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The Possibility of Judgement

Robert A. S. Fortin

**A Thesis
in the
Department
Of
Philosophy**

**Submitted in Partial Fulfilment of the Requirements
for the Degree of Masters of Arts**

**Concordia University
Montreal, Quebec, Canada**

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Abstract

The Possibility of Judgement

Robert A. S. Fortin

The possibility that one can use Kant's Critique of Judgement to establish a political discourse that is consistent with the existing normative function designed for aesthetics and teleology would also allow us to create a schema missing from judgement, since aesthetics and teleology are subject, object of judgement. To pursue this task, one return's to the incomplete final work of Arendt, 'On Judgement' in The Life of the Mind to create anew the premise (promise?) of her final opus. It shows that there can be an effective third direction to politics that is neither empirical nor absolutist (Ideological).

This thesis deal's with three, real or perceived, problems: 1) The Kantian system itself is unable to deal with the empirical world. 2) The system is not internally consistent. 3) The system will not respond to create the necessary normative functions in political discussion - the resulting new political system will not have the necessary moral normative functions to establish a system of discourse.

Key Words: Kant, Arendt, Judgement, Aesthetics, Teleology, Political Philosophy, Action

To Alana

In love and Friendship Forever

My one true love

The last years of my life has been
a joy only due to your presence

I love you

Who is the teacher

and who is the student?

It is I who has learned so much from you

The Words presented here are mine

The Passion for which they sprung

all have come from her

Alana your judgement

is only as good as the trust

you put into it

Trust it, I do

I know you will succeed

With all of my heart, soul and being

I lack the words to truly expressive my love for you

It is without an end

Be Happy above all else

Where ever that may lead you

If this not be love

then no man has loved a women

and no woman? has loved a man

I would like to acknowledge
so many people here but Four members
of Concordia's Faculty stand out:

To Professor James Moore,
They do not come any smarter
or nicer

To Professor Ernst Joos,
despite English not
being his first or even third language,
he taught me how to write it

To Professor Vincent McNamara
Without your Friendship
this journey could not have begun
let alone finished

To Professor Vladimir Zeman,
Gods knows
what should
be said here to say thank you

Finally to Ron who made all this possible
Thanks big Brother

Please note that there may be grammar and spelling errors in this work. This is due to dyslexia. All efforts have been made to correct these errors, but as humans are finite, some may remain. These errors are all mine. I wear them as proudly as I hold this degree. They are not faults but battle scars of a system that does not understand, or care, let alone help.

"...To try to banish his achievements from the
history record (a method once reserved for the
political out of fashion in the Soviet Union)
is not only intellectually bankrupt,
it's just plain silly."

*Ron Grossman, "History is Bunk," Montreal Gazette 13 January
1996, B2*

Τησ ωριτινγ στγλε ισ σο οφφενσιβε εωεν τηε μοστ συμπατηετιχ
ρεαδερ ισ δριωεν ινσανε.

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Abbreviations

CRJ: Critique of Judgement

CPR: Critique of Pure Reason

CRM: Critique of Practical Reason

Terms

Terms used in this thesis can become confusing. They reflect the same thing. All concern some aspect of judgement. They are not necessarily synonymous, the words may be used interchangeable but reflect a different aspect of the same thing.

Judgement: A judgement is the existence of any quantifiable decision that we reach. Meaning that any time there is life there is judgement. From the smallest breath to the storming of the Bastille, we have created a judgement to the world to be examined for quality based on aesthetics morality, freedom and theology. Judgement can only be seen through action. Judgement is the mental thoughts that justify an action. There can be no neutral judgements. All are morally quantifiable as right or wrong. There can be no in-between. The lack of rendering a judgement is itself a judgement. A cause is separate from an effect. We can also infer that the thought process, judgement is separate from the action, yet the two are link such as cause and effect.

Political Judgement: This is more specific judgement. It involves an action of a political nature. Hence Breathing does not usually qualify, while storming the Bastille always qualifies. What is included or excluded by this expression? Is it concrete and particular or is it more abstract like principles? Is it a series of descriptive, normative,

establishing norms, or is it something else? It is none of these things. Political judgement, similar to judgement proper, is something so devoid of the present systems that these questions are meaningless. What we have here is the natural extension of Kant's work, that is so revolutionary, it is another Copernican Revolution. This answer is most unsettling and very upsetting. Just as the world was altered by the first Copernican Revolution, and so was the world of philosophy altered by the second Copernican Revolution, so to will political philosophy be alter. What is a political judgement? It is absolute freedom guided by pure reason shaped by common sense and enlarged sense.

Enlarged Sense: The ability to think of others beyond the limited confines of the self.

Action: This is a physical movement. It is defined as 'thing's made' and 'thing's done'. This is the body in motion, showing our judgement. This is the physical response in conjunction with a judgement. It is usually a conscious decision involving a thought or a reason. There can be no neutral action, one without a quality, a passion or a moral stand taken in the movement.

Praxis: This is also a physical movement. It does not show any thought process. It is the habit or automatic actions that we do. It can be confused with Action. The only difference is that Action has a more thought-out process,

whereas praxis is done without thought. It is those actions that we take automatically. This would include our basic survival notions such as breathing but also actions we would not consider to be important to warrant a thought process, such as the way we present ourselves to the world. It is purposiveness without purpose. This is not to be confused with the praxis of Marx's or any other philosopher.

History: This is the record of actions of man whether by words or deeds.

Teleology: This is the comprehension of the those actions of man in History so that we may understand what they were attempting to do and why it was necessary. The Greek word Telos means end or goal. This is what we are attempting to do, reach the goal, end or purpose of an event in history so to understand the actions that occur.

The Possibility of Judgement

Introduction

An inquiry into the possibility of utilising Immanuel Kant's Critique of Judgement¹ in the establishment of a political philosophy that is consistent with the existing normative function he designed for aesthetics and teleology, is an endeavour that, if successful, should prove fruitful in furthering the philosophy of both Kant and Hannah Arendt. It would allow us to further Kantian thought in a new uncharted direction. It would allow us to return to the incomplete final work of Arendt on this subject and see that this work is possibly in need of amendment. It will also show, however, that the notion behind her unfinished manuscript, 'On Judgement' in The Life of the Mind², is valid, even if the direction of the work is unclear due to its incompleteness. Finally, we hope to establish, that there can be an effective third direction to politics that is neither empirical nor absolutist (Ideological).

In this process we have to deal with objections that raise doubts about the possible acceptance of such proposal, altogether three of them:

¹ Immanuel Kant, Critique of Judgement, (New York: Heftner Press, 1951). Hence refer to as CRJ.

² Hannah Arendt, The Life of The Mind: One Vol. (New York: Harcourt Brace, 1978).

1) The Kantian system itself does not work in practice, as it relies upon good will towards other, which is not necessarily present in this world. The system itself is unable to deal with the empirical world, hence it has no ability to function in praxis.

2) The system is not internally consistent. The categorical imperative, the way we ought to act, does not coexist in harmony with our judgement, the way in which we judge.

3) Even if the first two are affirmed then the system still will not respond to create the necessary normative functions in political discussions. The resulting new political system will not have the necessary moral normative functions to establish a proper system. By analysing and re-framing the above notions, we will establish that the CRJ is more than just a sum of written words. It is possible to move beyond the confines of simply applying this work to aesthetics and teleology and move into the realm of political philosophy.

Camus wrote in Caligula³ that "Some things are more beautiful than others," when he referred to the political actions of the mad ruler. In a similar vein, we approach politics to see if it can be explored by the application of the theory of the beautiful, the aesthetic judgement of

³ Albert Camus, Caligula, (Paris: 1945) Act IV.

Kant, rather than a judgement of sense. This type of examination was never carried out by Kant. While his own reasons may never be known, at least one possible reason may be found in the notion of his hidden republicanism. Kant did not want to write on politics per se, but it entered into his thoughts many times. This may be the reason why Kant never extended his use of CRJ into the political realm except by implication. By our extension, we expand the thoughts of Kant into unknown territory.

The thesis presented here also helps to further the work of Arendt. She died before even starting to write her thoughts on CRJ. All that is left are the notes her students kept on the issue and two quotations with some notes compiled after her death by her literary executors. By establishing that there is a possibility that CRJ can be extended into politics, we would create anew her premise in her final opus. Though this thesis will not justify the direction that others have taken her, it will be an amendment of critical importance to her known work. For some efforts can be seen as unfairly critical of the Kantian system. There is also the need to consider that by dealing with her incomplete work, we may read into it some errors attributed to her, that may not have been her thoughts at all, but that of others.

Thirdly, we can establish through CRJ that there is a third direction in politics. In a way similar to that in which aesthetics has been changed by CRJ, so too can politics be changed into something more than it has been. The evolution of politics from Plato's 'Good' being the beautiful lead to a more utilitarian and a more realistic form of political discourse. This transformation, from Plato to a utilitarian approach, while creating new judgements, established a system of praxis, behaviour that was inherently void of grounded reasons for judgement. From the Philosopher King of Plato, to the bureaucracy of Bentham, all have been found to be less than efficient in governing the population, both theoretically and in practice. By establishing the possibility of using the CRJ, we furnish a third direction to political philosophy and for the praxis of political discourse.

The opposition to our possibility of expanding Kant to the political realm fails to cast doubt upon this possibility. The first objection is by Karl Marx⁴. This objection can be divided into a theoretical and a practical one. On one hand, the theoretical notion of 'good will' inherent in the categorical imperative is claimed to not foster sufficiently the climate of a proper passion for

⁴ Karl Marx and Friedrich Engels, Trans. C. Dutt, "Political Liberalism," Immanuel Kant Critical Assessments I, Ruth Chadwick, Eds., (New York: Routledge, 1992) p. 226.

judgement. On the other hand, Kant's theory does not contain within itself the direction for its applicability in the world. In our opinion, however, instead of casting doubt upon Kant's system, both these claims fuel even further our desire to establish a new direction within the political philosophy by expanding the Kantian system into the area of political discourse.

The second objection to this possibility comes from Hannah Arendt; hence the need to affirm her notion but not necessarily the direction taken by her and some of her interpreters. "There was a clash in Kant between the principle according to which you act and the principle according to which you judge."⁵ If, indeed, the two main principles do not act in accordance, then the system itself is divided, contrary and falls with its own dead weight. This objection forces one to return to the notion of morality in Kant. If there can only be theoretical maxims and no place for practical application of these maxims, then there can be no move into the realm of the world and hence no possibility of using CRJ as a means of political philosophy. Kant's political philosophy would be relegated to a list of well meant suggestions. Thus the categorical imperative would give us maxims but no praxis and while the

⁵ Elisabeth Young Bruehl, "Reflections on the Life of the Mind", Lewis Hinchman, et al. Hannah Arendt Critical Essays, (New York: State University of New York Press, 1994) p. 357.

CRJ would give us praxis, the latter would have no foundation in moral certitude. In order for our system to have meaning this situation cannot exist, the two must somehow meet and be joined. The answer to this dilemma is within the notion of morality itself. While we must act according to the universal maxim, we also have to act with others as free people, being free individuals; each respecting the other by means of the enlarged thought of the CRJ. These latter two aspects of the categorical imperative are usually overlooked. According to Arendt, there seems to be a clash between the universal character of the categorical imperative and the praxis assumed by the notions presented in CRJ. However, we shall endeavour to show that the clash is only an apparent one and not a substantial or substantiated one. The clash is there when one considers only the first principle of the categorical imperative. The clash disappears when we consider all three statements of the categorical imperative.

Finally, if it is possible to overcome the previous objections and affirm the possibility of utilising the CRJ in a political discourse, then the resulting system would be "amorality at best and immorality at worst". Or, at least so argues George Kateb⁶ in discussing Arendt. While this is an attack on the system that Arendt was attempting to create

⁶ George Kateb, Hannah Arendt: Politics, Conscience, Evil, (Totowa, NJ.: Rowman & Allanheld, 1984) p. 31.

using CRJ, it can also be applied philosophically to our expansion and extension of Kant⁷. If any possible expansion is to be worthy, it must be more than amoral or immoral. The new system must include a method of making a judgement and a foundation for that judgement. This is possible. If the categorical imperative can work and be applied together with the positions taken in CRJ, then it will be possible to avoid both amorality and immorality.

This thesis attempts to conclude that there is a possibility of utilising CRJ as a means of political discourse. Though no specific method of utilising the CRJ in the political sense will laid out and tested, the possibility that such a method may be developed at some future date is very apparent. We are not concerned here with the precise shape of such system or how it will function in some specific case. Our concern is simply such system is indeed possible and whether it can pass muster through these very basic attacks upon it. We are attempting to show that using CRJ as a basis for political philosophy is possible and not what it will do in the specific. (To show the latter without the former is to assume it and that would lead us on the wrong path.) Arendt assumed the possibility and headed on the path to show the specifics of this thesis. It led her

⁷ While disagreeing with Kateb on his understanding of Arendt what follows in chapter six is by no means his work or even an attempt to illustrate his arguments. They rest solely upon the shoulders of this thesis.

seemingly onto a path, that by implication of others, while an interesting thought experiment was not Kant's path nor was it viable. Accordingly, this thesis will not enunciate the entirety of Kant's views in one chapter but will present an unfolding of his views in each chapter to establish the path that he followed himself, and show the errors our opponents have made in their attacks.

The reason why we are going to unfold the views of Kant stepwise is inherent in the use of the term possibility. Possibility is the weakest philosophical claim that can be made, the strongest being necessary. What we presented here is a radical claim that so far all scholars and theorist have missed. We claim that Kant did not diffuse his political ideas into various works, which has so far been the premise on this scholarly notion of Kant's political philosophy. Rather, they were presented in one book, the CRJ. While there is the political content in other works, such works are lacking in a coherent systematic basis that can be found in one place. In trying to fit the puzzle together and present what was possibly Kant's political philosophy, we have two reasons for claiming a weak modality. The first is that we could be wrong. If we are in error then by making a weak claim, the error is lessened in severity. The second reason is the fear of haste. Too often people dive into things without due thought. This has lead

them astray. This haste creates problems within Arendt's work that must be amended to re-establish her viability in this matter. We will progress slowly so that each time we reach an impasse we can find further information that points to the CRJ from other sources within Kant's body of work. We will see that the answers are all contained with CRJ, further research into other works of Kant is not necessary. When we have finished we will have only established that Kant's political philosophy is a possibility, and that there is indeed a possibility that CRJ can be used as a mean of political judgement.

There are some good traditional questions as to what is the nature and function of the political philosophy, what it includes and excludes, and whether it is of empirical, metaphysical, ideological, or of a priori character. However all these questions were asked from a standpoint of traditional thought. It is time for a third Copernican Revolution. What we want to propose is a new approach, replacing the old conceptions of Plato and utilitarian's with the approach based on re-interpretation of Kant's work. In analogy to Kant's own efforts, this thesis can be understood, however paradoxically, as an attempt at a 'Prolegomena' to Kant's political philosophy. What must be included and what necessarily be excluded will be done by delineating the realm of the body of such theory. We will

offer our answers to such questions by implication not explication⁸. This thesis is on the possibility of a political philosophy that has not been considered, not on what the exact nature of that theory is. To answer those questions all that is needed is to open his posthumous political works such as Perpetual Peace or What is Enlightenment. From those works all the above questions can be answered.

This thesis we will proceed as follows. In chapter one we will show why Kant, himself, did not clearly say in his writings, "This is my political theory." In the second chapter we will show that Arendt thought along the lines similar to those of Kant, but that she was unable to proceed far enough before her own demise. She succeeded in furthering our path because of the questions that she answers as well as those left unanswered. The third chapter will show that there is a need for a new, third direction in political philosophy. The old ways of the old order do not work. In chapter four, we will present the opposition to this possibility of using the CRJ as a mean of political discourse. We will examine the critique, stated by Marx, that Kant's moral view lacks a good will to establish his doctrine of a political judgement. This lack in the Kantian view calls this whole project into question. Similarly in

⁸ The explication will be done in Appendix A at the end of the thesis.

chapter five, we will see again why Arendt's on work is an attack on Kant. It also attacks the viability of our thesis. Arendt feels that there is a fundamental contradiction in Kant that does not allow us to have both the categorical imperative and the CRJ in the same system of philosophy. This flaw, if true, would derail this whole work. Overcoming both flaws is important to the success of this thesis. Finally, in the sixth chapter, we present the attack of George Kateb, who holds that such Kantian system, even if formulated, would produce nothing of value due to its inherent inability to deal with the world.

Throughout this work, we will attempt to establish that it is a possibility that CRJ can be used to form a political philosophy of judgement⁹. This tentative thesis is so because to try to recreate and define the limits of a whole theory would remove us from the scope of philosophy and place us squarely in the realm of political science. The theory is philosophy. The minutia is political science. Both are needed to capture the complete whole of this project. The scope cannot be fit into the limited pages here. Thus we establish the theoretical probability of this thesis and not the practical implication of it. The implication and the

⁹ Kant does not have a political philosophy. If what is revealed here is true then we will show that Kant did have a manner to make judgements of a political nature, a political philosophy. Hence his political philosophy is hidden, so all that we can see is the judgement he left behind to decipher his political philosophy.

applications will have to wait for another work to be fully explored.

Kant

Introduction to Chapter One

The Political is where we, the citizens of our community, decide all issues relating to the public interest, our interests. There are many opinions as to what is in the public interest. What should be done? What action should be taken? The opinions concerning this are so varied so as to form a body at least as large as the body politic itself. The body politic is composed of all citizens within a given community. The term community is elastic to expand or shrink to whatever area one desires so as to fit in the total amount of people that would form a specific community. We all have our own counsel on what is acceptable for us as an action to resolve any given issue. This is how we, ourselves, feel about how an issue should be judged and acted upon. (Though the two, judgement and action are one and the same thing.) The need then is to have an ability to discern what is the proper action to be taken and what is not. To accomplish this, the wise turn to philosophy to shed a guiding light upon this subject and allow us to find the good. Almost all philosophers attempt to expand their works, usually as an extension from their view on morality, to such an extent that they create systems that deal with political

discourse. These systems tend to include political discourse within their discussion of the ethical. One of those who does not follow this trend is Immanuel Kant. He discusses ethics as a main part of his system¹⁰, following his *Opus Magnum*, Critique of Pure Reason¹¹, and furthering his "Copernican turn"¹². Kant also discusses his vision of the future world in Perpetual Peace¹³. The CPR leads us directly into CPM. Yet nowhere does he expand his system of metaphysics directly into a methodology of political judgement, into Perpetual Peace. There is a missing step between the two that would enable us to move along a continuous line.

This apparent lapse must be disconcerting to every political philosopher. In response to this point, the first section of our chapter will suggest why we think that it is possible to expand Kant's CRJ into the political forum. (This thesis will only touch upon the why, for our purpose the how is not our concern.¹⁴) To accomplish this, we must

¹⁰ Immanuel Kant, Critique of Practical Reason, (New York: Bobbs Merrill, 1956). Hence referred to as CPM.

Immanuel Kant, Foundation of The Metaphysics of Morals, (New York: Bobbs Merrill, 1959).

¹¹ Immanuel Kant, Critique of Pure Reason, (London: Macmillan, 1992). Hence referred to as CPR.

¹² Ibid. p. 25.

¹³ Immanuel Kant, Perpetual Peace Perpetual Peace and other Essays, (Indianapolis, Ind.: Hackett, 1988).

This work is published after his death due to its inherent political nature. Though, it is completely in harmony with his other views on metaphysics and morality.

¹⁴ To accomplish a discussion of the how, would take another thesis in itself. We are not concerned here as to

first explain why Kant himself did not enter into the political forum to fill in this missing step. In our view, he nevertheless did so, albeit covertly. Finally, this chapter will attempt show there is a noticeable difference between his published philosophy, (CPR, CPM, and in his many other works) and his praxis or action in the realm of politics, (i.e. his reaction to the French Revolution and his posthumous works such as Perpetual Peace.) The two sides of Kant, his philosophic writings and his thoughts on politics (those that we know) appear occasionally to be even mutually exclusive (while the notion of revolution is treated negatively in theory, Kant still felt free to praise the French revolution). However, to deal with such real or apparent contradictions, we have to begin by establishing the groundwork or foundation for our view first.

No Political Theory?

While Kant created a thoroughly complex philosophical system, one can only wonder why he did not spell out with his usual mastery his political philosophy, or his views on

how this is possible. To do so would be to beg the question. We must first establish if it is possible then, and only then, will it be possible to establish the how. We cannot run before we can walk. The walking part is to see if it is possible to do so. As we shall see later, chapter two and five, Hannah Arendt attempted to establish the how without establishing the if. This oversight leads her into difficulties.

political discourse? Why did he not establish his political biases for all to see and understand? This lack appears to be an oversight on his part, or is it? Why did it occur? There are perhaps many reasons why he did not explain to his readers where he believed politics should be moving. The only reason that can be rejected out of hand is that he did not have a political theory. He did, obviously, with such works as Perpetual Peace. Not only can it be found in many parts of his works; the careful look can trace it even in his CPR, his first work of great importance. Our difficulties in identifying and locating Kant's political theory cannot be construed so as to say that he did not have a political judgement. For the two are separate and different. A theory is a thought experiment, a judgement is an action. The difference will be fleshed out in a simple manner. Kant's categorical imperative is a thought experiment that is totally unusable in a political contexts. All decisions that are taken are in some manner going to hurt someone somewhere. Hence the categorical imperative would grind to a halt to search for all ramifications of an action that would not hurt some interest. The result would be so facial as to be useless. Whereas political judgement is an action that is endowed with the notion of morality from the categorical imperative, it is also filled with the

need to move upon an issue to further the common good of a community.

To return to our concrete example of French Revolution, it would be difficult to assume that Kant's comments had no theoretical underpinning. In his thought experiments, he was against the notion of revolution yet he was fascinated by the French Revolution. The two must in some manner be connected. To assume otherwise would be uncharitable.

"For Kant himself there is no such separation between his results and his methods, his critical theory and its applications."¹⁵

Thus we seem to be justified in looking for some uniform thought behind both his fascination and repulsion of revolution. Hence, if there is a political judgement then there must also be a theory behind it. If there is such a theory then it must not only be based in his previous work, it must also be compatible with those works that appeared after his death. It is necessary to examine his life to see why Kant did not boldly establish himself as a republican or to use a more modern term, democrat, and proudly hail his political philosophy to his students (those who would learn from him). It is in his life that we have to look for the judgement that Kant had upon the world. Without such inquiry, we cannot establish the relation between the work

¹⁵ Ernst Cassirer, Kant's Life and Thought. (London: Yale University Press, 1981) p. 366.

and the man. Kant's judgement and his actions can only be based on his place and time in history - against the political context of Prussia in the eighteenth century.

The first supposed reason that prevents Kant from establishing his political theory must be the most obvious one, his advanced age. Kant was born in 1724, died in 1804. When in 1781, after ten years of intensive thought and almost complete silence in public, he produced his magnum opus CPR, Kant was fifty-seven years old; this was a respectable old age in those times. And by the time his later works were published, Kant was an old man.

"In 1802 ... an unknown professor ... asked permission to disseminate his philosophy 'also in the parts we have nothing from you yet - namely, politics as an entire system.' Kant gladly granted the request, pleased to be rid of the task which he himself could no longer discharge."¹⁶

Yet many years earlier,

"... for the man of ... seventy, after a decade of the most comprehensive and most profound productivity, there was no respite; he saw himself straightway embroiled all over again in fresh battles, which he had to wage on diverse fronts."¹⁷

Waging fresh battles is hardly an act of a senile¹⁸ old man, unless it was a battle that he could not win. The difference is that Kant was pleased to do battle with his

¹⁶ Hans Saner, Kant's Political Thought. (Chicago: University of Chicago Press, 1973) p 1.

¹⁷ Cassirer, *Ibid.* p. 369.

¹⁸ Saner, *Ibid.* 2.

intellectual enemies but not to take on the government in a physical confrontation, that would have surely followed had he made his views known. If he had done so then the government would have to react and condemn him to silence at least, as it indeed did in the case of his writings on religious matters.

The second reason that would support Kant's decision not to write out his political discourse might come from Kant himself, from the cowardice occasionally ascribed to him and at least partly supported by his own writings.¹⁹ Thus in 1766 he wrote to Moses Mendelssohn that

"Although I am absolutely convinced of many things that I shall never have the courage to say, I shall never say anything I do not believe."²⁰

This clearly indicates a less than confrontational view of the world. Kant would not write what he did not believe. Hence, we must assume that what he did write, he did believe in. Lewis White Beck, calls Kant's 1791 response to censorship of his religious views a "silence, not deception."²¹ Still, he considers it to be incredible,²² for such a man to bow down to government authorities and remove work that Kant, himself, felt should be published. Not so

¹⁹ One can only be reminded of Voltaire's comment about using any pious man's writing to indict him for treason.

²⁰ Lewis W. Beck, "Kant and the Right of Revolution," Immanuel Kant Critical Assessments Vol. III, Ruth Chadwick, Eds., (New York: Routledge, 1993) p. 399.

²¹ Ibid.

²² Ibid.

incredible if one considers that, for a Prussian, this period did not have the rule of law nor the tradition of Habeas Corpus enshrined in the English Common Law. While for a person such as Kant, who believed in Free Speech, to be silent appears to be a strange occurrence. Censorship and punitive actions were the law of the land, had Kant directly challenged the government, he would have most probably lost his position at the university at least, if not be imprisoned or threatened with capital punishment. Yet, Beck, the author of Early German Philosophy, clearly is aware of the existing historical precedents, left his assertion of Kant's cowardice standing. We would tend to see as an expression of the wisdom on the part of an old man who concentrates all his remaining strength on his writings. Deception is only possible if there is a reasonable expectation of someone being able to understand the deception at a future date. Also the realisation that if discovered too soon, then the author could face the full coercive force of government. An intellectual battle could be fought with words written by an old man and still be as fresh on the field of battle as any other warrior. In a physical battle of swords, against the censors, one would not be so assured of Kant's victory.

"After the Death of Frederick the Great, when the political authorities began to curtail his literary freedom, Kant let it pass without reservation. ... 'When the world's strong men are

in a state of intoxication, a pygmy who values his skin is well advised to stay clear of their quarrels.'²³

Kant thus understood that he could not be victorious against the state of Prussia in a physical way. Thus the reason, one may assume from reading so far, that there is no political textbook for the Kantian system is due to his fear of punitive actions from the authorities. This may be described as similar to that of the fear of the mouse from being slept on by the elephant in the same bed.²⁴

In this view, while Kant would not be honoured as a glorious fighter for intellectual freedom, his stand allowed him to continue to write his philosophy on to his death at a very old age. This would also leave us with a simple answer as to why Kant did not write a political philosophy - he was afraid for his life from punitive sanctions by the authorities in power. However, again, this is not a charitable assumption on the reader's part. If one is the intellectual giant amongst the coercive elements of the government, how does one side-step the powers-that-be? One uses one's greater power of intellect to baffle those who are less so endowed. This is especially true if one is a genius such as Kant. If one cannot write the political text of one's system, then it behoves the writer to create such a

²³ Saner, Ibid. p. 2.

