

The Critical Modernism of Hannah Arendt

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Hannah Arendt grasps modernity in terms of crisis and political modernity in terms of the crisis of authority. Because she ties the crisis of authority not simply to liberal political thought but to the entire Western philosophical tradition, Arendt responds to the crisis of authority with a critical modernism, i.e., a modernism that seeks to lay bare the gap between past and future that was covered up by the Roman trilogy of tradition, religion, and authority. This modernism is critical because it intensifies rather than shies away from crisis. With this critical modernism, judgment emerges as the successor to authority, opening the door to a possible overcoming of metaphysics and of the estrangement of doing and thinking. Arendt's reworking of a parable of Kafka's dealing with the gap between past and future illustrates her turn to judgment and her attempt to overcome metaphysics.

I. CRITIQUE AND CRISIS

In his account of the "pathogenesis of modern society," Reinhart Koselleck argued that the "critical process of enlightenment conjured up the crisis" of modernity.¹ In his account, as in others, the modern position of critique

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¹ REINHART KOSELLECK, CRITIQUE AND CRISIS: ENLIGHTENMENT AND THE PATHOGENESIS OF MODERN SOCIETY 11 (1988).

engenders the modern condition of crisis. Modernism leads, or contributes, to modernity.² In Koselleck's story, the modern critic subjects political authority to relentless criticism but is unable to erect anything in its place except for a utopian philosophy of history that is alienated from the standpoint and constraints of practical, political action. The theme of the demise of political authority in the face of critique, the theme of the displacement of politics by an abstract and moralizing worldview, echoes not only the work of Carl Schmitt (and its polemics against liberalism) but also that of Hannah Arendt. Abstract thought displaces a proper understanding of concrete action. In the work of these authors, the modern condition appears not merely as one in which political authority has been lost or misapprehended but also as one in which *the political* itself — and for Hannah Arendt, political freedom — is threatened with loss and misapprehension.³

Because she was a reader of Nietzsche, however, Arendt's diagnosis of the critical condition of modernity leads to the observation that, to paraphrase Bruno Latour,⁴ "we have not been modern enough." Though Arendt's modernism has been described — and with some reason — as "reluctant,"⁵ Arendt's modernism (her position) in the face of modernity (our condition) is also "critical," one that calls for more, not less, critical thinking. Arendt's turn to the negative power of critique is necessary to make room for judgment. Indeed, our words for critique and crisis come from the Greek *krinein*, which signifies discrimination or judgment.⁶ Rediscovering the faculty of judgment can rescue us from the crisis of political authority and, more importantly, from that of the political. Critique frees up the space of practical action, exposes the gap, the nothing, in which human beings must dwell. But critique misunderstands its task when it goes further. The space opened up by critique is not to be filled with the "fruits" of critical thinking — for critical thinking bears no tangible "fruits" — but is to be confronted with the help of the faculty of judgment, that mental faculty which is most worldly,

2 On the contrast of modernity and modernism, of condition and position, see Mark Antaki, *Leading Modernity (To) A-Ground*, 19 *AUSTL. FEMINIST L.J.* 115 (2003), which engages PETER FITZPATRICK, *MODERNISM AND THE GROUNDS OF LAW* (2001).

3 See also SHELDON S. WOLIN, *POLITICS AND VISION: CONTINUITY AND INNOVATION IN WESTERN POLITICAL THOUGHT* (2004) (especially chapter nine of the first part, "Liberalism and the Decline of Political Philosophy").

4 BRUNO LATOUR, *WE HAVE NEVER BEEN MODERN* (Catherine Porter trans., Harvard Univ. Press 1993) (1991).

5 SELYA BENHABIB, *THE RELUCTANT MODERNISM OF HANNAH ARENDT* (1996).

6 See H.G. LIDDELL & ROBERT SCOTT, *AN INTERMEDIATE GREEK-ENGLISH LEXICON* 450-51 (Oxford, Clarendon Press 7th ed. 1889).

most tied to the demands and the standpoint of action — indeed most freeing of action, most *political*.

In order to properly come to terms with the loss of authority and make room for the possibility of judgment,⁷ Arendt suggests that we must free ourselves from a liberal imagination that confuses authority with violence in its thoroughgoing functionalism (i.e., its reduction of authority to "whatever makes people obey"⁸). We must free ourselves from a liberal imagination that confuses totalitarianism with authoritarianism because it misapprehends the demise of authority for the triumph of freedom and fails to see that authority and freedom possibly belong together.⁹ To distinguish authority from violence, Arendt argues, it is also necessary to overcome a liberal model of the rule and role of law in which judgment is reduced to the application of pre-existing rules. It turns out that the misapprehension of authority is bound up with a misapprehension of judgment — and that both misapprehensions threaten human, political freedom.

Attempting to overcome the confusion of authority with violence leads Arendt to argue that the failure to properly apprehend authority lies deeper than liberalism as a political theory: this failure has its origins in the Western tradition of thought and, ultimately, in metaphysics, i.e., the belief in a better, truer world in which this world finds its ground. According to Arendt, the crisis of modernity is not simply — as is often suggested in this epoch of "post-foundational" thinking¹⁰ — the loss of metaphysical ground. The crisis of modernity is the (threatened) loss of world. Thus, Arendt writes, the loss of authority is "tantamount to the loss of the groundwork *of the world*."¹¹ Whereas authority endowed the world with stability and whereas judgment presupposes and affirms a world peopled by a plurality of fellow human beings, metaphysics, in its effort to ground this world, deprives it of its worldly and political character. Metaphysics turns the problem of world into one of ground. It covers up the sharing of a world by a plurality of human

7 Some of the secondary literature on Arendt also pairs the theme of the demise of authority with that of the need for judgment. See, for example, ROBERT C. PIRRO, HANNAH ARENDT THE POLITICS OF TRAGEDY (2001), in which Chapter 3, "Tragic Foundations: *Promoting Political Freedom in a Post-Authority World*," is followed by Chapter 4, "Tragic Intuitions: *Judgment as an Instance of Political Freedom*."

8 HANNAH ARENDT, *What is Authority?*, in BETWEEN PAST AND FUTURE: EIGHT EXERCISES IN POLITICAL THOUGHT 91, 103 (1968).

9 ARENDT, *supra* note 8, at 95.

10 For a thoughtful reflection on the theme of foundation, see John E. Seery, *Castles in the Air: An Essay on Political Foundations*, 27 POL. THEORY 460 (1999).

11 ARENDT, *supra* note 8, at 95; see also Mark Antaki, *The World (lessness) of Human Rights*, 49 MCGILL L.J. 203 (2004).

beings with violence or fixed standards of truth that, each in its own way, compels or coerces agreement and does away with the dimension of plurality of human being-in-the-world. Truth is confounded with, indeed reduced to, certainty.

Judgment appears, then, not only as a practical response to the crisis of authority but also as the faculty that bridges the distance between thinking and doing, the distance that makes metaphysics (and hence nihilism) a "natural" propensity of thought.¹²

Judgment appears at once as a political or practical solution to the rule of law or the rule of rules, and as a philosophical solution to abstract thinking. Like the political practice of authority, judgment — unlike either physical violence or the coercion of philosophical truth — is compatible with human freedom. Accordingly, in her later work, Arendt turns to Kant's work on judgment (and away from Kant's work on reason — whether pure or practical) where imagination and the possibility of shared judgments that are not compelled figure prominently. Arendt turns from a science of politics to an art of politics, from the lone moral actor (practical reason) or lone observer (theoretical reason) to the judging spectator who is always already concerned with the world of public, political action.

