

The Greek Polis and the Creation of Democracy

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HOW CAN we orient ourselves in history and politics? How can we judge and choose? It is from this political interest that I start—and in this spirit that I ask: in ancient Greek democracy is there anything of political relevance for us?

In a sense, Greece is obviously a presupposition of this discussion. The reasoned investigation of what is right and wrong, of the very principles that are the basis of our ever being able to say, beyond trivialities and traditional preconceptions, that something is right or wrong, arises for the first time in Greece. Our political questioning is, *ipso facto*, a continuation of the Greek position, although of course we have transcended it in many important respects and are still trying to transcend it.

Modern discussions of Greece have been plagued by two opposite and symmetrical—thus, in a sense, equivalent—preconceptions. The first, and most frequently encountered over the last four or five centuries, is Greece as eternal model, prototype or paradigm.¹ (One contemporary outlook merely inverts this preconception: Greece as anti-model, as negative model.) The second and more recent preconception involves the complete “sociologization” or “ethnologization” of the examination of Greece. Thus, the differences between the Greeks, the Nambikwara, and the Bamileke are only descriptive. No doubt, this second attitude is formally correct. Not only, needless to say, is there not nor could there be any difference in “human value,” “worthiness” or “dignity” between different peoples and cultures, but neither could there be any objection to applying to the Greek world the methods—if there be any—

applied to the Arunta or to the Babylonians.

But the second approach misses a minute and decisive point. The reasoned investigation of other cultures and the reflection upon them does not begin within the Arunta or the Babylonian cultures. Indeed, one could show that it could not have begun with them. Before Greece and outside the Greco-Western tradition, societies are instituted on a principle of strict closure: our view of the world is the only meaningful one, the “others” are bizarre, inferior, perverse, evil, or unfaithful. As Hannah Arendt has said, impartiality enters this world with Homer.⁷ This is not just “affective” impartiality. It is the impartiality of knowledge and understanding. The keen interest in the other starts with the Greeks. This interest is but another side of the critical examination and interrogation of their own institutions. That is to say, it is a component of the democratic and philosophical movement created by the Greeks.

That the ethnologist, the historian or the philosopher is in a position to reflect upon societies other than his own and, indeed, even upon his own society becomes a possibility and a reality only within this particular historical tradition—the Greco-Western tradition. Now on one hand, this activity may have no theoretical privilege over any other—say, poison divination by the Azanda. Then, for example, the psychoanalyst is but a Western variety of shaman, as Lévi-Strauss has written, and Lévi-Strauss himself, along with the entire society of ethnologists, is but the local variety of sorcerer within this particular group of tribes exorcising, if you will, the alien tribes. The only difference is that rather than fumigating them out of existence, they structuralize them out of existence. Or on the other hand, we may postulate or posit a qualitative difference between our theorizing about other societies and about “savages” and attach to this difference a specific, limited but firm, positive valuation.³ Then, a philosophical discussion starts. *Then*, and not before. To start a philosophical discussion is to imply that one has already affirmed that for oneself unrestricted thinking is the way of entering upon problems and tasks. Thus, since we know that this attitude is by no means universal but extremely exceptional in the history of human societies,⁴ we have to ask how, under what conditions, in which ways, human society was capable, in one particular case, of breaking the closure in virtue of which it generally exists?

In this sense, though describing and analyzing Greece is equivalent to describing and analyzing any other randomly chosen culture, thinking and reflecting about Greece is not and cannot be. For in this latter case, we are reflecting and thinking about the social and historical conditions of thought itself—at least, thought as we know and practice it.

One has to eliminate these twin attitudes: there was, once upon a time, a society which remains for us the inaccessible model; *or*, history is essentially flat, there are no significant differences between cultures other than descriptive ones. Greece is the social-historical *locus* where democracy and philosophy are created, thus, of course, it is our own origin. Insofar as the meaning and the potency of this creation are not exhausted—and I firmly believe that they are not—Greece is for us a *germ*, neither a “model,” nor one specimen among others, but a germ.

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History is creation: the creation of total forms of human life. Socio-historical forms are not “determined” by natural or historical “laws.” Society is self-creation. “That which” creates society and history is the instituting society, as opposed to the instituted society. The instituting society is the social imaginary in the radical sense.

The self-institution of society is the creation of a human world: of “things,” “reality,” language, norms, values, ways of life and death, objects for which we live and objects for which we die—and of course, first and foremost, the creation of the human individual in which the institution of society is massively embedded.

Within this wholesale creation of society, each particular, historically given institution represents a particular creation. Creation, as I use the term, means the positing of a new *eidōs*, a new essence, a new form in the full and strong sense: new determinations, new norms, new laws. The Chinese, the classical Hebrew, the ancient Greek or the modern capitalist institution of society each means the positing of different determinations and laws, not just “juridical” laws, but obligatory ways of perceiving and conceiving the social and “physical” world and acting within it. Within, and by virtue of, this global institution of society emerge specific creations: science, for example, as we know and conceive it, is a particular creation of the Greco-Western world.

There follows a series of crucial questions, about which I can only sketch some reflections here.

First, how can we understand previous or “foreign” institutions of society? (For that matter how and in what sense can we say that we understand our own society?) We do not have, in the socio-historical domain, “explanation” in the same sense the physical sciences do. Any “explanation” of this sort is either trivial or fragmentary and conditional. The innumerable regularities of social life—without which, of course, this life would not exist—are what they are because the institution of this particular society has posited this particular complex of rules, laws, meanings, values, tools, motivations, etc. And this institu-

tion is nothing but the socially sanctioned (sanctioned formally or informally) magma of imaginary social significations created by this particular society. Thus, to understand a society means, first and foremost, to penetrate or re-appropriate the imaginary social significations which hold this society together. Is this at all possible? We have to take into account two facts here.

The first, indisputable fact is that *almost all* of the people in a given society do not and cannot understand a “foreign” society. (I am not speaking, of course, about trivial obstacles.) This points to what I have called the cognitive closure of the institution. The second (which can be and is disputed, but to which I nevertheless hold) is that under some very specific social, historical, and personal preconditions, some people can understand something about a foreign society. This points to some sort of “potential universality” in whatever is human for humans. Contrary to inherited commonplaces, the root of this universality is not human “rationality” (if “rationality” were at stake here, nobody would ever have had understood anything about the Hebrew God, or, for that matter, about any religion whatsoever), but creative imagination as the nuclear component of nontrivial thinking.⁵ Whatever has been imagined strongly enough to shape behavior, speech or objects can, in principle, be re-imagined (re-represented, *wiedervorgestellt*) by somebody else.

Two significant polarities have to be stressed here.

In this socio-historical understanding, there is a distinction between “true” and “false”—and not just in the trivial sense. One can talk sense about “foreign” societies, and one can talk nonsense—of which there is no dearth of examples. The “true” cannot be subjected in this case (as, more generally, it never can in matters of thought) to the banal “verification” or “falsification” procedures which are currently (platitudinously and wrongly) considered to demarcate “science” from “non-science.” For instance, Burckhardt’s realization of the importance of the agonistic element in the Greek world (which looms so large in Hannah Arendt’s thinking about Greece), is *true*—but not in the same sense as $E = mc^2$ is true. What does true mean in this former case? That the idea of the agonistic brings together an indefinite class of social and historical phenomena in Greece that would otherwise remain unconnected—not necessarily unconnected in their “causal” or “structural” relation but unconnected in their *meaning*; and that its claim to possess a “real” or “actual” referent (i.e. that is not just a delusion, or convenient fiction, or even an *Idealtypus*, an observer’s limiting rational construction) can be discussed in a fecund way, though this discussion may be and, in the decisive cases, *has* to be interminable. In brief, it *elucidates*

and initiates a process of elucidation.

The situation is different, at first glance, when we are speaking about our own history or tradition, about societies which though “other” are not “foreign” since there is strong genealogical connection between their imaginary significations and ours, since we still somehow “share” the same world, since there is still some active, intrinsic relationship between their institutions and our own. It would seem that since we succeed this creation but fall within the same concatenation, since we find ourselves, so to speak, downstream, since we live, at least partly, within the mental framework and the universe of beings which it posited, our understanding of our “ancestral” societies would present no mystery. But of course, other problems arise. This “common belonging” is by necessity partly illusory, but often tends to be taken as fully real. Projective “value judgments” become important and interfere with understanding. The proper distance between ourselves and “our own past” is very difficult to establish; the attitudes toward Greece cited above are examples. The illusion of the *Selbstverständlichkeit* can be catastrophic: thus, people today consider democracy or rational inquiry to go without saying, naively projecting on the whole of history the exceptional situation of their own society, and are unable to understand what democracy or rational inquiry could mean for the society where they were created for the first time.

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The second question is: If history is creation, how can we judge and choose? It is to be stressed that this question would not arise if history were simply and strictly a causal concatenation, or if it did contain its *physis* and *telos*. It is precisely because history is creation that the question of judging and choosing emerges as a radical, nontrivial question.

The radicality of the question stems from the fact that, despite a widespread naive illusion, there is not and cannot be a rigorous and ultimate foundation of anything—not of knowledge itself, not even of mathematics. One should remember that this foundational illusion has never been shared by the great philosophers: not by Plato, not by Aristotle, not by Kant, not by Hegel. The first outstanding philosopher who was under the delusion of “foundation” was Descartes, and this is one of the respects in which his influence has been catastrophic. Since Plato, it has been known that every demonstration presupposes something which is not demonstrable. Here I want to stress one other aspect of the question: the judgments and choices we make belong to the history of the society in which we live and depend on it. I do not mean that they depend on particular socio-historical “contents” (though this is

also true). I mean that the sheer fact of judging and choosing in a non-trivial sense presupposes not only that we belong to that particular history, to that particular tradition where judging and choosing first become effectively possible, but that we have already, before any judgment and choice of “contents,” judged affirmatively and chosen this history and this tradition in this respect. For this activity of judging and choosing, and the very idea of it, is a Greco-Western activity and idea—it has been created within this world and nowhere else. The idea would not and could not occur to a Hindu, to a classical Hebrew, to a true Christian or to a Moslem. A classical Hebrew has nothing to choose. He has been given the truth and the Law once and for all by God himself, and if he started judging and choosing about that, he would no longer be a Hebrew. Likewise, a true Christian has nothing to judge or choose: he has to believe and to love. For it is written: *Judge not, that ye be not judged* (Matthew 7:1). Conversely, a Greco-Western (a “European”) who produces rational arguments for rejecting the European tradition confirms *eo ipso* this tradition and that he belongs to it.