²⁴ Pierre Trudeau is referring to the relationship between Canada and the USA.

work of brilliance, that while answering another philosophical question, it can also be converted into a political doctrine for such a system. Instead of assuming cowardice on Kant's part for not writing his political discourses, it would be better to assume his brilliance²⁵ by hiding his work where it could not be seen by the government. He would have created a work that was a bridge between the moral theory in CPM and his political thoughts on the French Revolution. This work could almost be any one of his many writings. Indeed there is much evidence in all of his writings that he indeed had a bias towards republicanism and our modern democracy²⁶ and the freedom to be found in it.²⁷ Yet there must be one work that builds a framework for us to use.

²⁵ Which can easily be established.

²⁶ What is commonly referred to as democracy in our society is the modern notion of democracy. There are considerable differences between what we have today and the ancients. What they had was the rule of the elite which they called democracy. The notion of democracy that we hold today, would be considered in ancient times to be that of mob rule and not democracy at all. The passions, running wild, of the mob seemingly, without control or limit. People having no limits or boundaries of what is proper. While some cynics might assume that this is what is happening today, it cannot be equated with the spirit of the Modern democracy. This distinction, between modern and ancient democracy, is important, even if it has lost its subtleties.

²⁷ Freedom being one of the main themes that transcended all of Kant's work, from CPR to CRM and finally to CRJ. Freedom in its various forms has been treated. First that it existed being a necessary notion to hold in the Antinomies (CPR) Then, the need for freedom for morality as he established in his CPM. Finally the need for freedom of the artist in CRJ. All of his major works contain freedom.

This framework must also have another quality that we can see and establish in Kant's thoughts. The necessary quality presented here is Kant's emphasised common sense, in a time where royal sense was all that counted. It was a revolutionary thought in itself and an attack on the royally thinking Prussian government. Hardly the thoughts of a coward to challenge the government so. This is a clear indication of Kant's republicanism, risking his life for the common as opposed to the royal sense. The notion being that all men²⁸ are sensible enough to have the ability to govern themselves, and do not need a supreme dictator, or a royal person to do so, is revolutionary in both thought and action. It is a return to the ancient Greek notion of power to the people, including the limitation of said membership in the citizenship²⁹. One should make note of one final item concerning kingdoms. Caution must be advised as one must be wary of all possible interpretations being possible. In CRJ³⁰, Kant refers to the vegetable kingdom. This may be an analogy to kingdoms in general. The members of the vegetable kingdom are eaten by beast of prey. Perhaps a reference to revolutionaries? The predator is in turn used by man to show that he must make use of all types of creatures.³¹ This

²⁸ Not politically correct. but no women or children allowed in politics.

²⁹ See footnote above.

³⁰ CRJ Ibid. p. 276, sec. 82.

³¹ This is a bit of a stretch but funny, nonetheless.

analogy is easily seen in our contexts. The kingdom is the power of an absolute ruler. The beasts are men in the most vile of states, that of acting like animals without freedom. This being those who are in contradiction of themselves. Both are laid low by the power of a man in his rationality and freedom. Who the men are is apparent.

As we journey on we shall see that in Kant's notion of man, he has included the seeds of a republic based on the very common sense in all of us. The work that emphasises common sense will be where we find his political philosophy. The only work that could possibly fit all the necessary criteria is the CRJ. If so, it must also hold the secrets of his theory of republicanism and political judgement, it must be the engine that moves the vehicle that should be located in CRJ. Kant held a positive account of common sense. In "Taste as a Common Sense,"³² what does one find concerning common sense?

"The common understanding of men, which as the mere healthy ... understanding, we regard as the least to be expected from anyone claiming the name of man, has therefore the doubtful honour of being given the name 'common sense'..."³³

What does this mean exactly? According to Kant common sense can be further explained as:

"1) To think for one self; 2) to put ourselves in thought in the place of everyone else; 3) always

³² CRJ, Ibid. p.134 Sec 40.

³³ Ibid. p.134-135.

think consistently. ... The first is the maxim of a never passive reason."³⁴

It is "the mode of thought."³⁵ What we have is a way that men think as a guide for action, for common sense is never a passive thing. It involves an action and/or a judgement. We make judgements using the common sense of mankind. Furthermore, common sense may be seen as a schema unifying our theory of morals with the practical of our freedom of action. By this unification of the two, theory and practical, in common sense, we establish a form of knowledge that is open to all members and subject to the approval of all. If that is not a republican ideal, then what is?

The Possibility of Expansion

The process of establishing the CRJ as our hidden political text of Kant is both simple and complex. Simplicity - the CPR is to create a new Metaphysics, thus establishing the system or framework, to be used for the works that followed. The Prolegomena is the introduction, or the 'practical understanding' of the CPR. The CPM is the basis for morals and morality, an ethical tract. The Metaphysics of Morals is the practical application of CPM.

³⁴ CRJ, Ibid.

³⁵ Ibid. p. 136.

Yet there seems to be no practical applications, for the CRJ. This oversight can be seen as Kant was too old to write it, that it was too difficult to write or too difficult to write at his age or he was too scared, all of which impugn his person. It would again be wiser to assume charity. Kant possibly did not write such a book because it would be too revealing of his thoughts. Those dangerous thoughts that he wished to hide were the issue of politics and his secret romance with republicanism or democracy as the most reasonable form of government. Something that would have been definitely unhealthy in his time. As the first two 'Critiques' had a second book to help explain the main work, our question must be why there was no such explanatory introduction to the CRJ? It could be incorrectly deduced that Kant may have placed his political theory in his ideas on the notion of laws governing the private and public rights³⁶. While this work does deal with politics, it does not address itself to the underlying notion that established it, the schemata. To attempt this work, there must be a premise that Kant would have based it on. In other words, there must be a step from the baseline theory of metaphysics to this work already in the realm of the political. Similar to the conflicting ideas that Kant had about the French Revolution, there must be some way in which we can reach the

³⁶ Immanuel Kant, Metaphysical Elements of the Theory of Rights.

point that would establish why this discussion should be held in the first place. We have to assume an underlying premise that is not clearly established by Kant. From this underlying premise, we should be able to deduce this doctrine of public and private, also the premise should be able to be used for so much more than this alone. The premise held in courts of justice is that the law should be narrowly construed. Yet the laws themselves may be a way of finding some understanding of the morals, history, culture, and the institutions of a society and the manner in which it was formed. Yet can we posit that a judgement is reducible to simply the rules themselves such as the rules of public and private? Judgement must be more than a means of law, it must apply to all manner of decisions. Judgement is a necessary part of law but the reverse is not the case. What we are establishing by simply reflecting on the decisions of the public and private division as exposed by Kant, is to miss the underlying premise that established the law's first. This premise cannot be found in the laws but must be separate from them. Otherwise we are assuming that which we have set out to prove. The premise of judgement is that which establishes the system from which we can create law. Laws can then further establish new judgements but these new judgements must be true to the previous laws (historical) and then so on back to the founding judgements that precede

the laws.³⁷ The laws of Moses are based on the will of God. The laws of the USA are based on the Constitution. The laws of society must also be based upon a judgement that is exclusive to law. The basis for expansion is that the 'I' creates laws, moral rules, for himself. Then with the principle of expanded thought or imagination we expand these rules to include all people in the community. An analogy may clarify this. If we were presented with legal laws akin to Perpetual Peace in Kant, also with a Constitution, akin to the previous works of Kant such as CPR and CPM, we would naturally search for the government to complete and mate these two things. The same thing is what we are searching for in Kant, the missing schema.

The philosophical ramifications of this thesis can be summed by the simple subject-object schemata distinction of Kant in the CPR. Kant did not have space for his examples when he wrote this work, but examples are easily produced. What we have here in his present work, the CRJ is the subject, the aesthetics. Then we have the object, which is the teleology. Finally we have examples from his political works such as Perpetual Peace. What is missing is the schema, without it, there can be no possible understanding of what Kant was attempting. We cannot understand the

³⁷ Which came first the chicken or the egg? Was it laws that preceded judgements or is it that judgement established law. The former cannot be supported while the latter is inherently reasonable.

political philosophy before we have delineated all of it. Those who have tried to do so have failed. The missing schema must be created. That is what we have here, an attempt to create that missing part. We cannot run before we can walk. With the incompleteness of Kant's basic formulation, we are missing the point of any attempt to leap to the final project of the philosophy itself. Make no mistake, without the complete conclusion of establishing the possibility of such a project, we have no project. We have no political philosophy of judgement. This step is not only needed, it is necessary. There exists the opinion that from this notion we should be able to express what the whole theory should look like. We should be able to describe the whole from just the part we have here. We are attempting to establish the missing schemata. We are not trying to recreate the whole political philosophy. Nor is it possible to ascertain more than an inkling of what is to come in the whole of Kant's theory. We cannot describe the elephant from its tail. Just because this tail wags our dog, it can tell us nothing about the colour of its eyes.

The bridge between philosophy and practise

To hold that CRJ is Kant's hidden political theory,³⁸ we must be able to bridge the apparent contradiction between

his writings that condemn and deny the rights of man to revolution, yet still hold true to Kant's personal sympathy with the revolutionaries.³⁹ Revolution is an anathema to government and reason, holds Kant. Directly opposite to this is that the revolution in France was not condemned but admired by Kant. Lewis White Beck cannot fathom how "a man of Kant's probity"⁴⁰ can hold such contradictory views. The act of revolution is condemned in theory but praised in actuality? Beck's proposed solution is to turn to other works⁴¹ of Kant. Though this does include the CRJ, he has missed the tree due to the forest it seems. How is it possible that we can oppose something in general yet sympathise with it in particular? The CRJ is where one should search to end this contradiction, for within this contradiction is the key. By examining the contradiction we see the path taken by Kant to reach such seemingly contradictory views. Furthermore, in what work does Kant establish a method for doing exactly that? To express this same question in a similar vein we turn to Susan Shell.

"Kant's system of the public right is at once radical and conservative, imposing on the moral actor conflicting demands. Like Kant himself, who

³⁸ It should be noted that this is not an original idea. Many other groups and person have tried to link Kant their political agenda so as to give credence to their philosophy. One is the German Ethical Socialist's trying to link Kant to their ideology.

³⁹ Beck, Ibid. p. 399.

⁴⁰ Ibid.

⁴¹ Ibid.

both applauded and abhorred the French Revolution, the citizens long for perfect justice but obey the imperfect laws which history subjects him."⁴²

In the end a system must answer to both demands, of the perfect and imperfect, of history and of the now. It must in some way transcend the boundaries of the two, to merge into something new. Yet the system must be ruled by neither, yet can answer to both. Somehow this system must bridge the gap between praxis and theory or ideology. None of Kant's works do so in an obvious way. Yet, perhaps there is one such work that deals with an aspect of this, history. For in history we have teleology that begins a path to end this contradiction.

In our quest to understand this contradiction, we can see the results of the past. History tells of the events that occurred during the French Revolution, yet what is history if it is not the record of mankind's judgements. So in it, the perfect and the imperfect have merged somehow, and in some way, as to be a judgement recorded in history. Lewis Beck attributes this notion to Kant in the following way; "Kant enthusiasm for the French Revolution is based on his teleological idea of history."⁴³ We can thus presume that the merging of the imperfect with the perfect has something to do with teleology. Hence a judgement that

⁴² Susan Shell, A Study of Kant's Philosophy and Politics, (Toronto: University of Toronto Press, 1980) p. 167.

⁴³ Beck, *Ibid.* p. 409.

includes the more specific version of a political judgement must also be part of this teleology. The question may then be changed to ask where Kant writes on Teleology. "Kant, in his CRJ wrote extensively on teleological judgements."⁴⁴ Furthermore, we may ask exactly what is Teleology? We receive the following definition as a reply: "Certain phenomena seem to be best explained by ends or aims, intentions or purpose."⁴⁵ Thus if the contradiction between imperfect and the perfect is resolved by history, and history is best seen by Kant using Teleology, then would it not be best for us to search for the answer to our question in the one work that Kant wrote on history and teleology? That work being CRJ. Should we not then turn to CRJ to find our answers?

What is teleology in itself but an examination of the end-in-itself? It is the systematic completeness of our knowledge in the integration of the realm of the natural, meaning our theoretical understanding, and humanity's freedom of action. It is our understanding of both knowledge and freedom that gives us completeness. This can best be seen in history, where man is in a constant struggle against the forces that surround him and his own drive to be free of these forces. History is an ongoing process, described in

⁴⁴ Pan. A Dictionary of Philosophy. (London: Pan, 1979) p. 350.

⁴⁵ Ibid.

the understanding of the ends it achieves by teleology, while judgement is not. A judgement is both for the moment and forever. There are ongoing processes within history to reach an end, but once we establish the end then we look no further into the question. For there can be no further examination of the thing in question. The search for a dead King's tomb ends with the opening of his crypt. Judgements once rendered are final in themselves. An action once taken cannot be un-taken or then not taken. That is not to say that there cannot be an opposite, new judgement. Yet Judgement's are also constantly challenged and re-challenged as they strive to be accepted by others in the enlarged thought. An example of this is in the scientific field of physics. At the turn of the twentieth century, it was widely assumed that the end was near for physics. That the end was near was the judgement of many scientists. Until the formation of the theories of Quantum Mechanics and Relativity that revolutionised the field. Hence the first judgement that physics was at an end was valid until a new judgement superseded it. New information changed the circumstances in which the first judgement was rendered. The new circumstances forced upon that field a whole new series of actions, the new studies of Quantum Mechanics and Relativity. The older judgement, the end of physics was correct until a newer judgement caused it to be passed into

the annals of history. Teleology is similar in that way. *Telos* is from the Greek word that means ends or goals. What is meant is the purpose. The ends of an action, the results, the goals, are studied by the actions themselves. The goals are not a single action but a combination of many actions. By examining these actions we have a better understanding of the goal. The end itself of the study of physics is to know all that there is to know of physical reality. The actions may be seen as the individual tests that further our knowledge. Actions are taken to further the end itself. The tests show the totality of knowledge. In history, no one action will achieve any but the most simplest of goals, but a series of actions will create a major historical event. This is similar to a person's judgement, except teleology is a judgement for history. A person makes judgements. These judgements taken together collectively by the participants of mankind are known as history. If we take the judgements of one person, they collectively tell us of the person - who and what he/she is. Teleology is the attempt to understand the collective judgements within the process of history. Thus each judgement is final, an end unto itself, but the process of history continues to add on more judgements. Those judgements that are considered to be correct are retained by the next generation of judgements. Those that are not, are forgotten or stuck in a history book of

anomalies. The understanding of teleology as applied to history, is to search for the purpose or the ends desired by the action or actions in history. This will then tell us where the end of history will be, "the systematic completeness of our knowledge'. It does not explain anything.

"Teleology may not be used simply to ascribe human purpose to the objects of nature, which is simply a form of 'mental jugglery' that only reads the concepts of an end into the nature of the thing, but may serve as a means of achieving the systematic completeness of our knowledge. Teleological principles, in other words, have no explanatory significance."⁴⁶

An action that is taken shows a judgement of a person. The judgement is approved in history by whether it, the action, is repeated, or disapproved of by attempting to overturn the judgement through contrary actions, as in the example of quantum mechanics and relativity, overturning previous scientific judgement. Teleology is that attempt to understand what has transpired in those actions that we have recorded as history. We may briefly introduce the notion of teleology presented by Kant for it may assist in shedding light on our search for a political judgement. This notion plays a pivotal role in judgement, though it is more important for its implications than as a field of study. The

⁴⁶ Howard Caygill, A Kant Dictionary. (Cambridge Mass.: Blackwell Reference, 1995) p. 389.

role of teleology, though important, should not be the sole focus of our inquiry; we also need Aesthetics.

While judgement is the main part of teleology, teleology is not the main part of judgement. On a more technical side, we may see judgement as a teleology as it involves an end. All moral judgements can also be seen in this manner, since it is the action that is important. (Trying to save a life is more important than the success of trying and failing to save a life.) The implications of teleological judgement are essentially the same as a political judgement. The difference is the time factor of when: teleology in the past and politics in the now. The difference is the importance. Whereas teleology tells us what is important for history, or what history means, it does not have the ability to tell us what I should do now, (a fundamental question for philosophy, especially for Kant).⁴⁷ Political judgement can and does enable us to answer this question. History is the result of man's actions in the world answering this question. Political judgements are those actions. The meaning of history is not something imposed upon man by an all-present Deity of sorts but through the combined actions of mankind as it makes judgements. In short teleology is the study of the judgements of man. Judgements are based on the history of

⁴⁷ CPR, Ibid, p. 635/A805/B833

man. The history of man is best understood by teleology. There can be no room here for a person to make a judgement and do nothing. How can we empirically measure this? How can we know what is it that someone has judged if they do nothing. Is it even a possibility for someone to do absolutely nothing? By their actions, they will tell us what we want to know. Their judgements are apparent. Their lack of action is also as telling. A judgement is the rational interpretation or personal justification of an action. If it is done without a personal justification, then it is a praxis, you do something without thinking about it or make a conscious decision. History cannot establish what is the personal justification of a person. It can only judge by the actions someone has taken. Teleology is the manner in which we establish why an action was taken without the complete understanding of the person who is taking the action (psychology). All we can do is establish a rationale that is consistent with our own thinking on the subject. This is again open to justification at a later time by others expressing their judgement.

We have two questions of importance that are dealt with by Kant in his CPR that begins the path to judgement through teleology. The first, indicated above is "What ought I to do?" The second is "What is freedom?" The combination of the two establishes a judgement. Since Kant holds that man is

his own legislator through moral laws, then we may ask what sort of world would man create? History gives us the process of creation. Yet history is fragmented, by the losses in time,⁴⁸ and our own lack of records. We never write down all there is to our lives, we live them instead. This creates holes in the story of man. Somehow we must fill in these holes in time with no more to go on than being guided by our own rationality. The process of doing so is best served by teleology, for the judgements that are recorded are the events of history. Our understanding them has need of a method. That method is teleology. What is usually missing are the factors that led up to the judgements.⁴⁹ We may assume these missing factors to be many things. All possible interpretations are possible. The simplest being divine intervention, God made this event happen. A more complex answer is natural causality, determinism, people are determined by natural force and without freedom. Kant's answer would be found in the implications of teleology.

⁴⁸ One such loss is Aristotle's Humour.

⁴⁹ While we do not know if Aristotle did write Humour. We can fill in the blanks that led up to this work such as his Poetic. From this work we can assume that he did intend to write this work. From others, we may assume that they quote him truly, and thus assume he wrote such a book. Unfortunately it was lost in time. The teleological explanation is that Aristotle did intend to write this work so to further our understand of humour. The fact that this work is lost is not an action of some angry Deity but of human neglect. Umberto Eco's Book; The Name of the Rose, is an interpretation of a teleological reason why this work was lost.

History has been seen⁵⁰ as patterns or trends that are removed from man, being in control and responsible to a superior natural factor as the mean of history.⁵¹ In teleology we return to man and assure that all lives have a rational faculty, freedom and meaning. This returns man to the central focus of history, away from patterns and clinical studies that are without the human freedom man possesses. This change also has implication for the treatment of events in history. By examining history as a set of lives with ends-in-themselves, we place moral responsibility upon each and every person by their actions, and not on a nation state, or a sovereign or anything but the person who is taking the specific action. This is an interesting implication for it does not allow us the luxury of fuzzy thinking on historical events and actions. We must take care not to take the completely opposite approach and assume that the fault is of one person and only one person for any single event either. The faults of man should lay where the guilt is, person by person.

Yet what is the connection from teleology to political judgement? History is the political judgement that had been

⁵⁰ Religion, Hegel, Marx and so many more.

⁵¹ God, World Spirit, Means of Production. All are in some way above the individual person. The person is a cog in the wheel and not the important part. Only the Christ or the world historical Individual or the Party can tell us what to do, or be able to interpret the world for us. This dubious claim is balderdash, gibberish and intellectual sophistry.

passed. It tells us what actions were taken long ago. Political judgements are future history, for actions showing which judgements will have to be taken. Our actions will be recorded and will establish what our history will be to our descendants. Man is not subject to natural causality, his actions are not determined by the world around him as are other creatures that must do a certain series of action. The truth is that man is free. Hence would not history be the unfolding of the rational moral laws of freely taken actions. Would not then teleology be the unfolding of moral laws in society? Would any missing factors be simply reducible to elements contained under the moral law? History is the past judgements of Man. While the moral law is an important factor in judgement it is not the only factor to be considered. The missing factors can be assumed to be the same factors that are needed to answer what is political judgement. For only in knowing what are all of the elements of history do we know history. The meaning of history may be found in the judgements but what leads to these judgements? Must they also be further judgements? Thus when we understand what is a political judgement, then we will understand what are the missing factors that produce meaning in history. With these two notions in hand we may then return to our missing elements to try to fill in the blanks of history. The notion of cause is the fundamental

underlying problem. What caused this to happen? In teleology we must turn to the persons involved to answer this. What caused this action has nothing to do with a superior force but an empirical force. The notion of cause returns us to Kant's attack on Hume for his destruction of cause and effect. In history, the notion of cause is overlooked when dealing with patterns or trends. People do not follow an action due to any metaphysical calling or dialectic but for a very empirical reason that can be shown to have happened. This difference can be seen in the distinction of a teleological explanation versus a causal explanation. The same implication can be applied to political judgement. What causes you to take this action? When we have established that, then we can see if it follows the proper format of a political judgement or is simply something done for personal taste.

Arendt

Introduction to Chapter Two

The need to further Kant's thoughts into the political forum, from his system of philosophy, is a challenge that few have picked up. One of those few is Hannah Arendt. Her book The Life of the Mind⁵², never completed due to her death, was one such attempt to forge the link between Kant's political philosophy and his political views. In this work she attempted to show that the CRJ is the key to unlock the

⁵² Hannah Arendt, The Life of The Mind: One Vol. Ibid.

This work may be seen as composed in three different parts, by three different authors(?), Compilers(?), who based their work on some moment of Arendt's life just prior to her death. All of which are based on the thoughts that she had before she died. No one may say with assurance that this was what, in the end, Arendt would write on judgement. One of the three, is the above work that was put together by Mary McCarthy, Arendt literary executrix, using the notes that had been collected by Arendt to be used in the writing her book . The second is:

Ronald Beiner, Hannah Arendt Lectures on Kant's Political Philosophy, (Brighton, Sussex: Harvester Press, 1982).

This work is based on a series of graduate lecture Arendt delivered in the period just before her death. Beiner holds that these lectures are what she was thinking when she was writing her book. The first two are similar yet show a striking difference between the presentation. This spin may simply be due to the format in which they were written. They may also be the unformed thoughts expressed before the writing of a work that would assimilate both but be different for either. The third work is more of a summary and is not is the same class as the first two, but must be included as the author, Elisabeth Young Bruehl has done so much to further the thoughts of Arendt. Elisabeth Young Bruehl is Arendt's biographer as well as the only student to do her Ph.D. with Arendt.

hidden means of political judgement, which Kant had shown in his later life while discussing the French Revolution. In this chapter we will show that the path followed by Arendt is enriched further by showing that it is possible that Kant has a viable political philosophy of judgement. This possibility was not shown by Arendt, it was only assumed that there was such a possibility. By glossing over this requirement, schema, assumptions may have entered into her thoughts, or have been placed there by her literary executors, that would seemingly lead her astray from Kant. Arendt, having never first established what we could understand as a path or a direction from Kant's philosophy to his Praxis of judgement, then proceeded to follow her mistaken direction. (This is an oversight that must be corrected to further both the thoughts of Kant and Arendt.) The result of this flaw is that while she tried to improve upon his thought in a similar vein, she simply reformulated his thoughts in a less orderly fashion⁵³. Hence requiring this amendment. While her result is flawed, we will show that there is much value in Arendt's attempt. The value inherent in Arendt's work, is more than simply to tell us what not to do when establishing our path. It also contains a needed commentary to fully understand what is contained in Kant's CRJ.

⁵³ Let us not multiply beyond what is necessary says Occam's Razor. This is exactly what Arendt has done.

This chapter will also show that judgement is *Praxis*, essentially meaning that when we are exercising, using, establishing a judgement, we can do so in praxis. Praxis, not being the result of judgement but uniform with judgement itself, similar to Kant's notion of action. Praxis is the behaviour that we do not necessarily consider to be of meaning, yet this is also a judgement. If we do not make such an assumption then we have not furthered the cause of Kant at all. Unless we can show that judgement is constantly in the realm of the world, the physical, and not in the realm of theory, metaphysical, then we have failed to support the contention of this thesis, for where does political decision occur but in the world. Praxis does not exist in theoretical. If judgement was only a theory or of theoretical importance alone, then why would it be necessary to have it at all? It would simply be another version of the categorical imperative. Judgement is not only of theoretical import. The realm of theory is well covered by Kant's ethical works. Judgement must necessarily involve a new area, different from his work of ethics. The result must be that judgement is something in the world, a praxis or an action, and not only a theoretical construct. The development of this idea here will show that this is a necessary step in establishing Kant as a political philosopher different from the others who have preceded him.

Judgement is not a purely physical event. It is a process of justification of an action. An action is empirical. It can be seen and measured. Praxis is also, yet it is done without a compelling psychological motive. An action taken in what may be considered praxis is not one that is taken for explicit reasons.

Justification of Arendt

Unless we labour in folly⁵⁴ by assuming or presuming the need for such an expansion of Kant into political discourse, we must show some justification for such an endeavour. (The first chapter of this thesis attempted to establish our justification of this project.) As Arendt wrote to Karl Jaspers⁵⁵ on 16 September 1957,

⁵⁴ An example of this type of folly can be seen in Dana Villa, Arendt and Heidegger: The Fate of the Political (Princeton, NJ.: Princeton University Press, 1996) This work is based on a path that is one in which we find no foundation for. It attempts to establish a connection between Heidegger and Arendt in theory that is not established in her lifetime. Its existence is tenuously based on her writings. Unfortunately, the difference, between her life and an interpretation of her writings, is not made up for in these works. Though the connection can easily be misconstrued.

