

Aesthetic Licence: Foucault's Modernism and Kant's Post-modernism

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Abstract

Recently criticism and theory have maintained that Kant's aesthetic theory is central to modernism, and have used Foucault's archaeology to interrogate that modernism. This paper suggests that archaeology ultimately cannot escape Kant's hold because it depends on Kantian theses. The first section will consider how a recent exponent of an 'archaeological' viewpoint characterizes Kant's theory and will set out the critical role Kant ascribes to art. The second section compares Kant and Foucault to argue that despite appearances their projects turn out to be substantially coterminous. My interest in comparing these critics is not only to be provocative but also to show that post-modernist thinking, at least in the guise of Foucault, needs and uses standards that Kant proposes.

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Recently criticism and theory have sought to go beyond Kant to explain the nature of aesthetic values. One of the most articulate and increasingly influential such attempts is Thierry de Duve's book on *Kant after Duchamp*.¹ The book maintains that Kant's aesthetic theory is central to modernism, and proposes to use Foucault's archaeology to understand Duchamp's interrogation of that modernism. De Duve expects Foucault's archaeology to make us self-reflective about the conditions in which Kant's modernism becomes possible and to point to possible 'transgressions' beyond that modernism. In this context, archaeology will locate Duchamp's work in its aesthetic context, showing how it significantly shifted our focus on art. Further, Foucault values the critical power of archaeology, relating it to disciplinary or juridical power – to an ethics. De Duve develops this ethical component in terms of distinctions between project and maxim and between quality and value, and uses them to characterize 'post-Kantian' art.

In this paper, I propose to examine some of this archaeology of modernism to suggest that de Duve and Foucault ultimately cannot escape Kant's hold because their own 'post-modernism' depends on Kantian theses. And to see why this should be the case, the first section will consider how de Duve characterizes Kant's theory and will set out the critical role Kant ascribes to art. The second section will compare Kant and Foucault to argue that despite appearances their projects turn out to be substantially coterminous. My interest in comparing these critics is not only to be provocative but also to show that post-modernist thinking, at least in the guise of Foucault, needs and uses standards that Kant proposes.

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The Kant who appears in *Kant after Duchamp's* analysis of modernism is mediated through the work of Clement Greenberg. A Kantian slogan in the book may explain critique as 'using the characteristic methods of a discipline to criticise the discipline itself – not in order to subvert it, but to entrench it more firmly in its area of competence';² yet this does not clearly grasp important features of Kant's own aesthetic theory. Considered in relation to the latter, de Duve's book does not clearly show that Duchamp takes us beyond Kant. To explain these limitations of de Duve's approach, we may begin by considering the role of pleasure and beauty. These are central to Kant's aesthetic theory, which proposes that beauty is an experience of pleasure that is universalizable because it depends on a *sensus communis*, a commonly possessed capacity for experience and cognition. In *Kant after Duchamp* de Duve maintains that if we understand correctly the implications of Duchamp's work for our conception of aesthetics, we see that we should replace the older Kantian and modernist stress on 'beauty' with one on 'art'³ and relinquish talk of 'pleasure' based on a *sensus communis* – i.e. the experience of beauty – in order, instead, to stress 'a sense that requires one to suppose that everybody is endowed with the faculty . . . of choosing, that is, of *making* what deserves to be called art'.⁴ These new concepts, de Duve initially contends, which explain the work of Duchamp, lead us beyond Kant and modernism to archaeology, to a consideration of the conditions and manner of making things, and thence perhaps to post-modernism.

However, the emphasis on 'art' and 'making' over beauty and over pleasure based on a *sensus communis* is not as radical a change as de Duve suggests. To begin with, for Kant pleasure is already related to the ability to make. The pleasure arising in aesthetic judgments is a species of 'a feeling of life', which is principally 'the ability of a being to act' in conformity with its representations.⁵ It is the ability to pursue, usually by making, ends of its own choosing, which the being represents to itself. Bringing these distinctions to bear in the case of aesthetic judgments,

Kant maintains that there ‘the presentation is referred only to the subject, namely to his feeling of life, under the name of a feeling of pleasure or displeasure.’⁶ This reference denotes a ‘very special power of discriminating and judging’ – an activity that is central to our choosing and realizing ends in the world generally, not just in art. Further, given that Kant relates pleasure in aesthetic judgments to the ability to choose and make, it is no special hardship for him also to give the *sensus communis* a commensurate emphasis. Pleasure is universalizable and denotes the ability to act, choose ends, and make objects; therefore, instead of being merely the basis of the universalizability of pleasure, the *sensus communis* could be the basis of this ability to choose and make that we have in common. De Duve’s replacement then does not go radically beyond Kant.

Or perhaps the move would be radical if we could separate the activity of *making*, which is important to Duchamp’s work, from pleasure and its connotations of subjectivity, which seem to be associated with considerations of beauty. But a sense of pleasure in making is not so foreign to Duchamp and his construction of art. For example, his *Fountain* and *The Large Glass*, as art, generate pleasure. His consideration of the urinal as art displays what art is by using wit, reflectiveness, a sense of irony, and a focussed intensity that are a pleasure to grasp.⁷ Only if we think of pleasure as a merely sensuous feeling, devoid of rational play and containing only some unattributable tingle, can we separate pleasure from our interaction with works of art. By contrast, the wit and pleasure occasioned by Duchamp’s work have an impressive explanatory power, made clear by de Duve, that makes sense of a whole tradition or of a particular practice. For both Kant and Duchamp, then, the feeling of life that works denote is our regard for active participation in grasping and constructing an order for our experience, and thereby is part of our construction of the order we give to objects and events as we understand, explain, and act upon them.⁸

An objection to this comparison of Kant and Duchamp is as follows. The emphasis on pleasure and wit in both Kant and Duchamp may seem to miss a more radical difference between them, that Duchamp’s work sunders a relation between the aesthetic and the artistic in a way that Kant could not recognize or accept. Arguably, the purpose of *Fountain* is to be self-reflective about the production of art; it is not to be beautiful. It may occasion a pleasurable grasp of the construction of the art object, but it does not make the object beautiful. However, in reply we may argue that this assumption, that beauty contrasts with the artistic, is untenable. For Kant beauty is the pleasurable experience of judging particular qualities of an object. This pleasure does not bear some phenomenological marks, apparent in our experience, by which we can distinguish it from other experiences of pleasure and thereby identify the particular kind of

pleasure that makes for the beauty of an object. The experience of pleasure on the basis of which we valorize an object as beautiful depends on the particular objects, their structure, and our judgment. In this case, we may maintain, the wit and ingenuity we find in Duchamp's works constitute the pleasurable judgment we make: and the work is aesthetically valuable or beautiful because it occasions this pleasurable response. In other words, what makes these works artistic, what gives us insight into the practices of art and occasions the pleasurable judgment, is also what makes the work beautiful. The two, beauty and art, are not so easily sundered.