But neither does this tradition offer us repose. For while it has produced democracy and philosophy, both the American and the French Revolutions, the Paris Commune and the Hungarian Workers’ Councils, the Parthenon and *Macbeth*, it has produced as well the massacre of the Melians by the Athenians, the Inquisition, Auschwitz, the Gulag, and the H-bomb. It created reason, freedom, and beauty — and it also created massive monstrosity. No animal species could ever create Auschwitz or the Gulag; to create that you must be a human being. These extreme possibilities of humanity in the field of the monstrous have been realized *par excellence* in our own tradition. The problem of judging and choosing thus also arises within this tradition, which we cannot validate for a moment *en bloc*. And of course, it does not arise as a simple intellectual possibility. The very history of the Greco-Western world can be viewed as the history of the struggle between autonomy and heteronomy.

It is well-known that the problem of judging and choosing is the object of Kant’s third *Critique*, and that Hannah Arendt in her later years turned toward the third *Critique* in her search for some grounding for these activities of the mind. I feel a form of illusion is spreading among some of Hannah Arendt’s followers or commentators (a) that somehow or other Kant “solved” this problem in the third *Critique*, and (b) that his “solution” could be transposed to the political problem or at least facilitate the latter’s elaboration. Facilitate, indeed, it does — but in a negative way, as I will try to show briefly.

I submit that the whole affair is a strange (but philosophically com-

monplace) *chassé-croisé* of correct insights arrived at for the wrong reasons. It begins with Kant himself. Why is Kant, nine years after the first edition of the *Critique of Pure Reason*, driven to the question of *Urteil* and *Urteilkraft*? The apparently watertight answers given to this question in the Preface and Introduction to the third *Critique* I consider to be rational reconstructions or rationalizations, Kant's dressing up in systematic and systematizing garment deeper and not fully conscious philosophical motivations.

First among these, no doubt, is the realization that the whole edifice of the *Critique of Pure Reason* stands on air, that any "given" just is not sufficient to produce *Erfahrung* (experience), that the organization of a "world" out of the *Mannigfaltigkeit* (diversity) of the given entails that this *Mannigfaltigkeit* already be intrinsically organized to a minimal degree, since it must be at least *organizable*. No category of causality could ever legislate a *Mannigfaltigkeit* which would follow this law: if *y* once succeeded on *x*, never again will a *y* succeed on an *x*. Of course, in such a "fully chaotic" world the existence of an actual, effective "knowing subject" would be impossible — but this is a second and equally strong argument against the monocacy of subjective transcendentalism. The object of the legislation has to be forthcoming as "legislatable," and the legislator actually has to "exist" as well. Both entail a world that is not completely chaotic.

A worthy philosophical answer is not supplied to this question by the "happy accident" (*glücklicher Zufall*), the "contingent" character of the "systematic unity" of the laws of nature and of their capacity to fulfill the requirements of *Verstand* — which is indeed, in a sense, the truth of the matter. Hence, the turn to a reflexive and not constitutive teleology of nature: though we cannot "prove" it, nature works as if it were organized according to ends. For these workings of nature, the human work of art provides an analogy, since in it we can see "imagination in its freedom as determinable by the understanding according to ends" (§ 59).

The second motivation is precisely the recognition of the specificity of the work of art.⁷ Kant has to bring together his desire (or need) to provide an "aesthetics" in the usual sense, a philosophy of the beautiful and philosophical *locus* for it, and his dim realization of the ontological specificity of art as *creation*. This is, of course, where Kant transcends the classical tradition and its ontology. The great work of art does not follow rules but posits new rules — it is *Muster* and *exemplarisch*. The artist, the genius, is not able to "describe" or "scientifically explain" his product, but posits the norm "as nature" (*als Natur*, § 46). Nature of course is here *natura naturans*, not *natura naturata*, not the nature of

the *Critique of Pure Reason*, but a “living” power of emergence, bringing together matter under form. The genius is *Natur* — and *Natur* is genius! — *qua* free imagination determinable according to finality.

The third motivation is Kant’s increasing preoccupation with the questions of society and history. This is manifest in his numerous writings of the period related to these subjects and expressed in the third *Critique* through the ideas of a *sensus communis* and of the distinction between objective and subjective universal validity (*Allgemeingültigkeit*).

Before addressing the questions arising from the frequent contemporary recourse to the third *Critique* in connection with the activities of judging and choosing, it is necessary to point to a paradox of the first magnitude: Why should one have recourse to the *Critique of Judgment* when the whole of Kant’s *practical* philosophy is explicitly directed toward supplying rules and maxims of judgment and choice in “practical” matters?⁸ Why is the apparently firm ground offered by Kant’s practical philosophy in matters of ultimate political judgment neglected in recent discussions while it abundantly inspired, eighty years ago, neo-Kantian socialists and Austro-Marxists, for example? If the categorical imperative as such is an empty, simple form of abstract universality, as Schiller and Hegel rightly saw, if Kant’s attempts to derive substantive injunctions and interdictions from the principle of contradiction are flawed, certainly the same cannot be said about Kant’s maxims. “Be a person and respect others as persons”; “respect humanity in every human being”; “treat others as ends and never simply as means” — if these principles hold, one may certainly still be shocked by Eichmann and what he represents, but one will not wonder about the possibility of judging him. Then Hans Jonas would not have to worry about being able to say to a Hitler “I will kill you,” but not “you are wrong.”⁹

But of course the matter does not end here. First, Hitler would be right in answering: You cannot *demonstrate* to me the validity of your maxims. Second, he would answer nothing of the sort. Nazis and Stalinists do not discuss, they just draw their guns. Third, the maxims escape the flaw of indeterminacy only because we are used to giving a more or less determinate content to the terms “person,” “humanity,” etc. This is not philosophical hairsplitting. Not so long ago, the Church was burning people at the stake in order to save their “humanity” — their souls. Maxims (or any similar rules) are of value only within and for a community where (a) reasonable (not “rational”) discussion is accepted as a means of overcoming differences, (b) it is recognized that everything cannot be “demonstrated,” and (c) there is a sufficient (even if tacit) degree of consensus beyond logical definition about the meaning

of terms like “person,” “humanity” — or for that matter, “liberty,” “equality,” and “justice.” It will be noted that these terms refer to social imaginary significations *par excellence*.

The similarities between these prerequisites and those of any discussion about art are obvious. This of course does not mean that political and aesthetic judgments are species of the same genus—but that it is not, *prima facie*, unreasonable to explore the conditions under which a community can discuss and agree upon matters beyond those accessible through procedures of strict demonstration.

But it is equally obvious that these conditions are so restrictive as to be of no use when we come to ultimate questions. Kant’s third *Critique* in fact presents a description of rather than a “solution” to the problem of judging. Significant as this description is, it offers no help in the search for “foundations.” As a “solution,” from a logician’s point of view, it only begs the question; in the terms of my framework, it describes the primitive circle of socio-historical creation without actually understanding it. To this I now turn briefly.

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Let us note from the outset that, as far as I know, the invocation of the *Critique of Judgment* in regard to the issue of socio-historical creation refers only to the idea of “taste” and “reflective judgment,” and not at all to the idea that the great work of art is a creation. In this way, a central and fatal *aporia* in Kant’s work is ignored or concealed.

For Kant, the aesthetic “reflective judgment” possesses a *subjektive Allgemeingültigkeit* (a subjective universal validity)—as opposed to the objective universal validity of, e.g., determinative judgments in the theoretical field. It appeals to *taste* and is founded upon the possibility of the subject’s placing itself “in the other’s place.” No such condition is required for judgments of objective universal validity. Where “the other” is, from the point of view of *quid juris*, irrelevant.

Where does this subjective universal validity of the judgment of taste derive from? From the fact that in aesthetic judgment I do not say “It pleases me,” or, “I find this beautiful,” but “This *is* beautiful.” I claim universality for my judgment. But this of course will not do. It is perfectly possible that I give (or that I am bound to give) the form of universality to a class of my judgments without any content corresponding to this form in a valid way. It is perfectly possible that I formulate a claim to universality, and that this claim remain frustrated and vacuous. The logical-transcendental trap does not work here. When I say not “I believe P to be true,” but “P is true,” the question of the objective universal validity of my judgment can be settled in principle by rules

and procedures. And if someone tells me, “nothing is ever true,” or “truth is a matter of whim,” he walks, *de jure*, out of the room of rational discussion. I need not worry about him, and more generally (in Kant’s eyes), in theoretical matters I do not even need the approval of “the other,” nor need I look at things “from his point of view.”¹⁰ Not so for the reflective judgment, where I *do* need to introduce the other’s point of view. Now, if the other were “pure taste”—if such a thing as “pure taste” exists, *even* “transcendentally,” i.e., in the same way *reiner Verstand* must “exist”—the judgment would be mere wordplay. The other would be just another concrete instance of the same “universal” (though of course not a logical or “discursive” universal) of which I would also be an instance. For if “pure taste” exists, this would entail that it owe nothing to the “empirical particularities” of the subjects concerned nor be affected by them (just as in the cases of knowledge and ethics). But in the domain of the aesthetic judgment, the other has to be taken into consideration precisely *qua other*. He does not differ from me “numerically,” as the scholastics would say, but substantively. Despite the connotations of the term “reflective,” in reflective judgment the other is not a mirror. It is *because* he is other (nontrivially different) that he can function where Kant locates him. It is because *different* people *can* agree on matters of beauty that the aesthetic judgment exists and is of a nature other than theoretical or pure practical (ethical) judgments. In the latter cases, the agreement is both necessary and superfluous. Universality, there, is identity through or across indefinite and indifferent numerical “instantiations.” But the “subjective universal validity” of the aesthetic judgment is commonality through or across non-identity. The other has to find—or does find—the *Night-watch* beautiful even though he is nontrivially different from me.

