the Mind* on the topic of judgment, a text that was projected but never completed. There are many puzzles that are raised

by Arendt's lectures, but one strikes the reader almost immediately. This is, of course, her peculiar orientation: in taking up the question of *political* judgment (which for her, also concerns *moral* matters of right and wrong), Arendt not only takes inspiration from Kant, but more specifically, the first half of Kant's *Critique of Judgment* which concerns aesthetic judgments of the beautiful. This is puzzling not only because it is not obvious what the connection between aesthetic and political judgments should be, or that there should be a connection between these two subjects at all; but further, Arendt contends that Kant "never wrote a political philosophy," which on the surface of things, appears to be patently false.[6]

Nevertheless, there are two ways in which we can understand Arendt's distinctive choice of orientation. The first is that despite Kant's intention of taking up matters of beauty and taste, the *Critique of Judgment* in fact presents an entirely new way of considering the activity of judgment. In Kant's theoretical philosophy, judgment was primarily considered as the application of a universal rule to a particular case, the application of *a priori* concepts, categories, and laws to the manifold of intuition. The case of beautiful objects however (and as we will see later, the case of *living* objects as well), presented a peculiar problem, insofar as here, cognition did not have available to it a pre-given concept of the beautiful that could simply be applied. Rather than a matter of applying concepts, judgments of taste are based on feeling, a feeling of pleasure that arises from the free play between imagination and understanding. To accommodate the judgment of certain particulars for which there are no pre-given concepts or universals, Kant introduces the notion of *reflective judgment*: the capacity to ascend from the particular to the universal, or the capacity to articulate new concepts and rules in the face of unprecedented particulars. For Arendt, this captured exactly the predicament faced by judgment in the realm of politics, a public space of appearances not only constituted by particulars (individuals, events, actions) continually giving birth to new and unprecedented situations, but moreover, a realm in which the capacity for judgment is most pressing, and most difficult, precisely when the rules and criteria we have on hand fail to sufficiently guide our actions. As noted by Bernstein, "[t]he most persistent theme in Arendt's writings is that the horrendous events of the twentieth century have called into question all traditional standards and criteria for judgment."[7] If this is the case, Kantian reflective judgment provides us with a way of considering the possibility of judgment when, as Arendt liked to say, "the chips are down," that is, when natality—that essential but unpredictable human capacity to give birth to the new—results in unprecedented situations that humans must learn to navigate and judge together (think: the events of world war two, crimes against humanity, landing on the moon, the atomic bomb, climate change, drone warfare, etc.).[8]

The second reason Arendt chooses aesthetic reflective judgments as her point of orientation concerns the specific notion of publicity that can be garnered from Kant's text, one that shares important affinities with Arendt's conception of plurality, an essential feature of the human condition and a condition for human action. Plurality for Arendt has "the twofold character of equality and distinction."[9] Humans not only exist in the plural, but they stand in relations of equality in the public and political space of appearances in which all actions come to pass. Although a certain kind of political equality is surely a desideratum of the public realm, Arendt appeals here to a deeper, ontological sense of equality, stating that "[i]f men [*sic*] were not equal, they could neither understand each other and those who came before them nor plan for the future and foresee the needs of those who will come after them."[10] The equality of human plurality appears here as a requirement for mutual understanding, communication, and coordination: without a certain degree of identity at the level of capacities and needs, human action would not be able to take place at all. Alongside this fundamental equality however, is the irreducible distinctness of human beings, a distinctness that is likewise revealed through speech and action. *Each* human being is individual and particular, distinct from every other, and it is this distinctness that necessitates self-disclosure through speech and action in the first place. That humans retain the character of particularity also speaks to the importance of judgment in the political realm: it is not only political events and actions that require the capacity to judge in the absence of universal rules, but human beings themselves, as irreducibly particular, require judgment to reach mutual as well as self-understanding.

