



On The Relevance Of Judgment And Praxis In The Humanities

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Kant maintains in his *Critique of Judgment* that the task of Humanities is to contribute to the cultivation of our mind (*Critique of Judgment*, § 60). Kant's proposition has remained without any reception in contemporary philosophical discourse. One of the main reasons is certainly the dominant "chorismos" between the mind and the world, or, as Donald Davidson said, "the dualism of the objective and the subjective", respectively, in other words, "dualism of conceptual scheme and empirical content" (Davidson, D. *Subjective, Intersubjective, Objective*. Oxford: Clarendon Press 2001:43). As the unavoidable consequence of such views, two "myths" have been firmly established in contemporary philosophy: "The Myth of the Subjective" (D. Davidson) and the "Myth of the Given" (Wilfrid Sellars). Davidson, an advocate of externalism, is one of the most consistent opponents of "The Myth of the Subjective". Criticizing the "Myth of the Given", Wilfrid Sellars claims that it offers no clear description of the factual state of affairs, as supporters of empiricism and logical positivism claim. Sellars rejects the view that the cognitive process is constituted as a pure empirical description: "The essential point is that in characterizing an episode or a state as that of knowing, we are not giving an empirical description of that episode or state; we are placing it in the logical space of reasons, of justifying and being able to justify what one says" (Sellars, Wilfrid *Empiricism and the Philosophy of Mind*. With an Introduction by Richard Rorty and a Study Guide by Robert Brandom. Cambridge: Harvard University Press, 1997: 76).

Relying primarily on Kant's epistemology, McDowell aims to "mediate the relation between mind and the world", because empirical knowledge according to Kant is the "result of co-operation between receptivity and spontaneity, between sensibility and understanding"

(McDowell, *Mind and World. With a new introduction.* Cambridge, Mass: Harvard University Press 1994: 4). What Sellars called “the space of reasons”, McDowell interpreted in the Kantian sense as the “realm of freedom.”

Consequently, McDowell insists on a minimal empiricism on the one side, and “sane subjectivism”, on the other, because it is undeniable that the external world gives stimuli to our senses, that is that it “is making an impression on a perceiving subject”. Concerning the relation between mind and nature, McDowell points out that “The mistake here is to forget that nature includes *second nature*. Human beings acquire a second nature in part by being initiated into conceptual capacities, whose interrelations belong in the logical space of reasons” (McDowell: xx).

John McDowell pleads for the actualization of the Aristotelian notion of “second nature” because it represents a feasible alternative to the currently predominant scientific concept of the world and nature. McDowell claims that “our nature is largely second nature, and our second nature is the way it is not just because of the potentialities we were born with, but also because of our upbringing, our *Bildung*.” (McDowell: 87sq.)

The term “second nature” is adopted by McDowell from Aristotle’s practical philosophy. Aristotle, namely, pointed out in the *Nicomachean Ethics* that we by our nature integrate virtues, and they become habitually something like our second nature (EN, 1103a18-35; 1152a 30sq.), an integral part of our culture. The “second nature” represents a feasible alternative to the currently predominant scientific concept of the world and nature.

According to Hans-Georg Gadamer, the specific character of the humanities is made manifest in the fact that their object of investigation is not anything abstract or metaphysical, but primarily a manifestation and articulation of the particular social, cultural and historical circumstances in which humanity finds itself at any given moment. The object of study in the humanities is that to which we belong: the humanist traditions, which is made evident in a variety of differences and in a pluralism of life forms and world views. In this respect Gadamer maintains: “What makes the human sciences into sciences can be understood more easily from the tradition of the concept of *Bildung* than from the modern idea of scientific method. It is to the *humanistic*

tradition that we must turn. In its resistance to the claims of modern science it gains a new significance”(Gadamer, *Truth and Method*, 2nd ed. London, 1989: 16).

Heidegger explains in his *Letter on Humanism* (1947) the historical context which shaped the concept of “humanitas”. The Latin term *humanitas* was, namely, a translation of the Greek notion *παιδεία*: “*Humanitas*, explicitly so called, was first considered and striven for in the age of the Roman Republic. *Homo humanus* was opposed to *homo barbarus*. *Homo humanus* here means the Romans who exalted and honored Roman *virtus* through the ‘embodiment’ of the *παιδεία*[education] taken over from the Greeks. The culture of the Hellenic age was acquired in the Latin schools. It was concerned with *eruditio et institutio in bonas artes* [scholarship and training in good conduct]. *Παιδεία* thus understood was translated as *humanitas*.” (Heidegger *Pathmarks*, ed. by William Mc Neill. Cambridge: University Press 1998:244).