However, the turn to the spectator is not necessarily a turn away from the actor, and the turn to Kant need not be construed as a turn away from Aristotle (and *phronesis*).¹³ It is important to keep in mind the multivocality of "judgment." Our (and Arendt's) use of "judgment" bridges the practice-theory divide: we speak of judgment with regard to the kind of discernment that accompanies — or ought to accompany — action, we speak of judgment with regard to the backward glance of the historian, we speak of judgment with regard to a legal or moral assessment of specific acts, we speak of judgment with regard to determinations of the beauty of a work or thing.¹⁴ And, as we shall see, Arendt believes that the distinctions between thought

12 HANNAH ARENDT, *THE LIFE OF THE MIND* 176 (1978).

13 I follow Lisa Jane Disch in not seeing "Arendt's lectures on judgment as a decisive retreat from the political writings," LISA JANE DISCH, *HANNAH ARENDT AND THE LIMITS OF PHILOSOPHY* 142 (1994), and Dana Villa in not seeing "an irreducible gap between Arendt's early, actor-centered account of judgment and her later, critical or historical one," DANA VILLA, *POLITICS, PHILOSOPHY, TERROR: ESSAYS ON THE THOUGHT OF HANNAH ARENDT* 99 (1999). Of course, not pitting the political against the critical Arendt does not mean that her account of judgment neatly succeeds in reconciling action and thought.

14 Seyla Benhabib identifies three of these senses of judgment with regard to the Eichmann affair. BENHABIB, *supra* note 5, at 185-86.

and action, between the political judgment of the actor and the historical or critical judgment of the spectator break down in times of crisis. To the extent that crisis can be used as a window into the human condition more generally, Arendt's focus on crisis might be the first step in leaving behind or reconciling these distinctions.

Part II of this Article, "The Crisis of Authority," turns to Arendt's conception of modernity as an epoch of crisis in which the "now," the gap between past and future, becomes, with the disappearance of authority, a political problem for man. It also shows how, according to Arendt, the loss of understanding of the experience of authority is concomitant with the rise of metaphysics, which covers up the gap between past and future in a way that divorces thought and deed. Part III, "The Gap Between Past and Future," explicates Arendt's dominant metaphor for modernity, i.e., the gap between past and future, by way of a parable of Kafka's to which Arendt turns. Arendt's treatment of Kafka's parable points starkly to metaphysics and the divorce of thought from deed. Part IV, "The Critique of Judgment," shows how judgment becomes pivotal in overcoming the divorce of thought from deed characteristic of metaphysics and of Kafka's parable. In Arendt's reworking of Kafka's parable, "thinking" is quietly transformed into "judging." The theory that belongs to the observer gives way to the theory (as in theatre¹⁵) that belongs to the spectator.

Though it focuses on Arendt as a political theorist and not as a legal theorist, this Article was inspired by developments in legal theory. Over the past several decades, an increasing number of legal theorists have made "imagination" occupy a central place in their thinking about law. At least some of these theorists have sought to conceive of the binding character of law in "aesthetic terms" rather than in terms of the threat of physical violence (as in Austin's gunman) or the inexorable force of a rule-bound reason.¹⁶ These accounts share Arendt's focus on world rather than ground and echo her understanding of both authority and judgment as being irreducible to violence or a narrowly-conceived rationality.¹⁷

It is precisely the manner in which these accounts turn to "imagination" that makes them so unsettling to a legal liberalism that insists on reasons that can compel agreement. Indeed, seeking to restrain or eliminate politics

15 Pirro writes: "It is worth speculating what Arendt would have made of the common etymological roots and cultural derivation of "theatre" and "theory" in a completed version of *Judging*." PIRRO, *supra* note 7, at 127.

16 See, e.g., ANTHONY T. KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* (1993); JAMES BOYD WHITE, *THE LEGAL IMAGINATION* (1985).

17 See, e.g., JOSEPH VINING, *THE AUTHORITATIVE AND THE AUTHORITARIAN* (1986).

by way of law, this legal liberalism sees the specter of totalitarianism behind any "aesthetic" account of law and legal and moral judgment.¹⁸ Arendt too saw authority and law as limiting, but also thereby enabling politics¹⁹ but could not conceive of a law that would replace or do away with politics.²⁰ Thus, in *The Origins of Totalitarianism*, Arendt's articulation of the essence of human rights as the right to have rights²¹ serves to make primordial one's belonging not only to a legal order but to a *political* community. And whereas the "unruliness of judgment"²² leads some to fear arbitrariness and evil, Arendt attributes Eichmann's evildoing to his thoughtlessness and to his lack of imagination, i.e., to the utter conformity of his thought to pre-existing standards and clichés — to the "rule-boundedness" of his judgment²³ and not to the inherent unruliness of judgment in general. Thoughtlessness and worldlessness appear as constitutive of (modern) evil.

Thus, whereas there is often a laudable tendency in contemporary thought to turn to rule-bound reason to avoid or prevent times of crisis, Arendt worries that, precisely in times of crisis, adherence to inherited standards and rules may be insufficient to inspire proper action — and indeed may be most detrimental to proper action. Thus, it is precisely because Arendt tends to conceive of thinking as negative, as dissolving taken for granted standards,

18 See, e.g., R. George Wright, *Whose Phronesis? Which Phronimoi?: A Response to Dean Kronman on Law School Education*, 26 CUMB. L. REV. 817 (1995-1996).

19 In her essay on authority, Arendt refers to the distinction between (lawless) tyranny and (lawful) authoritarianism. ARENDT, *supra* note 8, at 97.

20 See also JILL FRANK, *A DEMOCRACY OF DISTINCTION: ARISTOTLE AND THE WORK OF POLITICS* (2005) (particularly Chapter 4, "The Rule of Law").

21 HANNAH ARENDT, *THE ORIGINS OF TOTALITARIANISM* 296 (Harcourt Brace Jovanovich 1973) (1951).

22 See Philippe Nonet, *Judgment*, 48 VAND. L. REV. 987 (1995); see also Linda Ross Meyer, *Is Practical Reason Mindless?*, 86 GEO. L. REV. 647 (1998).

23 Arendt attributes Eichmann's wrongdoing to his "sheer thoughtlessness," to "his lack of imagination," "to his remoteness from reality." HANNAH ARENDT, *EICHMANN IN JERUSALEM: A REPORT ON THE BANALITY OF EVIL* 287-88 (1964) [hereinafter ARENDT, *EICHMANN IN JERUSALEM*]. Arendt writes that Eichmann "had not the slightest difficulty in accepting an entirely different set of rules. He knew that what he had once considered his duty was not called a crime, and he accepted this new code of judgment as thought it were nothing but another language rule." HANNAH ARENDT, *Thinking and Moral Considerations*, in *RESPONSIBILITY AND JUDGMENT* 159, 159 (Jerome Kohn ed., 2003) [hereinafter ARENDT, *Thinking and Moral Considerations*]. The key here is the ease with which Eichmann exchanged one set of rules for another without thinking, without being worldly. Cf. George Orwell, *Politics and the English Language*, in *ORWELL'S NINETEEN EIGHTY-FOUR: TEXT, SOURCES, CRITICISM* 248 (Irving Howe ed., 1982).

and precisely because she tends to divorce thinking from doing, that Arendt can assert that "[t]hinking ceases to be a marginal affair in political matters" in moments of mass conformity.²⁴ The problem she identifies is not one of certainty or knowledge but one of historical — and practical — discernment: "The manifestation of the wind of thought is no knowledge; it is the ability to tell right from wrong, beautiful from ugly. And this indeed may prevent catastrophes, at least for myself, in the rare moments when the chips are down."²⁵ (Critical) thought becomes a — if not *the* — mode of action in times of crisis.

