

## CRITERION CREATION: A METAEPISTEMOLOGICAL PROBLEM IN PERSPECTIVE

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*All is not over on earth, since we can yet reason falsely. ... We affirm, but we doubt. The unexpected shoots forth from a syllogism. It is fine. There are men still on earth who know how to open and shut pleasantly the surprise boxes of paradox.*

Hugo

*Evaluating is creating [Schätzen ist Schaffen]*

Nietzsche

### 1. TOPOI

In coupling criteriology with the philosophy of creativity—and thereby criticism with creation *sensu lato*—we raise the question of the *criterion* for a realm in which it carries either all possible significance or none whatsoever. All the significance in the world, if we take the world to be divinely created or co-created by us every day. Or none at all, from the point of view of the act of creation as such: an act linking the profane to the sacred; spontaneous and intuitive; irrational and unpredictable; inscrutable and (on the Kantian account) criteria-less.

Western common sense and critical and philosophical tradition have largely sided with the second of these views. They tend, that is, to divorce creativity from criterial thought, conceiving of the creative act in opposition to the act of judgment (an opposition enshrined in Judeo-Christian theology), and thus to discrimination and assertions of knowledge (of which judgment is both vehicle and expression). Rarely, then, do they consider whether and how acts of creation and judgment converge, intersect, or even merge.

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While examples of their discursive dissociation for the domain of art—its practice and reception—abound, in the case of science, a claim like the following by Karl Popper can still sound counterintuitive:

If it is the processes involved in the stimulation and release of an inspiration which are to be reconstructed, then I should refuse to take it as the task of the logic of knowledge... . It is another matter if we want to reconstruct rationally the *subsequent tests* whereby the inspiration may be discovered to be a discovery, or become known to be knowledge. In so far as the scientist critically judges, alters, or rejects his own inspiration we may, if we like, regard the methodological analysis undertaken here as a kind of ‘rational reconstruction’ of the corresponding thought-processes. But this reconstruction would not describe these processes as they actually happen: it can give only a logical skeleton of the procedure of testing. ... [T]here is no such thing as a logical method of having new ideas, or a logical reconstruction of this process. ... [E]very discovery contains ‘an irrational element’, or ‘a creative intuition’...<sup>2</sup>

Intellectual inspiration and creative intuition integral to scientific discovery are here described in terms analogous to the processes of technical invention and artistic production; they create new things in the world and objects of knowledge. In subsequent testing (evaluation, modification) their products are subject to judgment that can categorize them as instances of human creativity (discovery, invention, etc.).

Isolating the “creative” element in this way not only reminds us of the complexity of scientific practice; it also draws attention to the gap between that element and critical reasoning. Creativity and judgment are seen by Popper as two distinct moves in a larger process. But do we not commonly call this process scientific “discovery,” “invention,” etc., understanding it *prima facie* as a subtype of both knowledge and creativity? Those who, upon reflection, entertain the possibility that it can be both at once are few, and certainly on to something. The majority follow Popper’s demarcation in circumscribing the role of “pure” creativity in scientific thought: where judgment rules, creation is suspended—a distinction reflected in the commonplace of the “two cultures” and the science/art binary. Anxiety over science’s claim to truth has its counterpart in the policing of this distinction between the aesthetic and the methodical.<sup>3</sup>

The Kantian critique of judgment complicates without, it must be said, altering the organizing dichotomy. The Third Critique inquires into the purpose of natural and human creation, considering the latter as things created and as the playground of judgment, but also, more fundamentally, as a human activity in practice indissociable from judgment. Kant stipulates not only that judgment is brought to bear on divine/natural or human creation (things created), but also that judgment is already implicit in the creative process of genius, who “gives the rule to art.” This judgment, however, does not legislate objects—there are no objects necessarily subject to it—but only itself.<sup>4</sup> Kant made its reflective legality internal to creativity, and derived from its being, engendered by artistic genius, its universal value and verification—even if this judgment of “other nature” has no need of, and nothing to do with, pre-established criteria but only with the free elaboration of new ones, which contingently actualize in new forms the timeless standard of nature.

Our experience of art confirms Kant’s view whenever we speak of an artist’s aesthetic; we usually do not mean by this that the creative artist knows best, but only that s/he intuits the aesthetic in a particular way, and creates something subjectively universal. This aesthetic is factored into our debates as art critics (art practice and art criticism are thus not mutually exclusive, though the latter labors towards “general agreement in an age of reasonable estimation”<sup>5</sup>). We do not, nonetheless, cede criterial authority to the artist any more than we do critical authority. In contrast to theoretical judgment, aesthetic judgment is neither cognitive (logical, conceptual) nor epistemically justifiable—let’s not forget that Kant saw no possibility of a *science* of taste, just its subjective *critique*.<sup>6</sup> Kant’s aesthetics “warns us against the totalitarianism of reason,”<sup>7</sup> limiting artistic creativity’s overlap with the domain of judgment to what cannot, strictly speaking, be *known*. However, outside Kantian aesthetic experience, the question of *objective* criteria of judgment continues to arise.

What if, however, the received concept of judgment—and hence of epistemic criteria in epistemology, ethics (especially metaethics), as well as aesthetics—has concealed the creative core from us?

The following discussion aims to trouble the traditional opposition between creation (genesis, intuition) and judgment (schema, rationality). It is, first, a contribution to the philosophical anthropology of creativity, and, second, a reconsideration of criteriology's founding problem—the so-called “problem of the criterion,” the ultimate criterion of knowledge.<sup>8</sup> By taking a sceptical position on epistemic foundations, we begin to see how the “problem of the criterion” assists in fixing the conceptual opposition between creativity and judgment, and obscures their mutual provocation and interaction. This tension and co-determination of creation and judgment, I argue, give rise to conviction—rather than certainty—as a non-transcendent, immanent criterion.

## 2. STASIS (“THAT INVESTIGATION OUT OF WHICH A CAUSE ARISES WE CALL A STATING OF A CASE”<sup>9</sup>)

In the epistemologically, ontologically, scientifically, ethically vague domain of human activity deemed *creative*—activity, that is, considered not as a form of ascertaining “what is the case” or reproducing “things made” (*Tatsachen, facta*), but of “making a case” for another “state of things” (*Sachverhalten*), for something other than the given, the already made, the already known, and producing evidence of it—the role of criteria remains obscured until we take the epistemological, ontological, scientific, and ethical, which rely on the exercise of rational judgment, as *themselves* modes of creativity concerned with truth-making. The creation of objects, concepts, interpretations, realities, functions, norms, and values, which earlier standards, now obsolete, could not adequately account for let alone remain consistent with, is largely bound by the criterial logic of the precedent—objective, conceptual, real, normative. Whether upholding this precedent, breaking with it, claiming to be without it, or bearing precedential weight themselves, creations are always entangled in judgment, determined by, acting on, or entailing criteria. They take shape through following, resisting, and negating anterior decisions, without which tension the showily creative act of judgment gives way to a shadow play of analogy-drawing and routine rule application, on the principle of past authority—of “standing by things that have been settled” (*stare decisis*). The creativity of judgment consists in qualifying and drawing distinctions, generating criteria, *making difference*.