⁵⁵ It should be noted that there is a strong connection with Arendt to her teachers, Jaspers and Heidegger. The consideration here being that they influenced her as their student. There certainly is a connection, but to what extent do they influence her? The position taken by this thesis is that their influence is not very considerable. As we can see from Arendt's biography of which Elisabeth Young Bruehl in For Love of the World, page 36, writes: "Arendt read Kant's CPR and his Religion within the Limits of Reason alone when

" ... It would be fun to do a seminar on the beautiful, as Kant understood it, as the quintessence of the worldliness of the world. For every single human being. And on his so closely related concept of humanity, which only becomes possible through the ability to 'fight' over things about which one cannot 'debate', because hope is 'finding agreement among ourselves', even when one cannot finally convince the other."⁵⁶

(Already, Arendt is showing the foundation of interest in using Kant for a political discourse.) We must show more than this to justify ourselves and establish the possibility of judgement in Kant. Why is this attempt to move into political discourse both a necessary and a good thing? The same criteria that we hold ourselves to must then also be true for Arendt who undertook a similar attempt. The burden of proof is upon her and by extension, us. She must have a reason for her actions⁵⁷. Understanding her actions by simply looking at the final work will not be sufficient here. Arendt never completed that work⁵⁸. There must be an action or a judgement that justifies her striving to further Kant into the field of political philosophy. There must be a

she was sixteen and soon afterwards introduced herself to ... Heidegger and Karl Jaspers. ... " Hence she had already started her involvement with Kant from a very young age before she studied with either of her famous teachers.

⁵⁶ Lotte Kohler, Hans Saner, Hannah Arendt, Karl Jaspers Correspondence 1926-1969 (New York: Harcourt Brace Jovanovich, 1992)p. 320-1.

⁵⁷ We may not simply assume that this is an example of praxis. Her work was a deliberate action and thus we must demand a reason or justification for doing so!

⁵⁸ The results are thus suspect. We will never know what she would have included and excluded from her notes. What is known is inferred by her successors.

concrete justification for this toil on her part. There must be a reason that can be seen and understood to be more than a mere whim. Unfortunately, Arendt never undertook the task to establish what her intentions were to be in her writings. She never delineated where the path was leading and what we would find at the end. She never tried to establish 'why' she wanted to show Kant's political philosophy. Perhaps it was never established because she died before her work was completed. The presumption that she was using Kant to further her own ideas is a generally accepted assumption. If philosophers do not set out where they are going and what aims they are trying to achieve then what they do have is devoid of the very foundation that the work was based on.⁵⁹ We do not build a house starting on the second story. Hence, later,⁶⁰ we shall see why her exposition on this subject was doomed to failure, for she had framed the wrong questions. (The 'why' is at least as important as the how.) By amending her thoughts, we can avoid this impending doom. There must be a reason why Arendt undertook such an effort to bring Kant into the political sphere by using the CRJ. The evidence that could support such a thesis can be found in many areas of her work⁶¹, if not all of them.⁶² We may infer

⁵⁹ Without a Hypothesis, there can be no scientific experiment.

⁶⁰ Chapter 5.

⁶¹ Arendt is frequently quoted as "thinking without banisters" see Elisabeth Young Bruehl biography For Love of the World. Essentially she tried to work out her ideas

many possible reasons for this. One might be "For love of the world."⁶³ This reason may seem a bit poetic but to try and establish a new system of political judgement would only come about if one's passion were for the world and the state of it. Arendt saw the direction that the world was moving and wrote

" ... The growing loneliness of philosophy in a world that does not care about philosophy because it has become entirely fascinated by Science has resulted in the well known and often denounced ambiguity and obscurity which to many appear to be typical of German philosophy and which certainly are the hallmark of all strictly solitary un-communicated thoughts."⁶⁴

To remove the political from the scientific into the opposite, art, would then seem to be the next step. Ultimately we may only posit this as it can never be known if the reason she turned to CRJ was to oppose science and

without reference to established guidelines. In particular there is no attempt to establish a methodology on her part for her work. This lack is not sufficient for us to be blinded. She did have a methodology in her work that is consistent in all of her books. This Methodology is the use of the Kantian notions of the political actors on the stage. This underlying thoughts unify her works as one. In this consistency and unification, the assumption is made here that she was utilising Kant's political ideas, as she saw them, as her methodology. The notion of actors and spectators is a common reference in all of her works, especially in the Origin of Totalitarianism.

⁶² It is my position that Kant influenced Arendt much more than is commonly referred to by her students. It seems clear to me that Arendt's work while not of Kant is Kantian in its approach to many subjects that are covered by her.

⁶³ The title of her Biography.

⁶⁴ Hannah Arendt, Men in Dark Times, (New York: Harcourt Brace, 1978) P.86.

create a system of political discourse that was separate from science. We need only look at her work, The Life of The Mind: One Vol. ed.⁶⁵ that was upon this same subject to see the direction she was headed and why it needs to be amended.⁶⁶ The simple act of writing philosophy is never devoid of its surroundings. In brief, Arendt was attempting to explain Kant's political philosophy in itself without using his other works to shade her answer more fully. The result is philosophical, but it is not Kant, and it is to Kant that we are positing the discovery of an unexamined political discourse. Arendt failed to follow Kant, she missed the need to show the schema of this work. Instead she embarked on her own notion of political discourse that referred to Kant⁶⁷.

We must establish for ourselves where we are going. Even as scientists establish the results they are aiming at in their hypotheses at the beginning of an experiment, we must also do so. How can this criticism of Arendt be justified if we fail to do so ourselves? The need to bring forth Kant into the political sphere is based on the simple

⁶⁵ Arendt, The Life of The Mind: One Vol. ed., Ibid.

⁶⁶ The thesis is on Kant and not on Arendt. Though it seems clear that there is a continuation of her work that has the same elements as in all of her books.

⁶⁷ Arendt students will surely ask; "What is wrong with that?" There is nothing wrong with Arendt thinking without Banisters using the philosophy of Kant. What is wrong is when this new path is considered to be the path that Kant would, himself, have taken. He would not have.

need to have a new system that can supersede the previous theories to allow us to create a new method of political judgement. This in itself is a worthwhile goal, but there are more. We attempt to do this to establish the furtherance of the philosophy of both Kant and Arendt. This is also a justification in itself. Finally, in a more humanitarian vein, we may establish a means to enter into the type of world described by Kant in his work on the future of mankind⁶⁸. A world established along democratic lines that is peaceful and prosperous. Perhaps it is a utopian idea that such a world could exist, but the effort must be made.

In Arendt's approach to politics deriving from culture we find an area where Arendt is furthering her own interpretation of political philosophy⁶⁹ over that of Kant.

"...She arrived at her extremely suggestive reflections on political judgement by drawing on Kant's theory of aesthetic judgement and extending the categories from culture to politics. In fact she went so far as to claim that CRJ contained Kant's real political philosophy."⁷⁰

⁶⁸ Kant, Perpetual Peace and other Essays, Ibid.

⁶⁹ In this work we use the term political philosophy instead of what Arendt, herself, would use. Namely, we do not use political theory. Her view is shaped by Marx's end of philosophy,

(Please refer to:

Robert Tucker, The Marx-Engels Reader. (New York: Norton, 1978) p. 145.)

The point is to change the world not philosophise about the change. Unfortunately, today's use of political theory tends to gravitate towards Rawlsian zero sum games and that is clearly not the intention of Arendt. Hence the term political philosophy is used instead.

⁷⁰ Margaret Canovan, "Politics as Culture: Hannah Arendt and the Public Realm," Hannah Arendt Critical Essays, Lewis

Arendt's use of Kant may simply be drawn for a need to support her own political philosophy such that;

"Arendt's reflection on Judging took the form of a commentary ... owing to 'the curious scarcity of sources providing authoritative testimony, [on the notion of judgement]'⁷¹. Not till Kant's CRJ did this faculty become a major topic of a major thinker.'⁷²

Her efforts, nothing more than a title page and two quotations, is all that remains of her thoughts. Attempts have been made to show what she was thinking but not why she did it. Her failure to do so, should not be judged too harshly for she could not have expected her demise. If this thesis proves viable we will have furthered Arendt's efforts by showing that she did have a foundation from which to work, even if she did not start from it, nor refer to it. Also this will show that the efforts of some scholars have missed the real issues in this debate.

Lack of proper foundation

To establish why Arendt did what she did is the sort of question that is more psychological than philosophical. All answers would be merely simple speculation. We may simply

Hinchman, et al. eds., (New York: State University of New York Press, 1994) p. 190.

⁷¹ My brackets.

⁷² Ronald Beiner, "Judging in a World of Appearances: A Commentary on Hannah Arendt's Unwritten Finale," Hannah Arendt Critical Essays, Ibid. p. 366.

postulate some notions present in Arendt's thoughts on the matter that might further expand our argument that Kant did indeed secretly have a political philosophy hiding in his CRJ. The reason she thought she could do so can only be given as postulated by others, Arendt never did this herself. We are at a loss to show why she was going to do what she did and what it would have looked like. The best expression of where she was going with her thoughts is in Ronald Beiner⁷³, who recorded notes from her lectures. There are few such people who have expressed her thoughts. From these secondary thoughts, though, we can establish some ideas that will help to further our contention.

"Arendt believed that it was Kant's CRJ and not in his essays on politics and the Philosophy of Right that 'Kant's real political philosophy is hidden.' She found that because of the pluralistic and hence political context of his theorising, Kant's aesthetic theory also has certain insights to offer. 'The reason why he discovered certain morally significant rules in this seemingly so different sphere of human life (i.e. aesthetics) was that only here did he consider men in the plural, as living in a community.'"⁷⁴

While this expression of Arendt's thought does not give us a proper foundation for why Arendt wrote what she did, it does give us the insight into Kant using community as the

⁷³ Ronald Beiner, Hannah Arendt Lectures on Kant's Political Philosophy, (Brighton, Sussex: Harvester Press, 1982).

⁷⁴ Elizabeth Meade, Thinking in the World: The Ethical thought of Hannah Arendt, (Ann Arbor Michigan: U.M.I. Dissertation Service, 1994) p. 243-244.

basis of political morality. It is only in a community, a collective that we are able to express ourselves to render a proper judgement. In our internal thought processes, it is easy to imagine that we have created deep thoughts. Only in a community setting⁷⁵ are we able to establish if these thoughts have value or meaning. As such, one must be free to express one's thoughts, no matter how absurd, or else we are back to not having a community of thoughts, but imagined great thoughts. The absurd may still have worth, even if the worth is of the negative variety of what not to do.

"... Arendt's arguments for the reality of the world as it appears is the concept of common sense detailed in Kant's CRJ. Kant argued that the ability to make judgements of taste is dependent on this subjective principal of common sense."⁷⁶

Two very interesting notions have been raised here in the above quotations, the notion of community and common sense⁷⁷. Neither has an appeal to universality. It is self-evident that common sense is not an absolute except that all men have it, for it is common to all. Common sense can be seen as a practical solution or something that can be understood as a praxis⁷⁸, an action that does not have a firm rationale but it seems to be the right thing to do. The

⁷⁵ A community setting would mean any number that is greater than one.

⁷⁶ Meade, Thinking in the World, Ibid. p. 197.

⁷⁷ Common Sense was dealt with above.

⁷⁸ Praxis is a solution that changes the world and tries to do so without a need to understand it or to rationalise it.

notion of community might have some calling to a higher level. When one speaks of a community, it is usually in the present. One rarely hears talk about a past community, for inherent in this term is the notion of present. The Oxford American dictionary defines a community in three ways:

"1)... A body of people living in one place or district or country and considered as a whole. 2). A group with common interests or origins ... 3). Fellowship, being alike in some way, community of interests."⁷⁹

Yet in no way does this refer to some absolute principle. All communities are groups arranged for one reason or another, whether it be place, origin or interest. When this one subjective reason is not present, one moves out of a community, one's interest changes, then one is no longer considered to be part of the community. Even the community might disappear without its subjective reason for existence. In other words, a community is based on a reason that exist for this single time and space arrangement. To clarify, a community is based on a practical reason that is subject to change. This change is to be understood as a solution to the community, (moving out of the area, dropping one's heritage, or finding a solution to a problem of common interest). Hence a community can be seen as based on a praxis. The relevant knowledge that is present is not a

⁷⁹ Eugene Ehrlich, et al. Oxford American Dictionary, (New York: Oxford University Press, 1980) p. 127.

truth of metaphysical proportion nor is it based on a certain view of reality⁸⁰. It is based on subjective opinion. For there exist in all societies, many different reasons, beliefs, about what truth and reality are. What matters is opinions that are projected out to be world-wide beliefs. Hence a community will have a series of acceptable standards that all in the community will follow as actions or praxis. These standards are considered to be implicit to all members of the community, but also for the world at large as they are the praxis of the community. Any who enter the community are usually mistrusted until they show or prove that they will follow the praxis of the community. These praxis would include what is the acceptable standards for any actions involving the community. Opinion on what form of government the community should have, by extension to the national form of government. There is also opinions on the natural order of things in the community, the hierarchy.⁸¹ The combination of the two, the form of government and the hierarchy of personal relations, people establish who should be the community representative to the rest of the world, the set of things that is not the community. This may result in the elected official or the community's aldermen

⁸⁰ Though this may certainly be the case in the specific instant such as the communes of America during the Vietnam era or other such examples.

⁸¹ The local food chain as it were.

If we return to Kant to ask his view on community, we find that his answer is not in CRJ but in CPR where community is the third category of relation⁸². It is a disjunctive judgement⁸³ that includes opinions

"of logical opposition, in so far as the sphere of the one excludes the sphere of the other and yet at the same time of community, in so far as the propositions taken together occupy the whole sphere of the knowledge in question."⁸⁴

As such a community is made up of mutually exclusive opinions but represents the totality of knowledge in that area. A community may contain all possible opinions that create common sense, but it must contain all possible opinions of political discourse in the community. What we have then is not necessarily a physical place but a theoretical place where all opinions on a subject are allowed to circulate for public sampling. Another similar term used by Kant fails to enlighten us further. The term 'commonwealth' used in Perpetual Peace is indicative of a future time where all people work together for the common wealth. The wealth that is held by all in common. This does imply a community. We need more than an implication for certainty. So where do we find a notion of community that would contain commonwealth of a future world and communities

⁸² CPR Ibid. p. 113, a80/ b106.

⁸³ The notion of 'judgement' is similar but different in all of Kant's works.

⁸⁴ Ibid. p109, a74/b99.

as an inclusive phenomenon? We have community that is a theoretical understanding of inclusion, and we have commonwealth a place where all dwell in the freedom of a perfect world, so where is the third notion of his normal threefold division⁸⁵? The answer to this question must be similar to our previous question concerning the French Revolution. In short we must look for a political philosophy of Kant to understand this missing link that would explain these questions.

By turning to CRJ, we again discover the end of our search. The missing link between community and commonwealth is the civil community. We find the following;

"The formal condition under which nature can alone attain ... its final design is that arrangement of men's relations to one another by which lawful authority in a whole, which we call a civil community. ... If men were clever enough to find it ... and wise enough to submit themselves voluntarily to its constraints - a cosmopolitan whole."⁸⁶

Judgement equals Praxis

The next obvious question would be what does Arendt think of community. We now delve into our reconstruction of Arendt's thoughts related to common sense and community to help further explain the Kantian origin of the notions. Both

⁸⁵ CRJ Ibid. p 31.

⁸⁶ Ibid. p. 282 sec. 83.

are part of judgement in CRJ and so both are part of praxis. From Arendt we will see the relation much more clearly as with the notion of action, we will see this is also community for Arendt. Once we have done this, then we can establish that judgement is not only action but is also praxis. When we speak of praxis, what can be meant here? This Greek word may be translated into Action, Habit or Practice.⁸⁷ So we may ask: What is action for Kant or Arendt or for both?

First let us look at what the term 'action' means for Kant. This perhaps is the single most important clue to our thesis that CRJ is Kant's hidden political theory. Kant uses the Aristotelian notion of action⁸⁸ as seen in two forms; action of 'things made' and 'actions done'.⁸⁹ Their mode is respectfully, the poetic and praxis.⁹⁰ The former deals with the rules of art, while the latter deals with the polis or the political. The two are one and the same thing, both are action. The rules that apply for the beautiful must also then be the same for the political. The reverse must also be true. The rules for the political must be the rules for the beautiful. Else, we are not dealing with one thing, action but two separate things, beauty and politics. The division

⁸⁷ Ludwig Von Mises, Socialism. (Indianapolis: Liberty Classics, 1981) p. 22n.

⁸⁸ Caygill, A Kant Dictionary. p. 47-51.

⁸⁹ Aristotle, Metaphysics. (New York: Random House, 1941) 1050a p. 829.

⁹⁰ Ibid. 1140a, p. 1025.

of action into two parts may be the reason why CRJ is divided into two distinct books on Aesthetics and Teleology. This division incidentally is also similar to the distinction of Aristotle of actions being divided into poetic and praxis. For Kant there is a temporal order of cause then effect⁹¹, though no time lapse may occur from the cause to the effect.⁹² This leads us to an action.⁹³ "Action signifies the relation of the subject of causality to it's effect."⁹⁴ If we refer this back to teleology we note the consistency in Kant's thoughts and how action is the same thing as teleology, as both refer to the relationship of the cause to their effects. History can be seen as a series of effects caused by actions or judgements of mankind upon the world. Art is appearance. Action is the "first cause in all changes of appearance."⁹⁵ We can see the obvious connection of art and action more clearly. Action is the beginning of art by the creation of a new appearance. Action is also the first step in the creation of a polis. If we hold the following to be true, we must hold that the rules for art must also be the rules for political. The rules for action must be the rules for judgement and the CRJ must be the forerunner of Kant's political theory.

⁹¹ CPR, Ibid. p. 218 b233.

⁹² Ibid. p. 228 a203/b248.

⁹³ Ibid. p. 228 a204/b249.

⁹⁴ Ibid. p. 229 a205/b250.

⁹⁵ Ibid. p. 229 a205/b250.

The cause of an action is not in-itself the action. What an action is, is the reaction to a specific cause. Searching for the cause of an action will not allow us to predict the action that follows. We can only speculate as to why a judgement is taken in the mind of a person, (psychology). Thus the cause could become an arbitrary decision on our part. The action is the opposite for it is always deliberate. It is an event of history. It was the action that was done. There can be no argument that someone did the action. The event occurred in the world and cannot be returned to a time before the event occurred. Hence all previous actions, judgements in history and by association, teleology, are the cause of the effect, an action. The action is in-itself not part of that cause as it is separate, it is a moment of freedom. Thus all actions are not subject to any rules but are autonomous in-themselves. An action is free, taken by free people, in freedom. To take an action is to exercise your freedom. If a rock is dropped, it must necessarily fall to the earth. A person need not storm the Bastille. When one makes a judgement and takes an action, it is an Archimedean Point. A point where one can move mountains. It has no fixed end and has no fixed cause. Through our use of the rational we may attribute the judgement that is, or was the cause of an action. The before and after are of no matter in the instant of an action. The

only thing that matters is you and your freedom to do this action. The opposite then of action must be nature. What is nature but " both cause and effect of itself."⁹⁶ As such the tree by creating an acorn causes itself to be again.⁹⁷ Nature is predictable. That is why there exist the so-called 'hard sciences' that produce Laws of science and nature. There are no laws for the 'soft sciences' such as human behaviour and freedom.

We turn to Arendt and ask of her what is an action? Her response is "Action and speech are so closely related ..."⁹⁸ By relating action to speech, Arendt has created more around implication than explication, she implies more than she explains. To speak one must be rational and have intelligence, one must have an understanding of the surroundings. All human life can be reduced into a story of your existence, the narration or the remembrance of your life of actions.

"Action reveals itself fully only to the storyteller, that is, to the backward glance of the historian, who indeed always knows better what it was all about than the participants."⁹⁹

Like all good stories, you must do something, hence take action.

⁹⁶ CRJ. Ibid. p.217, sec. 64.

⁹⁷ Ibid.

⁹⁸ Hannah Arendt, The Human Condition. (Chicago: University of Chicago press, 1958) p.178.

⁹⁹ Ibid. p. 192.

"Speechless action would no longer be action because there would no longer be an actor, and the actor, the doer of deeds, is possible only if he is at the same time the speaker of words. The action he begins is humanly disclosed by the word, and though his deed can be perceived in its brute physical appearance with verbal accompaniment, it becomes relevant only through the spoken word in which he identifies himself as the actor, announcing what he does, has done and intends to do."¹⁰⁰

... "In acting and speaking, men show who they are, reveal actively their unique personal identities and thus make their appearance in the human world ... This disclosure of 'who' in contradistinction to 'what' somebody is ... is implicit in everything somebody says and does."¹⁰¹

... "Action without a name, a 'who' attached to it, is meaningless, ..."¹⁰²

There are certain other aspects to her notion of action that limit it. There is the notion of freedom. Man is free to do what he wishes especially with action. Man is capable of making a new beginning in events that is separate from all other events.

"It is the nature of beginning that something new is started which cannot be expected from whatever may have happened before. This character of startling un-expectedness is inherent in all beginnings ... The fact that man is capable of action means that the unexpected can be expected from him, that he is able to perform what is infinitely improbable. And this again is possible only because each man is unique, so that with each birth something uniquely new comes into the world."¹⁰³

¹⁰⁰ Arendt, Human Condition, Ibid. p. 178-9.

¹⁰¹ Ibid. p. 179.

¹⁰² Ibid. p. 180.

¹⁰³ Ibid. p. 177-8.

There is also the notion of plurality. If all are unique then there is a multitude of beings capable of action. Each of them is capable of doing something new and different. This implies that there is many people around. How else do we know if it is new if there is no one else to see it. Arendt call this the 'space of appearance' or the polis.

"Where I appear to others as others appear to me, where man exist not merely like the other living or inanimate things, but to make their appearance explicitly."¹⁰⁴

In this 'space of appearance' we are able to take action by organising man into a collective action by the power of our persuasion to get things moving, in the direction that the individual has chosen to take.

"Power is actualised only where word and deed have not parted company, where words are not empty and deeds not brutal, where words are not used to well intentions but to disclose realities and deeds are not used to violate and destroy but to establish relations and create new realities."¹⁰⁵

All of Arendt's efforts to limit what is action refers only to a part of what we have in Kant's definition, but she removes the part of action that involves art. Her definition is based on 'things done' part of Kant's definition. She has lost the notion of 'things made'. This loss will derail her thoughts from Kant. She has placed 'things made' in the

¹⁰⁴ Arendt, The Human Condition, Ibid. p. 198.

¹⁰⁵ Ibid. p. 200.

realm of work and not as an action. Her limitation of action then forces her to have a place where one is neither in action, i.e. the polis nor in private, i.e. the home. She called this area the social. This place though is the source of many problems. It is where we have freedom to speak without the responsibility of being held accountable for what we say. Whereas, in the polis, we would be. Also we are able to use the privacy of the private without the need for being intimate. Essentially, by her limitation of action to only certain things, Arendt held forth a noble cause that in political reality, there would be those of less noble upbringing. They would not play by the same noble rules as she naively holds forth as the presence in the polis, the community.

What then is a community for Arendt? An action of speech can only be done in a polis. Is that the same as the community of Kant? Why would a person speak if there was no one around to hear or comprehend what was said. "Action and speech need the surrounding presence of other ..." ¹⁰⁶ What we have is a similarity between Kant and Arendt yet there is a difference. In Kant, we have community, man in nature, in existence first, then we have an action, the rebellion against nature. Yet in Arendt, first comes the action, the gather for story telling and narration, then there is

¹⁰⁶ Arendt, The Human Condition, Ibid. p.188.

community, the attempt to gather support and power. This can be rendered as a chicken and egg argument. With the change in priority, we have a subtle change in the direction. This subtle change will effect what we perceive a judgement or an action to be. Just as Arendt will have a subtle difference in her perception of judgement.

Judgement is a mental notion showing what we think is right, presented to the world in and through our actions, things done and things made, respectively. It is also the habit or practice of doing or taking actions, as far as Kant is concerned. The distinction between praxis and action having more to do with passion than with a formal rule of action. Praxis may be described as 'purposiveness without purpose' for our habits have a purposiveness, though if we ask why we do such an action we cannot establish the rationality of the purpose. Our action though may also be described as 'lawfulness without law'¹⁰⁷, for they show our judgements to the world that must be evaluated by the world, by other's judgement within the community. Hence our action show that they are filled with the nature of law,

¹⁰⁷ In the movie "A Few Good Men," the Marine Corps officers talk about a code (of honour, presumably). Knights in the Middle Ages live by the code of Chivalry. People who play sports has the Queensberry rule of sportsmanship named after the boxer code from the Marquee of Queensberry. Even street gangs have a code of behaviour unique to each. Yet in all of these case there is rarely a formal or codification of these 'laws'. Yet all live and die by these rules of behaviour. If that is not 'lawfulness without law' then what could possibly be 'lawfulness without law'?

lawfulness, but without the moral certitude of a law, be it moral or secular.

With Arendt it is the communication of these events where an action is found. This is not the same thing as Kant is suggesting here. When we refer to judgement as a praxis, we establish a pro-active position on what is right and what is wrong, even when we are not doing something for a reason that can be narrated. This is opposed to the notion of judgement and action being reserved to some higher being, form or even a public will. It is also opposed to not acting. The notion that something's are eligible for evaluation as a judgement of sense. A person cannot judge not to act for that is in-itself a judgement. This is similar to the freedom we find in Existentialism. We can choose not to choose but we have still made a choice. According to Kant then, our actions speak for themselves. The bible says that as you judge so shall you be judged. Your actions will speak for themselves without the necessary need for a narration of the facts. Opinions will replace facts over time, and become history. For Arendt, actions tell us a good story. For Kant, a judgement as an action, is also an individual accomplishment, without the need for re-telling. An action is a personal decision, first and foremost, then through the expansion into the realm of expanded thought it becomes a judgement for all. Only a

single person can take an action, a rock cannot. Neither can a group take an action. A community of people can work together and establish a power base, then by co-ordinating their actions work together for a common goal. Similarly, this necessarily implies freedom. If a person is not free to take an action but is forced then there can be no judgement for there was no action to begin with. An action being done on the personal level cannot be in any way established into a macro environment of the multitude. The action of forcing a person to do an act is the action of an aggressor. The nature of our judgements are shown by our individual actions. Also, a judgement is, by being only something done by an individual, can only be seen in the now, in the present tense. We cannot go back in time to change a judgement nor can we leap forward and make a judgement in the future. We can assure ourselves that the next time such an event occurs we will take such an action but there is no judgement involved. This is a mere thought experiment. More of a 'what if' type question than a judgement. We will never know if that is the action we will take in some future situation where a judgement is needed. Only when the situation occurs will we know if that is the action that we take. Judgement is based in the world where we live, and on the world with what we change. We cannot take an action in our thoughts alone, for what would we point to as the result

of the action. We may speak, move or any possible action but the movement is where we signify that we have judged. What difference would there be if a person could simply think that they have taken an action and the mentally disturbed person who also has the same thoughts. There is none for there is no action to delineate the difference. This then involves the notion of community. Similarly, the person who dreams that they are a genius, and they may be in their own mind, it is only within a community does the person show it to be true.

