Revisiting Kant's Reflective Judgments

Kanchana Mahadevan

> "...what makes the shrunken imaginings of recent history ... generate such colossal sacrifices?" *(Anderson 1992, 7)*
>
> "...aesthetic ideas may be called unexpoundable presentations of the imagination(in its free play)." *(Kant 1987, § 57, 344)*

In recent times, there has seen a resurgent interest in art at the social, as well as, the philosophical level. Many playwrights candidly confess to write only for themselves, while popular filmmakers proclaim entertainment to be their prime function[1] On a philosophical note, Michel Foucault's advice "...we have to create ourselves as a work of art"(1984, 351) is routinely cited as an alternative to subject-oriented reason, attributed to thinkers of the European Enlightenment such as Immanuel Kant. The stance of aesthetic autonomy upholds the superiority of artistic phenomena to those of science and morality, whereas the adversative attempt instrumentalizes art as an entertainer; despite their seeming opposition, both positions accord primacy to the subject. Autonomous art celebrates the artist as a unique creator, while instrumental art attempts to gratify the spectator's desires. To confront issues of individualism and elitism in twenty-first century society and philosophy, art would have to overcome the widespread cult of the artist's superiority, as well as, audience gratification. This in turn requires a sustained analysis of art's receptive dimension. Kant's work on aesthetics, *Critique of Judgment,* pioneers the phenomenon of communicative art reception and is of contemporary significance.

This essay explores Kant's reflective judgment of beauty as an alternative to subjectivism and parochialism. It begins by scrutinizing Hans George Gadamer's allegation that Kant subjectivizes aesthetics and consequently initiates the neglect of hermeneutics in art and social science. The first part of the paper examines Gadamer's criticisms of Kant and argues that his reflective judgment of beauty is not subjectivist.

Indian Philosophical Quarterly, Vol XXXI No. 1 to 4
January-April-July-October, 2004

On the contrary, reflective judgments can overcome subject-centeredness because of their emphasis on reception as a principal feature of aesthetic experience. The second part of the article points to affinities, such as inter-subjectivity and hermeneutics, between Gadamer's aesthetics and that of Kant. This study proceeds to develop Kant's account of reflective judgment as particularly significant in the context of contemporary hierarchical societies governed by substantive traditional and modern laws. Reflective judgments allows for imagining communities in an unrestricted and nonhierarchical way.

However, the concept of humanity to which Kant's reflective judgment appeals is founded on numerous exclusions. Feminist, African and Poststructuralist philosophers, among others, have called attention to the exclusions of women, as well as, non-European races such as American-Indians, African and Asians, in Kant's understanding of humanity. This criticism informs the concluding discussion of the paper, which investigates whether Kant's concept of humanity can be reinterpreted in a way that is sensitive to women, as well as, non-European races.

I

Are Judgments of Taste Subjective?

Gadamer's Critique of Kant

Gadamer indicts Kant for subjectivizing aesthetics by severing it from knowledge and morality (1979, 39-90). He argues that Kant equates cognition with knowledge of nature in his first *Critique* and consequently treats aesthetic judgments as expressions of subjective feeling in his third *Critique* (87). Kant distinguishes between cognitive scientific and non-cognitive aesthetic judgments (1987,§ 1). The latter are founded on the subject's feeling of pleasure produced by the harmony between understanding and imagination (§ 9). This feeling of *sensus communis* is indifferent to the ontological status of objects and can be unrestrictedly shared with all others (§ 40). Kant attributes the production of art to genius and its reception to taste (§ 48, 311).

Gadamer perceives Kant to be a forerunner of positivism that confines knowledge to experience of given facts and experimental

methods, forcing humanities to relinquish their hermeneutical character and emulate the methodology of the natural sciences(1979, 9, 38-39, 58). It treats experience as an episodic, immediate and passive awareness of given data. Alternatively, Gadamer stipulates the expansion of experience to include aesthetic experience, whereby art conveys truth through an exemplar (87, 63). Experience is, thus, an inexhaustible fullness of meaning related to life (60, 63).[2] Aesthetic experience, "... suddenly takes the person experiencing it out of the context of his life, by the power of the work of art, and yet relates him back to the whole of his existence"(63). Gadamer upholds art's uniquely human aspect is revealed by dialogically discerning its hermeneutical and cognitive dimension, which it shares with the humanities. Thus, "Aesthetics has to be absorbed into hermeneutics... hermeneutics must be so determined as a whole that it does justice to the experience of art."(146; Bernstein, 125)

Gadamer claims that the transcendental subject freed from truth and morality forms the cornerstone of Kant's aesthetics (55). Indeed, by making non-empirical feeling the center of both creation and reception, Kant paves way for the romantic celebration of the artist or genius (83-84). According to Gadamer, Kant reduces aesthetic production to the workings of an extraordinary individual with his claim that "Fine art is the art of genius." Genius is not governed by any criterion other than the spontaneous harmony of faculties; this harmony is akin to nature in being devoid of all interest and human intervention (50, 53). Gadamer warns against the danger of arbitrariness and fragmentation in such an account of genius (51, 86-87). Sudden, intermittent and immediate experiences do not lead to a continuous self-understanding that art's cognitive character demands. Gadamer observes that despite attempting to, Kant does not successfully abstain from privileging genius over taste (55), since "Genius in understanding corresponds to genius in creation."(52). Kantian art is grounded in genius, rather than taste since it maintains that "Perfect taste...will assume...a definite unchangeable form"(52), which can only be achieved by a genius. However, aesthetic taste is always changeable consisting of "...the assembled achievements of the human mind as it has realized itself historically"(86)

Kant's aesthetic judgment as an individual's *sensus communis* is

negative in abstracting from all interests (41). Gadamer critiques Kant for disregarding Vico's tradition of common sense as civic and moral solidarity and promoting relativism(31). Since nothing positively grounds "...communicability and creates community (41)" *sensus communis* could be evoked by any object. Besides, the aesthetic judgements of an autonomous subject have no relation to either morality or knowledge. However, for Gadamer, morality (and law) requires judgment and taste, which interpret and concretize universal rules in the light of particular instances. He claims that the very concept of judgment has moral overtones of evaluation (36, 37). "Thus taste is in no way limited to what is beautiful in nature and art, judging it in respect of its decorative quality, but embraces the whole of morality and manners."(36)

According to Gadamer, Kant goes so far as to subjectivise play (91-119). For Kant the free play between the mental faculties of the creator and receiver produces art. Such foregrounding of the mind as the arena of free play reduces freedom to free subjectivity. Against this, Gadamer claims that art is a non-subjective mode of being like play. A play exists in so far as it is performed; the players lose their subjective awareness by playing a part and establish contact with spectators (100). According to Gadamer, a poem or a drama exists in the process of being repetitively renewed like a play, so that work and movement constantly improvise the original. The artist and the recipient transcend the subject/object dichotomy by immersing themselves in the phenomenon of art. Thus, for Gadamer there is a primacy of game over players (95-96) Art as play does not transpose its players and spectators to another universe, but transforms their relation to the existing universe by revealing the truth about it (101)

Gadamer's treatment of Kant as a proponent of the radical autonomy and subjectivization of art needs to be reexamined. This is because Kant construes aesthetic judgment to be the link between nature (knowledge) and freewill (morality)(1987, III, 177-179), and argues for communicability as a key component of aesthetic reception. Paradoxically, some of these pioneering themes are also inscribed in Gadamerian aesthetics.

Judgment in Aesthetic Appreciation and Creation

In contrast to Gadamer, Hannah Arendt finds an unwritten political philosophy, as well as, an antidote to individualism in Kant's third

Critique (1982, 7-10, 27). She observes that Kant's notion of judgment maintains that the company of others is necessary for thinking (10, 27) Indeed, Kant explicitly proclaims that beauty has significance only in society and not for "someone abandoned on some desolate island"(1987, § 41, 297) Despite the mind of the individual subject occupying center stage, Kant anticipates much of the non-anthropocentric aesthetics found in hermeneutics, structuralism, post-structuralism and critical theory. He construes art as a transpersonal communicative phenomenon and renounces the subject-object relation of possessiveness to aesthetics.

