

Communicability and Empathy: Sensus Communis and the Idea of the Sublime in Dialogical Aesthetics

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ABSTRACT. In this paper, I intend to sketch out and to confront an implicit ontological model of community, grounded on dialogical practice, which can be found in Grant Kester’s proposal of a dialogical model of aesthetic judgment and experience of art. Firstly, I am trying to show that, in grounding dialogical openness in the “empathic identification with the other” to ensure communicability in a particular dialogical situation, Grant Kester’s theory of aesthetic communication should be using the Kantian notion of “sensus communis” in a constitutive rather than regulative manner, in his attempt to make room for a “mediating” position in between the antepredicative, differential groundings of “community” (to be found in Lyotard or Nancy) and the purely discursive conception of a communicative action-based community understood as “public sphere”. This usage of the Kantian aesthetic postulate points out towards a particular understanding of *sensus communis* as universal communicability of human finitude that I will argue for on the lines of Jean-Luc Nancy’s thinking. Secondly, the ethical necessity of acknowledging the Other’s position opens up the possibility of conceiving the presentation and death of the Other not only as transcendental ontological fundamentals of the experience of community, but also as particular situations of an existential experience and understanding of the sublime.

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***I. Dialogical Aesthetics and the Constitution of the Public Sphere:
The Problems of the Universality of Communication***

Although the descriptive relevance of Grant Kester's aesthetic theory for contemporary art is undoubtful, the interest of my present analysis is focusing more on its wider philosophical implications from the point of view of an ontological hermeneutics concerning the notion of community and the role of aesthetic understanding in the sphere of intersubjective experience.

In this respect, I will attempt not only to point out in which way aesthetic experience and evaluation can become dialogical (which happens to be at the core of Kester's aesthetic project), but, conversely, to explore the way dialogical practice can be grounded in a particular understanding of aesthetic experience and its functioning as a post-foundational model of universality and intersubjective understanding. Although this model of intersubjective engagement as a "community of senses" is *stricto sensu* conceived for public interaction with the artistic sphere in contemporary art, I consider that it possesses explanatory relevance and implications which can spread wider than the limited sphere of art towards aesthetic experience as such. They concern the very conception of "community" on the grounds of a hermeneutic ontology in which aesthetic experience plays a significant part.

I would like to focus first on Grant Kester's descriptive model of the dialogical practice as a generic model for the democratic constitution of the intersubjective sphere. The model is implicitly sketched on the grounds of a particular understanding of the aesthetic experience in contemporary art, understood as a collective experience based on conversation and dialogue among different particular collectivities. Such an understanding of artistic production as a form of dialogue about particular practical issues, which become in itself a "formative experience" for its participating subjects (the artists and the communities involved), results from a critique of art as individual representation embodied in sensuous material undergone in most post-conceptual art. This "artistic turn" in contemporary art challenges the relationship with artwork as a conceptual communication (or translation) of an individual representation and experience, favoring instead collective communication and socio-political engagement.

An interesting redescription of both aesthetic experience and its ontological consequences upon the constitution of intersubjectivity emerges while, in the framework of his particular theory of art, Kester attempts to conceptually redefine aesthetic experience on dialogical grounds rather than on the purely subjective and individual experience of liking or disliking, which plays such a pivotal role in the Kantian aesthetics.

Ontologically, the model of dialogical encounter Kester's theory of art proposes can be placed, in my opinion, between Habermas's model for a reasonable communicative action and Jean-Luc Nancy's negative ontology of community. For Habermas (1999), it is well-known that universality in public matters is based on agreement or rational consensus achieved at the end of a "discourse of reasons" (or public debate) to which various individuals take part (pp. 43-116). Participation to such a process of "public discussion" (Habermas 1964, p. 52) determines the concept of the "public sphere" (or the *res publica*) (Habermas 1964, pp. 49-50). The most radical critique of Habermas's model of "communicative interaction", which consequently defines being in common as a communicative participation to the public discourse of reasons, comes from Jean-Francois Lyotard, for whom "to speak is to fight" (Kester 2004, p. 87). As Kester points out, Lyotard offers a radical critique of rationally grounded discursive communities, highlighting the inequity that precludes the access to discursive interaction for various individuals, as well as the objectionable rationality of communicative interaction which fails to pay enough attention to the structures of power presiding dialogue or conversation. Rational communication, as conceived by Habermas, is granting all the participants the right to speak, but in the discursive framework predetermined by participants and according to the rules of that specific language-game. This may easily turn disinterested debate into rhetorical persuasion, aiming rather at the rational annihilation of the other's position, within the *common*-idiom initially agreed upon. Lyotard's critique stems out of a radical (and problematic) conception of communication itself, which can be conceived only in two basic forms: either rational or aesthetic — that is, non-rational, concerning a "poetic" use of language. Therefore, it is either agonistic conceived as a shared discourse of reasons, which ultimately leads to the annihilation of the other by assimilation of irreducible positions within the same idiom by "the power of the best argument" (Lyotard 1984), or non-

discursive, as a poetic experience of the limits of the language — which becomes “aesthetic” in the sense of being, in Kester’s terms, “prior or beyond shared discourse” (Kester 2004, p. 84).

