Autonomy as Creative Action

Reconciling human commonality and particularity

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Abstract

Reconciliation of human plurality, with the commonality requisite for egalitarian political order, is arguably the central question confronting political thought today. The thesis is a response to Hannah Arendt's insight that in the wake of the twentieth-century demise of metaphysical ultimates, we must affirm human capacity for autonomous judgment as fundamental to sustaining a world 'fit for human habitation'. It consists of a theory of autonomy (or practical reason) designed to fully address pluralism, historicism and the critique of identity/difference. In the light of Onora O'Neill's constructivist reading of Kantian reason, autonomy as 'creative action' is defended as the minimal human commonality which must be presupposed, to account for trans-cultural justice grounded in communication rather than coercion.

The account of autonomy employs Kant's notion of the 'unconditioned': freedom from determinate causes; that which is common to all by virtue of being particular to none. Kant's merely formal concept is reconceived as a substantive experience within the world: the momentary suspension of existing cultural forms, identified as both a formal and substantive prerequisite to overcoming prejudices, and the achievement of trans-cultural communication. Building on Hans-George Gadamer's tradition-dependent notion of hermeneutic judgment, creative action consists of first 'receptive attention', the suspension of existing understandings, pre-conceptions etc., and open receptivity to what is there, and second, 'responsive judgment', revitalisation of authoritative standards internal to a 'vital sphere of practice' – a realm of human activity whose authoritative standards are constituted through creative action. Creative action is defended as a minimal, generic prerequisite for the realisation of any transcendent value (such as truth, justice and beauty) within a vital sphere of practice. This ideal of autonomy coheres with a pluralist ideal of society as a web of equal, autonomous yet interdependent vital spheres of practice.

A distinctive feature of the thesis is that it provides, in addition to a maximally-capacious account of autonomy, a radically pluralist ontological and epistemic framework. Contemporary political thought embracing human plurality and difference has for the most part been wary of metaphysical ultimates, opting for epistemic abstinence and avoiding explicit metaphysical commitments. I argue,

however, that a substantive, philosophical account of the possibility of trans-cultural justice requires admission of that which transcends the culturally-conditioned, as well as adherence to some notion of philosophical truth. As western thought has inherited from Platonism and the Judeo-Christian tradition a view of truth as monological, universal and unchanging, radical, pluralist revisions are required. Within the proposed two-tiered epistemology, creative action takes the place of reason. This epistemic framework retains the transcendent content of truth, while fully acknowledging the cultural-relativity of particular socio-cultural forms. It allows the theory to stand as a substantive, philosophically-vindicated theory of autonomy, but without rendering it vulnerable to post-structuralist charges of cultural-imperialism.

The thesis shows that the universalist, egalitarian commitments of the Kantian tradition can be reconciled with strong commitment to difference and diversity, but only if the philosophical and political realms abdicate their traditional positions of privilege vis a vis other spheres of practice.

I certify that this thesis does not incorporate without acknowledgement any material previously submitted for a degree or diploma in any university; and that to the best of my knowledge and belief it does not contain any material previously published or written by another person except where due reference is made in the text.

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Lisa Hancock

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Preamble

This thesis is written in response to Hannah Arendt's reflections on the demise of metaphysical ultimates: twentieth-century totalitarianism 'has brought to light the ruin of our categories of thought and standards of judgment'. We now live in a 'topsy-turvy world', a world in which we can no longer 'find our way by abiding by the rules of what once was common sense'.[1]

Arendt was a student of philosophy who fled Nazi Germany for France and then emigrated to the United States as a Jewish refugee. Her insights into the vulnerability of 'metaphysical ultimates' reflect her experience of war-torn Europe and Nazi totalitarianism. Under the Nazi regime there were no shared values to which one could appeal to galvanise public support for the Resistance.

Arendt came to public prominence over her coverage of the trial of Nazi war criminal Adolf Eichmann, convicted for his role in the transportation of tens of thousands of German Jews to the death camps. Over several months in the journalists' gallery in the Jerusalem court, Arendt observed that Eichmann exhibited neither a sense of personal responsibility for his actions, nor remorse for what he had

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[1] Hannah Arendt, 'Understanding and Politics', *Partisan Review*, 20, 1953, pp49, 52-64, quoted in Ronald Beiner, 'Hannah Arendt on Judging', *Hannah Arendt, Lectures on Kant's Political Philosophy*, ed. Ronald Beiner The Harvester Press, Sussex, 1982, p95. I open with reference to twentieth-century totalitarianism, recognising that the concept of totalitarianism is no longer as central to political thought as it was in the wake of the Nazi and Stalinist regimes. Analysis of the erosion of civil society and public values has shifted away from the mid-twentieth-century concern with the brutal, overt forms of oppression characteristic of 'classic' totalitarianism, to focus on more covert, systemic processes, both within the now fallen neo-totalitarian, Soviet-type regimes of eastern Europe, as well as post-industrialised liberal states. (See for example Vaclav Havel, 'The Power of the Powerless', trans. Paul Wilson, *The Power of the Powerless*, ed. John Keane Hutchinson, London, Melbourne, 1985; Andre' Gorz, *Critique of Economic Reason*, trans. Gillian Handyside and Chris Turner Verso, London, 1989; Michael Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* Blackwell, Oxford, 1983. Indeed, Arendt herself identifies the bureaucratic, technocratic, and depoliticised structures of modern life, which increasingly render citizens less discriminating, less capable of critical thinking, and less inclined to assume responsibility, as key social dangers (Beiner, 'Hannah Arendt on Judging', p113). In spite of these developments, however, it remains that Nazi-totalitarianism stands as a most powerful illustration of the social consequences of individuals abdicating from their responsibility for judgment.

done. Arendt also witnessed the tenor of the Jewish prosecution's attack on Eichmann, devoted in large part to demonising his person. This attack enjoyed the support of a media campaign which also presented Eichmann as Evil Incarnate.

