

# COMMUNICABILITY AND EMPATHY: THE PROBLEM OF *SENSUS COMMUNIS* IN KESTER'S DIALOGICAL AESTHETICS

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In this article, I sketch out and examine the aesthetic basis of an implicit ontological model of community, grounded on dialogical practice, which appears in Grant Kester's proposal for a dialogical theory of socially engaged contemporary art. I address two distinct but related aspects of Kester's view on understanding as a constitutive part of dialogical aesthetic experience. First, I endeavour to show that the post-foundational framework of a 'procedural knowledge' which he uses to support his theory of aesthetic communication requires a stronger intersubjective ground to ensure the actual empathic understanding of the other dialogical partner. In this respect, I claim that he could be using the Kantian notion of *sensus communis* in a constitutive rather than in a regulative manner, thus grounding empathy on an ante-predicative level of experiencing alterity. This unorthodox usage of the Kantian aesthetic postulate points towards a particular understanding of *sensus communis* as the universal communicability of human finitude, which I eventually argue for on the lines of Jean-Luc Nancy's thinking.

Kommunizierbarkeit und Empathie. Das Problem des *sensus communis* in Kesters dialogischer Ästhetik

In diesem Aufsatz soll die ästhetische Grundlage eines impliziten ontologischen, auf dialogischer Praxis gegründeten Modells von Gemeinschaft skizziert und diskutiert werden. Ausgegangen wird dabei von Grant Kesters Vorschlag einer dialogischen Theorie für sozial engagierte zeitgenössische Kunst. Ich thematisiere zwei verschiedene, aber zusammenhängende Aspekte von Kesters Ansichten zum Verstehen als konstitutivem Teil einer dialogischen ästhetischen Erfahrung. Ich versuche zu zeigen, dass der post-fundationale Theorierahmen eines „prozeduralen Wissens“, auf den sich seine Theorie der ästhetischen Kommunikation stützt, einer solideren intersubjektiven Grundlegung bedarf, wenn denn das vorgeschlagene emphatische Verständnis des Dialogpartners erhalten bleiben soll. Diesbezüglich glaube ich, dass Kester auf den Kantschen Begriff des *sensus communis* in einer eher konstitutiven als regulativen Weise zurückgreifen könnte, um diese Empathie so auf einem vorprädikativen Level der Alteritätserfahrung zu verankern. Dieser unorthodoxe Gebrauch von Kants ästhetischem Postulat verweist auf ein besonderes Verständnis von *sensus communis* im Sinne einer universellen Kommunizierbarkeit menschlicher Endlichkeit, wie unter Rückgriff auf Jean-Luc Nancys Denken ausgeführt werden soll.

## I. DIALOGICAL AESTHETICS AS A PARTICULAR THEORY OF ART

In this article, I sketch out and examine the aesthetic basis of an implicit ontological model of community, grounded on dialogical practice, which appears in Grant Kester's proposal for a dialogical theory of socially engaged contemporary art. I address two distinct but related aspects of Kester's view on

understanding as a constitutive part of dialogical aesthetic experience. First, I endeavour to show that the post-foundational framework of a 'procedural knowledge' which he actually uses to support his theory of aesthetic communication requires a stronger intersubjective ground to ensure the actual empathic understanding of the other dialogical partner. In this respect, I claim that he could be using the Kantian notion of *sensus communis* in a constitutive rather than in a regulative manner suggested by Hannah Arendt, thus grounding empathy on an ante-predicative level of experiencing alterity. This unorthodox usage of the Kantian aesthetic postulate points towards a particular understanding of *sensus communis* as the universal communicability of human finitude, which I finally argue for on the lines of Jean-Luc Nancy's thinking.

Although an in-depth discussion of the relevance of Kester's aesthetic theory for the definition and ontology of contemporary art may be of greater interest, the focus of my present analysis is its wider philosophical implications for 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 how aesthetic experience of art can become dialogical, but also to explore the way dialogical practice can be grounded in a particular understanding of aesthetic experience as a model of intersubjective understanding. Although this model of engagement in a 'community of senses' is *stricto sensu* conceived for public interaction with the artistic sphere in contemporary art, its implications can spread wider than the limited sphere of socially engaged art.

Proposed by the American art historian and critic Grant Kester, the expression 'dialogical aesthetics', understood in the limited sense of an aesthetic foundation for a particular theory of art, has emerged in order to account for a specific moment of discontinuity in the history of artistic practice – the precise moment when artists (or rather, collectives of artists) started working with local communities in order to produce socially and politically engaged art. It therefore marks a moment when the classic interaction with the artwork as an imaginary mediator between the artist and the public gives way to an ontology of art as social activity, in which artworks are produced as the temporary result of actual communicative interaction between the artists and their social subject: 'the work is constituted as an ensemble of effects, operating at numerous points of discursive interaction'.<sup>1</sup> Beside this ontological

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<sup>1</sup> Grant Kester, *Conversation Pieces: Community and Communicability in Modern Art* (Berkeley: University of California Press, 2004), 189.

transformation in the nature of the artwork, also conceived as 'a process of performative interaction',<sup>2</sup> other key structural changes concerning the reception and definition of art in relation to modern theories of art can be grasped in Kester's project to construct a theory of dialogical interaction in the contemporary artistic field. For instance, the traditional 'aesthetics of reception', which also highlights the cooperative but imaginary participation of the public to the constitution of the artwork in the very act of reading or interpretation, is radically broadened in the direction of an interactive engagement between the artwork and the public, in which the open constitution of the artwork is regarded as a dynamic process which actually takes into account the audience's response.<sup>3</sup> Also, by resonating with Joseph Beuys's concept of *Sozialplastik*, the meaning of the term 'artwork' seems for Kester to equate with the political gesture of shaping or giving form to a local community in a truly democratic manner.

Kester's writings, mostly concerned with art criticism, therefore also provide a new theory of art, able to explain the expansion of the modern concept of art as production of objects, which continues the Avant-garde's preoccupation with taking art into real life, outside the given institutional limits of the art world. In his *Conversation Pieces* (2004), he also proposes a dialogical theory of aesthetic reception which, I believe, plays an important role in rethinking both the orthodox Kantian notion of reflexive aesthetic judgement and Hans-Georg Gadamer's notion of dialogical aesthetic experience when confronted with a new ontology of art such as the interactive practices of socially engaged community-based art. This understanding of artistic production as a form of dialogue about particular practical matters of common interest becomes a 'formative experience' for its participating subjects. It is the result of a critique of art as individual expression embodied in the sensuous material implicit in most post-conceptual art that tends to favour collective communication and socio-political engagement.