The primary task of the *humaniora*, in my opinion, in the age of globalization is to promote a pluralism of differences with regard to appurtenance to various cultures and forms of life, with the added aim of helping to preserve and develop those cultures and life forms.¹ This pluralism of differences does not imply that the prevailing tendency toward rationalizing uniformity is to be replaced by cultural and moral relativism. Gadamer endeavors to emphasize the humanistic dimensions of the humanities (*Geisteswissenschaften*) and to comprehend them as “the true advocates or emissaries of humanism” (“*als die wahren Sachwalter des Humanismus*”). (Gadamer *TM*: 9).

My criticism of how Gadamer conceptualizes hermeneutic philosophy and humanities is that the term judgment isn’t explored enough. In this sense I think it is necessary to apply Kant’s notion of reflective judgment (*reflektierende Urteilskraft*) to all that is *humanum* and *humaniora*, because according to Kant in this area of *humanum* and *humaniora* there is no science, only judgment. (Cf. Kant *Critique of Judgment*, § 44). However, hermeneutical reflection does not aim only

1 The term “life forms” (*Lebensformen*) actually comes from Wilhelm Dilthey and designates that which Hegel meant by the concept of objective spirit incl. art, religion and philosophy, which belong to the realm of absolute spirit. Cf. Wilhelm Dilthey *Gesammelte Schriften*, Bd.7: *Der Aufbau der geschichtlichen Welt in den Geisteswissenschaften*. Göttingen: Vandenhoeck & Ruprecht, 1992: 151.

at an interpretation and explanation of the existing expressive forms of human mind; it also considers the possibilities of some new forms of artistic and cultural creation, and seeks reflective answers to both the challenges of contemporary age and the complex issues pertaining to the modern societies. The primary tasks of hermeneutics also include a complex understanding and judgment of a concrete situation as well as the ways to cope with the issue of application of the universal to the particular.

In this sense it is understandable that Gadamer, in his hermeneutic philosophy, orients himself according to Aristotle's practical philosophy, and not towards contemporary scientific methodology. The essential affinity in structure between Gadamer's exploration of humanities and Aristotelian consideration onethics lies in the shared conviction that we understand ourselves in executing our thoughts and actions as always already situated and embedded in an existing ethical life-world, family, society, and state.

According to Gadamer, Aristotle distinguished himself as the most successful founder of philosophical ethics because he realized that ethical knowledge, φρόνησις (*phronēsis*), does not exhaust itself in the general concept of ethical virtues but proves its worth in specific concrete situations: "Ethical knowledge recognizes what is right (*tunlich*), what a situation requires, and it recognizes this based on reasoning by putting the concrete situation into a relation to what one deems right and correct in general." (Gadamer *GW*: 4,183).

Gadamer defines *phronēsis* "reasonability" which guides our praxis and life-form. Praxis, as a key-concept in Gadamer's late philosophy, denotes "self-conduct and action in solidarity", whereby solidarity is the "decisive condition for all societal rationality". Practical philosophy always starts with the concrete situation in which we find ourselves and then asks "what is reasonable there, what is to be done in the sense of what is right". Gadamer defines *phronēsis* "reasonability" which guides our praxis and life-form. Praxis, as a key-concept in Gadamer's late philosophy, denotes "self-conduct and action in solidarity", whereby solidarity is the "decisive condition for all societal rationality".

We ourselves must determine what is to be done by consulting others and entering into an exchange of experience with each other. We cannot

control our praxis by means of schematic instructions; praxis always implies the choice of different possibilities and we must make our decision instantly most of the time.

The object of ethical reflection, φρόνησις, includes neither changeless and eternal being nor the highest and constant principles but it exclusively addresses contingent circumstances or “that which may be thus or otherwise” (τόένδεχόμενονἄλλωςἔχειν; *Eth. Nic.*,VI: 1141 a1).Except for circumstances in which exceptions are always possible, this refers primarily to human actions that are always singular, unrepeatable, and irrevocable.

It is, therefore, reasonable not to pursue perfect exactness and accuracy in the world of action but rather prudent consideration and duly analysis of the state of affairs in their interconnection.Since the identity of the human person established itself through executed and omitted actions in time, all individuals are obliged to consider the consequences of their actions.

