1999

Is Poetry Undemocratic?

Anthony Townsend Kronman
Yale Law School

Follow this and additional works at: https://digitalcommons.law.yale.edu/fss_papers

Part of the Law Commons

Recommended Citation
https://digitalcommons.law.yale.edu/fss_papers/1047
IS POETRY UNDEMOCRATIC?

Anthony T. Kronman†

This article explores the relation between poetry and democracy, or more exactly, the relation between the feelings and attitudes that poetry encourages, on the one hand, and the moral beliefs that democracy presupposes, on the other.

The latter are egalitarian. Every moral defense of democracy starts from the simple but compelling idea that each adult person is entitled to an equal say in the government of his or her political community. Democracy can, of course, be defended on non-moral grounds, for example, as the most efficient way of promoting prosperity or of achieving peace among those with conflicting desires and faiths. But to the extent it is conceived in moral terms, democracy always leads back to the idea of equality—to the notion that all citizens have an equal right to political participation based upon their equal claim to recognition and respect, or their common status as free persons.

By contrast, poetry can easily seem non- or even anti-egalitarian. I do not mean merely that poetry and other high literary arts employ forms of expression more refined than those of ordinary speech, which a person must be educated to enjoy and whose pleasures are therefore available only to an elite of wealth or training. This may or may not be the case, but there is a more serious reason for thinking that poetry is undemocratic. It is plausible to think that poetry is undemocratic not just on account of its difficulty or refinement, but because even in ordinary men and women it gratifies pleasures of an undemocratic kind. If this is true, then poetry

† This is the manuscript of a speech given by Dean Anthony T. Kronman at the Georgia State University College of Law on Thursday, November 11, 1999, as part of the Henry J. Miller Distinguished Lecture Series. Dean Kronman has served as the sixteenth Dean of Yale Law School since 1994. He received a B.A. in political science, magna cum laude, from Williams College in 1968. He then studied philosophy at Yale University, earning his Ph.D. in 1972. He went on to earn his J.D. from Yale Law School in 1975. Dean Kronman taught law at the University of Minnesota and the University of Chicago before joining the faculty at Yale in 1979. He co-authored The Economics of Contract Law with Richard Posner and most recently published The Lost Lawyer. He has written many scholarly articles addressing a wide range of subjects, including legal ethics, morality in law, and jurisprudence.
and democracy conflict in a way that no program of universal education can repair. They conflict fundamentally, and those who love both must choose between them.

But is this true? Is poetry by its nature undemocratic? Many will say no, but reconciling poetry and democracy is less easy than might at first appear. Let us begin by considering more closely the argument for their irreconcilability.

William Hazlitt’s brilliant and disturbing essay on Shakespeare’s Coriolanus offers a point of departure.¹ Coriolanus tells the story of a heroic Roman general who, after defeating the enemies of his city in the field, is offered a ruling position in the Roman government, the acceptance of which, however, requires that he appear before the people—the plebs—and to solicit their approval (this being largely a formality, but nonetheless demanded by the constitutional norms of republican Rome). Coriolanus does make the required appearance, but instead of asking for the people’s support, he insults them and reveals his own contempt for their lack of courage and virtue. In the end, Coriolanus’s passionately antidemocratic stance proves his undoing, and one might infer from this that Shakespeare means his audience to draw a democratic lesson from the unhappy general’s fate.

But any reader or viewer of the play will recognize that Shakespeare’s own affections lie with the aristocratic, not the democratic, party. We may, as Hazlitt says, “feel some concern for the poor citizens of Rome when they meet together to compare their wants and grievances, till Coriolanus comes in and with blows and big words drives this set of ‘poor rats,’ this rascal scum, to their homes and beggary before him.” “There is nothing herical,” Hazlitt continues, “in a multitude of miserable rogues not wishing to be starved, or complaining that they are like to be so: but when a single man comes forward to brave their cries and to make them submit to the last indignities, from mere pride and self-will, our admiration of his prowess is immediately converted into contempt for their pusillanimity.”²

What is striking about Hazlitt’s essay, and relevant for our purposes here, is not his identification of Shakespeare’s own

¹. WILLIAM HAZLITT, CHARACTERS OF SHAKESPEAR’S PLAYS 69 (1817).
². Id. at 71-72.
political sympathies—these will be clear to any reader or viewer—but his claim that poetry, by its nature, inclines in this direction, toward an aristocratic and away from a democratic view of life. Hazlitt writes:

   The cause of the people [i]s indeed but little calculated as a subject for poetry: it admits of rhetoric, which goes into argument and explanation, but it presents no immediate or distinct images to the mind, 'no jutting frieze, buttress, or coigne of vantage' for poetry, 'to make its pendant bed and procreant cradle in.' The language of poetry naturally falls in with the language of power. The imagination is an exaggerating and exclusive faculty: it takes from one thing to add to another: it accumulates circumstances together to give the greatest possible effect to a favourite object. The understanding is a dividing and measuring faculty: it judges of things, not according to their immediate impression on the mind, but according to their relations to one another. The one is a monopolising faculty, which seeks the greatest quantity of present excitement by inequality and disproportion; the other is a distributive faculty, which seeks the greatest quantity of ultimate good, by justice and proportion. The one is an aristocratic, the other a republican faculty. The principle of poetry is a very anti-levelling principle. It aims at effect, it exists by contrast. It admits of no medium. It is every thing by excess. It rises above the ordinary standard of sufferings and crimes. It presents a dazzling appearance. It shews its head turreted, crowned, and crested. Its front is gilt and blood-stained. Before it 'it carries noise, and behind it leaves tears.' It has its altars and its victims, sacrifices, human sacrifices. Kings, priests, nobles, are its train-bearers, tyrants and slaves its executioners. —'Carnage is its daughter.'—Poetry is right-royal. It puts the individual for the species, the one above the infinite many, might before right. A lion hunting a flock of sheep or a herd of wild asses is a more poetical object than they; and we even take part with the lordly beast, because our vanity or some other feeling makes us disposed to place ourselves in the situation of the strongest party.3

3. Id. at 70-71.
considered shocking. Expressed in a less dramatic way, Hazlitt's argument might be put as follows. Among human beings, some stand out on account of their superior power. This power takes different forms and exerts itself in different ways. It may take the form of a domineering will (as in the case of Coriolanus), great physical strength, or irresistible beauty. But whatever form it takes, it is something unusual, something out of the ordinary, whose distinctiveness is sharpened by the contrast with what is common and familiar.