Given the Arendt's commitment to the notion of plurality, the importance of Kant's theory of aesthetic reflective judgments again comes to the fore. The capacity to judge particulars in the absence of universals, along with the universal validity of such judgments, depend upon what Kant calls a common sense, or *sensus communis*. In §20 of the third *Critique*, Kant writes that "*only* under the presupposition of such a common sense. . .can judgments of taste be made."[11] Kant further elaborates on the notion of common sense in §40:

> [W]e must here take *sensus communis* to mean the idea of a sense *shared* by all of us, i.e., a power to judge that in reflecting takes account (a priori), in our thought, of everyone else's way of presenting something, in order *as it were* to compare our own judgment with human reason in general and thus escape the illusion that arises from the ease of mistaking subjective and private conditions for objective ones, an illusion that would have a prejudicial influence on the judgment. Now we do this as follows: we compare our judgment not so much with the actual as rather with the merely possible judgments of others, and thus

> put ourselves in the position of everyone else, merely by abstracting from the limitations that may happen to attach to our own judging.[12]

The idea of a common feeling or common sensibility that enables us to enlarge our thinking by putting ourselves in the standpoint of others and comparing our judgments, captures the sense of plurality that Arendt views as an essential characteristic of the human condition. The key here is that human beings in the plural need each other "not only because of their having a body and physical needs but precisely for their mental faculties," that is, plurality is a condition for thinking and judging and not *merely* for survival, particularly with respect to the public realm of action and politics.[13] Our common human sense allows us to ascend from particulars in the public space of appearances to a *universal standpoint*,[14] one that does justice to human plurality and is distinct from the Archimedean point of view.[15] This universal standpoint of the *sensus communis* is, further, also distinct from the universality of concepts, particularly ones that obscure the need for reflective judgment in the first place, and thus, remains "closely connected with particulars."[16] Arendt sums up her positive assessment of Kant succinctly at the end of her fourth lecture on Kant at the New School:

> Men [*sic*] = earthbound creatures, living in communities, endowed with common sense, *sensus communis*, a community sense; not autonomous, needing each other's company even for thinking ("freedom of the pen") = first part of the *Critique of Judgment*: aesthetic judgment.[17]

PART II: ACTORS, SPECTATORS, AND DOING JUSTICE TO HUMAN PLURALITY

Arendt's reading of Kant's Critique of Aesthetic Judgment, while undeniably original, also poses several problems, some of which have to do with the internal coherence of her account, and others having to do with her proposed conception of political judgment itself. One of the most striking lines of thought that emerges from her Kant lectures is an overwhelming emphasis on the standpoint of the spectator as having primacy over that of the actor with respect to questions of judgment. Ronald Beiner notes this shift already in his interpretive essay that accompanies the publication of Arendt's 1970 lectures, where he suggests that there is a "reorientation" in her thinking where judgment is no longer "considered from the point of view of the *vita activa*. . .[but] from the point of view of the life of the mind."[18]

Although Beiner's assessment is surely not uncontested,[19] there is indeed plenty of evidence from Arendt's texts that support his reading. We can turn to her account of the *vita activa*, the life of speech and action in the public space of appearances, for clues as to why spectatorship and the *vita contemplativa* become primary with respect to judgment. Plurality as a necessary condition of human activity is in fact rather fraught; Arendt writes: "The calamities of action all arise from the human condition of plurality, which is the condition *sine qua non* for that space of appearance which is the public realm."[20] Not only is action prone to calamity as a result of human plurality, the *vita activa* is faced with two further "burdens" that are structural components of any and every action: unpredictability and irreversibility.[21] The unpredictability of actions is countered by the human ability to make and keep promises, the capacity of human beings in the plural to make *mutual* promises. Promises constitute "isolated islands of certainty in an ocean of uncertainty," and are given their force in the form of legislation and contracts.[22] Our ability for forgiveness is what counters the forces of irreversibility. While we can never undo our actions, we can, in order to avoid the possibility of an endless cycle of transgression and retribution, forgive the actor who transgresses and continue to act in concert to constitute the political realm anew. However, Arendt contends that the power of forgiveness is essentially a power of love, one that is "unworldly," and thus is "not only apolitical but antipolitical."[23]

There are two conclusions that can be drawn from Arendt's conception of action that allow us to understand her turn to the primacy of spectatorship in matters of judgment. The first is that while actors surely need the capacity to judge in order to deliberate courses of action, the judgments of actors are inherently limited by the two burdens outlined by Arendt.[24] Although spectators reflecting on past actions certainly face other kinds of impediments, they are not beset by the burdens of unpredictability and irreversibility to the same degree or in the same way.[25] From the perspective of the spectator, one could say that judgment faces the burden of the irreducible contingency of facts, but Arendt's account of the *sensus communis* is precisely the means through which we might arrive at a general standpoint even in the face of contingent particularity.[26] Thus, whereas plurality results in "calamities" of action, the plurality manifest in the *sensus communis*, at least in principle, helps to resolve the problems of judgment faced by spectators.[27] This leads Arendt to say not only that actors are "fools,"[28] but further, that in the festival of life, "the best people come as spectators."[29] She further reminds us that the general standpoint of the spectatorial *sensus communis* "is a viewpoint from which to look upon, to watch, to form judgments. . .to reflect upon human affairs. It does not tell one how *to act*. It does not even tell one how to apply the wisdom, found by virtue of occupying a 'general standpoint,' to the particulars

of political life."[30] That the judgments of spectators have a primacy over the judgments of actors appears, then, to be corollary of her theory of action.

