

Confines of Democracy

Essays on the Philosophy of Richard J. Bernstein

Edited by

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CONTENTS

INTRODUCTION		ix
	<i>Ramón del Castillo, Ángel M. Faerna and Larry A. Hickman</i>	
PREFACE		xvii
	<i>Richard J. Bernstein</i>	
	Part One:	
	BERNSTEIN, RORTY AND AMERICAN PRAGMATISM	1
ONE	A Tale of Two Dicks	3
	<i>Robert Westbrook</i>	
TWO	A Conversation between Friends: The Ironist and the Pragmatic Fallibilist	25
	<i>Santiago Rey</i>	
	A Reply to Robert Westbrook and Santiago Rey	43
	<i>Richard J. Bernstein</i>	
THREE	Two Tales about Pragmatism and European Philosophy (With an Introductory Family Tale)	47
	<i>Carlos Thiebaut</i>	
	A Reply to Carlos Thiebaut	60
	<i>Richard J. Bernstein</i>	

FOUR	Bernstein on the Narrative and Identity of Pragmatism in America <i>Gregory Fernando Pappas</i>	63
	A Reply to Gregory Fernando Pappas <i>Richard J. Bernstein</i>	75
	Part Two: EPISTEMOLOGY AND HERMENEUTICS	79
FIVE	Beyond Objectivism and Relativism (Again) <i>John Ryder</i>	81
	A Reply to John Ryder <i>Richard J. Bernstein</i>	93
SIX	Relativism, Good and Bad. Bernstein on the Pragmatic Conception of Objectivity <i>Ángel M. Faerna</i>	95
	A Reply to Ángel M. Faerna <i>Richard J. Bernstein</i>	108
SEVEN	An “Engaged Fallibilistic Pluralism” <i>Juan Carlos Mougán</i>	111

EIGHT	Hermeneutics, Practical Philosophy and the Ontology of Community: Wittgenstein, Gadamer and Bernstein	125
	<i>Núria Sara Miras Boronat</i>	
	A Reply to Juan Carlos Mougán and Núria Saras Miras Boronat	135
	<i>Richard J. Bernstein</i>	
	Part Three: GOOD, EVIL AND JUDGMENT	139
NINE	Pragmatism, Westerns and Evil. Remarks on Richard J. Bernstein and Forgiveness	141
	<i>Federico Penelas</i>	
	A Reply to Federico Penelas	154
	<i>Richard J. Bernstein</i>	
TEN	Critical Common Sense, Exemplary Doubting, and Reflective Judgment	157
	<i>Heidi Salaverría</i>	
	A Reply to Heidi Salaverría	169
	<i>Richard J. Bernstein</i>	
ELEVEN	Enlightenment, Utility and Terror	171
	<i>Antonio Gómez Ramos</i>	
	A Reply to Antonio Gómez Ramos	183
	<i>Richard J. Bernstein</i>	

	Part Four	
	DEMOCRATIC VISTAS	185
TWELVE	Bernstein on Deweyan Democracy <i>James Campbell</i>	187
	A Reply to James Campbell <i>Richard J. Bernstein</i>	197
THIRTEEN	Reconstruction of Democratic Experience <i>Alicia García Ruiz</i>	199
	A Reply to Alicia García Ruiz <i>Richard J. Bernstein</i>	211
FOURTEEN	Bernstein between Habermas and Rorty: A Deweyan Reconstruction <i>Larry A. Hickman</i>	213
	A Reply to Larry A. Hickman <i>Richard J. Bernstein</i>	223
FIFTEEN	Listening Without Banisters. Bernstein and Habermas on Democratic Ethos <i>Ramón Del Castillo</i>	227
	A Reply to Ramón del Castillo <i>Richard J. Bernstein</i>	243
	ABOUT THE AUTHORS	245
	Index	251

Ten

CRITICAL COMMON SENSE, EXEMPLARY DOUBTING, AND REFLECTIVE JUDGMENT

Heidi Salaverría

Out beyond ideas of wrongdoing
and right-doing there is a field.
I'll meet you there.