Gadamer finds confirmation for the integration of the thinking subject in the traditions of “second nature” in the philosophy of Hegel. By “second nature,” Hegel understands “the world of the spirit produced from itself” (“*die Welt des Geistes aus ihm selbst hervorgebracht*”; Hegel*Elements of the Philosophy of Right*. Cambridge: Univ. Press 1991, § 4). According to Hegel, this world of the spirit is the “life world” (*Lebenswelt*)of culture in which liberty has established itself as a fundamental value. In Hegel’s view, the task of education (*Bildung*) and formation in the philosophical tradition is to achieve that acceptance of morality (*Sittlichkeit*) which becomes “second nature”to the individual. Education in Hegel is the process by which the individual mind raises itself to universality.

Gadamer is right in maintaining that second nature implies active participation in the richness of philosophical traditions, which actually implies the need for education (“*Bildung*”) in Hegel’s sense. The normal process of growing up as human beings means and implies the integration of our “second nature”, which actually presupposes the totality of our culture, or to be more precise of the plurality of all cultures.In order to preserve the ability of reasonable thinking and judgment, our task is to look for inspiration in the inexhaustible source of philosophical and cultural heritage. Education (*Bildung*) as elevation

of consciousness to knowledge (*Wissenschaft*) is not the transfer and accumulation of information, but the formation of the thinking subject. Accordingly, formation is interpreted as the critical appropriation and mediation of culture. In the *Philosophy of Right*, Hegel claims: “Education is the art of making human beings ethical: it considers them as natural beings and shows them how they can be reborn, and how their original nature can be transformed into the second, spiritual nature so that his spirituality becomes habitual to them” (Hegel *Element of Philosophy of Right*, § 151). Philosophizing is for Hegel initiation into the tradition in which we fully realize critical thinking and prudent action.

Similar to McDowell, the American philosopher Arthur Danto tried to draw attention to the importance of Hegel’s concept of the “Realm of the spirit” for an explanation of the empirical world. Strictly speaking, the empirical world is the result of the thinking subject, which is rooted in the lifeworld (*Lebenswelt*) of the “second nature”. In the last chapter of the book *Connections to the World: The Basic Concepts of Philosophy*, entitled “The Realm of Spirit”, Danto claims: “The realm of spirit is dark and difficult *terra incognita* insofar as philosophical understanding is concerned, though it is as well, so far as human understanding is concerned, the most familiar territory of all. It is in the realm of spirit that we exist as human beings.” (*Connections to the World: The Basic Concepts of Philosophy*. New York: Harper & Row, 1989:274). Only after we reach Hegel’s “Realm of Spirit” will it be clear to us how inadequate it is to characterize human beings as *entia repraesentantia*, and to take this as the basis for our distinction from the animals.

Whether practical philosophy is able to perform almost everything that it undertakes because of its universal claim to understanding life praxis and ethical experience of the world remains a matter of concern. In my opinion, the idea of reason as a guide for praxis, which does not take recourse to generally valid norms, is justifiable only as integral and provisory morality, which recognizes and respects institutional conventions and ethical customs as basic *prima facie* rules. A concept of ethics that dispenses with justifying moral norms of conduct for the current situation, always anew, is unable to come to terms with the problems posed by the current world of technology.

Critical philosophy in the area of ethics should reflect on the rational principles of decision-making and conduct in order to enable

us to cultivate and strengthen our power of judgment and to penetrate the concrete situation clearer and more completely. The fact that it is not possible to apply generally valid norms to concrete state of affairs without limitation does not justify anybody in discounting universal norms of action and concepts of normative standardization as obsolete. These are norms of human cohabitation that largely underlie our everyday praxis, that are rationally justifiable, generally acceptable, and verifiable through experience in most cases. As critically reviewed and rationally justified norms, they are an integral part of our ethical life-world.

The problem of application of knowledge and judgment of individual cases according to ethical norms is one of the crucial issues in medicine, law and economics. False diagnoses arise in medicine not because of failures of science but, most frequently, because of mistaken judgments. The physician's expertise obviously does not depend on his training through purely scientific research alone, but also on his experience and ability to apply his general knowledge to concrete life-situations. In any case, it is not possible to set aside the question of humaneness in the art of healing, because it concerns primarily life itself, whose care is entrusted to the physician's ability.

Modern democratic societies tend to promote pluralistic relativism regarding the justification of norms, whereby the right to a different opinion is elevated to the highest and inviolable value. The *ethos* of tolerance opposes any normative claim to truth, because it is allegedly incompatible with the essence of democracy. The question arises, however, as to whether this ideal of tolerance in modern democratic societies, as was once formulated by Marcuse, has itself become a specific form of repression.