The critic may respond to this association of art with beauty by reference to another feature of Kant's aesthetic theory. Pointing to the central role of reflection on art emphasizes one aspect of Kant's notion of beauty over others – art over natural beauty. But while a concern with natural beauty is an important part of Kant's wider concern with aesthetic value, it does not enter seriously into Duchamp's examination of the construction of art. This marks another way in which Duchamp might have been thought to go beyond Kant. For the latter ascribes beauty to natural objects on the basis of a pleasurable response that seems not to depend in any crucial respects on art and the construction of objects, but seems, rather, to treat art on a model of natural beauty.

A reply to the critic may take the following form. The sense of construction that we must emphasize when comparing Duchamp and Kant is perhaps clearer in fine art than in natural beauty. However, despite de Duve's repeated insistence that Kant thinks of beauty principally in terms of natural beauty, the discussion in the *Critique of Judgment* does not clearly justify this claim, since it presents a more mixed mode.⁹ Initially, both judgment and genius point to the centrality of aspects of art and making. For example, Kant explains that fine art is constructed by us, rather than by nature, and is a result of the activity of genius. He maintains that the artists' judgments on the products of their own activity are necessary to ensure that their works are comprehensible and accessible to all subjects. The judgments ensure that the works are a coherent result of activity rather than some merely arbitrary 'original nonsense.'

Here, aesthetic reflective judgment itself regards objects as products. Judgment generally works under the principle that objects and events, including those we think of as a part of nature, have a rational order. They are not simply accidental but capable of being organized to suit our ability to understand them.¹⁰ Kant sometimes explains this principle of the ordering of nature by saying that reflection leads us to see objects as ordered by an understanding like ours for our understanding.¹¹ We turn to reflection to grasp the order of objects as if they were constituted according to a rational order. Reflective judgments, famously, find

a purposiveness in beautiful objects, even if it is not an actual purpose, which is to see the object as designed, as a construct. Thus, in both cases of genius and the judgments we make, our grasp of objects and their meaningful order construes them as art.

At the same time, Kant also ascribes the production of fine art some analogies with nature. He proposes that genius is a rule-giving capacity that operates as nature. Genius itself, he says, 'cannot describe or indicate scientifically how it brings about its products, and it is rather as *nature* that it gives the rule to art'.¹² But this distinctive aspect of genius should not blind us to the more radical claim Kant makes about natural beauty. Natural beauty contrasts with fine art so far as the origin of its objects lies in nature rather than human action. The distinction between them becomes important when we consider the interest we may ascribe to each. When we attend to *natural* beauty, and contrast its origin with that of fine art, then we consider the object as a construction by nature. There, Kant says, the 'direct interest we take in [natural] beauty' is based solely on the thought that 'the beauty in question *was produced by nature*'.¹³ This bears all the connotations of nature understood as a system constructed for our understanding. When it is important to consider the origin of the object, there we treat natural beauty as if it were produced by nature or were the work of nature. In other words, we treat the objects that satisfy our judgments as objects of art or construction.

The shift from beauty to art, then, is not quite so foreign to Kant. He already gives it due weight in talking of a feeling of life and of the basic model of art. Our interest in natural beauty arises because it turns out to be like art. Aesthetic judgment, then, is an assessment of made objects, and is part of the process by which the spectator also makes (or reproduces) the made object and its order. In effect we think through this making of an object to understand its order and inter-relation as purposive.

Thus, we may happily, for Kant, replace beauty with art and pleasure with a feeling of life and activity, for making, that we may also expect of all subjects. If there is a difference between Kant and Duchamp, this is not where it lies. Perhaps the distinction between them lies rather in the sense of critique each uses. De Duve points to Foucault to explain this difference: this sense of critique examines the construction of the practices of art and the discourse of aesthetics in order to display its limits. A reference to Foucault's work would allow us to set out the practical and political conditions of the possibility of universalized aesthetics, to show how its assumptions are easily transgressed. This is the motive de Duve suggests at the very beginning of his book – that 'the time has come for artistic modernity to be looked at archaeologically'. And we shall consider these issues in the next section.

Archaeology is part of a critical function showing the conditions that make a practice plausible and effective, the kinds of disciplinary or juridical power that maintain the elements identified by an archaeological analysis, and the transgressions that are possible. De Duve suggests some of these transgressions beyond modernism in the last chapters of his book. But before considering this critical and, ultimately, ethical component in relation to de Duve's distinction between maxims and projects, I want to develop it in relation to Kant's account of the critical power of art. I have proposed that art and the common ability to make art are already available in Kant's aesthetic theory. So far as these are central to Duchamp and the archaeology of modernism, so far as they take us beyond modernism, we may propose either that Kant already goes beyond modernism to post-modernism or that Foucault remains a modernist.

This comparison between Foucault and Kant may emphasize issues over which the early Foucault found Kant to be the best representative of the 'Enlightenment project'. This is the Kant who seems to believe in an entirely autonomous, non-socially constructed self; who holds that human experience is common, based on a universal human nature which remains somehow independent of the contingencies of history; and who contends that rationality is governed by universal, a priori and innate norms, which cannot abide history. But this picture of Kant has been criticized recently as something of a caricature that fails to recognize important elements of his work.¹⁴ Kant too sees the self as constructed, as a developing capacity for acting autonomously within an historical and social context which defines the terms in which the agent understands its autonomy and choices. The choices an agent makes, the ways in which it formulates its issues, depend on the specific context in which the issues arise. The agent uses the Categorical Imperative as a standard, seeking to act in ways which other agents will also choose so far as they are autonomous; but those agents too will exist within an historical and social context. The agent's rational autonomy will allow it to compare its own choices with those of others. The agent's rationality is universal here, but that means that it has access to and can understand the structures of thought and action in other societies and contexts. It rejects any relativism that confines thought and understanding to the specific context from which particular practices arise, and refuses to limit the alternative practices that might be found suitable.

We may bring this comparison to bear on the present context of aesthetic practices as follows. Kant's theory allows aesthetic judgments to play a critical role, based on postulates about the universality and rationality, etc. of making. Although Foucault may seem to reject any commitments to the latter postulates, his later work, centring on Kant, suggests that he still needs the standards Kant deploys in his critique. I shall first set out

the critical role played by Kantian aesthetic judgments and then consider how far Foucault can escape the standards they rely upon.

Art plays a critical role based on the self-reflectiveness of judgments. For Kant the autonomy of aesthetic judgments, the independence of human reasoning, shows that in reflecting upon the relations and history of objects, human beings make themselves by making the particular what it is. By this I mean that their reflection on particular works is also self-reflection since the meaning and value they find for these works depend on their understanding of themselves. By understanding the ways in which historical events fit into their ability to act independently, people also understand what they can do, and therefore are in a position to consider what they should do and what they can be.

Aesthetic judgments play the role identified above in the following way. In the 'Analytic of the Beautiful', the first section of the *Critique of Judgment*, Kant argues that subjects' aesthetic claims about objects are disinterested, subjective, and universally valid. They are disinterested in that we consider the object for itself rather than for any further use we may make of it. Further, a judgment that an object is aesthetically valuable is really an appraisal of the way the subject experiences a *feeling* of life. For Kant, feeling is subjective in that it has to do with subjects and their state. Because they depend on feelings, aesthetic judgments are subjective. In this case, the feeling arises from the exercise of the capacity for making and grasping a produced object, and postulates a similar capacity for making to all other subjects.¹⁵ In other words, the judgment is universal in being comprehensive over all subjects.