Kant differentiates between reflective and determinative judgments on the basis of the status of the object (IV, 179-80). Determinative judgments connect subjects and objects of knowledge, by tidily subsuming sensations under clear-cut concepts of understanding (Preface, 167-68). Kant believes that the desire of gratification, as well as, moral goodness has interest in the existence of the object; an interest which hinders subjects from relating to each other. Alternatively, reflective judgments do not convey any information (§ 1, 204); they free the subject from the immediate existence of objects to imaginatively reflect on them (§ 5, 210). "An aesthetic idea cannot become cognition because it is an intuition (of the imagination) for which an adequate concept can never be found"(§ 57, 342) The subject is first confronted with the copiousness of imagination, and *subsequently* searches for an appropriate concept.[3] Aesthetic ideas are "...unexpoundable presentations of the imagination" (344); they differ from rational ideas such as God that are indemonstrable. Such an incommensurability of the imagination and understanding (§ 9, 217) can be universally communicated (§ 9, 218). "This state of *free play* of cognitive powers, accompanying a presentation by which an object is given, must be universally communicable; for cognition, the determination of the object with which given presentations are to harmonize (in any subject whatever) is the only way of presenting that holds for everyone"(§ 9, 217). Such a communication is possible because human beings share a "public or critical" (Schaper, 378) common sense or sensus communis(Kant 1987, §40), which confers validity on art (Habermas 1996, 47) "Sensus communis as distinguished from sensus privates..." consists in taking the standpoint of another and submitting one's claims to public scrutiny while making judgments (Arendt, 72, 39-40). Sensus communis cannot be aroused in the presence of any gratuitous object as Gadamer maintains. The pleasure of entertainment is a product of an existing object, which the subject wants

to own. Such pleasure of gratification is private and cannot be universalized (§ 9, 217-18). Against this, disinterested pleasure is an outcome of universal communication between subjects; being non personal and public (Arendt, 66) it is the political art of human beings dwelling with others (70).

Gadamer also ignores the implications of Kant's choice of imagination and taste as key features in judgment. As Arendt observes, these features facilitate him to overcome rather than fall into the trap of the isolated subject. Imagination brings about a distance between the immediate presence of the object and the subject by representing objects that are too close (64). Conversely, by representing distant objects, it makes them accessible so that they begin to matter to the subject (Arendt, 1953, 392). Thus, "This distancing of some things and bridging the abysses to others is part of the dialogue of understanding for whose purposes direct experience establishes too close a contact and mere knowledge erects artificial barriers"(Ibid).The distancing/bridging work of the imagination frees the subject, "By removing the object, one has established the conditions of impartiality" (Arendt, 1982, 67). Kant's notion of imagination renounces the subject/object ownership relation with intersubjective communication.

Imagination evokes the discriminatory aspect of taste (1982, 68), which facilitates art to become exemplary (Arendt, 84). Arendt observes that taste and smell differ from the external senses of sight, sound and touch that can be recollected, since they are directed to objects (64-65). In contrast, the internal senses of taste and smell cannot be recalled. They refer to subjective feeling and are discriminatory, in that one cannot withhold judgment or dispute the feeling they arouse. Taste and smell, Arendt remarks, also apprehend particulars as particulars, without any mediation through concepts. As aesthetic judgments refer to taste, they cannot be mechanically reproduced, neatly encapsulated, imitated or taught. "...it can only be called *exemplary*, i.e., a necessity of the assent of *everyone* to a judgment that is regarded as an example of a universal rule that we are unable to state"(Kant 1987, §18, 237). Since their rules cannot be specified, works of art, as singular universals, have to be constantly interpreted in new ways. This is a creative and communicative task containing promises for the future. The term 'example' comes from 'eximere' which means "to single out some particular"(Arendt, 1982, 77) In an exemplar, the particular has a normative status, "...in its very

particularity reveals the generality that otherwise could not be defined. Courage is like Achilles. Etc."(Ibid) Arendt rightly observes that history is replete with examples, which have to be interpreted by others (51-58). Spectators receive historical examples in creative ways and open up new avenues in the future. Hence, the reception of historical examples is akin to Kant's reflective judgments. "Most concepts in the historical and political sciences are of this restricted nature; they have their origin in some particular historical incident, and we then proceed to make it 'exemplary'-to see in the particular what is valid for more than one case."(85). Rather than divide art and the humanities, Kant's reflective judgments unifies them.

Gadamer imputes the romantic definition of genius to Kant overlooking that the Kantian genius surmounts the egoism of artist and audience (63). Kant subordinates "...genius to taste even though without genius nothing for judgment to judge would exist"(62) Indeed his definition of 'genius' does not evoke images of an exceptional individual, nor does he end up upholding genius as superior to taste. Kant's genius does not deliberately plan or own the work of art, but is prompted by the play of lawful imagination. Thus, "...if an author owes a product to his genius, he himself does not know how he came by the ideas for it; nor is it in his power to devise such products at his pleasure, or by following a plan, and to communicate (his procedure) to others in precepts that would enable them to bring about like products"(Kant 1987, §46, 308). Further, since "nature, through genius, prescribes the rule not to science but to art", it is also original and exemplary (Ibid). Aesthetic value lies in being judged (or appreciated) by the audience. Judgment is a communicable endeavor, which does not end with the artist, but extends to the spectators as well. Arendt rightly sums this up as "...the very originality of the artist (or the very novelty of the actor) depends on his (sic) making himself (sic) understood by those who are not artists (or actors)"(1982, 63)

Genius is the ability to exhibit aesthetic ideas that are naturally spontaneous (Kant 1987, § 57, 344). Even the genius employs judgment to communicate to the audience. But the capacity to exhibit aesthetic ideas does not imply that the receiver entertains the very same idea as the genius (Verhaegh, 391). "...to exhibit aesthetic ideas by no means entails that the idea itself is reproduced in the mind of the spectator"(Ibid) A work of art communicates the result of the aesthetic

idea, rather than the idea itself, namely the harmony between imagination and understanding. Verhaegh argues that Kant's uses terms like 'communication', 'expression' and 'prompting', rather than transference, to show the relation between genius and spectator (392). A work of art is not controlled by its author's thoughts, but demands an interpreting audience for its very identity. Hence, "...we must not regard a judgment of taste as egoistic; rather we must regard it necessarily as pluralistic..."(Kant 1987, 278). As Arendt remarks, though one may speak of genius in the singular, the very notion of a spectator implies a plurality, an audience consisting of other spectators (63). For Kant, judgment as an impartial, public and communicable common sense is accessible to all persons regardless of whether they are learned or not (Arendt, 1982, 64). Hence, " When we make a judgment of taste, the pleasure we feel is something we require from everyone else as necessity..."(Kant 1987, § 9, 218).

In sum, Kant understands the term 'subjective' quite differently from its standard use as arbitrariness to which Gadamer subscribes (Bernstein,119). Subjective as the 'free play' between imagination and understanding is sharable and nonarbitrary in being devoid of interest in the object's existence. 'Free play' is not a private state, but sanctions public communication. Kant introduces the term 'play' to replace the "law-governed task" of planning with freedom of communication (1987,§ 8). Despite its localization in the mental faculties of the subject, 'play' allows the creator and spectator of art to transcend their egos and relate to others. Kant's Copernican revolution redefines 'subjective' as the subject's constitutive role in the fields of knowledge, morality and art; accordingly, objectivity is not the discovery of a given, but the universality of subjective structure. The following section proceeds to argue that reflective judgments permit both learning and morality so that there is much in common between Kant and Gadamer.

