
Review Essay

Arendt, democracy, and judgment

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Arendt's Judgment: Freedom, Responsibility, Citizenship

Jonathan Peter Schwartz

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A Democratic Theory of Judgment

Linda M. G. Zerilli

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At the time of Hannah Arendt's death in 1976, a single sheet of paper with the title "Judging" and two epigraphs was found in her typewriter. "Judging" was to be the third and concluding installment to *The Life of the Mind*, of which Arendt had already written the first two volumes, "Thinking" and "Willing." While Arendt never lived to complete it, scholars agree that Judging may have provided not only the missing link between the two, but also one of her most original contributions to political theory (Beiner, 1992; Beiner and Nedelsky, 2001; Ferrara, 2008). Two recent books reassess Arendt's theory of judgment in relation to our modern predicament: Jonathan Schwartz seeks to retrace judgment in the Arendtian oeuvre; Linda Zerilli aims to develop an Arendtian theory of democratic judgment. Despite their similarities, the two books differ considerably in aim and approach. I will begin with the reconstructive efforts of Schwartz and then move on to Zerilli, offering a few comments addressed to each (and both).

In *Arendt's Judgment*, Jonathan Schwartz undertakes the challenge of reconstructing Arendt's theory of judgment in connection to her foremost intellectual project, namely reestablishing political judgment in a world from which it had been evacuated (p. 5). This entails a double task: firstly, Schwartz must explain how the world arose as "a problem" for Arendt; secondly, he has to reconstruct Arendt's views on judgment to match the predicament. As to the first, Arendt emerges as an



original, albeit impressionistic, thinker, whose main aim was not to demolish the tradition of political thought, but to reinvigorate it out of the “pearls” she had herself found(ed). As to the second, however, Schwartz’s case for Arendt’s re-appropriation of Kantian aesthetic judgment may still be insufficient. The shortcoming strikes me not so much as a problem of the author, who does an excellent job of re-creating Arendt’s universe, but rests inherently with the Kantian framework. Perhaps, a good example of judgment would have helped to upend this impression.

Turning to the structure and main arguments, the first chapter explains the genealogical method that Arendt called “pearl diving,” which aimed to “bring the original meaning of vital words back ... to life through thought and imagination” (pp. 22–23). Schwartz notes the seminal influence of Heidegger, from whom she borrowed not only a method but a conception of human beings as essentially historical. In addition, Arendt adopted several fundamental Heideggerian concepts: the idea that humans are *thrown* into a world that conditions their existence (which in Arendt became *worldliness*) and *being-in*, the ability to engage with worldly situations (which in Arendt became *common sense*). This chapter also engages Arendt’s crucial understanding of “action” to be accomplished jointly in the public realm, where words can be heard, deeds can be seen, and events discussed and remembered.

Chapter two retraces Arendt’s archaeology of Western political thought with a view to retrieving “the human faculties necessary to found and maintain a new public realm” (p. 65). From the Greeks, she retrieved *isonomia*, translated “literally as no-rule” (p. 67), where men interact with one another without compulsion, as equals among equals, commanding and obeying only in emergencies. From the Romans, she retrieved authority as freely given obedience, which revolved around the preservation and carrying forward of the original foundation of the city. The Romans constituted the Western world as *world*, which began to crumble once the humanists, the Reformation, and seventeenth-century political theorists attacked religion, the church, and tradition. By the revolutionary period, the older world was long gone.

Chapter three reverses the perspective and addresses philosophy’s establishment of the tradition of political thought as an attempt to “lay down the rules for the lunatic asylum” (Pascal). Plato’s allegory of the cave established an influential pattern, which Aristotle and the subsequent tradition continued. Schwartz is not so much interested in disputing particular readings by Arendt, but to consider “whether she has a point” (p. 105). For the most part, this aim allows him to stay clear of, and circumvent, pedantic criticisms. However, sometimes a further argument would be needed: for example, to restate the meaning of *isonomia* as “literally no-rule” is inaccurate, given that the term actually contains the root for law: “nomos.” (I will come back to this later.)