This subjective universality of aesthetic judgments is of a particular kind, which Kant describes as 'exemplary.' He explains exemplarity in terms of objects serving as 'a standard or rule of estimating'. Without following general given rules for their construction, works of art serve as examples of what can be done. Without establishing general rules, they exhibit how others may follow in their own attempts to bring material under rules. These examples may be exemplary because they are especially valuable as models. The exemplarity of the work leads us to consider specific objects and what they signify of our capacity for knowing and acting. Exemplary works lead us to rethink what has been done and, by seeing other people's solutions, to produce other possibilities.

In addition to being subjective and exemplary, these judgments are autonomous because only the subjects can experience their own feeling of life, which is the basis of the judgment they make for themselves. Kant justifies the universal validity of such judgments in the Deduction of the *Critique of Judgment* by arguing that the relevant use of mind, the ability to make, is available to everyone who has our ordinary experience of objects and events in the world.¹⁶ The deduction only determines what form our experience takes. It does not show which particular objects, if

any, we shall find aesthetically satisfactory. Nor does it tell us how to decide on the correctness of any particular claim. For that, Kant says, we think of an aesthetic judgment as a rule that 'expects confirmation not from objects but from the agreement of others'.¹⁷ We need to communicate the judgment, to allow others to make the same judgment, and thereby to confirm, in a manner appropriate to aesthetic evaluation, that our own judgment is correct.¹⁸ The autonomy and subjectivity of aesthetic judgments lead individuals to treat each other as rational and feeling beings whose own activity is vital to validating judgments. In effect, these individuals are ends in themselves for these judgments. Autonomy implies treating judgments as recommendations because agents must make the judgments for themselves, must *give* assent, and can neither have judgments imposed upon them nor have theirs rejected out of hand. But such autonomy does not imply complete independence since individual judgments need the community's warrant. A lack of agreement will make the judgment *merely* subjective and idiosyncratic – will make it something 'merely true for me'¹⁹ – and will prevent subjects from entering into a dialogue or claiming validity for their judgments.²⁰

In this sense, the subject here involves at least two components. One is entirely subjective while the other enters into agreement. The first may also be idiosyncratic, as when a subject pursues ends relevant only to itself – ends that may be entirely arbitrary. The second component of subjectivity involves the capacity to enter a rational and feeling relation with other subjects. Even if individuals retain the power to accede to or reject the dialogue (because they must feel the pleasure for themselves), nevertheless the judgment's constitution of the subject must satisfy the requirements of intersubjectivity, in which the subject's autonomous decisions gain validity from the community. In the second respect, individuals are always, in Kant's words, 'sutor[s] for agreement' from others.²¹ Their autonomy is warranted only in being confirmed by others.

When subjects pursue this aspect of subjectivity, there is no clear opposition between individuals and their society. When individuals seek confirmation from others, when the social formation informs individuals' acts, it must make room for the subject's autonomous activity. Neither gains serious employment without the other. The subject's claims remain questionable until the community validates them, and the force of the community remains ineffective until the subject deploys it in the act of judging some material. Agents must accept social constraints to enter dialogue as individual subjects. They must set aside the complete sovereignty of merely subjective responses and accept the conditions necessary for an intersubjective validity that comes from confirmation by the aesthetic community.²² Further, in terms of arbitrating between individual autonomy and the social conformation of a claim, Kant puts the onus on the social formation, to which the subject must *give* its assent. The social

formation must gain compliance when the subject makes the social character its own in an act of judging. Yet the social formation is necessary for warranting the subject's act of judging, for a lack of confirmation would reduce pleasure to a merely subjective response rather than an act of judging aesthetically.

Works and agents may resist this intersubjective universality in diverse ways. Some objects may mistakenly be thought universalizable only because their limitations are not clear to the judges. Works may simply address well-entrenched prejudices and so take on a false aspect of truth. In other words, the partiality of terms and stresses in judgments need not be obvious, and may have to be explained. Various psychological, sociological, philosophical, and other factors, all of which are amenable to archaeological analyses, may prevent agents from seeing that the work serves to exclude them wholly, for example, so that the assent they may be tempted to give thwarts their participation in the community, or prevents them from recognizing how their capacity to act is engaged or thwarted. Kant's argument suggests that we can make mistakes in these cases, and that their unintentionally assumed commitments can be explained to the subjects. But his position also implies that any such explanation of a work of art must take a particular form. It is necessary to argue that the work exhibits its character in the aesthetic structure and validity of the work itself.

Such analysis of the work, arguably, might include consideration of the nature of art, an archaeology of its structure and the basis of our expectations, the possibilities each exemplary work makes possible and the traditions each yields. This archaeology would make possible a genealogy of the practices of the self and its incorporation of the freedom available to us in works suitable for aesthetic judgments. Such an archaeology may, then, be a constant critical engagement with the given limits of the practices we valorize as art. In engaging with these values, it is intrinsically ethical. We are not coerced by some law to this reflection but are self-judging and self-making in the dual sense of being self-reflective about this manner of making the self and its works.

Although some of the discussion above has emphasized the role of the subject, this stress should not obscure the place of the object. Subjects grasp the meaning and order of the object in relation to its formal properties in their responses to works. This role of the object remains crucial to both Kant and Duchamp, we may argue. Even as we recognize Duchamp's turn away from 'retinal' concerns, we must also grant a similar concern with non-'retinal' and non-representational features to Kant. Duchamp proposes that since 'the advent of Impressionism, visual productions stop at the retina. Impressionism, fauvism, cubism, abstractionism, it's always a matter of retinal purity. . . . The great merit of surrealism is to have tried to rid itself of retinal satisfaction, of the arrest at the retina.'²³

This shift allows perceived properties of the surface of the object to 'bear an indexical rather than iconic relation to their signifieds'.²⁴ Kant's way of talking about this non-representational nature of works relies on the concept of expression. Although he begins his discussion of taste with the quality of experience and with the representation of objects and events, nonetheless Kant also relates the presentation of works to expression. And not only is his conception of 'expression' wide enough to include an 'indexical' relation to signifieds rather than the merely 'iconic' relation that is necessary to presentation, but he also insists that if taste and aesthetic evaluation concerned only 'representation' they would be weakened to the point of becoming vacuous.²⁵ Moreover, more generally, Kant's critical work questions whether 'retinal purity' can exist: perception requires thought and, by implication, cannot be merely 'retinal'. At the same time, Duchamp does not neglect retinal satisfaction. The wit, energy, reflectiveness, sense of irony, focussed intensity, and acuity of his works rely upon and exploit the retinal quality of our experience of objects, whatever else this quality also does to establish their meanings.