The second conclusion that can be drawn from Arendt's theory of action with respect to her turn to spectatorship can be understood as follows: in proposing promising and forgiveness as remedies to the burdens faced by action, Arendt misses an important opening to consider political judgment from the perspective of actors beyond the confines of an overly narrow and highly problematic account of the political (formally equal agents engaged in speech and action in the public sphere free from the demands of life) as distinct from the demands of the social (the material necessities called forth by "the life of the species" that ought not intrude upon the political, public sphere).[31] Her account of promising moves between two poles: on the one hand, a legalistic paradigm that understands promises according to contracts, covenants, treaties, and pacts; and on the other, a nebulous notion of a "good will" as that upon which "customs and standards of behavior," including practices of promising, alone stand.[32] Insofar as forgiveness is connected to the power of love, Arendt banishes forgiveness as not only apolitical, but anti-political, the consequences of which are surely revealed in her respective judgments of Eichmann and Little Rock.[33] Her overly narrow conception of the political not only leads her to privilege the judgment of spectators, but further, it blocks her from viewing the judgment of actors from an expanded perspective in which questions of mutual recognition, particularly the recognition of life as precarious, are essential for achieving the aims of the political realm. Rather than allowing promising and forgiveness to open up an expanded conception of political judgment *between* embodied actors as mutual recognition, Arendt reaffirms a fantastical conception of the political in which judgment is narrowly defined according to the framework of public speech and communication, and in the process, renders promising and forgiveness—her proposed remedies to the calamities of action—impotent in the political realm.

Before turning to another resource from Kant's *Critique of Judgment* where he considers our judgment of living things, I want to consider a recent criticism of Arendt raised by Judith Butler that will help to further illuminate the problems at stake. In her essay, "Quandaries of the Plural: Cohabitation and Sovereignty in Arendt," Butler argues that Arendt's judgment of the Eichmann trial fundamentally betrays her principle of human plurality, despite her deep understanding of the fact that the condition of plurality includes the condition of not being able to choose with whom we share the earth.[34] The unchosenness of earthly cohabitation forms the basis of Arendt's understanding of political and ethical obligations, where the attempt to actively *choose* those with whom we share the earth—one way to characterize Eichmann's crime—leads to forms of exclusion that bring about, among other injustices, the modern predicaments of statelessness and genocide. Although Arendt is highly critical

of notions of sovereignty with respect to nations and states, Butler argues that she "reserves a place for sovereignty in her account of judgment," one that is in part a result of her separating "the life of the body" from "the life of the mind."[35] This is reflected in her judgment of Eichmann and her assessment that "justice was done" by the court in sentencing him to death.[36] Butler's contention is that Arendt's sovereign, spectatorial judgment in which she embodies the voice of judges—"you must hang"—betrays the condition of human plurality of which unchosen cohabitation, even with the likes of Eichmann, is a necessary part.[37] In her position as sovereign judge—which brings Arendt "closer to Schmitt" than Butler would like[38]—Arendt's rendering of justice becomes indistinguishable from "vengeance or the principle of an eye for an eye," despite her dismissal of vengeance as "barbaric" on the very same page in which her final judgment is rendered.[39]

There are two aspects of Butler's critique that highlight the need for expanding the Arendtian conception of judgment if it is do justice to human plurality as a constitutive feature of action and politics. The first is relatively straightforward, namely, that Arendt's ventriloquizing of the judges in sentencing Eichmann to death "again," and the very idea of the death penalty itself, is fundamentally at odds with the condition of plurality in which we ultimately cannot choose with whom we cohabit the earth on pain of the barbarism of vengeance or a "genocidal prerogative."[40] This tension between the non-sovereignty of plurality that brings with it the imperatives of equality and cohabitation on the one hand, and the sovereignty of the spectatorial judgment in which Arendt chooses (on behalf of humanity?) not to share the earth with Eichmann on the other, points to a failure in her account of judgment that is not easily resolved by appeals to the *sensus communis*. Cohabitation with those whom we did not choose is an essential dimension of the *sensus communis* that Arendt, in her judgment, evades.