Unlike Habermas’s “communicative action” and “public sphere”, Grant Kester’s model of dialogical artistic experience and of the dialogical community as an aesthetic community reveals several working assumptions. The first one regards the production of subjectivity and identity *in* and *through* the dialogical process (which, in this case, takes place in a framework for discussion proposed by the artist as a mere mediator). The second assumption regards the definition of the subjects’ identity or constitution as “provisional”, as well as the “provisional” character of the “framework” for discussion which should allow the dialogical process (the communicative action) to take place (Kester 2004, pp. 83-112). The participants to dialogical practice (communication) which is discursive in nature, use a temporary construct of identity, which is neither completely predetermined (culturally) nor completely undetermined, but which makes possible understanding of the other’s partially constructed identity for the participants to dialogue. Therefore, each subject is ready to accept his own beliefs to be displaced and challenged by the other — in other words, is ready to “listen to the other”.

The dialogical process itself is described by Kester as follows: a partially constituted identity encounters another partial identity; both identities in question come out altered at the end of conversation (which is, itself, always “provisional” and “temporary”: finite in nature but infinite in principle). By means of the dialogical activity, both partners have their partial subjectivities (identities) displaced by the other — and therefore, their self-representation is reconfigured (Kester 2004, pp. 114-123), even though no transcendental, synthetic or higher representation is achieved by means of “artistic conversation” or dialogue and even though no rational consensus is achieved in the end.

Several features of such a communicative experience serve us to better highlight the opposition between Kester’s dialogical model and Habermas’s description of communicative action — and, consequently, distinguishes Kester’s notion of dialogical community from Habermas’s “public sphere”. The first one can already be noticed in the above-mentioned description of the communicative activity, allowing for an aesthetic use of

communication as “dialogue” in Kester’s situation. If, for Habermas, we are talking about the constitution of the subject in terms of dialogical “action”, for Kester, dialogue is itself conceived rather as a dialogical “experience”, which allows the self-edification of the subject in such a dialogical experience.

The logical assumption preceding the previously mentioned difference also regards the goals or the ends of the communicative process as dialogical experience. For Habermas, communication serves at achieving a rational conclusion by means of argumentation and it ends when rational consensus among participants to the “discourse of reasons” is achieved. According to Habermas, such a consensus is achieved at (and as) the end of the discussion, by means of common acceptance of the best argument presenting during the discussion. Therefore, there has to be a transcendental framework, encompassing all the participants to communicative process, in relation to which we should be able to judge which of the presented arguments was the best one (Mc. Carthy 1982). For Kester, dialogue is not intended at achieving a consensus about a specific problem of public interest, but the reciprocal understanding of the subjects involved in communication. That is, the end of the communicative process is rather the production of empathy (Kester 2004, 108-114) — the *empathic* and *reciprocal* identification with the other’s position — and not the persuasion of the other. In terms of classical hermeneutics, dialogue eventually produces an *understanding* of the other by means of a reciprocal “explicitation” of the given individual existential background, not a debate over his own position.

Thus, the process of dialogue becomes in the framework of dialogical aesthetics more than a mere artistic practice or means of communication. It ontologically serves as a medium for the formation of subjectivity in its own right. The non-authoritarian prevalence of such a model over the representational-based model of the community when put in concrete artistic terms is also noticeable. During this process, the artist no longer plays the part of the “enlightened” representative of the local and marginal communities which are thus given the right to representation, but often plays the part of the “catalyst” between the subjectivities (and communities) involved. Often, those groups or collectivities are either a specific category of “local people” discussing with the artists, the art public as such

or/and with the authorities in question.

The ethical (that is, political) difference between Kester and Habermas' conceptions of communication is, therefore, clear. Habermas's model of communicative experience is rather "abstract and objectifying" (Kester 2004, p. 90), being insensitive to the speaking identities of the subjects and allowing for Lyotard's critique I have previously discussed. Unlike the "partial identities" required by Kester's dialogical encounter, Habermas's communicative action requires fully constituted identities and supposes subjects endowed with specific argumentative skills.

II. The "Dialogical Turn" of the Aesthetic Experience: Collective Engagement and the Critique of Kant's "Disinterestedness"

Unlike its better known philosophical counterpart in continental aesthetics, represented by Hans-Georg Gadamer's "hermeneutic turn" of aesthetic experience and of the ontological interaction with artworks, the expression "dialogical aesthetics", understood in the limited sense of an aesthetic foundation for a particular theory of art, emerges at a specific moment in the history of artistic practice. Namely, it appears at the precise moment when artists, or rather, *collectives of artists* started working with site-specific or local communities in order to produce socially and politically engaged art. The intention of such practices is to represent the needs, identities and problems of those communities in an artistic manner. Thus, they also undergone an implicit political project: to give voice to their particular and excluded regime of existence. In this respect, the artists are facing a political and ethical problem: which is the best way to represent the truth of the community, its identity itself, and not to misrepresent it? What legitimates the artist as a representative of the community? In which way is the artist to understand the community he is to work with? In this respect, Grant Kester's project to conceive a particular theory of aesthetic communication in collective and socially-engaged practices of contemporary art attempts to answer these questions in order to solve the problem of the authority of the artist in community-based practices. In general terms, dialogical aesthetics differs from its modern counterparts by the rejection of universalism of the judgment of taste and of the

transcendental position of the subject of aesthetic experience and by the re-construction of the rejection of dialogical experience of understanding in aesthetic experience by reducing it to the ante-predicative level, subsumed to sense-experience or sense-reporting (Kester 2004, pp. 30-45).

In developing his particular theory of art, Kester notes several differences between what he conceives as the “dialogical” and the conventional (or rather, the Kantian) model of the aesthetic experience and judgment. But, even if he conceives the dialogical process itself as a particular artistic strategy, Kester remains deeply indebted to Kant, if only by the very fact of criticizing his aesthetic theory (sometimes understood moreover *via* Greenberg), if not also given the important role that the Kantian’s conception of “sensus communis” plays in the framework his particular aesthetic theory. However, Kester grounds his dialogical approach on a strict opposition to the Kantian dogma of “disinterested contemplation” (Kant 1987, pp. 45-47), by advocating dialogical participation and ontological (existential) understanding as a vital part of the process of aesthetic experience of art.