II

Kant and Gadamer: Affinities and Tensions

Works of Art as Learning Experiences

> "...the third Critique is also important due to the murkier, positive implications it contains for a proper account of the truth-revelatory

role of art..."(Verhaegh, 374). Judgments of taste refer to the harmony of the cognitive faculties of imagination and understanding that create the conditions for communication between subjects. The latter is indispensable for both cognition and morality (Kant 1987, § 38; Schaper, 376-77).

Kant's reflective judgments sanction what Verhaegh terms as "the enhancement of cognition"(383, 384-85). Aesthetic judgments that are neither founded on, nor entail propositional knowledge enhance the acquisition of knowledge. The latter consists in developing the *ability* to make true propositions in a certain "domain" that range from the general to the particular. Works of art demarcate a "domain" of communication; they are not about everything nor are they about a specific thing. Since reflective judgments are indeterminate, one cannot derive a limited set of true propositions from them. "Beauty, as the expression of an aesthetic idea, does not 'mean' any particular true proposition. But beauty can allow an enhanced view of a certain domain of reality" (379). Thus, art transforms one's perspective to the world by rendering the familiar as strange and vice versa. Moral commitments form a part of such transformations[3].

Communication between subjects also paves way for freedom- a moral requirement (Kant 1987, § 59, 353-54). Beauty is a symbol of morality in that, "...only because we refer the beautiful to the morally good... does our liking for it include a claim to everyone else's assent."(353). Thus, morality alerts art to "...the experience of the other-than-self, of being-for-one-another."(Kearney, 23) Kant also conversely states that morality increases human receptivity and is thus, a preparation for the reception of art. For morality responsibility to others can be accompanied by "play, freedom and pleasure (Ibid)" Perfection in art is not based on precepts but on cultivating the harmony of cognitive powers (§ 60, 355). In this context, "...*humanity [Humanitat]* means both the universal *feeling of sympathy*, and the ability to engage universally in very intimate *communication*."(356). Since reflective judgments are based on humanity in the sense of sociability and interaction, there is an overlap between the provinces of art, morality, as well as, knowledge. In the words of Kearney, "The free play of imagining is indispensable not only for poetics but also in a real sense for ethics itself"(23).

Habermas observes that Kant's separation of knowledge, morality and art has led to the growth of expert cultures (1996). However, to rectify this separation one needs to turn to art's contradictory relations

with both expert critics and lay persons. Habermas turns to the largely neglected aspect of the lay person's reception of art, which illuminate life-historical situations. This "also influences our cognitive interpretations and our normative expectations, and thus alters the way in which all these moments *refer back and forth* to one another"(51) Thus, art's communicative dimension provides the condition under which morality (freedom) and knowledge(nature) are connected to transcend the fact/value dualism.[4]

Kant's version of aesthetic learning can be illustrated through Mahasweta Devi's short story *Rudali*. It is set in a remote Indian village on the border of Bihar and West Bengal haunted by tensions of caste and class (1997). The protagonist *Sanichari* is a lower caste woman, whose abject life prevents her from shedding tears, even when she loses her husband and son. The high caste landlords and moneylenders in her village enjoy leisure, since they live by exploiting the labor of *Sanichari* and her community. Yet, they too are unable to grieve when their close relatives die because they are hardened by thoughts of acquiring their property! Since the demonstration of grief is a social necessity, they orchestrate elaborate rituals, hiring paid mourners from the very same low castes they regularly exploit. *Sanichari* metamorphizes from a landless laborer to a ritual mourner (which the title '*Rudali*' means). *Rudali* demarcates a field of communication: it does not evoke a romantic love or urban angst, but delineates the complexities of caste, emotion and gender. One could read it as a story about the historicity of emotions, or as a narrative of caste/class/gender oppression in an exploitative society, where cognitive enhancement is related to moral betterment.

If one were to interpret *Rudali* as a tale about human emotions, it reveals that they are historically grounded and hardly universal. The very familiar phenomenon of mourning the loss of one's family members is ordinarily assumed to be a natural response to tragedy. *Rudali* reveals that caste and class privileges enable those who cannot mourn to purchase it in the market-place! Conversely, shedding tears becomes an act of labor for the leisureless poor. Grief as a commodity with exchange value includes:

> *"Just for wailing, one kind of rate.*
>
> *Wailing and rolling on the ground, five rupees one* sikka.
>
> *Wailing, rolling on the ground and beating one's head, five rupees two* sikkas.

Wailing and beating one's breast, accompanying the corpse to the cremation ground, rolling around on the ground there-for that the charge is six rupees.

At the kriya ceremony, we want cloth, preferably a length of plain black cloth.

This is the rate. Over and above this, you people are like kings, can't you spare some dal, *salt and oil with the rice? You've got the goddess Lakshmi captive at home, you won't miss it! And Sanichari will sing your praises wherever she goes." (Devi, 75)*

Grief also becomes a means of protest in *Rudali,* when Sanichari uses ritual mourning to subvert the exploitative system. These insights do not merely amount to a data-sheet about the custom of ritual mourning, but destabilize the taken for grantedness of grief as a natural reaction to tragedy.

While receiving a work of art, there can be moments of disagreement and creative license, given the absence of determinate meaning. Devi does not intend to convey a feminist story, she intends to focus on caste and class oppression. Yet, since ritual mourning is the traditional occupation of women, Sanichari's gendered oppression also matters. Besides, Devi's picture of harmonious relations between the opposite sexes or community life do not fit into a text that refuses wishful thinking. Usha Ganguli has received Devi's tale with precisely these reservations in rewriting it as a feminist play.[5]

Kant and Gadamer

Gadamer's conception of aesthetic cognition resembles Kant's aesthetic learning in many ways. According to Gadamer, aesthetic reception "...suddenly takes the person experiencing it out of the context of his life, by the power of the work of art, and yet relates him back to the whole of his existence"(63). Despite describing art's function as mimetic, he admits that a work of art can transform existence in so far as it does not reproduce reality tout court (101); art is a filter (Warnke, 59) which reveals the truth in a reality as an untransformed situation (Gadamer, 102-3) Eschewing messages and authorial intentions, Gadamer identifies aesthetic meaning as a result of a hermeneutical dialogue between the spectator and the work of art; this dialogue changes with historical contexts. Thus, aesthetic cognition as the "illumination" of the familiar as strange and vice versa(102), rather than the transmission of an incontrovertible piece of information. However, Gadamer sees

dialogue as a process of submitting to the text ignoring that hermeneutics has to also be a critical reception. Or else one could end up acquiescing to texts that are blatantly dictatorial. Moreover, considering that aesthetic works do not have determinate meaning, the interpreter has the task of critically constructing meaning. Kant's communication as public reception allows for such a critical enhancement of cognition, of which the feminist reading of *Rudali* is an example. Warnke argues that Gadamer's defense of words like 'truth' and 'essence' does not seem to cohere with commitment to historically changing understanding (62-63).[6]

Gadamer view of art as a play also has echoes of Kant who situates reflective judgments in the 'free play' between imagination and understanding. Kant's chooses the term 'play' (*Spiel*) because it dismantles the inexorability of what is given, overcomes the stringency of determinate rules and joyfully transcends individualism. From birth to reception, art is inscribed in the buoyancy of the free play between understanding and imagination. Play is an interactive and interpretive enterprise that puts behind the separation between subjects, as well as, their sovereignty. The appreciation and creation of art is not a process of conscious willing, but a play-like participation. The latter is conducive to dialogue between the text and its diverse participant through which aesthetic meaning is created (Bernstein, 123). Kant's characterization of art works as exceeding logical concepts is compatible with Gadamer's claim that each attempt at understanding art is unique and communicable (1979, 130). However, Gadamer treats play as the coming to life of a game with rules. There is a certain amount of stringency in this view of game with determinate rules, even though it permits improvisations while applying the rules to diverse situations. However, such an application would be problematic if the rules are themselves oppressive. In contrast, the Kantian play (*Spiel*) allows for inventing the rules themselves in the course of playing, since there are no determinate rules to be applied. One cannot equate play (*Spiel*) with game as Gadamer does, since play grants free space unlike a game. Derrida analogously sums up 'free play' as, "Play, not in the sense of gambling or playing games, but what in French we call *jouer*, which means that the structure of the machine, or the springs are not so tight, so that you can just try to dislocate..." (1987, 20) The following section pursues the implications of playing by evaluating Gadamer's commitment to Aristotelian *phronesis*.