Arendt concluded that Eichmann was guilty. However, she scandalised many in the Zionist community by insisting that he was not guilty of the evil with which he was being branded. She argued that this constitutes a misunderstanding of evil, at least to the extent that evil appears within the world that we share with other human beings. The source of worldly evil is much more 'banal': our human failure to make decisions and choices about our 'examples' and our 'company'; our failure to exercise our capacity for responsible, autonomous judgment.[2] She reflects:

> In the last analysis ... our decisions about right and wrong will depend upon our choice of company, with whom we wish to spend our lives ... In the unlikely case that someone should come and tell us that he would prefer Bluebeard for company ... all we could do would be to make sure that he would never come near us. But the likelihood that someone would come and tell us that he does not mind and that any company will be good enough for him is, I fear, by far greater. Morally and even politically speaking, this indifference, though common enough, is the greatest danger. And in the same direction, only a bit less dangerous, does this other common modern phenomenon lie, the widespread tendency to refuse to judge at all. Out of the unwillingness or inability to choose one's examples and one's company, and out of the unwillingness or inability to relate to others through judgment, arise the real

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[2] Arendt argues that in the process of demonising Eichmann, prosecution and press were encouraging people to alienate themselves completely from Eichmann's person, to identify him as utterly other than human, and in so doing licensing them to deny or forget 'there but for the grace of God go I'. Hannah Arendt, *Eichmann in Jerusalem : A Report on the Banality of Evil*, Revised and Enlarged ed. Penguin, Harmondsworth, 1976. She identifies the source of totalitarianism as 'the refusal to judge: lack of imagination, of having present before your eyes and taking into account the others whom you must represent.' Hannah Arendt, *Basic Moral Propositions*, Seventeenth Session, Hannah Arendt Papers, Container 41, Library of Congress, p024560, quoted in Beiner, 'Hannah Arendt on Judging', p112. Arendt observes that whereas thought tries to reach some depth, to go to the roots, 'evil is never "radical", it is only extreme, and it possesses neither depth not demonic dimension. It can overgrow and lay waste a world precisely because it spreads like a fungus on the surface. ... Only the good has depth and can be radical'. Hannah Arendt, 'Eichmann in Jerusalem: An Exchange of Letters', *The Jew as Pariah: Jewish Identity and Politics in the Modern Age*, ed. Ron H. Feldman Grove Press, New York, 1978, p251, quoted in Ronald Beiner, *Political Judgment* Methuen & Co., London, 1983, p167, (note 52).

skandala, the real stumbling-blocks which human powers can not remove because they were not caused by human and humanly understandable motives. Therein lies the horror and, at the same time, the banality of evil.[3]

For Arendt, a world that is 'fit for human habitation', can only survive if we exercise our potentialities for autonomous judgment. In her earlier work she argues that a form of 'action' can provide a brake to automatic processes of destruction and alienation, unleashed by both mass cultural and totalitarian movements as well as scientific and industrial developments.[4] Action is the capacity to begin something new, the outcome of which is unpredictable. It is the form of human activity which corresponds to the human condition of plurality: that 'we are all the same, that is, human, in such a way that nobody is ever the same as anyone else who ever lived, lives, or will live'.[5]

Arendt had a keen sense of the socio-political significance of shared values and common standards, and of the fragility of metaphysical ultimates.[6] However she rejects outright any suggestion that it might be better to dilute the burden of individual responsibility for judgment, by appealing to something deemed more fundamental (for example reality, reason, human nature, community, nationhood or God) to orient our action. At this juncture we must proceed without recourse to a shared metaphysics, and give priority to affirming individual responsibility for judgment.[7] She makes this point in a dialogue with philosopher Hans Jonas. Jonas suggests that if, as Arendt argues, the task of politics is to 'make the world a fitting home for man', then we must first ask 'What is a fitting home for man?' and this 'can only be decided if we form some idea of what man is or ought to be'. Further, this

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[3] Hannah Arendt, *Some Questions of Moral Philosophy*, Fourth Session, Hannah Arendt Papers, Container 40, Library of Congress, p024651, quoted in Beiner, 'Hannah Arendt on Judging', p113.

[4] Arendt distinguishes here between action, the 'words and deeds' of individual human beings within the world, and the exchange of information between experts and technicians.

[5] Hannah Arendt, *The Human Condition*, Charles R. Walgreen Foundation Lectures University of Chicago Press, Chicago, 1959, pp7, 9. Through action we can reveal more of ourselves than merely displaying skills, capacities and character traits that may be attributed to anyone; we can reveal who we are, as distinct from merely displaying *what* we are and *what* we can do.

[6] Arendt observes that the unprecedented evils of totalitarianism 'have clearly exploded our categories of political thought and our standards of judgment'; we no longer possess the reliable universal rules required for the subsumption of the particular in acts of judgment. Arendt, 'Understanding and Politics', p379, quoted at Beiner, 'Hannah Arendt on Judging', pp94-95.

[7] Beiner, 'Hannah Arendt on Judging', p127.

can not be determined 'except arbitrarily, if we cannot appeal to some truth about man which can validate judgment of this kind' as well as 'the derivative judgment of political taste that crops up in concrete situations'.

> [T]hat which has been declared dead and done with – namely metaphysics – has to be called in at some place to give us a final directive. … our powers of doing or acting now extend over such matters as really involve a judgment or an insight into, or a faith in ... some ultimates. … I don't think we can simply wash our hands and say Western metaphysics has got us into an impasse and we declare it bankrupt and we appeal now to shareable judgments.[8]

Arendt responds:

> [I]f our future should depend on what you say now ... this actually demands that a new god will appear... That is, I am perfectly sure that this whole totalitarian catastrophe would not have happened if people still had believed in God, or in hell rather – that is, if there still were ultimates. There were no ultimates. And you know as well as I do that there were no ultimates which one could with validity appeal to. One couldn't appeal to anybody.
>
> ... And if you go through such a situation [as totalitarianism] the first thing you know is the following: you *never* know how somebody will act. ... And if you want to make a generalization then you could say that those who were still very firmly convinced of the so-called old values were the first to be ready to change their old values for a new set of values, provided they were given one. And I am afraid of this, because I think that the moment you give anybody a new set of values ... you can immediately exchange it.
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> ... We wouldn't have to bother about this whole business if metaphysics and this whole value business hadn't fallen down. We begin to question because of these events.[9]

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[8] Ibid., pp114-115.

[9] Ibid., pp115-116. This exchange occurred at a conference on 'The Work of Hannah Arendt' held at New York University, November 1972. The transcript has been published in Melvyn A. Hill (ed.), *Hannah Arendt: The Recovery of the Public World* St. Martin's Press, New York, 1979, pp311-315.

