Return to form – return to Kant?

Rado Riha

The invitation to contribute to the current issue of the Philosophical Journal suggested that we should consider whether and how the notion of form – the notion nearly as old as philosophy itself – can still play an operative part in the philosophy of the postmodern age.

We claim that the answer to the question referring to the conditions of the possibility of »returning to form« depends upon another question, which, too, has already been indicated in the introductory presentation of the problem; namely, the question of whether and how a »return to Kant« is possible in postmodern philosophy, whether and how Kant can appear our contemporary. When defending our standpoint, we do not consider only the fact that the notion of form has acquired its modern meaning through Kant's philosophy, that since Kant it has been connected with the conception of the universalization of content which but establishes each moment of the content in its necessity and lawfulness. Rather, we bear in mind that the specific mode of reading Kant, which can be now observed in various contemporary philosophical currents, introduces the theoretical context that makes possible the reactualization of the notion of form, its postmodern interpretation.

The »return to Kant,« as the only setting appropriate for philosophy after the end of metaphysics, was described by L. Ferry and A. Renaut in their article bearing the same title and published in the periodical Ornicar?[1] in 1980. Their way of returning to Kant was described in more detail in their later works,[2] their basic claim being, in accordance with the original, that *man's limits should be considered* [3] and that reason should now be *restricted* [4] and not praised or destroyed. Another characteristic of their view can be observed in the effort with which they try to demarcate their »Kantian orientation« from sterile repetition or restoration of Kant's standpoints, and to present it as a constituent of live philosophical practice. In their opinion, »return to Kant« is possible and sensible only if it is different from the traditional research field of academic philosophy, if it is more than just »training of mind,«[5] to use Kant's

1. *Cf.* L. Ferry/A. Renaut, »Retour à Kant«, in: Ornicar?, No. 20-21, Seuil, Paris 1980.
2. *Cf.* L. Ferry, *Philosophie politique 1*, PUF, Paris 1984, *Philosophie politique 2*, PUF, Paris 1984, L. Ferry/A. Renaut, *Philosophie politique 3*, PUF, Paris 1985.
3. *Cf.* L. Ferry, *Philosophie politique 1*, PUF, Paris 1984, p. 137.
4. *Cf.* L. Ferry, *Philosophie politique 2*, PUF, Paris 1984, p 16.
5. I. Kant, »Über den Gemeinspruch: Das mag in der Theorie richtig sein, gilt aber nicht für die Praxis«, Kant-Werkausgabe, vol. XI, Suhrkamp, Frankfurt/M 1971, p. 127.

words. Their third characteristic is their regard for Kant as a posthegelian philosopher. For them, Kant does not represent the first step leading to the notion of all-embracing subjectivity, to the substance that has turned subject, but is in fact already the *answer* to the crisis and the decline of the absolute subject.

Within the complex of various philosophical orientations to contemporary philosophy, Ferry and Renaut are not the only ones to base their philosophical practice upon the reactualization of Kant's concepts. If »return to Kant« is understood as a philosophical attitude that reads Kant so that he is implicitly or explicitly interpreted as a contemporary of the basic problems of postmodernity, so that the restoration of his concepts functions as radical reexamination of these problems, then it is possible – with some schematic constraint – to separate several variants of such an attitude from the heterogeneous complex of contemporary philosophies. In addition to L. Ferry and A. Renaut (and their teacher A. Philonenko, an excellent commentator and authority on Kant and Fichte), the »return to Kant« current also is represented in France by various poststructuralist and deconstructivist philosophical orientations.[6] In Germany, Kant's exegesis within the sphere of »school philosophy« not being taken into consideration, effectual Kantianism can be mentioned above all in the connection with the transcendental *pragmatic* of K.-O. Apel and the widely conceived theory of communicative activity of J. Habermas. The third variant of »return to Kant« can be found in Anglo-Saxon legal philosophy, especially in the works of R. Dworkin and J. Rawls.[7]