The persistent, and mistaken, assumption about “genuine,” “radical,” “capital C” creativity is, as we have said, that it does not *follow* rules or standards, or even *set* rules or standards other than for itself (in a kind of playful, pro forma obedience to principle)—although, this sense seems to apply more to art than to science. Rather than being the object of mere reaction, pre-existing rules (and whole artistic or scientific paradigms) appear as the background against which the creative process and product appear incoherent and, in this sense, cannot even be judged (except apparently by internal criteria). In a Kantian spirit, Oscar Wilde gets to the heart of the matter when he writes that “to measure [Art] by the standard of the past is to measure it by a standard on the rejection of which its real perfection depends.”<sup>10</sup> Thomas Kuhn, and, more radically, Paul Feyerabend extended precisely this insight to science as, respectively, scientific revolutions and epistemological anarchism, in contrast to “law-and-order alternatives.”<sup>11</sup>

As autonomous artists, we apparently make up, as we go along, various rules that, owing to the dialectic of creation, can be no more binding for the finished work than for the work-in-progress (in whose power it lies to fulfil itself according to them as well as to “take them back”). Nor do these rules apply retroactively, being ad hoc; the flash of genius that illuminates the work may eclipse contemporaries or stimulate epigonism, but (consistent with the axiom of originality governing art) it does not impose itself elsewhere. For these reasons, the rules are not defensible or generalizable *as* criteria—even though, again, they can be hailed as artistic discoveries and held up as exemplars, changing the face of aesthetics and art practice, and altering the tradition, in T.S. Eliot's sense, to ensure coherence between the old order and the really new. In science, by contrast, new discoveries are accorded the power not only to modify but to invalidate the past. In both the artistic and the scientific realms, however, the commonly held dialectic of creation demands the application of new rules to what

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comes after, inevitably, to question them. The creative process is thus, on the one hand, seemingly open-ended and generatively “lawless”; on the other hand, various measures are applied and invented, recede or are consciously cast off, expanding the creative possibilities of interpretation, explanation, imitation, and so on.<sup>12</sup> Just as we are not capable of completely indiscriminate destruction (on this basis we distinguish man-made disasters from natural ones), so there is among us no indiscriminate creation—and the discrimination involved need not be facultatively exemplary. Creativity “on the ground” suggests, then, that recalling and making up rules is integral to it, even as it seeks to transcend any particular criteria (e.g., in the pursuit of a metacriterion). Autonomy and normativity (artistic, technical, conceptual), transgression (translation, subversion) and judgment (arbitrary, systematic) emerge as a dimension of creative inspiration and expression: creations more or less justify criterions, and vice versa.<sup>13</sup>

Despite this conceptual shift long underway, artists still fall for the ideology of aesthetic freedom, treating older standards as so many cobwebs; honouring them would mean being consigned to some institutional compartment where no one ever bothers to dust. Yet the popular (and, some rush to point out, undemocratic) Romantic elements of our culture cannot outweigh the progressive disenchantment of pure, “capital C” creativity, usurped by modernity from divine *ars infinita*.<sup>14</sup> Creativity’s increasing standardization under capitalism is abetted by research into its psychological, social, economic, and cultural laws, in an unprecedented push for the universalization, streamlining, and commodification of creative activity.<sup>15</sup> The new currency of creative work not only does not benefit from its monetization into ever smaller denominations, it is ruined by inflation and shrinking profit margins. On the one hand, the code of creativity is being cracked; on the other hand, it is being rewritten as we redefine what passes for creative work. We have creativity experts telling us that the classical five-stage analytic of creativity—*preparation, incubation, insight, evaluation* (on internalized criteria of one’s field), and *elaboration*—is too crude; though distinguishable, these phases in the creative process are “less linear than recursive,” their “loops” varying in number, length, proportions.<sup>16</sup> More than ever we are made aware of the professional, technical, and conceptual guidelines for making things—priming a canvas, mixing pigments to obtain a certain shade of blue, reading widely, starting from scratch, having an idea, making a comparison, choosing a constraint—to be followed more or less intuitively inside the creative process (to the point that they might seem not to exist or matter at all). Drawing a line between these so-called preparations, building blocks, or tunings, and “creation proper”—irreducible, unpredictable, unprecedented, spontaneous, serendipitous, inexplicable, etc.<sup>17</sup>—would require pinpointing where the creative “leap” to which they are crucial begins and ends. The answers of science are bound to disappoint, since splitting hairs, or neurons, resolves (human) creativity into something faceless. Those who resist this demystification of creativity by its methodization, description, or explanation may have no trouble admitting nature’s genetic processes on the most granular level. Without being scaled up to our creative reality, however, these processes remain alien to it.

When speaking of creativity, we have in mind equally the work of the cobbler, the pianist, the neuroscientist, and the philosopher. We have relatively little issue with accepting the rationality of such diffuse, generalized creativity—even if *rule-bound* implies *non-creative*. We are much less able to admit creativity into rationality. We would, in other words, sooner let go of pure creativity than of pure judgment, in whose sacred precinct the foundations of the status quo and of the human creating that obtains there are laid. While the two dimensions, creation and judgment, can happen side by side, they should not be conflated, and, at their extremes, exclude each other.

While few would deny that philosophy can be (in part) a creative process, consisting in the origination, if not of concepts, then at least of questions, knowledge claims, arguments, and warrants, how many would suppose that creativity is a necessary condition for philosophy, or that its creations are *original*? One can seek to show that this is so in one’s very act of coming up with reasons and arguments for defining philosophy in these terms, de facto recreating (demonstratively showing) what one is trying to define and make known. In thus defining it, one makes philosophy “known” as creative, renders creativity a *criterion* for philosophy, aware that one is provoking creativity in the form of counterargument and refutation.<sup>18</sup>

Even when the creativity of philosophy is taken for granted (though in need of stipulative specification), one does not *know it* to be true unless one also generates (invents, discovers) the criteria of knowing, perhaps even a general theory of knowledge (of its production and of the sum total of its productions)—doing so in a way that leaves them open to charges of falseness, if thought is to remain critical and creative. Further, the criterion of originality is implicated in philosophical discourse in, on the one hand, conceptualizing the world and, on the other, problematizing it. Milestones in the history of philosophy—inquiries, claims, conceptual constructs (especially systems)—are invariably regarded as the products of thought in motion that cause thought (give it reason) to move, giving birth, if not to entirely new problems, then at least to somewhat new solutions. This is not to say that philosophy engenders itself, that it is self-perpetuating, even though, like any field of knowledge, it sets its own standards and rules *grosso modo*.

What distinguishes (meta)epistemology, as knowledge of knowledge, is its amphibological reflexivity, as “a knowledge” (self-governing) like any other *and, at the same time*, formally, as “all knowledge” (other-governing and in principle requiring no further justification). In it, the creativity of the philosopher meets its match in the search for a grounding criterion that would encompass the possibilities of knowing: not only what has been and can be known (asserted, justified, verified) within any given cognitive-experiential framework, but also all conceivable paradigms of human knowledge. Foundationalist epistemology, for one, makes the case for a universal foundation, then invites its problematization. Presupposing the metacriterion to be discoverable as an “uncreated creation” (as “given,” into whose creation we would or should not need to look) or else as a “creation to be re-created” (in need of cause, of knowledge of how it was made), it runs into insoluble problems either way.

### 3. LOGOS

Some of the most radical philosophical literature on creativity bears out this analysis, even when, as for Deleuze, creativity appears fundamentally at odds with criterial problems.<sup>19</sup> In Deleuze’s thinking, creativity is spread across human intellectual endeavour—“thought is creation—to think is to create, there is no other creation—but to create is first of all to engender ‘thinking’ within thought.”<sup>20</sup> This naturally includes areas we associate chiefly with the exercise of judgment: “Philosophy is a discipline that is just as creative and inventive as any other discipline, and it entails creating or even inventing concepts.... [S]cience is no less creative... [D]iscovery exists ... but it is not what defines scientific development as such. A scientist invents, creates as much as an artist does. ... [He] is someone who invents, creates functions.”<sup>21</sup> What this exclusive emphasis on creativity, resting on an implicit juxtaposition with rule-bound rationality, leaves out is subsumptive judgment—not, as we will see, its existence so much as its desirability and even necessity.