Dschalal ad-Din ar-Rumi

Beliefs are what divide people.
Doubt unites them.

Peter Ustinov

One of the most dangerous attitudes of modernity, from a pragmatist point of view, consists in the “quest for certainty”.¹ Craving for absolutes represents a perspective from which, in Richard Bernstein’s words, “the only alternative to solid foundations and moral certainties is to be lost in a quagmire of relativistic opinions.” Pragmatism rejects this “grand Either/Or”: absolute certainty and absolute relativism represent, metaphorically speaking, two sides of one coin, which belongs to a fictitious, thus dangerous currency (of course, in real life every currency is fictitious, but that is a problem far beyond metaphorical consistency). Uncertainty, pragmatically understood, does not simply belong to a different currency, but rather forms part of a whole other economy with a “high tolerance for uncertainty, and the courage to revise, modify, and abandon our most cherished beliefs when they have been refuted.” Within this alternative pragmatist economy, to acknowledge uncertainty is not the price to be paid for the sad reality of our human fate — resignedly accepting the second best while secretly dreaming of indubitable certainty. In fact, as Bernstein stresses, “the very idea of epistemological or moral certainty is *incoherent*.” To recognize fallibility is not an obstacle to responsible action, but rather, on the contrary, it is “what is required!”²

In what sense is fallibility and, for that matter, uncertainty a requirement for responsible action (and therefore also for responsible thinking and judging)? The pragmatist ethos, as I understand and share it, consists in critically keeping alive the awareness of uncertainty or, in other words,

awareness of one's own permeable embeddedness, which entails a paradoxical positioning: a) knowing (until further notice) that we are part of a particular and contingent common sense with changing historical, societal, and habitual practices; though such practices do not completely determine our beliefs, they limit them, and we then form beliefs again and again that, embodied as everyday habits, seem so natural that we temporarily take them for granted as if they were absolute truths —as Peirce put it: “[W]hat you cannot in the least help believing is not, strictly speaking, wrong belief. In other words, for you it is the absolute truth.”³ And, on the other hand, b) knowing that, because of the imperfection of our beliefs, situations will recur that will make us perceive specific aspects of our very imperfection, that is, they will make us doubt, thereby presenting us with something new.

Doubting is a deeply ambivalent state: comparable to feeling a sting in, say, one specific area of your back for the first time, making you notice the existence of a muscle you had never even thought of before. Like the sting, doubt is somehow painful and a reminder of our finitude, yet it is revealing, and in that sense it is a reminder of our singularity. In doubts, something new is experienced which does not fit within our common-sense conglomerate of belief-habits. And because doubts reveal something new, they are neither controllable nor foreseeable, let alone something one can experience at will. This is why Peirce claims, against Descartes: “A proposition that could be doubted at will is certainly not *believed*.”⁴

Peirce calls this paradoxical positioning, spanning the ongoing tension between doubts and beliefs, *critical commonsensism*, a term worth being revived. Denial of this paradoxical positioning results in fundamentalism and violence, as history has repeatedly shown. Its recognition results in the never-ending task of coping with uncertainty, and in questions such as: How can critical thinking establish and apply criteria for its own judgment within the given, fallible common sense? Or, put differently: How can one take a critical self-reflective stance towards one's own present positioning? If enduring uncertainty is to be regarded as more coherent than *phantasmatical* certainty, and fallibility is not supposed to be an obstacle but a requirement for responsible action, then the state of uncertainty and of doubting needs to be explored more deeply *in its revealing and enabling dimensions*, “in developing the proper critical habits and practices in a democratic society.”⁵ Developing these enabling dimensions of uncertainty is, I propose, best described as *exemplary doubting*, and ultimately leads to a self that is permeable to others, as I will outline in the following, somewhat matryoshka-doll-like manner: discussing Bernstein discussing Arendt discussing Kant in pragmatist terms.