Kester attempts to distinguish his theory from the Kantian’s analytic of the beautiful — and from his judgments upon art as “dependent beauty”, while at the same time equating the evaluation of art with the construction of aesthetic experience in the social and political field. Consequently, for Kester, aesthetic experience is not only interested in the practical sense, but it is itself interested in the reality or existence of the object of the judgment as such, which is to be distinguished by the mere subjective representation (*Vorstellung*).

Secondly, he radically differs from Kant in that he conceives an embodied and culturally situated (and therefore, finite — in cognitive terms —) subject of aesthetic experience, one which further allows for necessarily “provisional” assertions and claims in relation to the claim to universality of the subjects’ judgments. In this respect, Kester relies on a specific understanding of the subject as “partially determined subjectivity and identity” (Kester 2004, p. 112), one that always re-constitutes itself by means of dialogue with other subjects.

The third salient point of his aesthetic theory in relation to the Kantian formulation of the aesthetic judgment is that “dialogical aesthetics

does not claim to provide an universal or objective foundation” to the speakers’ judgments (Kester 2004, p. 112), which also means that the framework for a consensual understanding of the subjects is not already given, but it establishes itself through the communicative interaction of the participants to artistic and aesthetic experience as such.

Last (but certainly not least), in what Kester calls the “conventional aesthetic experience” of modern art, the subject is considered to be prepared to come into dialogue through an essentially *individual* and *subjective* experience of liking/disliking the artistic representations (or rather, their subjectively constructed aesthetic counterparts) whereas discussion and rational debate upon the objects of experience comes after. On the other hand, in dialogical aesthetics, subjectivity is formed by means of the dialogical interaction as such, that is by sharing a constitutively *collective* character of aesthetic *experience* — which is both cognitive and ante-predicative (Kester 2004, p. 113). Therefore, the conversation between the subjects experiencing an artwork no longer serves to communicate a determinate, given content (or to put into form a predetermined experience), but it becomes itself the formative experience of subjectivity and the catalysis for identity fixation. Moreover, *conversation itself* about practical matters of common interest regarded in the framework of an artistic activity becomes an artwork in itself, that can result (or not) into a final product or objectification into a sensuous representation. It does so partially due to its ontologically-formative features, based on both the cognitive and aesthetic experience of dialogue, since while discussing, individuals are subjected to changes in opinions and beliefs and because this experience is an aesthetic experience.

III. Dialogical Engagements: Grant Kester’s Implicit Assumptions of an Ontological Hermeneutics

In its emphasis upon dialogical engagement in aesthetic experience as an experience of understanding rather than an experience of liking or a pure experience of taste, Kester’s conception of dialogical aesthetics shares several common features with Hans-Georg Gadamer’s dialogical theory of aesthetic experience, although they certainly also share particular and im-

portant differences. I think there are several sound reasons for such an analogy.

Both for Kester and Gadamer, the dialogical subject is conceived as a partially “constituted identity”, that is, as a subjectivity in formation, open to alterations by means of conversations with other subjects, cultures, histories. In the framework of Kester’s political and ethical positioning (cultural studies), “dialogue” among the participants to the dialogical activity of collectively making art supposes an emphatic identification with the other participant in order to achieve a better understanding of his position. But this dialogical “ideal” supposes a reciprocal “openness”, that is, a capacity of letting the other’s opinions always challenge (and alter) your own opinions.

For Gadamer, the reciprocal (or symmetrical) feature of such a dialogical process of communication, which distinguishes itself from other types of communication such as the “debate” (obviously, Habermas’s favorite model of communication), stems from a classical circularity of understanding in explaining how knowledge is produced from the already (tacitly) known, with its peculiar dialectics of unfamiliarity and familiarity, earlier highlighted by Heidegger (Heidegger 2005, pp. 134-146; Gadamer 2006, pp. 268-273). The hermeneutical circularity also implies that any understanding of the Other results in a better understanding of oneself (Gadamer 2006, pp. 268-273). This dialectics of Self-Understanding in understanding artworks as means of presentation of Otherness (embodying “lifeworlds” in themselves) is precisely what legitimates the “ontological” character of the hermeneutic process for Gadamer.

Secondly, both for Kester and Gadamer, dialogue is always a partial, unfinished or “provisional” process of understanding, where the participants to dialogue are able to understand the other and suppress the distance (historical or cultural) between them by means of a reciprocal “*horizontverschmelzung*” (Gadamer 2006, pp. 301-305). It is the provisional character of understanding that allows the tradition to unfold as a perpetual “conversation” with the past. However, note that for Gadamer, this does not mean either giving up my own framework or abandoning it to the other (as empathy would suggest), but participating to a “higher universality” which the concept of “horizon” denotes (Gadamer 2006, p. 304).

Thirdly, both for Gadamer and Kester, aesthetic experience -especially

when dealing with art- is not simply an activity of pleasure or displeasure reporting, but also an important means of better understanding oneself (Gadamer 2006, p. 251). In other words, the aesthetic experience of art is always a hermeneutic experience. Moreover, the type of experience involved in such an encounter is ontological in nature, since, for Gadamer, “understanding” is the key means of ontological self-constitution (*Bildung*). That is, from an ontological point of view, dialogue among the participants to an artistic process as it happens for Kester’s favorites artistic examples is in itself a formative experience, just like understanding taking place in aesthetic experience of art is a formative experience *per se*. In Kester’s terms, we may say that it helps constituting the “partially constituted” identities of the subjects of the aesthetic experience as such.

