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PERCEPTION,
EMPATHY,
AND
JUDGMENT

An Inquiry
into the
Preconditions of
Moral Performance

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Hannah Arendt and the Crisis of Judgment

Whereas Alasdair MacIntyre's diagnosis of contemporary moral life is of the most general kind, Hannah Arendt's reflections always start from—and retain—a moment of particularity. Time and again Arendt emphasizes the particularity of the persons, events, and actions we judge as well as of the circumstances in which we do so. Her view of moral judgment as an exceedingly precarious business informs all her basic themes—the nature of unprecedented or "radical" evil, the connection between deeds and motives, and the interrelation between thinking and judgment. The case of Adolf Eichmann serves to illuminate all these themes. It also, I argue, illustrates the shortcomings of Arendt's conviction that Eichmann's was a cognitive failure, to be located on the level of judgment. I propose a different view. In doing so I start to develop a notion of moral performance that accords crucial importance to the category of perception and to the emotional faculty of empathy.

Coming to Terms with Moral Judgment: The Challenge of Eichmann

Husserl's late *Krisis* book developed the insight that it is only through a crisis, in the sense of a breakdown of the *Lebenswelt*, that we become aware of such a world: stripped of its innocence, of its quality as something profoundly taken for granted, the lifeworld becomes an object of consciousness.¹ Due to the impact of unprecedented historical change, what had up till then been unproblematic becomes eminently problematic. This pertains not only to the structures of our lifeworld but to such vital mental capacities as thinking and judgment as well. Hannah Arendt makes the observation that through the breakdown of judgment we come to question its nature. Recent history teaches us that the capacity for judgment seems to disappear exactly when most urgently needed, namely, in the event of a crisis. This, Arendt's point of departure, rests on a paradox: although a crisis is said to have led us to examine the capacity of judgment, it is hard to see how an examination thus provoked can succeed in shedding any light on this capacity, given that it is considered to have suffered a breakdown.

That the ability to judge seems to vanish when most needed is the conclusion Arendt came to at the trial of Adolf Eichmann in Jerusalem in 1961. It was beyond doubt that Eichmann had caused "radical evil" and that his deeds were monstrous, but it turned out the doer was not. Eichmann left Arendt with a puzzle: his actions clearly did not spring from base personal motives or firm ideological convictions; far from that, he just appeared shallow and mediocre. This being so, the actual consequences of the measures to which the SS officer Eichmann had contributed seemed to stand in flagrant contradiction to the apparent harmlessness of his personality.

What are we to make of this gap between the deeds and the doer? This question gave rise to Arendt's much-discussed thesis of the "banality of evil." Today, thirty years after it was coined, it is fair to say that the thesis has been nearly as much misunderstood as discussed. For this she must herself be blamed: in choosing to speak about "banality" with regard to the evil Eichmann had caused, Arendt—however unwittingly—encouraged the accusation of being engaged in a kind of apologia. Nothing could have been further from her intentions. The unfortunate term "banality" having been chosen, we have to live with it and make the best possible sense of it. What is "banal" about the evil to which Eichmann made his by no means minor contribution is not the evil itself, that is, *die Endlösung*, but the fact—or what

Arendt took to be the fact—that "banal" motives were behind the radical evil eventually produced, such noncriminal and apparently innocent motives as seeking to do one's job, to obey all orders from above in order to avoid criticism, and to be loyal to superiors and always do what they think right. Reflecting on Eichmann's mediocre personality, she wrote, "That such remoteness from reality and such thoughtlessness can wreak more havoc than all the evil instincts taken together which, perhaps, are inherent in man—that was, in fact, the lesson one could learn in Jerusalem. But it was a lesson, neither an explanation of the phenomenon nor a theory about it" (EJ, 288). In *The Origins of Totalitarianism*, Arendt connects the unprecedentedness of the Holocaust with what she views as the "aim" of totalitarian ideologies: "the transformation of human nature itself" (OT, 458). The implication is that natality, by which Arendt understands the human capacity to act spontaneously, must be liquidated; "spontaneity as such, with its incalculability, is the greatest of all obstacles to total domination over man" (OT, 456). Witnessing Eichmann in the setting of the Israeli court, Arendt was struck by his cliché-ridden language, by his "adherence to conventional standardized codes of expression and conduct" (LM, 1:4). Eichmann personified the dull nonspontaneity that totalitarianism aims at producing. The ambition to transform human nature reflects the totalitarian belief that everything is possible, and when the impossible was made possible—as in the case of the industrialized extermination of millions of innocent men, women, and children—it became "the unpunishable, unforgivable absolute evil which could no longer be understood by the evil motives of self-interest, greed, covetousness, resentment, lust for power, and cowardice." Arendt draws the conclusion that the radical evil produced not by wickedness but by a diffuse mixture of unconditional obedience, lack of spontaneity, and sheer thoughtlessness "breaks down all standards we know" (OT, 459). Consequently, this phenomenon cannot be understood or punished or forgiven. Faced with the unprecedented horror of totalitarianism, we suddenly discover that our standards of comprehension are utterly inadequate; radical evil "has clearly exploded our categories of political thought and our standards for moral judgment" (UP, 379). In this, then, Arendt sees a profound challenge to any future ethics worthy of its name.

Arendt noticed a lack of spontaneity in Eichmann's conduct in the courtroom: far from demonstrating the all too familiar traits of overt wickedness and hatred, Eichmann turned out to be a remote and unconcerned figure. Face to face with survivors who gave testimony to the atrocities in which he had taken part and who in doing so would show great distress

or even break down in despair, Eichmann kept his cool. He is reported to have remained emotionally unaffected throughout the proceedings. Clearly the survivors as well as the victims for whose death he was responsible were not fellow human beings to him. Far from being persons whom he could hate—or, for that matter, with whom he could have sympathy—the Jews were turned into an abstract category, a category consisting not of persons but of cases (*Sachen*). Jews meant but figures, statistics, administrative tasks. Thus, Eichmann's lack of spontaneity and humanity is reflected in the way he, the perpetrator, views his victims, the Jews: on both sides a *dehumanization* takes place. In other words, Eichmann not only fails to see a group of human beings as human beings, because he has dehumanized this particular group, he also, in the course of dehumanizing this group, dehumanizes himself.

Arendt is right in pointing out that "the essence of totalitarian government . . . is to make functionaries and mere cogs in the machinery out of men" (EJ, 289). The dehumanization of the Jews is the real content of the Nuremberg Laws; from the mid-thirties onward, the physical extermination that eventually followed was prepared for step by step. In Nazi Germany, the canons of legislation were systematically changed so as to render all measures taken against the Jews strictly "legal." Because the whole jurisdiction was turned into an instrument of mass murder, an officer like Eichmann acted fully within the framework of the judgments expected of him. That is to say, he acted in accordance with the rule; he examined the order issued to him for its "manifest" legality and regularity. It is the claim of totalitarian lawfulness to have bridged the discrepancy between legality and justice, a discrepancy that the legality of positive law has always acknowledged and never sought to abolish. Hence, totalitarian lawfulness, "defying legality and pretending to establish the direct reign of justice on earth, executes the law of History or of Nature without translating it into standards of right or wrong for individual behaviour. It applies the law directly to mankind without bothering with the behaviour of men." The totalitarian ambition to transform man himself here takes the form of transforming the human species into "an active unfailing carrier of a law to which human beings otherwise would only passively and reluctantly be subjected" (OT, 462). As transformed by totalitarian policy, all laws become laws of movement; nature and history are no longer the stabilizing sources of authority for the actions of mortal men, but rather movements in themselves. Terror, according to Arendt, is the realization of the law of movement; "its chief aim is to make it possible for the force of nature or of history to race freely through mankind, unhindered by any spontaneous human action" (OT, 465). A situation is created in which

no free action of either opposition or sympathy can be permitted to interfere with the elimination of the "objective enemy" of History or Nature, of the class or the race. Guilt and innocence become senseless notions; "guilty" is he who stands in the way of the natural or historical process which has passed judgment over "inferior races," over individuals "unfit to live." Terror executes these judgments, and before its court, all concerned are subjectively innocent: the murdered because they did nothing against the system, and the murderers because they do not really murder but execute a death sentence pronounced by some higher tribunal. (OT, 465)

What totalitarian rule thus ultimately strives toward is not despotic rule over men but a system in which "all men are made equally superfluous" (OT, 453). In this system, each man does not receive his right place and his due fate according to sources of authority stemming from man and subject to his approval or disapproval; instead, the suprahuman forces of nature and history in a direct manner *von oben herab* (from on high) and unmediated by the world of human affairs dictate to him his course of action. Stripped of his individuality, of his uniqueness in the sense of being a new beginning in the world, man is not only utterly superfluous, he is totally exchangeable as well. Anyone can take his place; he may fill the place of anybody else; whether tomorrow he will be an instrument or a victim of the suprahuman forces is not for him but exclusively for the suprahuman forces to decide. This abstraction from the individuality of all involved makes for what Adorno calls the "total depersonalization of murder": "With the murder of millions through administration . . . the individual is robbed of the very last and poorest that had been left to him."² The indifference toward death reflects the "indifference of subjects toward others," which, according to Detlev Claussen, "derives from an immanent tendency in bourgeois society." Consequently, anti-Semitism was stripped of its emotional fanaticism, of every moment of spontaneity on the part of the mobilized masses that might make them less controllable and thus potentially dangerous. In the words of Claussen, the anti-Semitism of the National Socialists "was transposed into an objectified, purely instrumental praxis that becomes indifferent toward the specific character of the objects in the camp."³

The indifference toward death that is prepared for ideologically by subjecting men to the "laws" of suprahuman forces and psychologically by a process of dehumanization affecting the perpetrator himself as well as his so-called objective enemies is complemented by the indifference to the actual

killing itself. The Nazis industrialized the act of murder, by turning killing into an administrative task and by defining it in purely bureaucratic terms, they made sure that the sheer abstractness of large-scale planning and modern technology helped maintain the indifference that was widespread among the personnel involved due to the ideological and psychological features just mentioned. Franz Suchomel, SS *Unterscharführer* in Treblinka, practices the resulting jargon when he (in Lanzmann's film *Sboab*) says that "Belzec was the studio. Treblinka was an admittedly primitive, yet well-functioning assembly line of death [*Fließband des Todes*]. Auschwitz was a factory."⁴ As Raul Hilberg observes:

Killing is not as difficult as it used to be. The modern administrative apparatus has facilities for rapid, concerted movements and for efficient massive killings. These devices not only trap a larger number of victims; they also require a greater degree of specialization, and with that division of labor, the moral burden too is fragmented among the participants. The perpetrator can now kill his victims without touching them, without hearing them, without seeing them. He may feel sure of his success and safe from its repercussions. The ever-growing capacity for destruction cannot be arrested anywhere.⁵