At the same time, the intention of such recent artistic practices is to represent the needs, identities, and problems of particular communities in the medium of art. They therefore also take part in an explicitly political project – namely to give voice to their particular and politically excluded regime of existence. In this respect, artists face a political and ethical problem: how is the artist to understand the community she is to work with in order to avoid the ethical arrogance of 'speaking in the name of the other'? Kester's theory

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<sup>2</sup> Ibid., 10.

<sup>3</sup> Ibid.

also attempts to conceive a particular account of aesthetic communication in the collective and socially engaged practices of contemporary art, capable of solving the problem of the artist's authority and responsibility in community-based practices.

The thesis I wish to support in light of this outlined conception of dialogical aesthetics may be sketched as follows: in grounding dialogical openness in the act of 'empathic identification with the other', in order to ensure communicability in a particular dialogical situation, Kester attempts to make room for a 'mediating' position in between the ante-predicative but non-communicational grounding of 'community' and the purely discursive conception of community understood as 'public sphere'. Nevertheless, if mutual understanding is the ideal outcome of dialogical aesthetic experience, which supposes empathy, then Kester's dialogical rewriting of Kantian aesthetic judgement requires a stronger intersubjective foundation for the discursive situation of communication proposed by the artists. I would therefore argue that his theory allows for a constitutive notion of *sensus communis*, in which the felt sense of a universality of human finitude plays the crucial role instead of a universality of reason. The main consequence of such an unorthodox reading of the Kantian *sensus communis* is that it does justice to the principle of the ethical priority of the other, which ultimately differentiates aesthetic dialogical experience from normal communicative interaction as a discourse of reasons. In such conditions, aesthetic dialogue opens up the ethical priority of the other and reveals, in the end, our unquestioned responsibility for her.

## II. THE 'DIALOGICAL TURN' OF THE AESTHETIC EXPERIENCE: COLLECTIVE ENGAGEMENT AND THE CRITIQUE OF KANT'S 'DISINTERESTEDNESS'

In developing his 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 judgement. But, even though he conceives the dialogical process itself as a particular artistic strategy, Kester remains deeply indebted to Kant, if only by the fact of criticizing his aesthetic theory (sometimes understood by way of Clement Greenberg), if not also given the important role that *sensus communis* plays in Kester's aesthetic theory. Kester, however, grounds his dialogical approach on a strict opposition to the Kantian dogma of 'disinterested contemplation',<sup>4</sup> by advocating dialogical participation as a vital part of the process of the aesthetic experience of contemporary art.

<sup>4</sup> Immanuel Kant, *Critique of Judgment*, trans. Werner S. Pluhar (Indianapolis: Hackett, 1987), § 2, 45–46 (AA V, 204–5).

Kester attempts to distinguish his theory of aesthetic judgement from the Kantian 'Analytic of the Beautiful' and from Kant's judgements on 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 is itself interested in the reality or existence of what is being judged, which is to be distinguished by its mere subjective representation (*Vorstellung*).

Second, he radically differs from Kant in that he conceives an embodied and culturally situated subject of aesthetic experience as one that further allows for necessarily 'provisional' assertions in relation to the claim to the universality of the subjects' judgements. In this respect, Kester relies on a special understanding of the subject as 'partially determined subjectivity and identity';<sup>5</sup> one that always re-constitutes itself by means of dialogue with other subjects.

Last (but certainly not least), in what Kester calls the 'conventional aesthetic experience' of modern art, the subject is seen as prepared to enter into dialogue through an essentially *individual* and *subjective* experience of liking or disliking the artistic representations (or rather their subjectively constructed aesthetic counterparts), whereas discussion and rational debate about the objects of experience comes after. On the other hand, subjectivity in dialogical aesthetics is formed by dialogical interaction as such, that is, by sharing in the constitutively *collective* character of aesthetic *experience* – which is both cognitive and ante-predicative.<sup>6</sup> The discourse between the subjects experiencing an artwork therefore no longer serves to communicate a given, determinate content (or to frame a predetermined experience). Instead, it itself becomes the formative experience of subjectivity and the catalyst for identity fixation. Moreover, discourse about practical matters of common interest regarded *as part of* artistic activity becomes an artwork itself, and can result in a final product or objectification in sensuous representation. It does so partly because of its ontologically formative features, based on both the cognitive and the aesthetic experience of dialogue, since individuals in discussion are subject to changes in opinion and belief.

Nevertheless, there are two important respects in which Kester remains profoundly Kantian. They concern the reasons that dialogical artistic practice may rightly also be considered to provide an *aesthetic* situation of

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<sup>5</sup> Kester, *Conversation Pieces*, 112.

<sup>6</sup> *Ibid.*, 113.

communication. First of all, in dialogical practice people seem to make use of a reflexive type of judgement, considering particular cases without being able to subsume their judgement under a given concept. But, instead of appreciating mere objects and taking into account their subjective representation, judgements in dialogical aesthetics are made concerning actual situations and in confrontation with other people's judgements. Second, some version of the Kantian postulate of a *sensus communis* (as the claiming of the agreement of a formal judging community) seems to be required in order to account for the validity of a judgement whose universality cannot be granted *a priori*. But although it cannot grant the universality of speaker's judgements, it certainly needs to grant their intersubjective communication, the communicability of such judgements. The fact that 'dialogical aesthetics does not claim to provide a universal or objective foundation' to the speakers' judgements means that the framework for a consensual understanding of the subjects is not given beforehand, but must establish itself through the participants' communicative interaction with artistic and aesthetic experience as such.<sup>7</sup>

### III. DIALOGICAL ENGAGEMENTS: KESTER'S IMPLICIT ASSUMPTIONS OF AN ONTOLOGICAL HERMENEUTICS

In its emphasis on dialogical engagement in aesthetic experience as an experience of understanding rather than as an experience of liking or disliking derived from the mere contemplation of an object, Kester's conception of dialogical aesthetics also shares several common features with Hans-Georg Gadamer's dialogical theory of aesthetic experience. For both 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, and histories. In the framework of Kester's political and ethical positioning (cultural studies), 'dialogue' among the participants in the dialogical activity of collectively making art supposes an empathic identification with the other participant in order to achieve a better understanding of her position. But this dialogical 'ideal' supposes a reciprocal 'openness', that is, a capacity for letting the other's opinions always challenge (and alter) one's own opinions.