The fact that pluralistic relativists present ever more arguments against the possibility of giving rational and generally valid justifications for moral norms does not prevent us from refuting their power of persuasion by means of rational discourse. Among other reasons, the argumentation put forth by ethical relativists is unsustainable, because pluralistic relativism with respect to values leads to legal positivism in which law loses its ethically binding and obligatory character.

Moreover, every theoretician of legal positivism should know that the norms of positive law are in need of appraisal, which is executable

only by an accomplished power of judgment. Without a doubt, there are ethical norms that are made relative under some circumstances, and that should and, in fact, does through the legislative and judicial process consistently determine our political and social action. Such norms that anyone cannot deny and that are not, to put it in Kantian terms, replaceable by any other equivalent, include human rights, the inviolability of human dignity, personal liberty, the right to life, just and equal opportunity for all citizens, and the moral obligation to take global responsibility for the protection of the environment.

Human action in everyday life usually takes place in the area of institutional and provisory morality. It takes explicit recourse to regulative norms mostly in specific situations and at times of crisis. Human life is more frequently than we imagine a life of subsequent situations of crises in which human dignity and personal integrity are in danger and exposed to potentially irreversible damage of the natural conditions of life. In such cases, we can stabilize our lives only by having recourse to deontological norms.

The rapid development of scientific research and technological world domination has unfortunately led our society as a whole into such an extreme situation, in which human beings cannot come to terms with the difficult issues we face without taking recourse to basic ethical norms.

Human beings today live under the constant threat of an ecological world catastrophe that could result in the inhabitability of earth and the extinction of humanity. We are still far from overseeing all the possible and shocking consequences of genetic engineering of living beings, including human beings. The accountability for human action under the conditions of the modern scientific and technological development in the digital society by no means dispenses with normative ethical justification. Without these basic ethical norms, the human individual would entirely lose her orientation in modern society and have no starting point for cultivating her ethical attitude and faculty of judgment.

The faculty of moral judgment is an integral part of both ethical theory and the application of prudential reasoning. The moral power of judgment is required for answering the question of the right conduct in our own lives and it includes more complex questions of the value of life and how to live our lives. As reflective power of judgment, it should be a cultivated faculty by means of which we should act in an

appropriate way in concrete individual cases, especially where there are *prima facie* conflicts between several different moral norms and institutional views. In this sense, Kant already spoke of “healthy reason” [*gesunde Vernunft*]. (Kant, *Akademie-Ausgabe*, V: 169.)

The successful cultivation of judgment requires the informed and reflective encounter with higher-level manifestations of the human spirit and study of cultural heritage, which forms the specific task of the humanities. The cultivation of judgment is conditioned by physical preconditions, natural structures of motivation and pre-existing cultural and social circumstances, and depends essentially on specific forms of encounter with manifestations of higher-level reflection in the arts, culture, humanities and philosophy, as well as on forms of creativity promoted and studied by them.

Kant’s *Critique of Judgment* demonstrates that the power of judgment is central not only to human rationality but to an understanding of the integral functioning of our natural and intellectual powers in the production of human experience, knowledge, understanding and action as a whole.

In light of contemporary developments in the field of genetics, one may justifiably ask whether it is necessary to sacrifice scientific research in order to preserve the *humanum*. The danger that we may cross the Rubicon in emending the genetic make-up of human beings appears imminent, and to do so could result in a catastrophe of yet unknown proportions. For this reason, one of the primary tasks and perhaps the final goal of philosophical critique as a form of cultivation of our humanity is to protect what is human with all its abilities and possibilities, so that human beings may continue to exist as individuals and in community.

If we regard the “future of human nature”, together with Ronald Dworkin, Thomas Nagel and Jürgen Habermas, we are prepared to accept the idea of genetic therapy of birth defects in the embryo, and therewith, after the Copernican and Darwinian revolutions, to acquiesce to a “third decentrication of our world view”. It is vital to keep in mind that only cultivated responsibility and respect for human beings can prevent unscrupulous commercial exploitation of gene therapy and the kinds of abuse which could arise by making this sort of therapy available as a consumer product to be purchased on demand “in the genetic supermarket” like any other commodity.

In criticizing the biological conception of human beings advocated by the French materialist Julien Offray de La Mettrie, Kant, in his essay “What is Enlightenment?”, explicitly emphasizes that human beings because of their freedom of choice and action are “far more than machines” and that it is necessary to consider them “in keeping with their dignity” which proceeds from their autonomy. (Cf. Kant, *Akademieausgabe*, VII: 42). In a time of crisis, there is no alternative to morality based on respect for human dignity. I see the task of the humanities as consisting in the preservation of human dignity in modern democratic society.