The advanced technical division of labor yields a fragmentation of the total human act: no one man decides to carry out the evil act and is confronted with its consequences. The person who assumes full responsibility for the act has evaporated. The individual agent does not see himself as a moral subject but as an exchangeable part of a larger unit. His self-understanding perceives him not as wicked but as loyal, not as someone doing something wrong but as someone doing his job. Indeed, as Stanley Milgram observes when summing up the findings in his famous psychological experiments, "men do become angry; they do act hatefully and explode in rage against others. But not here. Something far more dangerous is revealed: the capacity for man to abandon his humanity, indeed, the inevitability that he does so, as he merges his unique personality into larger institutional structures."⁶

To the surprise of everybody, Eichmann at one point during his trial invoked Kant, claiming that he had lived his whole life according to a Kantian definition of duty. Though able to come up with an approximately correct definition of the categorical imperative, Eichmann went on to admit that he had ceased to live according to Kantian principles from the moment he was charged with carrying out the Final Solution. He also admitted having

been aware of this, but explained that he had consoled himself with the thought that he no longer "was master of his own deeds," that he was "unable to change anything" (EJ, 136). In Kant's ethics, the principle according to which we ought to act is that of practical reason; in the distorted reading of Eichmann, the principle was the will of the Führer, making the categorical imperative read, "Act in such a way that the Führer, if he knew your action, would approve it" (this, in fact, is an authentic formulation of Hans Frank, see EJ, 136). This implies that conscience, the tribunal of the mind, which witnesses all one's acts and thoughts and before which they are put to the test, in the mind of Eichmann spoke with the voice of neither God nor practical reason but of Hitler; and what the Führer had sanctioned, no man could question. In Freudian terms, the Führer is the externalization of the superego.⁷

As Arendt observes, Eichmann's violation of Kantian ethics consists in his treating others, that is, the Jews, merely as means and not as ends in themselves. This is to say that Eichmann was guilty of the dehumanization of his victims. But this is not the whole story. The point I made above must be made once again, namely, that there is a *double* dehumanization involved here: not only does the perpetrator dehumanize his victims, he dehumanizes himself as well. By this I mean that Eichmann treats himself as well as his victims as a mere means and not as an end in itself. And I maintain that to treat oneself in this way—as nothing but a tool in the service of some external or suprahuman force—is just as immoral as treating others this way. At work in the Final Solution, then, is a leveling on both sides, affecting the killer as well as those to be killed. In viewing himself as a mere instrument in the carrying out of the unconditional commands of the pseudo-Darwinist "laws of nature," the individual agent has already killed himself as such, which is to say that the "murder of the moral person in man" of which Arendt speaks with regard to the *Nacht und Nebel* prisoners comprises the moral person in the SS officer as well. I would even go so far as to venture the hypothesis that the murder of the moral person—in the victim and in the perpetrator—is a *sine qua non* for the physical murder subsequently following. If this is granted, then moral responsibility takes the form of the individual agent having to assume responsibility for having killed the moral person in himself, which in its turn makes it possible for him to take part in the business of murder without being at odds with his own self-understanding. Thus, the issue of moral responsibility must address the fact that a person like Eichmann sees himself as a mere means and "therefore" as not responsible for the total consequences of his highly specialized and frag-

mented contribution. That is, he must be held morally responsible for the immoral act of *letting* himself become a mere means or tool within some larger administrative unit. I of course acknowledge that the responsibility for the actual murder, the "final" outcome of the whole process, still remains; but the point I want to make is that this responsibility for the consequences is *preceded* by a responsibility for adjusting oneself to the status of a mere tool, a dehumanization on the part of the acting ego without which that concerning his fellow men would not come about.

Reflecting on the problems raised by the trials against the Nazis who had committed "crimes against humanity," Arendt writes, "what we have demanded in these trials, where the defendants had committed 'legal crimes,' is that human beings be capable of telling right from wrong even when all they have to guide them is their own judgment, which, moreover, happens to be completely at odds with what they must regard as the unanimous opinion of all those around them" (EJ, 295). The traditional discrepancy between legality and justice (of which I spoke earlier) having been repealed (if not de facto, then at least allegedly), an officer like Eichmann would have to break the rules and challenge the canons of the legal system were he to act "morally" in my sense of the term. But because "the law of Hitler's land demanded that the voice of conscience tell everybody: 'Thou shalt kill' . . . , evil in the Third Reich had lost the quality by which most people recognize it—the quality of temptation" (EJ, 150). By doing what was expected of him, by conscientiously [*sic*] following the rules, by loyally obeying all orders, Eichmann in his own eyes as well as in the eyes of those around him was a "law-abiding citizen." Were he deliberately to have broken these rules, he would have had to do so only for the sake of some *other* rules or principles, ones he would have considered not more legal but more legitimate. In short, he would have had to adhere to a set of norms and principles that at the time was being systematically, that is, de jure, violated. In this, he would have had nothing but his own judgment to guide him. Eichmann, however, was content to let Hitler's words and the principles subscribed to by the Nazis serve as judge—as the only judge to be recognized. For those few who were still able to tell right from wrong, Arendt says that "they went really only by their own judgments, and they did so freely; there were no rules to be abided by, under which the particular cases with which they were confronted could be subsumed. They had to decide each instance as it arose, because no rules existed for the unprecedented" (EJ, 295).

This recalls the problem I addressed at the very beginning: How is judging possible in times of breakdown and crisis? How can we pass sound moral

judgments in a world in which the standards for doing so seem to break down before our eyes? The involved dialectic between historical change and human cognition may be described as follows: only with the help of knowledge stemming from (collective as well as personal) experience can man pass judgment. But what if the particular to be judged is so novel as to lack any similarity with the past to which we owe our knowledge? What, in the terms of Reinhart Koselleck, if the *Erwartungshorizont* (horizon of expectation) has radically dissociated itself from our *Erfahrungsraum* (realm of experience), leaving us with the task of bridging an abyss?⁸

Arendt turns to Kant's *Critique of Judgment* in order to come to grips with the puzzle that Eichmann left her. In his third *Critique*, Kant makes a distinction between determinate and reflective judgments. Determinate judgments subsume the particular under a general rule existing prior to it; reflective judgments "derive" the rule from the particular. The distinction equals that between "subsuming under a concept" and "bringing to a concept." Arendt seeks to show the relevance of Kant's analysis of aesthetic judgment for political and moral theory; indeed, she holds that his aesthetics contains Kant's real, albeit "secret," political philosophy. Arendt's assumption is that the kind of judgment we are engaged in when we deliberate in political and moral affairs is captured in what Kant called reflective judgment. As was just brought out in the case of those few who were able to tell right from wrong under the Nazi dictatorship, judgment here refers to the mode of thinking that does not subsume particulars under general rules but instead ascends from the particular to the universal. In this respect, Arendt seems close to Aristotle's concept of *phronēsis*, even though she does not refer to it. Aristotle in his *Nicomachean Ethics* (1141b10) says of *phronēsis* that "it is concerned with action, and hence with particulars; it is about what is open to deliberation." But reflective judgment, which seeks to appreciate the particular in its irreducible particularity, cannot fulfill this task without some concept or rule transcending the particular that we want to judge. This is the point where the *Krisis* motif turns up in Arendt's assessment of what it is to judge: the alarming fact is that we no longer possess the reliable universal categories required for our cognitive and evaluative appreciation of something particular. As Arendt observes, in a passage reminiscent of MacIntyre's thesis in *After Virtue*, "The very framework within which understanding and judging could arise is gone" (LK, 95–96). Responding to this challenge, Arendt writes, "Even though we have lost yardsticks by which to measure, and rules under which to subsume the particular, a being whose essence is beginning may have enough of origin within himself to understand without precon-

ceived categories and to judge without the set of customary rules which is morality" (UP, 391). For all the attractiveness of Arendt's conception of man as a "new beginning," I find it hard to accept her assumption. I do not believe that understanding "without preconceived categories" is possible. As is shown by the philosophical hermeneutics of Gadamer (which Arendt nowhere mentions), every act of understanding presupposes some larger horizon that transcends and thereby cognitively situates the particular to be understood. Far from working from scratch, understanding is a process in which we go beyond, as it were, what we seek to understand in order to understand it. Moreover, would not Arendt concede that "those few who were still able to tell right from wrong" in Nazi Germany and who deliberately broke the rules and principles officially valid at that time did so—as I argued above—only on the condition that they adhered to some *other* rules and principles? Clearly, the people who protested did so in strong opposition to the powers that be and the legal canons of the day, but from this it does not follow that they acted and judged in a conceptual vacuum, for wherever there is deliberate action and judgment, preconceived categories—however counterfactual, however at odds with the prevalent *Zeitgeist*—are always called upon and at work in the minds of the actors.

At stake here is nothing less than the question of how to envision the interconnectedness of thinking and judging. In her unfinished work *The Life of the Mind*, Arendt offers the following definition of the two mental activities: "Thinking deals with invisibles, with representations of things that are absent; judging always concerns particulars and things that are close at hand" (LM, 1:193). Still, the two are interrelated, as are consciousness and conscience. She goes on to explain:

If thinking—the two-in-one of the soundless dialogue—actualizes the difference within our identity as given in consciousness and thereby results in conscience as its by-product, then judging, the by-product of the liberating effect of thinking, realizes thinking, makes it manifest in the world of appearances, where I am never alone and always too busy to be able to think. The manifestation of the wind of thought is not knowledge; it is the ability to tell right from wrong, beautiful from ugly. (LM, 1:193)

A number of points are worth dwelling on in this dense passage. First of all, recall the nature of Arendt's interest in the problematic: taken aback by the discovery that Eichmann was not wicked but thoughtless—"he *merely* . . .

never realized what he was doing" (EJ, 287)—Arendt sets out to examine "the strange interdependence of thoughtlessness and evil" (EJ, 288). The question that imposed itself was, "Could the activity of thinking as such . . . be among the conditions that make men abstain from evil-doing and even actually 'condition' them against it?" And she goes on to speculate, "Is wickedness . . . not a necessary condition for evil-doing?" (LM, 1:5). This is indeed what Arendt maintained when she coined the phrase "banality of evil." But what are we to make of her claim in the passage just cited that judgment, being the worldly manifestation of thought, is not knowledge? In fact, Arendt states quite categorically that judgment is not a cognitive faculty. In this she believes herself to follow Kant, whose position she reads as follows: "Judgment is not practical reason; practical reason 'reasons' and tells me what to do and what not to do; it lays down the law and is identical with the will, and the will utters commands; it speaks in imperatives. Judgment, on the contrary, arises from a merely contemplative pleasure or inactive delight [*untätiges Wohlgefallen*]" (LK, 15). However, it is difficult to see how this Kantian concept of judgment, intended as it was for the domain of aesthetics, can fit into the sphere of *praxis*, of politics and morals.

