

Aesthetic Investigations

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Sensus and Dissensus Communis. The Comedy of Democracy (Following Cavell).

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Abstract: The thesis of the article is that, following Stanley Cavell, within the framework of Western culture, the cinematic comedy again and again can be seen as an aesthetic form where passions for democracy take their way. Cavell defines, first, philosophy as a matter of the ‘human voice’ which is, in reference to Kant’s third *Critique*, a ‘universal voice’. An aesthetic judgement insofar is a model of philosophical judgement. But beyond this, secondly, it is also a model of democratic judgement. For Kant, arguing about aesthetic matters means facilitating the communitarianisation of confrontation. ‘Common sense’ (*sensus communis*) is the political term Kant offers for this. Since this term, thirdly, has recently again been appropriated by populist semantics, it is important to stress a radically democratic meaning, with Cavell: a romantic conception of democracy, and to this conception, fourth, the art form of comedy corresponds. Comedy and democracy both centre around ‘the common, the familiar, the low’, and in laughter give this human-social sphere both an anarchic-democratic level of meaning and a certain, humorous self-reflection. The movie *Adam’s Rib* finally works as an example for this.

To say that philosophy is fundamentally dismissive of the ordinary is surely a cliché. Even Socrates, that ancient founder of Western philosophy, famously involved ordinary people in conversations about everyday topics in order to draw additional theoretical conclusions, especially with regard to practical ethics. The most conspicuous examples of this in the Modern Age are David Hume, Friedrich Nietzsche and John Dewey. However, no philosophical tradition has taken the ordinary so seriously and spelled out its

significance in so many different variations as that in which Stanley Cavell emphatically includes himself: namely the tradition of the later Wittgenstein, as well as Ralph Waldo Emerson and Henry David Thoreau, somewhat confusingly known as ‘American transcendentalism’. The innovation of *ordinary language philosophy* presented by Wittgenstein consists in its precise analysis of linguistic expressions using colloquial means in order to cure philosophy of its old metaphysical and new scientific, that is logical-positivistic fixations. This theoretical-therapeutic strategy is easy to link to the declared goal of US-American transcendentalism, famously summarised by Emerson as follows: ‘I embrace the common, I explore and sit at the feet of the familiar, the low.’¹ Cavell also sits joyfully at the feet of the familiar, indeed he sometimes celebrates an embracing of the common, the simple, the ordinary in words no less emphatic than those Emerson chose in the romantic spirit of the early 19th century. To this extent he delivers a perfect US-American variant of Romanticism. Which culture, if not the US-American culture, should be better destined to declare the ordinary extraordinary, and vice versa, with all its concomitant ambivalences? In this cultural context, Cavell has no hesitation in including cinema, which he vehemently propounds without any European arrogance to be the appropriate art form for the masses in the 20th century. He undoubtedly deserves to be the honorary representative of *ordinary film philosophy*. Cavell also lends this context a political-philosophical and especially democracy-theoretical accent, albeit allusively and indirectly. Readers of Cavell’s works need to work out for themselves that for him film, especially comedy, represents a vision of militant democracy. The link between film, comedy, democratic forms of life and romantic becoming ordinary of the non-ordinary accordingly first has to be clarified through discourse. This is what I should like to attempt in the following. My thesis, thus, is that within the framework of Western culture, the cinematic comedy – that romantic fusion of the ordinary and the extraordinary, renewed in popular culture – again and again can be seen as an aesthetic form where passions for democracy take their way.

I. CAVELL’S VOICES

Drawing upon his honoured teacher John Austin, and with a deliberate, critical stance towards the philosophy of Jacques Derrida, Cavell defines the essence of his philosophy as ‘a matter of reinserting or replacing the human voice in philosophical thinking.’² That is a surprising and therefore for Cavell a typical statement. The voice is not, namely, a fundamental philosophical concept. In the relevant lexica it is rarely listed as an official term. And yet, if we remember Derrida’s now somewhat faded theory, it is key to philosophy that it views itself as being subject to massive criticism of so-called logocentrism. Cavell is reticent with regard to this major theory. He agrees, on the one hand, that performative expressions can ‘be seen as an attack on what

deconstruction attacks under the name logocentrism', but on the other hand he regards deconstructivism as a 'flight from the ordinary'.³

Cavell raises in philosophy, however, not only the human voice of everyday language, but also that of the self. Accordingly, the text genres of philosophy include not only *ordinary language* philosophy, but also autobiography. Here Cavell can appeal to some famous references, and he has presented some of his own deliberations under the title *A Pitch of Philosophy. Autobiographical Exercises*.⁴

The term 'voice' refers not only to the spoken language of the everyday world and individual language use, but also, thirdly, to the field of politics, at least in German. In German, the word for 'vote' is identical to that for voice (*Stimme*) and here functions as a democratic-political metaphor found in words such as *Stimmrecht* (voting rights), *Stimmzettel* (ballot slip), *Abstimmung* (ballot), etc. and meaning the individual 'right to speak' or to voice one's opinion.⁵ In this context Cavell also allows himself to be led by the romantic emphasis on individualism.⁶ The democratic-political semantics of the voice (*Stimme*) have an accent for Cavell which is individualistic in a radicalised and even intermittently anarchistic way, placing it within the American romantic tradition of civil disobedience.