We are naturally drawn to these exceptional concentrations of power. Something in them excites us. "The love of power in ourselves and the admiration of it in others are both," Hazlitt says, "natural to man;" this is true despite the fact that the power which excites us has no moral value or even a negative one. "Wrong dressed out in pride, pomp, and circumstance," Hazlitt chillingly remarks, "has more attraction that abstract right." The people of Rome have legitimate claims to fair treatment and to a fair share of their city's resources. But when Coriolanus appears, demanding from "mere pride and self-will" that the people submit to him, their claims are eclipsed by the "insolence" of his power. It is not with them that we identify, but with the general who stands above them by virtue of his superior courage and disdain for everything but honor. Hazlitt writes:

The insolence of power is stronger than the plea of necessity. The tame submission to usurped authority or even the natural resistance to it has nothing to excite or flatter the imagination; it is the assumption of a right to insult or oppress others that carries an imposing air of superiority with it. We had rather be the oppressor than the oppressed.

To this natural instinct the poet responds by creating exaggerated characters that satisfy our appetite for superiority and power. In doing so he gives us what we already crave: the pleasure of an imagined dominion that is premised upon inequality and the strength to sweep aside all claims of right in

4. Id. at 72.
5. Id.
6. Id.
7. Id.
which, Hazlitt insists, neither the poetic imagination nor the
general human appetite it serves will ever find anything to
arouse it. That is why the principle of poetry is, as Hazlitt puts
it, "a very anti-levelling principle," and why its language
"naturally falls in with the language of power."\textsuperscript{8}

This is a disturbing argument that puts both poetry and
humanity in a morally unflattering light, but the scope and
soundness of Hazlitt's argument are subject to doubt. To begin
with, one might ask, what exactly does Hazlitt mean by poetry
and the poetic imagination? How wide is his range of reference?
Drama would certainly seem to be included (the subject of the
essay, after all, is a play), but what about the novel—a literary
genre that draws many of its themes from the travails of middle
class life and that has often been described as bourgeois in its
essence?\textsuperscript{9} And what about film, the most popular of all the
representational arts? Should poetry, as Hazlitt uses the term,
be understood to include these forms of artistic creation as well?
And can Hazlitt's view be defended against the obvious
criticism that many modern literary heroes have been
champions of the people and their claims? One thinks, for
example, of Etienne in Zola's \textit{Germinal}, of the revolutionary
terrorist Ch'en in \textit{Man's Fate}, Malraux's great novel of the 1928
Communist uprising in Shanghai, of Tom Joad in \textit{Grapes of
Wrath}. None of these characters is an aristocrat either by birth
or conviction, yet they hold our attention and provoke our
admiration. Surely, one is likely to conclude, Hazlitt's argument
is overdrawn. Perhaps, in the end, it is merely an argument
about a single play, and not poetry—or literature, or art—as a
whole.

This would simplify matters, and make Hazlitt's argument
less of a threat to our democratic sensibilities, but it is
reasonable—and certainly more interesting—to give his
argument a broader meaning, though doing so puts the poetic
imagination, as he calls it, on a collision course with democratic
belief.

In the first place, the popularity of a literary genre, its use of
themes and personalities drawn from everyday life, its influence

\textsuperscript{8} \textit{Id.} at 70.

\textsuperscript{9} \textit{See} \textsc{Georg Lukács,} \textsc{The Theory of the Novel} 19-20 (Anna Bostock Trans., MIT
on the language, habits, and mental attitudes of popular culture: none of this necessarily counts against Hazlitt's main claim. It is possible for an art form to be widely enjoyed by ordinary men and women—and in this sense to be popular or democratic—and at the same time to arouse the anti-democratic feelings that Hazlitt describes. Homer's poems formed the basis of popular culture in the ancient world, yet all his heroes fit Hazlitt's mold exactly. What attracts us to Achilles is not his moral soundness but his grandeur—his insolence and self-destructive pride: exactly the qualities that set Coriolanus apart from the mob. We should remember, too, that the theatregoers who watched Shakespeare's play, of course, included many ordinary people. It is precisely Hazlitt's point that they also enjoyed a vicarious identification with Coriolanus's extravagant power—perhaps because they lacked it so completely themselves.

As to Etienne, Ch'en, Tom Joad, and the other democratic heroes of modern fiction, is it too farfetched to say that while we approve their ideals, what we really find exciting about them is their power, their extraordinary self-control and discipline, which lifts them up out of the rut of common life, where we putter about in mostly undistinguished ways, into a higher and more glamorous sphere of dominion? Regarding film—that most democratic of literary forms—one might reasonably conclude that here the vicarious enjoyment of power reaches the greatest heights of all, carried to fantastic lengths by the technical abilities of the medium, abilities that permit the most brutal acts to be portrayed with a close-up realism that no poem, play or book can match. How many films make heroes of gangsters and cops on the take, of reckless cowboys and ruthlessly beautiful women, whose morals are indifferent or bad, but who possess a power that exerts an irresistible pull on us and to which audiences of ordinary men and women happily succumb, sitting together shamelessly in the dark? It is tempting to say that film proves Hazlitt's point. Let us be content with the more modest claim that it does not disprove it.