II. THE CRISIS OF AUTHORITY

A. The Crisis of Modernity

Scholars have located the "beginning" of modernity in the eighteenth century, with the "final victory" of the moderns over the ancients²⁶ or even with the coming into its own of history as a discipline. For example, Reinhart Koselleck writes that modernity (*Neuzeit*) designates that epoch in which "the discipline of history (*Geschichtswissenschaft*)" outgrows "the mere employment of its methods" and develops "a theory of its own."²⁷ Koselleck emphasizes that, more than signifying a dateable historical epoch, modernity is the thematizing and becoming ever-present of a certain set of problems, tensions, or experiences relating to man's historicity: for example, "the knowledge that one is living in a period of transition in which it becomes harder and harder to reconcile established traditions with necessary innovations," "the feeling of acceleration by which processes of economic or political change appear to be taking place."²⁸

Taking our cue in part from Koselleck, but shifting our emphasis from the "new" (*Neuzeit*) to the "now" (modernity²⁹), we can say that modernity is that condition in which the "now" or, as Arendt calls it, "the

24 ARENDT, *Thinking and Moral Considerations*, *supra* note 23, at 188.

25 *Id.* at 189.

26 *See, e.g.*, Tilo Schabert, *A Note on Modernity*, 7 POL. THEORY 123 (1979).

27 REINHART KOSELLECK, *The Eighteenth Century as the Beginning of Modernity*, in THE PRACTICE OF CONCEPTUAL HISTORY 154, 167 (Todd Samuel Presner trans., 2002).

28 *Id.* at 168.

29 The German *Neuzeit* points to the "new" whereas the English modernity points to the "now" from the Latin *modo*, just now.

gap between past and future"³⁰ becomes a problem for man. For Arendt, the "now" became a problem as the "Roman trinity" of "religion, authority, and tradition"³¹ broke down. Without the guidance of tradition, religion, and authority, man is thrown back upon himself and threatened with the loss of the past (the breakdown of tradition), the loss of faith (the breakdown of religion), and the loss of the world (the breakdown of authority).³² According to Arendt, the breakdown of authority occurred last but is most significant politically, i.e., most constitutive of political modernity. In a manner akin to Koselleck's account of the unsettling power of the "new," Arendt notes that authority provides the world a "permanence and durability which human beings need precisely because they are mortals."³³ Thus, with the breakdown of authority, man is potentially threatened with the loss of the "conditions of human existence,"³⁴ such as the "world," i.e., the "in-between" that "relates and separates men at the same time."³⁵ This breakdown of the Roman trilogy points to the "general crisis that has overtaken the modern world everywhere and in almost every sphere of life."³⁶

Though we commonly think of crises in terms of risks, losses, and dangers, Arendt's account also points to crises as moments in which the burden of freedom is placed squarely on the shoulders of men, whether they "feel" it or not, and in which a space for a decision that is sorely needed opens up whether this space is recognized as such or not. As we shall see, the crisis of the modern world³⁷ presents itself as an opportunity for man to "lose" — but also to "win" — his humanity.

30 See, e.g., HANNAH ARENDT, *Preface: The Gap Between Past and Future*, in BETWEEN PAST AND FUTURE: EIGHT EXERCISES IN POLITICAL THOUGHT, *supra* note 8, at 3.

31 ARENDT, *supra* note 12, at 212.

32 ARENDT, *supra* note 8, at 94-95.

33 *Id.* at 95.

34 HANNAH ARENDT, *THE HUMAN CONDITION* 11 (1958).

35 *Id.* at 52.

36 HANNAH ARENDT, *The Crisis in Education*, in BETWEEN PAST AND FUTURE: EIGHT EXERCISES IN POLITICAL THOUGHT, *supra* note 8, at 173, 173 [hereinafter ARENDT, *The Crisis in Education*]. Crisis is a prominent theme in Arendt's work. In addition to the above, note the titles of, for example, HANNAH ARENDT, *The Crisis in Culture: Its Social and Political Significance*, in BETWEEN PAST AND FUTURE: EIGHT EXERCISES IN POLITICAL THOUGHT, *supra* note 8, at 197 [hereinafter ARENDT, *The Crisis in Culture*]; HANNAH ARENDT, *CRISES OF THE REPUBLIC* (1972).

37 In her introduction to *The Human Condition*, Arendt writes, "[T]he modern age is not the same as the modern world. Scientifically, the modern age which began in the seventeenth century came to an end at the beginning of the twentieth century; politically, the modern world, in which we live today, was born with the first atomic explosions." ARENDT, *supra* note 34, at 6.

B. Metaphors of Modernity

Arendt turns to several metaphors of modernity, of crisis, to outline the predicament of modern man.³⁸ For example, Arendt explicitly draws on Jacob Burckhardt to describe the beginning of the Western philosophical tradition (with Plato and Aristotle) as "a 'fundamental chord' which sounds its endless modulations throughout the whole history of Western thought."³⁹ The chord could not strike man "more forcefully and more beautifully" than at the beginning of the tradition, writes Arendt, but at the end of the tradition (with Marx) "never more irritatingly and jarringly."⁴⁰ The "fundamental chord" attunes man to the world as long as it resonates beautifully but it turns destructive in the end.

Arendt also turns to the metaphor of the "thread" of tradition. This thread, she writes, "safely guided us through the vast realms of the past."⁴¹ The wearing thin and breaking of the thread invite forgetting and thus endanger the past, the "dimension of depth in human existence."⁴² Without a tradition "which selects and names, which hands down and preserves"⁴³ the treasures of human being-in-the-world, the dimensions of past and future that constitute man's humanity are threatened. The loss of past and future threatens the present as well: there arises the risk of the reduction of man to a biological being left with "only sempiternal change of the world and the biological cycle of living creatures in it."⁴⁴ As Arendt writes in the concluding pages to *The Human Condition*, man "is on the point of developing into that animal species from which, since Darwin, he imagines he has come."⁴⁵

Perhaps the most important metaphor of modernity, of crisis, to which Arendt turns is that of the "gap between past and future." Arendt writes of the "gap between past and future" being "bridged over by what, since the Romans, we have called tradition."⁴⁶ The breakdown of the bridge of tradition,

38 Though the language of "past" and "tradition" figures prominently in Arendt's use of the metaphors discussed below, these metaphors apply to the breakdown of the Roman trilogy of tradition, religion, and authority. Often, Arendt mixes her categories, writing, for instance, of the authority of the past.

39 HANNAH ARENDT, *Tradition and the Modern Age*, in BETWEEN PAST AND FUTURE: EIGHT EXERCISES IN POLITICAL THOUGHT, *supra* note 8, at 17, 18.

