



The Power of Judging – or how to distinguish ‘indifference’ in Kant and Arendt. Some critical notes on the structure of activities*

*O Poder do Julgar – ou como distinguir ‘Indiferença’ em Kant e Arendt.
Algumas notas críticas sobre a estrutura das atividades*

*El Poder del Juzgar – o cómo distinguir ‘Indiferencia’ en Kant y Arendt.
Algunas notas críticas sobre la estructura de las actividades*

Frauke Kurbacher**

Abstract: One of the most horrific scenarios in ethics – more than immorality or amorality – is moral indifference. Arendt’s final work, *The Life of the Mind*, shows a different facet of ‘indifference’ and sees it as a vital component of judgement and reflection. The following article addresses this understanding of indifference. Arendt draws from Immanuel Kant’s *Third Critique*, where emotion and experience are considered constitutive, in contrast to the two earlier *Critiques*, the first of which deals with the logical function of judging and the second, with moral judgement. In this respect – the Arendtian background to judging that belongs to aesthetics rather than ethics – it is the freedom of aesthetic judgement that guarantees its ethical potential. In Arendt’s work, judgement is the undisputed basis of her thinking. In addition to Kant’s two conventional types of judgement – determinative and reflective – he presents a *third* way of judging in his *Critique of the Faculty of Judgement*. Only this third, subjective reflective aesthetic judgement (subjektiv “ästhetisch-reflektierendes Urteil” (KANT, 1974, p. 57; KANT, 2007, p. 169) has the potential for what Kant himself calls the ‘rehabilitation of emotion’. Further analysis of this third type of judging would demonstrate that here Kant combines a form of indifference and the idea of prototype judging, giving indifference a positive aspect. And only this third form constitutes the basis for Arendt’s general thoughts on judging. The range of types of judgement in Kant’s thinking could in fact be interpreted not only as three different ways of thinking, which he refers to with the term *Denkungsart*, but rather as three different ways of understanding the world. It is thus of particular interest to Arendt in terms of what she calls “worldliness”. The diversity of judging worked out in Kant’s *Third Critique* is an existential expression of the human ability for what is known as ‘Haltung’ in the German language and in every other language only translates fragmentarily into ‘posture’, ‘habit’ or ‘attitude’. It is not simply the ability to adopt a certain ‘Haltung’, but also to change it.¹

Keywords: Judgement; Judging; Indifference; Arendt; Kant.

* This article is based on lectures on the role of indifference in Arendt’s concept of judging and, the inner-structure of her final work. It draws on several philosophical models of structuring human capacities and on the Arendtian idea of world-citizenship addressed in recent years in the Arendt-Workshop, initiated by Waltraut Meints and Wolfgang Heuer, of which I am a member. It is also based on my work on the faculty of judgement: *Selbstverhältnis und Weltbezug. Urteilskraft in existenz-hermeneutischer Perspektive* (2005) and on my habilitation: *Zwischen Personen. Eine Philosophie der Haltung*, forthcoming in Würzburg 2017.

**Professor in the Department of Philosophy at the Bergische Universität Wuppertal, Germany. PhD in Philosophy from the Bergische Universität Wuppertal, having granted *venia legendi* at the same university.

¹ Even Ludwig Wittgenstein asked at the end of his aesthetic-lectures, (unfortunately only available as lecture transcripts), how many changes of action are changes of attitude, changes in the style of thinking.

Resumo: Um dos cenários mais horríveis da Ética – mais do que a imoralidade ou amoralidade – é a indiferença moral. A obra final de Arendt, *A Vida do Espírito*, mostra uma faceta diferente da “indiferença” e a vê como um componente vital do julgamento e da reflexão. O seguinte artigo aborda esta compreensão da indiferença. Arendt extrai da Terceira Crítica de Immanuel Kant, onde a emoção e a experiência são consideradas constitutivas, em contraste com as duas Críticas anteriores, a primeira das quais trata da função lógica do julgar e a segunda do julgamento moral. A este respeito – o *background* arendiano para o julgar pertence à estética e não à ética – é a liberdade do juízo estético que garante seu potencial ético. No trabalho de Arendt, o julgamento é a base incontestável de seu pensamento. Além dos dois tipos convencionais de julgamento de Kant – determinantes e reflexivos –, ele apresenta uma terceira maneira de julgar em sua *Crítica da Faculdade do Juízo*. Somente esse terceiro juízo estético reflexivo subjetivo (*subjektiv ästhetisch-reflektierendes Urteil*) tem o potencial para o que Kant chama de “reabilitação da emoção”. Este terceiro tipo de julgamento demonstraria que aqui Kant combina uma forma de indiferença e a idéia de julgamento protótipo, dando à indiferença um aspecto positivo. E apenas essa terceira forma constitui a base para os pensamentos gerais de Arendt sobre julgamento. A gama de tipos de julgamento no pensamento de Kant poderia de fato ser interpretada não apenas como três maneiras diferentes de pensar, ao que ele se refere com o termo *Denkungsart*, mas sim como três maneiras diferentes de entender o mundo. É, portanto, de particular interesse para Arendt em termos do que ela chama mundanidade. A diversidade do julgamento elaborada na Terceira Crítica de Kant é uma expressão existencial da capacidade humana para o que é conhecido como “Haltung” na língua alemã e em todas as outras línguas apenas traduz-se fragmentariamente como “postura”, “hábito” ou “atitude”. Não é simplesmente a capacidade de adotar um certo “Haltung”, mas também de mudá-lo.