The second aspect of Butler's critique speaks to a double failure in Arendt where the failure in her account of judgment works in tandem with her mishandling of the condition of human plurality in the political realm. With respect to her prioritizing of the perspective of the spectator, Butler contends that Arendt's judgment is not only at odds with her notion of plurality, but further, that Arendt's voice is in fact *not* the one of the distinterested, disembodied spectator of her idealized realm of the political free of the considerations of bodily species-life.[41] Butler notes that Arendt's voice displays an "emotional identification" with the judges of the trial, that her judgment displays "what a more emotional Hannah Arendt would have loved to say," and that her voice combines an "angry and vengeful accusation with a more dispassionate elaboration of a norm," giving herself "license to enter the angry fray" by "sentencing Eichmann to death again."[42] Far from admonishing Arendt for her spectatorial impropriety in which disembodied disinterestedness is transgressed, Butler here is drawing our attention to the

embodied nature of judgment as such, reminding us that the so-called disinterested spectator is very much a living, breathing, feeling agent bound up in the predicament of acting under conditions of human plurality. The judging spectator is an embodied agent in the world whose needs and vulnerabilities (both physical and emotional), capacities and fears, are bound up with those of other embodied agents—the very actuality of unchosen, earthly cohabitation for human, political animals. This leads us to see that the very conception of political plurality put forward by Arendt is likewise flawed: plurality is not simply the equality and distinction of humans displayed through speech and action in an idealized political sphere; rather, human plurality entails, first and foremost, the dependency of human animals upon all others for survival and flourishing, for any action recognizable as working toward the ends of human freedom. Butler sums up the relation between judgment and the recognition of precarious life as follows:

> If to think, or at least to think well, involves thinking in such a way that we seek to preserve the heterogeneity [i.e., plurality—K.N.] of human life, then when we are thinking we are thinking heterogeneity. . . Thus, if we are thinking well, and our thinking commits us to the preservation of life in some form, then the life to be preserved has bodily form. In turn, this means that the life of the body—its hunger, its need for shelter and protection from violence—would all become major issues of politics.
>
> This produces a problem for Arendt of *The Human Condition*, who, consequentially and mistakenly, separates the sphere of the public from the sphere of the private. In the sphere of the private we find the question of needs, the reproduction of the material conditions of life, the problem of transience of reproduction and death alike—everything that pertains to precarious life. . . Our thinking relies on a bodily life that can never be fully sequestered in any private sphere—for thinking [and therefore, judging—K.N.] to become political, there must be a body that, even in Arendt's own term, "appears."[43]

Arendt tends to speak as if the life of the mind—the privileged site of judgment—is not a life at all, not a part of the "life of the species," the necessities of which she so disdains as fundamentally anti-political. Ultimately, I think it is important to see that Arendt's emphasis on spectatorship in judgment and her inability to do justice to living, embodied human plurality in the realm of action, are essentially related.

PART III: JUDGING LIFE IN NATURE AND POLITICS

Although Arendt finds much inspiration from Kant's third *Critique*, early on in her Kant lectures she dismisses the significance of the second half of Kant's text in which he considers the judgment of living nature (the Critique

of Teleological Judgment, CTJ), as having bearing on the notion of political judgment she aims to develop: "We are not concerned here with this part of Kant's philosophy; it does not deal with judgment of the particular, strictly speaking, and its topic is nature."[44]

In focusing almost exclusively on Kant's conception of aesthetic judgment, there is not only a danger that her account of judgment risks an aestheticization of politics,[45] but further, I think she misses some important resources in the second half of Kant's text that can address human plurality in the living and embodied sense that she forces out of the political realm. Surprisingly, she seems to be aware of the importance of the idea of the human species for Kant's own political philosophy and that the CTJ is an important resource in this respect. Although the topic of the CTJ is nature, she writes that "Kant understands history also as a part of nature—it is the history of the human species insofar as it belongs to the animal species on earth."[46] It would appear, then, that Kant himself draws less of a distinction between history and nature than Arendt. Although she will appeal to notions of the human species and humanity, both in the Kant lectures and in other texts, her conception of humanity is one where we need to prevent the colonization and encroachment of natural ends into the political domain.