In his writings, Bernstein has addressed the problem of uncertainty in many ways, one of which is by bringing his vision of pragmatism and Hannah Arendt's reflections on the nature of judgment into a dialogue. One

contradiction Bernstein detects in Arendt's writing on judging concerns the tension between action and contemplation. On one hand, Arendt underlines the strong role of action (and speech), particularly in *The Human Condition*. With recourse to the Greek polis, she describes the political as the sphere of free debate, which constitutes the core dimension of action in contrast to labor and work. From this point of view, influenced by Aristotle's notion of *phronesis*, the development of judgments in and through public dispute and exchange of real interacting subjects is a future *achievement* rather than something quasi-transcendentally given, which on the other hand seems to be the position of the late Arendt. In her uncompleted writings on judgment, referring to Kant's *Critique of Aesthetic Judgment* and claiming that it contains his unwritten political philosophy, Arendt tends to link judging to contemplation, to an exchange with virtual others in an imagined *sensus communis*, and to a reconsideration of the past in an almost hermeneutical manner.⁶ How can we make sense of this apparent incongruence?

In the following, I am not going to suggest how to overcome this tension. On the contrary, this tension, as I will outline, has an ethical punch-line.

Pragmatist philosophy has always stressed the strong embeddedness of thinking in our everyday practices. Even the most metaphysical thought reflects a partly unknown *common sense* from which we cannot escape, simply because it represents a constitutive part of our understanding of the world, of our beliefs and habits. In this context Peirce coined the term *critical commonsensism*, underlining the limitations of every judgment we undertake. Dewey made it very clear that *common sense* is crucial for scientific, political, and aesthetic development in taking those limitations into consideration. Arendt's reconsideration of the Kantian theory of judgment, namely the notion of *sensus communis*, helps to sharpen the pragmatist idea of a *critical common sense*. Therefore, the idea of habits embedded in a contingent *common sense* might shed some light on the puzzling entanglement of the *judging self* and the *sensus communis*.

Arendt's concept of politics does not involve ruler-ship but rather, as Bernstein points out, "no rule," "the mutual and joint action grounded in human plurality."⁷ Whether her description is rooted in the Greek polis or in philosophers of the Enlightenment period, Arendt always has in mind a permanent human potentiality, which stems from her concept of *natality*, "the capacity to begin, to initiate, to act," reflecting the distinctiveness of each and every individual and the possibility of real plurality in society. The capacity to initiate and to act as a particular self manifests itself most strongly in the human capacity of judging, which Arendt links to her understanding of public freedom. This concept of freedom, as Bernstein stresses, must be distinguished from liberation, because it does not denote liberation *from something* but a positive worldly achievement.⁸ "The fact that man is capable

of action,” she claims, “means that the unexpected can be expected from him, that he is able to perform what is infinitely improbable. And this again is possible only because each man is unique, so that with each birth something uniquely new comes into the world.”⁹

The “who” in contrast to the “what” of each self, its unique status as a subject and not as an object with identifiable features, also plays a crucial role in Kant’s *Third Critique*, to which Arendt turns in her late work. The distinctiveness of every self comes into play in Kant’s famous *aesthetic* or *reflective judgments* in that they do not subsume particulars under generals, but judge *the particular in its particularity* without a given rule. Hence, Kant distinguishes the *reflective* (or *aesthetic*) judgment from *determinative* judgments (applied to moral and epistemological problems), which are formed by subsuming given particulars under supposed generals already known.