III

Reflective Judgments in a Pluralistic Society

Phronesis and Community

The difference between Kant's and Gadamer's notions of play reveals that Gadamer considers the application of universal laws to a concrete situation as integral to judgment (274-5). Alluding to Aristotle's notion of practical judgment or phronesis (278-89), he claims that understanding, interpretation and application are central to hermeneutical activity (274). Alternatively, Kant's reflective judgment does not uphold determinate laws of understanding, but *seeks* them subsequent to imagination. In the context of Gadamer's critique of Kantian aesthetics, one needs to evaluate whether phronesis or reflective judgments have greater relevance in contemporary societies.

Gadamer identifies application, along with understanding and interpretation, as a crucial component of hermeneutics (274-305). According to him, a text, like law, can be understood and interpreted only through contextualization. The text's original meaning, which is from a different era or context is alienated, and has to be balanced with the prevailing epoch or context. All of which, in Gadamer's view, requires a unity of cognitive, normative and reproductive interpretation. Translation and text appreciation appeal to such a unity in application, which is an art rather than a technical skill. Gadamer recommends "redefining the hermeneutics of the human sciences in terms of legal and theological hermeneutics (277)." He diagnoses the neglect of application in historical sciences to their replication of the non-interpretative methodology of natural sciences (297). Gadamer suggests application as a remedy to the hiatus between legal hermeneutics and social sciences/ literary criticism (303, 305).

As Bernstein observes, in the context of "a community in which there is a living, shared acceptance of ethical principles and norms, then phronesis as the mediation of such universals in particular situations makes good sense." (Bernstein, 157) Gadamer assumes that an established community harmoniously adheres to a set of universal laws, which it periodically adapts to changing situations. But as Bernstein recognizes, there is a great uncertainty over what exactly are these norms that bind together a community (Ibid). Widespread totalitarianism and

exploitation have also "...exploded our categories of political thought and our standards of moral judgment" (Arendt, 379).

Between Laws: Traditional and Modern

To return to Devi's *Rudali*, it can be read as a deformed contemporary application of both customary and modern laws. Deformation does not result from a mistaken application of laws, but is inevitable when the determinate laws in question exclude the disenfranchised. It belies the stereotypical notion of an Indian village as a haven of bonding amongst diverse social strata. Indeed, Devi powerfully illuminates how the antithetical poles of traditional laws (*dharma*) and modern individual rights polarize the population by setting off a series of exploitative relations.

Devi's story depicts the control exercised over the lower castes/ classes, as well as, women through death rituals. The orthodox ritualistic Hinduism legally enshrined in *The Laws of Manu* advocates death rituals as a means of purification. The latter is seen as a common virtue for all castes, even though the lower castes are considered to be impure in the same text. *The Laws of Manu* regulates conduct by prescribing duties (*dharma*) at a universal (*samanya dharma*) and caste-specific (*svadharma*) level.[7] The common duties for all castes include non-violence, truth-telling, not-stealing, purification and the suppression of sensory abilities (1991, 10.63). The specific caste based duties for a priest include teaching, learning, sacrifice, giving and receiving. The rulers have the duty of protecting subjects, giving, having sacrifices performed, study and withdrawal from sensory objects. The commoners are expected to protect livestock, give, have sacrifices performed, study, trade, lend money and farm. However, "The Lord assigned only one activity to a servant: serving these (other) classes without resentment"(1.88-91)! Moreover, the Laws of Manu assert that since women "are not fit for independence" (9.3), they have to be guarded by men towards whom women also have duties (*stridharma*)! Besides household duties, these duties include purification (9.11).

The Laws of Manu treat women and the lower castes analogously: both are polluted, both have the innate duty of service and neither own property. Moreover, these laws are oriented towards individual betterment, rather than social service (Maitra, 8). However, the individual's position within the social strata plays a major role in being

advantageous or otherwise to his or her self-interest. Further, the so-called common duties turn out to be an extension of priestly duties, since they have a close relation to renunciation as a way of life (Doniger & Smith, xxiii).[8] Non-violence as a common duty consists in vegetarianism, which is necessary for the removal of pollution. Similarly, purification, not-stealing, truth-telling and control of sensory powers, entail detachment from the worldly sphere. However, common duties could well conflict with the specific occupations of the lower castes, such as animal slaughter, tanning and so forth, given their supposedly polluted condition. The term *Manav* or *Manu* also has connotations of *the* archetypical human being (Doniger & Smith, xviii). Since these prescriptions have been compiled by a group of priests under the name of Manu, priesthood is equated with universality.

Rudali suggests that the threads of caste/class privilege runs through the range of customary rituals. One of the characters Dulan observes, "The lower castes live in settlements of decrepit mud huts roofed with battered earthen tiles. The tribal settlements look equally poor. In the midst of these are the towering mansions of the *maliks*. There may be litigations and ill-will amongst the *maliks*, but they have certain things in common. Except for salt, kerosene and postcards they don't have to buy anything. They have elephants, horses, livestock, illegitimate children, kept women, venereal disease and a philosophy that he who owns the gun owns the land. They all worship household deities who repay them amply- after all, in the name of the deities they hold acres, which are exempt from taxes and reforms"(Devi, 73-74).

The Laws of Manu assume caste to be a part of an inexorable order of the universe for whose protection it prescribes various duties (1:87). 'Dharma', with descriptive and prescriptive connotations, encapsulates a wide range of notions such as religion, duty, law, right, justice, practice and principle (Doniger & Smith, xvii). These laws describe the human condition as a naturally ordered hierarchy of births and deaths to which each individual's actions (*karma*) from the past life contribute. Pollution is assumed to be an inevitable evil concomitant with attachment to the world. Cleansing and purification are central to the path of detachment for acquiring eternal liberation. The upper castes can aspire for purity, while the lower castes are confined to impurity, without intermixing.

Uma Charkravarthi observes that a political/economic hierarchy runs parallel to that of ritual purity (2002, 202). The notion of impurity

became associated with those who were alienated from the benefits of society. Landowners occupied a pivotal position denying property to debt-ridden landless laborers. Devi's story depicts the intersection of both hierarchies in the diverse impact of rituals upon different castes. The upper castes engage in elaborate death ceremonies, to remove the pollution of the corpse as per the renunciation world-view. They can afford the rituals and require them to acquire the property of the dead, while the poor, who can ill-afford, do so in the belief of a decent afterlife ending up in greater penury. *The Laws of Manu* banish the lower castes to the status of the living dead by being forced to inhabit cremation grounds and the outskirts of the village (10.50-56) under the stigma of pollution. The very same polluted human beings clean up the pollution caused by deaths in upper caste households, in keeping with their routine scavenging jobs; their circumstances do not permit them to completely fulfill the call of universal (*sāmānya*) duties with rigid demands of purity.

As is well known, *The Laws of Manu* exclude women from reciting Vedic verses (9.18), and consider them to be polluted in their postnatal condition. Ritual purity is maintained through "a closed structure to preserve land, women and ritual quality within it" (Chakravarthy, 204). The high caste woman is guarded by *stridharma*, since she has to produce sons. However, the upper caste man does not have to be confined to the domestic space. Consequently, he is permitted access to lower caste women who are not similarly guarded, since the men of their community do not own property (Chakravarthy, 205-6). The upper caste men's violation of the sexuality of lower caste women is a part of their material control over them.