40 *Id.*

41 ARENDT, *supra* note 8, at 94.

42 *Id.*

43 ARENDT, *supra* note 30, at 4.

44 *Id.* at 5.

45 ARENDT, *supra* note 34, at 322.

46 ARENDT, *supra* note 30, at 13-14.

then, would appear to hurl man into the gap, into the nothing, into the abyss. However, Arendt writes that whereas the breakdown of the bridge covering the gap is constitutive of our modernity, the gap is constitutive of our humanity. Arendt explains: "The gap, I suspect, is not a modern phenomenon, it is perhaps not even a historical datum but is coeval with the existence of man on earth."⁴⁷ In other words, being human is being-in-the gap, being-towards-the-nothing.

Arendt's inquiry into authority is thus not only an inquiry into a part of the Roman trilogy that helped cover up the gap, and thus an inquiry into the crisis of modern times, but also a contribution to the uncovering of the gap, and thus a critique. In her essay on authority, Arendt inquires into the form of authority that held sway in Western history. Her critique of authority aims at exposing the "original" experience of authority, an original experience that has been layered over, and therefore lost, by successive misappropriations and misinterpretations. Her critique also aims at outlining the challenge we moderns face in being responsible for the world without the help of authority.

C. Authority

Arendt's account of authority is guided by the conviction that it is important to discriminate, to make distinctions, i.e., to judge. Arendt explains that she is writing against two strong contemporary trends that lead to the confounding of authority with violence. On the one hand, she explains, liberal writers see the progress of humanity as a march towards greater freedom, looking upon

each deviation from this course as a reactionary process leading in the opposite direction. This makes them overlook the differences in principle between the restriction of freedom in authoritarian regimes, the abolition of political freedom in tyrannies and dictatorships, and the total elimination of spontaneity itself, that is, of the most general and most elementary manifestation of human freedom, at which only totalitarian regimes aim by means of their various methods of conditioning.⁴⁸

Contrary to liberal writers, Arendt claims that the *loss* of authority paved the way for totalitarianism. On the other hand, Arendt ties liberalism to "the almost universal functionalization of all concepts and ideas,"⁴⁹

⁴⁷ *Id.* at 13.

⁴⁸ ARENDT, *supra* note 8, at 96.

⁴⁹ *Id.* at 101.

which challenges the importance of making distinctions. Thus, the belief that whatever "makes people obey"⁵⁰ is authority leads to the identification of authority with violence. Arendt's critique of authority aims at purifying authority, "an obedience in which men retain their freedom,"⁵¹ from violence. The political crisis of modernity is not merely defined by the rise of totalitarianism but also by the inability of political thought to distinguish the experience of authority from the terror of totalitarianism.⁵² Whether or not authority can be regained, learning what it *was*⁵³ may serve to sharpen our powers of discernment, our capacity to *see*. The negative power of thought may serve to awaken us to the world. Moreover, the association of authority and violence may not issue solely from the failures of the liberal imagination. The association may issue from our entire tradition of thought.

Arendt's critique of authority locates the "contamination" of authority by violence in the legacy of Greek and Christian thought that obscured the Roman experience of authority:

[W]hile all our models, prototypes, and examples for authoritarian relationships — such as statesman as healer and physician, as expert, as helmsman, as the master who knows, as educator, as the wise man — all Greek in origin, have been faithfully preserved and further articulated until they became empty platitudes, the one political experience which brought authority as word, concept, and reality into our history — the Roman experience of foundation — seems to have been entirely lost and forgotten.⁵⁴

Much of Arendt's essay consists in tracing the "contamination" of authority by violence or in showing how authority became understood as a mode of obedience in which men did not retain their freedom. For example, Arendt points to Plato's attempt to find an alternative to rule by force or persuasion. She asserts that the examples he bequeathed to the tradition confounded doing and making, thereby introducing the element of violence

50 *Id.* at 103.

51 *Id.* at 106.

52 Lincoln's treatment of Arendt on authority points to a reading of her text that paved the way for neoconservative support "for 'authoritarian' regimes (dictators and death squads) against their 'totalitarian' rivals (Communists)." BRUCE LINCOLN, *AUTHORITY: CONSTRUCTION AND CORROSION* 127 (1994).

53 At the beginning of her essay, Arendt writes that it "might have been wiser" to call her essay "What Was Authority?" ARENDT, *supra* note 8, at 91.

54 *Id.* at 136.

inherent in fabricating into authority.⁵⁵ She writes that this confounding of doing and making was manifest in the "transformation of the ideas into measures," into "actual yardsticks for behavior."⁵⁶ Judgment came to be identified predominantly with subsuming. Truth acquired its own coercive, violent, or absolute character. And, authoritarian government came to be identified with a legitimation of power by means of an appeal to a sphere beyond that power, i.e., beyond this world.⁵⁷ The relation of thought to deed was reconfigured and the gap between past and future began to be bridged with (the tradition of) metaphysics.

Arendt provides an account of the Roman understanding of authority, an understanding free of contamination by violence. Arendt points to the roots of the Roman practice of authority in the experience of foundation. The essence of authority lies in the augmentation of a foundation.⁵⁸ The "mere advice" of elders does not need "command or external coercion" to make itself heard. Rather, elders are listened to because they "represent" the world. Elsewhere (in her essay on "The Crisis in Education"), Arendt clarifies the relation of authority to world. She explains that the

teacher's qualification consists in knowing the world and being able to instruct others about it, but his authority rests on his assumption of responsibility for that world. Vis-à-vis the child it is as though he were a representative of all adult inhabitants, pointing out the details and saying to the child: This is our world.⁵⁹

However, Arendt notes, without the specifically Roman belief that "under all circumstances ancestors represent the examples of greatness for each successive generation," the "model of education through authority" for public, political life served to obscure claims to domination.⁶⁰

Arendt explains that the removal of authority "from public and political life" could signify that "from now on an equal responsibility for the course of the world is to be required of everyone" but, she adds, "it may also mean that the claims of the world and the requirements of order in it are being consciously or unconsciously repudiated"⁶¹ Following the

⁵⁵ *Id.* at 111.

⁵⁶ *Id.* at 110.

⁵⁷ *Id.* at 110-11.

⁵⁸ *Id.* at 122. Arendt notes the derivation of *auctoritas* from *augere*.

⁵⁹ ARENDT, *The Crisis in Education*, *supra* note 36, at 189.

⁶⁰ ARENDT, *supra* note 8, at 119.

⁶¹ ARENDT, *The Crisis in Education*, *supra* note 36, at 190.

breakdown of authority in politics, the breakdown of authority in education appears potentially as an unequivocal repudiation of the claims of the world.

Even if, to follow Arendt's account of the Greeks, man's mode of being political is one of persuasion (understood here as an appeal to a shared world in contradistinction to the "force" of merely "rational" arguments) directed towards others who are his equals, then authority should provide these equals with their first attunement to the world and to one another. Authority should provide children with the conditions to develop the "taste" required for aesthetic and political judgments,⁶² with the wherewithal by which (eventually) to choose their own company,⁶³ with the means by which (eventually) to settle in the gap between past and future and assume responsibility for a fragile world. Hence, judgment, including political judgment, depends on authority — though not necessarily on political authority.