For Arendt, while the above may be true, that an action is needed for a judgement, it is not necessarily so for her. An action becomes a community event, not a personal one. The problem between Kant and Arendt is Arendt's use of Kant's notion of cause and effect. They are similar. Arendt has nearly the same thought as Kant but not quite. Again the difference is subtle. The difference between Kant and Arendt is that for Kant there is a necessary connection between cause and effect. In Arendt, it is only a probable connection. It is a question of modality, must and should. This difference is why Kant's project will succeed and Arendt's will not as it has been and is interpreted.

One should not be quick to judge Arendt harshly for her differences, they are not without foundation. If we examine Habermas,¹⁰⁸ we find that his view is similar to Arendt. The

concept of Kantian judgement is based on personal autonomy and man's rationality. In Habermas, judgement is a transcendental pragmatic argument. In Kant, judgement is based on pure rationality. In Habermas, judgement is based on the communicative discourse. In other words, what is a judgement for Kant is potentially already in existence by our possession of a faculty for rationality and common sense. In Habermas it is created by our interactions and our discourse in society. This is quite similar to what Arendt is proposing above. The public institutions create the public sphere where morality and judgements can be created and promulgated. Habermas begins with autonomy, personal autonomy, that is linked with communicative reason and action. One may read that this is consistent with the action of speech, similar to Arendt. Enlarged thought is our ability to reflect critically on our desires and assess the consequences not only from our own point of view but that of another person. We then have created a social contract based on mutual agreement but it also has an ability to become instituted or institutionalised (institution-ability) based on communication. What is decided can be created into a social, (Universal pragmatic) institution, which in turn creates ethics that are the valid norms for the community that they occur within. Those judgements could then have a

¹⁰⁸ J. Habermas, The theory of Communicative Action, (Boston Mass.: Beacon Press, 1984).

claim to meet the approval of all who are effected by them and by all who are able to communicate, hence all rational men. This is a conscious-oriented, communicative, mutually understood, set of ethos. This view is opposed to the success oriented, purposely rational, that is goal oriented action which is directed to an end. Social action is the banding together by mutual consent for a project, i.e. Arendt's power¹⁰⁹. Social order is based on this mutual agreement of all parties. Obviously there is a difference between Kant and Arendt in this fundamental understanding of the issue.

¹⁰⁹ Arendt, The Human Condition, Ibid. p.201-205.

A New Theory of Politics
Introduction to Chapter Three

In this chapter we will present the final argument for the possibility of furthering Kant's Critique of Judgement into the political forum. If this is possible? What we will have created is the possibility of a new direction in political philosophy and in political discourse. Essentially this new direction will be a new theory of political philosophy, how we decide what we should do in society.

There exists already two general means of political judgements, two established theories that are held to exemplify the divergent many. The first may be called Ideology. This is the establishment of an overall set of norms and then the application of such norms to the world, (the good is this and so you should behave so). The opposite side of this debate is to have no overall theory of politics but one of application. This view of political philosophy, starts with a rule or maxim and then works out what the answer, judgement, should be from this maxim.¹¹⁰ (What promotes the greatest happiness for all?) This view is represented by Utilitarianism or the pragmatic parties of

¹¹⁰ While it has been suggested that this is the same thing applied differently, there is a real distinction in the realm of political science that would not consider this question at all. Hence, while this is philosophy, one must defer to a political science background upon this issue.

our modern democracy. If it is possible, then Kant's CRJ will establish a third, new direction for us to ponder. This third option has elements of both, contained as subject and object in Kant's formulation, but also has something more, the schema. The "more" is what we must establish as possible. We will see that the contradiction shown to be part of Kant's thinking, the apparent contradiction between his writings that condemn and deny the rights of man to revolution and Kant's sympathy for the revolutionaries,¹¹¹ can be resolved within the schemata.

The Old theories

There exist two main types of theories concerning political philosophy. The division can be described as Ideological and pragmatic. The first can be seen as early as the philosophy of Plato. The second and more modern can be seen in the Utilitarian creed. Plato, in his Republic¹¹² established a city based on his philosophy in a mind experiment. The governed and the government, were created along the rules enacted through the deduction of reason based on the values already pre-established through the thoughts of Plato himself, and his own deduction of the

¹¹¹ Beck, Ibid. p. 399.

¹¹² Plato. The Republic of Plato, (New York: Oxford University Press, 1945).

"Good"¹¹³. From this metaphysical notion of what is the Good¹¹⁴, what is justice¹¹⁵ and morality¹¹⁶, we then deduce what is the proper judgement of today for this situation. The forms of judgement once recognised will establish the pathway to follow. All rules were then so designed to further the "Good". The city itself was also a "Good". Hence, all judgements from the ruling philosopher king were from that perspective of the "Good" and logically must also be "Good". Anyone who did not agree with those judgements was necessarily against the "Good" and thus evil. The rulers established what the "Good" was and all citizens obeyed their rulings. Civil discussion was the exclusive domain of those who were there to administer that notion of the "Good", the Guardians¹¹⁷. There would be no political discussion in this society. The decisions having been already made by the Guardians, hence no further discussion is wanted or allowed. No one could deviate from those accepted norms established by the Guardians for all time.¹¹⁸ The good once established is forever. Hence there is no need to change the judgements once rendered. They were good when rendered so they must be good now.

¹¹³ Plato, *Ibid.* p.234.

¹¹⁴ *Ibid.* p.211.

¹¹⁵ *Ibid.* p.120.

¹¹⁶ *Ibid.* p.216.

¹¹⁷ *Ibid.* p.111.

¹¹⁸ In The Republic of Plato, *Ibid.*, Plato asserts that art in Egypt has not changed in thousands of years. This is a good thing for Plato. (No pun intended.)

This type of judgement in the political form, when used in praxis, has led to authoritarian regimes such as our modern examples, Communism¹¹⁹ and Fascism¹²⁰. However, none can call either of these examples of real states to be enlightened or in anyway comparable to the notions of Plato's Republic. Also there is a stagnation factor associated with these societies. These countries were the "Good". They, therefore, did not need to change or modify themselves and their judgements to the exigencies of the progressive and ever-changing world. New issues and old problems that resurface, also need new solutions. Those solutions cannot be found if the emphasis is on retaining the "Good" of the present. The judgements of history on these societies have been that they were failures. They were failures because they collapsed internally. They clearly failed to create the "Good" in the world. Hence their method of judgement was flawed. To establish a proper method of judgement, we must do better than this flawed methodology.

There is also the less extreme form of ideological judgements. This can be seen in the philosophy of Thomas Paine¹²¹ or Edmund Burke¹²² and many others. The judgements were based on past and true judgements from previous

¹¹⁹ Stalin's Russia, USSR, Red China, etc.

¹²⁰ Nazi Germany.

¹²¹ Thomas Paine, Common Sense, The Rights of Man and Other Essential Writings. (New York: Meridian, 1989).

¹²² Edmund, Burke. Reflection on the Revolution in France. (London: Penguin, 1968).

periods.¹²³ A connection is formed with the past, whether through the King or tradition and it is held to be the "Good." This occurs even if the past has to be recreated to establish a moral that is compatible in some way with the present situation in order for it to be able to be called into action as a precedent. While this is not as extreme a form of Ideological judgement, it is also flawed in much the same way. How can the past be a method to guide us to judgement? This is especially true if there is an entirely new set of circumstances upon which to base our judgements. The descendants of Burke and Paine, in the political style of today, can still be seen in the ideological parties around the world. They both suffer the same contradictions in their judgements. Ideology cannot take into consideration the dynamics of a world in flux. Hence it cannot re-evaluate the notion of "Good" to warrant the change in time and circumstances that are constantly present for new judgements. It should be noted that the notions of Plato can be seen as philosophy based on art, the beautiful, for that is what the good is. Also the notions present as a less extreme form of this ideology can be seen as a form of teleology, as they are based on history.

The opposite and second form of existing political judgement for our consideration¹²⁴ is that of the Utilitarian

¹²³ The rule of following the tried and true methods.

¹²⁴ Without writing a dictionary of possible political

movement.¹²⁵ This is a judgement that is expressed from one rule that the more people enjoy the action, the more worth or value it has. This entire theory is flawed by a lack of a definable idea of just what pleasure and happiness are ,and a deficiency in terms of how to quantify them. Despite this flaw, these theories have flourished in the Western world in the very heart of the ideology of bureaucracy¹²⁶. Judgements by our politicians are typically founded on the need to satisfy voters in order to be re-elected. This appeasement while successful in continuing the governments in power, does nothing to further the "Good". What judgements that do realise the "Good" are mere accident and not design. The good of society cannot be established by a fifty percent plus one vote¹²⁷. We cannot simply assign the arbitrary notion of happiness as the purpose of judgement, for happiness is flighty, prone to diminish and mutate over time. We may use Kant's own rejection of empirical aesthetics as a guide to rejecting this notion of political discourse. Kant would argue that empirical aesthetics fails to vanquish aesthetic scepticism because empiricists have failed to distinguish between philosophical and psychological questions. All that psychology can tell us is

theory, the existing multitude of possible theories that could be discussed here has been limited to only two.

¹²⁵ Jeremy Bentham, John Stuart Mill, and James Mill.

¹²⁶ Cost Benefit Analysis

¹²⁷ Not even in a distinct society.

how people do create judgements upon works of art. The Psychologist cannot decide the appropriateness or inappropriateness of these judgements. As Kant himself writes in CRJ,

"For these (psychological laws or observations) only enable us to know how we judge, but do not prescribe to us how we ought to judge."¹²⁸

Also if we pursue happiness we will never find it. It is a state of being not an external item to be found in some search effort.

Neither of these forms of judgement can be acceptable to establish a rule of political judgement. Hence we need a new method of obtaining judgement. One that is neither ideology nor pragmatic. This new approach can only be a third option for judgement. Thus when Plato uses examples, he calls upon the works of Art, paintings. They have not changed in Egypt for 4000 years he claims. This is wonderful consistency for Plato. Yet his system of government is drawn from that idea of a never-changing world. The world is always in motion. Hence his system is not realistic, only theoretical, a mind experiment. It is like the created arts. Once it is created it stays, never changing or altering. Kant draws his analogies from the performing arts. The play is the thing for Kant.¹²⁹ There is a world of difference

¹²⁸ CRJ, Ibid. p. 162. Kant's brackets.

¹²⁹ With apologies to Shakespeare.

between the two. The actors and scenes are always in motion. They never stop. Always changing and reshaping themselves. Each night is a different performance. The flux of a stage is similar to the flux of a world in constant change. There is a world of difference between an analogy drawn from a picture painting and an analogy drawn from the stage. The picture just hangs upon a wall to be admired, it in no way interacts with the world. The world interacts with it. Actors by very notion of what they do, interact with the world.

Recent Literature is no help

In reviewing the recent literature on Kant's CRJ, we find that this literature has taken perhaps three general directions. All of which are of no help in establishing the third option for political judgement in Kant. A fourth direction, in this body of literature, deals with aesthetics for the sake of aesthetics and teleology as just teleology. It is the largest body of this work. They do not examine the notion of the CRJ having any political content, and as such this group is not relevant to this thesis.¹³⁰ What remains can be divided into three categories: 1) Aesthetics, 2) Teleology and 3) what we may call a combination of the two.

¹³⁰ This has been dealt with in Chapter 1 for there is more to CRJ than the sum of its parts.

All of these groups are flawed. The first two by the exclusion of the third. The last by lack of foresight into Kant's design for his political system. They are missing a schema.

Those articles that seek Kant's political theory in his CRJ section "Aesthetics" hold the simplest notion that the Beautiful is the good. Hence in politics if it is beautiful then it is good. This idea of using the CRJ's section of aesthetics as the source of political philosophy is not a new one. It had already begun with philosophers who were contemporaries of Kant such as Schiller. The argument is as follows, the beautiful is that which is in accordance with nature. The good is that which does not displease the senses. Nature does not displease the senses so the beautiful is the good. Hence, the discussion concerns that which is in accordance with nature and that which does not displease the senses. Therefore, a political judgement must be in accordance with nature and not displeasing to the senses. Thus as you act, do so in accordance with nature, but also always in a way that does not displease the senses, or our rational understanding of the world. The beautiful is where form and content meet so as to retain perfection of both matter and form. This perfection can only be observed in it, beauty. Everything else, (the ugly?) does not have the harmony of the beautiful and is not in accordance with

the nature of the thing in question. By all things being beautiful we will move beyond the world into a realm of the perfect and the good. Perhaps more particular to our discussion is Hannah Arendt, who also held this type of view in her earlier work.¹³¹ The important part though is she finds the doctrine of enlarged sense and common sense to be the political doctrine of Kant. We enlarge what our judgement is to others. Also this type of thought disregards Kant's notion of Man rebelling from nature to be free. To act in accordance with nature can be understood as acting within nature's laws of which man is not free to act. A contradiction readily apparent to us.

These arguments are flawed in that Man to be able to make a political judgement must rebel against nature and leave the garden of nature and go into the world. Thus any political judgement is also a rebellion against the nature of the world, 'things done' to the world and 'things made' out of the world. This can only be done as an individual acting in freedom, for man is free. That this also applies to all other men is irrelevant, the doctrine of enlarged thought, unless we have the means to apply it, teleology. The first act is that of a man rebelling. Therefore, we need another piece of the puzzle not present in aesthetics. We need to include some form of teleology. Also the reliance on

¹³¹ Hannah Arendt, Between Past and Future. (New York: Penguin, 1968) p. 219-226.

the beautiful and the good of aesthetics is a return to Plato and his forms. In a perfect world we have the beautiful, but in this world we have only that which we can do and that is rarely the beautiful. The political deals with the possible, which has many subjects but all of them are rarely called beautiful. The results are sometimes called good, but never beautiful. The result of this sort of system is flawed and imperfect. It is impossible to establish the beautiful in politics due to the messy nature of a political judgement. If we increase funding for cancer then AIDS patents will suffer. Increasing fund means that taxpayers will suffer. No choice will achieve anything close to beautiful. All choices are far from perfect and the doctrine of enlarged thought will only hinder us in this type of limited theory. For the result will be to impose similar suffering upon all. If you have nothing but starvation then let all people suffer similarly the starvation.¹³²

The second group of articles concerns the second work in CRJ, Teleology. It is in the teleology where the argument is put forward that history is to be the final judge of the actions of men. When we have established the reason for doing something and the desired end, then we have

¹³² That example is by no means imaginary. It is the judgement of V. I. Lenin during the Communist take over of Russia in 1917.

established the notion of what should be the political action so as to further that end. Hence by discerning what we are trying to establish we then know what means we can take to achieve this action. Any means is acceptable to further the right ends.¹³³ A simplistic way of putting this argument is that which is in accordance with the past is the good. We return to the past and then establish what is the good. Once we have this in mind, we can establish the direction that humanity is travelling. We then project this into the present to judge the action which is best suited for the end we wish to reach. From knowing the past and its ends we can understand ourselves and our position within history better, so to establish a direction in which to act and judge. Notice the overtone of valuation or morality that is in the understanding of what is history and our place in it. This group of works is more clever than those of aesthetics because contained within teleology is the notion of philosophical anthropology (though this is not developed to such an extent). Man is a presence that is important to the discussion. This inclusion is necessary, for how can we have history without the presence of Man? History is of Man and men then can use this to create anew political judgements for man. Using all of that which is ascribed for man in a general philosophical anthropology including such

¹³³ The end's justify the mean's.

things as morality, this body of work might have had a case. They do not do that. What follows is a shift from the categorical imperative to the hypothetical imperative, from what we ought to do, to the if-then. The shift underlies this theory. Man must make decisions in the political sphere by considering if we take this action then we have this result. The benefit is then evaluated by historical models as to the viability of such an action.

What we have is again a flawed system. These articles rely on the whims of Man's past. What was good enough for them is good enough for us. Excluding that times have changed, what this amounts to, is a barometer of the level of satisfaction with the decisions of the past. Thus, we have not strayed far from the tree of utilitarianism. The difference is instead of the satisfaction of today's people we turn to people of the past for their level of satisfaction and then project it upon ourselves. Instead of creating a fresh approach to a problem we turn to a historical cost-benefit analysis. The inclusion of man in this section of the theory is incidental. The 'if-then' of the hypothetical imperative simply places us into a utilitarian version of Kant. We measure the result of an action according to its benefit. This contains the fundamental notion of the political, which is that decisions must be taken for the here and now. Yet the return to the

past for understanding of the political judgements of the past have no relevance upon today's judgement except as the circumstances arise. We, as Man, are free to render anew or create an entirely different judgement upon any issue. Just as the people in the past were free to make their own judgements in any situation. By imprisoning ourselves in the historic, denying our freedom, enslaving us to the past and basing it on a simple measure of satisfaction, we deny ourselves the opportunity to live our lives and make our own judgements on a more sure foundation of our own freedom and rationality. The first political judgement, to rebel against nature, had no precedent or any notion of teleology to turn to. It was done in total freedom. We lack the ability to face the problems of today in a fresh light of this period by simply using a hypothetical imperative. It can only be based in the history of the subject not in the present as the categorical imperative must be. The past, history and hence teleology, is a chance to improve and correct the mistakes already made. Thus we create new judgements that may be the same as in the past, but they are reaffirmed and in that reaffirmation these judgements become something of ourselves and not simply a polling of the history of man to find the path of most satisfaction or the most happiness. In this freedom we may also reject the decisions of the past. We cannot do this if we return to the past to find out

whether our actions will result in a benefit as the only measuring tool. In the categorical imperative, we must ignore the end result to do our duty. In the case of the hypothetical imperative, the end is all that matters. By taking this approach we lose mankind's freedom of action. We lose morality and we are nothing more than a Utilitarian in Kantian clothes.

The third group we can discern in this body of literature can be seen as an attempt to mix the first two notions, for they try to hold true to Kant's method, yet fail. This group uses both the Aesthetics and Teleology to establish their political philosophy by combining the two. They missed the third element which is this thesis, the schema. By holding onto both books of CRJ, they wish to use each as a limit to the other so that they can establish a polarity to political judgement. They fail to realise that the missing part of the philosophy must be produced. As yet no such production has been attempted. Hence an action must be of the beautiful, in accordance with nature and it must also be in accordance with history or the hypothetical imperative. Judgement is tested by these two poles so as to be in order with both. Only then a judgement is possible, they hold. This is an interesting attempt that is also doomed to failure for the missing schemata. The production

of the Schemata is the first necessary step to uncover the missing leg.

This theory is the most insidious of the three. It has seemingly all the elements established in the CRJ to form a political judgement. Yet this is not the case. The missing leg is apparent when we try to look for the third element. Kant always held that division should be threefold. "1) Condition, 2) The conditioned and 3) the concept that arises from the union of the two."¹³⁴ The condition may be seen as the subject. The conditioned may be seen as an object. Where then is our third leg of this tripod? Where is Kant's schema? If we are going to use Kant and call this Kant's political philosophy then should we not try to hold true to his views in establishing his political judgement. What is missing is the schema that joins the aesthetics to the teleology. That schema being Man. Included within the philosophical anthropology is the question; what is Man? This schema would also hold the morality of the categorical imperative and the freedom of Man. These are not dealt with in any manner as they should be in these articles. In a simple database word search for the following words: Kant, Politics, Judgement, Aesthetics, Teleology, Action and Arendt, we garner not a hit¹³⁵. The reason for this lack of

¹³⁴ CRJ, Ibid. p. 31n.

¹³⁵ It is only when we reduce the number of variables to three that we begin to garner hits in the computer database. Clearly all the above words are necessary. Yet so far no one

foresight into Kant is because of a failed vision to reach beyond the Rubicon into other disciplines to look for answers. When Kant was writing his work on political judgement, he did not envision a world of strict academic structure of the university system. This system would hide his work more closely than the censors of his time. The ability to look and to see his hidden work on political philosophy and judgement was meant for an all encompassing person of the enlightenment, having a base of knowledge that goes beyond the corridors of those questions only answered in philosophy, or political science or history. Thus the recent literature tends to be limited and un-enlightening for our purpose. They simply do not have the knowledge and understanding to reach beyond the narrow confines of their academic discipline. There are none so blind as those who will not see the light.

The Third Option, resolving the Kantian Contradiction

This third option of political judgement,¹³⁶ though, cannot be without reference to either of the first two

has seen fit to include an article with them all.

¹³⁶ This is not an attempt to express what this option would be. That would be a much larger work then could possibly be contained herein. What will be attempted is to show that there can be such a possibility of doing so already established within Kant and that this new method is neither of the first two systems that it seeks to replace. This is an attempt to express the schemata of this

options, ideology and utility. They must be preserved in any new system. They are necessary parts of the system. The schema will only join the two parts together. To start, we must change our focus to another work of Kant's, CRM. It is within this book we see the establishment of a rational moral code. It consists of three factors. 1) Act only on the maxim through which you can at the same time will that it should become a universal law of nature¹³⁷. 2) Act as if all people were rational beings. 3) Act as if these people were ends and not means.¹³⁸ Clearly, we can see that this does share some aspects of each of the other options and perhaps is analogous to both. The ideological aspect of our first system presented can clearly be seen in Kant's first premise of the universal maxim. The second option, expressed in this chapter, the option of utility, can be seen as using people as means and not ends. With the inclusion of the third option we establish a system that is neither of the first two political systems. The third option having to do with the treatment of people as rational beings necessarily implies that they are free. It is best that we pause here for fear of being denounced for using an ambiguous argument. For could we not simply assume that there is a notion that humans are free and that the notion of freedom is present in

philosophy, an, as yet, unseen notion. The subject and object are already contained within the CRJ.

¹³⁷ N.B. Kant's use of nature in this formulation.

¹³⁸ Kant, Metaphysics of Morals, Ibid. p. 39. my rephrase.

both political systems of ideology and pragmatism. Hence, all three elements of Kant's moral laws are present in the combination of both theories. Kant would then seemingly have arrived at nothing new in this so called "third Option." (This is the way Kant is presently interpreted in the literature, see the combination theory used above.) Unfortunately, to do so is to overlook one prominent fact. We must assume that freedom is present in both systems of political philosophy, however, this assumption is without proper ground. If either systems had thought that freedom was important then they would have seen fit to have included it specifically. It was not done in either case¹³⁹. Arguments can be made that the notion of human freedom is not part of either philosophical tradition. Let us again make the supposition that this was in the minds of these writers and that this objection is overcome for the moment. Even then, what may not be assumed by us here or proven elsewhere is that all three elements have ever been explicitly present in any one system. Each of the first two options is missing one element of the moral law. As such, this third option, of Kant, is neither of the first two, as it does contain, explicitly, both freedom and all three elements. It then

¹³⁹ The opposite may be inferred in each case. People have no freedom in Plato, only the Guardians make judgements. The people are reduced to the sum of their passions in Utilitarianism. Instead of being free rational people they are mindless beast in search of pleasure.

must be an alternative third option, different from the first two. It may be similar to the first two but a progression nonetheless into something that is neither of these first two options but something new. We now beg the question of why we do not simply use the categorical imperative as our political philosophy and consider the thesis question as solved without further ado. The problem then arises of why the categorical imperative was not used as our base for the new political philosophy in the first instant. The simple answer is that the categorical imperative was for morality and not political discourse.¹⁴⁰

We must make a note here to clarify what exactly it is we are referring to as political discourse, before returning to morality. The easy answer is to assume that any type of communication would suffice as defining a political philosophy. That is, any type of discussion that involved politics would then be a political philosophy. This is not sufficient nor is it something that frivolous to which we refer as political philosophy. What is meant by political discourse can be seen as;

"Public discourse is essentially published discourse. Books, so long as they are freely available ... are ... desirable, regardless of the content."¹⁴¹

¹⁴⁰ The more complicated answer will be seen in chapter 5.
¹⁴¹ Shell, Ibid. p. 171.

What was once a marvel, the Gutenberg Press, is today an anachronism. There is so much information available from Television, to the Internet. This includes speciality channels and even more specific speciality magazines. We may be better served to assume that while Kant only assumed books to be of discursive quality, he did not, nor could he foresee the advancement of technology. In the period in which Kant lived though, the discourse was by way of letters, books or journals of a very small circulation. We may broaden this definition to include any type of public process that is recordable. The use of books in Kant's time was the only real public record that lasted and was circulated. Today, the same records of the public process could be found still in books but also in other mediums, where events are recorded just as assuredly as a pen to paper for a book. This would then also include the recently useful internet, as well as the multitudes of magazines that publish scholarly works and other forms of media that exist to make information available to all people¹⁴². Thus political discourse, the way in which we make judgements of a political philosophy, can be seen as any permanent record of our thoughts and actions, whether by newspaper, magazines, video or electronic medium or whatever. The sole criterion being that it is political, circulated and

¹⁴² Audio books, CD ROM Books, the list is endless.

available to the public, to inquire and to participate in for a period of time. Even if that participation is solely based on the inquiry itself.

What still eludes us, is the connection between this new system of political discourse and the CRJ. Morality is supposed to be for any rational being, in any time, place or what have you.¹⁴³ Political discourse is based on the particular, unique circumstances of the time, place, and events that have arisen. Simply put, politics is about particulars.

"Kant defines judgement¹⁴⁴ as the faculty of thinking the particulars as contained under the universal."¹⁴⁵

It is this quality we have been trying to establish for our third option as a political discourse. An example would be "... judging this (sic) rose and only by extension do we broaden it into a judgement of all roses."¹⁴⁶ Where do we find the notion of beauty in Kant? We find it in the section on Aesthetic judgement that is found in CRJ. Thus showing that the categorical imperative can be used to give some ability to focus the universal into the particulars through judgement. From this, we can see that political judgement

¹⁴³ Shell, Ibid. p.155.

¹⁴⁴ My emphasis.

¹⁴⁵ A. C. Genova, "Kant's Complex Problem of Reflective Judgement," Immanuel Kant Critical Assessments Vol. IV, Ruth Chadwick, Eds., (New York: Routledge, 1993) p. 57.

¹⁴⁶ Ronald Beiner, Hannah Arendt Critical Essays, Ibid. p. 367.

may be contained within Kant's system. The main question that remains then must be to ask if the categorical imperative is compatible with the CRJ.¹⁴⁷ For the notion of reflective judgement which is political judgement is a unique thing different from the notions of judgement that Kant had already established in his other works. The use of judgement is contained in CPR, CPM, and CRJ. Yet the type of judgement we are concerned with here is not from the first two works but only the last, CRJ.

Kant had seemingly contradictory opinions on the French Revolution. In order to find the path from our postulated third option back to a particular work of Kant, should we not then return to his views on the French revolution as a possible bridge over this chasm. Our search reveals the following: "... The French Revolution is to be understood, at least by analogy to natural Teleology is made clear in CRJ."¹⁴⁸ In what way is this so?

"Kant specifically emphasise that his concern is not with the actual deeds of the political agents but only 'with the mode of thinking of the spectators which reveals itself publicly in the games of great revolutions, and is manifest such a universal yet disinterested sympathy for the players on one side against those on the other, even at the risk that this partiality could become very disadvantageous for them if discovered. Owing to its universality, this mode of thinking demonstrates a character of the human race at large and all at once; owing to its

¹⁴⁷ See Chapter 5.