Rudali narrates many instances of lower caste women being used by the landed rich and discarded into prostitution; thus, prostitutes are not born but produced by an exploitative caste/class apparatus. While mobilizing the group of *rudalis* to mourn for the corrupt landlord Gambhir Singh's death, Sanichari appeals to the prostitutes of village to join her. She argues that unlike prostitution, ritual mourning will stand in good stead during old age. Further, the act of ritual mourning is done by lower caste women and prostitutes in public-unlike the upper caste women's emotions displayed in the safety of their homes. It is done for a fee like prostitution, only because every aspect of the lower caste labor, sexuality and even grief is a commodity. Sanichari and her group perform the purificatory act of ritual mourning customarily done by

women. They also perform the cleansing act of removing pollution; the liberation of upper caste men signifies bondage for lower caste women!

Devi's *Rudali* also indicts the traditional law of *karma*. Sanichari's mother-in-law remarks that the name 'Sanichari', meaning one who is born on a Saturday, portends bad luck (Devi, 54). But as per superstition, Sanichari is doomed to suffer by fate, she is well aware that her mother-in-law was not doing any better, despite being born on a Monday. Nor were those from the lower castes, born on other days of the week such as Tuesday for instance, enjoying a charmed existence (Ibid)! The members of the lower caste Ganju and Dushad community suffered hunger, hard-labor and insecurity just like her. "In this village everyone is unhappy. They understand suffering"(55). This underscores the point that suffering is not a product of some natural law of karma, where one bears the fruits of one's actions in one's previous life. On the contrary, suffering is the product of an exploitative socio-political apparatus, which is uniformly experienced by all members of a given caste/class/gender group. *Rudali's* "... very first paragraph thus underscores the tension between the 'givens' of fate/karma and the historicity of a politically and economically constructed situation, challenging the concept of a 'natural' order"(Katyal, 4).

The above themes from *The Laws of Manu* are actively at work in *Rudali*. The hegemony of Manu's laws was not an insulated phenomenon. The complicity between colonization and a community bound by oppressive traditional laws cannot be ignored. Despite the existence of alternative humane traditions in India, the British chose to accord a privileged position to Manu's laws and even made it the basis of the Hindu personal law(Doniger & Smith, lx-lxi). Further, the zamindari system too was encouraged by British imperialism (Habib 1997). Notwithstanding India's legal commitment to eradicating untouchability since independence, "...Manu remains the pre-eminent symbol-now a negative symbol-of the repressive caste system"(Doniger & Smith, lix).

The advent of modern law with fundamental rights of the individual in independent India's constitution does not seem to have ameliorated the condition of the lower castes. Sanichari and the members of the Ganjus and Dushad community in the village of Tahad of the Chotanagpur region are in no position to avail of the modern law. The latter's notions of individual freedom only seem to benefit the propertied

classes. Indeed, corresponding to the customary notion of dharma, individual freedom becomes the very basis of Sanichari's and her community's oppression. In order to fulfill their right to life, liberty and property, the landowners use the labor of the lower caste (Ganju and Dushad) community. Since independence, the constitution treated the right to property as a fundamental right [Indian Constitution, art.19(1)(f)&(5)] till 1978 when it was made a legal right (Indian Constitution, amend. 44)! Given their individualism, most liberal rights are highly oblivious to the welfare of lower castes, tribals and women. The welfare of citizens, right to livelihood, prevention of concentration of wealth, just and humane conditions of work, promotion of the interests of the Scheduled Castes, Tribes and the weaker sections are among other Directive Principles of State Policy (Indian Constitution, arts. 37-51 & 355). Most of these rights are collective, which cannot be legally enforced but can only serve as guides. Paradoxically, the downtrodden experience the logic of commodity entailed by individualistic accounts of rights.[9] They are forced into the liberal world-view only to barter their work, sexuality and emotions for a pittance. Thus, modern individual rights affect the underprivileged, just as traditional law does-albeit adversely! *Rudali* reveals that substantive rules, whether customary or modern, comes at the cost of injurious fragmentation, rather than harmonious cohesion.[10]

Imagination and Change

Devi's *Rudali* reveals that given the failure of both traditional and modern laws to grant them a humane life, the underprivileged cannot continue applying them. Even if one avers with Gadamer that application of laws is not domination, but service to the contemporary situation, all encompassing laws do not guarantee equality of treatment. Indeed, the basic problem is the lack of imagination in both traditional and modern laws, which straightjacket communities into rigid boundaries and take a stern view of attempts to cross them. However, unimaginativeness need not culminate in a cul-de-sac. Devi characterizes *Rudali* as a tale "about survival"(Katyal, 23). Sanichari appeals to the core of indeterminacy in laws to imaginatively convert ritual mourning and its exchange value into an act of subversion by parodying it. Instead of her needing the rich landlords, they need her for ostentatious display of grief! The demand for rituals on the part of the rich becomes a weak-spot in the system, which Sanichari is able to deftly orient in the direction of her

strength and solidarity. Towards the end of the story she organizes an assorted group of ritual mourners to ostentatiously mourn for the death of a corrupt landlord. The latter's relatives are bewildered with each gesture and movement of the mourners because of the cost they would incur! Sanichari's group consists of women who are hardly bound together by substantive rules of caste or modern law: they include low caste women and prostitutes who only share the social fact of exploitation. The heterogeneous gathering of women parody mourning for commercial gain, transgressing the minimal terms of contract drawn by their employers. Rituals and commodity relations are redirected as a means of empowerment of the excluded, imaginatively displacing the boundaries and violence of intractable laws.[11]

The above discussion of *Rudali* is not a juridical attempt to apply a universal text to the interpreter's situation. One can read this text in diverse ways: as a feminist text, a text about caste/class exploitation, a statement about the futility of rituals, a text about the social character of grief and so on. A case in point is the feminist reading of the text that Devi herself does not intend (Katyal, 16) for feminism is often perceived as an ideology of urban women (1-2). Yet, the heterogeneous formation of a group of destitute women in *Rudali* is a symbol of a collective feminist agency, reclaiming the upper caste/class definition of feminism. Ritual mourning is the occupation of lower caste women and is symbolic act for preserving the caste hierarchy in the community. Indeed, as Manu's laws reveal women's traditional duties consist in the preservation of their respect communal boundaries. But, Sanichari's polyglot of women from diverse social locations, refusing to be policed by communal borders, subverts the symbolic meaning of ritual mourning. The latter is no more an act of maintaining inflexible communities, but of erasing their hierarchies to form alternative communities. A heterogeneous community of empowered women is possible only by dislocating traditional and modern laws. Pace Gadamer, one cannot espouse a unity of juridical, theological and literary texts because the latter being works of art have an element of indeterminacy. Assimilating these genres also gives the mistaken impression of a unified tradition. Diverse readings of a literary text allow the imagination to operate far more profusely than ruled-aided understanding; these are cases of what Gadamer calls understanding differently precisely because they do not

apply universal rules.

Arendt remarks that "... a being whose essence is beginning may have enough of origin within himself to understand without preconceived categories and to judge without the set of customary rules..."(1953, 391). Kant's reflective judgment appeals to this capacity for natality as well, enabling the overcoming of damaged life; it comes to terms with what has happened and tries to change the course of the future. Thus, imagination in the sense of bringing what is distant closer and distancing what is close has to be understood without predetermined categories. Only "an interminable dialogue"(392) upon which creation depends can do this. In the absence of determinate rules, new rules are imaginatively invented through an ongoing dialogue between members of societies. Kant's sensus communis attempts to forge a community that is not naturally or culturally united through a set of nomoi.