Chapter four resumes the historical narrative and explains how “necessity” (rather than freedom) came to reign in human affairs. The first thread of the story



follows the rise of modern scientism and the invention of the “Archimedean point,” a “viewpoint outside the condition of human life” which has led to the loss of confidence in common sense. A second thread explores the modern world’s alienation, where the public realm has ceased to perform its function unambiguously. Various historical processes (including the revolutionary inability to revive action) led to “ideological thinking,” which shielded individuals from ever having to pass judgment and is related to a pervasive sense of nihilism. In Schwartz’s view, the crisis cannot be compounded by liberalism’s aspiration to transcend divisions, for “those aspirations will be thwarted so long as this nihilistic common world persists” (p. 128).

Having presented the diagnosis, in Chapter five Schwartz reconstructs Arendt’s theory of judgment as her particular response. Initially, Arendt seemed to share a classic hermeneutic view of the interpretive circle, but her views appear to have shifted after reading Kant’s third critique. Schwartz surmises that Arendt appears to have concluded that hermeneutic theories ultimately cannot explain how common sense can be the source of better or worse judgment, given their reliance on a communitarian standard (*endoxa*) (p. 161). Kantian categories offered a refinement: while the feeling of pleasure in the beautiful is subjective, the feeling must be communicable to others, for I am asserting that everyone *should* also find it beautiful. I appeal to a structure of judgment, “enlarged mentality,” that takes into account how other judges would (hypothetically) judge our feeling. In doing so, “I have not left the world in search of the objectivity of the Archimedean point; instead I have gained another “impartial standpoint” that sees more broadly than a private individual” (p. 175).

Schwartz thinks that aesthetic judgment is applicable to politics, for it incorporates an element of cultivation that prioritizes taste over genius (p. 171), where thinking and judging are interrelated (pp. 177 ff). In matters of political judgment (“this war is unjust”), it may be dangerous to appeal to a more “objective” criterion, but we can appeal to political common sense “by considering a given issue from different viewpoints [and] making present to my mind the standpoints of those who are absent” (p. 181). In Schwartz’s estimation, Arendt’s account has a number of contributions that any truly deliberative politics would have to presuppose: a common world, the intersubjective (rather than universal) validity of political opinion, public-spiritedness, openness, and cosmopolitanism (p. 189).

Schwartz’s reconstruction assembles an impressive array of texts and presents them with commendable clarity. In Schwartz’ elegant prose, Arendt’s originality and continued relevance shine distinctively, and he answers some of the criticisms against her theory of judgment (e.g., Bernstein, 1986; Steinberger, 1990; Beiner, 1992). My comments address, first, the limits of reconstruction and, second, reliance on the Kantian framework.

Concerning “pearl diving,” generalizations of the kind “the Greeks believed,” or “the Romans thought,” raise questions about the concrete Greeks or Romans



who believed this or that, and the specific circumstances in which they did. Arendt's "idiosyncratic" etymologies do not help. I have mentioned that *isonomia* cannot "literally" be translated as no-rule. More importantly, *isonomia* "does not only stand for equality; it also represents a type of balanced *order* that is created" (Lombarbini, 2013, p. 413). In fact, it "may be laid claim to by oligarchs no less than by democrats, depending on which citizens are being counted as relevantly equal (*iso*) and to what (power or powers) the equality on offer is being applied" (Cartledge, 2016, p. 75).

To find fault in Arendt's genealogy is easy, but perhaps futile, for it is not in the details where her strength lies. What in itself looks rough, imprecise, and sketchy begins to take shape in the contrasts, just as the lines of an impressionist painting can be seen only from a distance. Aiming perhaps to construct a different sense of reality than, say, a realist painting of a Velázquez, the result is to be judged not by its accuracy, but by how well it brings to light and vivifies lost aspects of the tradition. Schwartz decides to present the Arendtian tableau without "modifications," which for the most part succeeds (his recovery of Heidegger being a case in point). But the choice has its limitations: for example, finding much to learn in the Roman ideal of foundations, Rome has been said to have been founded not once but at least twice (Beard, 2015, pp. 74–75), which unsettles any uncomplicated notion of foundations. A closer scrutiny would have allowed critical questions to emerge for a contemporary audience, too, given that debates on the "true meaning of the constitution" and the "original intent of the Framers" still dominate American political life.