But different how, to what extent, up to what point? Different just enough, not too much, and not too little. Would my judgment of *Oedipus Rex* become shaky if a throng of very refined Tang, Song or Ming mandarins found the play repugnant? Should I think of Hokusai’s point of view when looking at *Les demoiselles d’Avignon*? Kant speaks repeatedly, of course, about the “education of taste.” But education of taste gives rise to two intractable philosophical problems (intractable at least from *this* perspective). First, education of taste is impossible unless (a) beauty is already there, and (b) it is rightly recognized as such. Whence, by whom, and on what basis? Who shall educate the educators? Either education of taste is a meaningless expression, or beauty is a historical *Faktum* (as, indeed, *Erfahrung* also is) and its “recognition” or “reception” cannot be “explained” or “understood” (let alone *be* founded) any more than its creation (Kant says “production,”

Erzeugung) can. What we discover here again is the primitive, originary circle of creation: *creation presupposes itself*. Secondly, if we think of historically effective education, then we would have (as indeed we do) the *imposition* of a given “taste” in a particular culture. Uniformity of taste will then be more or less “obligatory,” and reflective judgment will provide no more input than that already injected into the historical subjects.

Now if beauty is a historical *Faktum*, there is not only one history of this *Faktum* but a vast plurality of such histories—and thus also of tastes. We have been educated and continue educating our offspring in and through the creations of our own particular history. It is also our own history—and *this history alone*—which has educated us so that we find beauty in the sculpture of the Mayas, the painting of the Chinese or the music and dance of the Balinese, while the reverse is not true. To be sure, some of the best interpreters of Mozart today are Japanese. But they attain to this insofar as they have been “Westernized”—not so much in that they have learned the piano, Mozart, and so forth, but in that they have accepted this very opening, this movement of acculturation, with its corollary: that the music of some barbarians is not to be rejected beforehand but may be worth the effort of appropriation.¹¹

If the other is not a shadow or a mannequin, he belongs to a definite and concrete socio-historical commonality. Concrete means particular: a particular community, and its particular “education”—that is, tradition. But then, the appeal to the other’s point of view floats uneasily between vacuousness and tautology. It is vacuous if the addressee is supposedly to be found in each and every particular community. It is tautologous if it is an appeal to our own community: for then it is an appeal to go on judging as beautiful what has already been so judged.

That this should be so is of course the consequence of what I called the cognitive closure between the different socio-historical worlds. This applies to art as well as to “science,” to sufficient reasons for dying as well as to table manners. To be sure, there is a distinction to be drawn between “science” and the rest, or at any rate between science and art. Even if we disdain pragmatic arguments of the sort “the universal validity of our science over against savage magic is ‘proven’ by the fact that we kill savages much more effectively than their magic can kill us,” it remains that the chances for effective “universal validity” in science are much greater than those in art. For in the case of science, the component that supplies the identity among its variations (*legein* and *teukhein*) is paramount, and this component is less variable among different cultures.¹² E.g., insofar as causality is recognized everywhere (magic itself operates on some sort of causality postulate), you can con-

vince any savage with a few operations that X causes Y. The chances that you could bring him to love *Tristan und Isolde* are immeasurably less: for this you would have to educate him in and through several centuries of European culture. This is of course no accident: “art”—which has never been just “art,” except for a short and recent historical period—is much more strongly and deeply linked to the kernel of a society’s imaginary significations than is “knowledge of things.”

Of course, to all this there is a Kantian answer, and at least a threefold one. First, the work of art addresses itself “to the subjective element, which one can presuppose in all men (insofar as it is required for possible knowledge in general)” (§ 38). This is to be found in the combination of the free play of imagination with the legality (*Gesetzmassigkeit*) of understanding (§ 35), in a proper proportion (§ 21). Secondly, the foundation of the “necessity” of the judgment of taste must lie in an “indeterminate concept,” the concept “of a supersensible substratum of phenomena” (§ 57). Thirdly, there exists a historical process, equivalent to a progress in education of taste—and certainly to an actualization of effective universality through convergence—and this is manifest in the development of civilization in general and in *Aufklärung* in particular (§ 41).

It is neither possible nor necessary to discuss these points here. I will only note regarding the first one that it implies much more than it initially appears to do. One can easily grant that imagination, understanding, and a “productive” interplay of the two are present in all humans: but the question of taste entails much more than such abstract universal “faculties,” it pertains to their concrete historical specification (and Kant is well aware of this, as the third point above shows; cf. also the Remark to § 38). But, of much greater importance, these ideas imply the whole of Kant’s philosophy—both “pure philosophy,” and “philosophy of history.” Without it, the third *Critique* hangs in the air. I find it puzzling that those who today advocate recourse to the third *Critique* do not seem to realize that they have to take into the bargain as well the idea of a “supersensible substratum of phenomena,” and of “humanity” (in the *Kantian* sense of “supersensible”). Nor do they seem to realize that beauty is “the symbol of the moral good” (§ 59). I find it even more puzzling that they are able to disregard the essential link between Kant’s theory of taste and judgment and the historical world, which is Kant’s unequivocal and firm position on the *Aufklärung*. If all the human tribes, after long wanderings in the wild forests of pre-civilization, were to gather now in the glades of the *Aufklärung* where, we, the first comers, were to greet them as they arrive, the problems would surely be quite different. But have we not been told that it was pre-

cisely because of the shattering crisis within the *Aufklärung's* ideas and standards that the whole discussion began?

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Consider now the other kernel of the third *Critique*. The fine arts are arts of genius; and the work of genius is a *creation*—though Kant does not use the term.¹³ It is new, not “numerically,” but essentially, in that it posits new norms: it is a new *eidōs*. Thus it is a “model” or “prototype” (*Muster*).

But a model of what, and for what? The term is strange, since one would naturally expect it to be a model for imitation—and Kant rejects and severely and rightly condemns imitation and insists strongly on essential originality as the distinctive character of the work of art, that is, of genius.

The work of genius is a prototype of nothing and for nothing—if we take “prototype” in the formal sense.¹⁴ But it is indeed a prototype in two other ways. It is a prototype of the “fact” of creation: it proposes itself as an “example” not for imitation (*Nachahmung* or *Nachmachung*), but for “succession” or “continuation” (*Nachfolge*), for the fact and feat of creation to be re-enacted. And it is a model for the education of taste. In both respects, however, the circle of historical creation is present, and no “logical,” “analytical” construction allows us to escape this paradoxical situation. The *chef d'oeuvre* can only be a model for taste if there is already taste enough to recognize it as a *chef d'oeuvre*. And it is a model for the re-enactment of the creative act if it is already recognized as the embodiment of such an act.

Behind Kant's apparently watertight construction and beyond the realization of its precariousness, we find a deep intuition of the truth of the matter. Art as creation cannot be “explained.” Nor can the reception of the great work of art be “explained.” The “educative” function of the new, of the original, is both a fact and a paradox.¹⁵ It is an instance of the fact and the paradox of each and every historical creation.

Kant's theory of aesthetics is the only part of his fundamental writing in which he is forced to go beyond his strictly dualistic approach and to consider what later neo-Kantians (e.g., Rickert) would call *das Zwischenreich des immanenten Sinnes* (the in-between realm of immanent meaning). It is also the part in which he comes closest to recognizing creation in history—at least in substance, though he does not and could not name it. Beauty is created. But it is characteristic, first, that Kant have an “exceptionalist” view of creation: only genius creates, and it does so “as nature.” (This “nature” of course has nothing to do with the “nature” of his theoretical philosophy. It is easy to see that it is an un-

easy pseudonym for God; “genius” is a fragmented offshoot of the creative intelligent power that reflection on the teleology of “nature” must posit.) Secondly, that creation has to be restricted to the ontologically weightless domain of art. What Kant has to say about scientific work in the third *Critique* shows that it is intrinsically necessary for him to trivialize and reduce it to a cumulative process. In the domain of art, the effective validity, recognition, and reception of the norms (meanings, or “values” in neo-Kantian parlance) must take on decisive importance. Hence the move from “objective” to “subjective universal validity,” and from “determinative” to “reflective”: determination does not depend on the opinion of the other, while reflection does indeed involve it. Thus, the irreducible character of creation and the commonality/community of humans acquire, however half-heartedly, some philosophical status, even if only as problems.

Kant believes that he answers the question of the essence of beauty (of what beauty *is*) and of the “necessity” of its common recognition. Of course he does no such thing. We have to recognize the decisive importance of the third *Critique*, *not* for the question of judging but for its insights into creation and human commonality. We also have to recognize the limitations of these insights—and the necessary origin of these limitations in the “main body” of Kant’s philosophy (the two other *Critiques*). To remove these limitations, this main body must be exploded, but then, the insights of the third *Critique* gain a completely different meaning, and lead in unexpected directions. Because of these limitations—which are, in fact, common to the mainstream of the inherited philosophical tradition—it is not possible for Kant to think the radical social imaginary or instituting society; he cannot really think the sociality of history, even the historicity of society.¹⁶ Hence the restriction to “genius” and to “art”: the creation of institutions is ignored or, at best, has to be presented as a purely “rational” affair (cf. the “nation of devils” in *Zum ewigen Frieden*). This is why the primitive circle of creation (that creation presupposes itself) can only loom confusedly and indistinctly between the lines and behind the aporias of Kant’s treatment: beauty is recognized because there is taste, and taste is there because men have been educated, and men have been educated because they have already been in touch with beauty—in other words, because they recognize beauty before being, in principle, capable of doing so.