Finally, in addition to its colloquial, individualistic and political meanings, the concept of the voice also has a universal connotation for Cavell. When Cavell characterises philosophy as the claim 'to speak for the human', he moves within the classical tradition of philosophical understanding. His variation begins when he describes this claim to universality as a 'universalising use of the voice' and additionally recognises the 'arrogance' which can be found within this claim, namely 'the arrogant assumption of the right to speak for others'.⁷ In its inevitability, this arrogance is immanent in the philosophical use of the substantivistic pronoun 'I', which means that it is legitimate despite the seemingly illegitimate gesture. One justification for this can be found in the concept of the exemplary. That which expresses itself in the first person of the autobiography is 'representative'; 'each life (is) exemplary of all'; herein also lies a 'commonness' of humanity.⁸

Cavell bases his deliberations, albeit seldom explicitly, on Kant's *Critique of Judgement*.⁹ Here he finds not only the significance of the exemplary, but also preformulated the metaphor that guides it. According to Kant, if we call an object beautiful 'we believe ourselves to be speaking with a universal voice' and that means, again according to Kant, that with an aesthetic judgement one 'lays claim' to the 'agreement of everyone'.¹⁰ It is this paradoxical structure of a 'subjective universality' which Cavell transfers to the philosophical form of substantiation. What is only true of aesthetic judgements in transcendental philosophy, is also true of philosophical judgements in the sense of Cavell's ordinary language philosophy. For a philosopher who says that 'we' use terms such as beautiful, game or meaning in a certain way, is also saying that all people who understand these terms (correctly) are compelled to use

them in the same way. And for this kind of compulsion he has no evidence other than that exemplary evidence underlined by Kant to provide validity for his taste judgement.

To this extent, an aesthetic judgement is a model of philosophical judgement. Beyond this it is also a model of democratic judgement, and I would now like to briefly provide evidence for this in a second step.

II. THE KANTIAN QUESTION OF WHY WE HAVE TO QUARREL ABOUT MATTERS OF AESTHETICS

The desire to interpret Kant's theory of aesthetic judgement politically, or rather with a political accentuation, is as old as the theory itself. Three well-known such proposals for interpretation have become established. In the historical context of the French Revolution, Friedrich Schiller is the first to use the contrasting capacities of cognition (imagination and reason) in a daring political analogy to also see therein the contrasting social classes. Hannah Arendt, on the other hand, emphasises the enabling powers of aesthetic judgement to put oneself in the place of others; she accentuates the aesthetic capability of the imaginary, indeed the ideal of *role playing*; here aesthetic judgement is a form of empathy, the understanding of an intellectual sentiment. Finally, Jacques Rancière follows on from Schiller in terms of sociopolitical radicalisation when he describes the contrast between the two cognitive capacities or classes as that between exclusion and inclusion, between those who determine what is politically viable and those who are excluded from this process.¹¹

I would like to add a fourth proposal to this list of interpretations. For politics as a model, especially democratic politics, the aesthetic is well suited because it commendably evens out the tension between communality and discord, trains the *as-if* perspective and ultimately facilitates a (presentative, compensative and transformative) communication of sentiments. In the following, I shall refrain from speaking about the last two for reasons of time and space. I should merely like to concentrate for a while on the first point named, that is the relationship between communality and discord. My theory here is: arguing about aesthetic matters means facilitating the *communitarianisation of confrontation*.

As we know, Kant analyses the argumentative logic behind the aesthetic judgement as a specific relationship between the faculties of the imagination (as a form of sensation) and understanding (*Verstand*) or reason (*Vernunft*) in general. One has to emphasise that these faculties are strictly *oppositional*. The one does precisely what the other does not want. As Kant puts it in §50 of his *Critique of Judgement*: Imagination stands for 'lawless freedom', but reason 'is the power of judgement'. The one, taken alone, 'produces nothing but nonsense', the other is the faculty 'consonant with understanding'.¹² It seems that the contradiction can only be solved in one direction or the other:

either imagination in its unbridled freedom produces forms which *overtax* the power of judgement, or reason limits the imagination. In the case of an aesthetic object (of nature, art, the everyday), however, what happens is neither a subordination nor a mere (static) *contradiction*, but a (dynamic) *reciprocal stimulation and potentiation* of these oppositional elements. This is what Kant meant by ‘play’.¹³ And since this play takes place between our ‘cognitive powers’, i.e. between elements of experience which are fundamental to human recognition, it is possible to speak of the aesthetic *as if* it were a cognitively substantiated fact. In this way Kant can also impart the conciliatory suggestion that one may not be able to ‘dispute’, to decide objectively about taste, but that one can ‘quarrel’ about it, and for him that means: one can attempt to battle out a consensus.¹⁴ In an aesthetic judgement we maintain something which we cannot prove, but in a manner *as if we were able to prove it*. For that which we maintain entails a *legitimately felt* claim to generalisable validity, a claim which is based on a feeling which is not merely private, in other words subjectively valid, but also generally valid because it grows from the interplay, the endless and passionate interaction of different, even opposing elements of knowing and experiencing which in addition manifests a reference to the dimensions of discourse called (explicit) knowledge, morality and politics.¹⁵ Expressed in somewhat old-fashioned political language, we cultivate in aesthetic experiences ‘a certain liberality in our way of thinking’. Kant understands this as ‘independence of the liking from mere enjoyment of sense’.¹⁶ But it is obvious that here he is also pointing out the significance of freedom from prejudice, preference and freedom of mind in a further sense. Aesthetic liberality is a successful balance between accord and discord. It is the passionate and endless attempt *to battle out a consensus*, in other words *the fight among wilful or querulant individuals for community*.

III. DEMOCRATIC COMMON SENSE

The general voice by which Cavell allows himself to be led is what Kant prominently calls common sense (*Gemeinsinn*), only to immediately distinguish it from the ordinary, political-ethical sense, that so-called healthy common sense (*sens commun, gesunder Menschenverstand*) of the Enlightenment. It is one of the peculiarities of the history of philosophical terms that the ‘history of decay’ of common sense as a term begins when its conceptual clarification reaches its climax through – *nota bene* – restriction to the aesthetic field pursued by Kant.¹⁷ This is not true for the history of the term in its political meaning, however. Whereas we can ascertain that the 18th century stands out as the heyday of the term common sense, the 20th century after the Second World War sees its revival in the services of representative democracy.¹⁸ The various stages of this history are quickly told.

Following on from the epistemological meaning proposed by Aristotle under the term *koine aisthesis*, an authority intended to coordinate the impres-

sions of the five human senses, during Roman Stoicism the term acquires a politico-social and cultural meaning. Here, for the first time, it means those values and convictions which are usually shared unspoken within a community. At the beginning of the 18th century, following the *Glorious Revolution*, a definition is then brought into circulation in England and France. Shaftesbury (1709), Giambattista Vico (1725) and Thomas Reid (1764) are the leading theorists here. In his famous essay from 1776, Thomas Paine puts common sense into the US American context for the first time. Common sense is to provide an answer to the question which will continue to occupy theorists of modern society, namely ‘how to hold a heterogeneous society together with a minimum of force’.¹⁹ The French Revolution refutes the relevance of the term, the key concepts now being reason, freedom, truth and nation. Robespierre and his revolutionary allies are all too painfully aware of the fact that the people, in whose name they are conducting the Revolution, are hindered by ignorance (not to say stupidity) and superstition. Napoleon then finally succeeds in linking the revolutionary impulse with the counter-revolutionary impulse in order to mobilise the so-called people and successfully perpetrate a policy of disempowering those same people. The French Revolution, as we are aware today, for the first time stirs up that populist criticism of democracy which is later to have a mass impact in the totalitarian states of the 20th century.²⁰

Populism is a buzzword which also in our times agitates the political spirits. In the political sciences, discussion of the semantics of this word has only just begun, and yet the link to an anti-elitist and anti-democratic element already seems at least plausible: in socio-critical terms, populism campaigns against ‘the Establishment’, those ‘elites’ of politicians, media representatives, intellectuals and managers who pull the wool over the eyes of the good hard-working taxpaying people; populism is anti-democratic to the extent that it unhinges pluralism, on which not only representative democracy is counting, following on from the fact that the people is in a constant battle with itself as a result of the division of powers, that it is not ‘one’ with itself.²¹ In the context of common sense, we should be aware that this term is not protected from appropriation by populist semantics. And not least because it, like our own theory of communitarianism, emerged from a tension with the idea of the liberal constitutional state and the principles of reason and autonomy; common sense represents the other, more collective side of the democratic coin. But that means that it, like the populism monopolising it politically, is both one of the columns of democracy and one of its permanent threats. The marriage between democracy and populism in the concept of common sense is inevitably a ‘slippery subject’.²²