¹⁴⁸ Beck, Ibid. p. 406.

disinterestedness, a moral character of humanity, at least in its pre-dispositions.'"¹⁴⁹

Teleology as defined above is the theory of interest in ends not means, but not the ends of a "World Spirit" or of the "Proletariat". It is the ends of the individual exercising their autonomy. The actions of the spectators are their ends-in-themselves. For that moment in time, their judgement is expressed without anything but their freedom as their guide and their ruler. These moments pass and the next judgement is based on or caused by all previous judgements as a backdrop to be used as means to achieve a new judgement at a future time. Similar to the stage of an actor, judgements fill the stage with props. The actions of the revolutionary are their autonomous judgements taken in freedom not the theoretical musing of academia.

Just what is this thing called Judgement

The objective of our direction is what then is the third path or option? While not able to answer fully such a monstrous question, we can define the subject in broad strokes. One must first understand what it is that is meant by Kant as he uses the term judgement.

"When Kant speaks of 'judgement', in whatever context, he does not seem to have a linguistic act primarily in mind."¹⁵⁰

¹⁴⁹ Ronald Beiner, Hannah Arendt Critical Essays, Ibid. p 371.

"Where we are apt to think judgement as linguistic utterances, Kant pays only slight attention to verbal expression of thought. ... His position is better captured by our thinking of the linguistic formulations as, so to speak, transparent, something to be 'seen through' to the mental acts 'behind' them, to the experiences they 'reflect'."¹⁵¹

This is an expression of the teleological aspects of Kant's thinking. The possibility of using the CRJ to achieve political judgement is best examined by looking at the notion of Beauty in CRJ. What has been previously established is that political judgement has to do with teleology. Political judgement as well as judgement is a product of aesthetic, teleology and a schema to weld them together. Kant's teleology has to do with nature. Nature has a relationship to Beauty.

"Kant does not wish to make a sharp distinction between beauty in nature and beauty in art, but to understand each in terms of the other and to refer to a common source. At first glance the chief difference between them is that, unlike beauty in art, natural beauty gives a hint to the conformity of nature to our purpose. But a work of art cannot be beautiful unless it has a soul."¹⁵²

(There is a similar difference in the area of political discourse between what is right for man-made and what is

¹⁵⁰ Eva Schaper, "Epistemological Claims and Judgement of Taste," Immanuel Kant Critical Assessments IV, Ibid. p. 213.

¹⁵¹ Ibid.

¹⁵² R. K Elliot, The Unity of Kant's Critique of Aesthetic Judgement," Immanuel Kant Critical Assessments IV, Ibid. p. 301.

right for nature. This is similar to the distinction between action of things made and action taken.) The man-made part of politics must in some way be joined with the nature of his being. Man must be governed in such a way that it is harmonious with his own nature. Hence what is the nature of man and from there we can establish what is the way man must be governed.

The first thing to be expressed then, must be the nature of man. What is Man for Kant? Man is rational.¹⁵³ This means that a person who is considered a person must also be considered to be a rational being. They can understand what is around them by schematising it under their intelligible faculty to make sense of what the world has to show them. They can then also see what is in order with the world and what is not in order with it. From this they can establish morality by not contradicting themselves. (In what work then does the existence of man become the more important element of the philosophy?)

"The Kantian aesthetic experience rest upon the metaphysical principles: primarily upon the notion that the aesthetic experience is not a second-rate phenomenon, but ... rather a phenomenon of the utmost existential¹⁵⁴ importance. Its importance lies in its being the only channel whereby men can apprehend the rays of the noumenal¹⁵⁵ world filtering through the phenomenal world."¹⁵⁶

¹⁵³ CRP.

¹⁵⁴ My emphasis.

¹⁵⁵ This noumenal world would include freedom, God and two other things of importance, which are discussed in CPR.

¹⁵⁶ Robert Zimmerman, "Kant: The Aesthetic Judgement,"

Man, then also establishes aesthetics in order that,

"... the significance of the aesthetic ... (judgement is) that it displays the rational character of nature. This rational character must be an order of purposiveness and design which obviously consists of intelligible conceptual properties."¹⁵⁷

Can this not be seen as the simple distinction between right and wrong or good and evil.¹⁵⁸

Kant expresses a further distinction in aesthetic judgement that it is necessary to understand and that furthers our proof. This distinction is between judgements of taste and judgements of sense.

"Judgement of sense are completely subjective and usually involve the judgement that one likes or dislikes something. Judgements of taste, however, involve the judgement that such and such an object is beautiful. Although it is also subjective, in the sense that the presentation of the object was referred to the self, Kant makes the argument that a judgement of taste is also universal. In the case of judgement of sense - the expression of the opinion that one likes an object - one does not necessarily expect others people to concur. However, in a judgement that something is beautiful, a judgement of taste, Kant maintains that one expects and even demands universal assent."¹⁵⁹

One may be allowed to have any judgement of sense that one wishes to hold. This can be seen as mere opinion. Yet the notion of a judgement of taste is more overt in that it

Immanuel Kant Critical Assessments IV, Ibid. p. 173.

¹⁵⁷ Ibid. p. 169.

¹⁵⁸ The word evil is over-used in society. It is used here with no religious overtones, but simply as a more formal version of "bad."

¹⁵⁹ Meade, Ibid. p. 245.

must be a universally held opinion (truth). To be a political judgement an action must be taken. In so doing it is necessary that there be an exchange of opinions. For "Besides common sense, the exchange of opinions makes judgement possible."¹⁶⁰ In politics, this can be seen as the action of proposing new legislation or laws upon a subject. It can also be seen as much more. All motion of a person could be seen as an action and hence a judgement of something, whether of taste or sense, which must be established. An action taken in the area of political discourse must be put forward where it can be established if it is according to nature and to the views of the populace as a whole. It must be judged. This would then also necessitate that the governing system be a republican, democratic one.¹⁶¹ While this may not establish a universal proposition of the proposed legislation, within the teleology of history, it can be seen as a judgement of the populace that they did not stand up and revolt or take action against the oppressive measures. This is the old Roman law of "he who is silent is said to consent." If you

¹⁶⁰ Margaret Canovan, Hanna Arendt a reinterpretation Of Her Political Thoughts. (Glasgow, Scotland: Cambridge University Press, 1992.) p. 228.

¹⁶¹ One need only look in Kant to see that he did have secret fascination with democracy. It is noted in CPR as well as in Perpetual Peace. Both have overt references to democracy, but more so in Perpetual Peace, where the one world government is run by democratic means of the rational individual.

take no action against onerous laws then you must be in agreement with them. There is no neutral ground. By not disobeying the law, we are said to follow them. This then establishes an acceptance of these laws. By lacking the passion to oppose, we acquiesce.

This gives leave to the problem of the will. If the will is involved in the discourse of opinion then it will lead us to tyranny for since if a person has judged 'A' to be correct, then he must make all people see that 'A' is correct. Those who hold 'B' must be forced to submit. The will would create problems such as Rousseau's idea of forcing people to be free. Arendt felt that this problem would arise for the categorical imperative. This cannot be allowed to happen in judgement. With the doctrine of freedom, you cannot be forced to take an action. Nor is it reasonable in the face of enlarged thought. If it is possible to force you to think the way someone wants then you can force someone to do the same thing. This does not ensure rationality, only terror. By not invoking the will as a means of opposition to bad political discourse, we remove this problem of the will and remove the need of neutral actions.

We have established that there is an apparent contradiction that is resolved upon closer inspection. The inspection reveals that there is at least a prima facie case

for the CRJ to be used in political discourse. There is also a predisposition that this new system will be compatible with the notion of modern democracy. Yet we have one last problem to explicate before we move on. The careful reader will have noticed the shift from one to another book of the two in CRJ, the one on aesthetics to the one on teleology. The question that arises, quite naturally, in which book do we find our hidden political judgement? We must keep in mind that Kant always held that division should be threefold. "1) Condition, 2) The conditioned and 3) the concept that arises from the union of the two."¹⁶² So of the three then where do we find our political discourse? Where do judgement of actions and praxis occur? We may make arguments for this in two manners. Aesthetics or teleology may be the condition or the conditioned. It may seem that aesthetics is the condition to know the beautiful and teleology is the conditioned to show us how this has occurred. We may try this another way in that teleology shows us the condition we live in and the conditioned is aesthetics shaped by the past. Either way, this argument establishes one thing, that judgement must be a concept that arises from the union of the two. Aesthetics and teleology join to form and create anew this thing we call judgement. Thus where do we find judgement in CRJ? The answer is we do not. The role of

¹⁶² CRJ, Ibid. p. 31n.

judgement is that of the combination of the subject, aesthetic and the object, teleology in a third, unseen and unwritten part, the schemata. Thus we use both aesthetics and teleology to create our schemata, but judgement is not limited to any one part of the three but must necessarily have all three elements within itself. This transcendence of the two works, aesthetics and teleology is a necessary step in reaching a doctrine of political discourse and in seeing Kant's political philosophy.

Marx

Introduction to Chapter Four

This fourth chapter will be the first to oppose the notion that it is possible to establish a political judgement from The Critique of Judgement. In the context of this chapter there are two ways in which it is possible to oppose Kant. The first is the materialistic method dealing with Kant's notion of property and how he may have felt about the issue of capitalism and exploitation. Arguments that while central to the political philosophies of Marxism are not part of our purpose here. As such they will not be dealt with here. In order to clear our path to this objection to Kant, we must first restrict our discussion to what is pertinent to this issue. It is clear that there are many ways in which Marx could attack Kant. Yet one prong of these attacks would be on the very nature of Kant's political system in actuality. An attack on the fundamental notion of Kant's established philosophy of political issues. This would include the idea of what is property. While important, this type of discussion is irrelevant to the subject at hand and must be cast aside for others to consider. There are other works that deal with such issues, but here is not the time or place for such a discussion of

the specifics of the issue.¹⁶³ We will be drawn into this issue as a matter of course but we will not be concerned with it as a specific problem, only as a theoretical one.

What must be done is to extract the metaphysics from the materialism of Marx's view. Beginning with Marx's disagreement with Kant's system, we establish that for Marx the good will of the categorical imperative of Kant is not enough to base a system of judgement upon. Thus a need is present to divide the philosophy of Kant's morality from the judgement, action and praxis hitherto contained in the CRJ. The notion of morality in Kant has no expression in the world. Thus Kant while he established a workable theory, it has no use value in the conditions of the world. Philosophy alone is bad. The point of philosophy is to change the world not just talk about it.¹⁶⁴ Yet this is not at all an attack on Kant, though it does appear to be that superficially. This is a call upon Kant to establish a method for his philosophy to enter into the world. What was brought against Kant will then be an argument for us to establish such a method, not just any method, of founding judgement upon the world. What we have with this argument, is a new call for the possibility of judgement.

¹⁶³ Howard Williams, "Kant's Concept of Property," Immanuel Kant Critical Assessments I, Ibid. p. 389.

¹⁶⁴ Tucker, Ibid. p. 145.

Good Will is Not Enough

"The state of affairs in Germany ... is fully reflected in Kant ..., the impotent German Burgher did not get any further than 'good will'. Kant was satisfied with 'good will' alone, even if it remained entirely without results and he transferred the *realisation* of this good will, the harmony between it and the needs and impulses of the individuals to the world beyond. Kant's good will fully corresponds to the impotence, depression and wretchedness of the German burghers, whose petty interests were never capable of developing into the common, national interest of a class ... "165

We may further this point by quoting Georg Lukacs. In a similar vein, Lukacs holds that "Kant did not go beyond the critical interpretation of ethical facts in individual consciousness." It is "transformed into something merely there ... " which has certain implications, that he explains as:

"the absence of a real, concrete solution, the dilemma of freedom and necessity, of voluntarism and fatalism, is simply shunted into a siding. That is to say, in nature and in the 'external world' law still operate with inexorable necessity."166

As Kant would write;

"Now nature is in the common view, the existence of things subject to laws."167

¹⁶⁵ Marx, *Ibid.* p. 226.

¹⁶⁶ Georg Lukacs, History and class consciousness, (Cambridge Mass.: Merlin Press, 1971) p.124-125.

¹⁶⁷ CPM p.57 as cited by Lukacs.

"While freedom and the autonomy that is supposed to result from the ethical world are reduced to a mere point of view from which to judge internal events. This ensure that hiatus between appearance and essence (... between necessity and freedom) is not bridged ... Even worse duality is introduced into the subject ... splits into phenomenon and noumenon. " ¹⁶⁸

This dilemma is "unresolved and insoluble".¹⁶⁹ Obviously, what is meant here is that the notion of good will is not enough for Marx or Lukacs. This can be applied to many aspects of Kant's work. Lukacs goes even further in his attack to show the specific area where the fault lies in Kant's philosophical mannerism. The main issue though can be seen in Kant's notion of morality, where if you try to do your duty for the right reasons then even if you fail in that duty, your action is still moral.¹⁷⁰ This is not enough for Marx and completely insufferable for Lukacs. In the Marxist's all-encompassing notion of Materialism, to call something moral, there must be an accompanying action. This action must be to create a better world for those who need it, in this case the proletariats.

" ... The proletariat is the conscious subject of total social reality. But the conscious subject is not defined here as in Kant, where 'subject' is defined as that which can never be an object. The 'subject' here is not a detached spectator of the process. The proletariat is more than just the active and passive part of this process: the rise and evolution of its knowledge and its actual rise

¹⁶⁸ Lukacs, Ibid. p.124-125.

¹⁶⁹ Ibid.

¹⁷⁰ Kant, Metaphysics of Moral, Ibid. p. 39.

and evolution in the course of history are just the two different sides of the same thing."¹⁷¹

What is therefore, required is for the person to take an action that reflects this concept of good will in Kant, not simply the expression of it. This would have the person, be they proletariat or not, take an action that would solve the problems and present a bridge across the gap. Hence if we were to allow the non-action or the neutral action, this argument would be entirely successful. Remember Marx wants to change the world not express it.¹⁷² What is clear is that with only the categorical imperative to work from, a Kantian moralist is helpless in a political situation, as Lukacs points out. According to Marx the proletariat is not helpless in a political situation. Knowing the moral does not translate into doing the action that will change the world for the better. To put this more squarely in our present discussion, what is called for by Marx is for an action or a praxis that demonstrates the idea of good will as it is expressed in Kant. Marx feels that Kant can only give thoughts instead of actions in his philosophy. If we cannot find a manner in which it is possible to have both the morality of Kant's categorical imperative and the action of a judgement combined into one, we have failed in our efforts. For what good is it to be able to tell the tale of

¹⁷¹ Lukacs, Ibid. p. 21

¹⁷² Tucker, Ibid. p. 145.

a moral but not to do it. This must also be done in such a way that is also consistent with the other works of Kant, for if it is not, then while we may have a system for political discourse, it would not be Kant's, and that is what we are trying to prove as existing.

We have seen previously that the notion of judgement is not the notion of morality except in so far it is recombined in a person's judgement, praxis or action. Hence would Marx's criticism not be a call for us to take such a step forward, to progress, in Kant's works and make that recombination. What is unfortunate is that while Kant's theory of morality is sound, it is not so as a workable philosophy of politics. The problems are many and easy to see in this notion of morality in Kant.¹⁷³ Yet lest we forget, the categorical imperative was never intended to be a praxis, it is a theoretical work. The categorical imperative was designed to show what morality was, is, and will be for any rational being in any place in the

¹⁷³ The criticism of Kant's categorical imperative is usually taught in first year undergraduate philosophy of morals. Space would be wasted for such a basic attack. It is not beneficial for us here to establish such a case. Please see the following basic source books for further enlightenment:

T.Z. Lavine, T.Z. From Socrates to Sartre: The Philosophical Quest, (New York: Bantam, 1984).

Bertrand Russell, History of Western Philosophy, (London: Unwin, 1979).

William Sahakian, History of Philosophy, (New York: Barnes and Noble, 1968).

Frederick Copleston, A History of Philosophy Vol. IV, V, VI. (Toronto: Doubleday, 1985).

universe.¹⁷⁴ It was not a call to action but a rationale for behaviour in a moral crisis, 'What one ought to do', in any time, place or situation. Lukacs, is ever helpful with more nails for this coffin. He writes:

"Thus every theory of the 'ought' is left with a dilemma: either it must allow the - meaningless - existence of empirical reality to survive unchanged with its meaninglessness forming the basis of the 'ought' - for in a meaningful existence the problem of an 'ought' could not arise. This gives the 'ought' a purely subjective character. Or else, theory must presuppose a principle that transcends the concept of both what 'is' and what 'ought to be' upon what 'is'. For the popular solution of an infinite progression (towards virtue, holiness), which Kant himself already proposed, merely conceals the fact that the problem is insoluble."¹⁷⁵

The establishment of such a thesis of morality was to be theory and not to be a philosophy of action. For though Kant's theory of the categorical imperative does contain a call to action, it is an absolute call, to be of use as a guide for anything, anywhere and anyone, not for everyday living or the faint of heart. Nor is it of much use in a complex, ever-changing world of the political. Such a situation is similar to the "Good" of Plato. As shown previously, (Ch. 3) such a method is not very useful for our purposes or without problems that are very difficult to overcome when dealing with ordinary, daily situations. Therefore, instead of trying to repeat the old mistakes of

¹⁷⁴ Shell, Ibid. p. 155.

¹⁷⁵ Lukacs, Ibid. p. 161

the past, we must separate the theory of morality that is absolute, the categorical imperative, into judgement, a praxis that is answerable to a political discourse with an accompanied action.

Yet how is it possible to separate the two issues? Certainly as Shell points out;

"Both Kant's metaphysics and his jurisprudence are theories of property. Both knowing and having are ways of appropriating or securing a right to the use of a thing, be it a concept or an object in the world."¹⁷⁶

How then can it be claimed that there is a difference between his theory and an action as claimed above? If his theory of metaphysics is a theory of property and his theory of morality is derived from his metaphysics, then are we not running in circles? Are not his theory of metaphysics and his jurisprudence the same thing? Would it not be so that his theory of morality is based on metaphysics is based on property? Marx and Lukacs would be right then to assert that Kant's notion of morality and his notion of property are useless to us, and hence are not worthy of being included in political discourse. (The answer lies in not trying to worm out of the issue by denying that Kant associated both metaphysics and jurisprudence as theories of property but to examining what it is that a person should do or have with their actions.) Thus we look not at the thing, property,

¹⁷⁶ Shell, Ibid. p. 179.

object, but go beyond it to the teleology of his thoughts of a person, the subject. The traditional notion of a citizen from the Greeks on, was that of a leisure class, similar to the burgher of Marx.¹⁷⁷

"Kant emphatically rejected such a claim of privilege ... According to Kant, all active citizens whatever their wealth or station, are entitled to an equal vote. It is not leisure which defines the citizen but self employment. Only the mode of acquisition and not the amount acquired has juridical significance. The active citizen, who works at tasks he set himself, is the embodiment of reason, for which task setting is the quintessential activity."¹⁷⁸

Therefore, it is not property that we must look at to judge Kant, but what is implied by it. The implication being that there be a free acquisition of property by all, and that men be allowed to act on their task set by their reason. To acquire property is an action, a 'thing done'. One does not dream of a piece of land only to have it appear in front of you. One must buy it or acquire it in some manner. The rules of morality tell us how it is possible to acquire a property in general but nowhere does Kant tells us to buy a property on the corner of Main and First street. We take the action of buying the specific property. The dualism of Kant, that Lukacs refers to is overcome when one includes an action that while being part of the subject and object has a third part, the schema, involved. The union or schema

¹⁷⁷ Shell, Ibid. p. 158.

¹⁷⁸ Ibid.

of subject to object is where an action occurs and that is where we have a moral act and judgement. Morality and judgement are combined in man. What is here established by Lukacs and Marx is nothing more than another call to a modern democracy where all can participate by expressing their judgements with actions upon the world. They can all acquire property by using their morality, good will and judgement as one and the same thing.

Theory is not the point

As established so far in this discussion of political philosophy, we have not included the make-up of the government. It may have once been true that the government was the ruling class and that people could not do anything about their decisions, but that is not supposed to be the case in a modern democracy. Kant also thought along similar lines, hence infinite progress. What is Kant's notion of what a government should be?

"The powers of government, which proceeds out of the concept of a commonwealth, are just so many relationships in the united will of the people, which originates a priori in reason."¹⁷⁹

What then is clear is that a government should be to make the wealth of the nation common to all, not to a specific class or group that rules as Marx implies above. At

¹⁷⁹ Shell, Ibid. p. 162.

least to allow to all the same chance to have a share of this wealth by their tasks and actions or judgements. The opinion of the people must not be divined through osmosis, but through the judgements expressed by people's actions that express their feelings on this issue.

Does this then mean that morality is missing from Kant's notion of citizenship? What is the place then for morality in the political discourse expressed through praxis, action and judgement.

"Man, ... belongs at once to two worlds. One is the world of sense, the other is the intelligent world.¹⁸⁰ As a member of the former, he is subject to natural inclinations; as a member of the latter, he is subject to a universal moral law. His membership in the two worlds is revealed to man in his moral experience.¹⁸¹"

The duality of man can only be answered in the understanding of what man is, in other words philosophical anthropology. What then is it to be a man? It is to have judgement of the world and to have morality. Both need to be present if we are to deal with a rational person. The two are necessary or else without judgement we would live in the state of nature with no progress. Without morality, we would live in the Hobbesian state of nature where "the life of man, solitary, poor, nasty brutish, and short."¹⁸² This then

¹⁸⁰ His metaphysics in CPR.

¹⁸¹ Emil Fackenheim, "Kant and Radical Evil," Immanuel Kant Critical Assessments III, Ibid. p. 260-261.

¹⁸² Thomas Hobbes, Leviathan, (London: Penguin, 1986) p.62.

leads us to how does a man express the two? How is it possible to serve two masters and be true to both yet still do our duty and to "ourselves, be true"? The answer is in our expression of a Judgement of Taste. The unification of the subject to the object through the schemata. Action and praxis express judgement where both, morality and intelligence are combined into the world so that all may then judge us for our actions and our morality. Neither our thoughts nor our understanding is needs to be orally expressed for our actions speak louder than any words possibly could.¹⁸³ Hence man is not an impotent gelding in the political discourse without morality. He is a person of action whose actions are the judgement of his combination of this duality of the two worlds of finite infinite that man is a part of. The combination of the two is missing from Kant and hence for this thesis, it is the missing link.

Praxis

What would it entail to be such a person of morality and of the world? To explain this, we return to philosophical anthropology. What is man? What was man in the first instant that he has now progressed to such a place at this time, (whatever time we may be speaking of). First,

¹⁸³ Hence Arendt definition of action is more wrong than right. See page 43 and footnote 85.

what is man? Man is a rational individual. This rationality can be expressed as in Kant's maxims of common human understanding.

"1) To think for oneself; 2) To think from the standpoint of everyone else; and 3) always to think consistently. It is the second of these, which Kant refers to as the maxim of enlarged thought, which concerns us here."¹⁸⁴

"... For it is the second of the three maxims which, according to Kant, belongs to judgement."¹⁸⁵

Note the similarity here with the categorical imperative. Also these three principles are common to all members of that group that are considered to be rational. Hence all of them are capable of judgement. All of them are man.

The next question is where is man from? Where did he begin? Man is born of nature. Man leaves his humble beginnings by using nature for his own ends¹⁸⁶, by his own actions. Hence, man leaves his natural beginnings by taking his first action of judgement. Yet if he does so then he must also give the same privilege to all others who are also rational beings, the doctrine of expanded thought. For to take for himself is to offer to all as consistency demands of us. All other people become the selfsame owner of that nature¹⁸⁷ as with the first man to take such a step in

¹⁸⁴ Ronald Beiner, Hannah Arendt Critical Essays, Ibid. p 369.

¹⁸⁵ Ibid.

¹⁸⁶ Shell, Ibid. p. 116.

ownership. The next step must be taken when man claims his property only for himself, through his own actions. Thus all, through the same action, can become property owners if they judge themselves to do so.¹⁸⁸ Thus "the revolt against nature begins with the individual; its completion is a collective enterprise."¹⁸⁹ When all members of the community take control, ownership, of their property, they have collectively done so as a group of individuals and not as a mass of one entity. This statement is proof of nothing more than man's need to control his destiny out of nature, it is surprisingly similar to Marx's own concept of philosophical anthropology. This may lead one to assume that while Kant and Marx are very different, their difference is perhaps not as wide a chasm as Marx would have us believe. The difference is that Marx would hold for a collective mass and Kant would hold for a group of individuals. Even for Arendt, the connection is apparent as she wrote to Karl Jaspers on Christmas day 1950,

" ... There is Marx the revolutionary, whom a passion for justice has seized by the scruff of his neck. And this separates him most profoundly from Hegel and unites him, it seems to me, in a not entirely visible but very powerful way with Kant."¹⁹⁰

¹⁸⁷ Shell, Ibid.

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ Kohler, Ibid. p. 160.

Though as we shall see, the gap still exists. Even as man revolts against nature to take possession of it, he gains a right to it or perhaps even a sense of justice to what is fair. Not necessarily what is moral for that is implied in the action, but for what is fair (common to all) or the just. The things from nature become his property, his physical possessions. Hence, there is private property which is an anathema to Marx. If men then distribute it to others, they show the good will of which Kant writes. That good will is not enough for Marx.

There is also a direct relationship between what is man and where he came from, as both contain the necessary quality of enlarged thought. Man must stop thinking of the subjective and think of the whole, subject, object and schema, to be rational. Man must enlarge his thoughts to grasp nature at the same time he reaches out with his hand to grasp the fruits of nature. To finally escape nature, with progression, he must take control of nature not only in his own name but in the name of all people. For what one can do all must then be able to do. This is done as a collective group of individuals, yet there is no collective mass involved here. It is a collection of many individuals joined together. The distinction may be posed as follows. "So what does this prove if there is a collective?" The answer is that if there is a collective of man then there must be

something that drives it. This is the notion of enlarged thought. Man must expand beyond his own consciousness to transcend into the world. When man does so he must allow all men the same privilege. When all men have that privilege, they become a community. And from this community, we derive a collective commonwealth. Yet the notion of enlarged thought is a form of common sense which is an individual attribute of a person. Two people do not double their enlarged thought, any more than they double their common knowledge. A collective is composed of individuals in discourse so that a resolution is formed and an action taken. Whatever drives this collective, tacitly refutes Marx's notion of Kant's action being as impotent as the German Burgers. That something must be more than the passion for material things, for that would simply imply the Utilitarianism version of judgement. This thing must also be connected to the rationality of beings. For what the collective wants must be passed as a judgement. How can the collective do anything that is not an action? The public is also an expression of its judgement upon the world. (Unfortunately if we were to stop here, what we would have is nothing but a sort of Rousseauian social contract¹⁹¹ that might leave us with the mistaken impression that this

¹⁹¹ Jean Jacques Rousseau, The Social Contract. (London: Penguin, 1971).