For Kant, the *reflective* (or *aesthetic*) judgments are closely linked to taste in a broad sense. He even refers to them as judgments of taste. The notion of “taste” has two closely intertwined components: the passive somatic component of sensation (such as the bitter taste of something) and the active capacity of the singular self to develop her/his own taste. Bernstein quotes a remarkable passage of Dewey, in which Kant resonates and which sounds like an anticipation of Arendt’s political interpretation: “The word ‘taste’ has perhaps got too completely associated with arbitrary liking to express the nature of judgments of value. But if the word be used in the sense of an appreciation at once cultivated and active, one may say that the formation of taste is the chief matter wherever values enter in, whether intellectual, esthetic, or moral.”¹⁰

Pragmatism tends to distance itself from Kantian philosophy because of its transcendentalism and its resulting dualist worldview. However, pragmatists (particularly Peirce) base their rejection of Kant mainly on the discussion of the first and second critique (on epistemology and ethics), strangely enough overlooking the pragmatist potential of Kant’s *third critique* (on aesthetics), which in central aspects goes beyond the binary compartmentalization of the former. But even in pragmatist writings explicitly treating aesthetics and addressing Kant’s *Third Critique*, as Dewey and Shusterman’s, Kant’s substantial contribution is quite polemically dismissed, despite (or maybe because of) its puzzling proximity in many respects.¹¹ This proximity is not really surprising, given that some of Peirce’s ideas, which have been essential for the development of pragmatist philosophy, indirectly stem from Kant via the strong influence of Emerson and F. Schiller, who — the former indirectly, the latter directly — drew themselves upon the Kantian third critique. By interpreting Arendt pragmatically, Bernstein makes a significant contribution to bridging this gap and opening up a fruitful conversation between pragmatism and Kant.

Whereas Kant tends to delimit the *reflective/aesthetic* judgment to the sphere of aesthetic taste (although he remains ambivalent), Arendt applies it to the political sphere and, in doing this, comes closer to the pragmatist understanding of judgments as value judgments. This broadened understanding is legitimated by the fact that judging without a given rule is potentially applicable to political or ethical questions. Moreover, this kind of judgment is urgently needed because it expresses a posture in which the positioning and repositioning of the self with its implicit values and beliefs is at stake.

In *reflective judgments*, the self is confronted with a previously unknown situation and wonders: Do I like or dislike this? Is it to my taste? Do I appreciate this? One implication of reflective judgments is that they take place on the verge of the conceptual, a trait that they have in common with doubts. If the new situation were completely conceptual, the unique and innovative element, as well as the embodied experience, would vanish and be subsumed. If it were completely non-conceptual, we could not really make sense of it. Think for instance of a situation in which you taste something but have not yet detected what this taste is like, which word would fit, what the taste reminds you of, and if you like it or not. In those kinds of situations something escapes our familiar vocabulary, or, in Kantian terms, something escapes our clear understanding at the beginning of the process of judging, while our imagination brings up different associations.

Something intrinsically new for the agent-patient (to use a term from Dewey) happens in the currently ongoing situation so that the previous belief-habits and their implicit criteria of judgment do not apply any longer. *The rules or criteria themselves have to be modified by something yet unknown*, which means: the whole frame of meaning becomes temporarily questionable. Kant describes this modification in terms of a free play of the faculties, namely imagination and understanding: in the process of searching for new criteria—and with it, for a new order, or maybe for a new proportion between criteria—the self “feels itself.”¹² And it feels itself in a double sense: noticing *how* it feels in the face of a new situation, e.g. being enthusiastic or unsettled, and simultaneously focusing *its attention on itself*. Its subjectivity becomes the object of its attention. So, in the free play of faculties the aim is not only to “make sense” of a given situation, but also to “make sense” of the self in a given, unknown, uncertain situation. In the process of searching, the self allows its thinking go loose, the status *as a self with a firm identity* is temporarily being suspended, *in suspense*.

The concrete instrumental interests of the self are transitorily suspended in favor of a *different kind of interest*. This disinterested “interest” does not aim at anything specific other than the repositioning of the self through the aesthetic exploratory movement. It is rather comparable to the pleasure in solving a riddle (and not to solve it to impress others, but just for the sake of

solving it), only that the riddle is the self. Another way to say it would be that the self, in Dewey's words, finds itself in a situation of "enjoying the doubtful," mainly the doubtful of itself. A pleasurable self-doubt is mobilized in the search for new criteria in a dubitable aesthetic situation.¹³

There is something which—at least at the beginning of the process of judging—escapes our clear understanding. And this, interestingly, is not conceived as a lack, but—on the contrary—as a source of pleasure. You could compare this experience to the vagueness at the beginning of an investigative process, which Peirce names *musement*. The situation of musement opens up our horizons to generating new ideas, to the famous Peircean *abduction*, be it scientific or political. But for Kant, the aesthetic situation is not just an overture to a new step in the community of investigators as it is for Peirce. Kant's aesthetic/reflective judgment is not anticipatory; it has its worth in itself.