Of course, one might object that Hazlitt's argument is based upon a large and undemonstrated premise regarding human nature: that "the love of power in ourselves and the admiration
of it in others are both,” as he puts it, “natural to man.”¹⁰ This does not imply the absence of a moral sense—of a capacity for understanding fairness and right and acting in accordance with their requirements—not does it imply that our love of power always triumphs over the demands of what Hazlitt calls “justice and proportion.”¹¹ His argument seems, in fact, to assume the opposite. But whatever its relation to our moral sense, the love of power, Hazlitt insists, is natural to us. It is a primitive appetite that may perhaps be shaped by culture but can neither be created nor abolished by it, and which animates both the poet’s imagination and his audience’s pleasure. This is the critical assumption on which Hazlitt bases his whole argument, and he makes no effort to defend it.

To some this will seem reason enough to dismiss the argument. But that is a facile response, for there are too many works of poetry—understanding the term broadly to include fiction, drama, and film as well as poetry proper—that resemble Coriolanus in their calculated tendency to produce in us a pleasurable identification with amoral power, for us to be able to dismiss out of hand Hazlitt’s claim that the love of power, of superiority and domination, is a longing inscribed on the human heart, and the spur to the poetic imagination. The Iliad is an old example and still, perhaps, the best. The Godfather is a more recent case in point. There is enough in our experience of literary art, ancient and modern, to compel us to take seriously Hazlitt’s claim that poetry is an undemocratic force—that it appeals to our love of superior power, even (perhaps especially) when it is grounded in pride, self-will, insolence, excess, and our experience cautions us not to be too quick to reject his disturbing suggestion that this love is natural to us.

In some political regimes, of course, these ideas will not seem disturbing at all. The poems of Homer, for example, are well-adapted to the warrior aristocracy that constituted the political foundation of the world the poems describe. Here, no dissonance exists between poetry and politics. But for us, Hazlitt’s ideas must be disturbing because we are all, more or less, devoted democrats who believe that the only acceptable form of government is one that affords an equal say to everyone,

¹⁰ HAZLITT, supra note 1, at 72.
¹¹ Id. at 70.
and we justify this belief on the grounds that every citizen is a person, a moral agent, worthy of equal respect. That is the premise on which our entire political civilization is founded, and poetry—if Hazlitt is right about its energy and appeal—rests on a "very anti-leveling principle" that contradicts our deepest political beliefs. 12

To say, as Hazlitt does, that poetry is anti-democratic, does not mean, of course, that true-believing democrats can or must give it up. Even if its principle conflicts with the central tenets of democratic life, poetry is too pleasurable to be abandoned or suppressed, and (perhaps) too harmless for there to be any real need to do so. But if Hazlitt is right, a democrat can enjoy poetry only with a guilty conscience, if he chooses to think about the matter at all. He must regard his enjoyment of poetry as a relatively harmless, but undemocratic, pleasure and consign it to an isolated part of his experience where it is safely removed from his political life and incapable of contaminating his democratic habits. But this entails an internal division, a mental or spiritual dissonance, that poetry-loving democrats are bound to find more disturbing the more they reflect on it and on the conflict that creates it. Democrats might therefore hope, at least, that poetry could be seen in a different light, as an ally and supporter of democracy rather than as its opponent. In the end, we may have to accept that this hope is futile, to concede that poetry and democracy are at war and must remain so. But before we do, it is worth considering an alternative conception of poetry, very different from the one Hazlitt offers, and much closer to the core of democratic belief.

The conception I have in mind is suggested by certain arguments that Immanuel Kant advances in his so-called "third" critique, the Critique of Judgment, 13 first published in 1790, when Kant was sixty-six. The Critique of Judgment is a notoriously difficult book. It is at once obscure and repetitive, and the main line of Kant's argument is often hard to follow. But in the first part of the book, which he terms the "Analytic of the Beautiful," Kant offers an account of aesthetic judgments—of judgments of beauty—that coincides in several ways with

12. Id.
13. IMMANUEL KANT, CRITIQUE OF JUDGMENT (J.H. Bernard trans., Hafner Publ'g Co. 1951) (1790).
the account he offers elsewhere of the concepts of autonomy, personality, and respect, the principal building blocks of his moral philosophy.14

In the "Analytic of the Beautiful," Kant is primarily concerned with beauty of a natural kind—with beautiful landscapes and faces—and only to a lesser degree with works of art (the plastic arts mainly). But his analysis applies with equal force to poetic and other literary works,15 and what makes Kant's analysis of beauty so interesting for our purposes is its convergence, in certain crucial respects, with his account of morality, and more specifically, with the proposition, so central to that account, that every person possesses a power of self-determination, a capacity for self-direction, an autonomy that entitles him or her to the equal respect of all other persons. Whether they draw explicitly on Kant or not (and many of course do), all contemporary moral defenses of democracy rely on some version of this idea. What makes Kant's Critique of Judgment so important for anyone wishing to claim that the relation of poetry to democracy is more positive than the one Hazlitt's view implies, are the structural similarities it suggests between the process of aesthetic judgment, on the one hand, and the egalitarian morality of democratic rule on the other.16

The central question that Kant attempts to answer in the "Analytic of the Beautiful" is not, "what is beauty," but the very different question, "what are judgments of beauty and how are they to be understood?" By posing the main topic of aesthetics in this way, Kant shifts the discussion of beauty from the realm of objects and their properties to that of subjects and their cognitive powers. He subjectivizes the field of aesthetics, while insisting that judgments of beauty do not become arbitrary and capricious as a result but retain what Kant calls "a title to

14. See id. at 199.
15. See id. at 170-71.
subjective universality”—a phrase that might stand as a slogan for the whole of his critical philosophy).  