Last, but not least, Gadamer reminds us that understanding is not a merely cognitive process, but rather it is achieved (on an existential level) by means of practice or “application” of conceptual “understanding” to different situations — the so-called “*subtilitas aplicandi*” (Gadamer 2006, pp. 306-310). Therefore, for Gadamer, artistic dialogue may also be an activity in which subjects apply their “practical” knowledge of socio-political problems and apply the understanding of the other in their own life afterwards. The “practical” aspect of this activity gives it the appearance of an artwork resulting from a collective negotiation for Kester, blurring the distinction between art and life. In this sense, we may understand Kester’s insistence on “connected cognition” and the use of “procedural reason” in dialogical process (Kester 2004, p. 113), as a sort of “existential” but non-transcendental frameworks in which the subjects of artistic experience participate to the dialogical process as such. They may actively use their imagination and cognitive abilities to empathically understand the other’s position and bring about their own existential understanding in the process of understanding. The active participation in Kester’s case could mean, in Gadamer’s terms, “applying” any abstract knowledge of the Other and transforming it into hermeneutic “understanding” of both the self and the Other.

However, although both Kester’s implicit and Gadamer’s explicit theories of aesthetic experience as an ontological hermeneutic process highlight the participative element in the self-edifying role played by the aesthetic experience of art, Kester’s insistence on the cultural and political

level of analysis of aesthetic participation misses precisely what is at stake in Gadamer's stress on the legitimacy of certain "constitutive prejudices" (Gadamer 2006, pp. 278-286) and on the constitutive part played by tradition and historicity in the process of understanding. Of course, Kester is not blind to the necessity of allowing for such a "legitimacy of tradition" within the dialogical process, since assuming a "partially constituted identity" already supposes that the identity in question is formed within a certain tradition and altered at the crossroads with other traditions or cultures, which is necessary for any constitution of identity to take place. But, leaving aside this purely logical necessity and implication, Kester does not emphasize that understanding within dialogical aesthetic experience takes place within the deeper level of the framework of the horizons of traditions themselves when the question of multicultural dialogue is at stake, but rather takes place at the level of individual representations and prejudices. If certain prejudices can always be challenged and consequently, the "temporary constructed identities" can always be changed or altered at the level of their collective representations (as it happens for Kester's analysis), other sets of prejudices are not to be altered at all. They are "legitimate" in the sense of being fundamental and they play, for Gadamer, a role similar to Kant's famous "conditions of possibility" for understanding (Gadamer 2006, p. 278).

Moreover, neither for Kester, nor for Gadamer, altering such prejudices (such as language, culturally induced *habitus* etc.) would bring no advance in the subject's self-understanding and in the understanding of the Other, since the circularity of understanding and "explicitation" assumed by Gadamer also states that a better self-understanding supposes revealing such prejudices to the subject and not dismantling or "overcoming" them (Gadamer 2006, p. 278; 295). Therefore, "the meaning of belonging (...) is fulfilled in the commonality of fundamental, enabling prejudices" (Gadamer 2006, p. 295). Last, but not least, it is also noteworthy the differential (and incomplete) feature of understanding that pertains for Gadamer's conception of dialogical encounter, so that a complete "identification" with the Other is practically impossible, while any understanding of the Other would result in an always different understanding (Gadamer 2006, pp. 294-296). As Gadamer puts it "we understand in a different way, if we understand at all" (Gadamer 2006, p. 296).

Therefore, given that the understanding the Other is always differential and mediated, if reciprocal understanding is possible, it requires either a “higher” framework (as Gadamer’s concept of historically-determined “horizon”), or a “lower”, infra-cultural framework (that I would argue for in what follows).

IV. Communicability and the Possibility of Empathy: On a Constitutive Use of “Sensus Communis” in Dialogical Experience

Unlike Lyotard (who uses the Kantian’s analysis of the sublime as a limit of imagination in its failed attempt to illustrate rational ideas in order to provoke a critique of political representation), Habermas (who builds his distinction between communicative and instrumental action in the frame of the larger Kantian distinction between the utilitarian, the aesthetic and the cognitive spheres of experience) or Jean-Luc Nancy (whose specific use of “sensus communis” in the experience of intersubjectivity I will analyze later on), Grant Kester grounds his conception of the dialogical encounter between individual subjects on a particular reworking of modern (Kantian) aesthetic experience and judgment. The “participative” and “hermeneutic” elements (as opposed to the Kantian disinterested theory of aesthetic experience and his abstract, disembodied notion of the aesthetic subject) of such an interpretation of the Kantian aesthetics I have already mentioned above. I will now focus on the question of the (constitutive or regulative) principle that ensures the universality of the communication of the subjects based merely on (subjective) feelings, or, in other words, the communicability of the dialogical encounter itself, as opposed to the merely rational and argumentative communicational praxis, in Habermas’s sense.

The “dialogical” interpretation of aesthetic experience as a process of mutual understanding and empathic identification with the Other also supposes a specific understanding of *sensus communis*, as a principle accounting for the possibility, that is, for the “communicability” of aesthetics judgments which from subjectivity to intersubjectivity and assures the sense of a “community” to any contingent participants to a dialogical encounter. For Kant, “sensus communis” is the condition of possibility for the communicability of feelings, representations, which makes (or ought

to make) possible the capacity to think in the place of other subjects. And, as I would like to imply, it is surely this capacity that *ought to* constitute “community” for Grant Kester — of course, if we understand “community” not as a particular individual or collective subject, but rather in its generic and transcendental features.