Introduction

In the following I construct a theory of autonomy (also referred to as 'autonomous judgment' or 'practical reason') designed to respond to a major contemporary predicament: that the authority of 'ultimate', 'metaphysical' or transcendent values is now so contested, at least in the public realms of post-industrialised, multicultural states, and also between states, that the capacity of these values to guide thought and action, words and deeds, is now subject to much doubt.[10] More specifically, the theory addresses the challenges pluralism, historicism and the critique of identity/difference pose, to the possibility of trans-culturally authoritative, transcendent values – the values of justice and truth in particular.[11]

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[10] I refer to these 'ultimates' as transcendent values throughout. This label reflects Richard Campbell's observation that when we standardly invoke the word 'truth' we are pointing towards that which transcends 'all our limited and historically conditioned modes of thought'. Richard Campbell, *Truth and Historicity* Clarendon Press, Oxford, 1992, p1. Transcendent values include the three objects of inquiry of the Kantian *Critiques*: truth (ie the cognitive), justice (ie the moral and 'practical') and beauty, (the aesthetic) but, I argue below, transcendent values are best conceived as embracing other ultimates – including for example love and respect. Appropriating Kant's concept of the 'unconditioned', I argue that these values are best conceived as grounded in that which is beyond existent socio-cultural conditioned forms, but that this transcendent ground is relocated to within the realm of human experience.

I employ the terms 'autonomy', 'practical reason' and 'autonomous judgment' more or less interchangeably within the thesis, and identify creative action as a Kantian interpretation of all three. While these terms are not generally treated as interchangeable within the literature, but rather, as discussed below, are the object of deep and extensive philosophical debate, the two most significant features I identify with them (in the light of the structure of Kantian 'autonomy' and 'practical reason') are: first, that they point to the individual as a source of action/judgment, and hence as responsible for their actions/judgments (as distinct from empiricist, behaviouralist accounts) and second, that they admit some level of trans-cultural intelligibility or accessibility, or, to come at the same point from a different direction, they admit an ideal of impartiality. This interpretation reflects an ethical cognitivist position which can be distinguished from emotivism, which reduces moral judgments to questions of preference, as well as decisionism, which reduces moral judgments to an unquestionable will. See Seyla Benhabib, *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics* Routledge, New York, 1992, pp49-50 for these distinctions.

[11] I am employing the term 'pluralism' loosely here to indicate the challenges commitments to respect for human diversity raise for transcendent values, particularly in the light of the traditional western,

Here I am addressing centuries –old tensions between universal principles and human particularity – the latter often identified in recent political thought with identity-driven struggles over ethnicity, religion, gender, sexual orientation, race, language etc.[12] It has been suggested recently, that the 'pragmatic imperative' that we enter in cross-cultural dialogue, ushered in by heightened awareness of global interdependence, as well as concerns about multiculturalism and multicultural citizenship, are bringing to an end philosophical preoccupation with tensions between universalism and relativism that arise, particularly, through insight into socio-cultural diversity and the incommensurability of values.[13] In contrast with this

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philosophical understanding of these values. I am not referring to the epistemological position of value pluralism which specifies the incommensurability of values and is most strongly associated with Isaiah Berlin. This is a doctrine, opposed to monism, about the ultimate nature of value that maintains that 'life affords "a plurality of values, equally genuine, equally ultimate, above all equally objective," that "there are many objective ends, ultimate values, some incompatible with others"'. My use of the term pluralism here can also be contrasted with what Rawls and others refer to as 'pluralism' and Larmore identifies as reasonable disagreement: 'the expected inability of reasonable people to agree upon a comprehensive conception of the good'. Charles Larmore, 'Pluralism and Reasonable Disagreement', *The Morals of Modernity* Cambridge University Press, Cambridge, 1996, pp153-154 quoting Isaiah Berlin, *The Crooked Timber of Humanity* Knopf, New York, 1991, pp79-80.

[12] Seyla Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era* Princeton University Press, Princeton, New Jersey, 2002, pvii. Or Chandran Kukathas maintains, the central question political philosophy is facing today is 'the problem of coping with diversity in a world in which particularity or difference or separateness is being reasserted.' Chandran Kukathas, *The Liberal Archipelago: A Theory of Diversity and Freedom* Oxford University Press, Oxford, 2003, p2. See also Andrew Vincent, *Political Theory: Tradition and Diversity* Cambridge University Press, Cambridge, 1997, pp20-21.

[13] Seyla Benhabib, '"Nous" at Les "Autres" (We and the Others): Is Universalism Ethnocentric?' *The Claims of Culture: Equality and Diversity in the Global Era* Princeton University Press, Princeton, New Jersey, 2002, pp25-36. I agree with Benhabib, first, that focus on socio-cultural particularity and 'theories of strong incommensurability' can distract from the many subtle 'epistemic and moral negotiations' that take place across cultures and between individuals as they deal with discrepancies, ambiguities and conflict; second, that 'complex global dialogue across cultures and civilizations' does in fact take place, and; third, we have something akin to a '*pragmatic imperative* to understand each other and to enter into a cross-cultural dialogue', embracing strong incommensurability, untranslatability and particularity. However, I take issue below with rejection of a strong thesis of incommensurability – arguing that acceptance of (strong but not total) incommensurability and untranslatability need not rule out the possibility of trans-cultural communication, understanding and

view, I hold that insight into the dire need for peaceful inter-cultural dialogue ought not serve to mitigate against the ethical significance of socio-cultural particularity. A theory of autonomy fully adequate to human plurality will seek to account for the possibility of non-coerced communication between radically different others, while as far as possible embracing this diversity.[14] For the sake of protecting the integrity of tradition-dependent spheres of practice (with Hans George Gadamer, Alasdair MacIntyre and Michael Walzer), and also to affirm the autonomy and responsibility of the individual judging subject, I construct an account of autonomy which aims to be as capacious or inclusive of socio-cultural diversity as possible, while still identifying sufficient human commonality with which to account for the possibility of trans-cultural communication, understanding, and following on from this, the realisation of transcendent values.