The account of Kant's theory presented here also makes clear the need for reason. His arguments for the subjective universal validity of exemplary aesthetic judgments are intended to defend and justify their ratiocinative character. They are intended to show that this activity of making and liking is part of our rational character. Kant relies on reason to provide standards for our actions that can be independent of the social and historical conditions of our lives. By this I do not mean that reason is entirely separate from the material conditions of our existence, rather that we are not completely determined by our circumstances, but can reflect upon them. The issues that we reflect upon may emerge from those circumstances, but the latter need not limit our thoughtful reflection. Indeed, in the absence of some such standard it is not clear that any analysis of our present historical and social circumstances can be of much use.

Kant shows how we might use this standard to analyse critically our actual behaviour, to measure particular societies and their standards.²⁶ We argued earlier that universality as a comprehensiveness over all subjects set a standard for aesthetic claims. This universality only describes the nature of aesthetic preferences. Beyond this, we may propose, to explain human aesthetic performance we must also consider the actual context of our actions, in which works arise and are formulated. Aesthetic criticism requires us to identify the aesthetically relevant descriptions of actual contexts and to bring the descriptions to criteria of rationality for assessment. Kant ascribes this interpretive role to judgment. Judgment explores the implications of the particular, reflecting on it in its context and considering its possibilities for the reflecting subject itself and for its relation to others.²⁷ It must interpret the particular social and historical occasion of

the action, discerning its aesthetic issues – for example, explaining the matter of submitting a urinal for display under the name of *Fountain* in an exhibition of *refusés* and then writing about it in a newspaper – by showing that talk of exhibitions, works, reflection, and judging, etc., so far as it forms a viable description of a particular situation, has the kind of coherence necessary to being assessed for its universality. Judgment mediates between actions in given contexts, on the one hand, and the need for rational assessment, on the other.²⁸ And given that universality is a criterion for value, judgment will think a constructed object from the perspective of all subjects, placing the object and its production in relation to other agents, who are sources of potentially differing perspectives, and so on. Judgment develops agents' ability to choose and make by proposing diverse models for reason's impact in their actual lives. In effect it forms the will discursively by engaging with actual behaviour and circumstances, recommending that certain construals of the complex situation are universalizable and consistent – can be thought from the viewpoint of everyone else without also imposing any uniformity.²⁹

But of course, even this reading of Kant may seem to have failed to ascend to archaeology and critique. Perhaps Foucault shares Kant's critical motivation so far as he considers the role of the discourse of aesthetics and art in contemporary culture.³⁰ But he also wants to analyse the limits of this discourse and the conditions of possibility in which a universal aesthetic experience or judgment would be comprehensible. Archaeology 'designates the history of that which renders necessary a certain form of thought'.³¹ It shows that accepted forms of behaviour and reasoning are mere constructions which have their own conditions of possibility that are themselves open to change. This goes to 'transform a critique conducted in the form of necessary limitation' of the necessary conditions for aesthetic judgments 'into a practical critique that takes the form of a possible transgression beyond given constructions of universality and subjectivity'.³² Accordingly, the archaeologist and critic may argue that what Kant might take to be universal and necessary conditions for aesthetic judgments and for talk of art are to be seen as historical and contingent, and thus open to change. It seems that the striving for universality, the assumption of a subjectivity that underlies and appreciates works, the set of relations between subjects based on these certainties, must all be dissolved. Autonomy is not subjugation to a rational kernel that still underlies subjective feelings but the ability to transgress the limits of the given conditions of aesthetic activity, of art, in order to understand what conditions made it possible for a universalistic and subjective aesthetics.

In Foucault's terms, we might understand Duchamp to have shown the end of a history of art based on subjectivity, its striving for a universality of feeling, and the ethical connections of these practices. De Duve's turn to Foucault, then, to considering the readymade as an enunciation in

Foucault's sense, seems to be that turning beyond Kant that allows Duchamp to mark the limits of Kantian thought. When 'the sentence "this is art" . . . affixes itself to a readymade', it is 'the enactment and the manifestation of the enunciative function in which objects that show themselves as art and as art alone are caught up'. When this happens, insight moves us from Kantian critique to archaeology, showing that 'the readymade is simultaneously the operation that reduces the work of art to its enunciative function and the "result" of this operation, a work of art reduced to the statement "this is art", exemplified by Duchamp's readymades'.³³ Where Kantian theory explains why particular works are valuable, there Duchamp shows us that the real issue is what is to count as art generally rather than 'Is this painting, poem or novel valuable?' Works of art, readymades, point to the status of art itself, what it does, and therefore show that we have reached the end of that history of objects of aesthetic value in which the critical role of art is based on universality, subjectivity, and freedom. The latter are themselves constructs, values whose basis the archaeologist erodes by showing where they come from and what comes after them. Duchamp, then, announced the end of a Kantian history of art.

Yet it is not clear that such a Foucaultian transgression beyond Kant has occurred with de Duve's account of Duchamp because it is not clear that Foucault is not a Kantian. I mean by this to stress again the features of Kant's substantive notion of judging and society and also the features of Foucault's work that de Duve uses to explain Duchamp's importance: that archaeology, which allows us to see readymades as enunciations, also leads to critique, which in turn relies on standards that are not entirely removed from the Kantian model. Foucault himself has moved towards a variety of Kantianism in his essay on 'What is Enlightenment?' and in the ethics of care. In an interview in 'Critical Theory/ Intellectual History' he clarifies both that reason has a history, does not emerge fully grown on a shell from some transcendental realm of the sea of chaos, and that such contingencies imply neither that those varied forms of rationality are rendered irrational by these variations³⁴ nor that reason has now been shattered. Reason is transformed historically, and we can pursue its archaeology, but this does not privilege irrationality or discontinuity for itself. His analysis is part of the process of discovering the way in which 'reflexivity of the self upon the self is established', including the notions of reason, power, and truth that allow such self-reflectivity. This is Kant's purpose too, in an important sense, since aesthetic judgments clarify and develop the concept of self and bring us to a clearer understanding of the social and historical contexts of our thought and action.

Moreover, Foucault is like Kant in insisting that we can establish a reflective distance from the objects of our analysis. He identifies 'thought' as

what allows one to step back from this way of acting or reacting, to present it to oneself as an object of thought and question it as to its meaning, its conditions, its goals. Thought is freedom in relation to what one does, the motion by which one detaches oneself from it, establishes it as an object, and reflects upon it as a problem.³⁵

Even in the absence of any overarching notion of Reason, we may examine particular works, treating them as exemplary in Kant's sense, to see what possibilities and transgressions they contain. The exemplary object has multiple functions of allowing us to see objects as constructs addressed to particular issues, to criticize other works, and to promote and show other possibilities.

Kant identifies the purpose of aesthetic judgments, the interest we can combine with them, in terms of being moral and rational in the given circumstances of our lives. Foucault does not reject reason. He places reason among the historical contingencies of our lives, showing that rationality is not clearly impervious to development. But this still leaves open the question of how it should develop. Genealogy may show us that critique is possible; this, in turn, suggests that change is permissible; but that raises questions of how we should generate change. Norms must be at issue here, but it is unclear what gives these norms their force or plausibility or what they imply.