This worth in itself, or in Kant's words, the *purposiveness without purpose*, is inseparable from the pleasure accompanying *reflective judgments*. Paradoxically, in subtracting the firm identity from the self, it is not left with nothing, but on the contrary, it is left with a subjective experience of fullness. It consists of the joy of being able to "match the world," or, as Kant puts it: "Beautiful things indicate that human beings find the world to be a place suited to them."¹⁴ But Kant somehow still has in mind a cosmological harmony, insofar as the aesthetic pleasure results out of the human compatibility with the world and nature of which he is a part. Arendt focuses rather on the compatibility with the social world, appealed to in the *sensus communis*, particularly in the communicability, which for her is the main criterion of *reflective judgments*. However, it is important to keep in mind that Arendt's interpretation of the *sensus communis* (as well as Kant's) is not identical to some given empirical common sense in which the self would have to fit, but on the contrary, represents a quasi-utopian pluralist idea of what a world could be like for every self to be suited to its exemplarity.

The *sensus communis* is linked to the experience of beauty, which invites us to let the faculties play without restriction and enables the unconstrained pleasure of *reflective judgments* to unfold. But there is an important (and contested) distinction Kant makes: the process of judging and experiencing the *beautiful* is not comparable to the experience of the merely *agreeable*, which is interest-led, self-serving, and private. The pleasure of beauty, on the other hand, is something we want to share, or to put it the other way around: aesthetic experiences and judgments only make sense in a (potential) community of human beings. It is of course possible to have an aesthetic experience by myself, but it probably would not make sense if I knew I was (in some science-fiction scenario) the only human being in the world. Be it as it may, even then one would probably communicate with an imaginary community. The experience of something beautiful is not only

intrinsically linked to the urge to share this experience with others, but also, as Kant puts it, to “woo” the consent of others, or as Arendt puts it: “The judging person can only ‘woo the consent of everyone else’ in hope of coming to an agreement with him eventually,” which requires an “enlarged mentality” to think “in the place of everybody else.”¹⁵

As the self does not have yet a vocabulary to describe the current situation, this is unique and therefore not subsumable to any category. The *reflective judgment* is not just a replaceable and nameable example for a rule (as in regular scientific experiments), but *it is exemplary*. And the exemplarity is not merely that of the given object, but of the whole situation, including the self. This *exemplarity*, in my view, has a central function in creating an unsolvable, yet productive tension: both in real political action, as in reflective contemplation the self is accountable for its irreplaceable positioning. Wooing the consent of others is a fragile undertaking, in that it does not operate with arguments or strategies, for the characteristic of the *reflective judgment* consists in its status of being in suspense, being a belief in the making, *not yet fixed*. The importance of the communicability, which for Arendt is so great, lies in this: to try to find words for a still uncertain, yet pleasurable situation that hints at something new and hopefully better. Interpreted that way, to communicate the *exemplarity of the self* exposes the revealing and enabling dimensions of uncertainty. To communicate it means to expose an *exemplary doubting*.

There is a fundamental difference between an account of subjectivity based on lack and one based on the unconstrained and on fullness. The former will always, at least partly, reproduce the implicit or explicit violence of its subjection, whereas the latter involves the idea of a self being capable of experiencing and judging in an unconstrained manner and, through this, to initiate change. It is for this reason that Bernstein emphasizes the importance of the human possibility to initiate, so strongly defended by Arendt, and that he is so convincing in his critique against all forms of necessitarian thinking—that is, a thinking outlined as a structure that necessarily dominates the self (be it e.g. the Hegelian *ruse of reason*, the Lacanian *lack*, or Derrida’s *différance*).