Palavras-chave: Julgamento; Julgar; Indiferença; Arendt; Kant.

Resumen: Uno de los escenarios más horribles en la ética – más que la inmoralidad o la amoralidad – es la indiferencia moral. El trabajo final de Arendt, *La Vida del Espíritu*, muestra una faceta diferente de la “indiferencia” y la ve como un componente vital del juicio y de la reflexión. El artículo aborda esta comprensión de la indiferencia. Arendt se basa en la Tercera Crítica de Immanuel Kant, donde la emoción y la experiencia son consideradas constitutivas, en contraste con las Críticas anteriores, la primera de las cuales trata de la función lógica de juzgar y la segunda, del juicio moral. En este sentido – el *background* arendiano para el juzgar pertenece a la estética más que a la ética- es la libertad del juicio estético la que garantiza su potencial ético. En el trabajo de Arendt, el juicio es la base indiscutible de su pensamiento. Además de los dos tipos convencionales de juicio de Kant – determinativo y reflexivo –, el presenta una tercera manera de juzgar en su *Crítica del Juicio*. Sólo este tercer juicio estético reflexivo subjetivo (*subjektiv ästhetisch-reflektierendes Urteil*) tiene el potencial de lo que Kant llama la “rehabilitación de la emoción”. Este tercer tipo de juicio demostraría que aquí Kant combina una forma de indiferencia y la idea del juzgar prototipo, dando a la indiferencia un aspecto positivo, y sólo esta tercera forma constituye la base de las ideas generales de Arendt sobre el juzgar. De hecho, el pensamiento de Kant podría interpretarse no sólo como tres formas diferentes de pensar, a las que se refiere con el término *Denkungsart*, sino como tres maneras diferentes de entender el mundo, por lo que es de particular interés para Arendt en términos de lo que ella llama mundanidad. La diversidad del juzgar elaborada en la Tercera Crítica de Kant es una expresión existencial de la capacidad humana para lo que se conoce como *Haltung* en la lengua alemana y en cualquier otra lengua sólo se traduce fragmentariamente en “postura”, “hábito” o “actitud”. No es simplemente la capacidad de adoptar un determinado *Haltung*, sino también de cambiarlo.

Palabras clave: Juicio; Juzgar; Indiferencia; Arendt; Kant.

Western philosophy reloaded? – instead of an introduction

One issue has remained almost incomprehensible in Arendt research up to now: Why is the political thinker of the *vita activa* and author of *The Human Condition* now reflecting on the *vita contemplativa*, which she previously criticized as detached from the world, as worldlessness (‘Weltlosigkeit’)?² Some Arendt research scholars argue for a distinction between

her earlier work (notably *The Human Condition*) and her later work, while others are not convinced of this division and consider Arendt’s work in its entirety³. My article will demonstrate Arendt’s deep interest in traditional philosophical concepts, where she herself sees unresolved questions in her work and in European philosophy as a whole. This alone justifies the need for us to discuss and continue to research on three key philosophical themes: the ability to think, free will and the faculty of judgement.

² Since her early work on the concept of love in Augustine she is interested in this subject. See also my essay: “Liebe zum Sein als Liebe zum Leben”. In: *Hannah Arendt: Der Liebesbegriff bei Augustin. Versuch einer philosophischen Interpretation*. Reprint 1929 (KURBACHER, 2006).

³ For this topic, see (HEUER et al., 2011), including my article on the late works of Hannah Arendt *Das Denken und Das Wollen* (p.124-132). Ronald Beiner, for example adheres to this distinction, while Ursula Ludz adopts the opposite position.