Though Arendt is ambiguous about the possibility of recovering political authority in the modern world,⁶⁴ her account of authority serves to illustrate the significance of a critique that tracks the depth of a crisis, and of a destruction of a tradition (metaphysics) that makes possible the appropriation of a past (the Roman experience of political authority). As we shall see, though the loss of tradition threatens man with the loss of the past, it also provides the occasion for a more original reappropriation of that past. Similarly, even if the "pearl"⁶⁵ of authority cannot be recovered in the present world, its critique serves to uncover what is perhaps the greatest of the "pearls" of which Arendt writes: the world to which man belongs and the gap between past and future itself.

62 ARENDT, *The Crisis in Culture*, *supra* note 36, at 222.

63 *Id.* at 225-26. In her essay on education, Arendt asserts that education must be conservative precisely because public, political life ought not to be, and, indeed "cannot" be. ARENDT, *The Crisis in Education*, *supra* note 36, at 192-93.

64 See generally HANNAH ARENDT, ON REVOLUTION (1963), in which Arendt explores the possibility that authority can be found in the modern world and that the American Revolution was a partial success in this regard. Indeed, in *id.* at 201, she writes that "[i]n Rome, the function of authority was political and it consisted in giving advice, while in the American republic the function of authority is legal and it consists in interpretation." See also VINING, *supra* note 17.

65 See *infra* note 103 and accompanying text.

III. THE GAP BETWEEN PAST AND FUTURE

A. Political Modernity and the Relation of Thought to Deed

Arendt believes that the gap between past and future belongs primarily to (or even primarily determines) *thinking* as such — and not doing. Indeed, thinking is "settling down in the gap between past and future," an activity for which modern man seems "neither equipped nor prepared."⁶⁶ Nevertheless, Arendt believes that the gap between past and future, the "now," becomes a specifically *political* problem with the advent of modernity. "When the thread of tradition finally broke," Arendt writes, "the gap between past and future ceased to be a condition peculiar only to the activity of thought and restricted as an experience to those few who made thinking their primary business. It became a tangible reality and perplexity for all; that is, it became a fact of political relevance."⁶⁷ In ordinary times, thinking interrupts the "natural" flow of time but in times of crisis no flow is necessarily experienced — even by men of action, by political actors.

The modern condition presents itself as one in which action is invited to become essentially thoughtful as it is deprived of the guidance of traditional thought and thrust into the "space" traditionally occupied by thought. In modernity, thought and action must become reacquainted with one another. The bridging of the gap between past and future also served to obscure the essential relation of thought and action. Though Arendt would not agree with Marx's "marriage" of philosophy and politics,⁶⁸ of theory and practice in "critique,"⁶⁹ she too turns to critique and critical thinking in response to the crisis of modernity. If man is to experience the loss of tradition not only as the loss of the thread of safe guidance but also as liberation from "the chain fettering each successive generation to a predetermined aspect of the past,"⁷⁰ he must learn to think for himself, to become a critical thinker. He must

⁶⁶ ARENDT, *supra* note 30, at 13.

⁶⁷ *Id.* at 14.

⁶⁸ ARENDT, *supra* note 39, at 17-18:

Political philosophy necessarily implies the attitude of the philosopher toward politics; its tradition began with the philosopher's turning away from politics and then returning in order to impose his standards on human affairs. The end came when a philosopher turned away from philosophy so as to "realize" it in politics.

⁶⁹ HANNAH ARENDT, LECTURES ON KANT'S POLITICAL PHILOSOPHY 36 (1982).

⁷⁰ ARENDT, *supra* note 8, at 94.

become a critical thinker if he is to "save" the past from the loss of tradition, faith from the loss of religion, and the world from the loss of authority.

The uneasy relation between thinking and doing is one that informs the entire body of Arendt's work. *The Human Condition* is, in large measure, an impassioned defense of the *vita activa* and the *bios politikos* in the face of the potentially exorbitant claims of the *vita contemplativa* and the *bios theoretikos*. It is a vibrant account of the autonomy of politics and its concern with the plurality of men in the face of philosophy and its reduction of men to man⁷¹. It is an attempt to resist the subordination of practice to theory, to recover the fundamental character and articulation of the *vita activa* in the face of the distorting effects of a "traditional hierarchy" that favored the *vita contemplativa*.⁷²

Whereas Arendt considers the fundamental character of the active life and its articulations (labor, work, action) in *The Human Condition*, she considers the fundamental character of the life of the mind and its articulations (thinking, willing, judging) in the never-completed *Life of the Mind*. In *The Human Condition*, Arendt seeks to grant the active life an autonomy and ultimate goodness previously accorded only to the life of the mind, while in *The Life of the Mind*, Arendt seeks to grant the life of the mind a worldliness previously accorded only to the active life. "Critical thinking" and judgment may provide the connection between the life of the mind and the active life, the key to their reconciliation in modernity, the possibility for man to "settle" in the gap between past and future.

B. The Gap Between Past and Future

To explicate the gap between past and future, Arendt turns to one of Kafka's parables. Arendt's account of Kafka's parable, and of this gap, appears twice in her writings (in slightly different forms): first, in her essay collection *Between Past and Future* it appears as the preface, entitled "The Gap Between Past and Future," and, second, in *The Life of the Mind*, it appears as the last chapter of the first volume, *Thinking*, entitled "The gap between past and future: the *nunc stans*." In both, Arendt recounts the parable in the same way. Here is an abbreviated version: A man on a road has two antagonists. One pushes him forward. And one pushes him backward. The man dreams of escaping the fight altogether and of assuming the position of umpire over the two antagonists. Arendt describes the man's dream of

71 ARENDT, *supra* note 34, at 7.

72 *Id.* at 17.

escaping the fight as the "old dream" of Western metaphysics: the escape to a realm of eternal thought.⁷³

In the Preface to her essay collection, Arendt turns to Kafka's parable to describe a predicament of (modern) man: to be faced with the incompleteness of action due to the lack of a story to think through the sense of action.⁷⁴ More specifically, pointing forward to her work *On Revolution*, Arendt speaks of the treasure of "public happiness" — of the joy of participation in public, political affairs within a space of freedom (or to establish a space of freedom⁷⁵) — which abruptly appeared and disappeared in modern revolutions "because no tradition had foreseen its appearance or reality, because no testament had willed it for the future."⁷⁶ Arendt quotes the words of René Char, "our inheritance was left to us by no testament."⁷⁷ According to Arendt modern man lacks the story to describe, and therefore to designate as worthy of being preserved, the age-old treasure uncovered in revolutionary action. This lack is of great significance as "[t]he history of revolutions . . . politically spells out the innermost story of the modern age."⁷⁸ Stories, then, are important not only because of the retrospective judgment they can provide but also because of the concrete possibilities they bequeath to action.

Arendt turns to Kafka's parable because it best describes this predicament of "thought and reality" parting company.⁷⁹ Unable to understand what happened, the mind "finds itself immediately engaged in its own kind of warfare."⁸⁰ The warfare of the mind in Kafka's parable is akin to the dissonance with which the fundamental chord of Western political thought must strike man at the end of the tradition or to the utter panic man must feel when the thread of tradition wears thin — and breaks. In Kafka's parable, man is aware of his predicament. Elsewhere, Arendt writes that "[t]he end of a tradition does not necessarily mean that traditional concepts have lost their power over the minds of men."⁸¹ Nevertheless, in Kafka's parable, man appears to be helpless

73 ARENDT, *supra* note 30, at 11.

74 Compare ARENDT, *supra* note 34, at 175-88, in which the introduction to Arendt's account of action is immediately followed by a discussion of stories and art.