Arendt herself was well aware of the implied tension between judgment as contemplative and judgment as engaged in ongoing social action. As a number of commentators have pointed out (among them Beiner and Bernstein), Arendt oscillated between at least two profoundly different views of judgment. According to what might be called the early version, judging was conceived in terms of the deliberations of political actors with regard to possible courses of future action. Judging belonged to the world of action, or *praxis*; the judging subjects were men of action, having to develop and pass their judgments *in medias res*, as it were. A shift in Arendt's conception came about when she took up Kant's third *Critique*, believing there to have found a concept—namely, reflective judgment—that provided her with a way out of the philosophical impasse in which the Eichmann controversy had left her. Following Kant in stressing the disinterested quality of judging, Arendt situated its exercise within the world of contemplation. The shift implied is equal to that from the actor to the spectator. Hence, the temporal modality of judging changes; it comes to mean reflection on the past as opposed to deliberation about how to act in the future. Given this conceptualization, judgment is free from all practical interest. According to this late version, judgment no longer participates in the *vita activa*; it is confined to the *vita contemplativa* as an autonomous faculty to be separated from the other faculties of the mind and claiming its own *modus operandi* (see LM, 1:216).

This development in Arendt's thought justifies Beiner's claim that judging, for Arendt, ultimately comes to serve an *ontological* function: "Judgment has the function of anchoring man in a world that would otherwise be without meaning and existential reality: a world unjudged would have no human import for us" (LK, 152). Judging furnishes that which has happened with meaning; it makes possible man's reconciliation with what was but no longer is. Viewed as the saving power of remembrance, judging "lets endure what is essentially perishable"; its ultimate function is to "reconcile time and worldliness" (LK, 155).

Notwithstanding the philosophical merit of Arendt's late attempt to work out the ontological function of judgment, this turn in her reflections seems to betray her initial intention of coming to terms with the moral-political significance of judgment. In order to find out whether such a betrayal does take place, we have to go somewhat deeper into the use Arendt makes of Kant in her *Lectures on Kant's Political Philosophy*. Central to Arendt's discussion is Kant's section "Taste as a kind of *sensus communis*" in his *Critique of Judgment*, where he says:

Under the *sensus communis* we must include the idea of a sense *common to all*, i.e. of a faculty of judgment which, in its reflection, takes account (*a priori*) of the mode of representation of all other men in thought, in order, as it were, to compare its judgment with the collective reason of humanity. . . . This is done by comparing our judgment with the possible rather than the actual judgments of others, and by putting ourselves in the place of any other man, by abstracting from the limitations which contingently attach to our own judgment. (CJ, §40, p.136)

Accordingly, Kant's "maxim of enlarged thought" reads, "to put ourselves in thought in the place of everyone else" (CJ, §40, p.136); the faculty making this possible Kant calls imagination, or *Einbildungskraft*. Though still a solitary business in the sense of taking place in the isolation of my own mind, the critical, or *representative*, thinking for which imagination is a necessary presupposition is public, in that it renders the others—who are actually absent—present. To think with an enlarged mentality is to move in a space that is essentially public, open to all sides; it demands that one "trains one's imagination to go visiting" (LK, 43). As Arendt describes the process of representation, "I form an opinion by considering a given issue from different viewpoints, by making present to my mind the standpoints of those who are

absent; that is, I represent them." Through representation, the opinion I form ceases to be purely private or subjective, it achieves intersubjective quality: "The more people's standpoints I have present in my mind while I am pondering a given issue, and the better I can imagine how I would think and feel if I were in their place, the stronger will be my capacity for representative thinking and the more valid my final conclusions, my opinion" (BPF, 241). In other words, the basic condition for this exertion of the imagination is what Kant called disinterestedness, the liberation from one's own private interests.

Arendt now has to face the question of the *validity* of the opinions I form and the judgments I pass. "The power of judgment," she tells us, "rests on a potential agreement with others"; and the thinking process that is active in judging "finds itself always and primarily . . . in an anticipated communication with others with whom I must come to some agreement." Arendt's claim is that "from this potential agreement judgment derives its specific validity" (BPF, 220). Hence, to be valid, my judgment depends on my ability to "represent" the standpoints of the absent others in my own mind. Unexpectedly, Arendt goes on to assert that judging "is not valid for those who do not judge or for those who are not members of the public realm where the objects of judgment appear" (BPF, 221). So, whereas such thinkers as Apel and Habermas would recognize one of their own leitmotifs in Arendt's Kantian idea of representative thinking, they would certainly oppose her limitation of valid judgment to the actual members of the public realm. For Arendt, that is, the person passing judgment has only to take into consideration the members of the *reale Kommunikationsgemeinschaft*, whereas discourse ethics demands that we transcend the boundaries of the local community to which we belong and judge on behalf of the members of a *ideale Kommunikationsgemeinschaft*. To advance a more immanent critique, I find problematic Arendt's sudden insistence that judging be restricted to the actually existing public realm, insofar as it contradicts the Kantian demand, always approvingly cited by Arendt, to take into account "not so much actual as merely possible judgments." Indeed, the fact that Eichmann was accused of "crimes against humanity" implies that he had failed to go beyond the positivity of the Nazi jurisdiction and the facticity of the Nazi society to which he belonged—and from which, significantly, the Jews had been systematically excluded since the enactment of the Nuremberg Laws of 1935. Eichmann's crime was not only against the Jews excluded from the public realm of contemporary German society; it was a crime against future generations of Jews as well, against people not yet born and whose birth he in effect denied

them, killing their would-be mothers and fathers. Hence, my claim is that the demand to take account of those absent must be viewed temporally as well as spatially; that is, the concept of absence points to the not-yet of the future as well as to the somewhere else of geography.⁹ This being so, the notion of a crime against humanity, if it is to make sense, presupposes that "humanity as a whole is the community which we have to anticipate in our judgment and whose possible agreement renders our judgment valid" (Rainer Forst).¹⁰

By conceiving of the thinking process involved in judging as "an anticipated communication with others with whom I have to come to some agreement" (BPF, 220), Arendt at the stage of her Kant lectures and in the essays published in *Between Past and Future* still sees judging as participating in the *vita activa*. Judging is not yet, as it came to be toward the end of *The Life of the Mind*, purely contemplative and retrospective, while certainly resting on a disinterested withdrawal (à la Kant) from the ongoing decision making in which the actors are engaged, the spectator seeking to judge these worldly affairs has not dissociated himself from them to the extent of no longer being prepared to let the actors take a future stand on the judgment he passes—indeed, he is expected to *anticipate* their stand. Far from simply seeking to lend meaning to events already having taken place, saving their particular dignity by an act of remembrance, the person who judges sees himself as directly affected by the actions of his contemporaries. Hence, Arendt, in her essay "The Crisis in Culture," tells us that "judging is one, if not the most, important activity in which this sharing-the-world-with-others comes to pass" (BPF, 221).

The Kantian insight Arendt wants to make fruitful for the domains of politics and ethics, then, is that to judge particulars—and judging is always of particulars—we have to be able to represent in our thinking the standpoints of all concerned. Only by way of this moment of mental *universalization* can we judge as members of a larger community. Having learned this from Kant's notion of *erweiterte Denkungsart* (enlarged thought), Arendt puts forward the claim that Eichmann failed to judge, because he was incapable of representing others in his own mind. Now, the condition of the autonomy of judging qua mental faculty is the ability to think—this, I believe, is what Arendt had in mind when she stressed that thoughtlessness rather than wickedness led Eichmann into doing evil. It is in the *refusal to judge* that Arendt locates the greatest evils in the political realm, the evil of totalitarianism epitomized in Eichmann was manifest in his lack of imagination, "of having present before your eyes and taking into consideration the others whom you must represent." It is worth emphasizing that the representation

demanded here must be understood as a stretching out *from* something particular and context-bound *toward* something universal and ideal. Viewing moral responsibility in this strong sense is what the early Sartre did when he said that "our responsibility is . . . much greater than we had supposed, for it concerns mankind as a whole." In choosing what the right kind of action would be, "my action is, in consequence, a commitment on behalf of all mankind."¹¹

The Interrelation Between Thinking and Judgment

Never is he more active than when he does
nothing, never is he less alone than when
he is by himself.

—Cato

I take the crucial question concerning Arendt's views about thinking and judgment to be, How are we to make sense of the claim that the condition of the exercise of the faculty of judgment is the ability to think? In her lecture "Thinking and Moral Considerations," Arendt sets out to examine whether our ability to judge, to tell right from wrong, is indeed dependent on our faculty of thought. Can it be, she asks, that the activity of thinking *as such* might be such that it "conditions" men against evildoing? Thinking, Arendt says, deals with objects that are absent, removed from direct sense perception. To think means to move outside the world of appearances. Hence, an object of thought is always a re-presentation, "something actually absent and present only to the mind which, by virtue of imagination, can make it present in the form of an image" (TMC, 423; the "imagination" referred to is the *Einbildungskraft* of which Kant speaks in his *Critique of Judgment*). Insofar as thinking is a dwelling on invisibles, a preoccupation with what is absent, thinking is not of this world, entailing that it—by itself—bring about nothing at all, no "results" of which it can boast that these are the worldly manifestations of its activity. Indeed, thinking's chief characteristic is precisely that it interrupts all doing. Thinking and doing, that is, are mutually exclusive of each other. As Heidegger observed, thinking as such is "out of order." Thus conceived, thinking is subversive; it inevitably has "a destructive, undermining effect on all established criteria, values, measurements for good and evil" (TMC, 434). Due to its very nature, therefore, thinking will never furnish morality with a foundation or grounding; far from

that, thinking will always lead us to question the belief in any such foundation. In other words, no moral propositions or commandments, no final code of conduct, and no allegedly final definition of what is good and what is evil may be expected to issue from the activity of thinking.