During and after both World Wars in the last century, notably the Second World War, a number of philosophers initiated a critical review of Western Philosophy in an effort to rethink it, concentrating on a critique and new definition of ‘reason’. While thinkers such as Theodor W. Adorno, Jürgen Habermas and Wolfgang Iser focused on a critique and redefinition of ‘reason’, others like Hans-Georg Gadamer, Jean-François Lyotard and Jacques Derrida reflected for the most part on the ‘faculty of judgement’ – including Hannah Arendt. Thinking about the faculty of judgement in general means reviewing Kant’s third *Critique*, which influenced the notion and faculty of judgement as well as the relevant discourse⁴.

The fact that Hannah Arendt could no longer write her final opus magnum, *Judging*, calls for a reconstruction of the faculty of judgement and what judgement means – or more precisely, what the act of judging means?⁵

Arendt’s lectures on Kant in the 1970s gave hidden hints on her own ideas on the subject of judgement⁶. Had she completed her final work on judging, we would have been in for some surprises. The rest remains speculation – it is we who now have to think about judgement.

In the introduction to her final book *The Life of the Mind*, which was conceived as a trilogy, Arendt gives two reasons for her investigation: It is, firstly, a critical revision of occidental philosophy and, secondly, a re-examination or questioning of her own thesis of “the banality of evil”⁷. If this dictum of hers is defined as “thoughtlessness” (“Gedankenlosigkeit”) as a variation

of indifference), it is logical to address ‘thinking’ and all other mental capacities – which for her are tantamount to ‘activities’. And it is furthermore natural to ask: What is the opposite of thoughtlessness? Another key question for Arendt is whether an individual can be made responsible for “thoughtlessness”, a major outcome of her study of the Eichmann court case.

If thoughtlessness is the problem, it first of all calls for a definition and, secondly, for an alternative. Thirdly, we need to show that thoughtlessness may well be our own responsibility and last but not least that we are capable of a more sophisticated practice when it comes to our mental capacities.

With reference to these three points I would like to elaborate in three steps on the topic of and relationship between judging, indifference and human capacity. I will first take a look at the inner distinction of indifference, which is in turn linked to the aesthetic act of judging. In a second step I will point out the relevance of the Kantian aesthetic-based judgement for Arendt’s work on judging. And in a third step I clarify the framework conditions for judgement, primarily based on Kant’s aesthetic-reflective type. The wider horizon of Arendt’s trilogy of thinking, willing and judging includes two other models that conceptualize our mental capacities, namely, the Aristotelian psychology of mental faculties (“Vermögenspsychologie”) and Montesquieu’s model of the distribution of power (“Gewaltenteilung”). They are not mentioned in a strictly literal sense but as a sort of parallel structure.

First step: three variations of indifference

Right at the beginning of *Thinking* Arendt gives us two good reasons why she left the “relatively safe fields of political science” (ARENDR, 1978, p. 3) for the traditional philosophical subject of thinking (to the surprise of a number of Arendt scholars). It seems as if she were asking herself how this tradition could have failed to prevent the slaughter of the First and Second World War and the Holocaust? Did something provoke it? These questions are (for her and other thinkers) the background to her claim that all Western Philosophy must be renewed. Hence the first reason is to undertake a critical examination of thinking against the background of the Eichmann court case, where she established the latter’s behaviour as “thoughtlessness” rather than a unique form of evil. The second reason is to find an antidote to such patterns of behaviour:

⁴ This is merely one research deficit. Kant’s work on the faculty of judgement is extremely productive and still of interest today, albeit not without its difficulties. His approach (to judgement) dominated the debate until recently, while the long tradition of judgement prior to Kant is no longer remembered. My research on Kant and the faculty of judgement deals with thinkers prior to Kant (especially Christian Thomasius and his scholars in the early German Enlightenment) and those who came after (Gadamer, Lyotard, Derrida and Arendt in the twentieth century). For more on this, see also (KURBACHER, 2003, p.185-195; KURBACHER, 2005).

⁵ On the reconstruction of judgement in Arendt’s thought and work, see Ernst Vollrath’s brilliant study *Die Rekonstruktion der politischen Urteilskraft* (VOLLRATH, 1977). Frank Hermenau has also worked on this subject: *Urteilskraft als politisches Vermögen. Zu Hannah Arendts Theorie der Urteilskraft*. (HERMENAU, 1999).

⁶ See also Mary McCarthy’s *Editor’s Note* in *The Life of the Mind* (ARENDR, 1978) and, of course, Ronald Beiner’s inspiring essay *Judging* (BEINER, 1998) in which he reconstructs Arendt’s lectures on Kant’s political philosophy.

⁷ Christian Volk has given a convincing new interpretation of this notion and controversy in Arendt’s work (VOLK, 2005).