IV. COMEDY AND DEMOCRACY

When I underline the relationship between common sense, quarrel and democracy, I indicate that I tend towards a conception of democracy which in more recent discussion has become known as an ‘agonal’ or – with less drama – ‘communicative-associative’ democracy.²³ Within this framework democracy is concerned with the conflict between groupings who wish to assert their own convictions of a collectively correct life. Confrontational distinctions between ‘us’ and ‘them’ are here constitutive, but they do not harden to become a confrontation similar to that of civil war. Carl Schmitt’s notorious antagonism is here mitigated or transformed to become agonism. The basic political distinction between ‘friend’ and ‘foe’ is relaxed as the Other enters the ring as a mere ‘opponent’. The political and moral basic principle of respect for the other holds true here, also and especially because the other advocates principles and convictions which are incompatible with one’s own.

Schmitt’s political philosophy, as is well known, stems from his vehement criticism of Romanticism, which he comprehends, as is usual since Hegel and Goethe, as the hubris of the world-creating subject, that is, as a flight from the reality of the normal world.²⁴ Cavell turns this criticism on its head. More precisely, he offers a secularly dialectic and humanistic interpretation according to which Romanticism is both a wish for the extraordinary and for the ordinary, climaxing in seeing the ordinary as something extraordinary. It is not a case of seeing the extraordinary as something ordinary, and thus removing what makes it special, but on the contrary of seeing the ordinary as something extraordinary.²⁵ If Romanticism therefore means a new understanding of the subjective, a reinterpretation of the everyday world, as it is driven ever onwards by the individual powers of imagination in order thus to express one’s own subjectivity, then this expressivism has the political implication elevated by the United States to rank as Constitutional: namely, the right of every individual to realise his or her own idea of a good life: *the pursuit of happiness*.²⁶ This is Cavell’s Romantic concept of democracy. It means not only liberalistic self-determination, but within this same framework also individual self-realisation. In the sense of Isaiah Berlin, democracy means not only ‘negative’, but also ‘positive’ freedom, not only the freedom of citizens from state coercion, but also realisation of one’s own goals. It is Romantic because it places a significantly expressivistic accent on positive freedom.

Now the final question is whether there is an *art form* which most closely corresponds to this *democracy*. Cavell’s philosophical emphasis on the voice steers our answer towards three art forms: music (predominantly opera), theatre and finally film, that technological or, more precisely, technical-dynamic synthesis of music and theatre (whereas opera constitutes the artificial synthesis). But Cavell does not nobilise film in his theory of democracy by examining it media-essentialistically or ontologically for certain production techniques (such as montage) or methods of reception (such as experiencing

something as shocking, or noting something with distraction) in the manner attempted by Walter Benjamin in the 1930s. Rather, he limits his interest in this regard to certain genres, namely melodrama and comedy. In sociopolitical terms, melodrama deals with the bitter drama of failing female emancipation in bourgeois civilisation, whereas comedy deals with the battle of the sexes.²⁷

At this juncture it would normally be necessary to include a detailed discussion of whether, and if so how, comedy displays a stronger affinity to democracy than tragedy or its diminutive bourgeois form, the melodrama. Instead, I shall limit myself to some supporting comments. They all point to the argument which Cavell embraces, with Emerson, namely that comedy and democracy both (a) centre around ‘the common, the familiar, the low’ and in laughter give this human-social sphere both (b) an anarchic-democratic level of meaning and (c) a certain self-reflection. Let us have a closer look at this.

In its essence, this argument was formed as far back as Aristotle. As he says in his *Poetics*, comedy brings people onto the stage who are in some respects ‘worse than the average’, ‘beneath’ the level of the spectators, in other words people who, on the one hand, are governed in their anthropological weaknesses by the *conditio humana* and, on the other hand, belong socially and politically to a lower, non-aristocratic class.²⁸ The latter distinguishing criterion is to retain its validity until the late 18th century but is completely diffused in the 20th century. The Hollywood comedies of remarriage which Cavell dedicates himself to are also evidence of this as these comedies always take place in the setting of an affluent, a kind of money-aristocratic class. The anthropological attribution correspondingly moves further into focus. Where comedy is concerned with human, all-too-human weaknesses, or in more neutral terms, characteristics, it is really concerned with our attitude towards these characteristics, in other words with our culture and morality. And the task of comedy is to expose these characteristics – from cultural and social inadequacies to moral weaknesses – to laughter and ridicule. This can occur in different ways, however, sometimes in very different ways. Two reactions seem to be key: derogatory and (re)cognisant, superior and conciliatory, mocking and humorous laughter. But they are joined by two others: releasing laughter and laughter reacting to the irreconcilable; relieving laughter and laughter which expresses an incongruity. At least four types of ‘comical’ or ‘funny’ therefore need to be distinguished.²⁹