Beyond Kant's Eurocentricism

African and feminist critics have perceived race and gender bias in Kant's thinking to the extent that "...in his *Critique of Judgement* Kant was supplying ... logical grounding for natural and racial classification."(Eze,120).[12] Reflective judgment appeals to imagination and universally communicable feeling as distinctive ingredients of aesthetic experience. Yet Kant's conception of humanity is both unimaginative and restrictive in excluding non-European races and women. The question remains whether attempts to defend reflective judgments submit to the exclusions that characterize the Kantian notion of humanity.[13]

Kant does not elevate existing human nature to the status of a norm; human beings have the distinctive trait of shaping themselves out of what nature presents to them(1996, 3-4). Reflective judgment appeals to this distinct human capacity as the basis of art. In his pragmatic anthropology, Kant provides a detailed account of human nature, as well as, recommendations for its future improvement (Van De Pitte, xix).[14] He supplements his prescriptive proposal with empirical or biological notions of race and gender, combining physical geography with pragmatic anthropology (Eze,115). The former studies the external nature of human beings in terms of skin colour etc., while the latter delineates their inimitable internal nature (113). Kant divides internal nature into natural talent, temperament/disposition and reason, out of which reason alone

is the foundation of morality (1996, 195-96). He stipulates skin color as a mark of racial difference, separating the white or European race from others. The latter include all non-European races such as Asians, Africans and American Indians, who in his view are naturally inclined towards service.[15] According to Kant; the European race alone has the natural capacity for reason and morality. Further, women have an *inborn telos* of preserving the human species and refining society (219). Although Kant concedes women to be "rational animals", their natural task of preservation of the species demands that they be protected by men(216,219-20) and cultivate virtues of patience and sensitivity (221). Thus, they are not in a position to rationally fashion themselves in the same way as men. In contrast, the non-white races are not even granted a prima facie rationality, they are from birth inclined towards natural impulses and indolence(Bernasconi,146-54; Eze, 115-17).[16] Kant goes so far as to proclaim, "Instead of assimilation, which was intended by the melting together of various races, Nature has here made a law of just the opposite"(1996, 236). This is because, for him, the mixing of races could eliminate their unique naturally given differences that have to be preserved without interference (Ibid).[17] Kant maintains that only European men cloistered from their "others" have a natural capacity rise up to the universal feeling humanity necessary for reflective judgments and self-improvement. His *Anthropology* "an exercise in the sympathetic study of European humanity, taken as humanity in itself (Eze, 117)"provides the framework for the 'universal humanity' of his theoretical writings.[18]

Kant's reflective judgment has been constituted with traumatic omissions. His equation of humanity with the European white male militates against an egalitarian outlook. As is well known, colonization and patriarchy reveal that the relation between privileged European men and their non-European "others", as well as, women, is marked by exploitation; indeed, this relation does not so much exclude as include the "others" in violent regimes. Indeed, some measure of Sanichari's suffering can be traced to colonization's encouragement of traditional forms of oppression (Habib 1997). In the centuries following Kant's eighteenth century, imperialism, as well as, patriarchy have dramatically intensified; they have taken subtler and more complex forms in the late twentieth and twenty-first centuries. However, since the late nineteenth century, resistance has also found voice in anti-racist, anti-imperialist

and feminist consciousness. At the outset, it appears as though commitments to an egalitarian world demand that Kant's reflective judgments be abandoned as hopelessly complicit in violence. However, such an impetuous reaction presumes that philosophical concepts are determined by their author's intentions and social location. One can consider the possibility of reading Kant's *Critique of Judgment* against his stated intentions of racial and gender exclusions. Kant, as the author of reflective judgments, has intended its narrow reading by restricting it to a subject's mental activity in a privileged social location. Moreover, so-called anthropological discoveries of colonial travelogues, as well as, the commercial culture of his hometown Königsberg influenced his analysis of race (Kant 1996, 4-5; Eze, 127-30). In the case of gender, Kant reproduces in verbatim centuries-old social prejudices against women. Consequently, some difficult questions have to be addressed: Is Kant's text on reflective judgments bound by intention and context? Can a work bound by race/gender exclusions have a constructive role in egalitarian contexts?

A way out of this imbroglio can be found in twentieth century philosophy's shift from the subject of thought to language. This turn is evident in Gadamer's writings as well. He views understanding as a conversation that involves language in which experience and concepts are embedded (345-447). Gadamer also concedes that the text to be interpreted has to recreated by the interpreter, given its distance and absence of original meaning; this recreation is a fusion of horizons of text and interpreter (350). Interpreters are language users who follow their social conventions to relate to the text from their contemporary point of view. However, Kant's reflective judgment, formulated in the context of race and gender exclusions, presents a problem for the fusion of horizons. This problem is not confined to Kant's historical context, but is also prevalent in the contemporary context. Existing conventions of language and society contain residues of race, caste and gender oppression. Hence, one cannot appeal to conventional meanings of language while interpreting reflective judgments. Indeed, one would have to effect a disharmonious relation with Kant's text to critically reinterpret reflective judgments. This requires translating reflective judgments from subjective thought to language. In this context, one would also have to explore linguistic excess, which serves as a point of departure for the language of resistance adopted by anti-racists and feminists.

Philosophers from diverse perspectives such as Derrida and Habermas have worked on the promise of linguistic excess (Benhabib, 1999, 337-41). They argue against reducing language to subjective intentions or social conventions. One can follow through their insight to explore the prospects for resistance of language-in-use. Since Kant's reflective judgment is articulated in language, it can be read against him, to undo the deleterious relation of the excluded vis-à-vis the included.

According to Derrida, language is not a game with pre-given rules, but is rather a shifting system without ultimate referents (1982, 4-5,). A linguistic sign is a unity of a signifier (the sensible aspect of sound, written trace) and signified (the intelligible aspect of meaning). This unity is arbitrary, differential and constantly displaced. Moreover, according to Derrida, the signifier does not have a necessary relation with its signified. The signified is not an extra linguistic entity, such as a metaphysical principle, a subjective thought or a scientific fact (21-22; 1998, 445). It acquires meaning, Derrida argues through the absent/ present play of differánce between signs. There is a spatial play of difference between signs, which results in the temporal deference of the fulfillment of meaning to the future (1982, 7-9). Consequently, signs are iterable (325-26), they are displaced from earlier contexts, as well as, subjective intentions to be *repeated* by different subjects in different contexts (316-318; 1998). For Derrida, language does not have any original meaning, since meaning is constantly displaced and subverted. The constant deference of textual meaning can result in arbitrary interpretations; the text's communicative aspect could remedy this problem.

According to Habermas, language contains communicative excess. Language is neither a representation of subjective thoughts, nor a pool of conventional practices. Both limits confine language-users to passivity (Habermas 1998, 257-75). Habermas distinguishes between understanding a text and reaching an understanding about the text (269-70). The latter is not an immediate process of the interpreter submitting to its meaning or context, nor a balancing act with the interpreter's conventions. Reaching an understanding is a far reaching critical process of communicatively evaluating the validity of the claims made by the text, the extent to which it permits dialogue and so forth (201, 246-48). While communicating with the text, the interpreter can challenge it from the point of view of "normative rightness, truthfulness and

sincerity"(271) In this endeavor the interpreter is not isolated, but communicates with other recipients of the text. This process is unpredictable and unconditional (206), since evaluation demands location at a specific cultural background, while concomitantly transcending its local agreements to "rely on a subversive, ever flexible reservoir of potential, disputable reasons" (206). Derrida's surfeit of meaning and Habermas's surplus of communication prevent the taming of signs through determinate meaning and open avenues to imaginative dialogue. Hence, there can be no "resignification without communication... (Benhabib 340)"

There is an inconsistency in the limits that Kant places on the universal humanity. Despite stating that human beings have the exceptional capacity of transcending natural givens, he treats the freedom to become as a naturally given gift. Besides, Kant starts off on a promising note by upholding that reflective judgments and their indeterminateness pave way for active communicating agents (sensus communis). However, he locates the activity of reflective judgments in the mind of the subject. Further, his exclusions of race and gender tend to naturalize them and reduce human beings into passive recipients of what is given. Hence, re-signifying Kant's reflective judgment would have to transfer its unboundedness of imagination and indeterminacy of concepts from the subject's mental powers to language.[19] As a linguistic term, reflective judgment is iterable in the Derridean sense and communicative in Habermas's sense. Thus, the linguistic expression 'reflective judgment' transcends Kant's intention and context with an excess of meaning. Such a resignification of Kant's reflective judgment is an act where "Seeking recourse' to an established discourse may, at the same time, be the act of 'making a new claim'..." (Butler, 41) It opens up the possibility, but not necessity, of contesting past domination and should also desist absolutization (Ibid).