Could the activity of thinking as such, the habit of examining whatever happens to come to pass or to attract attention, regardless of results and specific content, could this activity be among the conditions that make men abstain from evil-doing or even actually ‘condition’ them against it? (ARENDR, 1978, p. 5).

The renewal of philosophy begins with one of Arendt’s specific variations. She transports a noun concept into a verbal activity (mind/thinking). Instead of exploring the time-honoured subject of the ‘mind’ itself, she reflects on ‘thinking’ as an activity, a human capacity that takes part in the “life of the mind” (JASPERS, 1985)⁸, showing a liveliness and vivacity of spirit. The verbs ‘thinking’, ‘willing’ and ‘judging’ are seen as human abilities and activities that determine the so-called *vita contemplativa*, rendering it a *vita activa*. This links her earlier works with her final volume, *The Life of the Mind*. Making ‘use’ of these mental activities could mean a general resistance to irresponsibility, which first appears as thoughtlessness. Thus autonomous thinking, willing and judging is a question of responsibility and humanity.⁹

Arendt’s analysis of Eichmann’s behaviour as trivial and ordinary rather than extraordinary and particularly evil: “The deeds were monstrous, but the doer – at least the very effective one now on trial – was quite ordinary, commonplace, and neither demonic nor monstrous” (ARENDR, 1978, p. 4) is still seen today as unsettling. “The only notable characteristic [...] was something entirely negative: it was not stupidity but *thoughtlessness*” and Eichmann functioned in the court context as he did under the Nazi regime. Arendt comments on this as a form of self-functionalization:

⁸ The background to this expression is probably the notion and phrasing of Arendt’s teacher and friend, Karl Jaspers, who mentioned the “life of the mind” in his book *Psychologie der Weltanschauungen* (JASPERS, 1985).

⁹ This idea contains a form of or at least a willingness to practise self-criticism. In this respect Arendt’s concept belongs to the philosophical tradition of “self-thinking” (“Selbstdenken”), which was worked out as a philosophical programme in the early eighteenth century by Christian Thomasius and echoes in Kant’s article on enlightenment at the end of this epoch. The philosophical programme is also linked to the concept of “free-thinking”. (For more on this, see KURBACHER, 1998; HESSBRÜGGEN-WALTER & KURBACHER, 2000; my introduction to *Johann Georg Walch: Gedanken vom Philosophischen Naturell* [WALCH, 2000]; and Kay Zenker’s study, *Denkfreiheit. Libertas philosophandi in der deutschen Aufklärung* [ZENKER, 2012]).

Clichés, stock phrases, adherence to conventional, standardized codes and expression and conduct have the socially recognized function of protecting us against reality, that is, against the claim on our thinking attention that all events and facts make by virtue of their existence. If we were responsive to this claim all the time, we would soon be exhausted; Eichmann differed from the rest of us only in that he clearly knew of no such claim at all (ARENDR, 1978, p. 4).

In this way Arendt reduces the desired distance between us and the desk murderer (“Schreibtischtäter”). She describes the evil of the Second World War and the Holocaust as potentially rooted in the behaviour, habits and attitudes of each one of us, claiming that it cannot solely be attributed to specific Nazis. In other words, we cannot exclude the potential for evil in our behaviour and must therefore be (at least potentially) in a constant state of critical attentiveness.

Indifference, the old label for this attitude in moral philosophy, now has three aspects in Arendt’s analysis. The first belongs to this moral frame and consists of the problematic moral quality of the unconcerned, those who care about nothing and in this respect lack a certain individuality but demonstrate uniformity and conformity. In conventional discussions on morality, indifference seems to be a greater sin than amorality or immorality, since it is free of any stance. Indifference resembles a blank when it comes to the subjective and intersubjective dimension of judging, and our evaluative access to the world, each other and ourselves. Somebody has a standpoint, but a nobody is indifferent. The indifferent person is impalpable.

Elsewhere Arendt spoke of thoughtlessness as a form of indifference and a basic aspect of survival and the human condition. In reality, however, permanent thinking would overtax us completely. Hence thoughtlessness, the “absence of thinking”, is a normal state in “our everyday life”. If this is the case how can the abuse of thoughtlessness in the moral sense be distinguished from the non-problematic form of indifference that we practise in our everyday lives? The question itself indicates that a clear distinction may not be possible and that we are dealing with an ambivalent phenomenon. The ambivalence of indifference, however, makes it particularly interesting for Arendt, who gives us a third aspect of judging.