6. We think above all of J.-F. Lyotard, J. Derrida, J.-L. Nancy, and Ph. Lacoue-Labarth.

7. The classification is taken from the book by J. Lenoble and A. Berten *Dire le norme*, E. Story-Scientia, Bruxelles 1990 (*cf.* also their article »Jugement juridique et jugement pratique: de Kant à la philosophie du langage«, in: *Revue de la Metaphysique et de morale*, No 1, Armand Collin, Paris 1990). The authors, Belgian philosophers of law, also refer to Kantianism as the only appropriate philosophical starting point for the articulation of the finality of reason. They understand their own standpoint as a kind of synthesis of deconstructivist radical decomposition of reason and postmodern Kantianism, developed by L. Ferry and A. Renaut. In their opinion, the basic thesis of neo-Kantianism, namely that Kantian criticism contains essential elements for the construction of metaphysical reason as well as positive condition of its postmetaphysical use, can be justified only on the basis of the results of the philosophy of language. According to Lenoble and Berten, the postmodern comprehension of rationality is possible only on the basis of the phenomenon they call »the paradox of the logic of enunciation.« The paradox, which they consider the logical operator of every production of meaning, is derived from the basic fact that there is no meta-language, that ordinary language is already its own meta-language. Kant's philosophy as an indispensable starting point of every theory of reason that wants to articulate the radical finality of the subject is to be reformulated on the basis of pragmatic turn in the contemporary philosophy of language; with the pragmatic-linguistic reformulation of Kant, we can also achieve the rational kernel of the philosophical standpoints of Ferry, Renaut and Habermas, who try to renew the project of western rationality by limiting the demands of reason. Lenoble and Berten consider this point of view justified, yet it loses sight of the constitutive role of the paradox of enunciation, the impossibility and inconsistence of the

Considering all three currents – they are incompatible with one another, of course, and deep and unbridgeable differences exist among individual authors within the currents themselves, regarding not only basic concepts but also the specific mode of appropriation of Kant – we come to three key features, which give contemporary »neo-Kantianism« its »postmodern« character.

First, with wider or narrower conceptual elaboration, the system of Kant's three Critiques is interpreted, once already by Fichte, from the standpoint of *Critique of Judgment.* In this case, the third *Critique,* however, plays the key role in understanding entire Kant's philosophy, inasmuch as a special form of the power of judgment, the form of *reflective judgment,* is developed and treated in it. With the central position of the third *Critique,* entire Kantian ontology is subjected to »reflective« reading, the reading that revolves round the problem of Kant's determinative judgment presupposing »reflective judgment in the very kernel of its foundation,«[8] to use A. Philonenko's formulation. In sharp contrast to the scientistic-instrumental conception of Kantian understanding being the legislator of nature, which secures only »its formal unity,«[9] to use Kant's words, and is methodologically separated from

universal, in short, it neglects the fact that »there is no meta-language as there is no language about All and the Universal«, J. Lenoble/A. Berten, *Dire le norme* Bruxelles 1990, p. 30). According to Lenoble and Berten, French as well as Habermas' and Apel's »neo-Kantianism« is insufficient if their accession is hermeneutic in addition. Ferry and Renaut reconstruct the postmetaphysical use of reason in such a manner that they change Kantian ideas to the mere *horizon of meaning.* Habermas and Apel find the demand for universal validity to be an indispensable *pragmatic presupposition* of every discourse. Their insufficiency consists in the fact that the demand for the universality of discursive logos is re-entered in the logical of the ideal of selfidentity, so that they idealiter presuppose the logic possibility of the identical universal. On the contrary, Lenoble and Berten claim that the universal, though understood as a mere horizon of meaning, represents a moment that is immanent in every discourse, yet transcending it at the same time (*cf.* J. Lenoble/A. Berten, *op. cit.,* p. 32). It really escapes the logic of identity only when it is not comprehend as a moment that cannot be empirically achieved, but is rather understood as being impossible in itself. The ideal of reason, which is, to quote Habermas as an example, a constitutive condition of every communication in the form of presupposition of the consensuality of truth, must be comprehended, according to Lenoble and Berten, as *entirely empty form, as something that is nothing in its essence:* »the ideal is an empty form – inconsistent – it is reduced to mere procedural rationality. The ideal as an exterior point of discourse returns in a certain way to what is the innermost in the operation of meaning, to the paradox, which moves it« *(ibid.).* In this place we cannot develop an explicit critique of Lenoble and Berten's understanding, which tries to develop the positive concept of postmetaphysical reason by comprehending reason as an instance of the symbolic, as an empty space, round which a signifier's network is structured. Such critique should state to what extent the empty space of the symbolic can be preserved only by being always already embodied in some chaos of the real, inaccessible to symbolization. The implicit critique of such comprehension is included in our attempt at reading Kant from the standpoint of the anti-philosophy that deserves to be called »return to Kant«, although it is mentioned neither by Lenoble and Berten nor »neo-Kantianism« of Ferry, Renaut or Habermas, nor various philosophies of deconstruction.

8. *Cf.* A. Philonenko, *L'oeuvre de Kant I,* Vrin, Paris 1989, p. 170.
9. *Cf.* I. Kant, *Kritik der reinen Vernunft,* (KRV), Kant-Werkausgabe, vol. IV, Frankfurt/M 1971, p. 702.

empiric diversity, a question now stands out of how determinative, constitutive understanding is to be apprehended if a reflective element functions in the middle of it, if a use of understanding that is determined by the very absence of determination[10] functions in the middle of determinative cognition.