In the field of art, the socio-historical consists in self-institution. “Genius” is here both a particular case of, and a pseudonym for, historical creation in general. The reception of the work of art is a particular

case of the active and self-creative participation and co-operation of human communities in the institution of the new—in the institution *tout court*. “Reception” is no less paradoxical—and no less creative—than creation. And of course, nothing in all of this brings us any closer to deciding how to judge and choose. The generalization and radicalization of Kant’s insights can only bring about a generalization and radicalization of the aporias involved. For everybody always judges and chooses not only within but by means of the particular socio-historical institution—the culture, the tradition—which formed him. Indeed, without this he would not be *able* to judge and choose anything. That Kant is both capable of knowing this and ignoring it is typical of his essential stand as an *Aufklärer*: in truth, there is but *one* history—and for all that really matters, this one history coincides with our own (or: our own history is the “transcendentally obligatory” meeting point of all particular histories). One might be tempted to treat this stand as “empirical” and dispensable, but this would be a mistake. For this postulate—the “transcendentalization” of the historical fact of the *Aufklärung*—is necessary, if the semblance of an answer is to be given in “universal” terms to the original question. If all of us belonged substantially to the same tradition—or if one tradition was, *de jure*, the “true” one—we could appeal to the “same” taste. (But even then, only on the counterfactual supposition that creative breaks within that tradition remain within some sort of undefinable bounds.)

We can now conclude on the *chassé-croisé* of correct insights and wrong reasons which occur within the contemporary invocation of the third *Critique*. Kant’s theory of judgment is appealed to because of the delusion that it could contribute an answer to the question of judging and choosing—which it does not. And the third *Critique* is *not* appreciated for what is, in truth, its most precious germ: the insight into the fact of creation. But this is no accident. For contemporaries repudiate (at least tacitly) the main body of Kant’s philosophy; if they did not, there would be no need to resort to the third *Critique* in matters of practical-political judgment. Now, when liberated from the transcendental scaffolding, and from the postulates referring to the supersensible, the idea of creation becomes uncontrollable. If norms themselves are created, how is one to escape the abhorrent thought that Right and Wrong themselves are socio-historical creations? Consequently, refuge is taken instead in some vaguely perceived *sensus communis* regarding matters of Right and Wrong—forgetting again that it was the actual breakdown of this *sensus communis* which initiated the very discussion in the first place.

Can we go farther than stating the obvious facts—that judging and choosing always take place within and by means of an already existing socio-historical institution or else spring out of a new creation in the face of which no criteria are available except the ones this new creation establishes for the first time? And how can we confront reasonably, if not “rationally,” the question of judging and choosing between different institutions of society—the political question *par excellence*?

I cannot discuss this problem here. I will only repeat: the absolute singularity of our Greco-Western or European tradition lies in its being the only tradition wherein this problem arises and becomes thinkable. (This does *not* mean that it becomes “soluble”—*pace* Descartes and Marx.) Politics and philosophy *and* the link between them have been created here and only here. Of course, this *does not* mean that this tradition can be “rationally” imposed upon—or defended against—another tradition that ignores or rejects this setting. Any rational argumentation presupposes the common acceptance of rationality as a criterion. It is not so much pragmatically ineffectual as it is logically absurd to argue “rationally” with Hitler, Andropov, Khomeiny or Idi Amin Dada. Indeed, “pragmatically,” such argumentation can be defended as a political (“pedagogical”) activity: there is always a chance that some followers of these men may be or become inconsistent and thus permeable to “rational” arguments. But to take a more dignified example, can argumentation invoking rationality, the equal value of all humans *qua* humans, for example, carry any weight against a deeply held belief that God has revealed himself and his will—the latter entailing, e.g., the forced conversion and/or extermination of the infidels, sorcerers, heretics, etc.? Silly, modern parochialism is capable of laughing at this idea as “exotic”—even though it was central to all “civilized” societies as recently as two centuries ago.

* * *

Judging and choosing, in a radical sense, were created in Greece, and this is one of the meanings of the Greek creation of politics and philosophy. By politics I do not mean court intrigues or fighting among social groups over interest or position (both of which existed elsewhere), but a collective activity whose object is the institution of society as such. In Greece we have the first instance of a community explicitly deliberating about its laws and changing those laws.¹⁷ Elsewhere laws are inherited from the ancestors or given by gods or by the One True God; but they are not posited as created by men after a collective confrontation and discussion about right and wrong law. This position leads to other questions, which also originated in Greece: not only, “is

this law right or wrong,” but “what is it for a law to be right or wrong, that is, what is justice?” Just as in Greek political activity the existing institution of society is called into question and altered for the first time, similarly Greece is the first society where we find the explicit questioning of the instituted collective representation of the world—that is, where we find philosophy. Further, just as political activity in Greece leads to the question not merely of whether this particular law is right or wrong, just or unjust, but of what justice is in general, so philosophical interrogation leads rapidly to the question not only of whether this or that representation of the world is true, but of what truth is. Both questions are genuine questions—that is, must remain open forever.

The creation of democracy and philosophy and the link between them has its essential precondition in the Greek vision of the world and human life, the nucleus of the Greek imaginary. This can perhaps best be clarified by the three questions in which Kant summarizes the interests of man. About the first two: What can I know? What ought I to do? an endless discussion begins in Greece, and there is no “Greek answer” to them. But to the third question: What am I allowed to hope? there is a definite and clear Greek answer, and this is a massive and resounding *nothing*. And evidently it is the true answer. “Hope” is not to be taken here in the everyday trivial sense—that the sun will again shine tomorrow, or that a child will be born alive. The hope to which Kant refers is the hope of the Christian or religious tradition, the hope corresponding to that central human wish and delusion that there be some essential correspondence, some consonance, some *adequatio*, between our desires and decisions, on the one hand, and the world, the nature of being, on the other. Hope is the ontological, cosmological, and ethical assumption that the world is not just something out there, but *cosmos* in the archaic and proper sense, a total order which includes us, our wishes, and our strivings as its organic and central components. The philosophical translation of this assumption is that being is ultimately good. As is well-known, the first one who dared to proclaim this philosophical monstrosity clearly was Plato—after the classical period had ended. This remained the fundamental tenet of theological philosophy in Kant, of course, but in Marx as well. The Greek view is expressed as early as the myth of Pandora. For Hesiod hope is forever imprisoned in Pandora’s box. In pre-classical and classical Greek religion, there is no hope for an afterlife: Either there is no afterlife, or if there is one, it is worse than the worst life on earth—as Achilles reveals to Odysseus in the Land of the Dead. Having nothing to hope from an afterlife or from a caring and benevolent God, man is liberated for ac-

tion and thought in *this* world.

This is intimately linked with the fundamental Greek idea of *chaos*. For Hesiod, in the beginning there is chaos. In the proper, initial sense “chaos” in Greek means void, nothingness. It is out of the total void that the world emerges. But already in Hesiod, the world is also chaos in the sense that there is no complete order in it, that it is not subject to meaningful laws. First there is total disorder, and then order, *cosmos*, is created. But at the “roots” of the world, beyond the familiar landscape, chaos always reigns supreme. The order of the world has no “meaning” for man: it posits the blind necessity of genesis and birth, on one hand, of corruption and catastrophe—death of the forms—on the other. In Anaximander, the first philosopher for whom we possess reliable testimony, the “element” of being is the *apeiron*, the indeterminate, indefinite—another way of thinking chaos. Form, the particularized and determinate existence of the various beings is *adikia*, injustice—one may well call it *hubris*. That is why the particular beings have to render justice to one another and pay compensation for their injustice through their decay and disappearance.¹⁸ There is a strong though implicit connection between the two pairs of opposite terms, *chaos/cosmos* and *hubris/diké*. In a sense, the latter is the transposition of the former into the human domain.

This vision conditions, so to speak, the creation of philosophy. Philosophy, as the Greeks created and practiced it, is possible because the world is not fully ordered. If it were, there would not be any philosophy, but only one, final system of knowledge. And if the world were sheer chaos, there would be no possibility of thinking at all. But this vision of the world also conditions the creation of politics. If the human world were fully ordered, either externally or through its own “spontaneous operation,” if human laws were given by God or by nature or by the “nature of society” or by the “laws of history,” then there would be no room for political thinking and no field for political action and no sense in asking what the proper law is or what justice is (cf. Hayek). But furthermore, if human beings could not create some order for themselves by positing laws, then again there would be no possibility of political, instituting action. If a full and certain knowledge (*epistémé*) of the human domain were possible, politics would immediately come to an end, and democracy would be both impossible and absurd: democracy implies that all citizens have the possibility of attaining a correct *doxa* and that nobody possesses an *epistémé* of things political.

I think it is important to stress these connections because a great many of the difficulties of modern political thinking are related to the

persisting dominant influence of theological (that is, Platonic) philosophy. The operative postulate that there is a total and “rational” (and therefore “meaningful”) order in the world, along with the necessary implication that there is an order of human affairs linked to the order of the world—what one could call unitary ontology—has plagued political philosophy from Plato through modern liberalism and Marxism. The postulate conceals the fundamental fact that human history is creation—without which there would be no genuine question of judging and choosing, either “objectively” or “subjectively.” By the same token, it conceals or eliminates the question of responsibility. Unitary ontology, in whatever disguise, is essentially linked to heteronomy. The emergence of autonomy in Greece was conditioned by the non-unitary Greek view of the world that is expressed from the beginning in the Greek “myths.”

* * *

A curious but inevitable consequence of the “model/anti-model” mentality employed when examining Greece, and in particular Greek political institutions, is that these are taken, so to speak, “statically,” as if there were *one* “constitution,” with its various “articles” fixed once and for all, that could and must be “judged” or “evaluated” as such. This is an approach for people who seek recipes—whose number, indeed, does not seem to be on the decrease. But of course what is important in ancient Greek political life—the *germ*—is the *historical instituting process*: the activity and struggle around the change of the institutions, the explicit (even if partial) self-institution of the *polis* as a permanent process. This process goes on for almost four centuries. The annual election of the *thesmothetai* in Athens is established in 683/2 B.C., and it is probably around the same time that the citizens in Sparta (9,000 of them) are instated as *homoioi* (“similar,” i.e., equals) and the rule of *nomos* (law) affirmed. The widening of democracy in Athens continues well into the fourth century. The *poleis*—at any rate Athens, about which our information is most complete—do not stop questioning their respective institutions; the *demos* goes on modifying the rules under which it lives. This is, of course, inseparable from the hectic pace of creation during this period in all fields beyond the strictly political one.