The process of judging is a form of reflection containing something open, free and undecided that

would otherwise be determined and render a decision impossible. This scope for individual decisions is constitutive of the act of judging, with indifference now taking on a positive rather than a negative connotation. The act of judging is therefore clearly linked to the person who is judging, as in the act of thinking. In judging we adopt a position, we express our own standpoint even if we are obliged to be neutral, as in official judgements (e.g., in court). Neutrality is also a (form of) position. In the act of judging, we are aware of ourselves in the act of judging.

The only difference between Eichmann and us according to Arendt is that he has no claim whatsoever to “thinking attention”¹⁰, making him negatively indifferent and without any form of self-awareness. This negative indifference must be distinguished from the less problematic type that we use as a form of self-protection in our daily lives. This means that indifference is ambivalent and presupposes our responsibility. Further analysis of these three mental activities: thinking, willing and judging will show that the ambivalence inherent in all of them is both significant and productive.

For Arendt each activity is characterized by a gap. The resultant division is constitutive of each mental capacity. In the case of thinking she speaks of the Platonic inner dialogue (“the soundless dialogue”) (ARENDT, 1978, p. 185). We are not simply ourselves, but separated from ourselves in a productive way, as “two in one” (“zwei in einem”) (ARENDT, 1978, p. 179-193). Thus willing not only means simultaneously willing and not willing but rather freedom in so far as each willing/not willing includes the possibility of a different willing. Quoting the Scottish philosopher of the Middle Ages, Duns Scotus, Arendt points out that: “only the willing ego knows that ‘a decision actually taken need not have been taken and a choice other than the one [that] actually might have been made’” and comments further:

In saying this, Scotus, of course, does not deny that two successive volitions are necessary to will and nill the same object; but he does maintain that the willing ego in performing one of them is aware of being free to perform its contrary also (ARENDT, 1978, p. 130).

¹⁰ In this text I do not distinguish the notion of capacity or ability from that of activity. Arendt highlights capacities as activities. We are aware of our capacities only in the form of activities.

It is precisely this awareness of our own possibilities in the sense of self-awareness that makes us recognize our own responsibilities. The will, however, is not only confronted by opposites:

Besides being open to contraries, the Will can *suspend* itself, and while such suspension can only be the result of another volition – [...] this second volition, in which ‘indifference’ is directly chosen, is an important testimony to human freedom, to the mind’s ability to avoid all coercive determination from outside (ARENDT, 1978, p. 130, Arendt’s emphasis).

Quite remarkable. This is where indifference is chosen voluntarily. Not in the problematic sense of self-functionalization but in a philosophical, stoic or Husserlian manner: Indifference as *epoche* is understood as the productive abstention from judging, a (temporary) absence of judgement, not permanent but sufficient to realize freedom as an inner free space prior to making a decision. Indifference in this positive sense is highly relevant to the act of judging. Indifference in the negative sense, on the other hand, does not allow for or support this personal freedom but hinders a responsive, self-realizing freedom, ultimately leading to a problematic attitude.¹¹ This polyvalent indifference calls for critical attention and permanent reflection.

Second step: an aesthetic judgement prototype for moral questions and desires

The striking definition of indifference as constitutive of judging and consequently as indispensable to moral questions gives rise to a question on the relationship between morality and judging. The hypothesis is that the philosophical revival is sailing under a new flag with a new – aesthetic – signature.¹²

This way of thinking, this figure of thinking in Arendt’s work, demonstrated here in the analysis of indifference, is based on Kant’s concept of aesthetic-reflective judgement, which in contrast to the

¹¹ In this sense Arendt draws patterns from the philosophical tradition but does not shy away from criticizing it.

¹² On this point I do not agree with Seyla Benhabib, who inspired Arendt research with creative and highly interesting works, but traces the question of judging and Kant’s influence solely to his moral philosophy without considering the serious potential of aesthetic judgement for both Arendt and Kant.

universality of determinative judgement (only) has the subjective generality described in *The Critique of the Faculty of Judgement*.

The scope of this article merely allows for brief sketches on the topic. In the following, however, I would like to present at least the basic Kantian elements of aesthetic judgement (the judgement of taste) and the main structure of Arendt’s thoughts.¹³