For Gadamer, the reciprocal (or symmetrical) feature of such a dialogical process, which distinguishes itself from other types of communication such as the 'debate', stems from a classic circularity of understanding when explaining

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<sup>7</sup> *Ibid.*, 112.

how knowledge is produced from what is already (tacitly) known, with its peculiar dialectics of unfamiliarity and familiarity of meaning, which was earlier highlighted by Martin Heidegger.<sup>8</sup> The hermeneutical circularity also implies that any understanding of the other results in a better understanding of oneself.<sup>9</sup> This dialectics of self-understanding in understanding artworks as a means of presentation of otherness (embodying 'lifeworlds' in themselves) is precisely what legitimates the 'ontological' character of the hermeneutic process for Gadamer.

Second, for both Kester and Gadamer, dialogue is always a partial, unfinished, or 'provisional' process of understanding, where the participants in the dialogue are able to understand the other and to suppress the distance (historical or cultural) between them by means of a reciprocal *Horizontverschmelzung*.<sup>10</sup> It is the provisional character of understanding that allows the tradition to unfold as a perpetual 'conversation' with the past. Note, however, that for Gadamer this does not mean either giving up one's own framework or abandoning it to the other (as empathy would suggest); rather it means participating in a 'higher universality' which the concept of 'horizon' denotes.<sup>11</sup>

Third, for both Gadamer and Kester, aesthetic experience – especially when concerned with art – is not simply an activity of reporting on pleasure or displeasure, but also an important means of better understanding oneself.<sup>12</sup> 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 by nature, since, for Gadamer, 'understanding' is the key means of ontological self-constitution (*Bildung*).<sup>13</sup>

Last, but not least, Gadamer reminds us that understanding is not a mere cognitive process, but is achieved (on an existential level) by means of practice or the 'application' of conceptual 'understanding' to different situations – the so-called *subtilitas aplicandi*.<sup>14</sup> For Gadamer, artistic dialogue may therefore also

<sup>8</sup> Martin Heidegger, *Being and Time*, trans. John Macquarrie and Edward Robinson (New York: Harper and Row, 2008), 142–60.

<sup>9</sup> Hans-Georg Gadamer, *Truth and Method*, 2nd ed., trans. Joel Weinsheimer and Donald G. Marshall (London: Continuum, 2006), 268–73.

<sup>10</sup> *Ibid.*, 301–5.

<sup>11</sup> *Ibid.*, 304.

<sup>12</sup> *Ibid.*, 251.

<sup>13</sup> That is, from an ontological point of view, dialogue among the participants in an artistic process (as it happens in Kester's favourite art examples) is in itself a formative experience, just as understanding taking place in the aesthetic experience of art is a formative experience *per se*. In Kester's terms, we may legitimately say that it helps to constitute the 'partially constituted' identities of the subjects of the aesthetic experience as such.

<sup>14</sup> Gadamer, *Truth and Method*, 306–10.

be an activity in which subjects apply their 'practical' knowledge of socio-political problems and afterwards apply the understanding of the other in their own life by means of a particular art object. For Kester, the 'practical' aspect of this activity gives it the appearance of an artwork resulting from collective negotiation, blurring the distinction between art and life. In other words, active, direct participation in a dialogical encounter as, for Kester, a prerequisite to the construction of an artwork could, in Gadamer's terms, mean 'applying' any abstract knowledge of the other in the actual act of communication and transforming it into a hermeneutic 'understanding' of both the self and the other.

True, both Kester's implicit and Gadamer's explicit theories of aesthetic experience as an ontological hermeneutic process highlight in different ways the participative element in the self-edifying role played by the aesthetic experience of art. Nevertheless, one should not overlook the obvious differences between the two authors. First, whereas Gadamer applies an indirect notion of dialogical understanding via the artwork, Kester uses the notion of dialogue as actual communication between particular subjects. Second, they differ in the conception of dialogical understanding, which Gadamer bases on the primacy of questioning because any text is understood as an answer to a possible question, whereas Kester bases it on the 'primacy of listening'.<sup>15</sup> Instead of being reduced to a state of mere passivity, the act of listening to the other is, Kester argues, a particular communicational stance, an active engagement with the other, which opens the possibility of dialogue.

But the crucial difference between them lies in the fact that Kester's insistence on the cultural and political level of analysis of aesthetic participation misses precisely what is at stake in Gadamer's emphasis on the legitimacy of certain 'constitutive prejudices' and on the constitutive part played by tradition and historicity in the process of understanding.<sup>16</sup> 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. This is necessary for any constitution of identity to take place. But, leaving aside this

<sup>15</sup> Kester, *Conversation Pieces*, 106–7. In this respect Kester quotes Gemma Corradi Fiumara, *The Other Side of Language* (New York: Routledge, 1990), which questions the secondary role of listening in the various philosophies of dialogue in the Western metaphysical tradition. Later in his book, he also refers to Emmanuel Levinas's asymmetric theory of intersubjectivity, where the other is conceived as an 'interpellation' to the self.

<sup>16</sup> Gadamer, *Truth and Method*, 278–86.



purely logical necessity and implication, Kester does not emphasize that understanding within dialogical aesthetic experience takes place at a deeper level of traditions themselves when the question of multicultural dialogue is at stake; instead he claims that it takes place at the level of individual representations and prejudices. If certain prejudices can always be challenged and, consequently, '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.<sup>17</sup>

Moreover, for Gadamer, altering such prejudices (such as language and a culturally induced *habitus*) would not advance the subject's self-understanding or her 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.<sup>18</sup> Consequently, 'the meaning of belonging [...] is fulfilled in the commonality of fundamental, enabling prejudices'.<sup>19</sup> Last, but not least, one must also note the differential (and incomplete) feature of understanding that pertains to Gadamer's conception of dialogical encounter, making a complete 'identification' with the other practically impossible, while any understanding of the other would always result in a different understanding.<sup>20</sup> As Gadamer puts it, 'we understand in a different way, if we understand at all'.<sup>21</sup>

In my opinion, the absence of a shared framework for the discussion highlights a void in Kester's theory of intersubjectivity. This needs to be filled if we wish to talk about empathy and understanding by the process of dialogical interaction as an aesthetic experience. The following sections of this article ask whether the mere use of what Kester calls 'procedural reason' in the artistic construction of an aesthetic situation of communication suffices to grant communicability among the subjects of dialogical interaction given their various socio-cultural differences.