The very first thing to notice about judgments of beauty, Kant says, is that they refer to an experience of pleasure produced in the persons making the judgments by the objects to which they ascribe the property of beauty itself. When I say, for example, that the meadow is green, I refer to the meadow itself, to an object that exists independently of me and my feelings about it. To make such a statement, it is not necessary that the green of the meadow cause me pleasure or, indeed, any feeling at all. But when I say, “the green meadow is beautiful,” I am describing not the meadow, but my reaction to it; more precisely, I am describing the pleasurable feeling that its contemplation arouses in me. I may speak as if beauty were a property of the meadow in the same way that its greenness is. But Kant insists that this is a misleading way of talking, for the distinctive thing that judgments of beauty report is a subjective experience of pleasure that is separate from, and additional to, the bare, unfeeling experience of objects themselves (whether these be natural objects, like meadows, or artificial ones like poems). We “speak of the beautiful as if beauty were a characteristic of the object,” Kant says, though, in truth, judgments of beauty involve merely “a reference of the representation of the object to the subject.”

The second thing to notice about judgments of beauty is that they differ fundamentally from statements about one’s appetites and interests. The latter, of course, also refer to the subjective state produced by an object of some sort, just as judgments of beauty do. If I merely observe that there is a glass of port on the table, this implies no interest on my part in drinking it. It is something quite different to declare that I find port delicious. A statement of this kind most definitely implies a subjective feeling on my part, namely, the feeling of pleasure that the presence of a glass of port—or even the imagined presence of a glass of port—awakens in me. The statement, “port is delicious,” differs, however, in three crucial respects

---

17. KANT, supra note 13, at 46.
18. See id.
19. See id. at 40.
20. Id. at 46.
from all judgments of beauty (from the judgment, for example, that a glass of port sitting on the table in the soft light of a candle is beautiful to behold).

It differs, first, because it does not demand that others agree. Others may not find port delicious at all. Indeed, I may be the only person in the world who does. Still, that does not affect the fact that I enjoy port, or the accuracy of my statement that I do. By contrast, every judgment of beauty invites, indeed demands, the assent of others—and not just of certain others, but of everyone else in the world. Others may not agree and—as Kant repeatedly points out—there is no way for me to argue them into assent. There are no rules of beauty to which I can appeal to demonstrate that a flower or poem or painting is beautiful. 21 But every time I offer a judgment of beauty, I do so with the expectation that others can and ought to share that judgment too, regardless of whether they happen to share it in fact. Every judgment of beauty contains an aspiration toward universality that is missing in statements of preference or personal taste. It reports a pleasure which the person making the report assumes not to be idiosyncratic but affirmable by all—a universal pleasure, unlike my private taste for port.

Statements of personal preference differ in a second way from judgments of beauty. The statement, “I like port,” expresses what Kant calls an “interest” in port—a desire for port and the wish to consume it. 22 The pleasure that such statements report is always, Kant says, an interested pleasure whose satisfaction entails the consumption or appropriation of the object that provokes it. 23 The pleasure that judgments of beauty express is, by contrast, a disinterested—or, as Kant puts it—a contemplative one. 24 Its satisfaction neither presupposes nor produces a desire to consume the thing judged to be beautiful, but is fully gratified merely by observing it with no appropriative aim. The statement, “that glass of port looks lovely,” is ambiguous and may express nothing more than my interest in it—my desire to consume it. It is only when, as Kant

21. See id. at 52, 78, 183-84.
22. See id. at 43.
23. See id.
24. See id.
writes, “want” has been “appeased,” when my desire for port has been completely satisfied, that such a statement can confidently be construed as a judgment of beauty pure and simple—which, to be sure, refers to a subjective state of pleasure (and hence differs from objective judgments like the observation that there is a glass of port on the table) but a pleasure of a strictly disinterested kind.

This second distinction between statements of personal preference and judgments of beauty points to a third. To have an interest in something is, Kant says, to be dependent on it. It is to be captivated by it, to be drawn along by a needy desire for it, in a way not entirely free. There is something slavish in every desire, and statements of preference or interest, which imply a desire for the object of interest, thus always bespeak a condition of unfreedom on the part of the person making the statement. Judgments of beauty, which are disinterested and imply no such dependence on their objects, are by contrast free. They are not, in Kant’s terms, determined by a want, but by what he calls a “free satisfaction,” the disinterested pleasure produced by the contemplation of an object unaccompanied by any desire for it.

The freedom of aesthetic judgments is of particular importance to Kant. Indeed, he regards the freedom of such judgments as their most distinctive feature, one that sets them apart not only from statements of personal preference but from judgments of moral duty as well. “Where the moral law speaks,” Kant writes, “there is no longer, objectively, a free choice as regards what is to be done.” In this case it is reason, not desire, that commands, but moral judgments are as unfree in their own way as statements of preference are in theirs. Only judgments of beauty, which are neither dictated by reason nor driven by desire, may be said to be perfectly free. “An object of inclination and one that is proposed to our desire by a law of reason” are alike, Kant says, in leaving us “no freedom [to form]
for ourselves anywhere an object of pleasure."\textsuperscript{31} Judgments of beauty alone allow us such freedom, and in one of the most remarkable passages of the \textit{Third Critique} Kant suggests that the enjoyment of this freedom is a uniquely human experience—animals being, like men, subject to inclination or desire, and rational creatures of all sorts (including higher-order ones like angels) being as subject as we to the dictates of the moral law.\textsuperscript{32}