The first is the most evident and theoretically the most common type, summarised as the *superiority theory*. Accordingly, when we laugh we express superiority over the object of our laughter. The weaknesses which we laugh at are those of others. It is a laughter which at least has a tendency towards the aggressive, which politically is keenly functionalised by totalitarian states, but that does not mean it does not also fulfil a useful function in democracies. Here it depends on translating negative-aggressive (morally humiliating) laughter to positive-aggressive laughter, similar to how in the

course of civilisation and upbringing we learn to translate the psycho-physical eruptive energy of aggression into rational thought and use it to lend our arguments ‘bite’ and ‘sharpness’.³⁰ Plato, Aristotle and Thomas Hobbes can be named as relevant superiority theorists, but also Henri Bergson, according to whom derision can be grasped as a warning by the community to those so-called awkward individuals who do not manage to adapt in the expected social way and who therefore stiffen ‘mechanically’ and make themselves ridiculous. The best cineastic examples of this are Charlie Chaplin and Buster Keaton, who demonstrate that laughing at others does not have to be utterly morally superior, socially humiliating or politically exclusive. Bergson himself speaks differentiatingly of a ‘momentary anaesthesia of the heart’.³¹ A (mere) moment of permitted moral-social coldness and political animosity is accordingly a necessary element of laughing at comic and comedic figures.

The superiority theory covers probably the largest area of what makes people laugh. But the *incongruence theory* is also important. Here, laughter is a physical reaction to semantic ambivalences and logical nonsense, the unexpected, and involves a sudden dissolution of an expectation, a game of surprise with conventions. Kant, Søren Kierkegaard and Arthur Schopenhauer represent this theory, but also Helmuth Plessner with his famous philosophical-anthropological distinction between ‘bodily experience’ (*Leib sein*, literally translated: ‘being a body’) and ‘experiencing one’s body’ (*Körper haben*, literally translated: ‘having a body’), which he links to the anthropological phenomena of laughing and crying. Laughing, like crying, is a physical reaction in the face of a situation to which we cannot react with speech. Instead, we seek out a different level of meaning where ‘bodily experience’ plays a major role. For the art form of theatre (but also film) this physicality has two consequences, as stressed by Bernhard Greiner. Firstly, it is constitutive of theatre that it ‘always simultaneously presents the movement of messages, for which the body is the instrument of “expression”, and the movement of bodies, which are the actors’. Linguistic and performative meaning are equally relevant. Particularly for the genres of comedy and tragedy, however, the consequence is that they each place different emphases on these double levels of meaning: whereas tragedy strengthens the importance of ‘expression’, comedy refuses to make the same hierarchisation, instead emphasising not the words, but the physical-performative happenings on the stage.³² Comedy, we can then say, is democratic-horizontal and anarchic (not: anarchistic) in its semantic structure.³³ It performatively undermines the meanings it itself has offered, takes back in the course of the events what it itself has previously presented.

Thirdly, the *compensation theory* claims to be comprehensive, but remains completely within an abstract-mechanical economy of the physical and the emotions. This theory was first developed by Herbert Spencer in the 19th century, who explained laughter in its physical process as a liberating release of accumulated nervous energy, and became famous with Freud and his work

on *Wit and its Relation to the Unconscious* (1905). According to Freud, the desire for wit, comedy and humour is drawn from a source which has become increasingly obstructed since earliest childhood, an obstruction we can only escape momentarily through laughter. Accordingly, laughter permits momentary satisfaction of a (particularly sexual and aggressive) drive which moral and legal standards prohibit us from acting upon.

The later Freud is to write a text suited to the fourth theory of laughter and the comic, the *reconciliation* or more precisely *humour theory*. His short essay *Humour* (1927) is no longer based on the mechanic-hydraulic explanatory model, but on Freud's so-called structural or three-agent model of the psyche, with its now famous distinction between id, ego and superego. The surprising line of argumentation which Freud takes in this context consists in allowing the superego, that abstract agent of valid norms, to be not punitive and hostile, but liberating, inspiring, loving and comforting. To quote a funny pun from Simon Critchley: 'this superego is your amigo'.³⁴ Whereas in superiority we laugh at others by seeing them as children and ourselves as adults, in humour we laugh at ourselves. The adult once again accepts themselves as a child, and for the human species that means accepting itself in its infancy. In humorous laughter we adopt an amicable attitude towards our human limitations or *conditio humana*.