But does the subversive nature of thinking render it completely negative? Or is there still a possibility that something positive and affirmative might emanate from the sheer thinking experience? Brought to bear on the hypothesis from which Arendt starts her inquiry, to ask these questions assumes that if there is anything in thinking that can prevent men from doing evil, and in this sense be of a positive nature, then it must be some property inherent in the activity itself, regardless of its objects. Socrates, to whom Arendt now turns, is notorious for engaging in dialogues whose outcomes are largely, if not entirely, negative or aporetic. Arendt points out that Socrates nevertheless formulated two positive propositions, both occurring in the *Gorgias*: first, "It is better to be wronged than to do wrong" (474), and second, "It would be better for me that . . . multitudes of men should disagree with me rather than that I, *being one*, should be out of harmony with myself and contradict me" (482). Hardly surprising, Arendt sees as mistaken the view that the propositions are the results of some cogitation about morality. "They are insights," she tells us, "but insights of experience," by which she means the thinking experience as such (TMC, 439). Her proposal is that we view the second proposition as the prerequisite for the first one. The key to the interpretation she advocates lies in the "being one" so heavily stressed by Socrates. What he has in mind is this: When I appear and am seen by others, and as long as I enjoy the company of others, I am as I am seen by others; that is, I am one, and hence recognizable. However, I am not only for others but also for myself, and in the latter case, I am not just one. Rather, I am my own company, I am with myself, and with this a difference is inserted into my oneness. Thinking is this very difference; thinking is the activity in which I engage with myself, it is my relating to myself, my taking part in a soundless dialogue between me and myself. When thinking, I am not one but two-in-one. In solitude (to be strictly distinguished from loneliness), in my keeping myself company, my merely being conscious of myself comes to be actualized in a duality during the thinking activity; and "it is this *duality* of myself with myself that makes thinking a true activity, in which I am both the one who asks and the one who answers" (LM, 1:185).

This is the searched-for positive moment in Socrates' propositions. The only (positive) criterion of thinking as understood or, better, experienced by

Socrates, Arendt asserts, is agreement, "to be consistent with oneself . . . ; the opposite, to be in contradiction with oneself, actually means becoming one's own adversary" (LM, 1:186). This is exactly what is at stake in both of Socrates' propositions; moreover, it contains the justification for Arendt's urge that we view the second proposition as the prerequisite for the first one. The "being one" referred to by Socrates reminds us that "it would be worse for me to be at odds with myself than in disagreement with multitudes of men" (TMC, 439); therefore, "it is better to be wronged than to do wrong." Having suffered wrong, that is, I can still remain the friend of the sufferer; but who would want to be the friend of and have to live the rest of his life with a murderer? The issue here—that of either being in harmony or in conflict with oneself—is one of eminent moral impact. Yet it is, to repeat, not a moral cogitation but an insight arising out of the experience of thinking as such. The latter teaches us that it does not take a plurality of egos in order to establish difference; rather, the ego carries the difference within itself when it says, "I am I." Being conscious of myself, I am inevitably two-in-one, the embodiment of difference and hence a self faced with the Socratic issue of the success or failure of being in harmony and at peace with itself.

The meaning of "thoughtlessness" follows directly from the above. It means to "shun the intercourse with oneself" (TMC, 445). In Arendt's view, Eichmann did just that. Drawing on the only positive statements of Socrates and using Eichmann as her negative example, Arendt reaches the conclusion that the question whether the thinking activity as such may condition men against evil-doing is to be answered in the affirmative.

What does this conclusion really mean? How literally are we to interpret the thesis that thinking "as such" may condition men against evil-doing? Are we to understand that thinking in itself is a *sufficient* condition for preventing us from doing evil; or is it rather one among a number of *necessary* conditions? What is the force to be attributed to thinking with regard to motivation? Put otherwise, how sure can we be that a person practicing the "silent inner dialogue" will be a person who, *on that very account*, as it were, is likely to resist participation in evil deeds? To what extent is the likelihood of such participation to be seen as determined by the presence or absence of thinking in a person? In a passage that is not to be misinterpreted as arguing *ad hominem*, Richard Bernstein writes, "The most generous claim that one can make about Heidegger—the *thinker par excellence*—is that 'when the stakes were on the table, he exercised such poor judgment.'¹²

In my view, for Arendt's thesis to carry the *moral* significance that is her central concern, the thesis must imply that thinking upholds its own criterion

for action. If this is Arendt's meaning, then how can thinking be "connected" to action? How are we to conceive of this assumed link between thinking, depicted as a withdrawal from the world of appearances, and action, depicted as our willful intervention into that world? The link, I take Arendt to answer, is provided by our faculty of judgment. Judgment mediates between thought and action, between thinking and doing. Thinking, we recall, deals with generalities; judgment, with particulars. The point of importance in the present context is that thinking turns into judgment insofar as it emerges from its withdrawal and returns to the world of appearances in order to deal with the particular as it appears there. The criterion for action inherent in thinking as such is not the usual rules of conduct, recognized by the many and agreed on by society, but whether I shall be able to live in peace with myself when the time has come to think about my deeds. To put it thus is, of course, to invoke conscience. To Arendt, the inability to think coincides with a failure of conscience, the absence of the former entailing the absence of the latter, whereby conscience is described as "the anticipation of the fellow who awaits you if and when you come home" (LM, 1:191). Brought to bear on the case of Eichmann—whose fame stems primarily from his *actions*—this train of thought suggests that Eichmann's failure to judge was not his original failure but rather one following from a logically prior and truly original failure to think and a fortiori to contemplate the prospect of having to live in disharmony with himself. Not thinking, Eichmann has no such thing as conscience. Devoid of conscience in the sense of an inner tribunal before which he has to justify himself, Eichmann could not "of himself" prevent himself from committing evil deeds.

Eichmann was far from alone in renouncing judgment in Nazi Germany. According to Arendt, his failure is symptomatic rather than unique. The unwillingness to abstain from passing judgment became rare, the exception rather than the rule; it increasingly became the prerogative of a small minority of people, namely, those few who were never prepared to bypass the summons from themselves, from that other I contained in the two-in-one. The lesson to be learned here highlights one of my criticisms of MacIntyre. That lesson, in the final instance, is that judgment requires of individuals that they be prepared to set themselves apart from and actively oppose the ethos of their society. Judgment entails—and will principally always entail—a preparedness to defy the rule of the many and to contradict current practices and the powers that be in order not to risk having to contradict oneself. The latter contradiction is primary to the former because my being able to forgive myself is primary to my not being forgiven by

others. This primacy is not logical but existential; it touches on what kind of forgiving carries the largest weight *for me*. Ultimately at stake, therefore, is the question whether a deed would allow or disallow me to retain my self-respect.

Presupposing as it does a withdrawal from the world of appearances and thus from the realm of action, thinking as such is deeply apolitical. However, in political emergencies, those who go on thinking and who, for that very reason, refrain from action, are "drawn out of hiding because their refusal to join in is conspicuous and thereby becomes a kind of action" (LM, 1:192). In such emergencies, says Arendt, thinking is political by implication because it not only brings about the destruction of unexamined opinions, values, doctrines, and theories but also has a downright *liberating* effect on another faculty, that of judgment; and judgment was held by Arendt to be the "most political" of man's mental capacities. Thus, thinking always carries a political potential within itself, a potential actualized, however, only in cases of crises, breakdowns, and emergencies—only in times, that is to say, when thinking seems to become even *more* "out of order," even *more* at odds with the worldly affairs of the day, than it used to be. So, a crisis not only calls urgently for the capability for judgment, it also renders visible the peculiar connectedness of thinking and judgment, making us painfully aware of the utmost *precariousness* of the link thereby uncovered.

The conclusion arrived at by Arendt in her reflections on Eichmann over so many years can be briefly summarized as follows. Eichmann's overt failure to act morally stems from his failure to exercise judgment, and the latter in its turn stems from his original and, as it stands, irreducible failure to think. In philosophizing over Eichmann, Arendt, in my interpretation, makes use of the following explanatory scheme:

Level:	THINKING →	JUDGMENT →	ACTION
Faculties involved:	intellectual	intellectual	—

In this scheme, Arendt's reflections assume the form of a two-stage deduction: first, she examines Eichmann's actions by drawing attention to his incapacity for judgment; then she analyzes his alleged failure to judge by resorting to an examination of his inability to think, ending her inquiry by emphasizing the moral significance of the inner tribunal of conscience said to be a product of the two-in-one actualized in thinking, and in thinking only.

Leaving aside the commonplace complaint that Arendt, in endorsing the so-called positive legacy of Socrates, commits the philosopher's classic "idealistic" fallacy of assuming that action is at all preceded by thinking, the

suggestion I make here—and pursue in a systematic manner in later chapters—is that the philosophical “challenge” posed by Eichmann is in fact more fully appreciated and met when the following scheme is adopted:

Level: PERCEPTION → JUDGMENT → ACTION

Faculties involved: cognitive-emotional cogn.-emot. —

Again, a two-stage deduction is being encouraged: first, the familiar move from action back to judgment; then a second move from judgment back to *perception*, as distinguished from Arendt’s “thinking.” “Perception,” aptly captured in the German *Wahrnehmung*, is intended to mean the capability of recognizing and identifying the object or phenomenon about which judgment is subsequently to be passed. It is necessary that recognition and identification be adequate and appropriate; that is, they must satisfy the condition of *doing justice* to the phenomenon to be judged as belonging to a specific class of phenomena, for example, as being a moral phenomenon as opposed to a physical one. To exchange Arendt’s “thinking” for “perception” carries the advantage of introducing into the explanatory scheme a category that is not purely and exclusively intellectual. (My choosing the term “intellectual” instead of, say, “cognitive” here is very deliberate; it follows partly from Arendt’s view of judgment as “opinion” and *not* cognition.) It is a central thesis of mine that not only “perception” but also “judgment” is to be conceived of as not purely and exclusively presupposing intellectual capacities. To the contrary, what I argue is that both categories—perception as well as judgment—must be split into two components, one of which is cognitive, the other of which is emotional. Furthermore, I urge that the components be considered equally important and *necessary*, so that a failure on the part of one of the two components will prove a sufficient condition for the failure of perception *per se* as well as judgment *per se*. In other words, each component is *indispensable*.

The explanatory scheme that I have proposed holds out the promise of representing a considerable gain in conceptual richness. To assess this gain, consider once more Arendt’s response to the challenge presented by the Eichmann trial. What is the eventual outcome of Arendt’s applying her scheme to the challenge? It is the claim that Eichmann was “merely thoughtless.” But, it must be asked, what other possibilities did she explore, apart from rejecting as false the popular assumption that Eichmann was some kind of a “monster”? More to the point, what other hypotheses does Arendt’s scheme *allow for*? Because her category of “judgment” as well as that of “thinking” is wholly, one-sidedly *intellectualistic*, no path of inquiry is open to her except to question Eichmann’s intellectual capacities (*in casu*: the path of

"representative thinking"). To say that her scheme permitted no other path is to contend that her conclusion was in fact largely predetermined. Having for conceptual reasons ruled out the possibility that the failure of Eichmann might be strictly cognitive (in Arendt's sense of cognition as securing knowledge in the form of *epistēmē*), Arendt could only assert that it was intellectual, and this in the strong sense of touching on the very nature of the thinking activity *per se*.