In his earlier works Kant distinguished merely two types of judgement, the determinative and the reflective. For Kant, judging is about the relation between particularity and generality (KANT, 1974, p. 87, B XXVf; A XXIII, XXIV). In both cases judging is a manner of dealing with it and a form of subordination of the particular to the general, albeit in two different ways. In determinative judgement, the rule or principle is given and the particular can be subordinated. In the case of reflective judgement, the rule or principle must be discovered. Once found, the procedure is the same as that of determinative judgement. So far so good. It seems astonishing, however, that Kant in his third *Critique*, which addresses the highly specific aesthetic-reflective judgement, seems to wonder what the very meaning of judging is at all. Aesthetic judgement deals with the ‘je ne sais quoi’ broached in the issue of beauty and the arts, something that cannot be expressed in reality and possesses only one form: ‘that is beautiful’ (‘das ist schön’). Kant, who would like to illustrate the autonomy of the faculty of judgement in this *Critique*, not unlike the autonomy of other faculties in the two previous *Critiques*, now has a massive problem and Arendt is very much aware of it. Autonomy in the framework of Kant’s transcendental project attempts to demonstrate the a priori of the faculty of judgement, that is, prior to any experience. What could this a priori be for the faculty of judgement? Is what is known as “taste” conceivable without experience? This is what Arendt refers to as the “scandal” of the third *Critique*. Is judgement as such not something that comes ‘after’ experience? Kant now discovers a third type of judgement that also serves as a prototype for judging in general. Aesthetic-reflective judgement is based on emotion, the subjective emotions of pleasure and dislike, exemplified by Kant in the field of arts and nature, and the issue of freedom of beauty and the sublime. This is why Kant’s third *Critique* is empowered for a ‘rehabilitation of emotion’. Aesthetic-reflective judgement lies between the private character

of sensual judgement (“Sinnenurteil”) and the public and neutral character of determinative judgement. Both cognitive powers, the intellect that creates terms and the imagination that produces images, complement each other well as always. In the case of aesthetic judgement, however, no term or image is chosen. The cognitive powers are active in a potentially ceaseless “harmonic interplay” (“harmonisches Wechselspiel der Erkenntniskräfte”) that produces the “pleasure of reflection” (KANT, 1974, p. 9) and enhances the feeling of being alive (“Lebensgefühl”). It also expresses disinterested pleasure (“interesseloses Wohgefallen” [KANT, 1974, p. 2]) in the object that affects (“affiziert”) the person judging. Since the judgement of the person concerned is emotion-based, it can only claim subjective generality (“subjektive Allgemeingültigkeit”). The person judging, however, expects and demands that others judge in the same way. We all have a capacity for judgement and Kant appeals to the *sensus communis*, giving us the second maxime of *common sense* (“gesunder Menschenverstand”) in the familiar §40 of the third *Critique*, that is, the ability to put oneself in the position of the other person at all times. This second maxime signalizes a “man of the world” (“einen Mann von Welt”), one who is never ignorant of what is going on around him and both needs and wants enlarged mentality. Being in possession of a standpoint and ultimately a more general point of view calls for the inner discussion of various positions, at least in the mind. Thus Kant combines innersubjective and intersubjective aspects in his concept of aesthetic judgement, which he sees as coming before any determinative judgement (“wie es zu einem Erkenntnis überhaupt erforderlich ist” [KANT, 1974, p. 132, B 29; A 29]). For this reason, Kant’s third *Critique* is reputed to be self-criticism of his first two *Critiques* (*The Critique of Pure Reason* and *The Critique of Practical Reason*). Several aspects of this type of judging attracted the interest of Arendt and other thinkers. The emotion-based judging experience and contingency have found entry into the theory of subjectivity and, indeed, intersubjectivity. Judging is linked to the person who judges and is responsible for the judgement in question. If “Erkenntnis” (cognition) – as Arendt remarks – compels, judging is on the contrary an act of freedom. We know that we could judge otherwise. In logical judgement, the determinative and the reflective, everything is functionalized. We need this function in order to survive. The autonomous aesthetic-reflective judgement, however, shows us another possible relation

¹³ For the complete argumentation and thought, see my book on this subject and various articles as mentioned above in note 9.

to the world, one that is free and does not functionalize other people, other things or the person who judges.¹⁴ The aesthetic judgement is neither functionalized nor does it functionalize. It is functional nonetheless, albeit functional without a function – ‘zweckmäßig ohne Zweck’ (“Zweckmäßigkeit [...] ohne Vorstellung eines Zwecks” [KANT, 1974, p. 155, B 62; A 61]).

In this sense the aesthetic-reflective judgement model serves as a useful platform for a new critical philosophy. This is what Hannah Arendt wants to achieve.

Third step: the psychology of capacities and sharing power as a model for a productive and critical relationship between the activities of thinking, willing and judging

Arendt’s final work fragment provides us with food for thought. What about the combination of *Thinking*, *Willing* and *Judging*? In the following I pursue three ideas. The first is that Arendt used several philosophical models for this arrangement and reflection on it could be revealing. Secondly, to a certain extent she follows the philosophical tradition but criticizes it by doing so in a certain way. And last but not least, the trilogy gives us a hint and invites us to reflect further. I read the final work as an investigation by Arendt on interpersonality. The three human capacities – thinking, willing, judging – have an interdependent critical power. The ‘inbetween’ of these three acquires its own philosophical relevance: anthropologically, politically and methodically.