We might argue that norms are already implicit in our practices. For practices to become salient for us as practices is already to value them in some way. To talk of art is already to assume values in thinking that this enunciative function – art – is important to consider, and in expecting it to have some explanatory power in relation to our lives. This says that discourse is already value-laden. But it does not tell us anything about the choices and bases for choice we have when we come to try to resolve the many possible issues. It remains unclear how we articulate and deal with the discourse of our critique or decide that it is suitable or choose this over other forms of analysis.

The possibility of thought, self-reflectivity, and critique – the ability to think outside our constraints – requires us to set ourselves apart from the present. But this possibility also faces us with a choice, for example, of which regime of rationality we will adopt as our practice. The choices may depend on the conditions within which we are placed and from where we can act. But we do not escape choice by pointing to these conditions; we only make it more realistic.

Given the need for choice, thought, self-reflection, and criticism that Foucault finds, we can stress the features of freedom and universality that legitimacy and norms rely upon. For Kant these supplied a criterion for the validity of a claim because they betokened rationality. I suggested that Foucault's criticism is not of rationality as such, in the sense that he

does not reject rationality. Even if he does not see it as ahistorical or transcendental, he does not replace it with irrationalism or arbitrariness. Similarly, his later work returns to freedom as the basis of positive and productive power, and to an ethics as an acceptable standard for the practices of freedom. He says that the issue is 'How can one practice freedom?'³⁶ Not only does he reaffirm Kant's relation between freedom and morality by saying that 'Liberty is the ontological condition of ethics. But ethics is the deliberate form assumed by liberty',³⁷ but his talk of the practices of freedom means 'giv[ing] one's self the rules of law, the techniques of management, and also the ethics, the *ethos*, the practices of self, which would allow . . . games of power to be played with a minimum of domination'.³⁸ These points of critique and resistance 'rest[] on freedom, on the relation of self to self and the relationship to the other'.³⁹

If Foucault seeks 'practices of the self' that proceed without domination, and expects to proceed by examining particular instances of such practice, he does not escape exemplarity of the kind Kant proposes. Since Kant sees each work mediating the relation between society and individual in its own way, as exemplary without being prescriptive, each work examines the relation of self to self and to others. This is a substantial universality that aims at a comprehensiveness over subjects, in their historical and social place, in part by developing them through their relation to works. We saw that for Kant the self was constructed as it developed through an engagement with others in a community rather than as a singular exclusive self given to randomness. In the context of this discussion, each work functions as a critique, based on the assumption that we are free to make things, and sees the self as a developing agency that forms itself by contrast with a random and exclusive but entirely subjective self. Again, then, continuous with Kant, Foucault does not reject universality but contends that it must be applied or deployed and therefore sought and analysed in its particular historical embodiment. This concern with developing the relation of self to self and the relation with the other, of giving oneself the practices of self that allow games of power without domination, guides our analyses and choices.

These considerations show the similarities between Kant's and Foucault's projects. But thinking of the latter's work as a project raises another issue. De Duve distinguishes projects from maxims of emancipation, in a way which I shall explain briefly, and proposes that Foucault's work is better understood in terms of maxims. Of course, talk of emancipation, whether as project or as maxim, may seem altogether inappropriate to Foucault. For he does not think of the self as something caught in bonds from which it is to be emancipated. The subject is a developing practice rather than 'a subject of rights'⁴⁰ whose nature is somehow emancipated as it emerges from various restrictions. The self is not the metaphysical deposit from which our interests emerge, or whose nature reveals itself in successive

stages of history, but is a location within a complex and developing set of relations, all of which are informed by or enact the value of freedom. But even if we understand emancipation in terms of the self as a developing practice, it is still not clear that we can make do with mere maxims of emancipation. One contrast between a project and a maxim lies in the relation a work does or does not bear to a theory of history and human development. The project of modernism 'declared itself ready to emancipate mankind', de Duve writes. 'It was supposed to grant humanity an advance in its future capacity for self-determination, to anticipate on its not yet attained adulthood, and thus to wager on time, that is, on history, on the hope that progress will, in the end, align reality with the ideal.'⁴¹ On the basis of a theory of progress, modernism saw each event and object as part of a development towards an ideal of freedom. But having such projects, ascribing such purposes to all events and actions, can also lead to terror as, for example, when the avant-garde, on accepting the theory of the mechanisms of historical development, and finding that actual participants are less than ready to attain it, arrogates to itself the responsibility for bringing about this assigned future.

De Duve wants to contrast this teleological conception with one based on having maxims. By contrast with projects, maxims gain their validity from their basis in the *sensus communis*. For de Duve, we saw, the *sensus communis* is our ascription of the ability to make and choose to all others. He sees it as a faith that other agents are able to grasp what others say and do because they possess the same capacities. Because they postulate this shared ability, maxims do not need to aim for a determinate end or ideal but treat people as free, equal, rational, etc. As maxims of emancipation, works of art explore the ways in which this freedom to make and choose can appear. They do not depend on, say, a theory of a conflict between the means and forms of production or Reason becoming self-conscious and unified, in order to explain any developments. Instead of a horizon formed by political or philosophical ideals, maxims are oriented towards construing the self as self-reflective agency to explore what it might do and become.

This relation to the *sensus communis* suggests a distinction between the quality of art and the value of art. The quality of these works, their satisfaction of aesthetic judgments, is intended to form a quasi-distinctive sphere. We can describe works as being of a certain quality because the characteristics making up that quality can be grasped by everyone possessing the common capacity to make and choose. Our claims about the works and their qualities have validity. When we consider works of art as maxims of emancipation, we can consider the quality of particular works of art without having to have an overall value of art since we need to consider only how a work satisfies aesthetic judgments. The preferences we express for some works over others depend on how we take each work

to participate in the *sensus communis*, and the suggestion now is that we find emancipation and adequacy in the very production of those works which, by participating in and developing the *sensus communis*, develop the self and its relations to others in freedom. Accordingly, 'when not severed from a maxim of emancipation artistic activity has a critical function' of developing the self and its relation to itself and other.

The possibility of a *sensus communis* also underlies political and ethical emancipation. The suggestion is that although aesthetic judgments on the quality of art works may explore and develop the relation of self to self and to the other, these judgments address the quality of art and are not determined by the political ideals that also depend on the *sensus communis*. Political ideals and values differ from quality in art since ideals are shared and accepted as such, the suggestion is, whereas quality is a subjective resonance, based on a faith that there is a *sensus communis*.⁴²

The political and ethical ideals may give us reason for valuing art to the extent that it promotes these ideals, but the ideal does not determine the choices we make in grasping the quality of works of art and how they participate in the *sensus communis*. The argument, then, would be that we cannot have an overarching goal for works, against which we judge their adequacy on political or moral grounds, but must consider the work as art. Consequently, in relation to politics and ethics the critical function of art is 'reflexive and analogical rather than transitive and ideological' because it concerns the *basis* for the political ideal rather than the ideal itself.⁴³ By contrast, the emancipation project would judge works by their satisfaction of the political or ethical ideal and would thereby have conflated the value of art with quality in art.