Because my scheme acknowledges the existence of an emotional as well as a cognitive component, not only to "judgment" but also to "perception," two distinct paths of inquiry can be embarked upon: the path of cognition and the path of emotion. However, this is not to say that one should pursue one path to the analytic exclusion of the other. Quite to the contrary, to ask what has gone wrong on the level of judgment or on the prior level of perception is to try to locate the source of the failure, and this source can be purely cognitive or purely emotional or, finally, in the more complex cases, *jointly* cognitive and emotional.

In light of the analytic and conceptual distinctions I have introduced, I am prepared to claim that what Eichmann epitomizes is not so much thoughtlessness as *insensitivity*. The capacity he failed to exercise is emotional rather than intellectual or cognitive; it is the capacity to develop *empathy* with other human beings, to take an emotional interest in the human "import" of the situation in which the persons affected by his actions found themselves. To be more accurate, the empathy Eichmann failed to develop is not just one "emotional capacity" among others; rather, what I intend by "empathy" is people's basic *emotional faculty*. Corresponding to this is my conception of "representative thinking," that is, the mental process of making present to the mind the standpoints of those who are absent, as the basic *cognitive faculty* required for the exercise of moral judgment.

It follows from what I have said above about Arendt's explanatory scheme that in her reflections the possible "insensitivity" of Eichmann could never be thematized, let alone explored in any systematic manner. Arendt, that is, had at her disposal no category with which she could pin down the "failure" of Eichmann as emotional; she lacked the specifically emotional analytic category that is required if the question of Eichmann's insensitivity, as opposed to his thoughtlessness, is to be raised at all.

Admittedly, I cannot prove that Eichmann was insensitive. Nor, for that matter, could Arendt prove that he was "merely thoughtless." To observe this, however, is not to make an argument either pro my thesis or contra Arendt's. Eichmann is often reported (even by Arendt) to have been "unim-

pressed" by the testimony given by victims of the Holocaust during his trial. He is said to have remained largely unaffected by the proceedings, even at the moments of great psychological distress and occasional breakdown on the part of the witnesses. In short, he seemed *disinterested*. This unaffectedness, this disinterestedness in the face of evident distress and pain in people physically present with Eichmann in the courtroom, I find worthy of reflection. More than that, I find it downright conspicuous, and I find it equally conspicuous that Arendt (herself present to cover the trial for the *New Yorker*) throughout fails to dwell on it. In my view, this shows two things: first, that there exists a considerable amount of empirical evidence (including the television coverage of the proceedings) to support my claim about Eichmann's being insensitive; second, that what I call Arendt's *intellectualist bias* effectively prevents her from reflecting on the point just made.

However, this is not the place to go into a comprehensive account of the explanatory scheme I have put forward. But before returning to my discussion of Arendt, I wish to make a general and a specific observation concerning the status of the scheme.

The general observation is that the scheme, though introduced in the context of attempting to come to grips with Eichmann, is in no way tailor-made to "fit" with that one particular case. The scheme is not confined to but survives the empirical illustration provided by Eichmann, so that instead of being launched ad hoc, the scheme is the other way around—that is, Eichmann is invoked to lend some human flesh, as it were, to the proposed analytic categories. Indeed, these categories have come to remain, and a great number of examples—some empirical, some hypothetical—are offered in order to account for them. Moreover, no one example can suffice to prove the overall theoretical and analytic value of an explanatory scheme. Significantly, and in all fairness, this applies to Arendt's scheme no less than to mine: just as the case of Eichmann hardly provides me with a cogent falsification of Arendt's scheme, so does it bestow on my own scheme hardly anything like an adequate verification.

The specific observation is that my scheme has the advantage of permitting more hypotheses to be explored than Arendt's. *In concreto*, it allows me to contend that Eichmann's was an *emotional* failure. That is my first claim. The second claim, which remained implicit in the above discussion, is that Eichmann's *original* failure is to be located on the level of *perception*. Eichmann failed to *perceive* the Jews as human beings, and he did so because he failed to develop empathy toward them, to take an emotional interest in the human import of the situation in which they found themselves. According to my

scheme, this failure on the level of perception serves to explain the (perhaps more evident) failure of judgment; it can do so because I take the former level to be logically prior to the latter.

Ronald Beiner has made a point of immediate relevance here: "When we say 'Eichmann lacks judgment' we want to say: 'He does not lack the power to judge in any sense whatever, but he does lack the power of *humane* judgment, he fails to identify correctly particulars that would be evident to any normal, civilized, morally sighted judging subject.'" And further: "[Eichmann] seems to be missing the *human* significance of these events, his very faculty of moral *perception* (not just political evaluation and foresight) seems to be essentially deficient."¹³ So political judgment as conceived of by Beiner incorporates or, rather, presupposes "humane" judgment. I think that Beiner is right and that his emphasis on "moral perception" takes him an important step beyond Arendt's reflections on the subject. Yet for all the merit of this, the gain achieved as compared to Arendt's account is rather meager. As I see it, Beiner should have gone one step further. He should have asked what, in its turn, is presupposed in the humane judgment of which he so rightly speaks. But because Beiner fails to take this step, his insight into the nature of humane judgment and of moral perception remains but the beginning of a major insight. His perspective appears too intellectualist, too influenced by Arendt, to allow him to fully appreciate the emotional capacities of persons as distinct from their intellectual ones.

Seeking to substantiate her claim that evil is implicit in the refusal to judge, which in its turn is implicit in the inability to practice representative thinking, Arendt says, "In the last analysis . . . our decisions about right and wrong will depend upon our choice of company, with whom we wish to spend our lives." Today, however, "the likelihood that someone would come and tell us that he does not mind and that any company will be good for him is, I think, very great. Morally and even politically speaking, this indifference . . . is the greatest danger" (LK, 113). Arendt holds that this indifference lies at the heart of the widespread tendency to refuse to judge at all. In the final lecture of her Chicago course "Basic Moral Propositions," she ends on a pessimistic note:

Out of the unwillingness or inability to choose one's examples and one's company, and out of the unwillingness or inability to relate to others through judgment, arise the real *skandala*, the real stumbling-blocks which human powers cannot remove because they were not

caused by human and humanly understandable motives. Therein lies the horror and, at the same time, the banality of evil. (LK, 113)

In my view, the roots of this prevailing indifference must be sought not in the psychology of the individual but in the bureaucratic institutions that structure modern life, make killing abstract, and undermine the actor's sense of responsibility by fragmenting his or her acts as well as comprehension of the acts' final consequences. Failing to achieve an overview of the administrative body to which he or she belongs, always one among many and as such perfectly exchangeable, the individual is less inclined to assume responsibility; failing to see the people affected by his or her actions as humans rather than as dull objects, or *Sachen*: the individual is less capable of representative thinking; hence, the individual will not refuse to but will be unable to judge. My claim here is that the question of individual responsibility must take the form of *not allowing oneself to become incapable of judging*. Demanding this means demanding that the individual always questions the legitimacy—as opposed to the factual legality—of the institutional framework he or she is about to enter, *before* being trapped by it, *before* becoming its helpless victim. To judge soundly in such a setting means to be able to anticipate, that is, foresee, the total consequences of a number of highly specialized activities and measures. This, from a moral point of view, we *have* to demand of the individual, but in doing so we should know that we probably ask for too much. Indeed, our demand is empirically undermined from three sides, each of them jeopardizing the individual's sense of moral responsibility. First, and as acknowledged by Arendt, the standards of judgment handed down by and through tradition are no longer authoritative but have been *exploded* by radical historical change, and ultimate values and norms have ceased to be valid. Second, the probability that we will be successful in anticipating the outcome of a complex web of activities seems very small in view of the *unprecedented* nature of the activities (as is clearly the case with the Holocaust). Third, the situatedness of the individuals within modern administrative bodies allows for a *fragmentation* of their consciousness that robs them of their ability to comprehend the significance of their own actions. To sum up, we demand of actors—always *in medias res*—that they judge soundly in the face of unprecedented events while being affected by cognitive fragmentation and while having but exploded categories at their disposal.

I have wanted to radicalize our understanding of the crisis of judgment in order that Arendt's Kantian response to the challenge it posed for her could be put to the test. The Eichmann trial provoked Arendt to address the issue

of judgment from two different perspectives: there is the question whether and how Eichmann judged, and there is the question whether and how we are to judge Eichmann. Arendt reached the conclusion that Eichmann did not judge, that he failed to do so because he was unable to think in Kant's sense of representing others in his own mind. Regarding our own judgment of Eichmann, the controversy triggered off by Arendt's thesis of the banality of evil raised the question *whether* we—who have never been faced with the situation he was in—have any right to judge Eichmann at all. To this a number of contributors, Gershom Scholem among them, answered in the negative; he took the view that the nonparticipants do better to abstain from judgment altogether. To this Arendt replies, "The argument that we cannot judge if we were not present and involved ourselves seems to convince everybody everywhere, although it seems obvious that if it were true, neither the administration of justice nor the writing of history would ever be possible" (EJ, 295–96). Arendt sees "a reluctance evident everywhere to make judgments in terms of individual moral responsibility" (EJ, 297). While granting that Arendt could and should have been more careful and less crude in her criticism of the role played by the Jewish councils during the deportation to the concentration camps, I think that the force of her stand must be recognized: Arendt demands that we judge what happened because Eichmann taught us the dark lesson of what may happen if we choose not to judge. For her, abstaining from judgment is not the same as showing some kind of Socratic wisdom but equals an unwillingness to assume responsibility; the spectator as well as the actor is obliged to judge. In short, the inability of Eichmann himself to judge teaches us the importance of our doing so—even though from a vantage point temporally and spatially removed from the events in question.