In the context of the discussion about a common sense demanded by democracy, Freud's later theory acquires an additional meaning. When we laugh at ourselves, we laugh not only at ourselves as individuals and part of humanity, but also as part of a social group. Humour and brilliant wit, following Shaftesbury's observation, are a form of the *sensus communis*. They reveal a deep layer of our shared cultural (moral, social, political) values. Thus 'the Bavarians' laugh at 'the Prussians' and vice versa, 'the Germans' laugh at 'the East Frisians' or maybe at 'the French' and vice versa, and thus they all laugh imagining themselves as part of a small, yet unconquerable community. For example, somewhere in Brittany they might laugh at 'the Romans' as a symbol of imperialism, etc. But this superior laughing of one community of shared values at another also involves an additional, albeit often subtle, opposing element. In laughing in this way, we assure ourselves of that which we have in common, not only by placing ourselves in opposition to another group – the first and most common type – but also by distancing ourselves from our own group, albeit only maybe momentarily – and this is the second type. This type avails itself of the incongruence method in particular, the second of the models introduced above. Every unexpected turn in a joke or comic situation is also a turn against the *sensus communis*. We can therefore say that laughter at jokes and comic situations also indicates a *dissensus communis*.³⁵ Laughter reveals structures in one's view of the world because it not only invites one to identify blindly with some, but also to distance oneself from others. The latter is a weaker option, to be sure, but it enables the line of argumentation which Kant set out in his *Critique of Judgement* to

be taken up once more: the more laughter at the comic distances itself from a concrete community, the more an ideal community shines through.

The *affinity of democracy for comedy* and, more broadly, for the comic therefore – firstly – consists in focussing on what, in a socio-cultural and anthropological sense, is ordinary: the calamities (embarrassments and unfortunate mishaps) of human beings, whether as members of a certain group or as members of the species. Comedy is happy to leave extraordinary heroism, sublime idealism, devastating suffering, all-pervading pathos, entanglement in compelling contradictions, death in the name of a higher cause, acknowledgement of a fateful and stronger power, to tragedy. Of course, tragic conflicts are also undeniably constitutive of democracy, conflicts resulting from equally justified claims which are therefore irreconcilable. This is precisely what makes democracy agonal. But these are not conflicts which culminate in life or death, at least not in usual circumstances falling short of revolution and civil war. The dramas of polemic democracy are different, milder. The affinity of democracy for comedy – secondly – consists in cultivating an anarchic-democratic semantics which not only refuses to accept a higher instance, but which ultimately refuses to accept an instance at all. The comic insofar is constitutively anti-dogmatic. And thirdly, the affinity of democracy consists in giving laughter, in incongruence and humour, a self-reflective and again anti-dogmatic twist. Human beings who can laugh at themselves are at home in a democracy.

V. LAUGHING AT THE BATTLE OF THE SEXES

Let us, finally, cast a look at one of the Hollywood comedies which attracted Cavell's romantic-democratic attention.³⁶ *Adam's Rib*, directed by George Cukor and first released in 1949, is one of those films known in Hollywood as a *sophisticated* or *romantic comedy*. They are filled with dialogue and fast action, in general line with comedy, which is not the place for silent and inactive characters, however much these characters may seem comic or even be comedians; the films of Aki Kaurismäki are worth watching in this context. Slapstick comedies, especially silent films, headed by the unforgettable Buster Keaton, focus on a very unique type of action based on the body and facial expression, or more precisely on physical misfortune, an alien situation and a corresponding commentary by facial expression, which for Keaton can be completely deadpan. Cavell's comedies of remarriage, in contrast, are closer to the type of conversational plays written by George B. Shaw or Oscar Wilde, set in more elevated, that is wealthier and educated social circles, and indulging us with brilliant conversation. *Adam's Rib* is tellingly translated into German as *Ehekrieg (Marital Feud)* because the film deals with the battle of the sexes fought inside a marriage, a sociopolitical problem in which, as always when real change is involved, one side must fight hard for what the other has long had and refuses to share.

Adam and Amanda Bonner, played by Spencer Tracy and Katharine Hepburn, a Hollywood dream team in the 1940s, are a happily married couple, as we learn at the beginning of the film. Discussions immediately become heated, however, whenever sexual equality rears its head as a bone of contention. This happens also when a woman is accused of attempting to murder her husband after she has caught him with another woman *in flagranti*. Desperately and clumsily (she first has to study the instructions), she waves a revolver around and shoots, injuring her husband. As soon as she realises what she has done, she immediately and comically remembers her role as loving wife and attends to him in his plight. Amanda, a lawyer by profession, assumes the defence of the wife, while Adam, a public prosecutor, takes up the case for the prosecution. He loses the case because his wife and professional adversary builds up a skilful line of defence based on the unequal perception of the sexes. If it had not been a woman directing a weapon at her husband, but a man directing one at his wife found with another man, he would not be found guilty because a husband can appeal to the unwritten law whereby he always has the right to defend his own home against intruders. Amanda demands the same right for her client.