The second comment concerns Arendt's judgment. As a preliminary question, I do not doubt that Arendt found much inspiration in Kant's third critique, but can we be so certain that Arendt abandoned the hermeneutic tradition? Schwartz argues that hermeneutic theories are deficient because they cannot explain rational deviations from community standards—though I could think of many ways to explain these, given that a community's underlying values are never perfectly consistent with each other and offer infinite variation. Let us concede, however, that hermeneutic theories are deficient in the way described and that Arendt effectively abandoned them. In what sense does Kantian formalization fare better in confronting the very same problem? As hard as I try, I cannot get past the point of departure: Kant argues that the feeling of pleasure in the beautiful is subjective, but when I claim something to be beautiful I am asserting that everyone should also find it so. But is this warranted? What differences of sensibility, of life experience, of personal history would I need to ignore before making such an assumption? We will come back to this with Zerilli, but the Kantian framework urges us to abandon a culturally rooted, contextual form of judgment, for a formal abstraction.

More importantly, I cannot see how *sensus communis* helps Arendt overcome the deep crisis she diagnosed. Kantian *sensus communis* may "solve" the problem of the validity of intersubjective judgments, but the problem Arendt identified was



not one of lack of validity, but the more radical problem of how we can even make judgments in the absence of a common world, and after the disintegration of that world—a dilemma that cannot be bridged by a hypothetical “enlarged mentality” as capacity for autonomous judgment.

This leads to a final objection in the way judgment is exemplified in statements such as “this war is unjust” (curiously, an example that both Schwartz and Zerilli employ). By the time you can say “this war is unjust,” all that is important about *this* judgment appears to have concluded, so that it is impossible to assess it by attending solely to the proposition crystallizing it. The confusion between the judgment and the proposition stating it leads to thinking that the issue is one of validity (i.e., is this judgment correct or accurate?), rather than one of performance: how can we make proficient judgments when the elements of tradition, and the common world that sustain that tradition, fail us? Schwartz would have been better served by providing concrete examples of Arendt’s judgment, so that the reader could visualize how this activity is meant to be performed, proficiently, in practice.

While Schwartz singles out Arendt so that her voice can become audible, Linda Zerilli’s *A Theory of Democratic Judgment* places Arendt in the midst of contemporary debates. In the course of the book, however, Arendt’s voice fades away, or, rather, it is augmented by Wittgenstein as read by Cavell; James Conant on perspective; Peter Winch on understanding alien cultures; Ernesto Grassi on rhetoric, and others. Zerilli does not pursue one single idea in a linear and systematic manner; every chapter adds one additional layer, a different *perspective* on the central topic of judging in a democratic society—and of judgment itself as a democratic practice. Not surprisingly, the structure is not airtight: for example, Chapter 7 seems to interrupt, rather than continue, the argument. Additionally, the book could have benefited from closer attention to the activity of judgment: for example, Arendt’s assessment of May ’68 is praised without much argument to sustain it, while Nussbaum’s judgment on the prohibition of the Muslim veil is criticized as faulty but without offering an alternative to improve upon it. The reader hoping to find a blueprint for a theory of judgment may be disappointed, Zerilli admits. And yet she may have provided something more real, and perhaps more valuable, in deepening the kind of issues that any such theory would have to address. In doing so, Zerilli has written not just an engaging and intellectually sophisticated book, but a profound one, uncompromising in its ambition to reorient an entire field of study.

Before suggesting where I think her ideas could be further elaborated, let me introduce the various chapters. In Chapter 1, Zerilli claims that Arendt overcomes the debates between deliberative democracy theorists—for whom the problem of judgment is to find proper criteria to adjudicate value conflicts in the absence of a universal conception of the good—and political affect theorists—who regard the ideals of public reason as wishful thinking. Both approaches are “captive to a picture,” where, in order to be objective and rational, judgment would have to



conform to a model of rule following. Relying on James Conant's elucidation of perspective in Renaissance painting (where distortions are corrected by other perspectives, rather than by something extra-perspectival), and Cavell's "projecting a word into new contexts" (where the ability to project a word into new contexts demonstrates understanding), Zerilli defends the thesis that it is not rules, but our mastery of speaking in particular public contexts, which guarantees mutual intelligibility.