This movement is a movement of explicit self-institution. The cardinal meaning of explicit self-institution is autonomy: we posit our own laws. Of all the questions arising out of this movement, I will briefly survey three: “Who” is the “subject” of this autonomy? What are the limits of his action? What is the “object” of autonomous self-institution?

The community of citizens—the *demos*—proclaims that it is absolutely sovereign (*autonomos*, *autodikos*, *autotélés*, self-legislating, self-judging, self-governing, in Thucydides' words). It also affirms the political equality (equal sharing of activity and power) of all free men. This is the self-position, self-definition, of the political body, which contains an element of arbitrariness—and always will. *Who* posits the *Grundnorm*—in Kelsen's terminology, the norm ruling the positing of norms—is a *fact*. For the Greeks, this "who" is the body of adult, male, free citizens (which means, in principle, of other citizens, though naturalization is known and practiced). Of course, the exclusion of women, foreigners, and slaves from citizenship is a limitation we do not accept. This limitation was never lifted in practice in ancient Greece (at the level of ideas, things are less simple, but I will not discuss this aspect here). But indulging for a moment in the absurd "comparative merits" game, let us remember that slavery was present in the United States until 1865 and in Brazil until the end of the nineteenth century. Further, in most "democratic" countries, voting rights were granted to women only after the Second World War; that no country today grants political rights to foreigners, and that in most cases naturalization of resident foreigners is by no means automatic (a quarter of the resident population of very "democratic" Switzerland are *metoikoi*).

Equality of the citizens is of course equality in respect of the law (*isonomia*), but it is essentially much more than that. It is not the granting of equal passive "rights," but active general participation in public affairs. This participation is not left to chance, but actively promoted both through formal rules and through the general *ethos* of the *polis*. According to Athenian law, a citizen who will not take sides while the city is in civil strife becomes *atimos*—deprived of political rights.²⁰

Participation materializes in the *ecclesia*, the Assembly of the people, which is the acting sovereign body. All citizens have the right to speak (*iségoria*), their votes carry the same weight (*isophéphia*), and they are under moral obligation to speak their minds (*parrhésia*). Participation also materializes in the courts. There are no professional judges, virtually all courts are juries with their jurors chosen by lot.

The *ecclesia*, assisted by the *boulé* (Council), legislates and governs. This is *direct democracy*. Three of its aspects deserve further comment.

a) *The people versus "representatives"*—Direct democracy has been rediscovered or re-invented in modern history every time a political collectivity has entered a process of radical self-constitution and self-activity: town meetings during the American Revolution, *sections* during the French Revolution, the Paris Commune, the Workers' Councils or

the Soviets in their original form. Hannah Arendt has repeatedly stressed the importance of these forms. In all these cases, the sovereign body is the totality of those concerned; whenever delegation is inevitable, delegates are not just elected but subject to permanent recall. One should remember that for classical political philosophy, the notion of “representation” is unknown. For Herodotus as well as for Aristotle, democracy is the power of the *demos*, unmitigated in matters of legislation, and the designation of magistrates (not “representatives”!) by sortition or rotation. Scholars merely repeat today that Aristotle’s preferred constitution, what he calls *politeia*, is a mixture of democracy and aristocracy, and forget to add that for Aristotle the “aristocratic” element in this *politeia* is the *election* of the magistrates—for Aristotle clearly and repeatedly defines election as an aristocratic principle. This is also clear for Montesquieu and Rousseau. It is Rousseau, not Marx or Lenin, who writes that Englishmen believe that they are free because they elect their Parliament, but in reality are only free one day every five years. When Rousseau says that democracy is a regime too perfect for men, suitable only for a people of gods, what he means by democracy is the identity of the *souverain* and the *prince*—that is, there are no *magistrates*. Serious modern liberals—in contradistinction to contemporary “political philosophers”—knew all this perfectly well. Benjamin Constant did not glorify elections and “representation” as such; he defended them as lesser evils on the grounds that democracy was impossible in modern nations because of their size *and* because people were not interested in public affairs. Whatever the value of these arguments, they are based on the explicit recognition that representation is a principle alien to democracy. This hardly bears discussion. Once permanent “representatives” are present, political authority, activity, and initiative are expropriated from the body of citizens and transferred to the restricted body of “representatives,” who also use it to consolidate their position and create the conditions whereby the next “election” becomes biased in many ways.

b) *The people versus the “experts”*—Linked to the principle of direct democracy is the Greek view of “experts.” Not only legislative decisions but important political ones—on matters of *government*—are made by the *ecclesia* after it has listened to various speakers, possibly including those who claim some specific knowledge about the affairs at hand. There are not and cannot be “experts” on political affairs. Political expertise—or political “wisdom”—belongs to the political community, for expertise, *techné*, in the strict sense is always related to a specific, “technical” occupation, and is, of course, recognized in its proper field. Thus, Plato says in the *Protagoras*, the Athenians will listen to techni-

cians when the building of proper walls or ships is discussed, but will listen to anybody when it comes to matters of politics. (The popular courts embody the same idea in the domain of justice.) War is, of course, a specific field entailing a proper *techné*, and thus the war chiefs, the *stratégoi*, are elected—as are the technicians in other fields charged by the *polis* with a particular task. So Athens was, after all, a *politeia* in Aristotle's sense since some (and very important) magistrates were elected.

Now the *election* of the experts entails another principle central to the Greek view, clearly formulated and accepted not only by Aristotle, but despite its massive democratic implications, even by that arch-enemy of democracy, Plato. The proper judge of the expert is not another expert, but the *user*: the warrior and not the blacksmith for the sword, the horseman and not the saddler for the saddle. And evidently, for all public (common) affairs, the user, and thus the best judge, is the *polis*. From the results—the Acropolis, or the tragedy prizes—the judgment of this user appears to have been quite sound.

One can hardly overemphasize the contrast between this view and the modern one. The dominant idea that experts can be judged only by other experts is one of the conditions for the expansion and the growing irresponsibility of the modern hierarchical-bureaucratic apparatus. The prevalent idea that there exist “experts” in politics, that is, specialists of the universal and technicians of the totality, makes a mockery of the idea of democracy: the power of the politicians is justified by the “expertise” they would alone possess, and the, inexpert by definition, populace is called upon periodically to pass judgment on these “experts.” It also—given the emptiness of the notion of a specialization in the universal—contains the seeds of the growing divorce between the capacity to attain power and the capacity to govern—which plagues more and more Western societies.

c) *The community versus the “State”*—The Greek polis is *not* a “State” in the modern sense. The very term “State” does not exist in ancient Greek (characteristically, modern Greeks had to invent a word, and they used the ancient *kratos*, which means sheer force). *Politeia* (e.g., in the title of Plato's work) does not mean *der Staat* as in the standard German translation (the Latin *respublica* is less opposed to the meaning of *politeia*). It means both the political institution/constitution and the way people go about common affairs. It is a scandal of modern philology that the title of Aristotle's treatise, *Athénaion Politeia*, is everywhere translated “The Constitution of Athens,” both a straightforward linguistic error and the inexplicable sign of ignorance or incomprehension on the part of very erudite men. Aristotle wrote

The Constitution of the Athenians. Thucydides is perfectly explicit about this: *Andres gar polis*, "for the *polis* is the men." For example, before the Battle of Salamis, when Themistocles has to resort to a last-ditch argument to impose his tactics, he threatens the other allied chiefs that the Athenians will take their families and their fleet and found anew their city in the West. This notwithstanding the fact that for the Athenians—even more than for the other Greeks—their land was sacred and they took pride in their claim to autochthony.

The idea of a "State" as an institution distinct and separated from the body of citizens would not have been understandable to a Greek. Of course, the political community exists at a level which is not identical with the concrete, "empirical" reality of so many thousands of people assembled in a given place at a given time. The political community of the Athenians, the *polis*, has an existence of its own: e.g., treaties are honored irrespective of their age, responsibility for past acts is accepted, etc. But the distinction is not between a "State" and a "population"; it is between the continuous corporate body of perennial and impersonal Athenians and the living and breathing ones.

No "State" and no "State apparatus." There is, of course, in ancient Athens a technical-administrative mechanism, but it does not possess any political function. Characteristically, this administration, up to and including its higher echelons—police, keepers of the public archives, public finance—is composed of slaves (possibly Donald Regan and certainly Paul Volcker would have been slaves in Athens). These slaves were supervised by citizen magistrates usually drawn by lot. "Permanent bureaucracy," the task of *execution* in the strictest sense, is left to the slaves.

The designation of magistrates through lot or rotation in most cases insures participation by a great number of citizens in official tasks—and knowledge of those tasks. That the *ecclesia* decides all important governmental matters insures the control of the political body over elected magistrates, as does the fact that they are subject to what amounts in practice to the possibility of recall at any time: conviction in a judicial procedure entails *inter alia* that they lose their office. Of course all magistrates are responsible for their performance in office as a matter of routine (*euthuné*); accounts are given, in the classical period, to the *boulé*.

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In a sense, the unity and very existence of the political body is "pre-political," at least insofar as explicit political self-institution is concerned. The community "receives itself," as it were, from its own past,

with all that this past entails. (In part, this is what the moderns call the question of “civil society” versus the “State.”) Elements of this given may be politically irrelevant or non-transformable. But *de jure*, “civil society” is itself an object of instituting political action. This is strikingly exemplified by some aspects of Clisthenes’ reform in Athens (506 B.C.). The traditional division of the population among tribes is superseded by a redivision having two main objects. First, the number of tribes is changed. The traditional (Ionian) four *phulai* become ten, each sub-divided into three *trittues*, all sharing equally in all magistratures through rotation (which entails what is in fact the creation of a new, “political” year and calendar). Secondly, each tribe is formed by a balanced composition of agricultural, maritime, and urban people. Thus, the tribes—which henceforth have their “headquarters” in the city of Athens—become neutral as to territorial or professional particularities; they are clearly political units.