But what about the three factors mentioned that undermine the prospect of judging? Is the spectator unaffected by the explosion of our moral categories, by the unprecedentedness of the events, and by the fragmentation of consciousness? Indeed, it was in setting out to judge Eichmann, in the spectator's attempt to come to grips with the actor, that Arendt *discovered* that our traditional standards of judgment are radically inadequate. And with regard to the Final Solution, it still remains something genuinely novel, or *einzigartig*, as was brought out recently in the German *Historikerstreit*. This does not imply, however, that our view of the Final Solution should be on an equal footing with Eichmann's, insofar as he was—but failed—to judge what was happening, whereas we are to pass judgment on what did happen. Again, the difference between the actor and the spectator comes to the fore

as one of temporal modality, as one of anticipating as opposed to contemplating in retrospect. Nevertheless, both parties are confronted with the quality of unprecedentedness, making the particular to be judged a particular such as never has been, neither before nor after. Here, then, judging concerns particularity in the strongest possible sense; that is, even if the moral categories were still intact—which they, however, are not—they would not be able to offer us any guidance. In this extreme case, the sought-for universal would have to be derived from an as yet fully unknown particular, invoking here Kant's "reflective judgment." As Arendt remarks, we are forced to a "thinking without banisters [*Denken ohne Geländer*]." As to my point about the fragmentation of consciousness, finally, we have no reason to believe that this process does not haunt the spectator as well as the actor. In fact, I would argue, with Habermas, though for different reasons, that the fragmented consciousness today is the new *Gestalt* of the false one and that the fragmentation on the level of the individual's cognitive faculties is part of a larger societal process from which no one, including the theoretician, is exempted.¹⁴

For all the force of Arendt's view, I suggest that a different understanding of what it is to judge be acknowledged, one permitting us to say—contrary to Arendt—that Eichmann did in fact judge. By this I mean that there is a sense in which Eichmann *knew* that the business he was involved in was one of plain murder. This being the case, a need existed to justify murder, to make it not only legally but also morally acceptable to the personnel professionally engaged in it. In short, I claim that the Final Solution was in need of a moral justification, making sure that the people carrying it out felt that what they were doing was "right" rather than "wrong." Heinrich Himmler recognized this need; in his speeches, he addressed it explicitly on a number of occasions. Thus, in a speech given in front of an SS *Gruppenführer* audience at Poznan in October 1943, Himmler said, "We had the moral right vis-à-vis our people to annihilate *this* people which wanted to annihilate us. But we had no right to take a single fur, a single watch, a single mark, a single cigarette, or anything whatsoever. . . . On the whole we can say that we have fulfilled this heavy task with love for our people, and we have not been damaged in the innermost of our being, our soul, our character."¹⁵ What we have here then is the peculiar SS morality according to which the individual theft of a cigarette is wrong, but the collective murder of millions is right; the former being done for personal gain, the latter for the sake of the German people and the Aryan race. Hence, Martin Broszat remarks about Auschwitz *Lagerkommandant* Rudolf Höss that "he is one of those people who

are willing to accept the most brutal measures of extermination as correct and reasonable, indeed as unavoidable and as a command of duty, yet who are shocked and full of indignation when they hear about 'criminal offenders' and who self-righteously turn their noses up at sexual anomalies."¹⁶

The point Arendt made in the Eichmann controversy was that the responsibility for making judgments cannot be shirked, judgment cannot be suspended, because the supreme danger is abstention from judgment; therefore, we have to judge Eichmann for not judging. But should we not be ready to admit that a kind of judgment is involved in Himmler's apologia for the implementation of the Final Solution, invoking as he does the traditional language of morals, including such virtues as duty, loyalty, and unselfishness? Of course, the kind of morality at work here is perverted and indeed immoral, violating everything that was and is meant by the virtues referred to. But in saying so, do I not, exactly at the moment when I make this critical observation, engage in a debate, regarding what morality is, with the proponents of the "Nazi morality"? In a sense I do. Still, however much I might treat the Nazis as participants in such a debate, they would not be prepared to treat me the same way. That is, I would have a discussion without reciprocity, without a mutual recognition among those taking part.

In my earlier account of the suprahuman forces Nazi ideology ultimately has recourse to, I pointed out that the annihilation of the Jews is "necessitated" by the objective law of nature. What this implies is twofold: first, the law guiding human action—thus, deciding on what is right and what is wrong—is not the work of humankind but a product of nature, that is, of the principle of selection; second, individuals do not consider themselves responsible in the sense of being autonomous but rather see themselves as mere instruments obeying forces superior to humankind. Now, the autonomy of agents is a premise for any discussion addressing moral questions; denying their autonomy, Nazis place themselves outside the domain in which argumentation makes a difference; hence, the discussion breaks down. Still, the fact remains that the Nazi ideologues perceived a need to borrow parasitically and arbitrarily from the canons of conventional morality in order to make of atrocities a "heavy task," as it were, demanding the supreme virtues of humanity (see Chapters 4 and 5).

In view of this train of thought, one might say that Eichmann failed to exercise judgment, because he robbed himself of the requisite for doing so, namely, his autonomy. Whereas I stated above that individuals must assume responsibility by "not allowing themselves to become incapable of judging," I now refine that statement to the effect that individuals must *not allow*

themselves to be robbed of their autonomy. In concreto, and as emphasized by Stanley Milgram, this demand requires of individuals that they refuse to let their unique personalities merge into larger institutional structures. Arendt remarked that Eichmann seemed to hold no firm ideological convictions, and even though this might have been the case, at least to some extent, it must be recognized that he did share the Nazi *Weltanschauung* voiced by Himmler and accordingly enjoyed the kind of "good conscience" this worldview promised its adherents. Hence, there remains a specific ideology of which Eichmann is both follower and victim: the ideology of the end of the individual and thus of human autonomy. Indeed, this is the very ideology preparing for anti-Semitism, preparing ultimately for anti-Semitism's transformation into a practice of industrialized murder. For who is the Jew but the other, the embodiment of the transcending moment of freedom? I think Sartre is right in defining anti-Semitism as "fear of the human condition."¹⁷ Held, to a large degree falsely, to refuse assimilation, the Jew came to symbolize an otherness—with Adorno, "pure nonidentity"—that was felt as unbearable and that therefore in the end had to be physically done away with. Doing away with otherness means *Gleichmachen* (equalizing), as noted by Adorno and Horkheimer in their "Elements of Anti-Semitism."¹⁸ The Jews, the anti-Semite assures us, are all the same; the equality for which the anti-Semite craves, however, can only be secured by death: only through death itself are all humans made equal, only through death is the unbearable moment of otherness negated. But according to Sartre's analysis of hate, the memory of the other, the inescapable fact that the other once existed, perpetually haunts the killer; having wiped out the other, the killer still cannot get rid of the other. Hence the project of the anti-Semite is bound to fail.¹⁹ (I take this up in greater detail in Chapter 5.)

The exchangeability of one person for another results from the liquidation of their uniqueness as individuals and prepares for the indifference between people that made the Holocaust possible. Eichmann's indifference to his victims forced Arendt to reject the notion of "radical evil" as she had initially conceived it in her book on totalitarianism. Radical evil, she had maintained, is unpunishable in the sense that no punishment can be adequate or commensurate; it is unforgivable, and it is rooted in motives so base as to be beyond human comprehension. The Nazi atrocities had revealed that people are unable to forgive what they cannot punish and that they are unable to punish what has turned out to be unforgivable. Our difficulties in judging Eichmann—philosophically as well as juridically—stem from the discovery that his crime has exploded the standards we rely on when we are to punish

and to forgive. As to the third characteristic of radical evil, its escaping human comprehension because rooted in motives so bad as to be simply incomprehensible, the encounter with Eichmann left Arendt with the demand for a reconsideration: finding that Eichmann did not act from base motives, she attributed superfluity to his motives, and *when motives become superfluous, evil is banal rather than radical*. In short, evil deeds do not necessarily imply evil motives. If evil is banal in this sense, no faulty nature or original sinfulness is required to become ensnared in it. We must be prepared to recognize that the presence of an evil will or of base personal motives was not required of the persons involved in order that they carry out the extermination of the Jews. Confronted with evil deeds, we go searching for evil natures in which to ground them, moral philosophy having taught us that people *do* evil because they *are* evil and, moreover, that to know the good is to do the good. These, then, are the commonplaces of conventional morality that Arendt saw challenged or even crushed by the nondemonic personality of Eichmann, that is to say, by the superfluity of his motives. In this lies the core of Arendt's thesis that evil does not necessarily stem from evil but that it is just as likely to stem from thoughtlessness, especially in the age of "administrative massacres organized by the state apparatus." In this modern setting, the (in psychological terms) aggressively "evil" personality would pose a threat to the sought-for effectiveness of the administrative measures; that personality would only interfere with the smoothness of the apparatus. When motives turn personal as distinguished from professional, they merge with the individuality of the person having them; and because individuality, at least potentially, equals incalculability, the all-important totalitarian aim of controlling people's actions would here be jeopardized. People are not allowed to act but only to execute, insofar as the human ability to act means the ability to "start new unprecedented processes whose outcome remains uncertain and unpredictable." The burden of action, Arendt tells us in *The Human Condition*, is that of "irreversibility and unpredictability" (HC, 233). So, insofar as Eichmann is guilty of allowing himself to be robbed of his autonomy—the autonomy involved being that of the actor whose self-confirmation as a unique individual is evident in every act undertaken—he has allowed himself to be made into a mere executor in the apparatus of the SS, assuming no personal responsibility for the actions he was involved in, and it is exactly for letting this happen that I hold him morally responsible.

Concerning the problem of judgment, Arendt's thesis is that Eichmann failed to judge because he was incapable of representing others in his own

mind, he failed to exercise what Kant called the *erweiterte Denkungsart*. The gap separating the particularity of our own position from the universality of that of all others or of society at large is thus bridged by representative thinking, and to foster our faculty of this mode of thinking is what ethics is all about, if my interpretation of Arendt is correct. Prima facie this sounds like a very persuasive conception of the nature of judgment. Nevertheless, I am disturbed by the way in which this conception advocates what I call a mental jump from the particular to the universal. Does not the individual's transcending his or her particularity in order to reach an all-embracing universal point of view actually *endanger* the appreciation of particularity it was supposed to secure? Is there not a paradox involved in the Kantian idea of leaving my own particularity behind in order to reach an ideal universality from which the particularity that judging is concerned with can come to be genuinely appreciated? Arendt, to repeat, claims that Eichmann failed to judge, implying by this that he failed to practice the mental universalization of representative thinking. But my claim is that Eichmann failed to judge because he *failed to identify with his victims as individual human beings*. That is to say, he epitomizes what Adorno called "the inability to identify with the suffering of others."²⁰ In his case, to judge would have required him qua particularity to identify with other qua particularity; judging, he would see himself as one unique individual approaching another just as unique individual. When we accuse Eichmann of having failed to understand that the murder of millions of innocent people is morally wrong, then we are in reality demanding of him that he should—*e contrario*—have understood what it means to kill *one* out of these millions of people. I would indeed hold that there is no way in which any one of us can comprehend the murder of millions—it simply would mean to ask too much. What we can hope for and strive toward is comprehension of the murder of one human individual. This comprehension may be brought about by identification—by one individual's identifying with another. I claim that moral judgment as exemplified by Eichmann has to do with the meeting of particulars; judgment in the sense here intended comes about when the person who judges frankly *confronts his or her own particularity with the particularity of that which is to be judged*. As in Kant, judgment concerns particulars; but according to the conception here advanced, and thus against Kant, judgment does not approach the particular by way of a preceding mental reaching out toward universality. In denying his victims their right to emerge as individuals, Eichmann abstracted from the feature he was to judge, this abstraction I earlier referred to as dehumanization, making mere numbers, or statistics, out of humans. To be sure, the

crime of which I, in agreement with Arendt, hold Eichmann to be guilty, is one against humanity and thus against something universal; this I established above and still subscribe to. My claim, however, is that Eichmann, the actor, and we, judging retrospectively, have to concentrate on the *particular* human being rather than on some collective unit in order to grasp, and thereafter to judge, the concrete reality of the Holocaust.