In ancient comic tradition, Adam, representing the male sex, is shown up quite badly by his wife. She repeatedly proves herself as the verbally dextrous lawyer. Once she even oversteps the verbal boundary and exposes Adam to physical ridicule when she asks a witness, a former weightlifter, to demonstrate her skills in the court room. Much to his amazement, the woman lifts him up in the air, leaving him to gesticulate wildly and awkwardly like a little boy. In private the couple also cross the aggression boundary, not badly or coarsely, but no longer lovingly. During a massage which they are both obviously enjoying, she smacks him on his behind, then he does the same to her more forcefully, until anger is written all over her face – and she is about to have a fit of rage.

The curve of aggression reaches its peak when Adam, after his failure in court, turns his successful wife's legal argument around and uses it against her. Knowing that a friend of theirs and presumptuous admirer of Amanda is visiting her for the evening, he surprises them both with a drawn pistol. This is clearly a re-enactment of the scene with the wronged wife that we saw at the beginning of the film. But Adam is only pretending. The pistol is made of liquorice, and he enjoys biting into it once he has achieved his aim, namely that his shocked and frightened wife falls back on the position that was precisely his own in court: that nobody has the right to break the law by taking it into their own hands. After he has taught her this lesson, an actual quarrel breaks out between the three people in the room involving physical violence or at least physical involvement, a small physical explosion of emotions which the film does not actually show. The film restricts itself to the outcome: crumpled, furious, dishevelled figures.

Adam's rib thus brings two marriages to the courtroom, that of the accused and her unfaithful husband, and that of Adam and Amanda Bonner, the prosecutor and his lawyer wife. In an exemplary culmination, we can also say that it brings to the courtroom the very institution of marriage itself, or rather the bourgeois form of marriage practised in America after the Second World War; and that it does this in such an uproarious way that the proceedings sometimes seem like a Punch and Judy show.³⁷ Marriage becomes the object of pugnacious debate, and the cinema becomes an extended court of law in which the audience, men and women, married or not (yet), are ultimately called upon to pass judgement on themselves. Not in legal earnest, but laughing: sometimes superior and mocking, pointing a negative-aggressive or maybe a positive-aggressive finger at others, momentarily anaesthetising the morally beating heart, sometimes in recognition and reconciliation, increasing expectations and thwarting them, and always relieving and releasing.

Of course, in the film the couple ultimately manages to avert the threat of divorce. Adam proudly tells his wife that the Republican party wishes to propose him to hold the position of a Judge. His joyful expression changes, however, sensing an impending blow, when Amanda with feigned innocence asks him whether the Democrats have also proposed a candidate – and of course she means a female candidate. The film thus has a happy ending – otherwise it would not be a comedy – yet one which already hints at the next conflict – otherwise it would not be a comedy for a combative democracy.

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NOTES

¹'The American Scholar', quoted in Cavell 1981, 14.

²Cavell 1990, 63.

³Cavell 1994, 79, and, respectively 167.

⁴Augustine's *Confessions*, those of Rousseau (which he does not specify, however) and, finally, three testimonies from the 19th century, namely Nietzsche's *Ecce homo*, Thoreau's *Walden* and Mill's work *The Subjection of Women*. Mill wrote this work with his wife, whom he also acknowledges as having influenced his other books, far removed from any patriarchal attitude or vanity (cf. Cavell 1994, 16-17, 2, 39).

⁵Cavell 1994, 37, 69.

⁶Cf. Cavell 1994, 50; Emerson's famous quotation in this context is: 'Whoso would be a man, must be a nonconformist', quoted in: Laugier 2015, 1048.

⁷Cavell 1994, vii-viii.

⁸Cavell 1994, 11.

⁹'Kant's "universal voice" is, with perhaps a slight shift of accent, what we hear recorded in the philosopher's claims about "what we say"' (Cavell 1976, 94).

¹⁰Kant 1987, 59-60 (§8), cf. 56 (§7), 86 (§19).

¹¹Cf. Rancière 2002.

¹²Kant 1987, 188 (§50).

¹³Cf. here also Henrich 1992, 51-52.

¹⁴Kant 1987, 210 (§56).

¹⁵Privacy of feeling means their claim to validity, not their constitutability. The idea that even the seemingly most private of emotions are socially constituted and thus not private can be convincingly substantiated with theories such as those by the late Wittgenstein, Gadamer and Davidson. An aesthetic statement which

is private or subjectively valid is one such as: ‘Barnett Newman’s “Who’s Afraid of Red, Yellow and Blue?” – taking Version III in the Stedelijk Museum Amsterdam – ‘is a bad painting because I really am afraid of red.’