But, acknowledging the important role this notion plays in his own conception of community, I think that Kester is also too hasty to dismiss it in rather cognitive and practical terms. His reading of the Kantian notion of *sensus communis* — which means, for Kant, the ability to judge by mere feelings in the absence of any conceptual grounds, and to do so universally *in principle* — reveals precisely how Kester intends to preserve the “middleman’s position”. Thus, he may be preserving both Habermas’s rationality of the subject and Nancy’s essential openness to “otherness”, taking into account the ethical implications of dialogical experience he takes over from Levinas’s ontology and Fiumara’s “philosophy of listening”.

As we know, for Kant, *sensus communis* is a postulate of aesthetic judgments rather than a constitutive ground of aesthetic experience, aiming to bridge the gap between the subjective and non-cognitive character of the judgment of taste and its universal claim, a necessary claim which distinguishes the true aesthetic judgments (concerning beauty) from other “interested” and thus purely subjective judgments (Kant 1987, pp. 160–161). It is responsible for the transcendental possibility of comparing our judgment with the judgment of the others, “the mere possible judgment of the others” in the absence of any concepts to ground this comparison (Kant 1987, p. 160). As Lyotard puts it, we may understand it as an “immediately communicable *sentimentality*” (Lyotard 1991, p. 110). The very notion may also have two meanings in Kant’s aesthetic theory: the meaning of a “capacity that everyone possesses” (the inner basis of our external senses activity) and the meaning of “a sense that is present in a community” [of judgments] and unites judgments of taste based on our external senses (Atalay 2007, p. 47).

Kester regards “*sensus communis*” as “a sense of the commonness of cognition itself” (Kester 2004, p. 107–108). In this wide and peculiar sense, the dialogical process opens towards a specific type of “procedural knowledge” which, unlike the communicative skills in Habermas’s case, does not require any prerequisite communicative knowledge or abilities. In such a

sense, the pretense to universality claimed by each speaker's judgments and assertions is only postulated, but cannot be demonstrated. However, such a "commonness of cognition" allows for the "empathic" ability of placing oneself instead of others and it thus prevents the authoritarian imposition of the "more enlightened" (that is, more powerful) subjects over the others, as we may fear it might happen in Habermas's description. Therefore, its particular use as a principle for the universality of aesthetic judgment makes dialogue possible in Kester's theory without requiring a predetermined, transcendental framework to ensure the communicability of the subjects' individual positions, as in Habermas's case. Such a reinterpretation of "sensus communis" as an "immanent framework" for dialogical (that is, ontological hermeneutic) encounter in Kester's theoretical framework, understood as a universally shared ability to participate to the dialogical process, allows virtually to *any* subject to enter the process of dialogical experience, regardless their contingent cultural, racial, ethnical or religious differences. It also protects the participant to dialogue against the authoritarian position of the "enlightened" speaker, with a completely determined identity, trying to impose his identity to the others or to subsume the other to his own conceptual framework. In brief, it ensures the democratic character of dialogue.

But what is it *precisely* the element that, from a critical point of view, makes empathy itself possible in Kester's own theoretical framework? Can we empathically place ourselves in the place of another speaking subject only by means of a purely "procedural knowledge" (Kester 2004, pp. 133-114) and consequently reject completely any foundational attempts of sketching "universalizing" common principles for both practical and aesthetic judgment?

The very empathic ability of "listening to the other" instead of "arguing against the other", which in fact is the essential feature that distinguishes "dialogue" from Habermas's "communicative action" as rephrased by Lyotard, supposes the *existence* of a *sensus communis*, regarded as the antepredicative *locus* of an universally shared, sense-based human communication. In this constitutive rather than regulative sense, *sensus communis* is understood as an aesthetically-based ontological ground for the possibility of constructing a symmetric relationship between subjects engaged in a dialogical experience --a relationship which cannot be, therefore, *only*

postulated, as it happens in Kant. In this sense, it links the *actual* understanding of the other with the *possibility* of empathic identification with its cultural history, formation etc. This ontologically constitutive sense of “sensus communis” in our understanding and experience becomes vital if we want to preserve, in Kester terms, the fact that there *is* (and not only ought to be) a shared sense of humanity which allows us to understand the Other not only in the framework of a merely rational “conversation”. If we restrain our analysis to the practical (“procedural”) sense of the dialogical framework set up by Kester, the necessity of postulating “sensus communis” in this prior, ontologically constitutive sense of the expression results from the necessity of granting the subjects of the dialogical experience the very *will* to participate and attempt to understand the other, even though the participants are — empirically or culturally — determined by different traditions and may stand for different positions of power.

Firstly, I think that, in his own theoretical framework, the dimension of mutual empathy which grounds for Kester his dialogical interpretation of aesthetic experience and judgment — that is, the ability to perceive the other’s “finitude” as a sort of ethical “prime philosophy”— is essential for making possible the understanding of the other’s position at the antepredicative level of experience. In this case, the crucial ability of “listening to the other” during dialogical encounter becomes the precondition of dialogical framework and makes possible the triangulation of the process of communication itself. Secondly, such an ontological understanding of “sensus communis” is also required by Kester in order to explain a structural lack in his ontological conception of dialogical practice which, for Gadamer, allows for the empathic understanding of the other’s position — the immanent framework of “tradition”. Lacking any transcendental framework to allow for their mutual understanding, but also lacking an immanent framework such as a common language or history which Gadamer offers for the dialogical experience, the subjects involved in dialogue (as conceived by Kester) need to re-construct their own provisory “tradition” by means of the continuous melting of each subject’s “horizon” through perpetual translation. Thus, subjects coming from different traditions and sharing different personal histories are able to partially understand the other. But, in order to be able to empathically place oneself in the other’s position, one has to accept first of all either, rationally, the eth-

ical priority of the other in relation to the categories of my discourse that decide upon the Other's representation in my own idiom in the sense of a categorical imperative, or to share an ontological sense of "commonness" — that is, *at least*, the basic ability to be affected by the other's suffering or loss.