---, The Basic Political Writings. (Cambridge: Hackett, 1987).

collective is important.) There is no such idea of a collective in judgement except as an abstract to represent what the combination of all represents to the world. If our judgement of the world is dictated by the will of the people, we have neither will nor judgement. What we have is a degeneration into a mindless blob of desire that answers to the lowest common desire. This will is a tyrannical force that would then force all to submit to it. The one with the power is the only one allowed to have a will. A man to revolt against nature must free himself from it, to free himself from the mindless mob, to transcend from nature into autonomy. This also means that a man must free himself from others in the mass who are also part of nature. Man must be rational but this is not a generic grouping but an individual part of our own rationale. A person makes a judgement that is unique and autonomous to himself though others may take a similar action, they are arrived at individually. There is not a collective. Such as a piece of art may start a school, no piece of art is a school in-itself. Each judgement is as unique and as beautiful as any piece of art. Each action is that piece of art. There may be many copies but all are done individually. Thus a mosaic, a picture made up of many coloured pieces, is presented to the historians of bygone days to judge the merits of the work. Nowhere does the mosaic become a melting

pot.¹⁹² The historian must remember that the whole of the mosaic is to study the single piece of colour. A melting pot of collective will is a mob of the masses. An individual is a work of art. This can be seen when we examine what it is to be a person in society. A citizen who is not a participant in the society, not exercising judgement by taking action, is not a full-fledged citizen. They simply cannot exist. For if they are rational they must take actions, follow some praxis and make judgements. These type of people are no better off than when they were in nature or if they were part of a mob with no control or autonomy over their actions. The list of such people in a mob or in nature, contains the very people who cannot control their destinies in any meaningful way. Kant lists

"apprentices to merchants ... servants who are not employed by the state, minors, women in general and all those who are obliged to depend for their living ..."¹⁹³

While this discriminates against women in our society, it shows the type of person who is incapable of being their own person. Women were not considered as capable in Kant's time.

"There is nevertheless no principled objection to women being active citizens. At any rate, nothing which has been said so far precludes this possibility."¹⁹⁴

¹⁹² No reference is intended to the notion of a Canadian Mosaic and the American Melting Pot. Though the reference presented is clear enough on that idea.

¹⁹³ Kant, Metaphysics of Morals, Ibid. p. 139.

These type of people are powerless to be themselves or to act as individuals in any meaningful way that is not in some way censured or controlled by the wills of others above them. They lack autonomy in their judgements due to influences of the material world. These people are impotent to take actions or to show judgements without losing their very lives due to their dependence. "What is crucial for active citizenship, therefore, is being one's own master or being independent of the will of others ... "¹⁹⁵ Simply stated, one must be able to be active, have a rationale and be able to use it to express judgements of the world. Hence, a citizen is active in his or her judgements and by such an act, creates a single colour in the mosaic of the future to show in the teleology of judgements. The person who risks all, life, liberty and happiness are not the exception to our rule but are in fact the rule itself. Many people would not take such risks, they have in their autonomous judgement felt that the taking of an action is not for them. Those that do are simply following the same process of judgement with a different resulting action. Hence the revolutionaries have revolted, for in their judgement it is better to risk their lives than not to take action. Kant, who wrote that no one should revolt, can still be appreciative of these acts

¹⁹⁴ Susan Mendus, "Kant: 'An Honest but narrow-minded Bourgeois'?", Immanuel Kant Critical Assessments III, Ibid. p.375.

¹⁹⁵ Mendus, Ibid. p. 374.

for he himself has the same opportunity to rationalise and cast judgement on the same circumstances but with a different action being the result. To condemn the revolutionaries for their judgement is to condemn his own action of not being a revolutionary for that is his judgement of events.

So how is it that historians judge those actions of the revolutionary and the pacifist. What scale do we use to evaluate opposite opinions such as these two. First we have a community of thought. Each participant of that community, judges for himself what to do and then does that action. In the end we who have knowledge only through history must examine the teleology of the actions, and judge the result of the action in history and the actions taken for those ends. With the same rational faculties, we then establish the morality of the action in time. The person taking the action, in this case the revolutionary, has already judged the moral duty as has the pacifist. We then give our judgement and those who come after us will do the same. We may side with the revolutionary or with the pacifists. Historically, the judgements upon the French Revolution has swung from approval to disapproval and back many times. With each progression, we establish what is morality in our judgement against our own backdrop of life. Does this then cause the moral law to be mutable and subject to change over

time? Not at all. For with each progression, our knowledge changes as does the way we view the events of history. With the fresh information we return to either concur with the past judgements or overturn them. Thus we make history.

The lacking of a good will is removed from our consideration. We have established that Kant can work around this problem through judgement that is not dependant upon the tyranny of the will. In a community with common sense and enlarged thought of our rationale, we do actions praxis and judgements that do hold themselves to the categorical imperative but is tempered by the freedom contain herein it.

Arendt contra Kant

Introduction to Chapter Five

In this fifth Chapter, we return to Arendt to show where she went astray of Kant's path. We will establish that there is a need to amend her ways, a significant amendment but only an amendment. Arendt's position is that there is a clash between the categorical imperative and the CRJ. While, perhaps, this may be superficially correct, as we examine the subject we will establish that this contradiction is only an apparent one and not actual one. She feels that the categorical imperative does not fit into the Kantian system of politics. Yet, as we shall see, it does fit into the notion of judgement and that fit is where judgement differs from the other political systems. Kant would have both subjective and absolutes involved in our judgement, both this rose and all roses. Arendt does not want any absolutes involved in her theory, which is self-defeating. The combination of the two, absolutes and subjectivity, schematised into transcendence under judgement into action, is why this is a new direction and a new approach to what constitutes political discourse. By failing to grasp this distinction, Arendt set herself on a path for failure. Arendt's problem with Kant seemingly stems from her notion

of what is the categorical imperative and the implication of the will. It progresses into the way that the categorical imperative should interact with the notion of evil. Finally, there is the problem that Arendt sees in that even if all the problems so far discussed can be made right with Kant, he is still wrong in that there is a contradiction between the notion of end-in-itself and infinite progress. The two cannot be compatible according to Arendt.

The clash of the Categorical and the 'Critique'

To enter into this pathway is to show that while Arendt is very much a supporter of the idea that the CRJ can be useful to political discourse, she is not correct in the notion of why it is so or how to go about this.

"Arendt noted, there was a clash in Kant between 'the principle according to which you act and the principle according to which you judge,' because Kant's principle of action, his categorical imperative would not allow him to sanction violent overthrow of a legal structure."¹⁹⁶

If we may quote Arendt's notes on this subject,

" ... he discovered ... judgement ... but at the same time, he withdrew moral propositions from the competence of the new faculty."¹⁹⁷

We may also quote her lectures, where we find the following similar thought:

¹⁹⁶ Young Bruehl, Ibid. p.357.

¹⁹⁷ Arendt, Life of the Mind, Ibid. p. 255

"Kant's problem ... was how to reconcile the problem of the organisation of the state of his moral philosophy, that is, with the dictate of practical reason. ... The surprising fact is that he knew his moral philosophy could not help here."¹⁹⁸

Almost immediately we can see that this is superficially true. Kant's moral philosophy could not help in the state's political matters in its theoretical form, but it is necessary to judgement as seen in the last chapter.¹⁹⁹ Kant did admire the revolution that occurred in France but this in no way divorced him from his principles of morality and their connection to action. Yet that still leaves us with a much larger question. If we assume that the categorical imperative does not agree, or clashes with judgement then the system is not in agreement with itself and we have a problem. The two must be in harmony for an action to have value. Any action is a combination of the moral theory of the categorical imperative and the action of judgement in the CRJ. The argument that there exist an internal contradiction within Kant's theory is also echoed within the notion of judgement itself,

"This leads to a paradoxical situation. Without taste there is no art, on the other hand, taste will be the ruin of art."²⁰⁰

This quotation presents a similar argument that there is a contradiction within Kant. Yet both are wrong. In

¹⁹⁸ Beiner, Kant Lecture, Ibid. p. 16-17.

¹⁹⁹ See Chapter 4

²⁰⁰ Saner, Ibid. p. 297.

Arendt's case this supposed contradiction led her to remove judgement from the world of action into the world of contemplation²⁰¹. Yet, as we have seen earlier, for a judgement to be a judgement it must have an action associated with it, or more specifically a judgement can only be expressed as an action. Similar to the distinction between sense and taste, taste must be a universal notion while sense can be just for now. If not then this notion of judgement is nothing more than a badly changed version of the categorical imperative.

"The paradoxes ... can easily mislead the un-cautious reader. On a superficial reading they appear as cryptic and inconsistent ... one feels helpless at the apparent lack of coherence."²⁰²

The problem with Arendt is that is exactly what she does here. Arendt misses the point. She seems to have been misled. To trace how she arrived at this false path will prove to be enlightening, as we will return to Kant to show her error. The notion of man is the place to start. Arendt holds that with Kant we need to understand three different ideas of man, not one. What follows is only to be held on balance of probability, as she claims in her lecture on this subject in the following, (whether this would be included in her writing work is in doubt²⁰³.)

²⁰¹ Beiner, Hannah Arendt Critical Essays, Ibid. p 380.

²⁰² Zimmerman, Ibid., p.158.

²⁰³ As far as this author is concerned, any ways.

"The distinction among these three perspectives are a necessary precondition for an understanding of Kant. Whenever he speaks of man, one must know whether he is speaking of the human species; or of the moral being ... ; or of men as actual inhabitants of the earth."²⁰⁴

The distinction here is irrelevant. What we have is one and the same. A man must be all three. The distinction held by Arendt is that the human species is the 'end' of teleological judgement. The way we ought to be moral, moral beings, man, is from the CPM. The inhabitants are from the CRJ as inhabitants of communities with common sense.²⁰⁵ All three distinctions are needed to understand the concept itself. Just as we need the subject, object, schemata, or many other threefold distinctions in Kant, we need a threefold distinction of man. All three concepts transcend into a single unit of man for understanding what is the totality of man.²⁰⁶ Just as an ordinary man cannot be divided into three selves, we cannot divide man into three. We can claim that man is threefold and the difference is transcended by the schema to include all three distinctions. Just as man also includes within himself the subject, object and schemata of Kant's metaphysics. Where does this problem stem from? Arendt holds that Kant believes that:

"judgement of taste, is 'general communicability'. For it is a natural vocation of mankind²⁰⁷ to

²⁰⁴ Beiner, Kant Lecture, Ibid. p. 26.

²⁰⁵ Ibid. p. 26-27.

²⁰⁶ Just as the subject, object, schemata, transcend into understanding.

communicate and speak one's mind, especially in all matters concerning man as such."²⁰⁸

Fortunately, Arendt leaves us a footnote as reference. We return to Kant to understand what has lead Arendt to this place astray of the path of Kant. This paragraph is worth quoting in its entirety.

"The skill that men have in communicating their thoughts requires also a relation between the imagination and the understanding in order to associate intuitions with concepts and concepts again with those concepts, which then combine in a cognition. But in that case the agreement of the two mental powers is according to law, under the constraint of definite concepts. Only where the imagination in its freedom awakens the understanding and is put by it into regular play, without the aid of concepts, does the representation communicate itself not as a thought, but as an internal feeling of a purposive state of mind."²⁰⁹

Nowhere does this paragraph discuss talking or speaking, it can only be inferred from communication. This word communication implies much more than talk. Many other things are implicated within communication. One such notion that is implied is an action. This is the more probable understanding of the word communication. The role imagination plays in Kant is that of expanded thought, "to put ourselves in thought in the place of everyone else."²¹⁰ The role of the understanding is that of "To think for

²⁰⁷ One can only wonder what definition is held by Arendt to understand this version of Man used here?

²⁰⁸ Beiner, Kant Lecture, Ibid. p. 40.

²⁰⁹ CRJ, Ibid. p.138, sec. 40.

²¹⁰ Ibid. p.136, sec. 40.

yourself."²¹¹ The two must work together so that we may think consistently, the third part of this troika.²¹² This is necessary so that the subject may interact with the object or the concepts in question. When this happens together, the result is a harmony of thought within yourself and the ability to be rational. This allows for interaction with the objects of the world. There is no split but a transcendence that joins the three together to form one. There is no contradiction but a unity. The unity is within man, man as the rational, man as the moral and man as the judge. All three are simply man.

By seeing contradictions where there are none, the result is that Arendt:

" ... concluded that philosophical thinking has two sides to it and it is a mixed blessing from a political point of view, in that although solitary thinking can facilitate judging, which is politically beneficial, it is just as likely to deprive the thinker of all common sense in political affairs."²¹³

Obviously, what she sees as two combined notions of thinking would be a mixed-up, jumbled confusion in a person's mind. Fortunately what is really present here is that there are not two sides to thinking, there are three parts of the same faculty. All three work together to form one cognition. They transcend into one whole of a person. In

²¹¹ CRJ, Ibid.

²¹² Ibid.

²¹³ Canovan, Ibid. p. 273.

other words, both thinking and judging for Kant make up the parts of the same notion that is called by Arendt as only thinking. She claims, there is only thinking and no judging in cognition. The problem here is that it is not true to Kant. Nor is it feasible that thinking and judging are the same thing. The two are separated from each other. The two are also very different and in that difference is the whole problem. It should be noted that Arendt has made a distinction between the life in contemplation and life in action, and that this distinction is found throughout her work. For Arendt the two are separate. This is why she sees things as she does. The problem is that for Kant the "Human reason is not made for contemplation but for action."²¹⁴

If we hold that there is no difference between sense and taste then the CRJ is futile, a waste. Kant makes clear that there is a difference and it is that difference that Arendt has overlooked. The difference between sense and taste is major part of the CRJ. Cognition, to be of any use as a judgement, must be expressed, communicated, through an agreement of the two, subject-object, to form a third, a schemata, in the form of an action to show one's judgement of taste. To simply pontificate upon the notion in question is to reveal a judgement of sense. The two, sense and taste are easily mixed up and cause the reader confusion. Just as

²¹⁴ Shell, Ibid. p. 67.

it confused Arendt. She mistakenly uses judgements of sense when she means a judgement of taste and the opposite²¹⁵.

The fruitful thing to do is then ask what Arendt thinks an action is in relationship to her version of the faculty of judgement. This is not to be mistaken for her understanding of action in general. We shall see that she does recognise what action is for Kant. She just did not unify the two.²¹⁶ Her notion is that;

"We may not be able to establish moral rules by logical reasoning, but we can develop a faculty of judgement. Action may be a much less regular and predictable activity than the mere application of pre-existing maxims, but free action is informed by principles. To object that in the absence of absolutes superhuman standards there is no guarantee the we will get things right, Arendt asserts: there is (sic) no such guarantee. There are no 'banisters' for us to hold on to. We simply are in the position of acting and judging without rules given to us from outside."²¹⁷

Arendt has misunderstood Kant as the above clearly shows us. First, moral rules are established using the rational part of being that is common to all. The second sentence that claims that judgement is less than mere application of pre-existing maxims, but informed by principles is clearly the same as Kant's notion of

²¹⁵ Perhaps a problem of translation can account for this mistake.

²¹⁶ In charity, I believe that if she had had the time, she would have seen her own contradiction and resolved that it was her mistake and not Kant. Unfortunately, she did not have such time.

²¹⁷ Canovan, Ibid. p. 174.

judgement. It being more than the categorical imperative but within the framework of it, as such it is similar to the judgement of taste. Also, is there no guarantee that we will get things right? There is such a guarantee. It is called history. The previous judgements of man are re-subjected to new and different, perhaps improved solutions, and the judgements are repeated. Those judgements are often argued about for their merits and their flaws. In the continuous discussion lies a consensus of what is right and what is wrong, for the people of this period. Such that in the case of the French Revolution, our judgement has changed depending on what historical period we are witnessing.²¹⁸ This is done, and can only be done using the rationality that all are party to, as the base for discussion. Thus all people must be party to the notion of what is right and what is wrong. Their judgements are different. When a person looks at a historical subject taking an action, we must assume that this person has judged this action to be the best action possible for the circumstances. We have the hindsight to accept or reject those actions. The person does not. They act according to their judgement. We as spectators can only do the same. The historical person acts with the best possible information and judgement that they have available to them. We may have more information or we may

²¹⁸ Do not take my word for it. Go learn some history!

have less, depending on the fortunes of history. We then judge them on our perhaps insufficient amount of fallible information. This judgement, within our community, is subject to discussion. The community renders their decision as to their judgement. We then pass our best possible course of action on to our future judges for their discussion in order to render their own new and perhaps different judgement. Just as they will also in turn, pass along their judgements to their descendants. Each one will then make their judgement upon us.

To call the collective judgement rendered by mankind into question, we must call or appeal to some superhuman power to render divine judgement. To do so is to supplant the judgements of man for the divine. This then necessarily implies the loss of responsibility for our action. We are free to do whatever action we choose without taking any responsibility. That responsibility would then rest with the divine who would judge us for our crime and punishment. The rules that must be applied to humanity are those that humanity considers to be the correct answer, applied by the individuals to other individuals. This then makes up a collective mosaic that is then the history of our judgements. This also restores to us our responsibilities for our actions and our judgements. This history of our judgements further recreates the principles, habits or

praxis, that we next apply to other problems such as the manner to which we live our lives. The divine has no such relationship to humanity and no place for it. We have no inclination as to what yardsticks we will be judged by in the divine. We cannot render a judgement of divinity without understanding what the rules of the divine are. We are not gods and can therefore not know the mind of god. However, we can use humanity's faculties to render a judgement consistent for humanity for we are humanity. We must, as the Bible says render on to Caesar what is Caesar's and to God what is God's. Since we have no understanding of a divine being, we can only make the rules for ourselves based on our own ability to judge. Man must judge man by the same basis that all men have, their rationality. For God is not man and we cannot peer into the mind of God, except to infer into the divinity some aspect of our own rationality. The transcendence spoken of so far is within man not related to the divine. No notion of any kind can be inferred from the world around us as to the content of the mind of God.

Absolutes do not fit into Praxis

Perhaps it is with Arendt's history that we may uncover the root of her error. Arendt rejects the categorical imperative, and thus as it is part of judgement, she also

rejects Kant's notion of judgement. She rejects Kant's notion of the categorical imperative because she thinks that it cannot handle the problem of evil.²¹⁹

"Judgement brings its objects of judgement within the reach of human meaningfulness, This is brought to light most strikingly in the exchange between Arendt and Gershom Scholem over the Eichmann question. Scholem wrote in his letter to Arendt: 'there were among (the elders of the Jews) many people in no way different from ourselves, who were compelled to make terrible decisions in circumstances that we cannot even begin to reproduce or reconstruct, I do not know whether they were right or wrong. Nor do I presume to judge. I was not there.' Arendt replied: '(the behaviour of Jewish functionaries) constitutes our part of the so-called 'un-mastered past,' and although you may be right it is too early for a 'balanced judgement' (though I doubt this), I do believe that we shall only come to terms with this past if we begin to judge ...'"²²⁰

Arendt is looking for a mode of judgement that does work in the world of the relative not of absolutes. Also it must not involve the will as the categorical imperative does. The categorical imperative is an absolute that is inhuman to people who must fit it into the world of praxis. Hence as absolutes do not work in praxis she rejects the whole tainted tree which grows out of the categorical imperative. Thus Kant's notions of judgement must be modified in her opinion. Unfortunately,

"her conclusion is that behaving decently in extreme political situations is not something that can be reduced to rules or slogans. We can only

²¹⁹ She is referring to the Holocaust of Nazi Germany 1933-1945.

²²⁰ Beiner, Kant Lecture, Ibid. p. 99-100.

start thinking and judging instead of applying categories and formulas."²²¹

Yet are these all not contained within the notion of judgement as Kant wanted it to be understood? This is just another way of expressing the difference between a judgement of taste (thinking and judging) and a judgement of sense (slogans and strict rule adherence). Unfortunately, Arendt failed to understand that she was agreeing with Kant in context but disagreeing with him in terminology. Hence we need to amend her work instead of dismissing it out of hand.²²²

"It was clear to her that blinkered adherence to rigid formulae was not an adequate response to the dilemmas of politics. The best we can do is make judgements on the basis of the situation we find ourselves in, trying not to allow our judgement to be distorted by maxims and rules that are not appropriate."²²³

For someone who opposes Kant, such as Arendt claims, to such a strenuous length, the above is not only consistent with Kant's notion of judgement, it is practically identical to what Kant himself might have said were he discussing the selfsame political situations.²²⁴ Judgement is based on the

²²¹ Canovan, Ibid. p. 189.

²²² Would this be the case if she had time to work on her book and the discussions that it would provoke? I expect that Arendt would have realised her error and change her notions to amend it to fit more snugly with that of Kant. That is my judgement of taste. I project that out to her students in hope that they will also agree with me.

²²³ Canovan, Ibid.

²²⁴ Concerning her protestation of being opposed to Kant, it seems believable that Arendt "doth protest to much" in her "out, out foul stain." Apologises to Shakespeare.

present information of the situation that we are in. Judgement should not be distorted by outside considerations as it is an autonomous moment. Only those considerations present at hand, must be allowed to focus the person to the action of making a judgement. The why of the 'end' we are attempting to achieve is all that is important in a judgement. We must take action that expresses our judgement, the reason for the act. This then is presented to the world to judge for themselves if they think that it is a universal decision or is it just something wrong. This is also true for making a moral decision based on the categorical imperative, except that the moral judgement is an absolute law for all time, place and species. We may illustrate this argument by an example of the stage. The actor makes a judgement for the audience to see. The world around the actor, the stage and its props are all that the actor knows and can see. We may see what is going on off stage, but we may in no manner interfere with the actor.

Arendt's problem with the notion of evil, is that Kant

" ... evaded the problem of true evil in his formulation of the categorical imperative."²²⁵

"Evil, for Kant, is the very human characteristic of giving in to one's inclinations, to the temptation of exempting oneself from the universal law."²²⁶

²²⁵ Meade, Ibid. p. 169.

²²⁶ Ibid. p.170.

It is important to note the use of the word inclinations. The judgement of sense is also an inclination as opposed to the judgement of taste that is an action or praxis and that therefore is subject to the universal laws. An inclination will only be a feeling that one has. A judgement of taste is much more. Evil for Arendt was the concept of the Banality of evil where a person was able to remove themselves from the morality of the situation by subsuming themselves into another being's will²²⁷. Thus establishing a collective bodily, the people of a community, controlled by one will of one man who may be of questionable morality.²²⁸ The notion of evil is sufficient for all but the man at the top, who is above that notion in his claim for divinity. What is his evil to be called? Unfortunately it is the same thing as the lowest of the low. Evil is evil for the high and the low. All suffer deficiency of character. All are trying to escape their own rationality by subsuming themselves into the passive state where they need not consider that others are also free and need to be treated the same way. All evil is not characterised by degree, this is more evil than that, but by the same lack of insight into

²²⁷ N.B. Remember that we have already discussed some of Arendt's problems with the use of the will in the categorical imperative, as it may turn to tyrannical rule.

²²⁸ Hannah Arendt, Eichmann In Jerusalem: A report on the Banality of Evil, (New York: Penguin, 1977). While we would not be concerned with a benevolent ruler or the ruler-ship of a saint, in this world we are more concerned with the Hitler, Stalin and Mao.

their desire for a special exception in this case of some law (all should obey the law except for me). This is so that the evil doers can do what they want while others obey the moral law. The evil doers suppose that then the world will become a better place only for themselves through their special exception to the categorical imperative. Evil never realises that they have established a judgement that must be expunged from world history in some manner so that all future rational beings will know that this action, this judgement and this praxis, is evil. Arendt, when carried away by the storm of events to come face to face with evil, finds the personification to be very ordinary (Eichmann), is at a loss to deal with the notion of evil. Eichmann was not an evil man per se. He submitted his own judgement to that of Hitler and then followed the rational moral acts that flowed from the will of the leader of his people. In other circumstance Eichmann would simply be an ordinary person. For evil is not something that is characteristic of everyone but simply the possibility of missing the difference between a judgement of taste and a judgement of sense. The distinction between the two is where the heart of evil lies. Evil is not something banal or commonplace, it is the exception or it is the radicals who break with themselves and their own rational nature that then produce evil. Rationality is within all, evil is the attempt to escape

this through the exception. From this escape stem the problems of all evil.²²⁹

Unfortunately, it seems to some that Arendt

"borrowed ... what she found to be useful, and ignored what is potentially troublesome to her own train of thoughts."²³⁰

While perhaps not so inclined, Arendt made a fundamental error and then when she consistently followed her path, she had missed the very error in herself that she condemned in Kant.

The project does work

"The third Critique²³¹ (sic) is the bridge between the two earlier ones." ... "Its sole aims are the illumination a priori of the principles of the connecting cognitive faculty, judgement, and the discovery in those principle of the possibility of a unified system."²³²

Unfortunately these words did not find themselves into Arendt's thinking, else she would have seen that the categorical imperative and judgement do not clash but are part of a unified system.

"Arendt's dilemma was that moral principles are too oriented towards the self to regulate

²²⁹ "For evil to prosper all that must occur is that good men do nothing." Edmund Burke.

"When evil men conspire, good men must associate." Benjamin Franklin.

²³⁰ Meade, Ibid. p.155.

²³¹ CRJ.

²³² Saner, Ibid. p. 280.

adequately one's actions towards others in the world."²³³

Yet what is apparent is that without some sort of appeal to a universal law or rule, it is not possible to have morals. The notion of imagination or enlarged thought in Kant seems to handle this quite well. There is a need to have a transcending notion that includes both the universal and the specifics of praxis. This is present in Kant.

" ... How can we conceive of moral principles ... apart from the self? It seems ... that Arendt must on some level have been thinking of the interaction of self and the world."²³⁴

Arendt perhaps was thinking of this but she missed the forest because she was lost in the trees. Where else could we possibly look for the union of the universal with that of specifics of praxis such that it was within the world? The solution is man and his ability to rationalise the world around him. As we have seen previously, the ability to look at a rose and then project the judgement of beauty onto all roses is well within the principles of judgement.

The final element that must be added to this discussion is the notion of freedom which is the final answer to Arendt's complaint. When we are dealing with man, he is an end-in-himself. Man is an autonomous, free being,

"because all possible meaning is contained with itself without reference to others, without linkage, ... to other ... things."²³⁵

²³³ Meade, Ibid. p. 110.

²³⁴ Ibid.

The end-in-itself, man, has contained in itself both the categorical imperative and judgement. Hence, the categorical imperative is used within our notion that there is a political doctrine within Kant's CRJ. The freedom of man is the container which holds the seemingly contradictory notions of the categorical imperative and the notion of judgement. Man is the end-in-itself. Hence we need not look farther nor can we look farther to find a place for morals or for judgement. To establish the two are opposites is to rend asunder the very being of man.