I want to focus briefly here on two aspects of the CTJ that will help to expand Arendt's conception of judgment to the considerations of mutual recognition and precarious life mentioned above.[47] The first is that although on the surface of things teleological judgments certainly concern nature—both the possibility of judging individual living organisms and the possibility of judging nature as an organic whole—Kant's reflections on the purposiveness of nature ultimately concern the possibility of human beings achieving theoretical, moral, and political ends as an earthbound, animal species. Without the presupposition that nature as a whole is organized in a way that is suited to human aims, that our endeavors fulfill both our own purposes but also the purposes of nature, the freedom that we hold so dear in the moral and political domains would be impossible to realize. The purposiveness of nature is judgment's antidote to the particularity and contingency faced by cognition as it tries to acquire knowledge of nature and act morally as an earthly, human animal; purposiveness allows for the unity of the diverse and the lawfulness of the contingent that enables cognition's pursuit of truth and the will's pursuit of the good. Without nature's purposiveness, human actions—the speech and action of the political realm so prized by Arendt—could all be in vain, with human freedom being a mere postulate forever cut off from our animal existence, and a mechanical, deterministic nature threatening our freedom at every turn. Although the *sensus communis* may be a condition for aesthetic judgment, the possibility of conceiving the purposiveness of nature is the condition under which a common, human sensibility can be articulated at all.

Second, Kant's specific reflections on our judgments of a natural purpose (*Naturzweck*)—his term for the living object—are helpful for understanding what is distinctive about our judgments of life in contrast to our judgments of non-living particulars. In §65 of the CTJ, Kant suggests that living things ought to be viewed as self-organizing beings that are the causes and effects of themselves. To be a cause and effect of oneself is to relate to oneself in the mode of self-determination, to be a *causa sui*, to have the capacity for self-generation and self-production; in short, it is to have the capacity for beginning that is the key to understanding the spontaneity of human action.[48] Arendt calls this capacity "natality," which is the "central category" of political thought.[49] Given the importance of natality and birth as concepts that help to articulate the distinctiveness of human action, it is a surprise that Arendt is so dismissive of the very life of the species that is the necessary horizon for all new beginnings. Kant elaborates on the self-organizing and self-generating character of living things by contrasting a natural purpose with a watch:

> [O]ne gear of the watch does not produce another; still less does one watch produce other watches, by using (and organizing) other matter for this production. . .if parts are removed from the watch, it does not replace them on its own; nor, if parts were missing from it when it was first built, does it compensate for this lack by having the other parts help out, let alone repair itself on its own when out of order: yet all of this we can expect organized nature to do. . .a machine has only *motive* force. But an organized being has within it *formative* force.[50]

What Kant calls (following Blumenbach) the formative force of living things is captured by the capacity for new beginnings that is at the heart of the *vita activa*, which is a *vita* in the most direct sense of the word. Although Arendt does not deny that natality extends to labor (which attends to biological necessities) and work (which creates a durable world), she consistently downplays and even derides the considerations of organic life, arguing that natality is most closely connected with action in the political realm. Kant helps us to see that we are natal beings because we are living beings: natality depends on life and does not come to pass in spite of life. Furthermore, just as organic life flourishes or suffers, thrives or is damaged, depending on its environment and its relations to other members of its species, human life can flourish or suffer, can thrive or be damaged, depending on material conditions and relationships that make up our social and political world. These relations with other members of the human species (and perhaps even to members of other species) are called relations of recognition. Unlike the judgments of the disembodied spectator, relations of recognition are bound up in the neediness, dependency, and natality of bodily life, where the judgments *of* and *between*

agents recognize the demands of organic life and the demands of political life as intimately bound together.

The overarching thought here is that our judgments of living things, and the purposiveness of nature itself, can help us to better judge the precarious, ambivalent, and embodied human plurality of political life without privileging the perspective of the disinterested spectator. Taking our cue from Arendt, we can continue to draw inspiration from Kant's conception of reflective judgment, where his account of the judgment of living things allows us to expand the notion of human plurality beyond the narrow conception of the political operative in Arendt's texts. Of course, there are lots of problems with Kant's conception of teleological judgment that we will not be able to resolve here (just as there are problems with Kant's conception of aesthetic judgment that Arendt does not resolve). To mention just the most pressing: first, the concept of a *Naturzweck* is a merely regulative concept for reflective judgment and not a constitutive concept that constitutes knowledge; second, the merely regulative nature of this concept leads Kant to posit an intelligent designer (again, not as a constitutive concept that constitutes knowledge) as the artificer of organic life.[51] While we can dismiss the second as somewhat dogmatic and speculative, as well as untenable according to Kant's own conception of inner purposiveness that distinguishes living things from created artifacts, the first, while potentially problematic for Kant's own theory, may serve the ends of political judgment well. Not only could we say that the demands of life are regulative for political judgment, accommodating an embodied notion of plurality as essential to the political, but further, this regulative concept, precisely not having the same determinacy or certainty of constitutive, *a priori* Kantian concepts, would be open to re-articulation and re-negotiation within the political domain. What turning to the CTJ allows us to see is that the judgment of unpredictable, natal particulars and the constitution of plurality as a *sensus communis* must include the considerations of precarious life.