75 See generally ARENDT, *supra* note 64.

76 ARENDT, *supra* note 30, at 6-7.

77 *Id.* at 3, 7.

78 *Id.* at 5. In *On Revolution*, Arendt attempts to distinguish liberation from freedom, showing how American revolutionary actors themselves were struggling to find the words to capture their joy of public action. See generally ARENDT, *supra* note 64, at 122 *passim*.

79 ARENDT, *supra* note 30, at 6.

80 *Id.* at 8.

81 ARENDT, *supra* note 39, at 26. She continues:

On the contrary, it sometimes seems that this power of well-worn notions and

before this predicament, dreaming of an escape, a "promotion,"⁸² out of the temporal dimension of human existence. This dream of escape, it will turn out, is precisely one of the ways traditional concepts have not lost their power over the minds of men.

In her account of Kafka's parable in the introduction to *Thinking*, Arendt writes that two things prompted her "to venture from the relatively safe fields of political science and theory into these rather awesome matters [of philosophy]."⁸³ First, Arendt mentions her account of Eichmann's evildoing as rooted in, or intimately tied to, his *thoughtlessness*.⁸⁴ Second, she mentions a question she points to in her conclusion to *The Human Condition*: "What are we 'doing' when we do nothing but think?"⁸⁵ In her introduction to *The Human Condition*, Arendt writes: "[T]he highest and perhaps purest activity of which men are capable, the activity of thinking, is left out of these present considerations."⁸⁶ Further, as she notes in *The Life of the Mind*, she concludes *The Human Condition* with the following quotation from Cato: "Never is he more active than when he does nothing, never is he less alone than when he is by himself."⁸⁷ This quotation ascribes to thought the utmost in activity and in plurality, which are, according to Arendt, the distinctive features of the *vita activa*, of man's worldliness.

Arendt's account of the gap between past and future is located at the end of *Thinking* and provides the transition to *Willing*, the second volume, and *Judging*, the never completed third volume. More specifically, it is located in Part IV of *Thinking*, "Where Are We When We Think?" Kafka's parable would appear to point to an absence of a place for thinking. Either man is unable to think in the face of the awesome forces of past and future, or, if he is somehow "promoted," he finds a place to think above the fray of human affairs and even outside the temporal dimension of human existence. In either case, there is no thinking that can take place in *this* world and *within* the gap between past and future. Thinking is not only abstracting — it is escaping.

Nevertheless, Arendt's introduction to *Thinking* and the location of her

categories becomes more tyrannical as the tradition loses its living force and as the memory of its beginning recedes; it may even reveal its full coercive force only after its end has come and men no longer even rebel against it.

82 ARENDT, *supra* note 30, at 7.

83 ARENDT, *supra* note 12, at at 3.

84 *Id.* at 4. See generally ARENDT, EICHMANN IN JERUSALEM, *supra* note 23.

85 ARENDT, *supra* note 12, at 8.

86 ARENDT, *supra* note 34, at 5.

87 *Id.* at 324.

account of Kafka's parable within *Thinking* point to the need to grasp thinking as being essentially tied to the world. In other words, Arendt was moved to think about thinking as a saving grace, or condition, of action and to think of the kind of activity that belongs to the quiet of thinking. She was moved to think of the relation, and possibly the belonging together, of, in her terms, political theory and philosophy, and of the *vita activa* and the *vita contemplativa*. As we shall see further below, it is in part because she was moved to think of this belonging together or union that she turned to Kant, critique, and judgment. "For Kant, the philosopher remains a man like you and me, living among his fellow men, *not* among his fellow philosophers."⁸⁸

All of this context ought to be kept in mind when noting Arendt's assertion that "Kafka's time parable does not apply to man in his everyday occupations but only to the thinking ego, to the extent that it has withdrawn from the business of everyday life."⁸⁹ According to Arendt, everyday life is marked by a continuity that allows the "three tenses" to "smoothly follow each other."⁹⁰ On the other hand, "[t]he gap between past and future opens only in reflection."⁹¹ Nevertheless, one must be careful when asserting that the gap between past and future opens only in reflection. After all, Arendt's account of action, e.g., in *The Human Condition*, often points to an understanding of action as extraordinary, as a break in the "process" character of our lives.⁹² One could also assert that action proper is an existential modification, a *thoughtful* appropriation, of our everyday *behavior*. In addition, Arendt's assertion that the "gap between past and future" becomes politically significant in modern times also points to the opening of a gap between thought and action and to the political significance of this latter gap.

To pursue the spatial metaphor in Kafka's parable, what is crucial for Arendt is the location of the thinking ego. "What is missing" in Kafka's description, Arendt writes, "is a spatial dimension where thinking could exert itself without being forced to jump out of human time altogether."⁹³ In other words, what is missing in Kafka's story is a place for a kind of thinking that remains in and of *this* world. Such a thinking, though a good-in-itself, would be of service to the worldly mental activities of judging and willing.⁹⁴ Such a thinking would allow the gap between past and future to be a "home"

⁸⁸ ARENDT, *supra* note 69, at 28.

⁸⁹ ARENDT, *supra* note 12, at 206.

⁹⁰ *Id.* at 205.

⁹¹ *Id.* at 206.

⁹² See, e.g., ARENDT, *supra* note 34.

⁹³ ARENDT, *supra* note 30, at 11.

⁹⁴ *Id.* at 13.

and not simply a "battlefield." Such a thinking would be able to recognize the thread of tradition as a chain and perhaps even to welcome its wearing down and breaking.

IV. THE CRITIQUE OF JUDGMENT

A. The Critical Modernism of Hannah Arendt

Thus far, we have turned to Arendt to describe the predicament of modern man as a breakdown of tradition, religion, and authority that threatens man with the loss of past, faith, and world. If this predicament constitutes modernity, the modern *condition*, then man's *position* with respect to this predicament constitutes man's *modernism*. Arendt's modernism, though sometimes described as reluctant, can also be described as critical. If crisis — a predicament that requires a decision — is constitutive of the modern condition then critique or critical thinking — the drawing of distinctions, the exercise of judgment, the harnessing of the negative power of thought to subject worn-out concepts to sustained and careful scrutiny — is constitutive of Arendt's modernism. As we shall see, Arendt's modernism turns to a critique grounded in human plurality and the human capacity to imagine.

Without the prejudgments, the prejudices, given to us by tradition, religion, and authority we are thrown back upon our own capacity to judge. Our own judgment of our own past must take the place of the authority of a tradition that hands down our past to us — or, more precisely, that is no longer able to do so. In order to properly employ this capacity of judgment, we must turn to critique. Critique must, as it were, retrace the steps of crisis: to learn to settle in the gap between past and future, we must complete the destruction of a worn-out tradition. As Arendt writes, referring to Kant, "Enlightenment means . . . liberation from prejudices, from authorities, a purifying event."⁹⁵ Thus, Arendt writes that she has joined the ranks of those who would dismantle the tradition of metaphysics and philosophy,⁹⁶ a tradition that has served to bridge, to cover up, the gap between past and future — the nothing — but is no longer able to do so. As we have seen with regard to Arendt's treatment of authority, it would also appear, then, that the position of critique man is to take with respect to his condition of crisis leads to a willful exacerbation of

⁹⁵ ARENDT, *supra* note 69, at 31. Critique as a task must be distinguished from the Enlightenment as a historical epoch. The Enlightenment as a historical epoch can be grasped as part of the tradition, the destruction of which must be completed.