Unfortunately, it is far from clear that we can disassociate the value of art from quality in art, that projects only come with ideals, or that we can do with maxims only: we seem to need something like a project to make good sense of emancipatory maxims. First, the quality of art is part of the measure of the value or importance of art: the better the work aesthetically, the more fully it explores the *sensus communis* and the relation of self to self and the other. Yet this exploration of the relation of self to self and the other is part of the 'practice of freedom' which 'would allow games of power to be played with a minimum of domination'. The latter is political, and determines the value of art, but it is not clear how we might separate it out from the quality of art in the economy of our preferences. Even within regimes of rationality, some works of art will be more powerful than others because their quality develops the conditions within which that regime works and shows how the regime is to be transgressed. In this sense, emancipatory maxims must be critical, perhaps of the manner of constructing art, and we may thereby find Duchamp more important than Bonnard because of what each shows about the quality of art. But this rests on claims about the value of art, on assessments

of the ability of art, by virtue of its participation in the *sensus communis*, to promote games of power without domination better or less well than other practices of freedom. That is, the quality of art is not value-neutral but already incorporates the value that makes it a quality of concern to us in the first place rather than an arbitrary event. Conversely, the value of art must rest on what we can say of it as art, for its qualities as art. Nothing about the quality of art prevents it from bearing value as art, and the value of art determines the importance we can give to its qualities. Moreover, since the quality of art depends on the development of the self in relation to itself and to the other in freedom and in the absence of domination, the quality of art, its importance, is political through and through.

In other words, the quality of art is not separable from the development of the relation of self to self and to the other, which is the basis for the value of art. The better its quality as art, the more thoroughly it mediates these relations through its reference to the *sensus communis*. There are not two separate procedures, one of acquiring quality and another of mediating with others through the *sensus communis*. Art mediates in this specific way, by virtue of its qualities. A quality is a quality of art because it mediates the *sensus communis* in its specific way, but such mediation is what gives value to art. Each mediation, so to speak, subtends its own sense of self and subject. Only if this reference to the self is not idle can we ascribe quality to the work. And the two kinds of 'subject' are not distinct: the subject who is engaged with the *sensus communis* through the quality of art is the subject who is politically or ethically engaged. We cannot separate issues of quality from the development of the self in politics and ethics. Art provides one arena in which and through which the ideals develop and on which they depend. At the same time, since the quality of art depends on its participation in the *sensus communis*, we find such quality important, construe it as a quality with an enunciative function, because participation in the *sensus communis* has value. Of course, the ability to make and choose may not be clear to the selves themselves and may have to be made clear to them. We can make mistakes in these cases of art and politics, and archaeology and critique address just these misunderstandings and seek to release selves from the effects of these mistakes.

Perhaps as an extension of this point, we may suggest that maxims of emancipation by themselves are not much help. They may be intended to explore what selves are, what freedom without domination might be, etc., but by themselves these explorations remain arbitrary. De Duve seems to identify having projects with possessing an ideal. Arguably we may not have to have an *ideal* we are aiming for, but unless we have some project, some sense that we are acting towards some purpose, we shall not have a basis for acting in one way rather than another. Maxims of emancipation may let us know that a work engages with the *sensus communis* in

specific ways, perhaps even that it extends our sense of self and of the relation to self and to the other in particular ways, but unless we see the relevance of this development, understand it as part of some larger issues, find some point to exploring those senses of self and other, we cannot have any basis for pursuing this engagement with the *sensus communis* in the economy of our preferences.

Kant raises this issue in terms of needing 'a criterion of empirical truth'.⁴⁴ To grasp a work is to explain the choices that constitute it.⁴⁵ Even if we think of the *sensus communis* in terms of ascribing the ability to make and choose, we do not thereby determine which particular things we shall produce or perceive. Our actual experience of objects relies on our identifying particular works in relation to their tradition, meaning, and transgressions, and postulating the *sensus communis* does not tell us how we must inter-relate which works with others, why observers should direct attention at one feature of a work rather than another or at one work rather than another. Ascribing the ability to make and choose need not tell us whether one artistic quality is more or less significant than another. The specifically different natures of objects and events allow them to develop the relation of the self to the self and to the other in an infinite diversity of ways. And we need some principle to guide our grasp in this range of emancipatory maxims. In the absence of this principle, the activity of making and choosing our experience would lack an important basis. We would be able to identify particular items of making and choosing, but could not give them significance in relation to others, and therefore would fail to make sense of the items we have because we could not explain them as part of a tradition or as transgressing the boundaries of a tradition etc. We would not have any reason for preferring Duchamp to Bonnard, or even for attending to both of them, unless we had some basis for entering into such a comparison. Moreover, the suggestion is that we cannot usefully order parts of our experience of works into a local coherence without some reference to a larger system of emancipation. Just as the empirical criterion gives us some guidelines by which to find some works more significant than others, similarly, we need to decide on the relation between these local coherences – or else they would remain arbitrary. By calling for a systematic unity Kant points out that an account of the relation between those local coherences, setting out their position and relation to each other, will affirm the significance of the parts and their elements and thereby provide an explanation of the elements by showing how they fit within the system or project of emancipation. Membership of the project then provides a standard for the assertions or judgments that subjects make about particular works.⁴⁶ Without this principle of judgment our grasp of art would have a very limited scope, if any, since our ability to develop the relation of self to self and to the other depends on being able to identify the purpose of such development. This

principle need not amount to an ideal, but it must surely provide such a consistency between choices that would still amount to a project.⁴⁷

In any case, given the need for values that we have been pointing to, it is not clear whether a Foucaultian archaeology of modernism has taken us beyond Kant – and we may take Kant to be a modernist for whom aesthetic autonomy, far from separating aesthetics and ethics, unites them in a distinctively modern way as being reciprocally interlinked. This interrelation is still developing at present, very often under the disguise of post-modernism, and not least in Foucault's turn to an aesthetics of experience.⁴⁸