Infinite Progress

When we link the notion of Kant's end-in-itself with the notion of judgements being based on the judgements of the past, Arendt sees a problem. Arendt arrived at the following; "There is a contradiction: infinite progress is the law of human species."²³⁶ When the two of these notions are combined for how is it possible that we can have the end-in-itself that is so important with the categorical imperative along with the notion of the teleology of history that is so important to CRJ? How is it possible that man can be an end-in-himself and still be a party to infinite progress?

²³⁵ Beiner, Arendt Lectures, Ibid. p.77.

²³⁶ Ibid.

"The very idea of progress, if it is more than a change in circumstances and an improvement in the world, contradicts Kant's notion of man's dignity. It is against human dignity to believe in progress. Progress, moreover, means that the story never has an end. The end of the story itself is infinity."²³⁷

How is it possible that the end-in-itself is not the end but only a blip in infinity? There must then be a contradiction if we cannot find something that will also allow us a path from the finite of man to infinity, then we still have a contradiction in the system. Something must be able to help find a way that we can mesh with infinity so that man has a means to achieve a part of infinity within himself. The answer is that, lest we forget though, there are three statements in the categorical imperative. One of them is that we must treat all rational people as if they were free. What then is freedom if it is not infinite?

"A person's freedom to conform to the moral law implies on Kant's assumption not only a noumenal individual's choosing between noumenal alternatives but also the individual's being determined by the moral law in choosing as he does. The determination is inter-subjective, not necessitating, intellectual and not reciprocal."²³⁸

The person of man is already able to hold within himself the notion of infinity and limitations, limitations being the limits of the world around us for our body and the infinity of our freedom. The result is that a rational

²³⁷ Beiner, Arendt Lectures, Ibid.

²³⁸ Stephan Korner, Kant's Concept of Freedom, (London, Oxford University Press, 1967) p. 207 .

person is able to define the moral principles and, ultimately self-defeating, to also ignore them. The person is also able to be an end-in-itself at the same time as being a part of the endless infinity of the universe. We are whole, complete within ourselves, and at the same time we are blips of infinity moving through the space-time continuum. Both infinity and the finite meshing together within man, who is a part of all. The contradiction is within man himself, not without. The limits of man in the world and the unlimited nature of man's freedom are joined within man in a transcendence of both. The question then must shift focus to what is this thing infinity? It is a rational faculty which

"...is intended to show that the 'inscrutable faculty' of freedom is not only possible but real for all beings who acknowledge the moral law as binding upon them."²³⁹

Hence, while it is possible to assume that there is freedom,²⁴⁰ it is impossible to discuss what exactly it is that we call freedom. Kant writes;

"Morality does not, indeed, require the freedom should be understood, but only that it should not contradict itself."²⁴¹

Hence the contradiction presented above is internalised into the notion of freedom from which it cannot emerge, nor

²³⁹ Korner, Ibid. 203.

²⁴⁰ CPR Ibid. p. 384-484.

²⁴¹ Ibid. p. 29.

can we solve this except to say that it is within and we know not what is happening that makes it so. We also need not know the exact function of this internal contradiction for we could neither prove nor disprove it. It is part of Noumena and is truly the unknown. We may never really understand how the two, the finite and infinite are combined within the rational, for what schemata would we use? What would be the subject and what would be the object? The only answer that is possible here is to arbitrarily assign the notion of the limits of the world to the object, the freedom of man to the subject and simply conclude that the schema, that transcends both into an understandable product which we simply call man. Thus we must then demand to know what is man, philosophical anthropology. We have returned full circle back to man from where we started, man. The contradiction is banished to the Noumena, a place we cannot follow. Thus we may not have an answer but also we do not have a contradiction either.

Amoral and Immoral
Introduction to Chapter Six

In this final, sixth chapter, we look at George Kateb's attack on our notion that there is a possibility that the CRJ can be used to establish a political discourse, or at least one inspired by that author. What will be presented here may not be the letter of his argument as he was attacking solely Arendt. What will be presented is the spirit of the argument expanded to attack Kant. Some would have us believe that any such system based on using the CRJ to establish a political discourse would be either immoral or amoral.²⁴² By first showing that judgement is a relative notion, it is shown to be amoral. Then, with no regulatory system to establish guidelines or a pathway, to work towards the goal of judgement, the theory presented here is also shown to be immoral. Either attack is enough to prove that there are no reasonable grounds for us to pursue the possibility of using CRJ as a means to have better political discourse. Even if it was possible, then why should it be done? If it simply was to further amoral or immoral

²⁴² An interesting discussion of this notion using Kateb's theory can be found in:

Dana Villa, Arendt and Heidegger: The Fate of the Political. (Princeton, NJ. Princeton University Press, 1996)

While this use of Arendt is ultimately erroneous, it does have a following that shows there is much work to be done on this subject.

judgements, we need not consider this a worthwhile exercise. We need no reason to have bad judgements. They are plentiful. There is already a lack of reason in such judgements. They need not have a reason for more bad judgements. Hence, while Kateb is not attacking the possibility of judgement, he is the most dangerous foe. If he can firmly establish his position, then all of our work is for nothing. Fortunately this is not the case. Kateb has a fundamental mistake in his judgements. Kant can establish a regulatory system that is not relative, yet, still have a system that is in praxis. This contradiction is contained in the very notion of this thesis. There is a way to combine the absolute with the relative and still carry this off under the bulwark of the Kantian system. The ability to carry out this combination is essential if there is to be the possibility of judgement or judgement in political discourse.

Judgement is Relative: Hence it is Immoral

If judgement is without the ability to have some call upon the universal maxim then it is relative. If that is the case then it is nothing more than immoral. For without a call upon a universal maxim of the categorical imperative, how could it be called moral in any definition of the word.

When the judgement of each new generation or community is cast upon a previous action in history, the result is to change the rendering of the previously accepted teleological judgement, is this not a relative judgement? Does the fact that each generation recast anew judgements of history point to those judgements as being simply relative?

It has already been established that we can see a judgement does have some call upon the authority of a universal contained in the categorical imperative and within the notion of taste and sense. What then is the result? Could this not then simply be a more insidious plot of a totalitarian system?²⁴³ The ...

"general theory of action can too easily accommodate great substantive evils, even the system of evil known as totalitarianism."²⁴⁴

Which is anathema to both Arendt and to Kant. Teleological judgement could be hijacked and put to use as a propaganda system such as was the case with the USSR or any other totalitarian system. All such systems can be perverted to insidious ends. Students in authoritarian system were taught history that was only propaganda aimed at supporting the system of rule and the rulers of said system. Kant could not handle this problem properly within his system. "The theory encompasses 'evil' action as well as 'good'

²⁴³ George Kateb, Ibid. p. 31.

²⁴⁴ Ibid.

action."²⁴⁵ How is it possible to have both evil and good in the same system? The selfsame system modified slightly could simply become another version of any totalitarian notion. By using the universal categorical imperative, we are able to force others to do the leaders bidding, meaning the leader or the government. Authority is best served when it has our moral authority to work with. Others will serve by being forced to submit to government rule. An example of this might be Adolf Eichmann²⁴⁶, who did exactly that. He subsumed his categorical imperative from reason to the will of Hitler. Hence everything done in Hitler's name could be moral and justified no matter how horrible. Thus he, Eichmann, fulfilled Kateb's idea of what Arendt meant. By misapplying the notion of the teleology of history we are able to justify all of this by claiming the following: if this judgement, which resulted in the creation of this totalitarian state, is not true then why did such a state occur?²⁴⁷ Since the state exists, then the judgement must be valid and whatever comes from them is morally justified. It

²⁴⁵ Meade. Ibid. p. 19.

²⁴⁶ Please consult: Arendt, Eichmann, Ibid.

²⁴⁷ In this form, it is hard to see that this is the same argument used by both the Nazis and by the Communist in Russia. It can also be seen as the way neo-conservatives have eroded human rights around the world. While this argument is in error. It is not without real occurrences in world history. The really scary part of all this is not that it has happened but that it continues to happen.

is a necessary condition of history for the state to be created.

"Necessity is the plea for every infringement of human freedom. It is the argument of tyrants, it is the creed of slaves"²⁴⁸

This would then establish the totalitarian government with their own universal law allowing them to do anything they wished that furthered the survival of the state and their own position. There would be no limit for the actions of the state except for the imagination of the leader. Reason is banished from the realm of this state. The problem with this type of argument is that it calls for modification of the system established by Kant and by extension Arendt. This argument proposed by Kateb is neither Arendt nor Kant. It is something else entirely. Kateb is expressing something that would seem more assuredly part of Hegel's interpretation of the "Philosophy of Right"²⁴⁹.

For Hegel the family is the thesis. Society is the antithesis. The state is the end of this social²⁵⁰, dialectical process. Hence the state is the synthesis or the final stage of the family and the society. It is where the internal contradiction is resolved. The contradiction of the

²⁴⁸ William Pitt, Speech to the British House of Commons, November 1783.

²⁴⁹ Please see: Fredrich Hegel, Hegel's Political Writing. Trans. T. Knox Et al. (Oxford: Clarendon Press, 1964.)

²⁵⁰ V. Mehta, Hegel and the Modern State. (New Delhi: Associated Publishing House, 1968.) p. 72.

family is that the love that it is built upon does not procure food and other material needs. The problem with society is that there is nothing that is lasting. All that is, are the needs of the moment. The producer only produces what can be sold. The state is where all of these contradictions are resolved. The love that one feels in the family is transferred into the love of people and then the love of the state. The conceptions of permanency inherent in the family is now also present in the state. The efforts to meet daily need through contractual interactions are also regulated by the state. It, the state, is where it is possible to plan for the future in more than just the daily needs but for all needs of all people, not just the family. This would include the need to plan for the needs of more than physical nourishment, but also for spiritual needs "The state, the totality of national culture,"²⁵¹ is where this all occurs. The spirit of reason then uses the nation state as the true individual of history and its progression.²⁵² For only in the state is the permanence of the family and the productions of the society combined. They are combined to create lasting historical judgements of culture. Thus this all-encompassing view of the state, by Hegel, is more seemingly in line with what Kateb is saying than what Kant

²⁵¹ T.Z. Lavine, From Socrates to Sartre: The Philosophical Quest. (New York: Bantam, 1984.) p. 231.

²⁵² Caygill, A Kant Dictionary. Ibid. p. 232.

is writing. Hegel considered his work to be an answer to Kant.

Thus while this criticism cannot be denied, States do take advantage of their authority over their people, it has no relationship to Kant. It is more properly laid at the door of Hegel. As the following quotation shows, Kant would not want to be part of this type of argument.

"Teleology may not be used simply to ascribe human purpose to the objects of nature, which is simply a form of 'mental jugglery that only reads the concepts of an end into the nature of the thing', but may serve as a means of achieving the systematic completeness of our knowledge. Teleological principles, in other words, have no explanatory significance."²⁵³

Also Kateb's argument fails to hold true to the notion of freedom for Kant. Man must make his judgements in the individual and that is then collected for the total judgement of society. There is no such thing as a collective judgement for Kant. It is more of a collected judgement than a collective judgement. There is such a collective will in Hegel's "World Spirit." The reverse, which is the essence of Kateb's argument is not the same thing. Using the judgement of the people in a community, the so-called 'will of the collective' to enforce the will of one person is not a universal application of the categorical imperative. It is authoritarianism or more simply, it is totalitarianism. This

²⁵³ Caygill, Ibid. p. 389.

also violates the notion of treating people as if they were free individuals of the categorical imperative. How can you be free if you are forced to follow the judgements of others. The CRJ establishes that a judgement of taste is made by the individual in autonomous freedom, free of all constraints. It is not made by society then forced on the individual. Thus Kateb's argument might be an effective attack on totalitarianism, it is not an attack upon Kant, or even for that matter on Arendt. It fails to show the basic premise of what we are dealing with. The argument is aimed at Kant and Arendt but should be aimed at Hegel, Marx, etc. This argument is unconvincing in that it fails to show us that Kant and Arendt wish to establish this type of society. Whereas it is clear that Hegel, Marx, etc. do intend for such a system to be established.

The notion of community is the acceptance of all possible opinions. The totalitarian society has only one possible acceptable opinion. There can be no comparison of these two different notions. One versus the many is the difference here. Is Kant or Arendt attempting to establish such a system where one person or group dictates to the collected group? Clearly this is not the case. Judgement is a part of the transcendence from the universal to the particular because it has within it the categorical imperative which adheres to the premise of universal norms

and judgement which is for man. Judgement as well as judgement involved with politics is based upon the concept of a man who is free. Hence we have the combination of a universal and the particular within man. As we have also seen earlier, how this occurs is not possible to say, but it does occur. Thus man is able to disassociate himself from the single judgement of the totalitarian state through his actions of fleeing from the state, working to undermine it or revolting to overthrow the state. It is within the very essence of what a man is, is the ability to claim a right of making a particular judgement, just so long as this newly claimed right is claimed in the name of all other men. All other men are able to claim the same judgement or oppose it or what have you. If an authoritarian regime tries to take away as few as one right from the population, it is in self-contradiction. This is an act, self-contradiction, against the nature of a rational person to be rational.²⁵⁴ It thus must also be against the nature of any ruler or those that help this ruler, for they too must be rational individuals. So in no way is it possible to establish such a system of authoritarian government within the framework of a political discourse established along the line that we have

²⁵⁴ Kant, CRJ, Ibid. p 136. "1) To think for oneself; 2) To think from the standpoint of everyone else; and 3) always to think consistently."

interpreted in Kant's CRJ without one being in self-contradiction.

Judgement has no regulatory system: Hence it is Amoral

If judgement is without the ability to regulate our action then it fails to perform in its mode or function, praxis. Lukacs expresses this argument as "The resulting ethic (is) purely formal and lacking in content."²⁵⁵ If that is the case then judgement is nothing more than amoral. If we can only make a formal judgement, with a grandiose notion of judgement, then we have failed. Judgement if only a ponderous notion for the intellect, filled with pomp and circumstance, then it is not judgement at all. It may simply be an academic, ivory tower intellectualism. Judgement needs to have content in all aspects of life. The content of a life is filled with actions that have no formal importance. Everyday life for an average person is filled with average ordinary things. If a judgement is reserved only for the academics or 'the world historical individual'²⁵⁶ or 'the over-man'²⁵⁷, then we have nothing to talk about. In all of these examples of the superior man, they leave the ordinary man out of the picture. They just do not count. Thus a

²⁵⁵ Lukacs, Ibid. p. 124.

²⁵⁶ Hegel

²⁵⁷ Nietzsche

system of judgement must have within itself the ability to deal with the ordinary and to deal with the average everyday events that make up our lives.

The answer lies not in limiting the scope of a judgement or in creating long list of necessary particulars of man to call the action a judgement. The answer is to broaden the scope of action to its entirety. All actions are of judgement.²⁵⁸ The widest possible scope must be allowed. With this increase in the field of view, we are able to involve the content of a person's actions with the need for formal action. What we wear, how we act, what we eat or do or anything thus becomes part of judgement. All are actions, things made or actions taken. This is what our lives are. This is what are actions show to the world. We see the actions of others as they act and know them by their actions. We need not make a mystical derivation to see if that is an action we would consider to be a judgement, but that all actions are our judgements of the world.

The actions of a normal everyday life become the judgements of taste to the world. The way we wear our hair, combed, long, curly, all say to the world that this is the way that one wants to look and that this is the way that one

²⁵⁸ Political judgements are already limited by the exclusion of only those actions of judgement that are political. We are not limiting the notion of judgement but limiting those judgement that we will consider under the heading of political judgement.

considers to be their judgement of taste on their hair. Instead of having our argument center on if this action is a judgement we shift to what does this judgement tell the world about this person. Instead of surrendering this question to psychology or philosophical psychology, we find the judgement of taste of the individual before we have even heard a word from them. A person's indifference or attention to detail tells us about this person's judgement in this particular case. Instead of reducing these questions to psychology, which would be to use the judgement as an explanatory concept, we reevaluate them into the content of the world and the accordance with nature. When we examine the created work of art from an artist, there is no dismissing the choice of colours. They are as much a part of the work as the paint, rock or whatever building block used. Similarly, when we watch a play we must assume that the actor has chosen his demeanour to portray his character. Thus the person's character is also a judgement of taste. That is seen by what is presented to the world by this individual. The person's demeanour becomes a value judgement. Instead of being valueless in the face of a person's character, we can judge them on that character itself. Not on the formal personage they claim to be by speech, but what they are as they proclaim by their actions. "The value of life for us if it is to be estimated by that

which we enjoy (that is, by happiness) ..."²⁵⁹ That which we enjoy is that which we show to the world. Hence we show the world what we enjoy, what gives us happiness. This in turn is a judgement of the value we place in these things. We can then judge that value as a judgement of taste or of sense.

There is the old adage that says we should never judge a book by its cover. This is true enough for it leads to faulty judgements based solely on appearance. This is not a judgement but an explanation based on appearance. There are two problems with this metaphor. The first is the implied notion of a neutral presence. A person should not be able to hide behind the excuse that they did not have a judgement in what they were doing. Their habits or praxis are at least as important as their judgements are, for they all show the totality of a person judgements. The second point is what we can judge by more than one criteria. In this case the appearance of the book cover. We have five sense at our disposal to help us judge a person. Also a book cover is designed to sell books. Would it not then be reasonable to say that the cover is the medium to sell the book. Hence is the cover not the 'best foot forward' and also the modus of showing the content of the book for its worthiness of judgement of being purchased. As such we establish the

²⁵⁹ Beiner, Kant Lecture, Ibid. p. 24. See note 218.

valuation of a person by the things that give them happiness.

Without this ability we cannot make judgements as to the more formal qualities, or the value of an action. Kateb's case is that he feels such a system has removed from consideration such moral factors as "love, goodness, conscience, compassion and pity."²⁶⁰ All these factors need to have a place in any system of political discourse and for judgement. They all are the motivations of man. Even Kant himself understood that all men desire happiness. Without these pleasurable functions to regulate our lives, praxis, then we are nothing more than passionless robots. Kant writes

"The fact that man is affected by the sheer beauty of nature proves that he is made for and fits into this world."²⁶¹

Yet when you consider the categorical imperative, it would dismiss all of these as unnecessary to doing one's duty. Only those qualities that are essential are necessary for our consideration within the categorical imperative. For we should do our duty without regard to any of the above considerations to be moral, "love, goodness, conscience, compassion and pity."²⁶² Yet, all are of importance in a life

²⁶⁰ Kateb, *Ibid.* p. 29.

²⁶¹ Beiner, Kant Lecture, *Ibid.* p. 30. This is a quotation from Kant that is translated from German by Arendt. As such the citation is left with Arendt, being responsible for her translation.

being fulfilled, living a life as opposed to simply existing. Without these notions being present in our life, we have no life.

"The value of life for us if it is to be estimated by that which we enjoy (that is, by happiness), is easy to decide. If it sinks below zero, for who would be willing to enter upon life anew under the same conditions."²⁶³

Another similar attack is that the categorical imperative cannot make ethical rules. For since it is absolute, it cannot handle the extremes of a world. Such as a kidnapper making a deal with the victim to release him if he will give the kidnapper money in return. The categorical imperative would hold that it is right to keep one's word. Thus the victim may be morally bound to pay the ransom in the absolute.²⁶⁴ Both of these attacks presented so far, give us some interesting implications toward what the possibility of judgement will be. If either of these two attacks can be established or validated, they cast serious doubt upon this theory.

The Regulatory System

What is missing from both attacks is a regulatory system. The first argument is that the system is formal with

²⁶² Kateb, *Ibid.* p. 29.

²⁶³ Beiner, *Kant Lecture*, *Ibid.* p. 24. See note 218.

²⁶⁴ Franz Brentano, "The Principles of Ethical Knowledge: Kant" *Immanuel Kant Critical Assessments I*, *Ibid.* p. 165.

no ability for the average person in an average life. The second is the kidnapper's victim. In other words, the question for both is when is it right to allow in other considerations for us to ponder for our moral duty? Better put, what consideration do we use for a judgement? There is at no time a place for when it is right to allow in any of these other considerations, "love, goodness, conscience, compassion and pity."²⁶⁵ For a moral duty 'ought' to be done regardless of these considerations. The problem in these arguments is that all are based on happiness. If you are in love then you are happy, if you go with your conscience then you are happy for doing it, etc. Unfortunately,

"Men are not made for happiness but for freedom. We are distinguished from the beasts by our capacity to choose our own ends."²⁶⁶

Happiness is the by-product of life, it is not what man is made for. Man, made for freedom, is able to judge that love is a more important goal. They could use their freedom to override their rationality and choose what may not be the rational consideration but to allow in other objects of consideration as well. For within our freedom comes our morality. It is not possible to split the two from each other. It is even possible, within the realms of our understanding to create a scenario where there is an action

²⁶⁵ Kateb, Ibid. p. 29.

²⁶⁶ Shell, Ibid. p. 125.

that is done against reason for love, which may still be the correct judgement or decision, as opposed to being the morally proper duty. This cannot be dismissed a priori. There exists no fundamental contradiction inherent in this proposition, though it does seem to be counter-intuitive. A judgement is not a decision subsumed under the categorical imperative. While the categorical imperative is part of the praxis or habit of judgement, it is not the whole of judgement. Judgement is superior in that contained within it is the categorical imperative. In our above example, the kidnapper has a person against their will. There is no word to be given in this situation. For if we are not free then our actions cannot be judged by morality. There is no judgement. Morality requires freedom. So too does a judgement. Happiness is not a consideration here. Though the kidnapped victim might be happier free than detained, his happiness does not play a part in this. If we cannot express a judgement freely or without punitive sanctions being applied if someone else does not agree, then we are not making judgements or being moral. We are being coerced. Hence a slave has no morals or judgement for they have no freedom. The owner has already expressed his morality and judgement by the very judgement involved with the praxis of holding slaves. Even if the slave holder loves his slaves, treats them with goodness, compassion and pity. Even if the

slaver has a clean conscience towards them for he has been moral in his treatment. He is still an immoral person for his very action of slavery. His judgement that the praxis of slavery is acceptable, to hold another rational person in captivity and bondage, is still reprehensible. The slave may promise to stay, but if he escapes then there is no lack of morality on the slave's part. It is his right of being a rational individual.²⁶⁷ For man, all men, is born for freedom.²⁶⁸ Any action of another man to remove freedom is their lack of proper judgement. It is a judgement of sense and not of taste. A judgement of taste would have that the slave holder also be a slave so that he and all others are captive as the universal rule. Only if the slaver would take up the yoke upon the shoulder of the slave would he follow a judgement of taste. Of course he could always free the slave, but that is usually never an option to be considered in any slave society that has so far existed, where slaves are considered to be less than human beings capable of rational thought²⁶⁹.

²⁶⁷ Hence, the very modern effort of slave holders to demean and anomalies the slave so that it is not considered to be a rational being. In ancient time, a slave was a slave by conquest and as such understood his place. In Rome, the Greek slaves were the educators of the owner's children. Whereas in the more modern American South, Slave were forbidden to read or write.

²⁶⁸ Shell, Ibid. p. 125.

²⁶⁹ A slave in ancient time's was considered to be a poor fighter, and therefore a lesser person. There was no need to dehumanise them further. They lost, we the owners won. Hence those slaves were capable of being rational human being

Judgement is not relative, nor without a regulatory system

If we consider the results that virtue would disseminate in the world, if it were welcome anyplace, then morally oriented reason, judgement, would be the summum bonum. That virtue must be controlled. Kant does not want an undetermined will to be expressed, for that would be unintelligible.²⁷⁰ There would be little difference between the slave who cannot judge and the person who judges without any rationale or rationality.

"A moral will is not an undetermined will, but a will determined by the moral principle. The difference between a free will and an un-free will lies not in that the latter is determined while the former is not. Rather, the un-free will is determined by an object while the free will is determined by itself. The un-free or heteronomous will follows whatever inclination commands. The free or autonomous will liberates itself from the domination of inclination and determines itself towards obedience to the moral law."²⁷¹

What this then establishes is that the free will is able to be the moral will, and the good will²⁷² of an individual and not of a collective or mass of people. Freed

capable of thought, just not as capable at wars as the winner. The more modern concept of slavery was characterised by the fatherly treatment of animals and property, not the victor of war. Hence, the threat of revolt was greater. Animals have no morals, whereas a man does.

²⁷⁰ Gerd Buchdahl, "Reduction-Realization: A Key to the Structure of Kant's Thought" Immanuel Kant Critical Assessments III, Ibid. p. 263.

²⁷¹ Ibid.

²⁷² Ibid.

slaves are no longer subject to the whim or inclination of their owner, they then can exercise their freedom and morality. A freed kidnapped victim is also, so freed. They both can thus re-establish themselves as autonomous individuals capable of making judgements. Once this autonomy is restored then they can re-evaluate their past decisions that they were forced to take. If the victim judges that to pay the kidnapper is an action of his being within his judgement or praxis, then it would be a free choice, but it would not be a moral action. It would be a judgement of sense and not a judgement of taste. This judgement could not be made into a universal law for all men to follow. Not all people could afford to pay for their release nor should they. Similarly, the slave may return to his master but then it would not be because of the praxis of judgement that had held him. The slave might be impelled for the love of family or of their home, but it would not be the moral or even the rational choice for the slave. What man would voluntarily surrender his freedom to another man? The answer is Eichmann.

Yet with freedom being so necessary then would not men be in a state of "subjective lawlessness"²⁷³ with so much freedom? They are free to do anything they want. If they want to ignore their own morality, then are they not free to

²⁷³ Shell, Ibid. p. 103.

do so? The answer would be yes that is the case with freedom but without objective laws²⁷⁴ to govern the behaviour, then man would be lower than the beasts.²⁷⁵ Man is free to rebel against nature. In doing so, acting under his own freedom, man establishes himself as a rational being that is free. This freedom makes man a morally obligated being. If he continues his rebellion then he is not against nature anymore but rebelling against himself in contradiction of his own morality, freedom and rationality. This is similar to the evil person that is trying to create an exception to their condition as a rational being who must do their duty under the categorical imperative. The evil person is nothing more than a rebel, rebelling against himself. For he wishes to create for himself an exception to the rules while all others follow those same rules. Thus the continuing rebellion solves nothing and gains the person nothing but a return to the very slavery of being subjective to nature, to the slavery of being determined. Man the animal is not worthy of being considered a man. Such a 'man' is something to be pitied, not something to hold up as an example of true freedom.

"Kant's view is that it is human beings, with our capacity for valuing things, who bring to the world such values as it has. Even the justification of nature is up to us."²⁷⁶

²⁷⁴ Shell, Ibid.

²⁷⁵ Ibid.