In Chapter 2, Zerilli analyzes the so-called aesthetic turn, beginning with Hume's inability to provide an independent "standard of taste." Zerilli analyzes the Kantian response in our judgment of the beautiful: "[i]n all judgments by which we declare something to be beautiful... [we do] not say that everyone *will* concur with our judgment but that everyone *should* agree with it" (p. 61). The ground is our own *feeling*, no longer private but common, and where the demonstration has no apodictic, but exemplary nature. This judgment of taste is not a claim about the object, but about the validity of the subject's self-referential pleasure, which leaves us wondering about how judging connects with objects of empirical experience (p. 62). Zerilli thus moves on to Wittgenstein's rejection of standards of the beautiful, in favor of historically and culturally sensitive "aesthetic appreciation." In this view, utterances such as "this is beautiful" are only intelligible within the broader network of human meanings (p. 73). In fact, an aesthetic quarrel works by persuasion of the kind "don't see it like that. Try to see it like this" (p. 77), making it "perceptualist rather than logical or causal" (p. 77, citing Shusterman).

Shifting from aesthetics to history, Chapter 3 engages Leo Strauss's critique of historicist value-relativism and liberalism. Aware of Strauss's difficult reception, Zerilli reads him against the grain of interpretations that see him as locating the weakness of liberalism in its unwillingness to declare its own values as true (p. 85). Instead, she takes him to aim for a therapeutic critique, whereby liberalism is to be extricated from the illusion of neutrality blind to its own dogmatism.

Chapter 4 revisits Arendt's account of the relationship between truth and politics and slightly adjusts her earlier views (Zerilli, 2005). In political matters, Arendt defended the "truth of opinion" in the Socratic manner of trying, by means of public debate, to find what, in the opinions of the interlocutors, was true. The contemporary "assault" on truth cannot be shunned by forms of discourse beyond our current practices, for the problem is not one of knowledge, but of *acknowledgement*: what to do in the political realm on the basis of that knowledge. In Chapter 5, Zerilli disputes Rawls' demand to set aside comprehensive visions of the good as a "method of avoidance," which does not help citizens to judge. Zerilli builds on claims such as Frederick Douglass's, which are not expressions of public reason, but literally "unreasonable." She recovers rhetoric not as an instrument of persuasion, but as the "framework [tropes, figures, images] within which proof can come into existence" (p. 155, citing Grassi).



Chapter 6 responds to neo-universalist feminists such as Seyla Benhabib and Martha Nussbaum, for whom claims of culture should be adjudicated according to universal normative criteria (p. 169). Zerilli sees “the problem of relativism” as a straw man and asks: what kind of work might the problem of relativism be doing, or what other sort of problem might relativism conceal? (p. 173). She further questions the assumption that only those with first-hand experience can judge, and defends “outsidedness” as an enabling condition. For even if we should try to see the world through the eyes of others, we then need to judge it “from the place where we stand, from our social, historical, and cultural location” (p. 179).

Chapter 7 defends Arendt’s view of democracy from Habermas’ critique and praises Arendt’s observations about May ’68, concerning the exaltation of violence being the result of frustration of the faculty of political action. Zerilli concludes with the idea of “principles” as examples that guide action and are manifested concurrently with it. Chapter 8 poses the stark question of incommensurable worlds, namely worlds so radically different from our own that there is no minimal shared sense of reality. Shoring up arguments that would prevent the case from getting off the ground (Davidson), Zerilli claims that to understand an alien society is not reducible to judging the extent to which their conception of the world is right or wrong; rather, it is to learn “styles of reasoning,” initially grasped through an act of the imagination and later through new practical efforts to recreate their thought.