The above reading of Devi's *Rudali* employs reflective judgment to critique the limitations of socially accepted laws in modern and pre-modern India. The lower caste woman Sanichari imaginatively and communicatively subverts exploitative definitions of ritual mourning and contract, during which she introduces an egalitarian, heterogeneous community. Consequently, Kant's prejudiced account of humanity is replaced by the humanity of the underprivileged, lower caste Indian woman's struggle for a better world. Instead of being equated with the

privileged European man, humanity is redefined as a heterogeneous and marginalized people's attempt to undo privilege. This reading, which transgresses Kant's colonial and patriarchal intentions, is possible only because of the unboundedness of language.

Philosophical texts do not encode information and are therefore, inexhaustible. Such texts are, as Michel Foucault observes with respect to Marx and Freud, founders of discursivity (1977, 131-36). Hence, instead of dismissing them as outdated, one can keep going back to them to reread them in diverse ways.[20] The above paper is an attempt at communicating with Kant as a founder of discursivity, from concerns of caste, class, gender, as well as, race in the so-called developing world. On the occasion of Kant's bi-centenary, his intentions and context are being betrayed, if only to tap the inexhaustibility of reflective judgments for anti-colonial and feminist projects.

Notes

[1]In response to criticisms of his work, the Marathi playwright Mahesh Elkunchwar claims "I write for myself, for my own joy"(2003). At the opposite end, most commercial film directors profess to make films for entertainment.

[2]Gadamer traces affinities between his own project and that of Plato (103). However, Plato's account of anamnesis and his own version of cognitive aesthetics are not exactly similar. Anamnesis consists in learning about perfect forms, whereas Gadamer's account of cognition appears more phenomenological in attending to what has been previously ignored.

[3]Kant identifies what he terms as four moments in judgments of beauty(1987): (i) The subject experiences disinterested pleasure(§2) (ii) The pleasure constitutive of beauty is universal(§6) (iii)Beauty evokes a purposiveness, without a determinate telos (§11) (iv.)The pleasure involved in beauty is necessary and without concepts (§ 20).

[4]Kant regards his *Third Critique* as unifying the *First Critique* (dealing with knowledge of nature) and the *Second Critique* (whose subject is moral freedom). Also see Cazeaux 2000a, Cazeaux 2000b.

[5]Devi does not intend Ganguli's feminist version for theatre or its commercial film adaptation as a melodrama about a poor woman's suffering.

[6]Bernstein rightly observes with reference to Gadamer that "...he is employing a concept of truth that he never fully makes explicit. Typically

he speaks of the 'claim to truth' (Anspruch auf Wahrheit) that works of art, texts, and tradition makes upon us."(152). If claims to truth have to be validated with arguments and the like, then they cannot be simply given (153). They would have to be critically and fallibly constructed by the community of interpreters. As Warnke remarks, Gadamer does at times oscillate between conservative and opportunistic approaches to texts (63-64).

[7]Maitra observes that almost all of the duties specified by Manu are meant for individual perfection. Negative social duties of noninterference such as "negative tolerance (Kshamá)", "non-appropriation (Chouryábháva)" and even truth-telling, are all individualistic (Maitra, 8) Maitra continues that the absence of positive virtues of social service has to be understood in the context of an "ideal of a non-social self-autonomy and self-sufficiency. In fact, it is this ideal which dominates the Hindu Doctrine of the Law of Karma-the Law which apportions to each individual what he has himself earned by his own deeds or karma...One's natural lot is itself a result of one's karma or freedom, and one can no more conduce to the betterment of another's natural life than one can conduce to his moral life"(Maitra, 9).

[8]Maitra argues that common duties apply to a person as a human being, rather than as a member of a community and therefore form a foil against "communal egoism and intolerance"(18). He claims that for Plato there no duties by or to the barbarian, since the barbarian lacks civic status argues Maitra. However, "The Hindu however, inspite of the social degradation of the Shudra, does not exclude him altogether from moral protection, but shelters him from persecution through a code of universal duties which are obligatory on man as man."(Maitra, 18). Consequently, the common duties of Hindus "provide... a basis for a much more humanitarian treatment of the Shudra than the Platonic scheme would permit ..."(Ibid). Here Maitra seems to overlook his earlier claim that the duties in Manu are individualistic and have no social bearing. Hence, the lower castes cannot in any way benefit from the hierarchy of duties. For instance, ahimsa or the common duty of non-violence has often been used to exclude the underprivileged (Habib, 168).

[9]The Chotanagpur region, on the border of Bihar and West Bengal, falls under Bihar state administration. It seems to be "...kept for exploitation alone..." (Devi 1997, 40) The abolishing of bonded labor in November 1975 has been a nominal exercise. Not much has been done to rehabilitate those who were once bonded laborers or their impoverished communities. But the destitute lower caste and tribal people of this region have been enslaved in new ways by middle men (dalals) who ward them off to distant places under contract, to labor under in mines and brick kilns and as prostitutes. Although sufficient government money is allocated for developing the Chotanagpur

region, only two percent land is irrigated and five percent is electrified.(Devi 1997, 30-40). Bihar is not an evenly developed state, but is very rich in terms of natural resources, minerals, forests and people (Ghatak, 1997, xviii).

[10]According to Bernstein, the crucial question is one "...of what material, social, and political conditions need to be concretely realized in order to encourage the flourishing of phronesis in all citizens"(157-58).

[11]"By the end of this text, the custom of the rudali has been politicized. Not just a means of survival, it is an instrument of empowerment, a subaltern tool of revenge (Katyal, 23)"

[12]See for example Bernasconi 2002; Eze, 1997; Kneller 1994, 1996; Serequeberhan 1997. It not suggested that Kant's treatment of race and gender are identical. However, Kant discounts both non-European races and women as complete human beings. But his reasons for doing so differ in each case.

[13]A strain of argument demarcates Kant as an individual from a thinker (Van de Pitte, ix-xx). "But Kant was a man of goodwill, and any failure on his part to live up to the moral ideal must be ascribed to a lack of experience which permitted his prejudices to remain undetected"(xx). But this line of thought does not consider the implications of the structural limits that Kant imposes on humanity.

[14]Kant distinguishes between pragmatic anthropology as a study of the moral dimension of human beings with a capacity for action from physical anthropology which is a study of human beings as parts of unconscious nature.

[15]Kant also categorizes skin color on the basis of climate and geography (Eze, 118). He borrows heavily from natural historians such as Buffon, Linnaeus and Francois Bernier for his classification, as well as, travelogues and fables available at his commercial city of Königsberg (128-29). However, the moot problem with Kant is that for him racial distinction (and its geographical relation) is not an empirical contingent matter, but is instead a theoretically necessary foundation for the development of culture.

[16]"The difference in the organization/structure of Negro skin from that of ours is apparent even in the realm of feeling."(Eze 138, fn 103). Indeed, Kant's *Anthropology* has a section "On Physiognomy" which studies the internal traits of a person on the basis of the external (1996, 207-215). Kant's random remarks on the various races in this section are far from flattering. He claims that "the skulls of Negroes, Kalmucks, South-Sea Indians ...belong more to physical geography than to pragmatic anthropology (211)". A few lines later he inconclusively ponders "whether the forehead of the American Indians...is a sign of

innate mental weakness (212)"

[17]Bernasoni quotes Kant in another work as opposing mixing of races on the ground that "The Whites would be degraded. For not every race adopts the morals and customs of the Europeans (158)".