CONCLUSION: RECOGNITION

One of the puzzles in Arendt's reading of Kant is that despite her dismissal of the necessities of the life of the species as having significance for politics, she repeatedly acknowledges the importance of the notion of the human species and its progress for Kant's political philosophy. Although she was highly critical of Kantian (as well as Hegelian) conceptions of progress, Arendt stresses, at the end of her lectures on Kant, that purposiveness, together with "the notion of humanity, of what actually constitutes the humanness of human beings, living and dying in this world, on this earth that is a globe, which they inhabit in common, share in common, in the succession of generations," is one of the keys to resolving the "chief difficulty" of judgment—namely, the

problem of bringing together the particular and the universal, especially when particulars are unprecedented and *irreducibly* particular, when no easy or pre-given concepts are at hand.[52] What I have attempted to do in this paper is demonstrate some of the shortcomings of Arendt's theory of judgment, as well as propose a way of expanding her conception to accommodate an embodied notion of human plurality that leaves behind the pitfalls of her overly narrow definition of the political. Turning to Kant's CTJ allowed us not only to see the connection between judging life and political judgment, but further, opened up a way of recognizing the ends of life as worth protecting and promoting as ends-in-themselves. This is a prior condition that needs to be fulfilled if any *sensus communis* is to be constituted, serving as the background against which political judgments (and perhaps even aesthetic judgments) acquire their meaning. The recognition of precarious life, on its own, is surely an ambivalent judgment. Nonetheless, it serves as an important corrective to some of the problems in Arendt's most prominent path of thought, and provides a basis from which to reconsider relations of recognition under conditions of plurality.

NOTES

1. Richard J. Bernstein, *Beyond Objectivism and Relativism: Science, Hermeneutics, and Praxis* (Philadelphia: University of Pennsylvania Press, 1983), p. xvi.

2. Richard J. Bernstein, "Judging—the Actor and the Spectator," in *Philosophical Profiles: Essays in a Pragmatic Mode* (Philadelphia: University of Pennsylvania Press, 1986), p. 230. On Arendt's theory of judgment, see also the classic by Seyla Benhabib, "Judgment and the Moral Foundations of Politics in Arendt's Thought," *Political Theory* 16:1 (February 1988), pp. 29–51.

3. Bernstein, "Judging," p. 221. See also Majid Yar, "From Actor to Spectator: Hannah Arendt's 'Two Theories' of Political Judgment," *Philosophy and Social Criticism* 26:2 (2000), pp. 1–27.

4. Bernstein, "Judging," pp. 234, 237; and Richard J. Bernstein, "Rethinking the Social and the Political," in *Philosophical Profiles*, pp. 238, 246.

5. Richard J. Bernstein, *Hannah Arendt and the Jewish Question* (Cambridge: The MIT Press, 1996), p. 13.

6. Hannah Arendt, *Lectures on Kant's Political Philosophy*, ed. Ronald Beiner (Chicago: University of Chicago Press, 1992), p. 7. Arendt goes on to address several texts that could be considered candidates for Kant's political philosophy, including his *Rechtslehre*, but dismisses them in turn as adequate to the task.

7. Bernstein, *Hannah Arendt and the Jewish Question*, p. 3.

8. Hannah Arendt, "Thinking and Moral Considerations," in *Responsibility and Judgment*, ed. Jerome Kohn (New York: Schocken Books, 2003), p. 189.

9. Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press), p. 175.

AQ 1: Please provide the details in the bibliographic section for the reference Richard J. Bernstein, *"Rethinking the Social..."*

10. Ibid.

11. Immanuel Kant, *Critique of Judgment*, trans. Werner S. Pluhar (Indianapolis: Hackett Publishing, 1987), §20; my emphasis.

12. Ibid, §40.

13. Hannah Arendt, *Lectures on Kant's Political Philosophy*, ed. Ronald Beiner (Chicago: University of Chicago Press, 1992), p. 14.