The distinctive strategy I employ to reconcile human commonality and particularity within the proposed theory, is to appeal to a revised conception of the Kantian 'unconditioned' as the ground of human commonality on which trans-cultural communication, understanding and transcendent values can be built. Because this unconditioned ground is common to all by virtue of being particular to none, I can construct a radically pluralist conception of autonomy, which does not privilege the cultural standards, understandings, – or forms in general – of any particular culture.

I follow Arendt (among many) and turn to Kant as a key source for rethinking autonomy.[15] The account is designed to maintain continuity with Kant's work and

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hence justice; insight into the particularity of socio-cultural values and practices, especially as gained through participation in a diversity of forms of human activity or 'spheres of practice' (ie music-making versus philosophy versus running a home, for example) need not require retreat into strong forms of epistemic relativism. Further, as Larmore argues, values can be comparable without being commensurable. While two things cannot be compared except from some point of view, this does not require that the framework of comparison must embody a common denominator of value. See Larmore, 'Pluralism and Reasonable Disagreement', pp159-161.

[14] Benhabib, '"Nous" at Les "Autres" (We and the Others): Is Universalism Ethnocentric?' p31.

[15] Other influential theorists who have turned to Kant in recent times to theorise impartial judgment and rethink practical reason include Jurgen Habermas, Karl-Otto Apel, Onora O'Neill, John Rawls. See Jurgen Habermas, 'Discourse Ethics: Notes on a Program of Philosophical Justification', trans. Christian Lenhardt and Shierry Nicholsen, *Moral Consciousness and Communicative Action* MIT Press, Cambridge, Massachusetts, 1990, p43. In her latter years Arendt turned particularly to Kant's *Critique of Aesthetic Judgment* and more political works, to consider how a conception of political judgment might be constructed. See Hannah Arendt, *Lectures on Kant's Political Philosophy*, ed. Ronald Beiner

also to respond most adequately to contemporary debates within normative political thought concerned with theorising autonomy (or practical reason, practical wisdom etc.) and justice. In addition, I defend the proposed theory of autonomy on the grounds that it employs an ontological and epistemic framework which coheres best with the promotion of the practical realisation of the ideal of autonomy defended within it.

I appeal to three major sources to construct and defend the proposed account:

First, I defend the proposed conception of autonomy on the ground that it can stand as a point of universal commonality within a substantive, philosophically-vindicated account of trans-cultural justice. Here I appeal to Onora O'Neill's constructivist reading of Kant's vindication of Reason: practical reason (which is strongly associated, if not equated by Kant, with autonomy) derives its authority from its standing as the commonality which must be assumed within an account of the possibility of (egalitarian) moral order, given plurality.

Second, I employ a two-part structure that I argue recurs in Kant's formal account of autonomy (as found principally within the *Critique of Practical Reason*) within his accounts of enlarged mentality and of the creative acts of genius (within the *Critique of Aesthetic Judgment*) and also within O'Neill's constructivist reading of Kant's vindication of Reason. This structure identifies that which transcends the phenomenal, conditioned realm, the un-conditioned, as fundamental to forms of judgment grounded in human freedom.[16]

Third, I defend the proposed theory on the grounds that it most adequately addresses core concerns and commitments within contemporary political thought, particularly the challenges that historicist insights, pluralist commitments and the critique of identity/difference pose to philosophically-vindicated theories of (trans-cultural) justice.

Harvester Press, Sussex, 1982; Beiner, 'Hannah Arendt on Judging', pp89-91. On Arendt's appropriations of Kant see also Jennifer Nedelsky, 'Communities of Judgment and Human Rights', *Theoretical Inquiries in Law,* 1.2, 2000, pp3-11; Seyla Benhabib, 'Judgment and the Moral Foundations of Politics in Hannah Arendt's Thought', *Situating the Self* Routledge, New York, 1992, pp121-147.

[16] These forms of judgment are distinct from empirical judgments which Kant grounds in categories of the understanding.

I argue that autonomy is best viewed as the exercise of a generic potentiality requisite not only for the realisation of trans-cultural justice, but trans-cultural, transcendent values generally. I call this form of autonomy, after Arendt's action, 'creative action', a highly capacious conception of practical reason.

Creative action consists of two major capacities. First, after Simone Weil's notion of Attention, 'receptive attention', a moment in which all existing preconceptions, prejudices, expectations, understandings are suspended, and one attends to a new aspect of experience, either at the level of sensation, feeling or thought.[17] Second, 'responsive judgment', in which, in the light of this new facet of experience, one critically evaluates and, if warranted, revises existing understandings, standards and techniques, currently shaping one's actions within the realm of activity or 'vital sphere of practice' in which one is engaged. Drawing particularly on Hans George Gadamer's notion of 'tradition' and Alastair MacIntyre's notion of a 'practice', I define a vital sphere of practice as a realm of human activity principally devoted to the realisation of any transcendent value, through the exercise of creative action.[18]

I argue that through the realisation of creative action, new meaning can be brought to existing standards of truth, beauty, respect, justice, etc.; indeed, the very realisation of transcendent values is best equated with this process of revision and revitalisation of existing standards of truth, beauty, justice.

I embed the proposed account of autonomy within a philosophically vindicated ontological and epistemic framework designed to address contemporary historicist insights and pluralist commitments. Here the fundamental locus of authority of transcendent values is identified with exemplars exercising creative action, within vital spheres of practice. I argue that the proposed, moderately-relativist ontological and epistemological framework provides a conception of truth and other transcendent values that is required in a philosophically vindicated account of

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[17] See Simone Weil, 'The Simone Weil Reader', ed. George A. Panichas Moyer Bell, New York, 1977, pp48-51. The influence of Weil's work is particularly evident in Iris Murdoch, *The Sovereignty of the Good* Routledge & Kegan Paul, London and Henley, 1992. The concept of 'attention' is also employed within Sarah Ruddick's conception of 'Maternal Thinking'. Sara Ruddick, 'Maternal Thinking', *Rethinking the Family: Some Feminist Questions*, eds. Barrie Thorre and Marilyn Yalem Longman, New York & London, 1992, pp86-87.

[18] Hans-George Gadamer, *Truth and Method*, (Translated from the Second Edition) ed. Seabury Press, New York, 1975, Alasdair MacIntyre, *After Virtue* Duckworth, London, 1981. For MacIntyre's 'practices' see in particular Chapter 14, 'The Nature of Virtues' pp181-203.

autonomy that can be defended, following Kant, as the commonality needed to realise trans-cultural justice.