V. Sensus Communis or the Universal Communicability of Finitude

Such a critique of Kester's dialogical framework brings us back to Nancy's account of intersubjective engagement he explicitly rejects. Kester has paid close attention to this utilization of Nancy's concept of community, criticizing him for being rather "too sensitive to singularities", and refusing the necessary existence of a partially constructed identity of the speakers as *rationally situated* agents (Kester 2004, p. 158). As he rightly notices, the capacity for critical perception or "passivity" in the sense of perceiving the loss and the suffering of the other implies the existence of a subject with at least a partially constituted identity (Kester 2004, p. 158).

But, if Kester is certainly right on a cultural level of analysis of the term "identity", what if this capacity is taken to be, in fact, a "transcendental" capacity or "faculty" of the subject or the partially constituted "self", ontologically prior to the cultural formation of self-identity? In other words, I would like to suggest that we may consider the universal capacity to react to the other's suffering as the *ontologically prior* experience of empathy, a capacity that conditions both empathic identification and existential understanding of the other's position.

If we are to credit Stuart Dalton's suggestion (Dalton 2000), such a capacity is described precisely by the "sensus communis" in Nancy's ontological particular reading of Kant's ground for the universality of aesthetic judgments. The analysis of "sensus communis" in these terms takes us back from the sphere of rational discussion to its pre-discursive and ante-predicative ground, re-defining *sensus communis* as the sharing of a common ability to perceive our own finitude (in other words, our precariousness and mortality). The term "sense" is understood here as the constitutive, *essential* passivity or receptivity of the subject (the capacity of being affected by the others and of resenting their suffering). The common character of this "sense" resides in the essential ability of sharing our

own finitude with the others — in our essentially limited, but still essentially open relationship to the Other. But also, this ontologically essential capacity to *endure* our experience in common appears for the subject as a “sense” or an intuition (as opposed to concepts or reason), which cannot be accounted for in purely cognitive terms, but can only be *felt*.

This is, of course, a blatantly different account of the universal character of the aesthetic judgment from the standard Kantian one, since aesthetic judgments now claim for their universal validity in the name of a constitutive feature of the subject’s existence — which is itself a pure possibility and has no determinate meaning or content. For Kant, *sensus communis* may also describe a common ability to judge in the absence of any determinate concepts presiding upon our judgment. But in the particular sense, this notion may acquire for Nancy’s ontology, the very “absence of concepts” accounts for the resistance to the operation of unification to a concept which defines Nancy’s “inoperative community” (Dalton 2000, p. 42). In this respect, the “inoperative community” as a “co-presence of the subjects” may look like a strange application of the Kantian notion of “purposiveness without a purpose” to the inter-subjective sphere of experience. Therefore, following Dalton (2000), we may consider that “purposiveness without a purpose” describes for Nancy the very process of “unworking” the work of “conceptual unification” of the community under a single and determinate concept (pp. 38-40).

For the sake of our present analysis, it is also important to note that, according to Nancy, the particular and contingent linguistic communities of any given speaking subjects, which can be contingently constituted in a particular dialogical communication, is always grounded in a pre-linguistic sharing and distribution of meanings - which cannot (and should not) be unified by means of a conceptual reduction (in order to politically avoid totalitarianism). Rather, dialogue in a practical sense is ontologically made possible by its very *irreducibility* (*le partage des voix*), where each “voice” (speaking subject) is rather understood as an ethical principle rather than as a rational agent as such (May 1997). In this respect, the “plurality of voices” becomes a normative, regulative principle of dialogical interaction. In ethical terms, it reminds us the Levinasian “interpellation” of the subject arising from the Other’s presence (Levinas 1995, p. 76), rather than taking over the function of dialogical agency in Habermas’s sense of communica-

tive interaction. Therefore, its fundamental function regarding the constitution of the subject (if any) is to keep dialogical communication open — to prevent the totalization of the subject from its essential finitude and unessential character, the “replication” of the subject in and upon itself and the forgetfulness of its essentially “being-together” or lack of essence (Marchart 2007, pp. 72-73).

Consequently, Nancy may imply that community is not to be perceived as the collective “work” of the subjects or common property — neither as a determinate collectivity or groups of individuals, nor, for instance, as the final result of their dialogue, as for Habermas’s abstract notion of the “public sphere”, but it *exists* rather as the perpetual process of resistance to totalization. Thus, it designates the “unworking” of its (self) representation and its discursive totalization in conceptual terms — it rather “appears” in the process of “de-substantiation” as such than exists as a given substance (Nancy 2001, pp. 27-28).

VI. Introducing the Experience of the Sublime: “Asymmetry” and “Excess” in the Constitution of Intersubjectivity for Nancy and Levinas

I have advocated so far the possibility of understanding “sensus communis” as a transcendental aesthetic (that is, ante-predicative) principle of the dialogical process of understanding, allowing for the empathic “identification” with the other on an ontological level of analysis. I would like to sketch now a different possibility of experiencing commonality or “being-in common” (in Nancy’s terms), taking into account the “ethics of listening” opened up from a Levinasian perspective — which Kester also vaguely pays attention to, focusing instead rather on Fiumara’s philosophy and relating also to Bahtin’s conception of dialogue (Kester 2004, pp. 118-123). It is precisely such an alternative understanding of the experience of community as “work of negativity” (in relation to conceptual representation and determination) and as pure passivity (in phenomenological terms) which Kester tries to avoid in sketching his own model of empathic communicability and mutual understanding in the aesthetic sphere. What he is actually avoiding by sticking to an “ontologically impure” level of the dialogical

encounter as a “practical negotiation around issues of power, identity and difference” (Kester 2004, p. 123) are the very “transcendental” implications of Levinas’s ethical ontology.