Chapter 9 explores the “affective turn,” which emphasizes embodied “knowing how” as distinct from the propositional “knowing that” (Ryle). While acknowledging the significance of this literature, she parts ways from the “layer-cake” view where affect no longer supports, but undermines, rational judgment (p. 247). Zerilli suggests instead a view of affective propensity that is “conceptualist but nonintellectualist” (p. 252), and relies on Wittgenstein’s duck/rabbit *Gestalt*, which reveals the irreducible conceptual character of embodied experience (p. 269). Chapter 10 questions forms of judgment that presuppose that “once we have our political and ethical principles in place ... then ... [i]t is a matter of applying the principles given by the theory” (p. 265). Judging politically is different, says Zerilli, for we are not just giving a yes/no answer to claims of validity with concepts we currently grasp; we are learning new ways in which objects can be disclosed.

Zerilli takes final aim at views that judging represents a retreat into the “life of the mind” and a “moral faculty” (p. 275). For Zerilli (as for Arendt) judgment is political, not moral: it does not start with men “as they ideally should be” (p. 278) and deals not with Man, but with the world. She concludes with the deterioration of the common world as the main threat to democracy: while no guarantee exists that more perspectives will yield a more realistic account, she argues for the need of theories that do not shirk the task of providing a substantive critique of real-world power relations (280).

I trust that this (not so) brief summary already shows the range and scope of Zerilli’s argument. Inevitably, there are points where one could diverge from



particular choices. For instance, while Zerilli's therapeutic reading of Strauss is convincing, I remain doubtful as to whether Strauss is the best conduit for the "anti-anti-relativist" (Geertz, 1984) position she seems to espouse. Nevertheless, her diagnosis about the real problem of judgment—as well as the *false* problem of judgment—is compelling. She writes: "[t]he real threat of nihilism is not the loss of standards as such but the refusal to accept the consequences of that loss. The idea that by holding fast to universal criteria we shall avoid a crisis of critical judging neglects the real possibility that such rules can function as a mental crutch that inhibits our capacity to judge critically" (p. 177).

My commentary concerns reliance on Kantian aesthetic judgment, still attached to concerns with validity. Zerilli follows Kant when suggesting that it would be ridiculous to say this painting is beautiful *for me*, for the judgment of beauty posits or, more precisely, anticipates the agreement of others (p. 176, citing Kant). But the idea that I am right to expect such an agreement seems to contradict our everyday experience, where I am perfectly content if others do not share my same enthusiasm; in fact, agreement seems hardly the point of the discussion.

An additional reason to leave Kant behind is intimated by Zerilli's move towards Wittgenstein's aesthetic appreciation: The impression, after Zerilli's brilliant exposition of the Hume/Kant discussion, is that the two philosophers lack attention to any judgment of substantial complexity, leaving their minds to wander freely in the realm of objectless thought. My point is not that we need more practice *instead* of theory, but that to theorize is itself an embedded practice that requires engagement with the phenomenon under investigation. To put it succinctly, we need philosophy of aesthetics to become more like art criticism.

Secondly, if judging is rightly an activity that constitutes the space in which the objects of judgment can appear (p. 267), what is the form of visibility that judgment adopts? How does judgment manifest itself and how can we sense its presence? As already intimated, part of the difficulty is that statements like "this is beautiful" or "this war is unjust" are poor exemplars of what judgment entails. These are judgments without extension or duration, which declare something to be the case in propositional form. The risk here is to mistake the proposition for the judgment as a whole, which probably has a long history in the making and which leaves a trace in its utterance. To (mis)take the proposition for the entire activity misses the precise sense in which a judgment might be appropriate to context, timely in regard to its moment of utterance, dexterous in navigating complex circumstances, nuanced in its elaboration, or the opposite of all these things, careless, insensitive, and rushed. All these are constitutive elements of judgment, without which it would make little sense to discuss whether the judgment is, all things considered, better or worse. In order to assess any judgment—as well as to properly reach it—we need to take a more extended view of what it entails.

Zerilli is onto something when arguing that "we need to keep the essential relational, both 'subjective' and 'objective,' character of taste in view at once" (p.