What we have here is the creation of a properly political social space, founded on social (economic) and geographical elements, but not *determined* by these. No phantasm of “homogeneity” here: an articulation of the citizen body within a political perspective is created and superimposed on the “pre-political” articulations without crushing them. This articulation obeys strictly political imperatives: equality of power-sharing on the one hand, unity of the body politic (as against “particular interests”) on the other.

The same spirit is exemplified by a most striking Athenian disposition (Aristotle, *Politics*, 1330 a 20): when the *ecclesia* deliberates on matters entailing the possibility of a conflict such as a war with a neighboring *polis*, the inhabitants of the frontier zone are excluded from the vote. For they could not vote without their particular interests overwhelming their motives, while the decision must be made on general grounds only.

This again shows a conception of politics diametrically opposed to the modern mentality of defense and the assertion of “interests.” Interests have, as far as possible, to be kept at bay when political decisions are made. (Imagine the following disposition in the U.S. Constitution: “Whenever questions pertaining to agriculture are to be decided, senators and representatives from predominantly agricultural States cannot participate in the vote.”) At this point one may comment on the ambiguity of Hannah Arendt’s position concerning what she calls “the social.” She rightly saw that politics is destroyed when it becomes a mask for the defense and assertion of “interests.” The political space is then hopelessly fragmented. But *if* society is, in reality, strongly divided along conflicting “interests”—as it is today—insistence on the au-

tonomy of politics becomes gratuitous. The answer, then, is not to ignore the “social,” but to change it so that the conflict of “social”—that is, economic—interests ceases to be the dominant factor in shaping political attitudes. If this is not done, the present situation among Western societies results: the decomposition of the body politic and its fragmentation into lobbies. In this case, as the “algebraic sum” of opposing interests is very often zero, the consequence is political impotence and aimless drift, such as is observed today.

The unity of the body politic has to be preserved even against extreme forms of *political* strife. This is, to my mind, the meaning of the Athenian law on ostracism (not the usual interpretation, which sees in it a safeguard against would-be tyrants). In Athens political division and antagonism should not be allowed to tear the community apart; one of the two opposing leaders must go into temporary exile.

* * *

General participation in politics entails the creation for the first time in history of a *public space*. The emphasis Hannah Arendt has put on this, her elucidation of its meaning, is one of her outstanding contributions to the understanding of Greek institutional creation. I will confine myself, therefore, to a few additional points.

The emergence of a public space means that a political domain is created which “belongs to all” (*ta koina*).²¹ The “public” ceases to be a “private” affair—of the king, the priests, the bureaucracy, the politicians, and the experts. Decisions on common affairs have to be made by the community.

But the essence of the public space does not refer only to “final decisions”; if it did, it would be more or less empty. It refers as well to the presuppositions of the decisions, to everything that leads to them. Whatever is of importance has to appear publicly. This is, e.g., effectively realized in the *presentation* of the law: laws are engraved in marble and publicly exposed for everybody to see. But much more importantly, law materializes in the discourse of the people, freely talking to each other in the *agora* about politics and about everything they care about before deliberating in the *ecclesia*. To understand the tremendous historical change involved, one only has to contrast this with the typical “Asiatic” situation.

This is equivalent to the creation of the possibility—and actuality—of free speech, free thinking, free examination and questioning without restraint. It establishes *logos* as circulation of speech and thought within the community. It accompanies the two basic traits of the citizen already mentioned: the *iségoria*, right for all equally to speak their

minds, and the *parrhésia*, commitment for all to really speak their minds concerning public affairs.

It is important to stress here the distinction between the “formal” and the “real.” The existence of a public space is not just a matter of legal provisions guaranteeing rights of free speech, etc. Such provisions are but conditions for a public space to exist. The important question is: What are the people actually doing with these rights? The decisive traits in this respect are courage, responsibility, and shame (*aidos*, *ais-chuné*). Lacking these, the “public space” becomes just an open space for advertising, mystification, and pornography — as is, increasingly, the case today. Against such development, legal provisions are of no avail, or produce evils worse than the ones they pretend to cure. Only the education (*paideia*) of the citizens as citizens can give valuable, substantive content to the “public space.” This *paideia* is not primarily a matter of books and academic credits. First and foremost, it involves becoming conscious that the *polis* is also oneself and that its fate also depends on one’s mind, behavior, and decisions; in other words, it is participation in political life.

Equally important, together with the creation of a public space goes the creation of a *public time*. By this I do not mean just “social,” “calendar” time, a system of socio-temporal benchmarks which, of course, already exists everywhere. I mean the emergence of a dimension where the collectivity can inspect its own past as the result of its own actions, and where an indeterminate future opens up as domain for its activities. This is the meaning of the creation of historiography in Greece. It is a striking fact that historiography properly speaking has existed only during two periods of human history: in ancient Greece, and in modern Europe — that is, in the cases of the two societies where questioning of the existing institutions has occurred. In other societies, there is only the undisputed reign of tradition, and/or simple “recording of events” by the priests or the chroniclers of the kings. But Herodotus starts with the declaration that the traditions of the Greeks are not trustworthy. The disruption of tradition and critical inquiry into “true causes” of course go together. Moreover, this knowledge of the past is open to all. Herodotus, for example, is reported to have read his *Histories* to the Greeks assembled for the Olympic games (*si non e vero, e ben trovato*). And the Funeral Speech of Pericles contains a survey of the history of the Athenians from the viewpoint of the spirit of the activities of the successive generations — a survey leading up to the present and clearly pointing toward new things to be done in the future.

What are the limits of political action — the limits of autonomy? If the law is God-given, or if there is a philosophical or scientific “grounding” of substantive political truths (with Nature, Reason or History as ultimate “principle”), then there exists an extra-social standard for society. There is a norm of the norm, a law of the law, a criterion on the basis of which the question of whether a particular law (or state of affairs) is just or unjust, proper or improper, can be discussed and decided. This criterion is given once and for all and, *ex hypothesi*, does not depend on human action.

Once it is recognized that no such ground exists, either because there is a separation between religion and politics, as is, imperfectly, the case in modern societies, or because, as in Greece, religion is kept strictly at bay by political activities, and once it is also recognized that there is no “science,” no *epistème* or *techné*, of political matters, the question of what a just law is, what justice is — what “the proper” institution of society is — opens up as a genuine, that is, interminable, question.

Autonomy is only possible if society recognizes itself as the source of its norms. Thus, society cannot evade the question: Why this norm rather than that? — in other words, it cannot evade the question of justice by answering, e.g., that justice is the will of God, or the will of the Tzar, or the reflection of the relations of production. Neither can it evade the question of *limits* to its actions. In a democracy, people *can* do anything — and must know that they *ought not* to do just anything. Democracy is the regime of self-limitation; therefore it is also the regime of historical risk — another way of saying that it is the regime of freedom — and a tragic regime. The fate of Athenian democracy offers an illustration of this. The fall of Athens — its defeat in the Peloponnesian War — was the result of the *hubris* of the Athenians. *Hubris* does not simply presuppose freedom, it presupposes the absence of fixed norms, the essential vagueness of the ultimate bearings of our actions. (Christian sin is, of course, a heteronomous concept.) Transgressing the law is not *hubris*, it is a definite and limited misdemeanor. *Hubris* exists where self-limitation is the only “norm,” where “limits” are transgressed which were nowhere defined.

The question of the limits to the self-instituting activity of a community unfolds in two moments. Is there any intrinsic criterion of and for the law? Can there be an effective guarantee that this criterion, however defined, will not be transgressed?

With the move to fundamentals, the answer to both questions is a definite *no*. There is no norm of norms which would not itself be a histor-

ical creation. And there is no way of eliminating the risks of collective *hubris*. Nobody can protect humanity from folly or suicide.

Moderns have thought — have pretended — that they have found the answer to these two questions by fusing them into one. This answer would be the “Constitution” as a fundamental Charter embodying the norms of norms and defining particularly stringent provisions for its revision. It is hardly necessary to recall that this “answer” does not hold water either logically or effectively, that modern history has for two centuries now in all conceivable ways made a mockery of this notion of a “Constitution”; or that the oldest “democracy” in the liberal West, Britain, has no “Constitution” at all. It is sufficient to point to the shallowness and duplicity of modern thinking in this respect, as exemplified both in the field of international relations and in the arena of changes in political regimes. At the international level, despite the rhetoric of professors of “International Public Law,” there is in fact no law but the “law of force,” i.e., there is a “law” as long as matters are not really important — as long as you hardly need a law. The “law of force” also rules concerning the establishment of a new “legal order” within a country: “A victorious revolution creates right” is the dictum which almost all teachers of international public law avow, and all countries follow in practice. (This “revolution” need not be, and usually is not, a revolution properly speaking; most of the time, it is a successful *Putsch*.) And, in the European experience of the last sixty years, the legislation introduced by “illegal” and even “monstrous” regimes has always been maintained in its bulk after their overthrow.

The very simple point here is of course that in the face of a historical movement which marshalls *force* — be it by actively mobilizing an important majority or a passionate and ruthless minority in the forefront of a passive or indifferent population, or be it even just brute force in the hands of a group of colonels — legal provisions are of no avail. If we can be reasonably certain that the re-establishment of slavery tomorrow in the United States or in a European country is extremely improbable, the “reasonable” character of our forecast is *not* based on the existing laws or constitutions (for then we would be simply idiotic), but on a judgment concerning the active response of a huge majority of the people to such an attempt.

In Greek practice and thinking the distinction between “constitution” and “law” does not exist. The Athenian distinction between laws and decrees of the *ecclesia* (*pséphismata*) did not have the same formal character and in fact disappeared during the fourth century. But the question of self-limitation was dealt with in a different (and, I think, more profound) way. I will only consider two institutions related to this

problem.