There is, however, an important difference to be drawn between the *diagnosis* of structures, and a *vision* or *therapy* based on those structures. The critical *diagnosis* is necessary to make visible the structural violence exerted on the self. But a *vision* of society and subjectivity based on (post-)structural accounts runs the risk of excluding the most precious possibility of freedom, namely the capacity of the self to modify itself through unconstrained experience and judgment and thereby to *release* itself—temporarily and partly—from those structures. I agree with Bernstein in that what is needed is “that we engage in the *critique* of our own views as well as those of the people we encounter.” However, I have reservations concerning his

perception of “*excessive celebration* of difference, otherness, and alterity. Some of these we must strongly oppose —especially those that seek to undermine or eliminate genuine plurality.”¹⁶

In my view, otherness or alterity is not a threat to plurality *per se*. To claim an absolute otherness or alterity becomes authoritarian and potentially violent *only if it comes along with an ideology that claims incommensurability*. The problem consists mainly of three assumptions: 1) the assumption that there is always *something* driving the subject, and that this ‘something’ or ‘someone’ always surpasses it by escaping it (be it the *lack*, the *sublime*, the *différance*, or be it *the other*). 2) All these theories have in common the post-anthropological assumption that the subject is characterized by a *fundamental lack* being filled by those structures. 3) Those structures are considered as linguistic or discursive structures and therefore lead to a linguistic reduction of the self. Like any other philosophical ground, these assumptions are, in the end, a question of beliefs —beliefs certainly not shared either by the pragmatists or by Arendt and Kant. The problem of (post) structuralist assumptions lies, to my view, in the following: they run the risk of leading to authoritarian thinking by partly reproducing the violence against which they stood up in the first place. Ironically, (post)structuralist thinking, which is considered a critique against fundamental paradigms of modernity (one of which is the quest for certainty), partly falls back into a thinking in which certainty plays a major role —the certainty that the subject is *always* driven by the linguistic structures of lack, or that meaning is *always* only the trace of the *différance*, etc.

The worth of the subjective capacity to initiate and to (re-)position through pleasurable judgments tends to be dismissed by (post-)structuralists as illusory and as a blindness to, e.g., the bourgeois ideology of a subjectivity that pretends to unfold the singular self when in fact reproduces an ideology of putative freedom or creativity that not only reflects but even reinforces societal hierarchies, a cultural industry and, ultimately, the domination and exclusion of others. Again: the critical diagnosis (e.g. of Bourdieu’s) is powerful and convincing as long as it does not commit the error of applying the *diagnosis* to a *vision* or *therapy*, in which the vision of change is being reduced to the same mechanism.¹⁷ The (post-)structuralist rejection of a thinking that allows the idea of change through unconstrained experience and judgment, on the basis that it allegedly affirms bourgeois privileges in an uncritical manner, overlooks the crucial political and ethical impact of these judgments: namely, their potential to foster and cultivate the enabling dimensions of uncertainty. These dimensions not only ward off a fallback into authoritarian thinking of alleged certainty, but also open the space for the new —for things never felt or thought before.

The exemplarity of the self, experienced in *reflective judgments*, entails a responsibility towards others via the supposed community of the *sensus*