It would seem that Arendt is in the throes of a new project in which philosophy, autonomy, power-sharing, innersubjectivity, intersubjectivity, indifference and ambivalence all play a certain role. But how are they linked and why?

Since the philosophical tradition of subjectivity is in danger of becoming isolated, formal and abstract, and emotion, experience, contingency, intersubjectivity and interpersonality – and consequently responsibility – are indeed missing, Arendt follows the tradition of a psychology of capacities (‘Vermögenspsychologie’), en vogue from Aristotle to Kant, the last in this

line.¹⁵ In the nineteenth century this concept was replaced by the idea of a single capacity that comprises all others: consciousness (see also Hegel’s concept of “Bewußtsein”, “Geist”). It can now be asked what is the difference between these two ideas and what is the consequence of Arendt’s attempt to modify Kant’s trias of pure reason, practical reason and the faculty of judgement to the notion of thinking, willing and judging? First of all, the concept of consciousness is primarily determined rationally and does not possess a variety of capacities, the autonomy of which Kant demonstrates. This aspect is also of value to Arendt, who is interested in the autonomy of each activity and their given interdependency. The autonomy of thinking, willing and judging activities lies in the differently determined gap, which already infers the split inherent in the capacities themselves and consequently in their owners. In other words, the inner dialogue for thinking, the inner dispute between willing and not willing (the nature of free will), and in the case of judging, merely a hypothesis. Kant’s idea of the “erweiterte Denkungsart” or enlarged mentality, which allows for empathy and imagining the standpoint of the other, could be an inner discussion, a kind of ‘theatre’ of the *sensus communis* significant for the act of judging. In this non-identical concept, the claim of responsibility is as solid as the productive ambivalence of worldliness and the relation to the world. Arendt claims we need distance, as represented by the various intensities of each mental capacity. Nevertheless (despite this distance) all mental activities are connected responsibly to others and the world. This is evidenced most by the act of judging, with its inherent emotion and experience, which at the same time allows the person judging to emerge. Apart from the model of the psychology of capacities following the tradition of Aristoteles and Kant, one that emphasizes this personal moment, Arendt discovers another: Montesquieu’s concept of the division of powers.

In *The Life of the Mind*, the French thinker who gave us the indispensable structure for our democracies is mentioned only once by the politically interested Arendt, but at a decisive point:

The life of the mind in which I keep myself company may be soundless; it is never silent and it can never be altogether oblivious of itself, because

¹⁴ This is also the starting point for Friedrich Schiller’s reading of Kant’s *Third Critique* and his famous description of humanity as a free interplay in the *Briefen Über die ästhetische Erziehung des Menschen* (2000).

¹⁵ It could be discussed as to whether the Neo-Aristotelians, the Arendtians and some Kantians still adhere to this concept of a philosophical psychology of capacities.

of the reflexive nature of all its activities. Every *cogitare*, no matter what its object, is also a *cogito me cogitare*, every volition a *volo me velle*, and even judgement is possible, as Montesquieu once remarked, only through a ‘retour secret sur moi-même’ (ARENDR, 1978, p. 75).

The reflexivity of each mental capacity is based on its respective brokenness. Each reflective capacity highlights the peculiarity and individuality of each person involved in the acts of thinking, willing and judging, and gives us a reason to claim responsibility. Although we may not always be thinking, we are capable of it and claim responsibility for our thinking and, if necessary, for our thoughtlessness. In this respect Montesquieu’s “retour secret sur moi-même” could be read not only as a form of philosophical self-reflection but also as a call for the critical self-reflection of philosophy itself.

Montesquieu’s model divides power into legislative, executive and judicative power, the reason for which is the crucial function of each one for the other two. Power is wisely reduced. Legislative power is a form of power that establishes principles and reflects such basic principles as Kant’s reason (“Vernunft”) or Arendt’s (“Denken”). Executive power is linked to willing, and the constitutive conflict between willing and not willing can only be resolved by acting. Hence for Arendt the will refers to acting, albeit each act ends the freedom of willing. Judicial power would probably be the equivalent of judging. Neither the Kantian “Vernunft” nor the Arendtian “Denken” and other faculties equate with Montesquieu’s conception of legislative, executive and judicative power in the strict sense, but they show similarities in structure, like a ‘critical corrective’ that determines the relationship between these forces, that is, the potential to criticize each other if necessary. In this respect Montesquieu’s conception has to do with the structure of Arendt’s activities of the mind – thinking, willing, judging – and their relationship to each other.