The first is an apparently strange but fascinating procedure called *graphé paranomon* (accusation of unlawfulness).²² The procedure can be briefly described as follows. You have made a proposal to the *ecclesia*, and this proposal has been voted for. Then another citizen can bring you before a court, accusing you of inducing the people to vote for an unlawful law. You can be acquitted or convicted — and in the latter case, the law is annulled. Thus, you have the right to propose anything you please, but you have to think carefully before proposing something on the basis of a momentary fit of popular mood and having it approved by a bare majority. For the action would be judged by a popular court of considerable dimensions (501, sometimes 1,001 or even 1,501 citizens sitting as judges), drawn by lot. Thus, the *demos* was appealing against itself in front of itself: the appeal was from the whole body of citizens (or whichever part of it was present when the proposal in question was adopted) to a huge random sample of the same body sitting after passions had calmed, listening again to contradictory arguments and assessing the matter from a relative distance. Since the source of the law as the people, “control of constitutionality” could not be entrusted to “professionals” — in any case, the idea would have sounded ridiculous to a Greek — but only to the people themselves acting in a different guise. The people say what the law is; the people can err; the people can correct themselves. This is a magnificent example of an effective institution of self-limitation.

Tragedy is another institution of self-limitation. People usually speak of “Greek tragedy,” but there is no such thing. There is only *Athenian* tragedy. Only in the city where the democratic process, the process of self-institution, reached its climax, only there could tragedy (as opposed to simple “theater”) be created.

Tragedy has, of course, many layers of signification, and there can be no question of reducing it to a narrow “political” function. But there is certainly a cardinal political dimension to tragedy, not to be confused with the “political positions” taken by the poets, not even with the much commented upon (rightly, if insufficiently) Aeschylean vindication of public justice against private vengeance in the *Oresteia*.

The political dimension of tragedy lies first and foremost in its ontological grounding. What tragedy, not “discursively” but through *presentation*, gives to all to see, is that Being is Chaos. Chaos is exhibited here, first, as the absence of order *for* man, the lack of positive correspondence between human intentions and actions, on one hand, and their result or outcome, on the other. More than that, tragedy shows not only that we are not masters of the consequences of our actions, but

that we are not even masters of their *meaning*. Chaos is also presented as Chaos *in man*, that is as his *hubris*. And the ultimately prevailing order is, as in Anaximander, order through catastrophe — a “meaningless” order. From the universal experience of catastrophe stems the fundamental *Einstellung* of tragedy: universality and impartiality.

Hannah Arendt has rightly said that impartiality enters this world through the Greeks. This is already fully apparent in Homer. Not only can one not find in the Homeric poems any disparagement of the “enemy,” the Trojans, for example, but the truly central figure in the *Iliad* is Hector, not Achilles, and the most moving characters are Hector and Andromaque. The same is true for Aeschylus’ *Persians* — a play performed in 472 B.C., seven years after the battle at Plataea, with the war still going on. In this tragedy, there is not a single word of hatred or contempt for the Persians; the Persian Queen, Atossa, is a majestic and venerable figure, and the defeat and ruin of the Persians is ascribed exclusively to the *hubris* of Xerxes. And in his *Trojan Women* (415 B.C.) Euripides presents the Greeks as the cruelest and most monstrous beasts — as if he were saying to the Athenians: this is what you are. Indeed, the play was performed a year after the horrible massacre of the Melians by the Athenians (416 B.C.).

But perhaps the most profound play, from the point of view of tragedy’s political dimension, is *Antigone* (442 B.C.). The play has been persistently interpreted as a tract against human and in favor of divine law, or at least as depicting an unsurmountable conflict between these two principles (or between “family” and “State,” as in Hegel). This is indeed the manifest content of the text, repeated again and again. Since the spectators cannot fail to “identify” with the pure, heroic, helpless, and desperate Antigone against the hard-headed, authoritarian, arrogant, and suspicious Creon, they find the “thesis” of the play clear. But the meaning of the play is multi-layered and the standard interpretation misses what I think is most important. A full justification of the interpretation I propose would require a complete analysis of the play, which is out of the question here. I will only draw attention to a few points. The insistence on the obvious—and rather shallow—opposition between human and divine law forgets that for the Greeks to bury their dead is *also* a human law, as to defend one’s country is *also* divine law (Creon mentions this explicitly). The chorus oscillates from beginning to end between the two positions, always putting them on the same plane. The famous hymn (v. 332-375) to the glory of man, the builder of cities and creator of institutions, ends with praise for the one who is able to *weave together* (*pareirein*) “the laws of the land and the justice of gods to which he has sworn.” (Cf. also v. 725: “well said from both

sides.”) Antigone’s upholding of “divine law” is remarkably weakened by her argument that she did what she did because a brother is irreplaceable when one’s parents are dead, and that with a husband or a son the situation would have been different. To be sure, neither the divine nor the human law regarding the burial of the dead recognizes such a distinction. Moreover, what speaks through Antigone, here and throughout the play, more than respect for the divine law, is her passionate love for her brother. We need not go to the extremes of interpretation and invoke incestual attraction, but we certainly must remember that the play would not be the masterpiece it is if Antigone and Creon were bloodless representatives of principles and not moved by strong passions—love for her brother in Antigone’s case, love for the city *and* for his own power, in Creon’s case. Against this passionate background, the characters’ arguments appear additionally as rationalizations. Finally, to present Creon as unilaterally “wrong” goes against the deepest spirit of tragedy, and certainly of Sophoclean tragedy.

What the final verses of the chorus (v. 1348-1355) glorify is not divine law, but the *phronein*, an untranslatable word, unbearably flattened by its Latin rendering by *prudencia*. The chorus lauds the *phronein*, advises against impiety, and reverts again to the *phronein*, warning against “big words” and the “*huperachoi*,” the excessively proud.²³ Now the content of this *phronein* is clearly indicated in the play. The catastrophe is brought about because *both* Creon *and* Antigone insist on their own reasons, without listening to the reasons of the other. No need to repeat here Antigone’s reasons; let us only remember that Creon’s reasons are irrefutable. No city can exist—and therefore, no gods can be worshipped—without *nomoi*; no city can tolerate treason and bearing arms against one’s own country in alliance with foreigners out of pure greed for power, as Polynices did. Creon’s own son, Aimon, clearly says that he cannot prove his father wrong (v. 685-6); he voices the play’s main idea when he begs Creon not to *monos phronein*, “not to be wise alone” (v. 707-9).

Creon’s is a political decision, taken on very solid grounds. But very solid political grounds can turn out to be very shaky, if they are only “political.” To put it in another way, precisely because of the totalistic character of the domain of politics (in this case, inclusive of decisions about burial and about life and death), a correct political decision must take into account all factors, beyond the strictly “political” ones. Even when we think, on the best of rational grounds, that we have made the right decision, this decision may turn out to be wrong, and catastrophically so. Nothing can guarantee *a priori* the correctness of action—not

even reason. And above all, it is folly to insist on *monos phronein*, on “being wise alone.”

Antigone addresses itself to the problem of political action in terms which acquire their acute relevance in the democratic framework more than in any other. It exhibits the uncertainty pervading the field, it sketches the impurity of motives, it exposes the inconclusive character of the reasoning upon which we base our decisions. It shows that *hubris* has nothing to do with the transgression of definite norms, that it can take the form of the adamant will to apply the norms, disguise itself behind noble and worthy motivations, be they rational or pious. With its denunciation of the *monos phronein*, it formulates the fundamental maxim of democratic politics.²⁴

* * *

What is the “object” of autonomous self-institution? This question may be rejected at the outset if one thinks that autonomy—collective and individual freedom—is an end in itself, or, that once significant autonomy has been established in and through the political institution of society, the rest is no more a matter of politics but a field for the free activity of individuals, groups, and “civil society.”

I do not share these points of view. The idea of autonomy as an end in itself would lead to a purely formal, “Kantian” conception. We will autonomy both for itself and in order to be able *to do*. But to do what? Further, political autonomy cannot be separated from the “rest,” from the “substance” of life in society. Finally, a very important part of that life concerns common objectives and works, which have to be decided in common and therefore become objects of political discussion and activity.

Hannah Arendt did have a substantive conception of what democracy—the *polis*—was about. For her, the value of democracy derived from the fact that it is the political regime in which humans can reveal who they are through deeds and speech. To be sure, this element was present and important in Greece—but not only in democracy. Hannah Arendt (after Jacob Burckhardt) rightly emphasized the agonistic character of Greek culture in general—not only in politics but in all spheres, and one should add, not only in democracy but in all cities, Greeks cared above all for *kleos* and *kudos* and the elusive immortality they represented.

However, the reduction of the meaning and purposes of politics and of democracy in Greece to this element is impossible, as the foregoing brief account, I hope, makes clear. Moreover, it is surely very difficult to defend or support democracy on this basis. First, though of course de-

mocracy more than any other regime allows people to “manifest” themselves, this “manifestation” cannot involve everybody—in fact not even anybody apart from a tiny number of people who are active and deploy initiative in the political field as narrowly defined. Second, and more importantly, Hannah Arendt’s position defers the crucial question of the content, the substance, of this “manifestation.” To take it to extremes, surely Hitler and Stalin and their infamous companions have revealed who they were through deeds and speech. The difference between Themistocles and Pericles, on the one hand, and Cleon and Alcibiades on the other, between the builders and the gravediggers of democracy, cannot be found in the sheer fact of “manifestation,” but in the content of this manifestation. Even more so, it is precisely because for Cleon and Alcibiades, the only thing that mattered was “manifestation” as such, sheer “appearance in the public space,” that they brought about catastrophe.

The substantive conception of democracy in Greece can be seen clearly in the entirety of the *works* of the *polis* in general. It has been explicitly formulated with unsurpassed depth and intensity in the most important political monument of political thought I have ever read, the Funeral Speech of Pericles (Thuc. 2, 35-46). It will always remain puzzling to me that Hannah Arendt, who admired this text and supplied brilliant clues for its interpretation, did not see that it offers a *substantive* conception of democracy hardly compatible with her own.