⁹⁶ ARENDT, *supra* note 12, at 212.

that crisis, possibly leading to a nihilistic rejection of all that is. Nihilism and metaphysics appear as two sides of the same coin.

Thinking of both Socrates and Kant,⁹⁷ Arendt describes thinking in essentially negative terms as "[t]he quest for meaning which relentlessly dissolves and examines anew all accepted doctrines and rules."⁹⁸ According to Arendt, thinking is oriented towards meaning (i.e., sense) and not towards what we ordinarily call "truth" or "knowledge" (which Arendt associates with cognition).⁹⁹ Indeed, the "nihilism" that would appear to emerge from the will to complete the destruction of tradition can be understood as a thinking that subverts itself, that aspires to do too much.¹⁰⁰ Arendt notes that "[w]hat we commonly call 'nihilism' is actually a danger inherent in the thinking activity itself"¹⁰¹ as much or more than it is anything modern. In this regard, it is important to remember that "[u]sing his own mind, Kant discovered the 'scandal of reason,' that is, that it is not just tradition and authority that lead us astray but the faculty of reason itself."¹⁰²

The negative power of thinking need not issue in nihilism. Thus, Arendt cautions, "[i]f some of my listeners or readers should be tempted to try their luck at the technique of dismantling, let them be careful not to destroy the 'rich and strange,' 'the coral' and the 'pearls,' which can probably be saved only as fragments."¹⁰³ These words echo those of Heidegger:

*Ruthlessness toward the tradition is reverence before the past — and it is authentic only in the appropriation of this — the past — out of the destruction of that — the tradition. From here out must each actual historical work, which is something fully other than history in the usual sense, insinuate itself in the discipline of philosophy.*¹⁰⁴

⁹⁷ ARENDT, *supra* note 69, at 38 passim; ARENDT, *supra* note 12, at 176.

⁹⁸ ARENDT, *supra* note 12, at 176.

⁹⁹ *Id.* at 176. In *id.* at 56, Arendt contrasts thinking, Kant's *Vernunft*, which has meaning or sense as its aim with Kant's *Verstand*, which has knowledge as its aim.

¹⁰⁰ *Id.* at 176. Arendt grasps nihilism as the quest for meaning turning against itself, as counter conventionalism, as the negation of the "current so-called positive values, to which it remains bound." Thus nihilism does not issue from the negativity of thinking but from negative thinking turning against itself and erecting the opposite of what it negates as a positive value. See also ARENDT, *supra* note 39, in which the thought of Marx, Nietzsche and Kierkegaard is described in terms of turning tradition upside down (but not necessarily as nihilism).

¹⁰¹ ARENDT, *supra* note 12, at 176.

¹⁰² ARENDT, *supra* note 69, at 32.

¹⁰³ ARENDT, *supra* note 12, at 212.

¹⁰⁴ MARTIN HEIDEGGER, *PLATO'S SOPHIST* 286 (Richard Rojcewicz & Andre Schuwer trans., Indiana Univ. Press 1997) (1992).

A destruction of tradition must make possible or be consistent with the appropriation of a past.¹⁰⁵ Further, critical thought (about the past) is necessarily bound up with experimental thought (about the future).¹⁰⁶ But does man have a place in this world from which to engage in critical thinking?

B. Settling in the Gap Between Past and Future

In both *Between Past and Future* and *Thinking*, Arendt modifies Kafka's parable so that the two antagonists, the two forces, do not meet each other directly head on. Rather, because of man's insertion in between them, the two forces deviate from their linear course producing a third force. As opposed to the first two forces, which have an unknown beginning (an infinite past and an infinite future) but a known end (the present), this third force has a known beginning but "its eventual end lies in infinity."¹⁰⁷ This third force, claims Arendt, provides a place within time "sufficiently removed from past and future to offer Kafka's 'umpire' a position from which to judge the forces fighting each other with an impartial eye."¹⁰⁸ As Arendt explains, with her changes, Kafka's "fighter would no longer have to jump out of the fighting line in order to find the quiet and the stillness necessary for thinking."¹⁰⁹

In her treatment of Kafka in *Thinking*, Arendt cites Heidegger on Nietzsche: "Eternity *is* in the Now."¹¹⁰ Eternity does not lie outside time. The past and the future do not neutralize one another in the present, crushing or exhausting the man on the road (as in Kafka's original parable). Rather, they give rise to a "new" vector of existence — a transcendence of *this* world, a "quiet in the center of a storm,"¹¹¹ a "non-time-space in the very heart of time."¹¹² This transcendence is not an escape from this world but, on the contrary, a — or *the* — mode of being in it. The battleground and the "resting"

105 Perhaps proceeding archeologically, layer by layer, keeping what can be preserved and is worthy of preservation before moving on to the next historical layer. Cf. MICHEL FOUCAULT, *THE ARCHAEOLOGY OF KNOWLEDGE* (A.M. Sheridan trans., Tavistock 1972) (1969).

106 ARENDT, *supra* note 30, at 15.

107 *Id.* at 12.

108 *Id.* See ARENDT, *supra* note 12, at 208, for a graphic depiction of what Arendt is describing.

109 ARENDT, *supra* note 12, at 208.

110 *Id.* at 204.

111 *Id.* at 209.

112 ARENDT, *supra* note 30, at 13 ("This non-time-space in the very heart of time, unlike the world and the culture into which we are born, can only be indicated, but cannot be inherited and handed down from the past.").

place of thought belong to the same dimension of human existence. This mutual belonging opens up the possibility of the transformation of the battleground into a home, of the redemption — or completion — of action by a thinking that is of this world.

Earlier in *Thinking*, in a section entitled "Thinking and doing: the spectator," Arendt also raises the question of "where we are when we think."¹¹³ There, Arendt contrasts the "radicalism" of thinking's "withdrawal from the world" with the withdrawal from the world that belongs to willing and judging¹¹⁴: willing and judging withdraw from the world but, as opposed to thinking, do so only to return to it. According to Arendt, the ostensible superiority of the philosopher's life was thought to be grounded in the incapacity of actors to understand the significance of their actions, their part in a broader whole.¹¹⁵ However, Arendt contrasts "the withdrawal of the philosopher,"¹¹⁶ characterized by solitude and self-sufficiency¹¹⁷ with the "withdrawal of judgment," which is characterized by plurality (the making-present of absent fellow spectators) and a continued interest and presence in the world of appearances and opinions.

Judgment is essentially worldly whereas the thinking that belongs to philosophy is not. Nevertheless, Arendt asserts that "it is inconceivable how we would ever be able to will or to judge, that is, to handle things which are not yet and things which are no more"¹¹⁸ without thinking, without the capacity to represent to ourselves what is not given to us by our senses, i.e., without the "gift of *imagination*."¹¹⁹ Thinking, "settling down in the gap between past and future," appears as indispensable to the mental faculties that are oriented towards the appropriation of a past and the opening up of a future. And, "imagination," the capacity to make present what is not present, appears at the heart of thinking.