¹⁶Kant 1987, 128.

¹⁷Cf. Maydell and Wiehl 1974, 244.

¹⁸Rosenfeld 2011, 244. On the history of the term following in the text cf. in turn Rosenfeld 2011, 22 (on Stoicism), 24 (Shaftesbury 1709), 59 (Vico 1725), 71 (Reid 1764), 136 (Paine 1776).

¹⁹Rosenfeld 2011, 24.

²⁰Cf. Rosenfeld 2011, 182, 193, 194, 220.

²¹Cf. Müller 2016, 26, 55.

²²Rosenfeld 2011, 6, 256.

²³On the agonal, that means the principally, but not existentially antagonistic concept of the political, cf. Mouffe 2000; Mouffe 2005; with greater proximity to a deliberative concept of democracy: Honig 1993; Tully 1995; Connolly 1999; on the communicative-associative concept of democracy cf. Benhabib 1992, Calhoun 1992, 73-98; Bickford 1996.

²⁴Cf. Bohrer 1989, 138ff. (Hegel) & 284ff. (Schmitt).

²⁵‘One can think of romanticism as the discovery that the everyday is an exceptional achievement. Call it the achievement of the human’ Cavell 1979, 463. This interpretation is fitting for the famous definition by Novalis (from *Aphorismen und Fragmente 1798-1800*): ‘Insofar as I imbue the mundane with meaning, the ordinary with mystery, the familiar with the seemliness of the unfamiliar, and the finite with the semblance of the infinite, I romanticise it.’ - We should remember here that Thomas Mann also once made a connection between Novalis and Walt Whitman, between German Romanticism and American democracy; both sides needed each other (cf. Lepenies 2006, 56).

²⁶Romanticism then means the right of each subject to determine the ‘circumstances’ under which this subject would be content (Cavell 1979, 466); cf. Laugier 2015, 10-49.

²⁷The most renowned directors here are Douglas Sirk and Rainer Werner Fassbinder. Beyond Cavell’s theorising,

there also exist masculine melodramas, of course; *East of Eden* (1955, by Elia Kazan, with James Dean) is one of the most famous, with *Manchester By the Sea* (2016, by Kenneth Lonergan, starring Casey Affleck) being a more recent example.

²⁸Aristotle 1924, 1448a & 1449a 32.

²⁹In the following I refer to Morreal 1987, who distinguishes three theories of laughter: the superiority, incongruence and compensation theories (the last of which he prefers to call the relief or release theory). Simon Critchley 2002 rightly adds a fourth theory, the reconciliation or humour theory. Bernhard Greiner 2006, in contrast, taking up Hans Robert Jauß, works only with two basic forms of the comic, namely one superior looking down and one inferior looking up, which leads him to oversimplify the situation and attribute to Kant, for example, the superiority and not the incongruence theory, to Hegel likewise generally the superiority and not the reconciliation theory, and to Nietzsche (or more precisely the Nietzsche in *The Gay Science*) simply the basic inferiority form (cf. 2f., 92, 98).

³⁰Cf. Hoggett 2002, 114.

³¹Cited in Critchley 2002, 87.

³²Greiner 2006, 5; on the principle of double levels of meaning as the principle of theatre, Greiner refers to theorists such as Umberto Eco and Erika Fischer-Lichte.

³³On the difference between the anarchic and the anarchistic – the anarchic protests against all archè (rule, principle, origin) and thus also against all hierarchies – cf. Levinas 1992, 224 (Engl. transl. from French, *Otherwise Than Being, Or Beyond Essence*).

³⁴Critchley 2002, 103.

³⁵Critchley 2002, 18, 78, with reference, amongst others, to Alfred Schütz, *Strukturen der Lebenswelt* (80) and to Kant, sometimes explicitly (80), sometimes implicitly (90); Critchley ultimately and rightly weakens the assumption of the emancipatory and politically progressive power of humour: ‘humour also indicates, or maybe just adumbrates, ... how things might be otherwise’ (90).

³⁶It goes without saying that the thesis arguing for the affinity of democracy for

comedy or the comical should be tested, also, in the case of film on a number of distinctive examples, from the slapstick of Jerry Lee Lewis and Eddy Murphy via *The Life of Brian* (1980), *The Blues Brothers* (1980), *A Fish Called Wanda* (1989), *Men in Black* (1997), *The Big Lebowski* (1998), *The Truman Show* (1998), *Ocean's*

Eleven (2002) up to the romantic comedies of *Moonstruck* (1987), *When Harry Met Sally* (1989), *Sleepless in Seattle* (1993), *Email For You* (1998) and a contemporary screwball-comedy like *One Fine Day* (1996).

³⁷Cf. Cavell 1981, 192, 194-5, 198.

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