Deleuze’s engagement with the Third Critique<sup>22</sup> does nuance his notion of judgment, at least when it comes to critical philosophy. Deleuze sees in the Kantian reflective judging, without a domain of its own,<sup>23</sup> a forerunner of what he calls *legislation* in Nietzsche—a decidedly non-determinative kind of law-giving. “In Nietzsche,” he writes,

the *philosopher-legislator* appears as the philosopher of the future; to legislate means to create values. “*Actual philosophers ... are commanders and law givers*” (BGE 211, p. 123) ... It is not that the philosopher must add the activity of the legislator to his other activities because he is in the best position to do this—as if his own subjection to wisdom qualified him to discover the best possible laws to which men in their turn ought to be subjected. The point is a completely different one: ... that the philosopher, as philosopher, ceases to obey, that he replaces the old wisdom by command, that he destroys the old values and creates new ones, that the whole of his science is legislative in this sense. “Their ‘knowing’ is creating, their *creating* is a law-giving, their will to truth is—*will to power*” (BGE 211 p. 123). While it is true that this idea of the philosopher has presocratic roots it seems that its reappearance in the modern world is Kantian and critical. *Jubere* [command] instead of *parere* [obey]: is this not the essence of the Copernican revolution and the way in which critique is opposed

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to the old wisdom, to dogmatic or theological subjection? The idea that *philosophy legislates as philosophy* makes the idea that critique *as* critique is internal complete: together they form Kantianism's principal achievement, its liberating achievement (BGE 211 p. 123).<sup>24</sup>

And yet, the specificity of the idea of philosophical legislation for Nietzsche's philosophy of the future depends on going beyond Kant's "philosophical labour." For it turns out that Kantian legislation brings us back into the fold of reason and understanding, our herders and dispensators of subjectivity—"Nothing but a renovated theology," in Deleuze's paraphrase of Nietzsche, "theology with a protestant flavour: we are burdened with the double task of priest and believer, legislator and subject."<sup>25</sup> Nietzsche's overcoming of Kant, as Deleuze sees it, was to lead criteria-creating judgment out of the bondage of belief.

Let us take a closer at the singular late essay "To Have Done with Judgment,"<sup>26</sup> where Deleuze comes into his own as a thinker of the relation between judging and creating within a theological-political problematic. While it does not directly speak to the so-called problem of the criterion, the essay makes a bold claim about judgment: namely, that, rather than a faculty, it is a normative doctrine and policy that has been internalized and naturalized. The basis for this policy of judgment is the *doctrine of infinite (unpayable) debt*. Its transcendent rule consists in the omnipresent supervision of the infinite productivity of the creative drive and will to knowledge, which it is set up to control and punish (with perpetual uncertainty, for one thing). As such, judgment is to be not simply suspended but abandoned for what Deleuze, echoing Nietzsche, names the *system of (finite) cruelty*, an organization of human production that is both *prejudicative* and *antijudicative*.<sup>27</sup> The system of cruelty executes its veridical signs directly on the body of the un-condemned, inscribing the sentence as corporal experience (decipherable from wounds), arbitrarily ascribing guilt (always beyond doubt), without exacting punishment where nothing was made known (insofar as punishment is predicated on judgment, rather being coincident with it, and is for something known), but only tallying up this guilt, this living debt, making it evident without trial or verdict, and taking from its victim exactly what s/he owes in blood and life. It is not merciful punishment and judgment forever "to come," but the elaborate ritual of inflicting pain without judgment that is cruel, yet this system of cruelty is both the mere finitude of individual creative life and the perpetuity of unfettered creation. Cruelty pursues us to the end of our life and no further; we pursue each other cruelly until the end of our lives but no more, our thinking and doing, mind and body, driven to retribute and reinvent cruelty and thereby themselves. For cruelty—as its early cultural deification attests—is the track of creativity, philosophy included ("it must be said that speech in fact presupposes writing ... and it is this cruel system of inscribed signs that renders man capable of language, and gives him a memory of the spoken word").<sup>28</sup>

Thus recast, the perpetual problems of philosophy—the problem of the criterion among them—become systemic means and ends of cruelty, or else disappear altogether with the paradigm that sharpened them into problems. In this system, the objections of the doctrinaires of judgment—things like, "With us the accused is questioned before the verdict," "With us the accused hears the judgment," "With us there are punishments other than the death penalty" (the life of the mind, no doubt), or "With us there was torture only in the Middle Ages"<sup>29</sup>—all such criticisms fall on deaf ears. It is because the system of judgment offsets the uncertain timing of the final and eternal judgment (which "It is not for you to know..."<sup>30</sup>) by the anticipation, hence the certainty, of its arrival, and in another sense delays judging each life ad infinitum, until the unforeseen end of time and world—until that judgment of the still alive and already dead, based on "those things which were written in the books, according to their works," thanks to the scrupulous book-keeping of all their judgments and creations (words, deeds, thoughts).<sup>31</sup> It is because the Last Sentence is pronounced but not heard, deafened by voice or trumpet until it is passed and assimilated, and the Judge, omniscient God-Man, comes "as a thief"<sup>32</sup> stealing upon us and from us the surety for an infinite debt, so that one can never be certain it is not an elaborate hoax to make us believe that all that waiting and restraint had a purpose after all. But we have run too far with Deleuze; the default among the living is still judgment.

Deleuze first raises the question of criteria with respect to moral judgment and specifically the shift from the idea of *advance destiny* (pre-dicted individually around the time of birth) in Antiquity to the idea of *final au-*

*thority* as final judgment of each and all: “Christianity did not renounce power, but rather invented a new form of power as the Power to judge: the destiny of man is ‘postponed’ at the same time that judgment becomes a final authority.”<sup>33</sup> In Christian prophecy, eschatology, and art, the ultimate criterion is kept infinitely, indefinitely outside human comprehension so as to make the onetime and definite judgment possible.

The importance of this history for epistemology becomes apparent when we consider that the problem of *infinite regress*, which reflects the pagan order of fate (Gk. *moira*, ‘lot,’ Lat. *fātum*, ‘that which has been spoken’), with chance or decision as its unknowable precondition,<sup>34</sup> undergoes reversal in the Judeo-Christian belief in *infinite progress* towards a solution of the problem of uncertainty: the irrevocable judgment of each according to absolute criteria of good and evil where true is good and false evil, hence, the ultimate confirmation or disconfirmation of human criteria. Judging, for Deleuze, is a late historical development: while “at the outset the gods were passive witnesses or plaintive litigants who could not judge,” it “was only gradually that the gods and men together raised themselves to the activity of judging.” “[W]ith Christianity: there are no longer any lots, for it is our judgments that make up our only lot.”<sup>35</sup> General pre-existent criteria (revealed in events presumed to have been foreordained by divine decree) applied to each and every being at the end of time, giving each individual freedom to decide over how s/he will arrive there, moral power over one’s life and, in effect, how it will be judged—this is no doubt an advance over the inscrutable, fickle discretionary power of the Greek and Roman pantheons in the unalterable apportioning of lives. It is a giant creative step in the history of humankind.

But, as an advance towards ultimate knowledge, it must be questioned. For, unlike the ancients’ regress of reasons in search of first principles and their modern truth-myth-debunking followers, the Judeo-Christian relation to truth, in expecting a final divine verification and salvation, sacralises the problem of the criterion, insofar as a human problem puts not just its object but also *itself* into question. Its secularized form, modern science, extends the problem to infinity with the promise of objectivity.