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<sup>17</sup> Ibid., 278.

<sup>18</sup> Ibid., 278, 295.

<sup>19</sup> Ibid., 295.

<sup>20</sup> Ibid., 294–96.

<sup>21</sup> Ibid., 296.

#### IV. DIALOGICAL AESTHETICS AND THE CONSTITUTION OF THE PUBLIC SPHERE: THE PROBLEMS OF THE UNIVERSALITY OF COMMUNICATION

To sum up, dialogical artworks may, for Kester, be best understood as situations of communication. Artistic communication may be rephrased as a politically charged conversation in an artistically shaped milieu, formally defined by aesthetic conditions of judgement in the Kantian sense. In turn, this aesthetic situation of communication may, for Kester, eventually lead to a better mutual understanding of the dialogical subjects than the one taking place in everyday situations of communication. Because of the formal structure of such intersubjective interaction, which essentially grants openness to the other and forbids its conceptual reduction or assimilation, dialogical art can achieve political effects.

I shall now focus on Kester's descriptive model of the dialogical practice as a generic model for the democratic constitution of the intersubjective sphere. This takes into account Jürgen Habermas's model of communicative action. As is well known, universality in public matters is, for Habermas, based on agreement or rational consensus achieved at the end of a 'discourse of reasons' (or public debate) in which various individuals take part.<sup>22</sup> Unlike instrumental action, communicative action does not aim at the subjection of the other, but rather intersubjective agreement; it takes place in special conditions, where any coercive force is suspended and the claim of truth is validated only by the power of the best argument, which is arrived at by common agreement. Lastly, it engenders a specific, self-reflexive rationality.<sup>23</sup> Participation in such a process of 'public discussion'<sup>24</sup> is what determines the concept of the 'public sphere' (or the *res publica*).<sup>25</sup>

The most radical critique of Habermas's model of 'communicative interaction', which defines 'being in common' as communicative participation in the public discourse of reasons, comes from Jean-François Lyotard, for whom 'to speak is to fight'.<sup>26</sup> As Kester points out, Lyotard offers a radical critique of rationally grounded discursive communities, highlighting the inequity that precludes 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 over dialogue or

<sup>22</sup> Jürgen Habermas, *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry W. Nicholsen (Cambridge, MA: MIT Press, 1990), 43–116.

<sup>23</sup> Jürgen Habermas, 'Modernity – An Incomplete Project', in *The Anti-Aesthetic: Essays on Postmodern Culture*, ed. Hal Foster (Port Townsend, WA: Bay Press, 1983), 3–15.

<sup>24</sup> Jürgen Habermas, 'The Public Sphere: An Encyclopedia Article (1964)', trans. Frank Lennox and Sara Lennox, *New German Critique* 3 (1974): 52.

<sup>25</sup> *Ibid.*, 49–50.

<sup>26</sup> Kester, *Conversation Pieces*, 87.

conversation. Rational communication, as conceived by Habermas, grants all participants the right to speak, but does so in the discursive framework predetermined by the participants and according to the rules of that particular language-game. This may easily turn disinterested debate into rhetorical persuasion, aiming instead at the rational annihilation of the other's position, within the common idiom initially agreed upon. But Lyotard's own critique stems from a radical (and problematic) conception of communication itself, which may only be conceived of in two basic forms: either rational or aesthetic – that is, non-rational, concerning the 'poetic' use of language. It is therefore either agonistic, conceived as a shared discourse of reasons that ultimately leads to the annihilation of the other by assimilation of irreducible positions within the same idiom by 'the power of the best argument',<sup>27</sup> or non-discursive, as a poetic experience of the limits of the language – which becomes 'aesthetic' in the sense of being, as Kester's puts it, 'prior to or beyond shared discourse'.<sup>28</sup>

In order to specify the position of Kester's model of dialogical artistic experience in relation to Habermas's theory of communicative action, let us take a closer look at his working assumptions concerning the notion of subjectivity. 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.<sup>29</sup> The participants in dialogical practice use a temporary construct of identity, which is neither completely predetermined (culturally) nor completely undetermined, but makes it possible to understand the other's partially constructed identity for the participants in the dialogue. Each subject is therefore ready to accept having her own beliefs displaced and challenged by the other, that is, is ready to 'listen to the other'.

In this sense, we may understand Kester's insistence on 'connected cognition' and the use of 'procedural knowledge' in the dialogical process<sup>30</sup> as a sort of 'existential' but non-transcendental framework in which the subjects of artistic experience participate in the dialogical process. It is this procedural knowledge which grants the constitution of the intersubjective sphere. For Kester, the

<sup>27</sup> Jean-François Lyotard, *The Differend: Phrases in Dispute*, trans. Georges Van Den Abeele (Minneapolis: University of Minnesota Press, 1988).

<sup>28</sup> Kester, *Conversation Pieces*, 84.

<sup>29</sup> *Ibid.*, 83–112.

<sup>30</sup> *Ibid.*, 113–14.

procedural form of knowledge is defined by two elements: first, 'recognizing the social context from which the others speak, judge and act', that is, 'situating a given statement in the specific material conditions of the speaker'; second, instead of the goal of representing 'self' in discursive interaction, 'a connected knowledge is grounded in our capacity to identify with other people', which is therefore presupposed or postulated.<sup>31</sup> They may actively use their 'modal imagination' and their cognitive abilities to empathize with the other's position and bring about their own existential background in the process of aesthetic understanding.

The structure of the dialogical process is described by Kester as follows. A partially constituted identity encounters another partial identity; both identities come out altered at the end of a conversation (which is, itself, always 'provisional' and 'temporary': finite by nature but infinite in principle). By means of the dialogical activity, both partners have their partial subjectivities (identities) displaced by the other. Their self-representation is therefore reconfigured, even though no transcendental, synthetic, or higher representation is achieved by means of 'artistic conversation' or dialogue and no rational consensus is achieved in the end.<sup>32</sup> As Kester himself acknowledges,<sup>33</sup> the dialogical situations realized by artists, in which the particular dialogical subjects are placed, may be regarded, in Habermas's terms, as an 'ideal speech situation', whose defining feature 'is that any consensus attainable under its conditions can count per se as rational consensus'.<sup>34</sup> In Kester's view, artists construct special communicative situations that make possible an egalitarian discussion between individuals who would otherwise be placed in essentially unequal positions of power and now no longer need to represent some ideologically stable positions.<sup>35</sup> In his account of the emancipatory power of art, Kester also seems to follow on implicitly from Habermas's insight that a 'reified everyday praxis can be cured only by creating unconstrained interaction of the cognitive with the moral-practical and the aesthetic expressive elements'.<sup>36</sup> And, to be fair, one must admit that Habermas also signals a particular, transformational use of aesthetic experience in socially engaged art, which not only renews 'the interpretation of our needs in whose light we perceive the world', but 'permeates as well our

<sup>31</sup> Ibid.