In the Funeral Speech, Pericles describes the ways of the Athenians (2, 37-41) and presents in a half-sentence (beginning of 2, 40) a definition of what is, in fact, the “object” of this life. The half-sentence in question is the famous *Philokaloumen gar me’euteleias kai philosophoumen aneu malakias*. In “The Crisis of Culture” Hannah Arendt offers a rich and penetrating commentary of this phrase. But I fail to find in her text what is, to my mind, the most important point.

Pericles’ sentence is impossible to translate into a modern language. The two verbs of the phrase can be rendered literally by “we love beauty . . . and we love wisdom . . .,” but the essential would be lost (as Hannah Arendt correctly saw). The verbs do not allow this separation of the “we” and the “object”—beauty or wisdom—external to this “we.” The verbs are not “transitive,” and they are not even simply “active”: they are at the same time “verbs of state.” Like the verb *to live*, they point to an “activity” which is at the same time a way of being or rather *the way* by means of which the subject of the verb *is*. Pericles does not say we love beautiful things (and put them in museums), we love wisdom (and pay professors or buy books). He says we *are* in and by the love of beauty and wisdom and the activity this love brings forth, we

live by and with and through them—but far from extravagance, and far from flabbiness.²⁵ This is why he feels able to call Athens *paideusis*—education and educator—of Greece.

In the Funeral Speech, Pericles implicitly shows the futility of the false dilemmas which plague modern political philosophy and the modern mentality in general: the “individual” versus “society,” or “civil society” versus “the State.” The object of the institution of the *polis* is for him the creation of a human being, the Athenian citizen, who exists and lives in and through the unity of these three: the love and “practice” of beauty, the love and “practice” of wisdom, the care and responsibility for the common good, the collectivity, the *polis* (“they died bravely in battle rightly pretending not to be deprived of such a *polis*, and it is understandable that everyone among those living is willing to suffer for her” 2, 41). Among the three, there can be no separation; beauty and wisdom such as the Athenians loved them and lived them could exist only in Athens. The Athenian citizen is not a “private philosopher,” or a “private artist,” he is a citizen for whom philosophy and art have become ways of life. This, I think, is the real, materialized, answer of ancient democracy to the question about the “object” of the political institution.

When I say that the Greeks are for us a germ, I mean, first, that they never stopped thinking about this question: What is it that the institution of society ought to achieve? And secondly, I mean that in the paradigmatic case, Athens, they gave this answer: the creation of human beings living with beauty, living with wisdom, and loving the common good.

Paris and New York
March 1982–June 1983

NOTES

1. Marx himself wrote in the *Introduction to a Critique of Political Economy* that Greek art presented an *inaccessible* model, not unsurpassable or unsurmountable — but *inaccessible*.
2. "The Concept of History," *Between Past and Future* (New York: The Viking Press, 1968), p. 51.
3. Needless to add, this in itself does not allow any "practical" or "political" conclusions.
4. Linguists seem to recognize and register some 4,000 languages extant *today*. Though there is of course no one-to-one correspondence between language and total institution of society, this gives a very rough indication of the order of magnitude of different types of society that have existed in the very recent past.
5. Relying on "rationality" alone has led, e.g., to the nineteenth century characterizations of primitive religion and myth as sheer nonsense (or "junk," as Marx and Engels wrote) — or to contemporary structuralism and other Procrustean beds.
6. The problem is already stated in the *Critique of Pure Reason*, A 653-654. See *Critique of Judgment*, Introduction, V and VI — where the expression "happy accident" (*glücklicher Zufall*) occurs.
7. A useful and informative recent survey of the widespread preoccupation of that period with the work of art and imagination is given by James Engell, *The Creative Imagination* (Cambridge: Harvard University Press, 1981).
8. Richard Bernstein has rightly and clearly stressed this point in "Judging — the Actor and the Spectator," a paper delivered in the Conference on the Work of Hannah Arendt held in New York in October, 1981 (forthcoming in *Salmagundi*).
9. See Michael Denny, "The Privilege of Ourselves: Hannah Arendt on Judgment," in *Hannah Arendt: The Recovery of the Public World*, ed. M.A. Hill (New York: St. Martin's Press, 1979), pp. 259 and 273. See also, *ibid.*, the exchange between Hans Jonas and Hannah Arendt, pp. 311-15.
10. In fact even in the theoretical field this is not so; but I cannot enter here into the question of the socio-historical conditions of thought. Suffice it to say that "objective universal validity," as Kant conceives of it, is virtually equivalent to the perfect isolation or disembodiment of "theoretical consciousness," and thus to some sort of solipsism. E.g., Kant completely ignores the inseparability of thought and language, as a *theoretical* (not "psychological") problem. At the same time, he asserts (in the third *Critique*), strangely enough from the "transcendental" point of view, that without communication there is no knowledge.
11. A well-known story reports that two centuries ago the Chinese Emperor turned down the proposal of an English Embassy for a trade treaty with the remark: I can well see why the barbarians would wish to have our products, but I do not see how they could offer a worthwhile equivalent.
12. On these terms and the problem itself see my *l'Institution imaginaire de la société* (Paris: Le Seuil, 1975), Ch. V.
13. Only once (§49) does he speak of *schöpferische Einbildungskraft*, creative imagination. As this last expression was current in the eighteenth century, Kant's insistence on always calling the imagination *productive* cannot be fortuitous.
14. Of course, the work of art is also a "presentation" of the Ideal of morality. But in the present context, this notion is irrelevant. Moreover it can only be taken into consideration if one accepts Kant's metaphysics. This follows from the supersensible character of that which is to be presented (*dargestellt*). Finally, we have an apparent *aporia*:

- any *Darstellung* (by artistic genius) is adequate;
- any *series* of *Darstellungen* is insufficient, since it never “exhausts,” so to speak, that which is to be presented.

One can see here another important ground of the dependence of Kant’s aesthetics (and theory of judgment) on his metaphysics — comparable to the one in the *Critique of Practical Reason*: the infinite or unsurpassable distance between humanity and the Idea — and the (vain) attempt at once to maintain *and* cover it through some sort of infinite walk. In the *Critique of Practical Reason* this leads, *inter alia*, to the nonsensical argumentation on the immortality of the soul. In the *Critique of Judgment* (where an “immanent” historical progression is clearly envisaged) it leads to the idea of an unending series of *Darstellungen*. The difference is that in the first case (moral action) we are permanently deficient (nobody is ever a saint, says the *Critique of Practical Reason*); in the second case (art) the work of genius is certainly not deficient.

The point bears further elaboration, which should take into account Kant’s *Anthropologie*, and which cannot be given here. Let me only add that, in truth, the absolute adequacy of the *chef d’oeuvre* is nothing but its presentation of the Abyss (the Chaos, the Groundless), and that the inexhaustibility of art is rooted in the ontological character of the Abyss as well as the fact that each culture (and each individual genius) creates its own way into the Abyss — the second being again a manifestation of the first.

15. See also my text “Le dicible et l’indicible,” *Les Carrefours du Labyrinthe* (Paris: Le Seuil, 1978), in particular pp. 140-41.
16. This is also why he has to confine his insights on imagination to its strictly “individual-subjective” dimension. See my text, “La découverte de l’imagination,” in *Libre*, No. 3 (Paris: Payot, 1978).
17. I cannot agree with Hannah Arendt’s idea that in Greece legislative activity was a secondary aspect of politics. This would hold only in a limited sense of the term “legislative.” Aristotle counts thirteen “revolutions” in Athens, that is, changes in the fundamental (“constitutional”) legislation.
18. The meaning of Anaximander’s fragment (Diels, B, 1) is clear, and “classical” historians of philosophy have, for once, interpreted it correctly. Heidegger’s “interpretation” of it (“Der Spruch des Anaximander,” in *Holzwege*) is, as usual, Heidegger dressed up as Anaximander.
19. Given the constraints of space, I will have to speak “statically” myself, ignoring the movement and considering only some of its most significant “results.” I beg the reader to bear in mind this inevitable limitation.
20. Aristotle, *Const. of the Athenians*, VIII, 5.
21. Something similar can be found in some savage societies, but it is confined to the handling of “current” affairs, since in these societies the (traditional) law cannot be called into question.
22. M.I. Finley has recently stressed the importance and elucidated the spirit of this procedure: *Democracy, Ancient and Modern* (New Brunswick, N.J.: Rutgers University Press, 1973). See also V. Ehrenberg, *The Greek State*, 2nd ed. (London: Methuen, 1969), pp. 73, 79, 267 — where two other important procedures or provisions similar in spirit are also discussed: *apaté tou démou* (deceit of the *demos*) and the exception *ton nomon mé epitedeion einai* (inappropriateness of a law).
23. I must leave open here the question raised by Hannah Arendt’s (and Hölderlin’s) interpretation of these last verses, (*The Human Condition*, p. 25, note 8), which does not, in any case, create difficulties for my comment. Curiously, Michael Denny in

his excellent paper quoted above does not mention the translation offered in *The Human Condition* and supplies instead a different (oral) rendering by Hannah Arendt, which is totally unacceptable, both philologically and from the point of view of the play's whole meaning. Denny, *op. cit.*, pp. 268-69 and 274.

24. An additional support for my interpretation can be found at the end (v. 1065-1075) of Aeschylus' *Seven Against Thebes*. This is certainly an addition to the initial text, probably dating from 409-405 B.C. (Mazon, in the Budé edition, p. 103). This addition has been inserted to prepare for the performance of *Antigone* immediately afterward. It makes the *Seven* end with the two halves of the chorus divided, the one chanting that they will support those who are united with their blood (*genea*), because what the *polis* holds to be right is different at different times, i.e., the *polis*'s laws change though blood right is perennial; and the other asserting their support for the *polis* and *dikaion*, i.e. right. A non-negligible testimony of how Athenians at the end of the fifth century viewed the matter and the meaning of *Antigone*.
25. I follow the usual translation of *euteleia*. Hannah Arendt's rendering of this word, ending with the interpretation "we love beauty within the limits of political judgment," while not strictly impossible, is extremely improbable.