It is not as if the judgment itself were postponed ... pushed back to infinity; on the contrary, it is the act of postponing, of carrying to infinity [a dead certainty!], that makes judgment possible. The condition of judgment lies in a supposed relation between existence and the infinite in the *order* of time. The power to judge and to be judged is given to whomever stands in this relation. Even the judgment of knowledge envelops an infinity of space, time, and experience that determines the existence of phenomena in space and time (“every time that...”). But the judgment of knowledge in this sense implies a prior moral and theological form, according to which a relation was established between existence and the infinite following an order of time: the existing being as having a debt to God.<sup>36</sup>

In epistemological as in ethical terms, we owe it to the Creator to strive to understand the laws of infinite nature and to live by religious and moral principles: to both know and do one’s duty. Knowing/judging without absolute criteria amounts to managing our infinite debt.

Despite striking differences, the co-emphasis and mutual reinforcement of judgment and creativity runs through the two worlds: in both ancient and modern theologies, human creativity is bound by rules, inseparable from them. Leaving aside Deleuze’s argument, the arbitrary decision of the fates can already be counted as an unconventional variety of justice: judgment given in advance of the evidence and determining this evidence, inscribed without verdict—without truth—*cruelly* and *creatively*, on the individual over the course of his/her life. In this scenario, the principles for creation are set for all time and irretrievably in the past, transgression of natural order is checked by nemesis, each life is incontrovertibly assigned from beginning to end, diverting one’s unknown course is impossible, and self-knowledge is complete at death.

In the other script, we have God’s creation and humans who fallibly yet freely judge our (creative) relations to it and to our own creations, while awaiting true judgment on that uncountable day. We progress creatively towards this receding end, sure to come into view at or after our death. Genesis and Judgment are separated

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by all of time; they could not be further apart. There is of course a judgment in Paradise, known from its grave consequences, but that just condemns us to human knowing (and not knowing, given the problem to which it gives rise). It is this judgment upon our desire for absolute knowledge, a judgment close to our own being created, that we should reevaluate; like the imperfect knowledge into which it throws us, it does not “concern” this world, does not finalize or conclude it, but *creates* it—an ignoble, second genesis.

The question-begging foundationality of the criterion problem appears to be historically linked to the concept of divine creation and judgment. The need to judge and the impossibility of judging finally, the human predicament, in other words, of judging provisionally, is part and parcel of the theology of the judging deity—indeed, of the divinity of unshakeable criteria and true judgment. Deification of the criterion (qua humanly insoluble yet fundamental problem), the infinite postponement and abdication from final judgment, raises the problem to a level where it is “known” as insoluble and protected by its insolubility. While it is the currency of the last criterion as a question, as a problem to be solved (so the first will be last and the last first...)—rather than the philosophical sceptic’s “*au rouet*”<sup>37</sup> or the non-/antifoundationalist’s “certain doubt” alone—along with the sway of determinism, that suggest we are contemporaries of the ancients, it can scarcely be denied that science and analytical philosophy are pursued, if not exactly with nostalgia for a state of mind in which the problem of certainty did not arise because man did not try to “know” knowledge (and did not yet radically doubt), then at least with a longing for that final, redemptive omniscience that will settle all questions.<sup>38</sup> As such, in considering the criterion as a problem, and this problematization as itself problematic (rather than as a mere pseudo-problem), we reveal ourselves as heirs to both traditions. Abdicating from the problem qua problem, through its historical and anthropological problematization, does not, however, mean abdicating from judgment, knowledge, or creation.

The ultimate criterion that unifies and gives infinite extension to all our knowing is what Kant explained as *fo-cus imaginarius*, a regulative fiction we must acknowledge as such. Confronting the uncertainty of knowledge, more than faith in its eventual certainty—a faith so productive, it must be said, that we have isolated and begun to judge creativity in general by objectivist standards—is the condition of free knowledge creation/generation. “If it is so disgusting to judge, it is not because everything is of equal value, but on the contrary because what has value can be made or distinguished only by defying judgment.”<sup>39</sup> Speaking in the interests of the posthuman, Deleuze dismisses the whole system, throwing the baby (creativity) out with bathwater (human judgment seen as tribute to and anticipation of absolute judgment). Creative judgment or creativity judged thus appears as an impossibility, and judgment, as an unsolvable problem predicated on faith in the absolute, which puts an end to human creativity. Just as God, on day seven, was finally done with human creation, so we must finally be done with criterion divination.

In this I agree with Deleuze: as long as we conceive knowledge to have an end-point in certainty, a terminus that is not merely notional but real, and so posit the finitude of humans *as creators of knowledge*, the criterion (with creativity inextricable from it)<sup>40</sup> will remain problematic and insoluble. But a creature that refuses to confront its own limits, a species that can only be freed by a specious divine intervention rather than freeing itself from its infinite restrictions, confirms that judgment and creative life not only run but *go* together. What is the origin of this Christian fable? What are its secular effects? As a structure of belief, given increasingly qualified, prudential criteria, it is an optimal condition of creativity. It underpins science as simultaneously a postponement of final judgment and the pursuit of objective knowledge *on credit*—the pursuit giving form to the delay, the delay provoking the pursuit. Were it not for the fact that science has near-exhausted its secularized sacrality, however, rationalism would run the risk of continually reducing anthropological diversity, homogenizing humankind to the point that it disappears *as a species* (if not altogether) or loses the will to create history and understand it. And if philosophy not only registers the threat of actual human extinction (extinction of the human concept and project, as well as the human species), but is also itself conditioned by it, indeed an “organon” of our annihilation—nihilism being its most viral strand—it is also excited to put up vital resistance to it, putting on one last-ditch show of “ignorance” after another.<sup>41</sup>

The problem of judgment, hence of criteria, blends into that of servitude to human authority—in the guise of laws, systems and structures, which require constant implicit support and explicit confirmation if they are to remain firmly in place or, for that matter, to exist at all. Judgment emerges most fully as problematic when existing structures of authority are questioned wholesale and threatened with abolition. When beneath mere relativization of existing authority in the historical period of a general questioning of received ideas, of explanatory frameworks, of facts (“things done”), is detected a deeper epistemic crisis, a fundamental crisis of belief, a suspicion of knowledge *as certainty*, as that which has been decided, beyond reasonable doubt, or by right reason—a crisis that only seems to belie our reliance on epistemic authority, on reference, let alone reasonableness, confirming it in fact on another, uppermost register. The problematization of the criterion thus becomes historically relevant when judgment itself comes into question, when self-reference comes to undermine referentiality (rather than ground it), when available epistemic criteria no longer allow us to be sure about our knowing (even the little we thought we did know). It manifests itself in our inability to know whether we know (rather than what we know), and even to determine (without absolute conviction, tentatively, without general definition, but also without the “requisite” specificity to do so case by case) what it means “to know,” not to mention deciding how to go about knowing, how to settle the question of knowledge for what we judge to be knowable (not yet claimed as “something known,” yet somehow annexed to it). All these likewise questionable conditions and constraints *on* judgment—which, if accepted, make it justifiable, and hence possible—are also the constraints *of* judgment. All the while, what remains virtually unquestioned, even when we question both the knowledge (definition) and the possibility of judgment, of our very ability to “make up our mind,” is the obligation, compulsion, or drive of judgment itself (or, expressed positively, the human will to knowledge): we must judge, if only fallibly, or wrongly (just as we must create, if only mundanely). We can no more *know* than *not know* (or question knowing) without judgment; both presuppose judgment, just as judgment presupposes the questioning of knowledge. Yet, in the absence of the ultimate authority, judging is not knowing with certainty, but without it. To question judging qua knowing is to be acutely aware of this limitation without questioning the limiting factor, *uncertainty*, itself. Whence this factor—and the epistemic principle of certainty—and what grounds exist for maintaining it in place? Surely an appeal to logic is no answer, and out of place. An appeal to biology perhaps less so. Uncertainty (or, as in Deleuze, the deferral of certainty) is the condition of judgment, and the condition of uncertainty is the perception and assumption of difference (in judgment, thought, perception...). This perception makes us individuals, but it need not make us into ones who are certain/uncertain. It is not true that we *require* certainty for action; what we require is conviction.<sup>42</sup>