<sup>32</sup> Ibid., 114–23.

<sup>33</sup> Ibid., 111–12.

<sup>34</sup> Jürgen Habermas, 'Reflections on the Linguistic Foundations of Sociology: The Christian Gauss Lecture', in *On the Pragmatics of Social Interaction: Preliminary Studies in the Theory of Communicative Action*, trans. Barbara Fultner (Cambridge, MA: MIT Press, 2001), 97.

<sup>35</sup> Kester, *Conversation Pieces*, 110.

<sup>36</sup> Habermas, 'Modernity', 11–12.

cognitive significations and our normative expectations and changes the manner in which all these moments refer to one another'.<sup>37</sup> While seemingly attempting to develop such intuitions, however, Kester faults Habermas's model of communicative interaction, which favours rational argumentation in the construction of public sphere, with being rather 'abstract and objectifying', insensitive to the speaking identities of the subjects, and allowing for Lyotard's critique (which I have just discussed).<sup>38</sup>

In this sense, dialogical interaction appears to have, for Kester, a transformative function both for the subjectivities involved and for the constitution of the public sphere, whereas Habermas seems to offer the aesthetic experience of art only a limited scope in the historical constitution and transformation of the public sphere.<sup>39</sup> In a historical account, Habermas grants that aesthetic judgements played an important role mostly during the Enlightenment, by being able at most to prepare our disinterested participation in true discourses of reasons.<sup>40</sup> The expression of judgements of taste also plays an educative role in the formation of the shared taste of cultivated people, which seems to count for a particular understanding of *sensus communis* as a socially formed capacity.<sup>41</sup> Nevertheless, by their intersubjective communication, aesthetic judgements serve at best as an introductory phase to the constitution of communicative rationality. They remain rather the medium through which 'human impulses, wishes and fear enter the public sphere of rational debate'.<sup>42</sup>

For Kester, by contrast, aesthetic communication acquires a leading role in the transformation of the public sphere. If his conception of the communicative process can be understood as a dialogical, mutually self-edifying experience rather than as non-instrumental action, then the difference between him and Habermas regarding the emancipatory function of aesthetic communication for the constitution of the public sphere is further strengthened. For Habermas, the cognitive and practical uses of communication serve to achieve a rational conclusion by means of argumentation and communication ends when rational consensus among the participants in the 'discourse of reasons' is achieved, by means of the common acceptance of the best argument presented during the discussion. A transcendental framework therefore has to

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<sup>37</sup> Ibid., 13.

<sup>38</sup> Kester, *Conversation Pieces*, 90.

<sup>39</sup> Pieter Duvenage, *Habermas and Aesthetics: The Limits of Communicative Reason* (Cambridge: Polity, 2003), 12–13.

<sup>40</sup> Jürgen Habermas, *The Structural Transformation of the Public Sphere*, trans. Thomas Burger (Cambridge, MA: MIT Press, 1991), 51–57.

<sup>41</sup> Duvenage, *Habermas and Aesthetics*, 65.

<sup>42</sup> Ibid., 66.

exist, encompassing all the participants in the communicative process, in relation to which we should be able to judge which of the presented arguments is best.<sup>43</sup> For Kester, dialogue in the artistic situation is intended not to achieve a consensus about a specific problem of public interest, but the reciprocal understanding of the subjects involved in communication. That is, the true aim of the communicative process is to understand the other, the empathic and reciprocal identification with the other's position; it is not to persuade the other.<sup>44</sup> In terms of classic hermeneutics, dialogue eventually produces an understanding of the other by means of a reciprocal explicitation of the individual existential background.

Consequently, 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. When put in concrete artistic terms, the non-authoritarian prevalence of such a model over the representational-based model of the community also becomes clear. 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 the authorities in question, or any combination thereof.

#### V. ON A CONSTITUTIVE USE OF *SENSUS COMMUNIS* IN DIALOGICAL EXPERIENCE

Kester takes into account situated particulars and the embodied subjects of different backgrounds and positions of power, and sticks to a purely regulative notion of *sensus communis* in the exercise of 'procedural knowledge', whose practice alone seems to guarantee the stability of meanings in the intersubjective sphere of communication. He thus actually avoids the radical phenomenological question of the aesthetic constitution of artistically shaped communities. I claim that the 'dialogical' interpretation of aesthetic experience as a process of mutual understanding and empathic identification with the other supposes a specific understanding of *sensus communis*. It does so as a principle accounting for the possibility, that is, the 'communicability', of aesthetic judgements between subjects whose personal histories would

<sup>43</sup> Thomas McCarthy, 'Rationality and Relativism: Habermas's "Overcoming" of Hermeneutics', in *Habermas: Critical Debates*, ed. John B. Thompson and David Held (Cambridge, MA: MIT Press, 1982), 57–78.

<sup>44</sup> Kester, *Conversation Pieces*, 108–14.

otherwise be too diverse to be bridged only by mastery of the same language or idiom and whose formal structure assures the sense of a 'community' to any contingent participants in a dialogue without recourse to collective representation. For Kant, *sensus communis* is a necessary condition for the possibility of the communicability of feelings, representations, which makes (or ought to make) possible the capacity to imagine oneself in the place of others, in the name of a 'higher' humanity – that is, to place oneself in a position of universality. Although Kester acknowledges the important role this notion plays in his own conception of community, he is, I think, overly hasty in dismissing it in cognitive and practical terms. His reading of *sensus communis* – which, for Kant, means 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 'middle ground' between a purely rational and a purely irrational conception of community.