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Notes

- 1 Thierry de Duve, *Kant after Duchamp*, (MIT Press Cambridge, Mass., 1996).
- 2 Clement Greenberg, 'Modernist Painting', p. 67. Cited in de Duve, p. 106.
- 3 See *Kant after Duchamp*, Ch. 5. The present paper examines the Kantian theses that continue to underlie Foucault's (and de Duve's) work. In his review of de Duve's book for the *Journal of Philosophy* ((1998), pp. 140–8), Daniel Herwitz approaches the book from a slightly different angle by asking how far de Duve's work is able to set up and resolve an antinomy of modernism (understanding antinomy in the Kantian sense). Herwitz concludes that de Duve does not succeed in this task, but he does not draw out issues and comparisons between Foucault and Kant as the present paper will do.
- 4 *Kant after Duchamp*, p. 453.
- 5 See *Critique of Practical Reason* (3rd ed.) translated by L.W. Beck (Macmillan Publishing Co., NY, 1993) p. 9n., and *Metaphysics of Morals* Intro., trans. and notes by Mary Gregor (Cambridge University Press, Cambridge, 1991) p. 211, among other references. In *Imagination and Interpretation* (University of Chicago Press, Chicago, 1990), Ch. 5, R. Makkreel discusses the feeling of life, citing from 'Dreams of a Spirit Seer' (I, pp. 52–3n; II, pp. 327n) and *Metaphysical Foundations of Natural Science* (105). He does not cite the discussion in the *Metaphysics of Morals*.
- 6 *Critique of Judgment*, p. 204 (I have cited the Pluhar translation (Hackett, 1987)). Kant relates this feeling of life to the *sensus communis* later in the Third *Critique*. (See S. Kemal, *Kant's Aesthetic Theory*, Macmillan, 1997, pp. 87–103.) It may be as well to mention the following here: Lyotard's development of a notion of reflective judgment fails to deal adequately with the substantive universality Kant ascribes to judgment at §40 of the *Critique of Judgment* and rejects the possibility of a *sensus communis* such as Kant envisions. See J. F. Lyotard, 'Sensus Communis: The Subject in *Statu Nascendi*', in E. Cadava, P. Connor, and J. L. Nancy (eds) *Who Comes after the Subject?* (1991), pp. 217–35. Lyotard maintains that 'the *sensus* and the *communis* appear to be ungraspable in their exposition. The other of the concept.' He concludes that 'the *sensus communis* remains, therefore, a hypotyposis: it is a sensible analogue of the transcendental emphony of the faculties, which can only be the object of an idea and not an intuition' (p. 235). I leave aside issues raised by Lyotard's rather eclectic selection of quotations to bolster his reading of Kant, and raise some issues about his notion of the *sensus communis*. If the *sensus communis* were ungraspable in exposition – that is, if we lacked all justification for thinking

that a judgment on an object satisfied the *sensus communis* – if it remained merely an idea, then the deduction of taste would simply fail and we could not justify the activity of judging generally. As merely an idea, the *sensus communis* not only fails to justify the validity of any particular judgment, since ideas can never be realized in objects, but would also not justify the activity of judging that Kant sets out in §40 of the *Critique of Judgment*. But if we fail to provide this justification, then we cannot ascribe to the activity of judging the importance that Lyotard wants to give it when he sees it as a central mechanism of his non-foundational, non-constitutive understanding of our practice of understanding objects and events.

Further, in terms of Kant's own work, if the *sensus communis* were merely an idea, we would be unable to explain why we can demand agreement (cf. *Critique of Judgment*, §8). Since ideas cannot be realized, no particular judgment could claim to have satisfied the *sensus communis* – to be an instance of a feeling that is universalizable. Yet, if we could not suppose that a judgment had satisfied the *sensus communis* and were universalizable, we could not demand or require agreement from others to our judgments. Here Lyotard seems to expect judgments to make some sort of demand but is unable to explain what generates that demand.

Now, Lyotard may be right to argue that Kant's theory is unsuccessful; but if that is the case, then any use he makes of the notion of the *sensus communis* and reflective judgment is also going to be commensurately un-Kantian. This should not be surprising: as James Williams makes clear in *Lyotard: Towards a Postmodern Philosophy* (Cambridge Polity Press, 1998), 'once again it is important to stress the mercenary aspects of Lyotard's use of Kant. . . . Lyotard appeals to the works of other philosophers in order to make points which are entirely his own. This means that although his reading of other philosophers may be productive and interesting in the way it brings their work into his perspective, the interpretation is often partial and tendentious' (p. 77). For a useful discussion of Lyotard's view of Duchamp, see Rosalind Krauss, 'The Blink of an Eye', in David Carroll (ed.) *The States of 'Theory', History Art, and Critical Discourse* (University of Chicago Press, Chicago, 1990).

- 7 This applies also to most of the works we have to understand in order to feel a pleasure in their cleverness and explanatory power. See, for example, p. 323, where de Duve cites numerous works which, though at first denied the status of art, later proved important for the practice of the arts.
- 8 See p. 304. De Duve also accepts that aesthetic judgments are possible; he merely says that taste is not possible because pleasure is inappropriate.
- 9 See Theodore Gracyk, 'Art, Nature, and Purposiveness in Kant's Aesthetic Theory', in *Proceedings of the Eighth International Kant Congress*, ed. Hoke Robinson (Memphis, US, 1995).
- 10 See First Introduction of the *Critique of Judgment* and its talk of 'technic'; Kant here sometimes talks of reflective judging itself as 'technē'.
- 11 *Ibid.*, Introduction.
- 12 *Ibid.*, §46, p. 308. By this he seems to mean the following. There is a conceptual connection between product and producer, presumably, but there is no necessary parallel between the process of production and the value of the object produced. Since there is a difference between, on the one hand, judging that an object or outcome is creative and, on the other, the process of its production, explanations of the creativity of outcome cannot simply proceed from the conditions (causal) from which the outcome is supposed to arise.
- 13 *Ibid.*, §41, p. 299.

- 14 See Marcia Baron, *Kantian Ethics Almost Without Tears* (University of Chicago Press, Chicago, 1998), Onora O'Neill, *The Constructions of Reason* (Cambridge University Press, Cambridge, 1989), Christine Korsgaard, *Creating the Kingdom of Ends* (Cambridge University Press, Cambridge, 1996), Barbara Herman, *The Practice of Judgment* (Harvard University Press, Cambridge MASS, 1993), S. Kemal, 'Kant, Morality, and Society', *Kantian Review*, 2 (1998) pp. 14–50, and others. These books and papers develop an account of Kant as non-foundationalist, able to grasp and deal with an embedded agent, who is able to enter into the historical and social context of his self-construction.
- 15 *Critique of Judgment*, 'Analytic of the Beautiful'. Kant holds that the sensations we experience, such as colour and other secondary qualities, refer to the object as their origin, whereas pleasure seems to him entirely subjective in that a reference to the object will not warrant any expectations about subjects, and they are universally valid because these experiences of pleasure arise from a use of the mind. Cf. pp. 203–4
- 16 *Ibid.*, §38.
- 17 *Ibid.*, §8, p. 216.
- 18 See S. Kemal, *Kant's Aesthetic Theory*, 2nd edn (Macmillan, London, 1997), Chs 5 and 6. It may seem unacceptable to claim that we seek (and can expect) confirmation through communication: arguably 'we look to others for confirmation, but cannot postulate it. There is a difference between the aesthetic and ethical judgment which is not taken account of [when we suppose that we can confirm our own judgment to be correct by confirmation], namely that the latter can only impute agreement.' We can respond to this criticism in two ways. First, while 'the judgment of taste itself does not postulate everyone's agreement (since only a logically universal judgment can do that, because it can adduce reasons)', nonetheless, (a) we can impute to all other experiencing beings like ourselves the capacity for agreement by virtue of making judgments of taste, and (b) the judgment of taste does still 'require this agreement from everyone, as the instance of the rule, an instance regarding which it expects confirmation not from concepts but from the agreement of others' (*Critique of Judgment*, §8). Such confirmation, the required agreement, can occur only if the judgment is communicated in order to ensure that the feeling of life that occurs in one subject occurs as the result of the same judgment that generates a similar feeling of life in another subject (rather than occurring in the two subjects because of different judgments about the same object). Kant does not *postulate* the likelihood of such agreement, since he has no way of knowing whether we shall find objects that actually do generate pleasure and agreement, though he maintains that we can *impute* the possibility of agreement to others because they too possess the necessary capacities. But he also proposes that we expect or require agreement from others because judging subjects maintain that their judgments have satisfied the idea of the *sensus communis* and therefore are exemplary.
- Second, the requirement that others agree is not an ethical requirement by itself. But even if this requirement is not ethical, because it is part of the expectation we have of judgments of taste, we can still have a moral interest in the agreement required to a judgment of taste. This ethical interest *attaches* to the judgment of taste, without determining what if anything we shall find beautiful; but, nonetheless, this attachment makes the requirement of agreement and confirmation of ethical interest: we think that it is ethically important that we achieve confirmation because such confirmation of aesthetic value is of ethical value to us.