It is evident then, that I set out to engage in the kind of justificatory project familiar within normative political thought: the delineation and defense of a conception of autonomy. As noted above, however, my underlying aim is to construct the account in such a way that it can be understood to contribute best to the practical realisation of autonomy as 'creative action'. To defend the proposed account as such, I argue that through the very process of constructing the thesis, I am seeking to realise creative action within the sphere of practice of political thought. In so doing I am also seeking to sustain a vital sphere of practice, that is, a context most conducive to the cultivation of the generic capacities needed for creative action. In this way I underpin the discursive defense of creative action, with engagement in a project which demonstrates substantive commitment to the practical realisation of creative action.[19]

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[19] I employ a pivotal distinction between discursive reason and other, tradition-dependent forms of rationality throughout the thesis. I identify the former with a view of reason which prevails within universalist political theory including liberal and Neo-Kantian theories of justice (eg Rawls, Larmore, Nussbaum, O'Neil) and theories of communicative or discourse ethics and deliberative democracy (eg Habermas, Apel, Benhabib) . Here the normative content or moral force of human reason is associated most strongly with procedures of verification and justification, of inquiry, evidence and questioning; impartial judgment is associated with objectivity, consideration of arguments, standards of consistency, and conscious self-reflection. The product of such procedures is well-founded or justified knowledge or decision (as distinct from 'knowledge of acquaintance' or 'world-disclosure' – see Chapter 4 below). See for example Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era*, p27; Charles Larmore, *The Morals of Modernity* Cambridge University Press, Cambridge, 1996, p168. Adherence to the universal authority of such standards of discursive reason is widespread within normative moral and political thought, even amongst theorists sensitive to the cultural diversity of forms of reason – as illustrated by Martha Nussbaum who argues, in response to historicist, pluralist and postmodern critiques of metaphysical foundationalism, that 'we are not left with the abyss. We have everything that we always had all along: the exchange of reasons and arguments by human beings within history'; we can continue to engage in the 'business of reasoning', the task of 'distinguishing persuasion from manipulation'. Martha C. Nussbaum, 'Human Functioning and Social Justice, in Defence of Aristotelian Essentialism', *Political Theory*, 20.2, 1992, pp212-213. I argue below that what is most morally and politically significant about the distinction between 'persuasion and manipulation', is not a question of techniques or standards of reason and inquiry, but rather, the difference between communication and coercion. The identification of impartial judgment with discursive reason reflects the influence of a view, expressed in *The Republic*

The Demise of Metaphysical Ultimates

Three contemporary theoretical developments reinforce Arendt's insights into the contemporary vulnerability of metaphysical ultimates.

First, the communitarian critique of liberalism including most notably the work of Alasdair MacIntyre, Michael Sandel and Charles Taylor[20]: communitarians are critical of the erosion of meaning, shared values and 'social capital' within liberal states, attributing this in part to the dominance of technocratic and rationalistic, 'dislocated' forms of reason.[21] They argue that these prevailing forms of reason are divorced from and displacing socially-embedded traditions of practice which have their own

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that to have real knowledge of something, *episteme*, is to be able to provide a clear account of it *logon didonai*; As Porter observes, within western thought the Greek *logos* has been typically translated as 'reason'; to claim to have a rational grasp of something should coincide with the ability to articulate it. Elisabeth Porter, *Women and Moral Identity* Allen & Unwin, Sydney, 1991, p93. Interestingly, Lobkowitz argues, however, that the Greeks of the third and fourth century did not hold that logos refers, primarily, to a cognitive faculty; rather, it meant rationality as it expresses itself in articulate speech, which for the Greeks was embodied in politics 'arguing and persuading one another and reaching rational decisions based on common agreement'. Nicholas Lobkowitz, *Theory and Practice: History of a Concept from Aristotle to Marx* Notre Dame Press, Notre Dame, Indiana, London, 1967, p30. Here the focus seems to be, as it is today, on achieving agreement based on warranted justification through reason, rather than on disclosure of what is there. Lobkowitz's interpretation of the Greeks would seem to be reinforced by the *Seventh Letter* in which Plato identifies *logos* with 'the stream that flows from [the dialogue of the soul with itself] and sounds out through the mouth'. Here Plato identifies as three (of five) conditions of 'knowledge' (or *episteme*) of an object (or every 'real being') (1) the name, (2) the definition, (3) the image. However, Plato also states that none of these are able to capture the 'being' of the object'. See Gadamer, *Truth and Method*, p368; Plato, 'Complete Works', ed. John Cooper Hackett Publishing Company, Indianapolis, 1997, pp1659-1660.

[20] Charles Taylor, *Sources of the Self: The Making of the Modern Identity* Cambridge University Press, Cambridge, 1989; Michael Sandel, 'The Procedural Republic and the Unencumbered Self', *Political Theory*, 12, 1984,; MacIntyre, *After Virtue*   See also Max Horkheimer and Theodor Adorno, *Dialectic of Enlightenment*, Jurgen Habermas, *The Philosophical Discourse of Modernity: Twelve Lectures*, trans. Frederick Lawrence MIT Press, Cambridge, Mass, 1987; Gorz, *Critique of Economic Reason*

[21] For an arresting account of this erosion of meaning see the opening of MacIntyre's *After Virtue*: Chapter 1, 'A Disquieting Suggestion', pp1-2. On the erosion of the civic virtues see Robert D. Putnam, 'Bowling Alone: America's Declining Social Capital', *Journal of Democracy*, 6.1 (Jan), 1995, pp65-78.

particular, internally constituted rationalities. In contrast to arenas in which rationalistic and technocratic forms of reason prevail, such traditions are viewed as fertile soil in which to cultivate human potentialities, capacities or virtues. The exercise of such capacities gives meaning and substance to shared values.[22]

Second, the post-structuralist/postmodernist critique of identity/difference[23]: this is a critical perspective that highlights the oppressive implications of the construction of identity through difference, focussing in particular on the implications of this for members of minority groups. According to the critique of the 'logic of identity', dominant normative ideals and identities overshadow or 'silence' other less robustly defended or 'fixed' identities.[24] Consequently, appeals to, and claims to have realised transcendent values, including 'truth' and 'justice' (and at least by association, truth and justice themselves!) are implicated in oppressive practices and institutions which mitigate against the appearance of the new, the different and the Other through the 'paradox of ethicality'.[25]

A third development to underpin the contemporary demise of metaphysical ultimates is the emergence of historicist philosophical insights. Historicist perspectives view human perception and action as implicated in the constitution of reality. In addition, the philosophical doctrine of historicity states that historical processes (ie social, cultural, etc.) are integral to what it is to be human; being human is *inherently* historical.[26] Historicist ontological insights point to cultural and epistemic relativism: truth, justice, beauty etc. vary between cultures, practices, times and places, and to a morally and politically significant degree. Such insights pose difficulties for the epistemic status of transcendent values within the western philosophical tradition. In the first instance this is because, since at least Plato's

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[22] Defence of community and tradition-dependent rationality has also lead to concern with diversity and difference. See in particular Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* .