The second characteristic of the postmodern »return to Kant« is connected with the enlargement of the applicative field of reflective judgment: Kant's philosophy is interpreted as a standpoint that puts forward the radical finality of the subject and the irreductible contingency of the real. This is a matter of either, in its weaker variant, the use of certain segments of Kant's philosophy – the theory of the sublime, the philosophy of the politico-historical etc. – within the scope of different philosophies of deconstruction; or in its stronger variant, Kantian criticism is comprehended as a philosophy that has so far criticized metaphysics most radically and in which the deconstruction of metaphysical reason has achieved its fulfillment. Its fulfillment because, in this latter case, Kant's philosophy concedes the righteous claims of rationality even after critique of reason has been completed, since it develops the concept of rationality that is indispensable, yet at the same time paradoxical, in its nature and insubstantial, in short, because it develops the frame and positive conditions of the concept of postmetaphysical rationality: »The project of the critique of metaphysics which would not mean a complete denial of the claims of Reason is still open, and without exaggeration Kant can be said to remain the most important author on this way.«[11]

The third characteristic of postmodern »neo-Kantianism« is the interest in the status and the role of law and politics in contemporary democratic culture. In this connection, Kantian criticism is understood as a framework that provides conditions for the possibility of theorization of contemporary democracy, whereas the models of aesthetic and teleological reflective judgment are comprehended as a basic conceptual means that makes possible the answer to the question of what political conditions of freedom secure the realization of a lawful community of equal subjects.

In the continuation, we are going to limit ourselves to the first characteristic of the postmodern »return to Kant,« interpreting the »reflective« reading of Kant's philosophy in more detail.

We know that Kant often compares critical philosophy to a tribunal. According to Kant, it is typical of the age of critique, in which we live, that reason has begun to get to know itself once again, for which purpose it has founded a tribunal, which protects its righteous claims and rejects the unfounded ones. This tribunal is Critique of Pure Reason.[12] The purpose of

10. Philonenko has in mind the chapter in which Kant treats the problems of transcendental deduction in *Critique of Pure Reason.*

11. *Cf.* L. Ferry, »Preface«, in: *Critique de la Raison pure*, Flammarion, Paris 1987, p. XXII.

12. I. Kant, KRV, *loc. cit.*, p. 13.

philosophy as critique is not to propagate cognition but its justification, critique being a touchstone of the validity or invalidity of all a priori cognition. Critique as such a propaedeutic enterprise is indispensable, for it prevents reason from falling into dogmatism, the mode of cognition that is based only on the principles of pure cognition without examining their origin and their justification beforehand.

The essential characteristic of critical philosophy – tribunal – is that the verdicts of this tribunal are, to use the language of *Critique of Judgment,* reflective judgments, that critical philosophical *findings* have the structure of reflection. In the most general sense, this reflexive structure can be defined as follows: a verdict as *a finding* that distinguishes and decides upon something is possible only if the judgment includes the standpoint of the instance bringing the verdict, if the point of enunciation, too, is a constitutive part of the verdict. However, this standpoint is not given at the very beginning; it is only a result of the verdict activity: »To *reflect* [überlegen] is to hold given presentations up to, and compare them whim, etiher other presentations or one's cognitive power [itself], in reference to a concept that this [comparasion] makes possible.«[13] Reflection is judgment that is but establishing, inventing the universal notion, on which it rests and relies during the process of judgment.

Lyotard also calls attention to the structural analogy of critique and reflective judgment in his essay *L'enthousiasme.*[14] According to Lyotard, the work of critique is to judge the demand for validity, made by different cognitive powers and propositions belonging to them – empiric, rational, dialectic, teleological propositions, etc. In the proposition pointing to the truth, it judges whether and how it can reach it; the propositions pointing to the good or introducing the moral norm are judged in the same way – in short, critique judges the appropriate use of cognitive power each time, and limits it to its »realm,« its »territory« or its »domain«,[15] using the notions of the third *Critique.* During cultural development, reason must have achieved a certain degree of self-knowledge, the cognition of its range and bounds in order to establish itself as a tribunal. Kant even says that the tribunal of pure reason follows the »eternal and unchangeable laws« of reason[16]. But the philosopher given the role of the critical arbiter cannot judge the demands for the validity of different cognitive propositions with the help of stable rules of universal validity; »he has neither a penal code nor even a body of verdicts, which