²⁷⁶ T. H. Green "The 'Good' Will," Immanuel Kant Critical

If there is no freedom in a person, then there can be no capacity for valuation. If there is nothing of value then there can be no justification for rebelling against the very freedom itself. Freedom implies valuation. Valuation implies morality for some things are better than others. Morality implies freedom for if there was no freedom than there can be no morality. Thus the person who begins to rebel against nature must first establish the justification of what nature is so that he may rebel against it. The person who rebels against this freedom has no justification nor can there be any for their action. If there is no freedom there cannot be a judgement of any kind. The judgement against freedom so as to rebel against it, is implied in the nature of freedom as it prerequisite.

Much like any other good system, there must be a way of resolving problems such as this without resorting to dramatics. In order for Kant's system to be a useful system Kant must be able to resolve such conflicts of action. We must turn to CRJ to see if such a thing is possible.

"When there is aesthetic disagreement, there is a principle to follow which, in theory, can solve the conflict. For disagreement is usually reducible to either the one of the other party, either not approaching the art object purely, or not realising the beauty is to be found in aesthetic feelings."²⁷⁷

Assessments III, Ibid. p. 180.

²⁷⁷ Zimmerman, Ibid., p. 167.

It is wise to note that in the definition of community, we have the totality of all possible opinions contained. Can this be used to establish a resolution of our conflict with the rebels against freedom? The answer is yes, in a community. We can point out the beauty of their freedom. We can show them what it is to be free and what it is not to be free. We can show them the 'error of their way' and the error is a contradiction. We may also be able to show them that they have failed to perceive what is the judgement of taste in this area as opposed to their judgement of sense. Their inclinations are wrong and we can show them this by appealing to their rationality, thus establishing that there is a mood of change that will allow for disagreements between parties.

The problem of a resolution to conflict can also be traced back to CRJ with the notion of being seduced by the beauty of an object. We can be lured by the beauty of the thing we are examining. What judgement we render then would only be a judgement of sense and not of taste, as we have lost our call upon the universality of our judgement. This universality would call upon us to be objective towards the art work. This objectivity could perhaps then only be seen in an historical context, thus making this the most devastating attacking upon our possibility of judgement. If we cannot be objective towards something in the here and now

then we cannot use CRJ as a political discourse for judgement, action or praxis. We would be trapped in the past with no ability to deal with the present or in the future. We could only judge in hindsight not the present. Politics is only for today and not for the past. Judgements of the past are fine but if that is all we have then we have excluded our ability from being useful for today. We have lost our content and are left only with the formal notion of judgement that Lukacs would have us hold. To render judgement we must do so as a "disinterested onlooker."²⁷⁸ How can this be done, if it is not done in the past? The question may be posed differently. "How is it possible to judge in the present?" We render judgements based on our imperfect understanding of the situation. As Kant writes:

"The judgement of taste requires the agreement of everyone and he who describes anything as beautiful claims that everyone ought to give his approval to the object in question and also describe it as beautiful. The ought in aesthetic judgement is therefore pronounced in accordance with all the data which are required for judging, and yet is only conditional. We ask for the agreement of everyone else, because we have for it a ground that is common to all; and we count on this agreement, provided we were always sure that the case was correctly subsumed under that ground as rule of assent."²⁷⁹

²⁷⁸ Antonio Calcagno, "Interface: Modernity and Post-Modernity: The Possibility of Enthusiasm according to Immanuel Kant and Jean-Francois Lyotard." (Philosophy Today. Winter 1995) p. 360.

²⁷⁹ CRJ, Ibid. p. 74, sec. 19.

The condition is a formal manner to ask an "If ... then" type question of another. The conditional is also based on our not being seduced by the beauty of the object. By asking for the affirmation of such a judgement, we are doing so in expectation of an agreement, not believing that all must agree. A person does not undertake an action by doubting his own morality or without a goal. "Man can live through any how if he has a why" says Nietzsche. We may make mistakes in doing this. Yet as man is a rational creature he is able to improve. Hence we are able to return to the judgements of the past and correct them with new information. Thus we make mistakes but we can correct them, and as we do we improve our abilities to make further judgements. By improvement, we establish that past actions are or are not the manner to properly express our judgements. This is a problem only in the absolute, Platonic judgement or in the categorical imperative for the questions of morality. These examples are where we would have to make the proper judgement of taste in all things, at all times, for all times. This is not possible with judgement, but over time and hence history, we are able to show these judgements and the corrections of them to the world. As we do so, the world of men judge for themselves if our action was one of taste or sense. We learn as we go along. Hence we improve. Thus we create a climate where men must exercise their

ability and familiarise themselves with the judgement of history. Man learns from the past. We learn through our rationality what is a judgement of taste and what is a judgement of sense, by this historical passage of judgements. To paraphrase George Santayana, if we do not learn from past mistakes we are doomed to repeat them. We need not reinvent the wheel for each new situation that requires a judgement, political or moral. We must simply learn from our experiences so that we have a body of past judgements to work from and then apply them to the new situation as they arise for discussion and discourse.²⁸⁰ We cannot expect a savage from the wild to appreciate the beauty of art. Nor do we expect children to make the proper judgement of taste in their actions. For neither has an experience with them or the necessary understanding to be able to appreciate art or what actions are proper. We do however expect this of a citizen and an adult.

All can be seduced by the beauty of an object. Yet when we have experienced such a seduction, we have learned where we made the mistake. From this we know for the next time what not to do, or so it can be hoped. What we have established is a praxis, a conditioning that is automatic, of what to do and what not to do. It is not an absolute. Hence our praxis is enabled for us to improve²⁸¹ and is able

²⁸⁰ Hence we imply a need for learning and that man is a rational creature that needs to learn.

to find and correct our past mistakes through new judgements and actions. So far using these notions, we still have not produced objectivity. How do we know when we have achieved an objective viewpoint upon a judgement? This has no absolute answer. It does have a practical answer. The judgement must be universalised, hence it must meet the approval of other rational men. This is where we find objectivity. If all men are subjective in their judgements then there can be no possibility of objectivity. Yet to assert such a claim is an absolute. Judgement, action and praxis are not held to such a stringent requirement. If most men are able to freely decide that the judgement is that of taste in their opinions then as such the judgement must be considered as such. In time this may be proven to be wrong. For the next generation may change these judgements. Yet at this moment in the here and now, it is considered to be such a judgement of taste. That is enough for us in our decision of praxis. All else would return us to Plato's demand to have only the "Good." We have already dismissed this as unreliable as a means of political discourse. The true judge of objectivity is that of the disinterested historian of the next generation, the next millennium or even the person who makes the very next judgement directly after the first

²⁸¹ Calcagno, Ibid. p.358.

judgement. They can see the result of our praxis and they can make the proper judgement based on what they have.

Conclusion

The case against using Kant's CRJ as a means to establish a new form of political discourse has reached its completion. We have begun our journey with the reason Kant did not want to have his work of a political nature released to the public. We have ended it with a discussion of what freedom is. In these pages what we have tried to establish is that there is a possibility that Kant had hidden his political work in CRJ. We have shown that there are many superficial contradictions within his work that can lead to many misconceptions. All can be answered though, when taken with due consideration. What has been shown is that in the negative there are no reasonable grounds to doubt that it is possible to use CRJ to create a political discourse. There has also been an attempt to show that within the varied source work of Kant, there exist much within the realm of political discussion. Yet nowhere do we have one all-encompassing methodology to explain the apparent contradictions within this totality of work. We can find a subject, an object and examples, but nowhere do we find the missing schema. To be complete and thorough in these studies, we need to look for this Archimedean Point for our schema. This thesis has proposed the CRJ to be that point.

Since there are no necessarily negative grounds to using CRJ, we may. The notion that the CRJ can be used lies in the possible. It is possible that CRJ can so be used. If it is the case, in the reader's opinion, that we have presented a compelling case that stands alone, that it is possible that CRJ is a means to establish a political methodology, then the court stands adjourned, the case having been proven. The scope being necessarily limited in nature, to establish the possibility of a political discourse and not to establish necessarily the existence of such a political discourse. Such an effort, is best left for another day. It is the opinion of this author that the existence of such a political discourse is not only possible but that it is real and will be brought to light in the future.

In the first chapter, we have seen that there are no reasonable grounds for assuming that Kant did not enter into political discourse. All opinion to the contrary seems to be lacking in charity towards Kant. We have seen that there is an apparent contradiction between Kant's philosophy and his world view in particular his view towards the revolution in France. We have seen that this clash must have been a call for a bridge between the two pillars of the practical and the theoretical. This bridge is contained in CRJ. For within CRJ is the teleology and aesthetics of Kant and it is these

notions that are the pathway that bridge the seeming contradiction in Kant's political view.

In the second chapter we have seen Arendt as Kant's supporter and in chapter five, we have seen her as his detractor. Arendt has helped us to further our understanding of what a judgement is. She has shown us the pathway to praxis and has led us on to the judgement of taste and sense. In our search for truth in this matter we included the concepts of common sense, action and community, these concepts are brought into the discussion mostly by Arendt. They strongly point to someone who has a method of understanding this matter. That understanding for Kant would be democracy in the modern sense, republican in his sense. From these two points, we establish that Kant's political discourse would be a method of praxis of practical usage and not simply a theoretical construction.

In chapter three, we have shown the inadequacies of the two prevalent political systems of discourse and why there is a need to establish a third. This third system has the elements of the previous two but contains more than either. It subsumed both but added the notion of freedom so as to use both but also to improve upon them in a strikingly different manner. Through Kant's notion of man being rational, we must invoke the notion of the categorical imperative into any such discourse by virtue of its own

inherent rationality. This combined with common sense creates judgement.

In chapter four, we enter into the critical zone. Our opponents, like all good opposition have not hurt our case but have allowed us to flesh out this case even more. We first looked at Marx and Lukacs and their disagreement with Kant. We have seen that the two are disagreeing on certain aspects, particularly property, which was not dealt with here²⁸² in the specific, but in broad strokes, the disagreement is less strenuous than it appears. We have used Marx to further our own work by establishing from his criticism that the CRJ is about the individual man and his ability to be seen as a collective mosaic not a melting pot of history. Man must be rational and free. This relationship was established in the beginning by understanding what is man. The philosophical anthropology of man begins in nature. From our examination of man in nature, we established that man must rebel from nature, but must also, in doing so, allow all other rational beings the same benefit. Judgement is also a unique notion of the individual, made in an autonomous moment.

In chapter five, we return to Arendt to see where she went wrong and what was needed to set her right. We have

²⁸² The notion that it cannot be dealt with here is erroneous. The lack of space has prompted us away from this disagreement. It can be dealt with by the established outline within.

returned to Arendt to show where she made mistakes, needing amending, but these mistakes have shown us the paths not to follow. Indeed, we used those paths to help widen our own perceptions of Kant's judgement as a political discourse. Arendt's mistakes begin with the confusion of praxis as theory. By assuming that judgement and thinking were one and the same faculty divided into two she established her own difficulties. What was established herein was that a judgement is never a notion but an action. By then removing this problem and asking what Arendt was saying elsewhere, we note that she is establishing the same type of system as Kant for judgement, without the benefits of Kant's body of work to help back her notions. The two are not working at cross-purposes but for the same goal. Then we reach her troubling notion of evil and how is it possible to deal with it. She feels that she cannot do so under the Kantian system. Thus she searched for a different approach to dealing with evil, when none was needed. Evil has the same root cause in that evil persons are trying to establish for themselves an exception to the universal rules that all must follow. This contradiction returns the person to the state of nature. Hence they contradict themselves.

Finally, In chapter six, we reached the spirited opposition of Kateb, who wished to hold that such a system will not work. It has been shown that such a system, that we

have proven to be possible, will work. It will allow us freedom to be moral. This freedom is capable of dealing with the passion of man. The categorical imperative could not for it lacked praxis. It was an absolute. It was a formal notion that needed content. The CRJ could, for it contained the categorical imperative, freedom, action and praxis, all within judgement. It is precisely within the transcendence of these concepts that judgement emerges from within man to the world of action to alter the appearance for all to see. From this freedom, which I as an individual claim, we have to allow morality and judgement for all people, or else we ourselves are in contradiction of ourselves. This freedom necessarily allows us morality from our own valuation. For without a judgement of value, we have no reason for rebelling against nature and then trying to rebel against ourselves. Finally, like all good systems in political discourse, the CRJ even has its own method of establishing a dispute mechanism for judgement within a community. So that we can establish who is right and who is wrong. We have seen such a means to resolve conflict is still possible in the present with the possibility that the praxis is in a judgement of taste.

We may safely conclude that there is more than a possibility for judgement to be used as a political discourse. All that one must do is tread where philosophers

have thus far feared to tread. Thus our inquiry into the possibility of utilising Immanuel Kant's CRJ in the establishment of a political discourse that is consistent with the existing normative function designed for aesthetics and teleology is an endeavour that has proven fruitful, for it is indeed possible.

Thus, by way of a conclusion, we offer a new beginning. This project is far from the last word on the subject. There is much work to be done to expand this work in both Kant and Arendt. Hence, far from concluding this work we simply end this thesis.

Appendix
Introduction

In this appendix we shall have a threefold purpose. The first is to establish what is the actual theory of judgement for Kant. The second will be to apply it to six moral issues of note, namely: abortion, suicide, euthanasia, capital punishment, discrimination and censorship. The third purpose will be to apply this theory to three political issues that are truly political in purpose. They are Government policy for such expenditures as health care and welfare. The third issue will be the interest of a nations' trade.

It is not possible to argue for the theory as fully as possible here, nor will it be attempted. It will not be an attempt to express the why of the theory. This is simply to outline the theory and propose the major usage of it. A more complete version will be forth coming in a later work.

Appendix A

Theory

Kant's theory of judgement begins with one firm starting point. The Archimedean Point is Man. The rest of judgement is seen in the actions that follow. It is difficult to attempt to express this notion in the abstract for it is always more relevant to experience. Examples are the engines that drive experience. Just as the schemata shows us a round object when we look at a plate, so to do examples show us what is the just. Kant has left us many examples of judgement such as Perpetual Peace. It envisions a world of states controlled by an over state that allows the lower state to rule independent of it but with certain rules such as free speech and democracy. Each is vested with absolute freedom in all other areas to live and change society for the betterment of themselves as long as they do not infringe upon the same rights as others. What if this was a metaphor for the personal relationship of a person within a state. We allow others to have certain freedoms that we too have. Each is autonomous from the other. Yet within the community is all possible opinion that all must accept as part of the discussion. They need not accept it as true or valid. A person must be permitted to express such

opinions though. When faced with a question that requires a judgement and an action, man is able to draw upon many sources within the community. The first is other people, so that there action can be evaluated and judged. Yet, within man is autonomy, to make judgements without any other considerations. How is this possible? Is it not a contradiction? Also within man is the notion of enlarged sense. This necessarily allows in the opinion of others which must be taken into account. A person's judgements are based on many things in his rationality. All of them have been touched upon in the thesis itself. So what then is Kant's political system? There is not any such system. It does not exist as a system. Have we not just completely contradicted this thesis? Yes ... and No. What is Kant's system is not a system at all. It is the overthrow of systems as such that have been previously created. It is not a system or rules or norms or principles. These questions have no application upon the system of judgement. What we have here is so profound and different, so shocking that it is completely unheard of. This non-system is based on man as free, absolutely, autonomously free. There are no rules and no outside obligations upon this free person. Everything that exist in the world is exclusive of the freedom of man. Hence we have no system, rules or principles outside of man. Kant has proposed the just.

Would it not seem that the point is to turn to man for our system? We find that man is rational. When we understand the full meaning of philosophical anthropology for man to be rational then we will have understood Kant's system of judgement. Within those limits of rationality will be all that we need to have for our system of judgement. Yet the freedom of man must be always taken into consideration with equal worth as the rationality from which it is a part of. There can be nothing else in man between these two considerations, rationality and freedom. The polarity is the makeup of man, and is the nature of what a judgement must stem from. We move from one to the other, rationality or freedom, in creating all judgements and all possible judgements. From the interaction of man to the world with the schema to introduce the a priori into the equation so that we know what is the world of objects around us. The way we act is also similar to the way we understand the world of subject-object schemata. Judgement and action can only be seen in the concrete of application. The theory of judgement can only be seen as just by the rational understanding of the a priori. This can only be done in the world of its uses. Otherwise, we have nothing but a thought experiment. That is not judgement. The actions shows us the theory and proves this theory. Only by expressing what Kant's theory of judgement may be to the world, so that others will be able

to criticise it and challenge it, will we know that what we written here is the just judgement of Kant and is his theory of judgement. Thus we turn to a possible application of this theoretical.

Appendix B
Moral Dilemmas

In this section we will apply judgement to six moral dilemmas; Abortion, suicide, euthanasia, capital punishment, discrimination and censorship.

1) Abortion: The early termination of life for a fetus in the uterus. If we used the categorical imperative our duty is clear. The taking of this human life at the early stages is morally bankrupt. This can only be allowed in the most extreme of abnormalities affected the fetus.²⁸³ Else, it is no better than murder of a child. Judgement is different. Instead of dealing with the universalisation of this issue, as in morality, we look at the specific. As this would then allow us to look at the issue case by case. Pregnancy by rape, incest, or other such conditions, would allow abortion to end the fetal progression. Why? For the child would be a judgement of the mother that a criminal would be allowed to profit from his crime. That being the child, who the perpetrator would have full rights to be a father to. The mother would be stigmatised also, in that everyday they would see a reminder of the crime, further impounding the crime over time. One can see that the just would be to not

²⁸³ Such as babies born without brains or who will not survive beyond birth.

allow the crime to continue. The child would not have a free existence, but one of bias and scorn for the reason of his consummation. Does this principle then affect other possible cases; such as teenage pregnancy or that of a poor women. The teenage is unable to bear the burden of a child. As such many lives are effected; the child born, the child's mother, the parents of the child mother and the state that will have to support mother and child. All of these people will have their freedom diminished. As we can see that if there is a justification for abortion then it is just. This is in no way a support of abortion as a means of birth control. That is excessive and amoral.

2) Suicide: The early termination of life usually committed by teenagers and the clinically depressed. We can see that morality would be against this, but would there be a justification under judgement? Since judgement is and can only, necessarily, be based upon the person who's freedom allows such an act, then there can be no suicide that does not contradict this basic notion. The freedom of a person is to be, to do or to make, an action. Without this necessary freedom, you have nothing. How can you do something that produces nothing. Hence we have no possibility of such an action being the path to the just.

3) Euthanasia: The early termination of life for the chronically sick, people in a vegetative state and the

extremely elderly. The moral of this action would again be against this as a principle. One of the reasons that the morality of the categorical imperative had to be superseded. As we can look at this on a case by case basis of the specific to the universal, in judgement, This can be answered differently. The problematic might be that any justification used here can be misapplied to suicide. When all hope of a continued being at a certain quality of life is lost, then and only then are we able to go forward. We have the justification of there being no hope for a return to a normal or a superior quality of life for the individual. This usually is based upon the known wishes of an individual in a living will or the express and explicit consent of the individual in question. There is also the assurance of this judgement being placed in the open community for all to see and judge this action. Hence, a doctor who assists such an endeavour is necessitated to have no hope in this case. The same for the person in question. They too must be in such a state as to have no hope for a return to normalcy.

4) Capital punishment: The early termination of life for criminal convicted of a crime. The judgement in this case must rest upon the crime itself. Is this crime so horrible that the perpetrator is so un-redeemable that the life they have should be ended? Since this is a state

action, the rules held to for justification must be the extreme. The principles adhered to in this case must be stringent. The person must be someone who cannot be redeemed or rehabilitated. Jails were established so that a person is punished by being denied the freedom of movement and free action. This was so horrible that it was considered suffering enough. The rehabilitation was so the criminal would not recommit another crime. So then is there a possible action that is so horrendous that it merits the state to kill someone else? Unfortunately, it is a false dilemma. A person is not a person without rationality and necessarily freedom. As such, there can be no such person who cannot be redeemed or rehabilitated. [That would be a contradiction in the elimination of progress and education or rationality of an individual.] Thus the state cannot take a life as a judgement of taste, only of sense. Is this notion save by that a majority of the people are in agreement that someone should die? The numbers do not matter. It is still wrong if one or one hundred billion agree to it. There can be no justification for such an act that is consistent with the rational of a person.

5) Discrimination: The denial of a fundamental right based on sex, race, religion, or on any other reason. This is a non-argument. There can be no denial of fundamental rights based on any such criteria. This could not be done

and be consistent with the existing norms of a rational being. To deny any rights is to deny all people the same right. Hence, if you deny one person such a right then you deny all people that right, including yourself. Yet, the question then is it justified to discriminate against people on the basis of re-adjusting the social structure to address historical wrongs. As such women and minorities have been traditionally denied positions in the job market, access to education, etc. because of race and sex. Is it then permissible for a reverse discrimination to occur against a white male for such a position? As we must treat all people equally, in our enlarged sense it is not permissible to do so. What this does is to place all the blame of history upon the shoulders of one person for the crimes and bad judgement of the past. This is reverse universalisation and is not just or even rational.

6) Censorship: The suppression of a work, be it written, music or video. There again there can be no argument here. The censorship of any work is the denial of community of thought and that is contradictory to our established principles. Is this argument save by the public good as a justification? Hence can we deny the production of some mode of information as it is against the communities interest to have such an opinion? This is a contradiction of the definition of community. Community is the inclusion of

all possible viewpoints. This would necessarily include those that we disagree with and do not want or like. We are free to argue and publish retorts and rebuttals to these opinion. In fact the most rational thing to do is not suppress or censor any works but challenge them to a fair hearing. Let the rational people of the community decide what is just. They will either affirm our rebuttal or reject it. This could even create entirely new positions that have not been previously in evidence. In the free marketplace of ideas, any imposition, does not allow for the creation of new ideas. Hence it does not further our notion of all possible ideas.

Appendix C

Policy

In this section we will apply judgement to three policy issues for such expenditures as 1) health care and 2) welfare and 3) nations trade.

1) Health care: This is the medical care of individuals in a community. The government is expected to help pay for those who cannot do so. All people should have access to medical assistance. In Canada, there is universal health care sponsored by the federal government in partnership with the provincial government. To pay for this policy, people, citizens are taxed. Thus to increase the coverage of health for some, is to increase the fees that others pay. Morality is at a lost here. Decreasing taxes would seem to be the moral action yet so to does universal health care also seem to be the moral act. Which is the better of the two? The answer cannot be found in morality, it must be found in judgement. The just action here is to do both. The government must make as much health care available to the population as possible, yet at the same time keep the price for this health care at the lowest amount possible. Thus the government must find a just solution between the two, taxes and health care. The government's duty is to assure that tax

dollars are not being wasted on administration and bureaucrats. As much money as possible is to go to health care to insure service and at the same time reduce taxes payable.

2) Welfare: This is the payment of people so as to allow them to survive without employment. This includes those who cannot work by means of impairment, be that a physical impairment or having to care for children, and those who cannot find meaningful employment. The government is again forced to pay for this program through tax dollars. In Canada, this is sponsored by the provincial government. To pay for this policy, citizens are taxed. Thus to increase the amount paid for welfare for some people, is to increase the fees that others pay. Morality is at a loss here. Decreasing taxes would seem to be the moral action yet so does not allowing people to starve. Which is the better of the two? The answer cannot be found in morality, it must be found in judgement. The just action here is to do both, same as for health care. There seems to be little doubt that those people who fall in the first class of welfare recipients, those who cannot work, are in need of this program. The second class, those who cannot find gainful employment, are the problem. These people are labelled as lazy or told to get off the welfare rolls. This is not the just act. Common sense is not to let people starve. Enlarged

sense would be disgusted by the very notion of letting people starve. So something must be done. The question is what to do here. Taxes must be kept as low as possible and benefits as high as possible so that people can afford a living.

The answer begins with dividing the issue. The first class of welfare recipient, those who cannot work, should be divided from the second class of welfare recipient, those who cannot find work. This will clear up any possible confusion. As both groups are different in their needs. The first class needs to survive. The second class needs a helping hand. The goal is twofold, to reduce taxes and to get people an affordable living condition. The answer is not to slash programs but to increase programs to help people find jobs. If the problem is that people do not have jobs then the answer is to find them jobs. First, people who cannot find work are impaired by many things such as the inability to find work. They lack education, skills and most importantly, self-confidence. The solution is to create programs that will enable these people to get off welfare into proper jobs. As they are helped to find jobs, they reduce the welfare rolls. They begin to pay taxes reduce the tax burden on society. Finally, they are removed from being a burden to being full citizens of the society. [These people are really full citizens are they not?] They are

dependant upon the whim of government and as such do not have freedom to participate in society. Thus, it is the duty of the government to help alleviate this situation by a means of finding these people jobs. Once they have a gainful employment they will regain their self-confidence and self-respect. This plan seems to be a win-win situation. The tax payers are increased in society. The tax burden is reduced. The welfare rolls are reduced and again the tax burden is lessened.

3) National trade: This is the exchange of goods and services between states. What is the issue here? The need to free trade at the same time to protect the national ability to produce diverse industries. The balance is between the two camps, liberalisation and protectionism. What is the just action from the government? The government policy must be to increase the opportunity to sell to other nations at the same time as reduce the ability of other nations to sell here. The answer is to have both liberalisation and protectionism. How is that possible? First, the government must open up local trade to as close to free-trade²⁸⁴ as possible. Then, the government must enact legislation to have a mirror policy with other governments. When another government raise's tariffs to local goods, the national

²⁸⁴ The term is not used as a proper name, i.e. NAFTA, the North American Free Trade Agreement, commonly called free trade is not what is implied here. What is implied is the open trade without boundaries of tariffs between countries.

government automatically does the same thing, hence a mirror image is form of another countries' trade laws that are reflected back at the offending country.

What should be done about dumping. This is when a state deliberately dumps products on a foreign market to reduce or eliminate the local industry so to move and take control over it. This occurred with the Japanese in the audio-visual industries in America in the late 1980's. This policy would not be reproducible to other industries so mirror trading laws would not work. Forcing a local company to dump would be legally impossible and financially ruinous. The answer here is for action by the government. The typical answer is to raise tariffs. This would not work in a world of mirror legislation for the dumping country would also raise tariffs. The answer is a case by case basis. If Company A is dumping in a market then the answer is too remove company A's right to trade. If they are not allowed to trade then they cannot dump goods in the market. When one or a few companies have been barred from trade then the others will learn their lessons. It would be in the interest of local companies to watch out for trade dumping from foreign competition. The foreign governments would not be able to retaliate due to the mirror trade legislation. If the foreign companies raise tariffs so to automatically would the tariff raise in the country they were dumping in. Thus

this would promote fair trading policies from other countries and our own.

Appendix C

Conclusion

Thus we have examined some issues of morality and of public policy. These issues have been given answers. Are they the right ones? We will only find out after they have been judged by other rational people who will use their common sense to understand the problem and then answer them. Time will tell.

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