[23] For an excellent introduction to post-structuralist-modernist thought see the 'Introduction: The Postmodern Problematic' in Stephen White *Political Theory and Postmodernism* Cambridge University Press, Cambridge, 1991, pp1-11.

[24] For an introduction to the critique of identity/difference see William Connolly, *Identity\Difference: Democratic Negotiations of Political Paradox* Cornell University Press, Ithaca & London, 1991, pp64-68. See also Iris Marion Young, *Justice and the Politics of Difference* Princeton, Princeton, New Jersey, 1990, pp98-99 .

[25] On the 'paradox of ethics' see Connolly, *Identity\Difference: Democratic Negotiations of Political Paradox*, pp9-10, 12-13.

[26] On the concept of historicity see Campbell, *Truth and Historicity*, pp398-402.

Theory of Forms, the prevailing view of 'truth' has been as eternal, unchanging and universal.[27]

Contemporary Political Theory and the Demise of Metaphysical Ultimates

Within contemporary political thought, three different kinds of responses to the vulnerability of metaphysical ultimates and traditional western epistemology can be identified.

The first is to evade the deepest of ontological and epistemological problems raised by the pluralist, post-structuralist and historicist insights and commitments which have contributed to this vulnerability. I associate this response with those who have followed John Rawls and employ what is arguably the prevailing, social-contract model of liberal justificatory approach within Anglo-American political thought. While many liberal theorists clearly take seriously the challenges these insights and commitments pose for normative political thought, and make subtle epistemic distinctions to identify (generally non-metaphysical) sources of justification for political principles in response to human diversity, they nevertheless continue to seek to defend the authority of (albeit highly capacious) normative principles of justice and human rights by appealing to reason.[28] Here appeal is made to discursive forms of reason employed within western philosophy and science. This project of legitimation itself re-enforces the dominance of those cultures and practices that are the traditional home to discursive and scientific forms of reason. Theorists who pursue this project of legitimation thus fall short of fully addressing the charge that

[27] Campbell refers to this as the 'deep' problem of truth. See 'The Historicity of Truth' in Ibid., pp395-398; 'The Historicity and Transcendence of Philosophic Truth' and 'Metaphysics and Historicity' in Emil Fackenheim, *The God Within: Kant, Schelling, and Historicity*, ed. John Burbidge University of Toronto Press, Toronto, 1996, pp148-163, 122-147. See also Carl Page, *Philosophical Historicism and the Betrayal of First Philosophy* Pennsylvania State University Press, Pennsylvania, 1995.

[28] I must stress here, and as I discuss in Chapter Three, over the past three decades liberal theories of justice and human rights have reflected ever-increasing sensitivity to difference and responsiveness to plurality. See for example Nussbaum, 'Human Functioning and Social Justice, in Defence of Aristotelian Essentialism', Chandran Kukathas, 'Cultural Toleration', *Nomos Xxxxix Year Book for the American Society for Political and Legal Philosophy* New York University Press, New York, 1997; Will Kymlicka, *Liberalism, Community and Culture* Clarendon Press, Oxford, 1989, William A. Galston, *Liberal Purposes: Goods, Virtues and Diversity in the Liberal State* Cambridge, 1991. Charles Larmore provides particularly penetrating analysis of the implications of pluralism for philosophic justification of moral and political principles. See Larmore, *The Morals of Modernity* .

they, albeit unintentionally, contribute to the dominance of prevailing western forms of reason over other forms, including those forms of reason employed for example by Indigenous peoples or within religious or ceremonial contexts, contexts devoted to the care of children and the fine arts.[29]

A second response to the vulnerability of metaphysical ultimates comes from theorists engaged in the post-structuralist critique of identity/difference and defence of socio-cultural particularity and plurality (ie ethnic, gender, racial, sexual, linguistic etc). These theorists generally celebrate challenges to western metaphysics, and themselves employ strategies of deconstruction, destabilisation and subversion to open up spaces for the appearance of the different, new and other. Theorists employing these strategies have generally been reticent to engage in re-constructive tasks. More recently, however, many have acknowledged that 'deconstruction is not the only activity needed in town' and have begun to confront the problem of reconciling commitment to 'otherness' with the need for authoritative, 'action-coordinating', normative ideals within public, political domains.[30]

In the following I employ a third approach, that can be broadly identified as 'constructivist'.[31] This justificatory approach stares squarely in the face of historicist, post-structuralist and communitarian critiques and insights, and in the light of these, engages in a re-constructive task. It affirms that at this juncture, traditional strategies employed to defend our now beleaguered metaphysical ultimates and shared

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[29] Powerful discussions of alternative rationalities include Gorz, *Critique of Economic Reason* and Sara Ruddick, *Maternal Thinking: Towards a Politics of Peace* Beacon Press, Boston, 1989.

[30] Connolly, *Identity\Difference: Democratic Negotiations of Political Paradox*, p13. See also Young, *Justice and the Politics of Difference* ; Iris Marion Young, *Inclusion and Democracy* Oxford University Press, Oxford, 2000; White *Political Theory and Postmodernism* .