This last observation helps us to a deeper understanding of the nature of the pleasure that judgments of beauty report. It is the freedom of these judgments themselves, Kant argues, that produces the pleasure or satisfaction to which they refer. That is why, he says, pleasure does not precede but rather follows the making of aesthetic judgments, a proposition he calls "the key to the critique of taste."\textsuperscript{33} If pleasure preceded the judgment, the judgment would be determined by it, and would therefore not be free, as is the case with all statements of private preference. Consequently, if judgments of beauty are free, and if they report a feeling of pleasure (as statements of preference also do) the pleasure they report must follow the judgment, not precede it, and the only way that is possible is if the pleasure in question is a pleasure in the very freedom of the judgment itself.

This leads to a further idea, at the very center of the "Analytic of the Beautiful," which in turn begins to reveal the democratic potential of Kant's account of aesthetic judgment. Judgments of beauty require, as do judgments of other sorts, the harmonious interaction of what Kant calls our "cognitive powers,"\textsuperscript{34} by which he means the faculties of imagination and understanding. Acting in concert, these two mental powers gather the raw material of sensation into a recognizable shape and give it a distinct conceptual form. Simple descriptive judgments—"there is a glass of port on the table"—involve an interplay of the imagination and understanding. More complex normative judgments—"one ought to drink five glasses of water a day to remain in good health and one ought to remain healthy to live a good life"—involve a similar interplay of cognitive powers. But in these cases, the interplay is "limited," as Kant

\textsuperscript{31} Id. at 44.
\textsuperscript{32} See id.
\textsuperscript{33} Id. at 51.
\textsuperscript{34} Id. at 53.
puts it, by "a definite concept . . . to a definite rule of cognition." What he means is that judgments of these sorts are rule-bound: they consist in bringing a complex set of sensory impressions under the organizing form of a rule. By contrast, as Kant says over and over again, judgments of beauty are not rule-bound in this way. There is no rule for determining what is beautiful and what is not—which is why, among other things, disputes about beauty cannot be definitively resolved in the way that scientific (and, on Kant's view even moral) disagreements can. The interplay of cognitive powers that judgments of beauty involve is therefore free in a sense that judgments of these other sorts are not. When a person offers a judgment of beauty, his or her cognitive faculties are in what Kant calls a "state of free play," unconstrained by any ruling concept but still harmoniously engaged.

Judgments of beauty are thus free in a twofold sense. They are neither driven by desire nor determined by a rule. They are disinterested and ruleless, unconstrained both by the imperative demands of appetite and by the equally demanding requirements of a master concept to which they must conform. In the first respect, judgments of beauty differ from all self-interested reports of personal preference. In the second, they differ from the rule-bound judgments of science and morality. They are uniquely free, and their freedom is the source of the pleasure to which judgments of beauty refer. Indeed, one might say that aesthetic pleasure, the pleasurable sensation that every judgment of beauty reports, is the pleasure of freedom itself, the special pleasure of freedom from both appetite and rules that characterizes the subjective experience that certain objects provoke in us, the objects we call beautiful through an unnoticed process of externalization, attributing to them as an objective property what in truth is an inward state of mind, the enjoyment of our own freedom, disinterested and unconstrained.

At the very beginning of the "Analytic of the Beautiful," Kant describes this enjoyment as the subject's "feeling of life," the pleasurable experience of being an active, living being endowed

35. Id. at 52.
36. Id.
37. Id. at 38.
with a freedom that transcends the world and everything in it, a power of free creativity that could not exist if we were slaves to need (as animals are) or bound by rules in every aspect of our lives. This power is the source of all artistic invention—of everything singular and new that artists bring into the world—but it is also the source of all aesthetic appreciation, which on Kant's view is at heart the enjoyment of this power itself.

Here, it might seem, is a point of contact between Kant's view and Hazlitt's, which also attributes the pleasure of certain forms of beauty—the kind that works of poetry possess—to the enjoyable sensation of power they produce in those who hear or read them. But this apparent similarity in fact reveals a deep difference, for while the sensation of power that Hazlitt describes depends for its pleasure on the subordination of someone else to it—on the experience of being in command of another, less powerful than oneself—the experience of power that lies at the heart of Kant's notion of aesthetic enjoyment derives its pleasureableness from the fact that it is, in principle at least, universally communicable to other human beings, who possess the ability to experience this same power of freedom for themselves, a power that represents not the basis for some hierarchy of dominion (as Hazlitt conceives it) but the foundation of our common humanity.

Kant repeatedly emphasizes the universal communicability of judgments of beauty. These require, he says, "the agreement of everyone, and he who describes anything as beautiful claims that everyone ought to give his approval to the object in question and also describe it as beautiful." We advance this claim, Kant argues, because "we have for it a ground that is common to all," a common basis of experience that all human beings share.

This shared experience is purely subjective and is therefore unlike that of coming to the same conclusion after conducting a scientific experiment or agreeing in the judgment that a glass of port stands on the table. These are objective judgments about which one may be right or wrong, in contrast to judgments of beauty, whose validity or invalidity can never be demonstrated

38. Id. at 74.
39. Id.
in a similar way. But though judgments of beauty are purely subjective, they are also disinterested and therefore, in principle at least, not restricted to those who happen to share the appetites or desires of the persons making them. Because they are disinterested, there is nothing to prevent judgments of beauty from being confirmed by everyone else, regardless of their idiosyncratic desires.