As we know, for Kant, *sensus communis* is a postulate of aesthetic judgements rather than a constitutive ground of aesthetic experience, aiming to bridge the gap between the subjective and non-cognitive character of the judgement of taste and its universal claim, a necessary claim which distinguishes true aesthetic judgements (concerning beauty) from other 'interested' and purely subjective judgements of the agreeable. It is responsible for the transcendental possibility of comparing our judgement with the 'mere possible judgement of the others' in the absence of any concepts to ground this comparison.<sup>45</sup> As Lyotard puts it, we may understand it as an 'immediately communicable *sentimentality*'.<sup>46</sup> The notion may also have two meanings in Kant's aesthetic theory: the meaning of a 'capacity that everyone possesses' (the inner basis of the activity of our external senses) and the meaning of a 'sense that is present in a community' and unites judgements of taste based on our external senses.<sup>47</sup> Kester regards the *sensus communis* as 'a sense of the commonness of cognition itself'. This meaning is further regarded as the potential emancipatory effect of the reflexive character of the aesthetic judgement – the acknowledgement of the fact that 'everyone must experience the world through the same basic cognitive powers'. At the same time, however, it is criticized for not providing actual emancipatory effects. According to Kester, Kant is sticking to an abstract relation between the mere

<sup>45</sup> Kant, *Critique of Judgment*, § 40, 159–62 (AA V, 293–96).

<sup>46</sup> Jean-François Lyotard, 'Something like: "Communication without Communication"', in *The Inhuman: Reflections on Time*, trans. Geoffrey Bennington and Rachel Bowlby (Cambridge: Polity, 1991), 110.

<sup>47</sup> Mehmet Atalay, 'Kant's Aesthetic Theory: Subjectivity vs. Universal Validity', *Percipi* 1 (2007): 47, [http://www.personal.ceu.hu/percipi/archive/200701/05\\_atalay.pdf](http://www.personal.ceu.hu/percipi/archive/200701/05_atalay.pdf).

transcendental lines of a possible subject and the mere representation of an object who is 'not able to speak to us in turn'.<sup>48</sup> As interpreted by Kester, aesthetic experience plays, in Kant's thought, only a preparatory role for 'an idealized community of speakers'.<sup>49</sup> In Kant's own use of the term, the pretence to universality claimed by each speaker's judgements and assertions is only postulated; it cannot be demonstrated. But what *exactly* is the element that, from a critical point of view, makes empathy itself possible in Kester's own theoretical framework? Can we empathically put ourselves in the place of another speaking subject only by means of a purely 'procedural knowledge', and consequently reject completely any foundational attempts at sketching out intersubjective, common principles both for practical and for aesthetic judgement? Although following the conversational rules characteristic of such 'procedural knowledge' seems to regulate dialogical communication and ensure empathy, empathy itself cannot be but postulated in Kester's communicational framework. Yet, if empathy remains a mere postulate of dialogical communication, then no actual understanding that may have an intersubjective dimension can take place in dialogical experience and we fail to understand how communication that takes into account the non-discursive elements of human interaction also becomes possible. In brief, I claim that the empathic ability of 'listening to the other' (instead of 'arguing against the other'), which for Kester is of key importance in defining the aesthetic character of communication, supposes the existence of a *sensus communis*, regarded as the ante-predicative *locus* of a universally shared, sense-based human communication. In this constitutive rather than regulative meaning, *sensus communis* is understood as an aesthetically based ontological ground for the possibility of constructing a symmetrical relationship between the subjects engaged in a dialogical experience – a relationship that cannot therefore be *only* postulated, as it happens in Kant. This constitutive use of *sensus communis* may stand for the intersubjective ground on which actual empathic understanding of the other participants to communicative experience may take place. But, unlike the basic communicative skills in Habermas's 'ideal speech situation', where communicative competence is vital for the subject's self-constitution in the process of dialogical engagement,<sup>50</sup> it requires no previous communicative knowledge or ability in order to engage in a dialogue. Instead, such experience may be understood as an artistically shaped life-world situation of communication, where aesthetic rationality is employed.

<sup>48</sup> Kester, *Conversation Pieces*, 107–8.

<sup>49</sup> *Ibid.*, 29.

<sup>50</sup> Habermas, 'Reflections', 60.



An argument concerning the use of *sensus communis* in a constitutive sense appears in Hannah Arendt's interpretation of the judgement of taste as a prerequisite for the definition of the human being as a political animal. Particularly, it regards the intersubjective constitution of the public sphere in connection with the expression of judgements concerning identity.<sup>51</sup> The formal structure of these communications is along the lines of Kant's description of the judgement of taste. Taking into account that rational agreement upon argumentative process is irrelevant in such cases, we may still encounter, for example, an intersubjective expression of admiration or contempt. Arendt concludes that such communicability of feelings must be presupposed if a public sphere constituted by the expression of each individual's judgements is to be acknowledged at all. Its function is to assure that feelings can be represented in the intersubjective sphere without the mediation of a concept. Accordingly, if we are to use *sensus communis* in order to ensure communicability of feelings rather than rational agreement, what remains aesthetic here, in the Kantian sense, is the formal structure of the intersubjective relation.

#### VI. *SENSUS COMMUNIS*: COMMUNICABILITY AND THE POSSIBILITY OF EMPATHY

In this sense, the notion of *sensus communis* links the actual understanding of the other with the possibility of empathic identification with its cultural history, formation, and so forth. This ontologically constitutive meaning of *sensus communis* in our understanding and experience becomes vital if we wish to preserve, in Kester's terms, the fact that there is in fact (and not merely ought to be) a shared sense of humanity that allows us to understand the other in more than just a merely rational 'conversation'. If we restrict our analysis to the 'procedural' sense of the dialogical framework set up by Kester, I would argue that the necessity of postulating *sensus communis* in this prior, ontologically constitutive sense results from the necessity of granting the subjects of the dialogical experience the will to participate and to attempt to understand each other, even though the participants are, empirically or culturally, determined by different traditions and may stand for different positions of power.

First, I think that, in his own theoretical framework, the dimension of mutual empathy which for Kester grounds his dialogical interpretation of aesthetic experience and judgement – that is, the ability to perceive the other's 'finitude' as a sort of ethical 'prime philosophy' – is essential for enabling the

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<sup>51</sup> Hannah Arendt, *Lectures on Kant's Political Philosophy*, ed. Ronald Beiner (Chicago: University of Chicago Press, 1992).

understanding of the other's position at the ante-predicative level of experience. In this case, the indispensable ability of 'listening to the other' during dialogical encounter becomes the precondition of a dialogical framework and makes possible the triangulation of the process of communication itself. Second, such an ontological understanding of *sensus communis* is also required by Kester in order to explain a structural shortcoming 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 (a framework Gadamer offers for the dialogical experience), the subjects involved in dialogue (as conceived by Kester) need to re-construct their own provisory 'tradition' by continually melting each subject's 'horizon' by means of perpetual translation. Consequently, subjects coming from different traditions and sharing different personal histories are able partly to understand the other. But in order for one to be able empathically to place oneself in the other's position, one has first either to accept rationally the ethical priority of the other in relation to the categories of one's discourse, which decide upon the other's representation in one's 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. I consider such formal capacity or sense, defined by pure passivity, to be the core element of communality in the dialogical intersubjective sphere.