Given the argument just advanced, the plea I want to repeat is that we differentiate between a cognitive and an emotional aspect of moral judgment. To acknowledge the existence of an emotional moment is of course to go against the view held by Arendt, according to which judgment arises from a merely contemplative pleasure or inactive delight, that is, from what Kant called *untätiges Wohlgefallen*. Applied to the way we judge aesthetically, in saying, This is beautiful, this going against may be correct; applied to the way we judge morally, in saying, This is right, or This is wrong, I hold it to be false. Why? Because we utter moral judgments as participants, as engaged members of a community, not as disinterested spectators emotionally unaffected by the phenomena awaiting our judgment. The point is echoed by Habermas when he asserts that "the objectivating attitude of the nonparticipant observer annuls the communicative roles of I and thou, the first and second persons, and neutralizes the realm of moral phenomena as such." Recognizing that "the world of moral phenomena can be grasped only in the performative attitude of participants in interaction," Habermas notes that "feelings seem to have a similar function for the moral justification of action as sense perceptions have for the theoretical justification of facts."²¹

Arendt on Emotions and Empathy

The systematic function admitted to feelings in the passage cited from Habermas finds no support in the writings of Arendt. Rather than endorse the entry of feelings into ethics or, for that matter, politics, Arendt sees it as crucial that feelings be precluded from the exercise of moral as well as political judgment. Her principal position is brought out in an unequivocal manner in the section on the role of compassion in Rousseau and Robespierre in her book *On Revolution*. The leading ideologues of the French Revolution, she writes, saw reason and the passions as set against each other, identifying thought with reason, they drew the conclusion that reason interfered with passion and compassion alike. Reason, that is, makes a person selfish; it

allegedly "prevents nature from identifying itself with the unfortunate sufferer." Arendt continues, "It is as though Rousseau, in his rebellion against reason, had put a soul, torn into two, into the place of the two-in-one that manifests itself in the silent dialogue of the mind with itself which we call thinking. And since the two-in-one of the soul is a conflict and not a dialogue, it engenders passion in its twofold sense of intense suffering and of intense passionateness" (OR, 80). What counted to Rousseau, then, was "selflessness, the capacity to lose oneself in the sufferings of others"; and selflessness in its turn gave rise to compassion, whose magic was that it "opened the heart of the sufferer to the sufferings of others" (OR, 81). In Arendt's account, compassion is cosuffering and concerns only the particular; it "cannot reach out farther than what is suffered by one person" and is therefore not generalizable. Compassion is intrinsically antipolitical and in this respect, Arendt tells us, not unlike love: in both, the distance, the in-between that always exists in human intercourse, is abolished. Arendt accordingly depicts love as "unworldly"; because antipolitical, "love is killed the moment it is displayed in public" (HC, 243, 51). However, in the French Revolution and especially in the course of its aftermath, compassion, unlike love, broke into the worldly domain of political affairs and thus came to claim a political role for which Arendt holds it to be entirely unsuited. Compassion, she asserts, "lends its voice to the suffering itself, which must claim for swift and direct action, that is, for action with the means of violence" (OR, 87). So it is not only that compassion "illegitimately" interfered into politics; more disastrous, compassion, as let loose in the public realm of politics, immediately—and, Arendt holds, inevitably—took on the form of sheer terror, of the "absolute terror" of which Hegel spoke.²² By contrast, pity, taken here as the sentiment that corresponds to the passion of compassion, does not share compassion's inescapable antipolitical features. Unlike compassion, pity can "reach out to the multitude and therefore, like solidarity, enter the market-place." However, pity owes its very existence to the presence of misfortune; due to its "vested interest in the existence of the weak . . . pity can be enjoyed for its own sake, and this will almost automatically lead to a glorification of its cause, which is the suffering of others" (OR, 89). Thus it was that Robespierre's pity-inspired virtue "played havoc with justice and made light of laws" (OR, 90). Being a sentiment and *eo ipso* boundless, pity does not admit of any limitations; it can only amplify the violence and terror initially springing from the passion of compassion.

Gershom Scholem, in a letter to Arendt addressing the controversy over her Eichmann book, charges her with a lack of "Ahabeth Israel," that is to

say, with a failure "to love the Jewish people." In view of the immediately preceding, Arendt's response is no surprise. "I have never in my life," she writes back, "'loved' any people or collective. I indeed love only my friends and the only kind of love I know of and believe in is the love of persons" (NA, 73). The advocacy of a love displayed in public and taking, as it were, a whole people as its object, amounts to a category mistake. Convinced that history is on her side, Arendt reminds Scholem of the section in *On Revolution* just dealt with, pointing to the "disastrous results" that accrue "when emotions are displayed in public and become a factor in political affairs" (NA, 74).

In all of this, Arendt's closeness to Kant is unmistakable. Kant excludes love from the moral, and sympathy is denied a moral status exactly on account of its being lovable and rooted in love. Kant's point is that we do not love the moral law, we respect it. In his *Critique of Judgment* (see esp. §§ 29, 67), love corresponds to the beautiful, respect, to the sublime (*das Erhabene*). Respect is a formal principle, whereas love is a substantive one. We respect people on account of their (formal) humanity, whereas we love them on account of their particular (substantive) qualities that endear them to us. In Kant, formal equality is rooted in formal respect, and both converge in the exercise of the formal right of autonomous judgment. All subjects are accorded this right as a matter of respect, and in this consists their formal equality.²³

As Ronald Beiner has observed, the principal lesson to be drawn from Arendt on this issue is identical to that found in Kant: love belongs outside politics and ethics because it *impairs* judgment, and, according to this reasoning, what holds for love in this respect *holds for all other emotions too*. Hence, it is of the utmost importance that emotions en bloc be kept out of the exercise of judgment, inasmuch as their partaking in judgment inevitably and necessarily helps undermine it. In an often-quoted passage describing the "representative thinking" at work in political judgment, Arendt tells us that the process of making present to my mind the standpoints of those who are absent is "a question neither of empathy, as though I tried to be or to feel like somebody else, nor of counting noses and joining a majority, but of being and thinking in my own identity where actually I am not" (BPF, 241). Now, what Arendt says about the (possible) role of empathy in political judgment here is entirely representative of what she *in general* holds about the role of emotions in judgment—be it aesthetic, political, or moral judgment. Common to all these kinds of judgment is that judgment is and must remain *disinterested* and *impartial*, and it is precisely these features of disinterestedness

and impartiality that would be seriously endangered were emotions to enter into its exercise. That, in broad terms, is Arendt's position.

What this position implies, to begin with, is that Arendt grants the dualism of "reason" and "passions" of which Rousseau spoke. Arendt's quarrel with Rousseau does not concern the dualism as such; this remains unchallenged in her argument. Rather, Rousseau favors one side of the dualism, that is, passions, whereas Arendt favors the other, that is, reason. Moreover, Arendt not only fails to call into question the tacitly presumed validity of the dualism, she also fails to subject to scrutiny the alleged "selflessness" of feelings and sentiments alike. Empathy is defined as the individual's attempt "to be or feel like somebody else." As in the critique of Rousseau, the essence of the feeling or sentiment in question is an assumed "giving oneself up," that is, *abandoning oneself* in the sense of turning self-less. But is not such a conception of empathy inadmissibly narrow? Stronger still, is it not downright erroneous? In my view, Arendt heaps empathy together with the notoriously opaque notion of *Sichhineinversetzen* (placing oneself inside) encountered in the hermeneutics of the early Dilthey.²⁴ There, to be sure, the feeling-with-the-other is attained only at the price of abandoning oneself and one's specific identity. In this model, then, what is demanded is that I give up my own standpoint in order to gain access to that of the other. Indeed, Dilthey's entire theory of *Fremdverstehen* rests on the idea that the one who seeks to understand others has to renounce his or her own standpoint if he or she is to succeed, so that the more I suspend my own identity the more likely it is that my recognition of the identity of the other will be a genuine and unbiased one.

Against this conventional understanding of empathy—which is largely implicit in Arendt but which I nevertheless, on the face of her dismissive definition in the passage quoted, suspect her of subscribing to—I argue in later sections that emotions do occupy a systematic place in the exercise of judgment. In particular, empathy is to be acknowledged as an emotional faculty in its own right. The very essence of empathy lies in one subject's retaining instead of abandoning his or her own standpoint and identity in the course of his or her endeavour to recognize the other *as other*—as different, not the same—by virtue of a feeling-with. Empathy entails a *Sichmitbringen*, not a *Sichaufgeben*; that is, empathy entails that I maintain my identity, not that I abandon it. The emotional "projection" (I hesitate to use the term) of myself into the place of the other leaves intact the space between myself as one and the other as other.

The conception of empathy suggested here connects with what I said

above about moral judgment, namely, that moral judgment has to do with the meeting of particulars. Judgment, I wrote, comes about when the person who judges frankly confronts his or her own particularity with the particularity of that which is to be judged. Empathy I define as humanity's basic emotional faculty, and as one indispensably at work in an unimpaired exercise of moral judgment. Being essentially a *Sichmitbringen* as opposed to a *Sichaufgeben*, empathy preserves the "meeting of particulars" I earlier spoke of as the very kernel of moral judgment. In preserving this kernel, empathy leaves intact the distinctness and unique identity of the person who empathizes as well as that of his or her addressee. Having stated this, I hasten to add that empathy *maintains* distinctness; it does not *absolutize* it, nor does it *suspend* it. The phenomenon of empathy arises because your pain is yours and not mine, because we are different individual human beings; the call for empathy can be met because we are all human beings, principally sharing the same access to the experience of pain. Max Scheler wanted to make the same point when he wrote that "sympathy does not proclaim the essential identity of persons . . . but actually presupposes a pure essential *difference* between them."²⁵ Eichmann's principal failure was the failure to recognize the Jews as distinct human beings, as unique individuals. Because he perceived the Jews as *Sachen*, and thus not as bearers of distinctness and particularity, the very starting point for empathy was undermined. But this is not all. The case of Eichmann transcends the issue of empathy; it forces us to consider the paramount question of the connection between *dehumanization* and *moral neutralization*.