13. I. Kant, *Kritik der Urteilskraft,* (KUK); *Kant-Werkausgabe,* vol. X, Suhrkamp, Frankfurt/M, p. 24; *cf.* english translation: I. Kant, *Critique of Judgement,* trans. by W. S. Pluhar, Hackett Publishing Copmany, Indianapolis 1987, p. 400.
14. J.-F. Lyotard, *L'Enthousiasme. La ciritique kantienne de l'histoire,* Galilée, Paris 1986.
15. I. Kant, KUK, Einleitung, *op. cit.,* pp. 81; engl. trans. pp. 12.
16. I. Kant, KRV, *op. cit.,* p.13.

would allow him to lead to inquiry or to formulate verdicts.«[17] Critical philosophy does not function as an instance which applies a given rule to new phenomena. The legal norm or the rule with regard to which the critical philosopher brings the verdict is established only in the process of judgment, the object of the verdict being even the possibility of the application of the rule to the given material. The subsumption of a separate example by the universal law is not typical of the critical proceedings; critical philosophy rather is given the role of the instance that enunciates »das ist der Fall« – »that is the case,« this proposition holds true, it is »an example of the rule,«[18] it is a model example of the beautiful, the good, the reasonable... The definition of the model rule is a procedure that establishes the universal direct in the particular: the application of the rule is at the same time the process of its constitution.

Kant calls attention to the fact that the critique of pure reason is systematic and thorough,[19] but the critical philosophical proposition is reflective and not determinative in its nature.[20] Our statement that criticism has a reflective structure implies two things. First, if we assume that the rule with regard to which the tribunal of reason judges its example is established only in the process of critical judgment, the critical examination of the a priori power of cognition is not a cognitive standpoint which is *before* and *outside* the cognition itself. On the contrary, critical judgment is always already included in a specific way in the sphere that it judges: after all, the rule of judging the demands for the validity of different cognitive powers is established only in the verdict that defines the example of the rule. And second, because the universal is intrinsic to its particular, because the rule exists only in a concrete example, judgment never has at its disposal either the final rule or an ultimately determined universal. The absence of the already given rule or the given universal, which is essential to reflective judgment, is reflected in two ways in Kant: either in the orientation of judgment towards the endless search for the criterion of criteria, or in the form of an attempt to base the power of judgment on a »natural gift,«[21] indeterminable in the last instance. In both cases, however, the absence of the rule in not defined as such, in its positive meaning.

If we are to understand the model of reflective judgment, the very absence of determination, on which this judgment is based, has to be defined. Lyotard, too, calls attention to the necessity of such a definition in his observation that reflection is marked by a manner of determining a particular object that also

17. J.-F. Lyotard, *op. cit,* p. 18.
18. *Cf.* I. Kant, »Über den Gemeinspruch...«, *op. cit.*
19. I. Kant, KRV, *op. cit,* p. 65.
20. For the distinction determinative judgment – reflective judgment *cf.* I. Kant, KUK, Einleitung, *op. cit,* p. 87; engl. transl. p. 20/21.
21. I. Kant, KRV, *op. cit,* p. 185.

contains the moment of the undetermining among its determinative rules.[22] The reflective structure of critique, the process of searching for the universal, in which the universal is but being established, appears in this respect as an attempt at the articulation of a moment of the undetermined, which as such is determinative for our cognitive power, as an attempt at the definition of a radical loss, on which each cognitive determination of the object is based.

Kant's answer to the problem that the positive condition of each cognitive determination of the object is also a moment of the undetermined represents the model of the reflective aesthetic judgment in *Critique of Judgment.* It is characteristic of the aesthetic judgment that it lacks a notion that would lead it, and that it is not directed towards the construction of the universal notion. Nevertheless, the reflective aesthetic judgment is not a judgment that would not be capable of achieving its basic purpose, firm notional determination. It is not a judgment blocked and therefore turned back into itself, reproducing its own self.[23] What is at stake in Kant's conceptualization of aesthetic judgment is something else: to find the notion for the moment of the irreductible want of notionality, which only establishes aesthetic judgment as a judgment of universal validity, to find notional determination that will determine the absence of notional determination as the essential determination of the notion.