What all such judgments report, moreover, is the pleasurable sensation produced by the free play of one's mental faculties, the pleasure associated with the spontaneous creativity of mental life, a primal creativity that all rule-governed thought presupposes and every human being possesses to the same degree. The objects we call beautiful stimulate our awareness of this creative power and of the pleasure produced by its possession, and the judgment we make in calling them beautiful can best be understood, on Kant's view of it, as an invitation to others to recognize this same pleasurable power in themselves. It is an invitation to them to acknowledge our common humanity in the shared experience of a free creativity that is constrained neither by interests nor rules, and the prospect of this acknowledgment—never fully attained, of course—is a further source of pleasure too, the anticipated pleasure of being in the company of one's equals and in communication with them: the pleasure that Kant calls "sociability."

At this point we have arrived at a view that not only differs from Hazlitt's but is, in an important sense, its opposite. The poetic imagination, Hazlitt says, is attracted by disproportionate power, by excess, by superiority, by dominion, and control. These are what cause pleasure and excitement, at least when we imagine ourselves in the position of the more powerful person, and both the poet and his audience are motivated, in Hazlitt's view, by this anti-egalitarian, but all too human, love of superior force. Kant's account of beauty attributes the pleasure it produces to something we share instead, to a common power of creativity that every human being possesses in equal degree, and to the (always incomplete and aspirational but nonetheless quite real) experience of this commonality in the give-and-take of aesthetic debate.

40. See id. at 52.
41. Id. at 139.
For Hazlitt, the pleasure that poetry produces is one of hierarchy and distinction. For Kant, the pleasure of all beauty, including that of poetry, is the pleasure of a communicable equality, of a power that puts us all on common ground rather than setting us apart. Hazlitt’s conception of poetry puts it in conflict with democratic belief. It leaves no room for the idea that poetry—understood expansively to include other literary genres, such as fiction and film—is compatible with the egalitarian principles of democratic rule, let alone supportive of them. By contrast, Kant’s conception of beauty suggests a more positive relation between democracy and poetry. It suggests a way of thinking about poetry, and art in general, that aligns the sensations it produces with the egalitarianism of democracy and with the ideas (also drawn from Kant) that are most often used to justify it morally: the idea that we each possess an equal power of self-determination or autonomy, as Kant calls it, that this autonomy is the foundation of our moral agency, that the moral law commands us to respect all other persons as the equal and hence equally worthy possessors of such autonomy, and so on. Kant’s *Critique of Judgment* points to a convergence between these moral ideas, on the one hand, and the pleasurable experience of beauty on the other, and provides a philosophical start for those who wish to argue, against Hazlitt’s anti-democratic view of poetry, that the poet and his audience are joined in an enterprise whose egalitarianism echoes and reciprocates that of democracy itself.

I have discussed Kant’s views in some detail because they offer the most substantial philosophical support for the idea that democracy and poetry share a common direction and goal. But this same idea, expressed in a less philosophically elaborate form, has also played an important role in American letters, and nowhere more so than in the writing of Walt Whitman, who spent his life championing the idea of a democratic poetry.42 Anyone looking for a place to root Kant’s argument in American soil—to give his Germanic formulations a distinctively American expression—may profitably start with Whitman, for whom the convergence of democracy and poetry was an article of faith.

Whitman writes in the Preface to the 1855 edition of *Leaves of Grass*:

The messages of great poets to each man and woman are, Come to us on equal terms, Only then can you understand us, We are not better than you, What we enclose you enclose, What we enjoy you may enjoy. Did you suppose there could be only one Supreme? We affirm there can be unnumbered Supremes, and that one does not countervail another any more than one eyesight countervails another.43

Fifteen years later, in *Democratic Vistas*, Whitman speaks of the great European poets (he mentions Shakespeare in particular) as having “bask’d and grown in castle sunshine” and composed works that smell “of princes’ favors.”44 Their poetry, which celebrates what Whitman calls “a theory of character grown of feudal aristocracies,” is “poisonous,” he writes, “to the idea of the pride and dignity of the common people, the life-blood of democracy.”45 What is needed, he insists, is a new poetry that will be faithful to the spirit of democracy, one that will affirm the equality of the poet and his readers, indeed of all men and women, and that by doing so will give to the political principles of the American republic that literary expression, which alone is capable of anchoring these principles “in men’s hearts, emotions and belief” as firmly as the poetry of Europe did in its day for an aristocratic conception of life.

At the heart of Whitman’s ideas both of democracy and poetry, and the essential link between them, is what he terms “man’s free play of special Personalism.”46 The challenge presented “to the New World,” Whitman writes,

is, under permanent law and order, and after preserving cohesion,(ensemble-Individuality,)at all hazards, to vitalize man’s free play of special Personalism, recognizing in it something that calls ever more to be consider’d, fed, and adopted as the substratum for the best that belongs to us,

45. *Id.* at 969.
46. *Id.* at 963.
(government indeed is for it,) including the new esthetics of our future.\(^\text{47}\)

Every human being possesses a soul that gives him or her an infinite dignity and equal claim to the respect of every other. The soul is the power we each possess to shape ourselves according to our own lights, free “from all laws or bonds except those of one’s being, control’d by the universal ones.”\(^\text{48}\) It is the power of free self-invention, “the perfect uncontamination and solitariness of individuality,”\(^\text{49}\) and reverence for it defines the spirit of American independence. “[T]he inherent soul, nativity, idiocrasy, free, high-poised, soaring its own flight, following out itself: this is the value on which America’s democratic politics is based and the value that will animate the authentic American poetry of the future; the one, Whitman argues, is a perfect literary expression of the other.\(^\text{50}\)

Viewed politically, the principle of personality entails a respect for the freedom of one’s neighbor, for his right to live as he chooses, and a belief in the equal dignity of all citizens, whose endlessly diverse lives are each the product of a “single, solitary soul” pursuing a career “according to its own central idea and purpose,” exercising the universal power of free invention in accordance with “the precious idiocrasy and special nativity and intention” that sets each human being apart from every other.\(^\text{51}\) As a political ideal, the principle of personality entails a commitment to equality (for the power of self-invention is the same in all of us), a tolerance for diversity (since this power must always be expressed in countless different ways) and a spirit of fraternity, of “loving comradeship”\(^\text{52}\) (because we recognize in the diverse lives of other men and women free beings like ourselves, endowed with the same gift of personality and burdened with the same challenge to develop and express it).

