

## Critical Judging

*Margaret Davies*

**Extract 1:** Costas Douzinas, 'Oubliez Critique' (2005) 16 *Law and Critique* 47, 47-48 (footnotes omitted)

We are all critical today in the same sense that we are all in favour of human rights or of democracy. No academic, politician or commentator is considered interesting or important unless he [sic] takes critical positions. Indeed you cannot be an academic if you are not in some sense critical, even if that critique may relate only to tastes, styles and fashions. But what does critique mean today?

Starting with etymology, the Greek word *diakrinein* means to distinguish or separate. As a diacritical model, critique aims to distinguish between the true or just manifestations of a phenomenon and their inauthentic counterparts. Secondly, *krinein* means literally to cut or cut through, in the way Socrates cut through the common opinion (*doxa*) of the many and came up with his dialectical-maieutical conclusions. Critique is a cutting force, a process of violent distinction and separation, a severing by means of a knife, dagger or sword. A third meaning associates critique with the concept of crisis. Crisis is a turning point; when we say, the economy, or a patient, is in a critical condition, they are in a serious situation, which may lead to their decay, disintegration or death. A critical situation denotes a grave turn of affairs and may lead to a serious change of direction.

Critique and crisis, two predominantly modern concepts, are intimately linked. The private, bourgeois practice of critique unleashed by the Enlightenment took the form of a judgment on the religious, scientific, cultural practices and eventually the politics and ideology of the Absolutist state. Crisis, on the other hand, referred to an objective historical process. Reinhard Koselleck has shown that the practice of critique paved the way for political upheaval and led to the 18th century revolutions. The importance and the closeness of the link between the critical process and

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