With his statement that Kant's critical philosophy is in fact reflexive,[24] Lyotard already transcends the framework drawn for critique and reflection by Kant in *Critique of Pure Reason.* Lyotard's statement interprets both the notion of critique as well as the notion of reflection from the standpoint of *Critique of judgment.* His retroactive reading of Kant's *Critiques* implies that it is only with Kant's critical discovery of aesthetics in the third *Critique* that the concept of critique gets developed in all its meaning. In the first *Critique,* reflection is defined as »thinking (reflexio), which does not deal with objects themselves in order to get notions direct from them, but it is a state of mind in which we first prepare ourselves for the discovery of subjective conditions, on which we can come to notions.«[25] The universal vocation of the power of judgment is that it is »an ability of subsuming under rule, i.e., distinguishing whether something belongs under the given rule or not (*casus datae legis*)[26]; the basic problem of the transcendental power of judgment, how to present pure rational notions in sensible intuition, is dealt with by the theory of schematism. Within this framework, reflection is hardly more than some kind of the »subjective side« of the basic objective cognitive function, which the power of judgment has when showing those sensible conditions on which pure rational notions can be used: instead of to object, reflection refers to cognitive

22. J.-F. Lyotard, *op. cit.,* p. 12.
23. About self-reproduction of the aesthetic judgment *cf.* I. Kant, KUK, § 12.
24. J.-F. Lyotard, *op. cit.,* p. 12.
25. I. Kant, KRV, *op. cit.,* p. 285.
26. *Ibid.,* p. 184.

power itself or to the relation between different cognitive powers. Within this framework, the basic activity of the power of judgment is *subsumption,* reflective judgment being just the subordinated, derived modus of the subsumptive activity. Here the absence of the determinative notion, whose example the power of judgment could follow, plays only the role of the postponed, not yet achieved, presence of the notion.

As soon as we get to understand the absence of the notion, the moment of the constitutive indetermination of critical judgment to be the essential moment of critique as reflection, we no longer subordinate reflection to the subsumptive logic of the theoretic cognition of the object, but we ascribe an independent cognitive position to it, as in Kant's third *Critique.* The concept of the reflective power of judgment is Kant's answer to the question of how to find a notion that would not have the characteristics of the Adornits notion, the notion for the non-notional – how to determine notionally the indeterminable without drowning it in the notion.[27] In *Critique of Judgment* the difference between determinative and reflective judgments is shown as their radical contrast, whereas the reflective power of judgment is put forward as specific and original cognitive power,[28] which is as important as the power of the objective theoretic cognition of the object. Its autonomous status makes possible the »reflective« reading of Kant's entire opus and demands at the same time that we should correct the traditional image of Kant's criticism. Since Hegel, criticism has been reproached for trying to perform research into cognition before the cognition, that critical judgment is in the same relation of the exterior to its object as tools are to their object. This topos, referring to the instrumental nature of Kant's cognitive critique, is undoubtedly justified, yet simplified, considering the problems treated in Kant's third *Critique.* It neglects the fact that the exterior of cognition is possible in criticism only on the basis of specific inclusion of the interior of cognition in its object, which critique articulates as reflection. In other words, the reflective structure of Kant's cognitive critique does not allow us to read the critical research of cognitive power before cognition simply as an attempt to secure a firm basis of

27. *Cf.* I. Kant, I. Kant, KUK, Vorrede, p. 75; engl. transl. p. 6: »So judgement itself must provide a concept, a concpet through which we do not actually cognize anything but which only serves as a rule for the power of judgement, since then we would need another power of judgement in order to decide whether or not the judgement is a case of that rule.«

28. Here we rest upon the detailed analysis of Kant's third Critique in the work by F. Guillermit *L'éducation critique du jugement de goût selon Kant,* Editions du CNRS, Paris 1986. Guillermit calls attention to the fact that Kant's argumentation introduces a new type of the universal through the contrast between determinative and reflective judgments. In the third Critique, too, we can find some traces of understanding that determines the power of judgment as a mere activity of subsumption. So in § 35, for example, the difference between determinative and reflective judgments is comprehended as the difference between the level of the product (notion and intuition) and the level of the producing power (reason and imaginative power), the power of judgment in both cases preserving the same form of subsumptive activity (*cf.* L. Guillermit, *op. cit.,* p. 45).

cognition, excepted from any cognitive doubt. We should rather read it as a standpoint that tries to articulate the moment of indetermination, which is the basis of the theoretic and practical, in the last instance judicial, cognitive determination of the object.

On the basis of what has been said so far, we can now return to the starting point, to the notion of form and its topical meaning. We agree with M. Frank's thought that for Kant form does not mean a picture, an outline or configuration, but it stands above all for the indetermination with the material principle, the absence of reference to material content. The analysis of Kant's third *Critique* and the model of reflective judgment helps us to understand better the absence of material content expressed by the notion of form. On the basis of the principal purpose of reflective judgment – to articulate the moment of indeterminable, upon which it itself is based – M. Frank's thought can also be expressed as follows: form is not the result of abstraction, the removal of material content; it represents a concept with which the absence of content as such is defined, a concept in which absence itself is present.