The truth criterion as a problem registers an intolerance of uncertainty, that is, more generally, of continual judgment, of unending creativity as human making and the making of what is human (as in a dictum attributed to Erich Fromm, “Creativity requires the courage to let go of certainties”). As I have said, renouncing the criteriological problem does not entail renouncing judgment; just the opposite. It does not necessitate abandoning our ordinary claims to knowledge, which in their creative promiscuity and criteriological restraint (to believers, “provisionality”) ensure our thriving. In cases of thoroughgoing epistemic crisis, we can reason with Deleuze that “[I]t is combat that replaces judgment. And no doubt the combat appears as a combat *against* judgment, against its authorities and personae. But more profoundly, it is the combatant himself who is the combat: the combat *between* his own parts, between the forces that either subjugate or are subjugated, and between the powers that express these relations of force.”<sup>43</sup> We revert to a kind of violent, inchoate natural state, to a free-for-all, to might as right. Unhampered creativity again appears opposed to judgment, suppressing judgment—suppressing the very thing that a situation of crisis in fact urges. But it can do so only actively: only by surpassing and invalidating certain existing constraints confronting it and pushing it to its limits. The tension arising between judgment and opposition to it is constitutive of creative motion, which brings into being new criteria. (The establishment of these new standards distinguishes what is [re-]made, *sensu strictissimo*, from what is, or has been, created, with re-creation as a contradiction in terms.) The objective uncertainty of the value of such crisis-driven creation not only signifies but guarantees vitality. That is why David Novitz’s conclusion in “Creativity and Constraint”—namely that, being themselves “embedded in vaguely-formulated, partly-shared beliefs, expectations, and values,” the criteria of creativity “are fuzzy at the edges, and ... do not always fit or fail to fit the phenomena with the precision that scientists sometimes seek”<sup>44</sup>—easily leads past a

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rapprochement between judgment and creativity towards their co-existence, co-implication, and co-determination. Creativity so conceived is embedded in a vitalizing, criteria-sustaining, epistemic process that, by constraining it, give life to creative works. Of one and the same act and thing (ours or somebody else's) we make a *duck* or we make a *rabbit*, depending on what is at stake. Having no primal certainty or security, however, we cannot make out either, or for that matter anything, by convention alone, that is, without overcoming ambiguity by an effort of conviction.

The power of conviction is typically understood negatively in terms of mental force rather than reason, as the pernicious denial of objective knowledge and certainty in which we remain so invested. Some years after convicting truths as "illusions," Nietzsche saw in convictions the "prisons" of the intellect, and as such "more dangerous enemies of truth than lies."<sup>45</sup> Once unified, truth in the singular reigns supreme, assailed by (plural) lies and convictions. The rhetorical convention to divide and conquer opposition to truth's very idea is very old, and one corollary of it has been a conceptual gap between it (and thus also justice/judgment) and conviction as such, so that the "truth value" of conviction (necessarily proposition-less, and now singular) has become unthinkable. It is enough to become mindful of this for the distinction to start to break down. And did not Nietzsche himself see as much when, later still, he subordinated convictions, which in science "have no right to citizenship," to a single conviction "so authoritative and unconditional that it sacrifices all other convictions to itself" and becomes the basis of science?<sup>46</sup>

While a far cry from the revaluation of conviction as such, conceding its inevitability particularly in science shows the deep, structural and motivational importance of presuppositions, of "faith," to the pursuit of truth. A revaluation, then, might not only follow Nietzsche in freeing the will to truth from "faith" and the need for certainty, but also go against his judgment in losing conviction's association with certainty and the "metaphysical need" for "first and last things."<sup>47</sup> If conviction seems other-worldly, it must be because it casts its lot with (inwardly) transformative politics, with being true to one's life ("becoming all that one can be"), *while* standing at the antipodes of science's pursuit of truth in general laws—where, in a deeper sense, it betokens a commitment to epistemic creativity, or truth-making simply put.

This, at least, is the human scope of the picture.

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## NOTES

1. I would like to thank James Ingram, all three anonymous reviewers at *Parrhesia*, and Max Blechman for their comments and criticisms.

2. Karl Popper, *The Logic of Scientific Discovery* (London: Routledge, 2002), 8.

3. Bruno Latour offers the concept of the *factish* as a way out of the modernist distinction between fetish and fact, fabrication and reality, subject and object (see ch. 9 of his *Pandora's Hope: Essays on the Reality of Science Studies* [Cambridge, MA: Harvard University Press, 1999]). Scientists create, making up more than they are willing to admit: “When a fact is fabricated, who is doing the fabrication? The scientist? The thing? ... If you answer ‘both,’ then you are doing one of those repair jobs known as the dialectic, which seem to patch up the dichotomy for a while, but only hide it, allowing it to fester at a deeper level by turning it into a contradiction that has to be resolved and overcome. And yet we have to say that it *is* both, obviously, but without the assurance, certainty, or arrogance that seems to go with the realist *or* the relativist answer or with a clever oscillation between the two. Laboratory scientists make autonomous facts” (Latour, 281).

4. It is *heautonomous*: subjectively autonomous (self-legislative) reflective judgment, giving a law not to nature but to itself for its reflection on nature (see §V of the Introduction to the *Critique of Judgment*). Its ground is in an aesthetic *sensus communis*, invoked “to justify judgments that contain a ‘should,’” an obligation to accept them: “it does not say that everyone will concur with our judgment but that everyone *should* agree with it” (Immanuel Kant, *Critique of the Power of Judgment*, trans. Paul Guyer and Eric Matthews [Cambridge: Cambridge University Press, 2002], 123, §22).

5. Kant, qtd. in Paul Gruyer, *Kant and the Claims of Taste* (Cambridge: Cambridge University Press, 1997), 14.

6. Kant, *Critique of Judgment*, 184, §44. I take Christoph Menke’s “The Aesthetic Critique of Judgment” to be, at least in its first part, a restatement of Kant. Menke raises the question of the distinctiveness of “aesthetic judgment”: how, if at all, does it differ from other types of judgment, in other domains? Rather than a distinct *kind* of judgment, with its own criteria, it is better understood as “the name of a problem,” or an *aporia* (9). “In the aesthetic field, the faculty of judgment is not fundamental in the way it is in social practices because, in each of its performances, it is put into question. What we have come to call ‘aesthetic’ is the paradoxical practice of questioning judgment itself” (Christoph Menke, “The Aesthetic Critique of Judgment” in Daniel Loick, Christoph Menke, and Isabelle Graw, *The Power of Judgment: A Debate on Aesthetic Critique*, eds Daniel Birnbaum and Isabelle Graw [Berlin: Sternberg, 2010], 12). Menke’s qualification of the “critique of judgment” as “aesthetic,” a play on Kant’s “critique of aesthetic judgment,” reverses the direction of critique; he explains, “critique in the most specific and, as it were, most interesting meaning of the word—is *aesthetic* critique” (16). “Aesthetically performed, the judgment of critique thus becomes a critique of judgment” (17). Aesthetic judgment is “a move *in* an aesthetic process”—“a doing before, and therefore beyond, all knowledge,” he says, reframing Hegel (20, 18). Critique, in this sense, brings out the inner dialectic of philosophical aesthetics, art versus philosophy. Drawing its power from the gap between the sensible and the rational judgment, it is in fact a *double* critique: “the critique of the aesthetic, sensual apprehension by rational reflection” as *premature*, and “the critique of the rationally reflecting judgment by aesthetic apprehension” as *tardy* (22). “Aesthetic judgment” names this paradox of judgment. Contrastingly, Rodolphe Gasché describes its task in cognitive terms as *para-epistemic* (see his *The Idea of Form: Rethinking Kant's Aesthetics* [Stanford, CA: Stanford University Press, 2003]).