The ethical and ontological priority of the Other in relation to the Self supposes an excess in terms of dialogical self-representation, a radical “asymmetry” (Levinas 1995, pp. 215-216) in the construction of the intersubjective sphere, based in both Gadamer and Kester’s dialogical frameworks on the mutual, “symmetric” recognition and empathic identification of the subjects in their sphere of immanence. This “excess of intersubjectivity”, as I have called it (in phenomenological terms) is due to the excessive “donation” of the Other which appears to me not as lacking meaning and in need to be represented or saturated with my own meanings, but rather as being already hyper-saturated in meaning (in the framework of my own phenomenological reduction) and thus preceding my own self-constitution. As such, it postulates both for Levinas and for Jean-Luc Nancy the irreducibility of the Other to our subjective constitution of the world.

But this ‘asymmetrical’ intersubjective relation brings about the paradoxical possibility of thinking community based not only on dialogical experience as an aesthetic experience grounded on empathic identification (and hermeneutic understanding), but also on the particular aesthetic experience of the sublime, if we regard the latter as the “presentation of the absence of the other”. Such an experience of the sublime is, of course, getting us back to Burke’s “existential” analysis of the sublime as intimately connected with the experience of death (Crowther 1993, pp. 117-123).

Briefly, what I am trying to suggest is that we can also understand the Other as a specific limit of our representation, due to the inadequacy of our imagination in face of the Other regarded as a mere rational Idea. The rational idea, in this case, following Levinas, is the categorical imperative itself (“thou shall not kill!”). This possibility is even further removed to Kester’s project of a dialogical aesthetics than it is its previous reading *via* Jean-Luc Nancy. But the idea of the radical asymmetry in the intersubjective relation is suggested by Levinas itself as a different condition of possibility for an “ethics of listening” (Kester 2004, p. 113). In this case, it has to do more with the ontological recuperation of the aesthetic category of the sublime, which takes place in a specific sense that I am trying

to make clear in what follows.

In both Nancy's and Levinas's non-reductionist approach of the Other, there is a radical sense in which the self is constituted starting from the other, the other being the pre-condition of my own subjective constitution. It is this "asymmetrical" sense of dialogue which Kester aims to avoid by his definition of the partially "determined identity" — whose implications would lead to a structural impossibility of dialogue itself as "reasonable" communication, but rather as the communication of finitude itself (Nancy 2001, pp. 28-29).

For Nancy, we find that the existence of community is, therefore, grounded on the event (singular) of the exposition of Being (Nancy 2000, p. 3), where finite existence is shared among singular subjects as plurality of beings (Nancy 2000, pp. 3-5; 11-12). Secondly, the founding event of community is not the discursive experience of sharing reasons for common action, but a specific understanding of the experience of being-together as "being-with", that is, the *impossibility of communion* or co-presence due to subject's exposure to the "death of other" (Nancy 2001, pp. 14-15). It is in the event of this "loss" or existential precariousness as a specific ontological phenomenon which *exceeds* its mere conceptualization, in the perceived absence of the other as impossibility of immanence that the presence of community is commonly *recepted*, while the understanding of the essential co-presence of the subjects in world ("co-appearance") is made possible to subjects as individuals. It is this presence of the absence that reveals the "unworking" of community itself, the nothingness of being which exceeds in its meaning dialogical communication as such. If, for Nancy, we are dealing with an "essentially" finite and de-centered subject, whose precariousness defines his fundamental openness to the other, for Levinas, the Other appears as the ethical commandment *par excellence*. In this normative function, it places the other as an ethical limit of our agency, and opens up the symmetry of dialogue towards a philosophy of "interpellation", in which the other is not underrepresented, but it is given in excess. It is precisely this ontologically prior presence of the Other, always preceding me in my own subjective constitution, which surpasses its representation as a "reductionist" mechanism of "taming" difference and reducing it to the logic of identity. In other words, the dialogical encounter between subjects does not represent the other and in this process tries to assimilate

it into our familiar idiom, but leaves it open to be expressed in its own terms — even though, from a linguistic point of view, this also eludes any possible *merely rational* understanding — unless reason may also imply an *aesthetic* reasoning.

What dialogue opens up is the ethical priority of the other and reveals our unquestioned responsibility for her. This question leads us back to Lyotard's understanding of the sublime as "unpresentable". In fact, in his description of the aesthetic understanding and communication as the only alternative for the "discourse of reasons", Lyotard suggests a particular understanding of the sublime as an alternative to discursive uses of both understanding and reason which can be formally described either a lack or an excess of representation.

For instance, he describes the sublime as an experience of the "unpresentable" (Lyotard 1991, pp. 118-121) — an experience of a particular meaning which is ontologically at the same time *before* and *besides* predication (that is, which both makes it possible and alludes it). Therefore, for Lyotard, the sublime describes a singular experience, crucial for the self-edification of the subject outside the discourse of reasons, which can be described, according to Kester, as an experience "which is beyond discourse or untranslatable into discursive form" (Kester 2004, p. 86). The sublime as the experience of the "unpresentable" is defined by Lyotard following Kant as "that which is the object of an Idea, but for which we cannot present a case or even a symbol" (Lyotard 1991, p. 127). From such a perspective, the Other for Levinas rather becomes the "unpresentable" for Lyotard, in the sense accorded by the judgment of sublime as such — that is, by means of the precise inability of imagination to find an adequate concept or even an Idea for the concrete case in hand.