[31] The broad definition of ethical constructivism I employ coheres with the *Oxford Dictionary of Philosophy*'s entry which identifies it as (1) taking an anti-realist view of ethics which (2) adheres to the existence of ethical truths but (3) acknowledges that these are 'somehow constituted by human practices, including our emotions and reactions, politics and cultural habits' Blackburn (ed.), *Oxford Dictionary of Philosophy* Oxford University Press,Oxford, 2005, p121. In the following I delineate and defend not a merely coherentist, strongly anti-realist interpretation of constructivism, but a moderately-relativist version which admits a culturally-pluralist, practice- or tradition- dependent view of truth. For an introduction to constructivism as a justificatory strategy within ethical and political thought see Onora O'Neill, 'Constructivism in Rawls and Kant', *The Cambridge Companion to Rawls*, ed. Samuel Freeman Cambridge University Press, Cambridge, 2003, pp347-349; Larry Krasnoff, 'How Kantian Is Constructivism?' *Kant-Studien,* 90.4, 1999, pp385 - 409.

authoritative standards are no longer adequate. In contrast to extreme relativist, anti-foundationalist perspectives, constructivists adopt moderate-relativist (and also moderate-universalist) positions which seek to affirm human agency and the possibility of trans-cultural understanding, while at the same time embracing historicist insights and strong commitment to respect human plurality.

As already stated, the main task undertaken within this thesis is to construct an account of autonomy as creative action which can stand as the human commonality required to construct a philosophically vindicated, substantive account of trans-cultural justice and other transcendent values. To this end I seek to construct a revised Kantian account of practical reason/autonomy in the light of: first, Kant's notion of unconditioned freedom and an interpretation of the (binary) structure of his formal account of autonomy; second, Kant's more substantive (as distinct from formal) reflections on practical reason and faculties of judgment; and third, Onora O'Neill's constructivist, political reading of Kant's vindication of reason as the universal commonality which must be assumed to account for the possibility of egalitarian moral order, given plurality.[32] Here I consider how Kant's more substantive reflections on practical reason and judgment (aesthetic and of genius). I ask: How must these be revised if practical reason/autonomy as creative action is to be vindicated as the commonality which must be assumed, if moral order is to be possible – particularly in the light of the major commitments concerning justice and respect within the (liberal) Dignity and (poststructuralist) Difference streams within contemporary political thought, as well as contemporary historicist insights and pluralist commitments?[33]

In the light of these debates I conclude that practical reason or autonomy must be conceived as the minimally-determinate, maximally-capacious commonality requisite for the realisation of trans-cultural justice.[34] The latter must be understood

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[32] See in particular Onora O'Neill, *Constructions of Reason: Explorations in Kant's Practical Philosophy* Cambridge University Press, Cambridge, 1989, Chapters 1 -3: "Reason and Politics in the Kantian Enterprise", "The Public Use of Reason" and "Reason and Autonomy in Grundlegung 3".

[33] The terms Dignity and Difference are taken from Charles Taylor's essay "The Politics of Recognition" in *Multiculturalism: Examining the Politics of Recognition* (ed. Amy Gutmann).

[34] In this way the theory resembles what Charles Larmore has identified as a 'political' (as distinct from 'comprehensive') justification of liberalism, which he argues (in contrast to Rawls's non-metaphysical interpretation of the political) seeks to defend liberalism as a *minimal* moral conception. See Kukathas, *The Liberal Archipelago: A Theory of Diversity and Freedom*, p17; Charles Larmore, 'Political Liberalism', *The Morals of Modernity* Cambridge University Press, Cambridge, 1996, p133. A key

to be a deliberative process, akin to processes defended by theorists of deliberative, radical and 'agonal' democracy, which may require face-to-face engagement between the parties to a dispute, in which the relevant socio-cultural values of each party are acknowledged and responded to.[35] Here justice is viewed as a process which proceeds from direct engagement, through which new hybrid, trans-cultural standards of justice may emerge which draw on the cultural norms of all parties concerned. This is a view of justice which I argue contrasts significantly with dominant liberal conceptions which presuppose that justice entails a process of adjudication proceeding from shared standards (of justice and the good). I also argue that for practical reason/autonomy to stand as minimally-determinate and hence maximally capacious, it must be conceived as a generic potentiality exercised within *any* sphere of practice in the course of realising transcendent values (ie including beauty, justice, love and truth).

Chapter Summary

In Chapter One I first introduce contemporary constructivism (both broadly conceived as well as the particular Neo-Kantian versions of Rawls and O'Neill) and highlight its affinities with Kant. I then identify key features of Kant's work which I either employ or must address in the following, particularly the structure of Kant's formal account of autonomy, and the problem of freedom in the context of Kant's transcendental philosophy. I then critically evaluate Rawls' and O'Neill's Kantian Constructivist conceptions of practical reason, particularly in light of Kant's commitment to the problematic notion of unconditioned freedom. I argue that given strong pluralist commitments, and the need to address historicism, a less determinate conception of practical reason is required than can be derived from either O'Neill's or Rawls' respective treatments of Kant's Categorical Imperative. Further, a substantive Kantian account of practical reason/autonomy must also address Kant's formal view that human autonomy is grounded in freedom *from* determinate or

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difference, however, is that the present theory, particularly in order to stand as a *minimally-determinate, maximally-*capacious account, does not employ the social-contract justificatory strategy and defend the normative ideals within it as ones that all persons have sufficient reason to accept. I seek instead to account for the *possibility* of trans-cultural justice, (and other transcendent values) given plurality.

[35] See for example Young, *Inclusion and Democracy* ; James Bohman, *Public Deliberation: Pluralism, Complexity and Democracy* MIT Press, Cambridge, Mass., 1996; Chantal Mouffe (ed.), *Dimensions of Radical Democracy: Pluralism, Citizenship, Community* Verso,London, New York, 1992. On 'agonistic democracy' see Connolly, *Identity\Difference: Democratic Negotiations of Political Paradox* .

conditioned causes. A more persuasive, contemporary Kantian account of practical reason will employ the structure of Kant's account of moral autonomy and associated forms of judgment, and ground the judgment of the free agent in unconditioned or negative freedom. Nevertheless I argue that O'Neill's constructivist, anti-foundationalist, reading of Kant's vindication of reason provides a fruitful basis for justification of the proposed account of practical reason. By identifying practical reason as grounded in the unconditioned – that which transcends particular cultural forms – Kant provides a key structural feature for the proposed account of practical reason, defended as the human commonality which must be presupposed within a contemporary, substantive, historicist account of trans-cultural justice.