Furthermore, if we take into account Gadamer's observation that 'we understand in a different way, if we understand at all', then the goal of a complete empathic identification will never be achieved in Kester's own theory. It therefore risks remaining a mere regulative ideal for the dialogical act of communication; this dialogical act constitutes the aesthetic experience of a dialogical artwork, just as it happens with the reciprocal understanding of the subjects which remains the ideal and ultimate final horizon in which dialogue takes place. Nevertheless, empathy itself cannot possibly remain a mere ideal inside Kester's framework: it has to be an integral part of the dialogical process – more precisely, the very condition of the possibility of dialogical experience and mutual understanding. Given that the understanding of the other is always differential and mediated, if reciprocal understanding is actually possible, it therefore requires either a 'higher' framework (like Gadamer's concept of historically determined 'horizon'), or a 'lower', infra-cultural framework such as the one I have proposed.

There are also several practical advantages of using such a notion of *sensus communis* in the theoretical framework proposed by Kester. This would highlight not only the obvious advantage of aesthetic reasoning over instrumental action from an emancipatory point of view, but it would also avoid the danger of the unwilling instrumentalization of rational argumentation, as Lyotard fears might happen in Habermas's description of the ideal speech situation. Such a basic 'commonness of cognition', as Kester defines *sensus communis*, allows for the empathic ability of placing oneself in the position of others. It thus prevents the authoritarian imposition of the 'more enlightened' (that is, more powerful) subjects over the others. Its particular use as a principle for the universality of aesthetic judgement therefore makes dialogue possible in Kester's theory, without requiring any predetermined, transcendental cognitive framework to ensure the communicability of the subjects' individual positions, as in Habermas's notion. Such a reinterpretation of *sensus communis* as an 'immanent framework' for dialogical (that is, ontological hermeneutic) encounter, understood as a universally shared ability to participate in the dialogical process, allows virtually any subject to enter the process of dialogical experience, regardless of their contingent cultural, racial, ethnic, or religious differences. It also protects the participant in dialogue against the authoritarian position of the 'enlightened' speaker, with a completely determined identity, trying to impose her identity on others or to subsume the other to her own conceptual framework. In brief, by enabling an imaginary shift in the speakers' communication positions and enabling one be moved by the other's suffering, empathy ensures the democratic character of dialogue and guarantees that the understanding of the other does not remain a mere ideal.

#### VII. *SENSUS COMMUNIS* OR THE UNIVERSAL COMMUNICABILITY OF FINITUDE: BACK TO AN 'UNESSENTIAL' NOTION OF POLITICAL COMMUNITY

Such an alternative reading of Kester's dialogical framework brings us to Jean-Luc Nancy's differential account of intersubjective engagement, which Kester explicitly rejects. It is true that Nancy's ontology of intersubjectivity has already been used to articulate a critique of the artistic production of politically coherent communities like the one advocated by Kester, which are accused of representing a form of essentialized identity politics.<sup>52</sup> In reply, Kester has paid close attention to the artistic use of Nancy's concept of community, criticizing

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<sup>52</sup> Miwon Kwon, *One Place after Another: Site-Specific Art and Locational Identity* (Cambridge, MA: MIT Press, 2002), 148–51.

him for being 'too sensitive to singularities' and for refusing the necessary existence of a partly constructed identity of the speakers as rationally situated agents. As he rightly observes, 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 partly constituted identity.<sup>53</sup> But, if Kester is right at a cultural level of analysis of the term 'identity', what if this capacity is taken to be a 'transcendental' capacity or 'faculty' of the subject or the partly constituted 'self', ontologically prior to the cultural formation of self-identity? In conclusion, I wish to show how, following Nancy's oblique reading of Kant,<sup>54</sup> 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. This particular meaning of *sensus communis* may also be useful in allowing for the political impact of dialogical art. This impact consists in shaping community while avoiding the dangers of arriving by artistic and aesthetic means at a discursively defined notion of community. Such a notion would be grounded in a conceptual representation of a common identity, which in the end remains active only at the level of Habermas's 'discourse of reasons'. Stuart Dalton has plausibly proposed that a particular use of *sensus communis* in a constitutive sense appears in what he considers to be Nancy's ontological reading of Kant's ground for the universality of aesthetic judgements.<sup>55</sup> For Kant, *sensus communis* may also describe the common ability to judge in the absence of any determinate concepts presiding over our judgement. But in the particular sense that this notion may acquire for Nancy's ontology, the 'absence of concepts' accounts for the resistance to the operation of unification by a concept, which defines Nancy's 'inoperative community'.<sup>56</sup> In this respect, the 'inoperative community' as a 'co-presence of the subjects' may appear to be a strange application of the Kantian notion of 'purposiveness without purpose' to the inter-subjective sphere of experience. Following Dalton,<sup>57</sup> we may therefore assert that 'purposiveness without purpose' describes for Nancy the process of 'unworking' the work of the 'conceptual unification' of the community under a single and determinate concept. For Nancy, community cannot be conceptually described. It can only be revealed or recognized

<sup>53</sup> Kester, *Conversation Pieces*, 158.

<sup>54</sup> Jean-Luc Nancy, *The Inoperative Community*, ed. Peter Connor, trans. Peter Connor et al. (Minneapolis: University of Minnesota Press, 1991).

<sup>55</sup> Stuart Dalton, 'Nancy and Kant on Inoperative Communities', *Critical Horizons* 1 (2000): 29–50.

<sup>56</sup> Dalton, 'Nancy and Kant', 42; Nancy, *Inoperative Community*, 78–79.

<sup>57</sup> Dalton, 'Nancy and Kant', 38–41.

('exposed') as ontologically given.<sup>58</sup> As Dalton suggests, such recognition may be achieved by means of a *sensus communis*. In our terms, it also acknowledges a specific sense of 'commonness' – the fact that what is common is nothing but the exposing of finitude. This account of the universal character of the aesthetic judgement is of course blatantly different from the standard Kantian one, since aesthetic judgements now claim 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.