In this sense, the Other brings a constitutive de-centering and asymmetry in the relation Self-Otherness, an "excess" that negates both the completeness (totalization) of the representation of the Other for me (which remains always inadequate) and the play of mutual self-representations as a model for the constitution of the intersubjective sphere (Levinas 1995, p. 215). Firstly, for Levinas, it is the Other's face as a reminder of our own finitude and mortality — which shares a specific trait of the experience of the sublime, since it is "unrepresentable" in terms of a specific meaning "given" by the self (Levinas 1995). Secondly, the Other also appears as a

limit of “visibility” or idolatry (which opens up the ability of listening to its perpetual “appeal” --which asks for my help and puts me into question (Levinas 1995, pp. 73-80; 215-217).

Lyotard’s own thinking of the sublime as “unpresentable” may be understood in the framework of Levinas’ own asymmetrical account of intersubjectivity as the attempt to think the presence of the other in negative terms, as a “withdrawal” from the framework of discursive representations. And, as Lyotard glosses on Kant’s analysis of the sublime, we know that, unlike the beautiful, the sublime can also be an experience of the “informe” — a missed presentation of free forms which takes place when we are dealing with the presentation of a mere rational idea (Lyotard 1991, pp. 106-107).

To sum up, in all cases at hand, either for Nancy, Lyotard or Levinas, the Other is the essential element that eventually avoids discursive representation in the intersubjective sphere of experience and, paradoxically, suspends dialogical experience in its actuality. The other presents itself either as an “excessive presence” (for Levinas) or as the “presence of an absence” (for Nancy). But, noteworthy from the point of view of their *form* of presentation (that is, from an *aesthetic* point of view) is the fact that all these are *modes of presentation without a determined content*.

VII. A Particular Understanding of the Experience of the Sublime: The Annunciation of Death and the Symmetry of Finitude

Now, if we turn back to Nancy’s suggestion concerning the experience of community as an experience of finitude I have analyzed so far, and if we pay attention to the role of the Other he assigns to it by stressing the essential “co-presence” of the individual subject, then we may conclude that, not only for Levinas, but also for Nancy, the Other may also be present to the Subject in the constitutive experience of community as a particular case of the Kantian sublime, both mathematic (given the incommensurability of the Other in terms of my own imagination) and dynamic (given the magnitude of affect in the annunciation of death). In the first sense, it gives sense to ethical responsibility towards the Other, while in the last one, to my own liberty. In the last sense, the understanding of sublime advocated here follows the lines of Burke’s “existential sublime”, as analyzed

by Crowther (1993, pp. 115-133) rather than Kant's own "transcendental" approach. This determination is due to the possibility that the loss of the other both presents us with a radical insecurity and reveals our existence in its essential finitude, while pointing at the same time to our "moral" superiority over death, which in Nancy and Heidegger's terms would be the essential openness or "liberty" to determine ourselves.

Thus, we may experience community (that is, our radical de-centering and being-together) in Nancy's particular sense of the word as an experience which comes much closer to Lyotard's description of the sublime as negative pleasure or "terror" of solitude, which sets out of the announcement of a permanent possibility that my own existence is shattered or is radically set into question. In other words, we may affirm that in the experience of the sublime we live the anticipation of death. Or rather, we may state that, from an aesthetic point of view, any anticipation of death presents itself as an experience of the Sublime, where both my finitude and my liberty as a subject are revealed.

The experience of the sublime may be defined as "the presence of an absence", while the suggestion of such permanent possibility made actual is made possible in exceptional situations (Lyotard 1991, pp. 98-99). But the sublime experience is not regarded as the empiric (and impure) experience of negative pleasure resulted of the comparison between imaginary danger and actual safety. Rather, it is the consciousness of both my finitude *and* my liberty that comes to my mind at the same time when imagining the possibility of my own extinction and temporarily experiencing the possibility of the other's loss or disappearance.

Therefore, if we may conceive the experience of the sublime as a specifically ontological experience of a "non-substantial" community (in Jean-Luc Nancy's sense of the experience of loss), we experience this negative possibility as a constitutively *deferred* actuality, regarding the *actual* and permanent possibility of the absence of the other, which, in the experience of the sublime, it is at the same time postponed and presented to me. The effect of such an experience is that I acknowledge myself as essentially being an ontologically "poor" or precarious subject, "exposed" at the same time to me, to the others and to the world. In such a peculiar sense of the term, the sublime plays the part of Heidegger's essential and constitutive experiences of *Angst* and "care" (Heidegger 2005, pp. 260-274;

312-344), which reveals to the subject its own finitude and exposes it to its own existential “authenticity”. It is the experience of the sublime which, both for Kant and Nancy is the experience of our subjectivity’s essential dispersal, finitude and dependency upon higher forces (for Kant) or upon the others (for Nancy and Levinas).

Eventually (and paradoxically enough), this mutual “exposure” of the finite subjects may create the desired intersubjective “symmetry” envisioned by Kester’s dialogical framework, by means of a reciprocal empathic identification with the other, but it does so by means a non-discursive relationship. The (dialogical) peculiarity of this experience is that it remains ante-predicative, since, unlike Kester’s theory of dialogical empathy, it is not the contingent Other which is at stake here, but rather the Other conceived as a possible subject, regarded from the perspective of an Universality of Mankind as a Universality of Finitude.

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