7. The passage continues: “or (to express the point more modestly) against the endeavor of scientists, philosophers, political despots, and religious fanatics to impose a unified field of assessment, in which the same fundamental critical standards would apply across all disciplines” (Steven Shaviro, *Without Criteria: Kant, Whitehead, Deleuze, and Aesthetics* [Cambridge, MA: MIT Press, 2009], 14–15).

8. The problem of the criterion, or “wheel argument” (*diallelus*), concerns “the possibility of a non-fallacious justification of a theory of knowledge”; it is the sceptical argument for why certain knowledge is impossible (Robert P. Amico, review of Luciano Floridi’s *Scepticism and the Foundation of Epistemology: A Study in the Metalogical Fallacies* [1996], *Philosophy and Phenomenological Research* 61.3 [2000]: 711). It takes two general forms: either as begging the question (*petitio principii*) or as infinite regress. The starting point for Amico’s interrogation of the ancient-to-modern history of this problem is whether, given the different formulations of it, we have one problem, or several. He concludes that we have at least two, the ancient and the modern, with corresponding varieties of scepticism: 1) the Pyrrhonian kind (advocating *epokhē*, suspension of all judgment, making “*no presuppositions whatsoever* about what is or is not the case” [ibid., 714]), and 2) the self-refuting, metaepistemic one (which covertly presupposes that man is a “knowledge-seeking animal”) (Robert P. Amico, *The Problem of the Criterion* [Lanham, MD: Rowan & Littlefield, 1993], 2).

The modern philosophical search for first principles has yielded the *metacriterion*, which would have to be immediate, internal, and objective (see Désiré-Joseph Mercier, *Critériologie générale, ou théorie générale de la certitude*, first published in 1899). Alternatively, non-normatively, some have proposed an ultimate criterion that would not require justification. When addressing the question of the possibility of a fully general theory of truth (a “theory of all of one’s knowledge, which is itself justified in a non-question begging, non-infinitely regressive way”) *outside* the conceptual framework and justificatory logic that gives rise to the problem of the criterion (which would then be dissolved), we must shed the “mistaken assumption that understanding how we know what we think we know requires a ‘legitimizing’ account.” In Amico’s view,

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“the goal of epistemology should not require such an account” (Robert P. Amico, “Is a Fully General Theory of Knowledge Possible?” *The Southern Journal of Philosophy* 41 [2003]: 307).

9. Cicero, *De inventione*, I, 8.

10. Oscar Wilde, “The Soul of Man under Socialism,” in *The Complete Works of Oscar Wilde*, ed. Josephine M. Guy (Oxford: Oxford University Press, 2007), 258. The *locus classicus* for the notion of creative genius is Kant is the *Critique of Judgment*: “genius 1) is a talent for producing that for which no determinate rule can be given, not a predisposition of skill for that which can be learned in accordance with some rule, consequently that originality must be its primary characteristic. 2) That since there can also be original nonsense, its products must at the same time be models, i.e., exemplary, hence, while not themselves the result of imitation, they must yet serve others in that way, i.e., as a standard or a rule for judging. 3) That it cannot itself describe or indicate scientifically how it brings its product into being, but rather that it gives the rule as nature, and hence the author of a product that he owes to his genius does not know himself how the ideas for it come to him, and also does not have it in his power to think up such things at will or according to plan, and to communicate to others precepts that would put them in a position to produce similar products” (Kant, *Critique of Judgment*, 186–187, §46).

11. See Thomas S. Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1962) and Paul Feyerabend, *Against Method* (London: New Left Books, 1975).

12. This could be elaborated as follows: the rules that the modern artwork is said to lay down for itself are traceable back to earlier ones, or to rules taken from other games (the more complex and surprising these links are, the more originality it is accorded). The rules might not be apparent, through playfully misleading techniques like irony, and are not obviously generalizable on account of the work’s insistence on its own singularity (even when it represents the aesthetics of the ready-made or fabrication, minimizing the distance between creative conception and execution, or deflating creativity as a factor in art by subverting even artistic conception with the principle of automatism, or by disavowing its objective product along with the process objectified in it, or, less absolutely, by creating something intangible, making “nothing”). Ostensibly uninterested in all rules, flouting them, the work of art nonetheless tells us how to receive and judge it; it is categorical. And here the tables are turned: are we equal to this task? In a sense, art judges us. As real art, as a product of the dialectic of creation and judgment, its function is to perpetuate this dialectic, and itself to mark the moment of petrification of culture against (reactive) creativity, before eventually becoming sublated into the temporarily “real thing.” (There still exist art practices that do not consciously participate in this movement, that represent a “return” to traditional techniques and standards, that aim to imitate more than innovate, and so their contribution might best be described as another subtype of creativity: style.) It will be shown how the dialectic of modern aesthetics, in this cycle of self-purification, maintains us in the purist view of creativity that we are interested in dismantling in order to recast the criterion problem.

13. Discussions around creativity in AI also implicitly or explicitly oppose creativity to algorithm heuristics and metaheuristics. But much as we are not prepared to grant creative genius or even human-level creativity to machines (they are not discriminating enough!), we are not in the habit of thinking of computational problem-solving as equivalent to the process of judgment (for lack of creativity). Creative thinking and judgment remain human faculties in that we have not yet managed to “recreate” them in inanimate matter; we look forward to the development of artificial general intelligence (general creative ability) as a great creative leap. But the inability to do justice to the one without the other suggests not merely that they are interconnected (as in algorithmic approaches to the simulation of creative problem-solving), but that they are aspects of thought and behaviour so integrated as to be functionally indistinct. To the extent that machines can manipulate symbols or exhibit physical learning ability to search for and find new solutions by selecting from a finite set of rules or to generate new rules, which are not simply derivative and can appear inconsistent given their instructions and knowledge base, in a process of situated decision-making in unpredictable circumstances, they are being creative—that is to say, with John McCarthy, “somewhat intelligent.” Their intelligence is, in part at least and at least for the time being, our creation, one still crudely modelled on our limited understanding of embodied brainwork. Research in computational creativity, as well as in animal intelligence, which conceives of creativity mainly in relation to problem-solving (hence, within a means-ends framework), plays an important role in reviewing our general cultural conception of human creative activity. It can potentially make us aware of such activity where we are not used to seeing it (where the role of criteria is obvious), where we do not recognize it, where it does not advertise itself in terms culturally valorized as creative (further extending the cultural spectrum of creativity from the eminent to the mundane). This research might compel us to revise our judgments, bringing us closer to a rapprochement between creativity and criteria by dissolving the problem of their irreconcilability. With that, the devaluation of standards would also come under scrutiny.

Much ink has been spilled by critics of instrumental rationality and abstraction on the domination of number, of quantity, as criterion. Creativity, its unaccountability and unquantifiability, its supposed harmony with nature, would seem to form the mortar around these bricks of anti-mechanism, used to wall it off from the positivist canons of utility and calculability. Anti-instrumentalism runs so deep, however, that it effectively collapses the dichotomy between aesthetic production, or creativity generally, and standardization (*Normierung*) (see Christoph Menke and Juliane Rebentisch, eds, *Kreation und Depression: Freiheit im gegenwärtigen Kapitalismus* [Berlin: Kadmos, 2011]). Once a figure of freedom, creativity is seen as having been co-opted by capitalism as a disciplinary form, a demand for self-realization placed on the individual. Of course,

nothing in this contradicts the idea that intellectual creation might still be salvaged as the creation, (mis)interpretation, and contestation of norms, contracts, formulas. But we know that the system of production has changed when creativity becomes the norm. With these shifting priorities, we can say very schematically that we have gone from the age of criticism/judgment (peaking in the postwar period into the early 60s) to an age of genesis. A rapid depreciation of knowledge, in the quantifiable form of information, goes hand in hand with an appreciation of both critical and creative skills, equally quantifiable (the former now lagging behind the latter). The increasingly gateless accessibility of critical skills is matched by the increasingly gated teachability of creative skills (their mystique reflecting their relative scarcity at the highest rungs). The ecumenical cult of creativity in North American education, which sells by pushing genius as a potential in all of us, is clearly continuous with the ideological embrace of the creative class and economy. A philosophy department in the UK promoting doctoral work in the philosophy of creativity under the aegis of an Institute for Capitalizing on Creativity makes patent the attendant dangers of uncovering the relationship between criteria and creation, and especially of installing the former in the latter: the restriction of creativity to the profitable. That is why it is also important to recognize the role of creativity in the realm of criteria, and the power of philosophy not only to reflect and abet the status quo, but also to resist or change it. There is no absolute rule that research into this relationship aids the enterprise of capitalizing on democratized creativity.