[18]Kant's position on race and gender did not change from his precritical work *Observations on the Beautiful and the Sublime* to his critical work *Anthropology from a Pragmatic Point of View*. Indeed, the mature Kant even offered a transcendental justification for his exclusions. Besides his assurance that travel broadens the horizons of anthropology(1996, 4) ignores that one can travel with prejudice as Kant's own reference to colonial travelogues reveal. Indeed, he encourages the formation of preconceived ideas by recommending that before traveling one should mingle with one's own people thoroughly "...if one wishes to know what to look for when one goes abroad..." (Ibid).

[19]Kant's reflective judgements are not rigid, despite their hidden assumptions only because they are abstract philosophical concepts. In contrast, Manu's law codes are absolutely uncompromising in detailed regulation of conduct. The *Laws of Manu* is a perfect example of an "applied text", containing minute applications of broadly defined duties to particular situations. Hence, they are recalcitrant to being democratically reinterpreted.

[20]Foucault celebrates the aesthetics of existence in a bid to renounce modernity. This paper is an attempt to explore the Kant's account of modern art, which as Habermas claims is relevant in the context of the incomplete project of modernity (1996).

References

Anderson, Benedict. 1991. *Imagined Communities: Reflections on the Origin and Spread of Nationalism.* London: Verso.

Arendt, Hannah. 1982. *Lectures on Kant's Political Philosophy*, Sussex: The Harvester Press.

.1953. Understanding and Politics. *Partisan Review* 20: 377-92.

Benhabib, Seyla.1999. Sexual Difference and Collective Identities: The New Global Constellation. Signs: *Journal of Women in Culture and Society* 24 (2): 335-61.

Bernasconi, Robert.2002. Kant as an Unfamiliar Source of Racism In *Philosophers on Race*, ed. Julie K.Ward and Tommy L.Lott, 145-166. Oxford: Blackwell Publishers.

Bernstein, Richard J. 1983. *Beyond Objectivism and Relativism: Science, Hermeneutics and Praxis.* Oxford: Basil Blackwell.

Butler, Judith. 2000. Restaging the Universal: Hegemony and the Limits of Formalism, In *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left*, by Judith Butler, Ernesto Laclau and Slavoj Zizek, 11-43. London: Verso.

Cazeaux, Clive. 2000a. Nineteenth-Century German Aesthetics: Introduction, In his (edited) *The Continental Aesthetics Reader*, 3-15. London: Routledge.

.2000b. Marxism and Critical Theory: Introduction, In his (edited) *The Continental Aesthetics Reader*, 197-209. London: Routledge.

Chakravarthy, Uma.2002.Through Another Lens: Men, Women and Caste In *Translating Caste*, Ed. Tapan Basu, 198-218. New Delhi: Katha.

Derrida, Jacques.1982. *Margins of Philosophy* Sussex: Harvester Press

.1998. Limited Inc a b c...* In *Postmodernism: Critical Concepts* vol 1 *Foundational Essays*, ed. Victor E. Taylor and Charles E. Winquist, 416-505. London and New York: Routledge.

Devi, Mahasweta. 1997. *Dust on the Road: The Activist Writings of Mahasweta Devi.* Calcutta: Seagull.

Devi Mahasweta, Ganguli Usha. 1999. *Rudali: From Fiction to Performance.* Calcutta: Seagull.

Doniger, Wendy and Brian K. Smith, eds.1991.*The Laws of Manu.* New Delhi: Penguin.

.1991.Introduction, In their eds. *The Laws of Manu,* xv-lxxviii. New Delhi: Penguin.

Elkunchwar, Mahesh.2003. I write for Myself: Interview with Mahesh Elkunchwar. By Sumedha Raikar-Mhatre *MidDay,* 1 July, 2.

Foucault, Michel.1977.What is an Author? In *Language, Counter-Memory, Practice: Selected Essays and Interviews*, ed. D.F.Bouchard, 113-38. Ithaca: Cornell University Press.

1984. On the Genealogy of Ethics: An Overview of Work in Progress In *The Foucault Reader*, ed. Paul Rabinow, 340-72. New York: Pantheon Books.

Gadamer, Hans-Georg. 1975. *Truth and Method.* London: Sheed and Ward.

Eze Emmanuel Chukwudi. 1997. The Color of Reason: The Idea of "Race" in Kant's Anthropology In *Postcolonial African Philosophy* Ed. Emmanuel Chukwudi Eze, 103-140. Cambridge, Mass & Oxford: Blackwell.

Ghatak, Maitreya. 1997. Introduction In *Dust on the Road: Activist Writings of Mahasweta Devi* by Mahasweta Devi, vii-xxxix. Calcutta: Seagull.

Habermas, Jürgen.1996. Modernity: An Unfinished Project. In *Habermas and the Unfinished Project of Modernity* edited by Maurizio Passerin D'Entrèves and Seyla Benhabib, 38-55. Cambridge: Polity Press.

.1998. *On the Pragmatics of Communication*, Cambridge, Mass: MIT Press.

Habib, Irfan.1997.Colonialization of the Indian Economy 1757-1900 In his

Essays in Indian History: Towards a Marxist Perspective, 296-335. New Delhi: Tulika.

Kant, Immanuel.(1781A, 1787B) 1965. *Critique of Pure Reason*, trans. Norman Kemp Smith. New York: St. Martin's Press.

.(1788)1956.Critique of Practical Reason, trans. Lewis White Beck. New York and London: Macmillan/Collier Macmillan.

_ (1790)1987. *Critique of Judgment*, trans. Werner Pluhar. Indianapolis: Hackett.

.(1798A, 1800B).1996. *Anthropology from a Pragmatic Point of View*, trans. Victor Lyle Dowdell. Carbondale & Eadwardsville: Southern Illinois University Press.

Katyal, Anjum. 1999. The Metamorphosis of Rudali In *Rudali: From Fiction to Performance* by Mahasweta Devi and Usha Ganguli, 1-53. Calcutta: Seagull.

Kearney, Richard. 1999. The Crisis of the Image: Levinas's Ethical Response In *The Ethics of Postmodernity: Current Trends in Continental Thought*, Ed. Gary B. Madison, 12-23. Evanston: Northwestern University Press.

Kneller Jane. 1994. Kant's Immature Imagination In *Modern Engendering: Critical Feminist Readings in Modern Western Philosophy* Ed. Bat-Ami Bar On, 141-153. New York: State University of New York Press.

.1996.Feminism and Kantian Aesthetics In *Encyclopedia of Aesthetics* vol 3, ed. Michael Kelly,55-59. Oxford: Oxford University Press.

Maitra, Sushil Kumar. 1925. *The Ethics of the Hindus*. Calcutta: Calcutta University Press.

Salusinszky, Imre.1987. Jacques Derrida In his *Criticism in Society*, 8-24. London and New York: Methuen

Schaper, Eva. 1992. Taste, Sublimity, and Genius: The Aesthetics of Nature and Art. In *The Cambridge Companion to Kant*, ed. Paul Guyer, 367-93. Cambridge: Cambridge University Press.

Serequeberhan, Tsenay. 1997. The Critique of Eurocentrism and the Practice of African Philosophy In *Postcolonial African Philosophy* Ed. Emmanuel Chukwudi Eze, 141- 161. Cambridge, Mass & Oxford: Blackwell

Sondenegger, Ruth.1996. Play. In *Encyclopedia of Aesthetics* vol 3, ed. Michael Kelly, 532-36.Oxford: Oxford University Press.

Van de Pitte P. Frederick.(1978)1996. Introduction. In *Anthropology from a Pragmatic Point of View*, Immanuel Kant, xi-xxii. Carbondale & Edwardsville: Southern Illinois University Press.

Verhaegh, Marcus. 2001. The Truth of the Beautiful in the Critique of Judgment. *British Journal of Aesthetics*, 41(4), 371-94

Winfield, Richard.1995.*Systematic Aesthetics*, Gainesville: University Press of Florida.