\(\text{47. Id.} \)
\(\text{48. Id. at 978.} \)
\(\text{49. Id. at 965.} \)
\(\text{50. Id. at 978.} \)
\(\text{51. Id. at 960-61.} \)
\(\text{52. Id. at 982 n.} \)
These are the political implications of "the all-varied, all-permitting, all-free theorem of individuality." The poetic implications are, for Whitman, just the same. A poem is a work of art and a poet is an artist, but the great poet, Whitman writes, "sees for a certainty how one not a great artist may be just as sacred and perfect as the greatest artist." The great poet sees an artistry equal to his own in the achievements of ordinary men and women. He sees, in their works and lives, the same passion for creation, the same drive toward self-expression, the same energetic striving of the soul, that animates his own work. To others it may appear that much of what men and women do is trivial and small. But "[t]he greatest poet hardly knows pettiness or triviality. If he breathes into any thing that was before thought small it dilates with the grandeur and life of the universe." The greatest poet grasps the greatness in every human being and his poetry brings it to life. It allows us to see the infinite value of every operation of every soul, however unimportant it may appear to unpoetic observers. The great poet recognizes that "others are as good as he, only he sees it and they do not."

Our ordinary judgments of human beings are full of discriminations and distinctions. We are forever judging some to be better, worthier, lovelier than others. The great poet knows otherwise and through his poetry conveys to us the substance of his own divine wisdom: an appreciation of the equal infinitude of every human soul and of the equal wondrousness of the lives they inform. In this sense, the great poet teaches an egalitarian lesson. "The master knows that he is unspeakably great and that all are unspeakably great." His poetry promotes an equal respect for all persons and provides the needed antidote to our thoughtless habits of distinction. Great poetry, in Whitman's view, is thus not merely compatible with democratic equality. It is a force for its promotion. It spreads a reverence for equality more widely among the people whose own poetic powers it displays, and anchors this reverence

53. Id. at 970.
54. Id. at 9.
55. Id. at 10.
56. Id.
57. Id. at 16.
more deeply in their hearts. It articulates and vivifies the spirit of equality on which our democratic way of life is based.

With this comes an enlarged sympathy for others and a love of the diversity of men and women. The poet sees in the lives of others—in the lives of the humble as well as the great, of “the wicked just the same as the righteous”—a humanity identical to his own. He sees himself in every life and relishes the world from others’ points of view, as he relishes it from his own. “I celebrate myself, and sing myself, And what I assume you shall assume, For every atom belonging to me as good belongs to you.” Our normal habit is to be uninterested in lives different from our own, or fearful of them. Poetry combats this habit and dissolves it. It trains us to be appreciative and sympathetic, to find interest and value in the lives of others, and in contemplating them to be moved by the same spirit of wonder we feel when contemplating our own existence. It promotes an “[i]ntense and loving comradeship, the personal and passionate attachment of man to man,” an “adhesive love” born of the recognition of one’s own proud, struggling, creative efforts in the lives of other ensouled men and women, each pursuing an independent career of his or her own, but driven by the same divine ambition to be free, to be the poet of one’s life, of a singular life “soaring its own flight, following out itself.” And poetry teaches us to enjoy the manifold forms this ambition assumes, to delight in the diversity of men and women, to find pleasure in the difference of their lives and see in their endless variety not an empty confusion without interest or value (as Plato thought), but the splendor of a world made vastly more beautiful and inspiring by the multiplicity of forms into which the simple, invisible power of freedom is refracted. Poetry, for Whitman, is the champion of equality. But it is also the champion of sympathy and diversity and in the end these

58. Id. at 205.
59. The famous opening sentences of John Steinbeck’s Cannery Row express a similar sentiment. See John Steinbeck, Cannery Row 1 (1945).
60. Walt Whitman, Leaves of Grass 188 (Richard Bridgman ed., Chandler Publ’g Co. 1968).
61. Whitman, supra note 44 at 981.
62. Id. at n.
63. Id. at 978.
64. See generally Plato, Republic (Allan Bloom trans., Basic Books Inc. 1968).
coincide in his idea of poetry’s vocation: as the song of democracy, celebrating the “free play of special Personalism” and the equality of souls this implies, while expanding our powers of sympathy and enabling us to experience with joy rather than fear or indifference the diversity of human lives to which the free play of the soul gives rise.

Here we may discern an important point of contact between Whitman’s statement of the poet’s mission, on the one hand, and Kant’s account of judgments of beauty on the other. In both cases, it is the free play of the soul’s creative powers that gives life to art and aesthetic experience. It is the pleasure of freedom that art celebrates and that judgments of beauty seek to communicate, a pleasure that both Kant and Whitman assume to be universally communicable because the power of free self-direction, of creative self-invention, from which it flows is a power all men and women possess to an identical degree, however various the products and expressions of this power may be. Both Kant and Whitman offer us a view of art and beauty—philosophically expressed in the one case and poetically in the other—that is premised upon the equality of human beings and the claim that what makes us equal is a source of pleasure for us, not (as Hazlitt says) an irritant we find disturbing because of our natural love of superiority and dominion. To this extent, both Kant and Whitman offer us a view of art and beauty that is fundamentally democratic. And both offer us a view in which art may fairly be described as a force for the promotion of democratic solidarity, the pleasure of identifying with others in a union of equals—for the promotion of what Kant calls “sociability” and Whitman describes as the “loving comradeship” of democratic life. With different words and very different styles, both Kant and Whitman argue that the “principle of poetry,” as Hazlitt calls it, is not an anti-democratic principle at all, but entire convergent with the egalitarian ideals on which every serious moral defense of democracy rests.