14. See Hans Blumenberg, "'Imitation of Nature': Toward a Prehistory of the Idea of the Creative Being," trans. Anna Wertz, *Qui Parle* 12.1 (2000): 17–54.

15. It would be much too easy to put these general, natural or cultural laws governing creativity on one side, as one thing, and the specific criteria basic to every kind of creative activity on the other, along with the particular rules brought to bear on each instance of that activity, as something on a wholly other level. The real links between these levels become clear with the help of examples: mental as well as moral, spiritual, aesthetic categories/structures, the historical logics of formation and revival of artistic movements, as well as existing criteria of creativity; the painterly conventions in the use of colour and light, the format and display of canvasses; and the creative discipline, choices, and output of a contemporary colourist working in New York. Yet it is true that the more abstract the level, the more rarefied the judgment exercised by individuals in their creative work.

16. Mihaly Csikszentmihalyi, *Creativity: Flow and the Psychology of Discovery and Invention* (New York: Harper Collins, 1996), 81.

17. Most of these uncontroversial criteria of creativity (creations, or creative outcomes) are listed, along (crucially) with critical control ("the act that leads to the creation includes spontaneity as well as directed control"), in Carl H. Hausman's "Criteria of Creativity," in *The Idea of Creativity*, ed. Michael Krausz, Denis Dutton, and Karen Bardsley (Leiden: Brill, 2009), 16, 12. The volume includes several pertinent essays on the imbrication of creativity and rationality (some of this material overlaps with the earlier, 1981 volume *The Idea of Creativity in Science and Art*, also edited by Krausz and Dutton). For instance, Larry Briskman outlines a theory of the creative process on the Darwinian model of "blindness" and "control": "blind generation of variants coupled with the selective retention of 'successful' variants" (Larry Briskman, "Creative Product and Creative Process in Science and Art," in *The Idea of Creativity*, 38). The theory, which had its beginnings in a 1960 paper by Donald Campbell, is also revisited by Dean Keith Simonton. The most promising treatment (closest, that is, to my line of thinking) strikes a middle ground between the ideas of creativity as irrational, intuitive, involuntary, on the one hand, and as rational, judicative, deliberate, on the other, citing testimony of their combined effect in artistic and scientific practice. This is Paisley Livingston's, "Poincaré's 'Delicate Sieve': On Creativity and Constraints in the Arts," pp. 129–146.

18. Briskman, for instance, finds it necessary to point out: "It might be thought that this entails that creative contributions to 'methodology' or 'criteriology' (i.e., the theory of rational standards) is impossible [sic]. This is a mistake: a novel methodological idea which solves an outstanding problem in our current methodological theories may actually constitute an improvement from the point of view of the *older* standards themselves. This, in effect, is how the rational improvement of rational standards is itself possible" (Briskman, 34).

19. To see just how far Deleuze's creative ontology is from criteriological concerns, see Peter Hallward's "To Have Done with Justification: A Reply to Christian Kerslake," *Radical Philosophy* 114 (June 2002): 29–31 and his monograph *Out of This World: Deleuze and the Philosophy of Creation* (London: Verso, 2006). As he explains in the former: "[Deleuze's] main concern is precisely with the mechanisms of immediate affirmation, and ... as a result the logic of justification, no less than the related procedures of judgment and representation, has only a minimal role to play in his philosophy... . Less than a matter of essentially problematic justification the process [of ontological learning] turns on the mere removal of finite limitations and constraints: we are facets of an infinite creativity, and it is enough to dissolve whatever 'hinders' our awareness of this creativity in order for our own 'power of action to become actual, and for us to come into possession of what is innate in us.' ... [T]he *ultimate* means of legitimation in Deleuze must indeed rest on affirmation pure and simple" (29, 30). Although Deleuze correlates thought with all creation, his project is said to be "oriented by lines of flight that lead out of the world; though not other-worldly, it is *extra*-worldly" (Hallward, *Out of This World*, 3). "Lines of flight" denote immanent, immediate, abstract, acritical and asubjective, dematerializing thought, or virtual creativity (beyond the real, form, and meaning).

For an account of criteria in Deleuze, as influenced by Kant's "entirely new form of judgment," which "throws all norms and values into question, or into crisis" without being arbitrary, thus one in which the concept of criteria as fixed rules for judging