14. Kant, *Critique of Judgment*, §40. Kant explicitly ties this enlarged way of thinking—thinking from the standpoint of others—with the Enlightenment and "liberation" from prejudice and superstition.

15. Arendt, *Human Condition*, pp. 11, 257ff.

16. Arendt, *Lectures on Kant*, p. 44.

17. Ibid., p. 27. Across several books, Drucilla Cornell also employs insights from Kant's third *Critique*, particularly his notion of the *sensus communis*, to develop a feminist ethics and politics. For a helpful overview, see Drucilla Cornell, "Enlightening the Enlightenment: A Response to John Brenkman," *Critical Inquiry* 26:1 (1999), pp. 128–139.

AQ 2: Please provide the details in the bibliographic section for the reference Ronald Beiner in note number 18.

18. Ronald Beiner, "Hannah Arendt on Judging," in *Lectures on Kant*, p. 91. See also p. 109: "However, when we turn to her writings of the 1970s, we find in her reflections on judging a discernable shift in emphasis. No longer does she stress the representative thinking of political agents. Instead, judging is aligned with thinking. . . Instead of being conceived in terms of the deliberations of political actors deciding on possible courses of future action. . .judging now comes to be defend as reflection on the past, on what is already given."

19. David Marshall defends Arendt against Beiner's reading (not entirely successfully in my opinion), as well as other criticisms of her theory of judgment (including Bernstein's) in "The Origin and Character of Hannah Arendt's Theory of Judgment," *Political Theory* 38:3 (June 2010), pp. 367–393. Marshall also traces another source of influence for Arendt's theory of judgment in Hegel's *Science of Logic*.

20. Arendt, *Human Condition*, p. 220.

21. Ibid., p. 233.

22. Ibid., p. 244.

23. Ibid., p. 242.

24. Arendt anticipates the need to account for the judgment of actors in a footnote of *The Human Condition*, as well as the difficulties involved: "Where human pride is still intact, it is tragedy rather than absurdity which is taken to be the hallmark of human existence. Its greatest representative is Kant, to whom the spontaneity of acting, and the concomitant faculties of practical reason, *including force of judgment*, remain the outstanding qualities of man. . .his potential greatness." (p. 235, note 75; my emphasis).

25. See for example Arendt, "Lying in Politics," in *Crises of the Republic* (New York: Mariner Books, 1972).

26. Ibid., pp. 11–13.

27. Plurality is, of course, also what allows us to "act in concert," but acting in concert also faces the two burdens of action, perhaps to an even higher degree. Further, as Marshall notes, "as one loses faith in the ability of modern citizens to undertake meaningful political action, some refuge for those citizens needs to be found in the

more practicable goal of engaging in political *criticism*" ("The Origin and Character," p. 370). Marshall does not go on to assess this claim, but argues against a "literary" reading of Arendtian political judgment and makes a chronological correction to Beiner's account.

28. Arendt, *Life of the Mind*, p. 95.

29. Arendt, *Lectures on Kant*, p. 55. She states on the same page that spectators are "impartial by definition," whereas actors are "partial by definition."

30. Ibid., p. 44.

31. Arendt, *Human Condition*, p. 321.

32. Ibid., p. 245.

33. I am not suggesting that forgiveness is indeed the appropriate category with respect to "judging" Eichmann or the problem of desegregation in the United States, although I would argue that Arendt's failings in her judgments of these two subjects reflect significant problems with her theory of judgment. Her failings with respect to the Eichmann trial will be briefly taken up below in connection with Judith Butler's critique; I will not comment here on her "Reflections on Little Rock," but her failings in this respect reflect her "untenable" distinction between the social and political, the private and the public. Ultimately I agree that forgiveness is a limited ethical and political concept, but not for the reasons thought by Arendt. My suggestion will be that promising and forgiveness point to a larger category of ethical and political judgment that is essential for the *vita activa*, namely, recognition (*Anerkennung*) as conceived in the tradition of Fichte and Hegel, whose contemporary representatives include Butler and Honneth. Hegel, of course, concludes the "Spirit" section of his *Phenomenology* by considering mutual recognition as a form of forgiveness. See Hegel, *Phenomenology of Spirit*, trans. A.V. Miller (Oxford: Oxford University Press, 1977), 632–671.

34. See Judith Butler, "Quandaries of the Plural: Cohabitation and Sovereignty in Arendt," in *Parting Ways: Jewishness and the Critique of Zionism* (New York: Columbia University Press, 2012); and Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin, 1994), esp. p. 279.