The analysis of *sensus communis* in these terms takes us from the sphere of rational discussion back 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 others and resenting their suffering). The common character of this 'sense' resides in the essential ability of sharing our own finitude with others – in our essentially limited, but still essentially open relationship to the other. This ontologically essential capacity to endure our experience in common appears, to the subject, as a 'sense' or an intuition (as opposed to a concept or reason), which cannot be accounted for in purely cognitive terms, but can only be *felt*. If understood therefore as the common ability to react to the other's suffering, then the constitutive understanding of *sensus communis* which makes empathy possible in dialogical communication can be acknowledged in our life-world by radical, asymmetrical experiences, which we may legitimately call 'sublime' in Edmund Burke's existential sense, being connected with the terror of death – often misused in postmodern art by means of the notion of shock.<sup>59</sup> It is the death of the other, either as a real event or one merely anticipated, that signals, in its brutal interruption of communication, our essential connectedness to others in an intersubjective world. In recalling the ever-present possibility of the loss of the other, we encounter our essential de-centring, finitude, and precariousness.

For the 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, are always grounded in a pre-linguistic sharing and distribution of meanings.<sup>60</sup> Dialogue in a practical sense is ontologically made

<sup>58</sup> Nancy, *Inoperative Community*, xxxix.

<sup>59</sup> See Jean-François Lyotard, 'The Sublime and the Avant-Garde', in *Inhuman*, 89–107; Paul Crowther, *Critical Aesthetics and Postmodernism* (Oxford: Clarendon, 1993), Part Two.

<sup>60</sup> Nancy, *Inoperative Community*, 28–29, 158.

possible by its very irreducibility to the mere communication of linguistic significance, where each 'voice' (speaking subject) is understood as the interpellation of a singularity in its bare existence rather than as a rational agent as such. As Nancy aptly puts it, 'the essence of dia-logue is in the infinite alteration of the other'.<sup>61</sup> In this respect, the 'plurality of voices' becomes a normative, regulative principle of dialogical interaction.<sup>62</sup> In ethical terms, it reminds us of the Levinasian 'interpellation' of the subject arising from the other's presence, rather than taking over the function of dialogical agency as in Habermas's sense of communicative interaction.<sup>63</sup> Its fundamental function with regard to the constitution of the subject (if any) is therefore to keep dialogue 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.<sup>64</sup> Consequently, Nancy may imply that political community is not to be perceived as a collective 'work' or product of subjects or as the common property of individual agents considered as a determinate collectivity, nor, for example, as the final result of their communicative process, as in Habermas's abstract notion of the 'public sphere'. Rather it exists as the perpetual process of the resistance of the intersubjective life-world to totalization or conceptual representation. It therefore politically designates the 'unworking' of its (self-)representation and its discursive totalization in conceptual terms; it 'appears' in the process of 'de-substantiation' as such, rather than exist as a given substance.<sup>65</sup> It would therefore be the task of dialogical art to reveal in dialogue the formal communicative structures of community granting empathy rather than to produce it as the representation of a particular common bond.

<sup>61</sup> Jean-Luc Nancy, 'Sharing Voices', trans. Gayle R. Ormiston, in *Transforming the Hermeneutic Context: From Nietzsche to Nancy*, ed. Gayle L. Ormiston and Alan D. Schrift (Albany: SUNY Press, 1990), 88. Although a discussion of Nancy's theory of communication and understanding would go well beyond the limits of my article, I would briefly state that, for Nancy, the communication of finitude itself is the condition of the possibility for any linguistic communication. 'Communication consists before all else in this sharing [...] of finitude: that is, in the dislocation and in the interpellation' of the subject. These two fundamental operations of communication are considered 'constitutive of being-in-common'. Communication therefore becomes a mutually asymmetrical process. Nancy, *Inoperative Community*, 29.

<sup>62</sup> See Todd May, *Reconsidering Difference: Nancy, Derrida, Levinas and Deleuze* (University Park: Pennsylvania State University Press, 1997).

<sup>63</sup> Emanuel Levinas, *Totality and Infinity: An Essay on Exteriority*, trans. Alphonso Lingis (The Hague: Nijhoff, 1979), 69.

<sup>64</sup> Oliver Marchart, *Post-Foundational Political Thought: Political Difference in Nancy, Lefort, Badiou and Laclau* (Edinburgh: Edinburgh University Press, 2007), 72–73.

<sup>65</sup> Jean-Luc Nancy, *Being Singular Plural*, trans. Robert D. Richardson and Anne E. O'Byrne (Stanford, CA: Stanford University Press, 2000), 27–28.

## VIII. CONCLUSION

In analyzing Kester's aesthetic framework for dialogical interaction in community-based art, which I have tried to show goes beyond both the Kantian framework for aesthetic judgement and Gadamer's notion of dialogical aesthetic experience, I have addressed in this article the requirement of some common intersubjective ground shared by the participants in a dialogue, which encompasses the particular differences between the subjects and allows them to enter into dialogical interaction. Common ground is considered necessary in order to be able to identify empathically with the other in a dialogical artistic experience as defined by Kester.

I have argued that such a possibility cannot remain merely a regulative principle, but has to become a constitutive element of dialogical interaction. The reason is that in the dialogical process, empathy forms the basis of the reciprocal understanding that is taken to be the ideal horizon and the goal of dialogical art. This ground cannot, however, be found in a mere representation of commonality under a specific concept, which would have reified particular subjectivities and hindered their ability to transform and edify themselves in the public sphere in the name of a politically defined collective subject.

In order to avoid both the Kantian position of an abstract, postulated universality of aesthetic judgement, given its specific reflexive character, and the imposition of an entirely culturally defined framework that would also constrain the subjects to accept a set of particular presuppositions prior to dialogical interaction, I have therefore argued that the intersubjective framework assuring communicability in dialogical art should also remain a formal structure of our intersubjective life-world experience, grounded in a common capacity to be sensitive to others' suffering and loss. Based on the communicability of human finitude in aesthetic experience, which this empathic capacity would presuppose, I proposed the use of such a constitutive meaning of *sensus communis* in order to fill in the cultural gap between particular subjectivities. If the intersubjective ground of a communicability of aesthetic judgement becomes such a communicability of human finitude, I have further argued that aesthetic understanding can take the form, and fulfil the function of, an 'ethics of listening', allowing, in its formal elements, for the priority of the other over the self in the intersubjective sphere.

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