communis or, pragmatically put, of the critical common sense one is a part of. The formation of *reflective* judgment raises the question every time of what it means to be a self. It also raises the question of what it means to be part of the given common sense and, thereby, of what it means to implicitly accept violent frames that delimit perceptions and experiences. The formation of reflective judgments makes the *dubiousness* of those frames perceptible. In each exemplary judgment this question is answered to the extent that the subjectivity of the self, and along with it, its unconstrained freedom is being acted out and revived. This *subjectivation* implies, in Rancière's terms, a *disidentification* of the self with the given criteria or, to put it pragmatically, the dubiousness of its belief-habits and of the common sense. It suspends both its habits and common sense, or —as Rancière phrases it— the *partage du sensible*, it suspends the given and contingent distribution of the sensible by making it questionable through dis-identification. At stake is the redistribution of the sensible, whereby the subjectivation “repartitions the field of experience that gave to each other their identity with their lot.”¹⁸ This *subjectivation* as *disidentification* means, as I understand it, to open up for the new on the verge of the understandable. On this interpretation we could say, with James, that reflective judgments not only enable to put out feelers to the “fringe of consciousness,” but also to put them out to the *fringe of the given common sense*.

Through *reflective judgment*, the self becomes part of the active matching-process of the public realm, contesting whatever political criteria are being applied at that point in history. As Zerilli puts it: “At stake is trying to be at home in a world composed of relations and events not of our own choosing, without succumbing to various forms of fatalism or determinism — whose other face is the idea of freedom as sovereignty.”¹⁹ Zerilli argues against Arendt's critics (such as Habermas and Benhabib) that the political weight of the *reflective judgment* does not consist in its validity, but *in the affirmation of human freedom*. From this perspective, criticizing the lack of validity or maybe the subjectivity of judgments misses the point altogether, as the question answered by aesthetic judgments is not “How do we validate judgments?” Instead, the question is: “Are we able to *generate new judgments* (which later will have to be validated), and how does this work?”

After all, discursive argumentation does not suffice in order to modify deeply entrenched belief-habits that underlie postures sometimes leading, as Butler puts it, to the de-realization of others.²⁰ Rigid hateful postures establish themselves through more or less violent societal structures and patterns of behavior, which become an intrinsic part of the common sense and of the self. To change rigid habits of hatred and resentment against “the other”, or even to dissolve their rigidity, will not be possible at the level of rational exchange, as long as arguments or words outside the realm of our own identity are often considered as irrational or, even less than that, as the mere “noise of

aggravated bodies,” as Rancière describes it.²¹ Political change is always an aesthetic issue in the sense that the “distribution of the sensible” is at stake. To be able to acknowledge others is sometimes not even a question of moral decisions, when at a deeper level the distorted perception perceives others as unreal and inhuman, as Butler so poignantly describes it. At this deeper level, the political conflates with the aesthetic because the frame of the assumed rational common sense is put into question. The borders that separate the seemingly rational and normal from the seemingly irrational and unreal are being challenged.²²

So, to what extent does the uncertainty of *reflective judgments* meet the requirement of responsibility? To conclude, with Bernstein, the infinite responsibility towards the other makes it necessary “to refuse the temptation to assimilate the other to the type of ontological imperialism and colonization, whereby I allow myself to violate the other’s integrity.”²³ Using Kant and Arendt, pragmatism needs to endeavor more into an account of the enjoyment of the doubtful —the pleasure that lies in the enabling dimensions of the exemplary doubting brought about by *reflective judgments*, through which the given common sense becomes modifiable. Pragmatism, on the other hand, long ago recognized how futile the quest for certainty was, such as in the quest for linguistic or transcendental structures. Even the most unconstrained *reflective judgment* needs to take critically into account the frames of its own embodied embeddedness. An awareness of the critical common sense would then consist in always keeping alive the awareness of the potential dubiousness of our current belief system, but nevertheless confiding in a better *sensus communis*.

Finally, although Bernstein criticizes the “excessive celebration of alterity,” his interpretation of Arendt makes a strong case for alterity when he writes that “the only way that is *commensurate* with the excess of evil that we encounter [...] is the *ethical response*, in which I recognize my infinite responsibility for the unjustifiable suffering of others.”²⁴ If “the other” is not conceived as part of an anonymous structure, but as a singular self, it becomes clear that the *sensus communis* does not aim at a somehow formalized discursive community, but at an idea of a plurality respecting the singularity of the self, which according to Arendt and Levinas “resists reduction to a common essence.”²⁵

NOTES

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