C. From Thinking to Judging

In the section of *Thinking* entitled "Thinking and doing: the spectator," as well as in that entitled "The gap between past and future: the *nunc stans*," Arendt substitutes judging for thinking. In the former, in a passage

113 *Id.* at 97.

114 *Id.* at 92.

115 *Id.*

116 *Id.* at 94.

117 *Id.*

118 *Id.* at 76.

119 *Id.*

appearing after she notes the orientation of judgment towards the past and that of willing towards the future, Arendt substitutes thinking for judging as the articulation of the life of the mind oriented towards the past.¹²⁰ And, in her account of the gap between past and future, it is striking that Kafka's fighter longs for a place from which to *judge* the battle below. The search for a place for thinking ends up being a search for a place for judging.

This movement from thinking to judging is rather self-consciously reproduced in Arendt's *Lectures on Kant's Political Philosophy*. There, Arendt begins by noting Kant's assertion that "[c]ompany is indispensable for the *thinker*."¹²¹ She moves on to assert that Kant conceives of thinking, or philosophizing, as a "general human 'need.'"¹²² In so conceiving of thinking, she explains, Kant abandons the old hierarchy that subordinated the political life to the withdrawn life. Kant abolishes the distinction between the many and the few, thereby allowing the tension between politics and philosophy to disappear altogether (or almost altogether). Thus, Arendt argues, Kant did not produce a political philosophy: "[p]olitical philosophy necessarily implies the attitude of the philosopher towards politics."¹²³ When the philosopher no longer needs to create a safe place for himself in the world of politics, political philosophy is no longer "needed" (and, the difference between "philosophizing" and "thinking" more generally is undermined).

Arendt conceives of "critique," i.e., a thinking that is negative, that purifies, as the emblematic thinking in Kant.¹²⁴ She describes critique as an essentially public act in which human beings render accounts of their thinking to one another.¹²⁵ The "enlarged mentality" required by critical thinking is rooted in the human power to imagine, to transcend one's own standpoint and arrive at a more general one. It turns out, however, that this more general standpoint is none other than that of the spectator, i.e., the standpoint of judgment, of the exercise of taste. Therefore, Arendt locates Kant's political philosophy in his account of "aesthetic" judgment. According to Arendt, both art and politics are essentially "phenomena of the public world."¹²⁶ (Authority and law can contribute to the stability of that world.) Thus, in *The Life of the Mind* section entitled "Thinking and doing: the spectator," Arendt (pointing to her lecture course on Kant's political philosophy and to the

120 *Id.* at 97.

121 ARENDT, *supra* note 69, at 10.

122 *Id.* at 29.

123 ARENDT, *supra* note 39, at 17.

124 ARENDT, *supra* note 69, at 31.

125 *Id.* at 41.

126 ARENDT, *The Crisis in Culture*, *supra* note 36, at 218.

never-completed Judging) asserts that Kant, as opposed to Hegel, "could arrive at a political philosophy because "Kant's spectators exist in the plural."¹²⁷ Political philosophy requires a community of critique.

With the end of metaphysics, of philosophy, historical judgment, including especially the telling of stories that provide completion to human action, appears to take the place of philosophical thinking. In her discussion of these matters, Arendt draws a distinction akin to that between the "observer" (pure reason) and the "spectator" (judgment) — though she sometimes uses the word "spectator" to designate both. What is crucial for Arendt is the way that human plurality — by way of an "enlarged mentality" and a *sensus communis* (both made possible by imagination) — figures prominently in the *Critique of Judgment* but is absent from the *Critique of Practical Reason* and the *Critique of Pure Reason*. Arendt believes that just as Kant's observer (pure reason) is characterized by his solitude, so too is his moral actor (practical reason). According to Arendt, both Kant's moral actor and his observer are more concerned with self than world.¹²⁸ Referring implicitly to her accounts of world and action in the *Human Condition*, Arendt writes that "Kant nowhere takes action into account."¹²⁹ It is in the *Critique of Judgment*, claims Arendt, that the earth-bound world human beings share, in contrast to the universe of rational beings, becomes central to Kant.

As opposed to the verifiable general validity that is the hallmark of scientific truths,¹³⁰ "communicability,"¹³¹ including the appeal to a "common sense" or "community sense,"¹³² appears as a hallmark of critical thought, of the judgment of the spectator, and even of philosophical truths. Thus, Arendt turns to Kant's account of judgment to ground her political philosophy because of the way his account emphasizes human plurality and a form of sharing that is not "compelled" by "reason." Arendt writes, "[j]udging is one, if not the most, important activity in which this sharing-the-world-with-others comes to pass."¹³³ Judging rooted in common sense provides a form of attunement to others and the world, an attunement no longer provided by the resonance of the fundamental chord of the Western tradition.

Nevertheless, Arendt's account of the proper exercise of judgment appeals

127 ARENDT, *supra* note 12, at 96.

128 ARENDT, *supra* note 69, at 19, 27.

129 *Id.* at 19.

130 *Id.* at 40.

131 *Id.* at 40.

132 *Id.* at 72.

133 ARENDT, *The Crisis in Culture*, *supra* note 36, at 221.

to our being "heirs" to a "particular historical tradition."¹³⁴ In outlining judgments that are not cognitions, i.e., judgments that are "free," Arendt turns to Kant's account of "reflective judgments," "where one does not subsume a particular under a concept." Arendt explains that a "judgment has exemplary validity to the extent that the example is rightly chosen."¹³⁵ Thus, she explains, to use Achilles as an example of courage would be proper in a Greek context. It would appear as though judgment presupposes and requires what it is intended to replace or succeed, i.e., tradition and authority.

However, Arendt turns to judgment precisely because tradition and authority can no longer guide human beings with regard to the stories they tell and the acts they undertake. As we have mentioned, Arendt's critical modernism, her engagement with the destruction of a tradition, is consonant with her desire to uncover, identify, and preserve the "jewels" of the past. Finding and polishing these jewels of the past is equivalent to appropriating the tradition into which one has been thrown. The destruction of tradition is required to identify proper "examples" for contemporary political action but also to clothe those examples with stories that can "complete" them — stories that often have not been provided by tradition. To be an "heir" to a "particular historical tradition" then, is to identify what is *worthy* of being received — or revived — and not merely to unthinkingly accept what is handed down or what happens to be left over.¹³⁶ For the loss of tradition to not amount to the loss of the past, men must keep telling stories about the past: they must continue to dismantle tradition. A repudiation of tradition ought not to be a repudiation of the past. And the demise of authority signifies only that judgment must itself find the jewels of the past — which it can then clothe with the "authority" that belongs to storytelling.¹³⁷

134 ARENDT, *supra* note 69, at 85.

135 *Id.* at 84.

136 Arendt's work in *On Revolution*, which builds on her work on authority, is one attempt to free modern man from the age-old story that foundation involves violence and an appeal to a transcendent source of authority. It is one attempt to free modern man from the "script" of tradition but also to provide him with another story he can turn to in moments of revolution where political freedom becomes a possibility. ARENDT, *supra* note 64. See, e.g., BONNIE HONIG, POLITICAL THEORY AND THE DISPLACEMENT OF POLITICS, ch. 4 (Arendt's Accounts of Action and Authority).

137 See generally DISCH, *supra* note 13.