In the end we thus arrive at two very distinct views of the relation between poetry and democracy. On the one hand, there

---

65. KANT, supra note 13, at 53.
66. WHITMAN, supra note 44, at 981 n.
67. HAZLITT, supra note 1, at 70.
is Hazlitt’s view, which ascribes the pleasure of poetry to the anti-democratic satisfaction of lording it over others. To us, so deeply imbued with the values of a democratic civilization, this may seem an eccentric view, but it is not. Others have held and defended it as well. Nietzsche—to take just one particularly influential example—closely identified art with what he calls “the rank order of men,”68 with the aristocratic “pathos of distance”69 that separates the powerful from the weak, though this aspect of his thought is generally overlooked today by his more democratically-minded followers.

On the other hand, there is the view I have attributed to Kant and Whitman, a view of poetry that aligns it with democratic belief rather than putting the two at odds. This view is of course far more congenial to most Americans. It captures the spirit of a genuinely democratic strain in American letters—I am thinking of Twain and Steinbeck and Frost and Sandburg and e. e. cummings—and it has the attractive consequence of eliminating the need to choose between one’s democratic convictions and the enjoyment of poetry, or of consigning the latter to the domain of guilty pleasures. Kant and Whitman allow us to have our cake and eat it too.

But of these two views, which is the right one? Surely, that is the fundamental question, and just as surely, it is a question that cannot be answered. There always will be much that can be said in favor of Hazlitt’s position. We are by nature too prone to the enjoyment of dominion, and there are too many works of art—high, low and in-between—that cater to this pleasure, for us ever to be able to say with certainty and final authority that Hazlitt’s anti-democratic view of poetry is mistaken. But the pleasures of democratic fraternity are also well-known to us, and there is much art—much poetry in particular—which causes us to recognize and to enjoy the bonds of common humanity that join us to others in a democratic community of equals, for us ever to reject with finality the pro-democratic view of art that Kant and Whitman endorse.

Which of these views one adopts must therefore be, to a large degree, a matter of personal judgment and experience, and also, not insignificantly, of faith. What I mean is that the choice between these views must be based not just on our observations of human nature as we find it, but also on our aspirations and ideals—on the kind of life we would like to lead, and the kind of people we would like to be, however far short of these ideals we now fall. It is wrong to think of the choice between a democratic and an anti-democratic view of poetry as a choice to be made on the basis of facts alone. It must also be made on the basis of dreams, of the things we long for as well as those we believe to be true. That our dreams come into this choice is not a good thing or a bad thing. It is merely a necessity.

Put in this way, the choice is clearer, for me at least.\textsuperscript{70} I cannot help but wish for a poetry that fulfills the American dream, for a democratic poetry that celebrates the exuberant diversity of human beings with a “love, that fuses, ties and aggregates, making the races comrades, and fraternizing all.”\textsuperscript{71} I cannot help but wish for a poetry that roots my country’s democratic ideals in the heart. And once I acknowledge this, and see that there is a view of poetry which makes my wish intelligible, the way is open to a range of further thoughts for which this view provides a start. Immediately I can see there is a legitimate, indeed necessary, role for government in the cultivation of the arts. I can understand why democracy requires poetry and I can justify spending the public resources needed to help sustain the makers of poetry who have a notoriously hard time earning a living from their craft. And I have a basis from which to argue that our contemporary culture of entertainment, which caters to the violent love of power over others, is an isolating and anti-

\textsuperscript{70} Though I can, with some effort, make my feelings run in the opposite direction—toward a view of poetry that affirms its anti-democratic tendencies as a needed antidote to the flattening of experience and judgment characteristic of modern democratic life, that sees the virtue of poetry in its power to remind us of the ineradicable distinction between greatness and mediocrity in a world dominated by the latter. But though I can entertain these thoughts, even entertain them with some pleasure, it takes a bit of effort for me to do so, and when I relax I always find my feelings returning to the more democratic view of poetry I describe in these concluding paragraphs. That is, I think, because I not only wish to be a democrat but in some basic sense am one. But it would be dishonest not to admit the internal conflict I feel on this score—a conflict I suspect many others feel as well. \textsuperscript{71} \textit{Whitman, supra} note 44, at 939.
democratic force, and that it must be countered by a public revival of poetry, once a far more potent influence in our lives—by the renewal, on a mass scale, of the habits of reading and writing poetry, and of the discipline of memorizing it, by the reinvigoration of an art that instructs us in the democratic love of freedom and the affectionate sympathy for others, in all their splendid diversity, on which the moral character of American life is founded.

When I recognize that I may—that I must—choose according to my dreams, it is enough that Hazlitt's view of poetry cannot be demonstrated to be right. It is enough that there is another possibility. Is poetry undemocratic? Not necessarily. And if not, then there is room to pursue the dream of a democratic poetry for which no warrant would otherwise exist. There is room to ask a range of questions, and to advocate a range of programs, all in furtherance of this dream. There is room to be hopeful, and militant in the pursuit of hope. The way is open, and no argument alone can block it.