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- does not hold, see Shaviro's *Without Criteria: Kant, Whitehead, Deleuze, and Aesthetics* (quotations from Shaviro, 1).
20. Gilles Deleuze, *Difference and Repetition* (1968), trans. Paul Patton (London: Continuum, 1997), 147.
21. Gilles Deleuze, "Qu'est-ce que l'acte de création?" (1987), <http://www.lepeuplequimanque.org/en/acte-de-creation-gilles-deleuze.html>, discussed further in "Les conditions de la question: qu'est-ce que la philosophie?" *Chimères* 8 (1990): 123–132. "In fact, the sciences, arts, and philosophies are all equally creators, although it falls to philosophy alone to create concepts in the strict sense. ... They must be invented, fabricated, or rather created, and would be nothing without the signature of those who create them"—an idea credited to Nietzsche (Deleuze, "Les conditions," 126). Art can be conceptual only in the loose sense of using philosophical concepts, but its own creative contribution remains precepts and affects, a sensible mode of thinking. Philosophy's relation to art is that of conceptual correspondence. For a discussion of Deleuze's view of philosophy as creativity, see Daniel W. Smith, "On the Nature of Concepts," *Philosophy Today* 56.4 (2012): 393–403.
22. See especially his *Nietzsche and Philosophy* (1962), ch. 3 ("Critique"), *Kant's Critical Philosophy: The Doctrine of the Faculties* (1963), and "The Idea of Genesis in Kant's Aesthetics" (1963). In the latter essay, Deleuze presents the free and indeterminate "discordant accord" ("a harmony in pain") of the three faculties, none the arbiter, that engenders aesthetic common sense (the ground of judgments of taste), as making possible the legislated, harmonious accords of the determinative faculties of understanding and reason (Gilles Deleuze, "The Idea of Genesis in Kant's Esthetics," in his *Desert Islands and Other Texts*, 1953–1974, trans. Michael Taormina, ed. David Lapoujade [New York: Semiotext(e), 2004], 62).
23. *Ibid.*, 59.
24. Gilles Deleuze, *Nietzsche and Philosophy*, trans. Hugh Tomlinson (New York: Columbia University Press, 2006), 91–92.
25. Deleuze, *Nietzsche and Philosophy*, 93.
26. Deleuze's title is taken from Antonin Artaud's radio play, "To Have Done with the Judgment of god" ("Pour en finir avec le jugement de dieu") from 1947.
27. Gilles Deleuze, "To Have Done with Judgment" (1993), in his *Essays Critical and Clinical*, ed. Daniel W. Smith and Michael A. Greco (New York: Verso, 1998), 127–128. Not coincidentally, Menke distinguishes the "aesthetic critique of judgment" (see note 5 above) from Deleuze's attempt to leave the framework of judgment altogether (radicalizing Nietzsche's call for its withholding), identified by Deleuze with juridical imposition. In Menke's view, Deleuze's call "to have done with" it is self-refuting and his wholesale dismissal of judgment, facile.
28. Gilles Deleuze and Félix Guattari, *Anti-Oedipus: Capitalism and Schizophrenia*, trans. R. Hurley et al (Minneapolis: University of Minnesota Press, 1983), 159.
29. As far as Deleuze is concerned, D.H. Lawrence, Kafka, Artaud and Nietzsche all developed ethics in opposition to the Judeo-Christian tradition (see also John Marks, "Ethics," in *The Deleuze Dictionary*, ed. Adrian Parr [New York: Columbia University Press, 2005], 86). Quotations are from Franz Kafka, "In the Penal Colony," trans. Ian Johnston, 2007, <http://records.viu.ca/~johnstoi/kafka/inthepenacolony.htm>. The torture machine, let's not forget, breaks down just at the point when it is tasked with inscribing on its one advocate the letters in his self-sentence, "Be Just!"—an insufferable injunction to judge that kills him almost instantly, leaving no time for the entire twelve-hour procedure to play out.
30. Acts 1:6–7.
31. Rev. 20:11–12.
32. Matt. 24:42–43.
33. Deleuze, "To Have Done with Judgment," 127.
34. This ambivalence of fate is captured in the image of the Moirai as wilful yet whimsical, cruel yet "sparing" goddesses.
35. Deleuze, "To Have Done with Judgment," 128, 129.
36. Deleuze, "To Have Done with Judgment," 127.
37. This is Montaigne's formulation of the metaepistemological problem in his "The Apology of Raymond Sebond," discussed by Floridi in his *Scepticism and the Foundation of Epistemology: A Study in the Metalogical Fallacies* (Leiden: Brill, 1996), 82–85.
38. William C. Wimsatt, in his methodological critique of modern formalist foundationalist philosophy of science, reminds us that, "Many of the contradictions emerge from our idealizations of science and philosophical views that see knowledge only in certainty. Even when these viewpoints have been given up explicitly [in exchange for the category of robustness and high reliability—SC], their residue remains"—leaving scientists and philosophers vulnerable to epistemic vertigo, to which exposures like Wimsatt's are meant to be an antidote ("Myths of La Placean Omniscience," introduction to *Re-engineering Philosophy for Limited Beings: Piecewise Approximations to Reality* [Cambridge, MA: Harvard University Press, 2007], 3–4). Once again, Latour calls us away from theoretical to lab science for epistemic calibration, putting the "Science War machine," epistemology, out of commission: "Speaking truth fully about the world may be an incredibly rare and risky task for a solitary mind steeped in language, but it is a very common practice for richly vascularized societies of bodies, instruments, scientists, and institutions. We speak truthfully because the world itself is articulated not the other way around. That there was once a time when a war could be waged between 'relativists,' who claimed that language refers only to itself, and 'realists,' who claimed that language may occasionally correspond to a true state of affairs, will appear to our descendants as strange as the idea of a fight over sacred relics" (Latour, 296).

39. Deleuze, "To Have Done with Judgment," 135.

40. This secularized theological tutelage of human reason is inseparable from that of creativity. As Blumenberg noted, "To see the new and to produce it is [in modernity] no longer merely a question of an instinctive 'curiosity,' in the sense of the medieval *curiositas*; rather, it has become a metaphysical need" (Blumenberg, 18). On the cusp of modernity humanity found itself with a problematic feeling of illegitimacy (as art's sole validity hitherto was mimesis), unable to articulate ontologically authentic human creativity that was not bound to the imitation/perfection of nature (22). Deleuze's notion of infinite creativity, clarified in his call "to have done with judgment," is still caught up in the framework it reacts against, the logic of infinite debt.

41. This is in response to Ray Brassier's proposition that "to acknowledge this truth [of extinction], the subject of philosophy must also recognize that he or she is already dead, and that philosophy is neither a medium of affirmation nor a source of justification, but rather the organon of extinction" (Ray Brassier, *Nihil Unbound: Enlightenment and Extinction* [New York: Palgrave Macmillan, 2007], 239). While I speak here only of human truth-making, accompanied by ceaseless meaning-production, I do not correlate this truth to Being. Truth exists "for" us (if not necessarily exclusively for us) and through us (again, not exclusively), quite apart from the meaningfulness we ascribe to the world. It is humanly made in a radical sense. If it happens that human existence (as species existence) does cease, truth might not cease with it; our place might immediately be "filled"—or, to avoid this *horror vacui* anthropomorphism in which our fear of extinction is so palpable—truth might get by just fine without humans. The human, then, does not keep on creating meaning *despite* (knowing or not knowing) the truth. Truth does not "elude" us, being itself indifferent to metaphysics. It is our faith in truth that underlies the suspicion or felt lack of a reliable, fixed value as the stand-in for truth. The nihilist's truth of meaningful meaninglessness stands only at the most extreme point of meaning's and truth's conscious divergence, echoing Macbeth's "Life's but a walking shadow, a poor player... a tale / Told by an idiot, full of sound and fury, Signifying nothing." Thought hurling itself into the abyss and coming up with nothing is not necessarily a performance of extinction if treated as exercise in feeling its limits (knowing what is at stake if it ignores them). The other extreme of thought may well be *extinctive*. It, too, comes up empty-handed, but, unlike nihilism, it comes with the conviction that persistence will pay off someday, which may well convince all of us. While the "nothing" in nihilism obscures the latter's short-term benefits to creativity, the ingenuity of foundationalism and scientism obscures their long-term dangers.

42. Can conviction be an answer to certainty? Does not active judgment spring from conviction? The challenge of judgment is met not just by belief, but by reactivated belief. We think of conviction as blind and dogmatic, which it can be. But there is also conviction that is open to revision by other convictions—evincing a commitment to the state of conviction rather than to particular convictions. The content and worth of our (epistemic, ethical, aesthetic) convictions depends to a great extent, not on their critical rationale or scientific proof, but on our socialization and social proof of their strength (are we willing to stand by, or even die, for them? Are others willing to share them?). Scientism rejects conviction in the same gesture with which it embraces uncertainty and its management. Scientific explanation is sworn to the principle of uncertainty insofar as it is committed to the higher principle of eventual certainty; its commitment is dialectical. Conviction enters positively into science only to the extent that its practitioners uphold general and professional ethical standards in their work. But, as necessary as it may be to push certain uncertain, conjectural truths to the surface, conviction undermines the logic of science (a point already made by Nietzsche, at the start of fragment 344 of *The Gay Science*).

43. Deleuze, "To Have Done with Judgment," 132.

44. David Novitz, "Creativity and Constraint," *Australasian Journal of Philosophy* 77.1 (1999): 82.

45. Friedrich Nietzsche, "On Truth and Lying in a Non-Moral Sense," in his *The Birth of Tragedy and Other Writings*, trans. Ronald Speirs, ed. Raymond Geuss and Ronald Speirs (Cambridge: Cambridge University Press, 1999), 146; Friedrich Nietzsche, *Human, All Too Human*, trans. R.J. Hollingdale (Cambridge: Cambridge University Press, 1996), 179, 202 (fragments 636, 483).

46. Friedrich Nietzsche, *The Gay Science*, trans. Josefine Nauckhoff, ed. Bernard Williams (Cambridge: Cambridge University Press, 2001), 200 (fragment 344).

47. *Ibid.*, 205–206 (fragment 347) and *Human, All Too Human*, 308 (fragment 16).