The question arises as to how these two concepts, Kant’s autonomy approach to capacities and Montesquieu’s interdependent model of powers, could come together. As Arendt’s adaptation of this in her trilogy of thinking, willing and judging shows, it is the specific autonomy of each capacity and each power that guarantees the relationship between them and corresponds to Arendt’s concept of personality and interpersonal. On the one hand, there are the three split mental activities: thinking, willing and

judging, which in their autonomy nonetheless create a unit and, on the other hand, have the assignment to reduce, if necessary, each other’s power in a critical sense. There is a productive spirit of contradiction in the idea of different activities of the mind compared to the unified model of merely one capacity: consciousness (“Bewußtsein”). The relationship between these activities is productive and critical at the same time, and bears witness to a certain restlessness of the mind, which could also be understood as its liveliness; this could be the meaning of “the life of the mind”.

Arendt’s conception of interpersonal – instead of a conclusion

The capacity and power models demonstrate that each human capacity expressed in our activities of thinking, willing and judging is indispensable and that each one is constitutive of a person’s responsibility. The Kantian model points to the autonomous subject, while the Montesquieu concept focuses on the juridical person as a member of a community. Both together create the concept of a person “voué au monde” (“der Welt zugeeignet”) or open-minded to the world, such as Maurice Merleau-Ponty (MERLEAU-PONTY, 1945, p. 11; MERLEAU-PONTY, 1974, p. 7), who is quoted several times by Arendt in her final work.¹⁶ And the capacities simultaneously demonstrate our plurality and our individuality. To verify the occidental philosophical tradition in its understanding of human beings as *zoon politikon*, the critical Arendt worked out a specific concept. The relationship between community and the individual, which was infiltrated during the war periods and totalitarianism in a variety of cruel ways, is one that is fragile and should be discerning.

Autonomy itself is fragile and must be realized in our thinking, willing and judging activities, bearing in mind that with subjective emotion-based aesthetic-reflective judgement, passive elements, such as indifference as part of the judging process and as the ambivalent phenomenon of thoughtlessness, are also constituent of our mental life. Arendt begins with a differentiated and flexible structure and exemplifies that we are capable of plurality as well as autonomy, and find ourselves somewhere ‘in between’. Plurality in this context signalizes our ability for interpersonal,

¹⁶ See here for example (ARENDR, 1978, p. 48; ARENDR, 1998, p. 55-58).

discussed in the concept of *sensus communis*, and here autonomy means specifically our ability to stand alone and if necessary in opposition to our communities. Both aspects are needed for responsibility: relation and distance, agreement and contradiction, and are based on our different mental activities. Only in this in between plurality and autonomy, only in our relations (half made, half given), in our own activities, in dealing with something or someone do we emerge as people among others, as a person among people. Not only is every judgement one in community – our whole life is like this (although it is ‘unvertretbar’¹⁷). Mental capacities are characterized by a specific distance to the world. Referring to the latent worldlessness of our mental powers, Arendt paradoxically shows their relevance to the world and thus our own worldliness. It is this structure of contradictions that clearly belongs to the life of the mind and – despite difficulties – guarantees our openness to the world.

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Author/Autor:

FRAUKE KURBACHER frauke.kurbacher@gmx.net

- Professor in the Department of Philosophy at the Bergische Universität Wuppertal, Germany. PhD in Philosophy from the Bergische Universität Wuppertal, having granted *venia legendi* at the same university. She is the author of *Selbstverhältnis und Weltbezug – Urteilkraft in existenz-hermeneutischer Perspektive* (2005) and *Zwischen Personen. Eine Philosophie der Haltung* (2017).
- Professora livre-docente do Departamento de Filosofia da Bergische Universität Wuppertal, Alemanha. Doutora em Filosofia pela Bergische Universität Wuppertal, obtendo *venia legendi* na mesma universidade. É autora, entre outros, de *Selbstverhältnis und Weltbezug – Urteilkraft in existenz-hermeneutischer Perspektive* (2005) e de *Zwischen Personen. Eine Philosophie der Haltung* (2017).
- Profesora en el Departamento de Filosofía de la Bergische Universität Wuppertal, Alemania. Doctorado en Filosofía por la Bergische Universität Wuppertal, después de haber concedido *venia legendi* en la misma universidad. Ella es la autora de *Selbstverhältnis und Weltbezug – Urteilkraft in existenz-hermeneutischer Perspektive* (2005) y *Zwischen Personen. Eine Philosophie der Haltung* (2017).

¹⁷ It could not be exchanged.