- 19 *Critique of Judgment*, §7, p. 212.
- 20 These arguments have been considered by D. W. Crawford, *Kant's Aesthetic Theory* (University of Wisconsin Press, Madison, Wisconsin, 1974), S. Kemal, *Kant and Fine Art* (Oxford University Press, Oxford, 1986), and *Kant's Aesthetic Theory* (Macmillan, London, 1992), and R. Makkreel, *Imagination and Interpretation in the Critique of Judgment* (University of Chicago Press, Chicago, 1990). The distinction between maxims and projects coincides in significant respects with the one Lyotard makes between local meaning and meta-narratives. Consequently, the criticisms this paper goes on to level against de Duve's distinction also apply to Lyotard's distinction. Having denied the usefulness of any over-arching and unifying 'meta-narratives', and having limited himself to relying only on incommensurable regulative ideas, Lyotard is left only with faith in the good will, fellow feeling, and authenticity of intention of complicatedly and perhaps distinctively constructed agents: an ultimately incoherent position that is not very far from solipsism.
- 21 *Critique of Judgment*, §19, p. 237.
- 22 This claim is not an isolated instance in Kant's writings. This is how moral life works.
- 23 Quoted in Alain Jouffrey, *Une révolution du regard* (Paris, Gallimard, 1964), p. 110, cited in Krauss, 'The Blink of an Eye'.
- 24 Krauss, 'The Blink of an Eye', p. 183.
- 25 *Critique of Judgment*, §52.
- 26 See S. Kemal, *Kant's Aesthetic Theory*, 2nd edn, (1997), Chs 5 and 6. See also *Critique of Judgment*, §§7, p. 212 and §19, p. 237.
- 27 *Critique of Judgment*, §§38–41.
- 28 This claim is not an isolated instance in Kant's writings. This is how moral life works.
- 29 This diagnostic approach is developed more thoroughly by others, for example, Nietzsche, Marx, and Freud, but is available in a basic form in Kant. They all contend that by diagnosing the causes that determine actions, showing what distorts behaviour and judgment, subjects return to autonomous action. See n47 below and A821/B850.
- 30 In *Anthropology* Kant very briefly proposes an archaeology – which we might extend to art – as an exposition of the state of objects produced by us. The structure of art, the character of the practices of art, contains 'memorials' that are sedimentations of the changes that have occurred in art and its objects. For Foucault, archaeology displays those structures, which may result as unintended consequences of intentional actions, and shows that they are themselves constructions of a kind.
- 31 See Michel Foucault, 'Monstrosities in Criticism', *Diacritics*, 1 (1987), p. 60.
- 32 'What is Enlightenment?', in *The Foucault Reader*, ed. Paul Rabinow (Pantheon Books, New York, 1989), p. 45.
- 33 *Kant after Duchamp*, pp. 388–9.
- 34 Michael Foucault, *Politics, Philosophy, Culture* (Routledge, London, 1988) p. 17.
- 35 'Polemics, Politics, and Problematisations: An Interview', in *The Foucault Reader*.
- 36 'The Ethic of the Care of the Self as a Practice of Freedom', in *The Final Foucault*, eds. James Bernauer and David Rasmussen (The MIT Press, Cambridge, MASS, 1988).
- 37 *Ibid.*
- 38 *Ibid.*, p. 18.

- 39 Ibid., p. 20.
- 40 Ibid.
- 41 *Kant after Duchamp*, p. 441.
- 42 This is, of course, distinct from the conception Lyotard has of the *sensus communis*. The use of merely regulative ideals could serve to aestheticize politics in a way that Walter Benjamin warned against many years ago.
- 43 *Kant after Duchamp*, p. 443
- 44 A 651/B 680.
- 45 We have suggested already that the deduction of categories in the *Analytic* argues that concepts such as causality, substance, etc. are necessary if coherent experience is to be possible at all. They constitute the necessary conditions for the coherence or order that makes experience a rational and graspable activity, but they determine neither which objects will exist, nor what causal relations they will enter, nor how subjects must order the causes they discover. Physics, chemistry, biology, and magic all provide causal explanations, and so may postulate that causality is a necessary condition for experience, but they are not equally acceptable as explanations. Until the *Metaphysical Foundations of Natural Science*, and later in the *Opus Postumum*, Kant remained convinced that chemistry was an art rather than a science; in the *Critique of Judgment* he argues that biological occurrences are irreducible to mechanistic causes, proposing instead a sense of final causes; and magic was never a serious option for him, unless it included action at a distance. All these assume causality; but since they are not all equally acceptable as explanations, Kant needs further criteria and arguments to show what a satisfactory explanation of actual events and objects consists in.
- 46 To provide this standard and, through the system it constructs, to make ordinary experience meaningful, Kant turns to reflective judgment. He distinguishes the 'logical judging of nature', where the concept for a given experience is already available, from instances when we have to discover the rule operating in the object.
- 47 Kant sometimes explains this procedure by pointing out that actions can be caused by ignorance, bad reasoning, the force of natural impulses over reason as an incentive, prejudice, etc. In these cases, he maintains that on occasion, actors determine their behaviour by non-rational considerations, acting from causes rather than reasons; and to explain the mistake they make, a diagnostician may reveal the causes, thereby enabling agents to correct their mistake and to act rationally. 'If . . . we can specify the subjective *causes* of the judgment, which we have taken as being its objective *grounds*, and can thus explain the deceptive judgment as an event in our mind, and can do so without having to take account of the character of the object, we expose the illusion and are no longer deceived by it, although always still in some degree liable to come under its influence, in so far as the subjective cause of the illusion is inherent in our nature' (A 821/B 850).
- 48 See Michael Kelly, 'The Political Autonomy of Contemporary Art: The Case of the 1993 Whitney Biennial', in *Aesthetics and Politics in the Arts*, eds. Salim Kemal and Ivan Gaskell (Cambridge University Press, Cambridge, 2000).