In Chapter Two I delineate and defend Onora O'Neill's constructivist interpretation of Kant's vindication of reason and begin to build on this Kantian view of the constitution of reason's authority. In light of Kant's formal accounts of aesthetic judgment of the judgment of genius, as well as his more political reflections on the Public Use of Reason, I also develop further the interpretation of the structure of Kant's conceptions of moral autonomy and practical reason as constituted by two major components: the first, the fundamental source of the authority of practical reason, an indeterminate or *un*conditioned component; the second component accounting for the possibility of authoritative, shared, determinate or conditioned standards, where these are grounded, fundamentally in the former, unconditioned component.

In Chapter Three I identify core insights and commitments concerning respect, justice and the task of political theorist, within what I refer to as the contrasting 'Dignity' and 'Difference' streams of contemporary political thought: the former identified with liberal theories of justice and human rights which have followed John Rawls in the loosely Kantian, social-contract tradition; the latter with political and ethical perspectives more strongly informed by critical theory, post-structuralism and the critique of identity/difference. In this chapter I identify the criteria which must be met if the proposed account of autonomy/practical is to be defended on the ground that it responds most adequately to both sides of these debates. I argue that such an account of autonomy must stand as the universal commonality needed to construct a minimally-determinate, maximally-capacious account of trans-cultural justice.

In Chapter Four I delve more deeply into the contrasting ontological and epistemic commitments which underlie the Dignity and Difference perspectives on justice. I

draw here on a distinction Stephen White makes between, on the one hand, a sense of 'responsibility to act in the world in a justifiable way', a primary commitment he identifies within 'dominant western styles of ethical and political thought', and on the other, an at least implicit commitment shared by 'most radical postmodern thinkers': a sense of 'responsibility to otherness'.[36] Appropriating White's model, I argue that these two contrasting sets of political commitments and ontological/epistemic orientations correspond to the two-part structure of Kant's conceptions of reason and moral autonomy identified in Chapter Two. In the light of this two-part structure, as well as the socio-political significance of both responsibility 'to act' and 'to otherness', I argue that there are persuasive grounds for embracing the political, ontological and epistemological commitments of both the Dignity as well as the Difference streams of political thought within a single, Neo-Kantian theory of autonomy and trans-cultural justice. Further, the proposed account autonomy and trans-cultural justice must give epistemic priority to the world-disclosing function of language over and above the Dignity commitment to defending the authority of shared standards and language's action-coordinating functions. I reflect here on the implications of this prioritisation for the prevailing, liberal, social-contract-based approach to normative political thought.

In Chapter Five I consider the proposed two-part epistemic and ontological framework in light of Richard Campbell's and Emil Fackenheim's reflections on the problem of reconciling philosophic truth with historicism, and the implications of this for the doctrine of historicity. Here I find that the conclusion of both theorists, that an historicist conception of philosophic truth must admit a transcendent ground *within* the Lifeworld, coheres well with the proposed two-part epistemic structure which gives priority to the world-disclosing function of language. However, neither theorists' proposals explain how a philosophically-vindicated account of truth can be constructed without negating the authority of the proposed transcendent ground. Nor do their proposals concerning the revision of the doctrine of historicity adequately address the critique of difference and pluralist commitments which must be fully addressed within the proposed account of autonomy. I suggest that by employing the proposed two-part Kantian structure and associated epistemological

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[36] Responsibility to otherness is identified with those theorists who employ intellectual strategies which 'bear witness' to the dissonance that arises out of awareness of the misfit between social constructions of self, truth and rationality, and 'that which does not fit neatly within their folds'. White *Political Theory and Postmodernism*, pp19-20 quoting from Jean Francois Lyotard, *The Differend: Phases in Dispute*, trans. George Van Den Abbeele, University of Minnesota Press, Minneapolis, 1988, ppxiii, 140-141.

and ontological framework, read in conjunction with adherence to the equality of transcendent values, such an account can be constructed.

In Chapter Six I introduce further substantive content to the formal structure of the account of practical reason/autonomy proposed so far. Here I argue that particularist accounts of practical reason which embrace both a moment of receptive attention as well as responsive judgment, cohere well with the proposed two-part structure. However, justification of tradition-dependent accounts is susceptible to charges of arbitrariness, and fail to explain how trans-cultural values can stand as authoritative. I argue that Gadamer deliberately evades the task of constructing a fully philosophically-vindicated account of hermeneutic truth to protect the authority, autonomy and integrity of exemplars acting with cultural traditions from encroachment by more dominant forms of rationality. This is an expression of the same obstacle to theorising philosophical truth as grounded in the transcendent within the Lifeworld, discussed in Chapter Five. I also consider Habermas' neo-Kantian theory of consensual truth. I find that while, within his later work, he seeks to acknowledge the plurality of forms of rationality, and also to explain how truth is indicative of more than merely warranted justification, Habermas' account of truth is neither sufficiently pluralist, nor able to account for truth as disclosure. I then turn to fully delineate the proposed account of practical reason/autonomy as creative action, and the associated two-tiered epistemological framework which grounds truth, justice and other transcendent values, fundamentally, in an unconditioned moment of receptive attention, followed by responsive judgment, exercised by exemplars within the contexts of 'vital' spheres of practice.

In the concluding chapter I turn to the remaining questions which must be addressed for creative action to stand as a revised Kantian account of practical reason/autonomy: First I address the conflict which arises because the proposed account (following Kant) identifies autonomy as grounded in the unconditioned, but also departs from Kant by viewing it as taking place within what is for Kant the necessarily conditioned realm of human experience. Second, I address the proposed collapsing of the Kantian distinction between cognitive, aesthetic and moral forms of judgment, and the grounding of these different kinds of judgment in the generic capacity for creative action. Here I engage with, first Hannah Arendt's reflections on the problem of theorising human freedom and judgment in the light of Kant, and second, Iris Murdoch's suggestion that the Kantian faculty of Imagination be viewed as a generic faculty needed to realise moral judgments as well as the aesthetic and cognitive. While the approach taken within the proposed account would seem to be at odds with what is suggested within the latest works of both Arendt and Murdoch,

I defend the proposed, radical revisions on the grounds that they make a positive contribution to the Kantian project of affirming human agency and equality.