AQ 3: Please provide the details in bibliographic section for the reference Judith Butler in note number 34.

35. Butler, "Quandaries," pp. 153–154.

36. Butler, "Quandaries," pp. 158–167; see also Arendt, *Eichmann*, p. 277.

37. Butler, "Quandaries," p. 160; Arendt, *Eichmann*, p. 279. Butler argues that there is an ambiguity in Arendt's "doubling" of the judges' voice, that she, in addressing Eichmann through what the judges would have said if they had "dared" (*Eichmann*, p. 277), speaks in a voice that "is and is not her own" ("Quandaries," p. 164–165).

38. Butler, "Quandaries," p. 174.

39. Butler, "Quandaries," p. 158–159, 163, 167; Arendt, *Eichmann*, p. 277.

40. Butler, "Quandaries," p. 166.

41. A strong argument could be made here that although Kant speaks of disinterestedness, insofar as judgments of taste are based in feelings of pleasure and displeasure, the judging subject is not disembodied at all; in fact, the whole idea of a *sensus communis*, points to a common sensibility that can only be shared among living, embodied human beings. Arendt, however, as always, works hard to downplay and even dismiss this physical and embodied dimension of judgment in the political

realm that she nonetheless relies upon for the cogency of her account. For a defense of the Kantian subject, across all three *Critiques*, as very much centered around questions of human embodiment, see Angelica Nuzzo, *Ideal Embodiment: Kant's Theory of Sensibility* (Bloomington: Indiana University Press, 2008).

42. Butler, "Quandaries," pp. 164, 165, 167.

43. Ibid., pp. 174–175.

44. Arendt, *Lectures on Kant*, p. 14.

45. See George Kateb, "The Judgment of Arendt," *Revue Internationale de Philosophie* 53:208 (1999), pp. 133–154. Jerome Kohn defends Arendt against this charge and claims that "what she was doing in reflecting on the faculty of judgment was not the 'aestheticization' of the political. . .but on the contrary, the *politicization* of aesthetic judgment, a matter that she believed was inherent in Kant's own work." See his "Reflecting on Judgment: Common Sense and a Common World," in *Pragmatism, Critique, Judgment: Essays for Richard J. Bernstein*, ed. Seyla Benhabib and Nancy Fraser (Cambridge: The MIT Press, 2004), p. 263.

46. Arendt, *Lectures on Kant*, p. 14.

47. Since my aim in this paper is to offer a reading of Arendt rather than Kant, my approach to Kant's text here will be reconstructive and somewhat brief, and does not intend to do full justice to the complex interpretive issues involved in reading the CTJ. In a way I am trying to find inspiration in the CTJ for questions of ethical and political judgment in the same manner that Arendt found inspiration in the Critique of Aesthetic judgment for these same questions. The literature on Kant's CTJ is vast, but two texts are particularly influential for my reading. See Hannah Ginsborg, *The Normativity of Nature: Essays on Kant's* Critique of Judgment (Oxford: Oxford University Press, 2014); and Thomas Khurana, *Das Leben der Freiheit. Form und Wirklichkeit der Autonomie nach Kant und Hegel* (Berlin: Suhrkamp, forthcoming).

48. On the importance of the structural analogy between the self-organization of living beings and the notion of autonomy in Kant as well as Hegel, see Thomas Khurana, "Selbstorganisation und Selbstgesetzgebung. Form und Grenze einer Analogie in der Philosophie Kants und Hegels," *Annals of the History and Philosophy of Biology* 16 (2011), pp. 9–27.

49. Arendt, *Human Condition*, p. 9.

50. Kant, *Critique of Judgment*, §65.

51. Jay Bernstein affirms the importance of judgments of life while criticizing Kant's account for coming a step too late: before we can apply the concept of a natural purpose, "we must first recognize the object before us *as* a living being." This throws into question whether or not teleological judgments are genuinely reflective judgments—judgments of particulars for which we have *no* determinate concept. Bernstein then argues that Kant's account of aesthetic judgment in fact provides a better account of how we might come to judge life *as* life. If Bernstein is correct, then Arendt is even more mistaken with respect to her account of Kant, for aesthetic judgment is precisely what allows us to grasp the significance of living nature, and not the discursive, political domain. See J. M. Bernstein, "Judging Life: From Beauty to Experience, From Kant to Chaim Soutine," *Constellations* 7:2 (2000), pp. 157–177.

52. Arendt, *Lectures on Kant*, p. 76.