67). But I would reorient the focus away from the alleged subjective or objective character of judgment, towards the *relationship* established between the subject(s) and object(s) of judgment. Thus, Zerilli suggests the enabling condition of outsideness—arguing, in terms reminiscent of Bakhtin, that the outsider can see something that may elude an insider. In turn, she refuses to limit judgment to those with first-hand experience, although to say judgment *must* take place from our own standpoint (p. 179) is to confer upon it a normative dimension that it probably lacks. Still, “outside” and “inside” are insufficiently nimble, for in the course of judgment such positions undergo displacements and may actually shift. In other words, our standpoint (or *place* of judgment) may not be the same at the beginning and at the end of the process, for the activity demands subjects to *position themselves differently in relation to* the various objects of judgment.

In this fluid world, we may not be able to walk on firmer ground, but we can at least learn to swim (White, 1985, p. 696). Elsewhere I have tried to flesh out various displacements and motions entailed by a judgment of substantial complexity (Etxabe, 2013), that is, a judgment that questions our points of departure, basic assumptions, or ready-made answers—and hence matches Arendt’s concerns. For example, *immersion* into an alien context forces us to entertain different habits of mind and, occasionally, to (dis)identify with our ordinary ways; forms of (dis)identification are counteracted with the opposite *distancing* effect. We may also be called upon to *embody* different roles and take notice of our own positionality *reflexively*. Judging includes temporal motions such as *projecting* the present into the future or *anticipating* the future in the present, or even *arresting* thought. An experiential theory of judgment aims to describe, and account for, these oscillations in the fullest way possible.

This leads to an understanding of judgment as an activity—as something that we do in space and time—and not as a proposition, statement, or as a *faculty*. Zerilli objects to seeing judgment as a “moral faculty,” although the accent is placed on the *moral* aspect. The problem of talking about judgment as a “faculty” (a problem that Arendt does little to dispel) is that doing so gives the impression that judgment is something that some people possess while others do not, or do so in diminished capacity—thus detracting from its *democratic* potential. More importantly, talking about judgment as a “faculty” puts the emphasis in the wrong place, for debating judgment in terms of a faculty is like discussing matters of “visibility” in terms of sight. How to gain visibility when the other party refuses to see you? How are the questions and terms of debate framed and by whom? What are the structural limitations of dominant ways of seeing? How can they be overcome? It is in the stage(ing) that judgment becomes political, where the quality of our judgments is not assessed by a priori criteria of correctness, but on the merits of the performance, enacted before multiple audiences who can assess it for themselves.



References

- Beard, M. (2015) *SPQR: A History of Ancient Rome*. New York: Liveright Publishing.
- Beiner, R. (1992) Interpretive Essay: Hannah Arendt on Judging. In: R. Beiner (ed.) *Hannah Arendt, Lectures on Kant's Political Philosophy*. Chicago: University of Chicago Press.
- Beiner, R. and Nedelsky, J. (2001) *Judgment, Imagination and Politics: Themes from Kant and Arendt*. New York: Rowman & Littlefield.
- Bernstein, R. (1986) Judging: The actor and the spectator. In: *Philosophical Profiles: Essays in a Pragmatic Mode* (pp. 221–237). Philadelphia: University of Pennsylvania Press.
- Cartledge, P. (2016) *Democracy: A Life*. New York: Oxford University Press.
- Etxabe, J. (2013) *The Experience of Tragic Judgment*. Abingdon: Routledge.
- Ferrara, A. (2008) *The Force of the Example: Explorations in the Paradigm of Judgment*. New York: Columbia University Press.
- Geertz, C. (1984) Distinguished lecture: Anti anti-relativism. *American Anthropologist* 86(2): 263–278.
- Lombarbini, J. (2013) Isonomia and the public sphere in democratic Athens. *History of Political Thought* 34(3): 293–420.
- Steinberger, P. (1990) Hannah Arendt on judgment. *American Journal of Political Science* 34(3): 803–821.
- White, J.B. (1985) Law as rhetoric, rhetoric as law: The arts of cultural and communal life. *University of Chicago Law Review* 52: 684–702.
- Zerilli, L. (2005) “We feel our freedom”: Imagination and judgment in the thought of Hannah Arendt. *Political Theory* 33(2): 158–188.