But Arendt remains a Kantian not only in denying emotions in general and empathy in particular a systematic place in ethics. She takes herself to have "discovered" the "secret" political philosophy of Kant in his third *Critique*. Her thesis is that the specific type of judgment we exercise about political affairs is in fact captured in Kant's notion of "reflective judgment." What precisely is it that justifies this assimilation of the political to the aesthetic? Prima facie, it seems that Arendt is led to her thesis on purely conceptual grounds. Arendt, that is, conceives of politics as "worldly," as a phenomenon of the "common world" and the public sphere. It follows that in politics we are concerned with judgment of appearances (*Erscheinungen*), of what appears and is displayed for all to see and comment on in the public world (*Öffentlichkeit*). And this very feature—appearing in a public world—is what Arendt holds politics and aesthetics to have in common. Publicity is constitutive of art and politics per se, and thus not simply a condition for their being intersubjectively shared and assessed. Therefore, by pressing people against one another

and destroying the space between them, totalitarian ideologies undermine the most crucial prerequisite of art and politics alike: their appearing *in* a public space and *to* a public, a plurality of people (see OT, 466). Yet what is it that is said to "appear" here? Arendt answers, particulars. So in judging aesthetics and politics alike, the judgment is of appearances and hence of particulars. Indeed, it is so in the strong sense of appreciating the particular *qua* particular, that is, without subsuming it under a pregiven universal or concept or law. For this reason, aesthetic and political phenomena alike call for the exercise of "reflective" as distinguished from "determinate" judgment, and Arendt's turning to Kant here is largely prompted by his development of the former type of judgment (see esp. CJ, B XXV).

In order now to test the cogency of Arendt's thesis, let me recall how the issue arose. Toward the end of her postscript to *Eichmann in Jerusalem*, Arendt observes that "there remains, however, one fundamental problem . . . touching upon the central moral questions of all time, namely upon the nature and function of human judgment. What we have demanded in these trials . . . is that human beings be capable of telling right from wrong." She goes on to describe these individuals as having to "decide each instance as it arose, because no rules existed for the unprecedented" (EJ, 294, 295). There existing, in other words, no general rules to be abided by, what is demanded here is reflective judgment. Now, consider how "human judgment" is described in the passage: it is the ability to "tell right from wrong." This ability, as I see it, is not what human judgment or judgment in general amounts to; rather, telling right from wrong is what *moral* judgment is concerned with. However, in her *Lectures*, Arendt says of Kant that "he withdrew moral propositions from the new faculty [i. e., judgment]; . . . the moral question of right and wrong is to be decided neither by taste nor judgment but by reason alone" (LM, 2:255). In confirmation of this view, Arendt repeatedly insists that "judgment is not practical reason" and that "judgments . . . are not cognitions" (LK, 15, 77).

What seems evident from the quotations given is that Arendt's position on judgment is ambiguous. At this juncture, the uneasiness left by her various statements cannot be overcome by invoking temporality; here, it is of no avail to try to distinguish between the past-oriented judgment of the spectator and the future-oriented judgment of the actor. Rather, this time the problem concerns the relation between judgment and knowledge. Reflecting on Eichmann, Arendt depicts judgment as the ability to "tell right from wrong." Writing on Kant, she contends that "the moral question of right and wrong" is to be decided *not* by judgment but "by reason alone." But

Arendt cannot have it both ways. She cannot argue that judgment is about telling right from wrong *and* that the moral question of right and wrong is decided not by judgment but by reason alone.

If there were any way of resolving this contradiction, it might look as follows. Whereas Arendt's reflections on Eichmann helped her *pose* the question of judgment, her reflections on Kant, put to paper a good decade later, provided her with a philosophical framework in which to pursue the question in a more systematic manner, so that the latter reflections are the ones offering an "answer"—or rather the closest she ever came to one. If this reading is granted, then Arendt came to answer the question of judgment in terms different from those in which she first framed it. Hence, once she turned to Kant, his position became her own—namely, that the moral question of right and wrong is settled by reason and not by judgment, because judgments are not cognitions and therefore give us no knowledge of right and wrong.

The upshot is that Arendt's (characteristically unsystematic) refusal to bring moral judgment within the ambit of rational discourse proper entails her denying moral judgment a cognitive status. Drawing her very own lesson from the late appropriation of Kant's third *Critique*, she ends up barring knowledge from practical or moral judgment. The latter, inasmuch as it deals with praxis, deals with publicly voiced and debated opinions, beliefs, and convictions for which, Arendt holds, no truth claim can be made. Through its link to praxis, moral judgment is passed with respect to matters of *doxa*, whereas knowledge, by contrast, is linked to *theōria* and thus allows for the validity claim of *epistēmē* proper. To Arendt, "truth" equals *alētheia*; it has to do with what is universal and necessary as opposed to what is particular and contingent. Its philosophical source is not Kant after all but classical Greek epistemology. As Habermas has written, "With [an] outmoded concept of theoretical knowledge that builds upon ultimate evidence, Arendt abstains from conceiving the coming to agreement about political questions as a rational formation of consensus."²⁶ Consequently, Arendt's position leaves her with the problem of why we should be expected to take seriously opinions and judgments that are devoid of claims to truth. I can see no convincing answer to this problem in Arendt's work.

Since I have pursued rather diverse lines of argument in this chapter, it is useful to end by sorting out the issues that carry systematic importance. My primary concern has been with Arendt's reflections on Eichmann. Eichmann was a loyal and conscientious officer; he always saw to it that his conduct

conformed to what his superiors expected from him. However, since in Nazi Germany the canons of legislation were systematically altered so as to render all measures taken against the Jews strictly "legal," the triviality of always examining an order for its manifest legality and hence of ordinary professional loyalty soon became anything but trivial: for all the inconspicuousness of his character, Eichmann made a seminal contribution to mass murder. Struck by Eichmann's dullness, cliché-ridden language, and lack of anything that might resemble spontaneity, Arendt came to assess his failure as a deficient capacity for judgment, ultimately as a manifestation of "thoughtlessness."

I have questioned Arendt's assessment. Why did she assume that Eichmann's failure was on the level of judgment and thinking? Why did she not consider the possibility that the capacity in which Eichmann was lacking was emotional, as opposed to purely cognitive? I have pointed out some imminent reasons for this selectivity in Arendt's work. These reasons mostly pertain to Arendt's attempt to straddle the Kantian and Socratic traditions. By persisting in a "thinking without banisters," Arendt aspired to an independence in her thought, yet her characteristic vacillations and many flagrant contradictions, some of which I find unresolvable, are the high price she paid.

The selectivity of Arendt's cognitivist approach to the challenge Eichmann poses to moral theory in general and to moral judgment in particular has inspired me to launch my own alternative account. I raise the hypothesis Arendt neglected: that Eichmann's original failure was of an emotional kind. Investigating this hypothesis has led me to propose a distinction between three levels of moral performance: perception, judgment, and action. In this sequence, the serial order of priority is fixed: lest action be indistinguishable from behavior devoid of intentionality, it rests on judgment, lest judgment be blind or uninformed, it rests on perception. Perception "gives" judgment its object. This implies that the initial access to the domain of moral phenomena, of entities requiring *moral* judgment, is located not on the level of judgment but on that of perception. In short, perception precedes and facilitates judgment. When we inquire into the prerequisites of perception—Arendt never did—we must distinguish between the contribution made by the cognitive and that made by the emotional faculty. A consequence of this conception is that an impairment, or a more or less selective or limited blocking, of one faculty constitutes a sufficient condition for the failure to accomplish an act of moral perception, and failing on this level, which in my scheme is logically the first one in a three-part sequence, is a fortiori a

sufficient condition for a (subsequent) failure on the level of judgment. Also, a failure on the level of perception tends to be less conspicuous, less notable and discernible, than a failure on the level of judgment. Acts of judgment are more overt, more manifest and visible, than the acts of perception that precede them and constitute their *sine qua non*. Moreover, acts of judgment are what we encounter, what we discuss, what we defend or reject in our (verbalized) goings-on with other moral agents. By contrast, acts of perception do not from the outset possess eminent articulability; they are only indirectly open to intersubjective illumination and discussion. This is so because it is only when we dwell on a manifest act of judgment and ask, How did it come about? What made the person judge in this particular way? that we can embark on a separate analysis of perception viewed as the level logically prior to judgment. I assume that this lack of direct manifestness and, in this sense, of visibility may account for Arendt's preoccupation with judgment at the expense of perception. Later chapters show just how typical this is.

The task in the chapters that follow is to substantiate my notion of moral performance. Arendt has given me the chance to put forward a most tentative and preliminary formulation of my position; herein lies the constructive upshot of my disagreement with Arendt over Eichmann.

There is a sense, unnoted above, in which Arendt's reply to Scholem's charge that she failed to "love the Jewish people" carries systematic importance too. Arendt holds that to fail here is to make no mistake at all—at least not philosophically. Her argument is that (to her) love is and must remain restricted to the love of single persons, of individuals known within an intimate setting. It therefore amounts to a category mistake to advocate public display of love for a collective, for example, the Jewish people. I agree with Arendt's argument—with the qualification, however, that it is taken to apply to love, to the specific feeling for particular others we experience as love. Hence, I agree with Arendt that, lest love be misconstrued, love can be neither public nor directed to a collective; love thus understood is therefore correctly seen as excluded from the realm of political affairs and political discourse.

Yet Arendt must be careful not to commit her own sort of category mistake. There are two distinct levels involved here, they must be kept apart, or else the one may be conflated with the other. The category mistake I have in mind consists in inferring from the specificity and exclusivity of, for example, love qua feeling that humanity's emotional capacities per se must be barred from entering the business of moral performance in general and

moral judgment in particular. This would be to infer from the level of manifest, particular feelings to the level of humanity's underlying constitutive capacity for developing the entire series of possible emotional relations with others. In other words, the inference would entail that since a particular feeling such as love—or compassion or pity, to say nothing about hate or wickedness—can be convincingly shown sometimes to mislead one's moral judgment, it has a fortiori been proved that the emotional faculty in humanity that gives rise to this host of particular feelings must be kept at arm's length from moral performance.

Arendt proves nothing of the sort. To validate the inference just sketched would take an argument of a type she nowhere offers. The main reason she gives no elaborate argument to this effect is that to do so would presuppose drawing a systematic distinction between the levels involved—but typically not acknowledged—in the inference: the level of manifest, particular feelings and the level of humanity's capacity for relating to others through emotion, through having the ability to feel. It is precisely this type of distinction Arendt fails to make, hence also to observe, in her quarrel with Scholem over love. She therefore, erroneously, held the (correctly judged) exclusiveness of love—that is, of this particular feeling—to prove that the qualities of people that make them into emotional beings must be excluded from the moral domain lest sheer terror or irrationality ensue and the moral domain be fundamentally jeopardized. In Arendt's case, the more immanent reason for her neglect to distinguish between the two levels has to do with the admittedly arguable fact that the Socratic and the Kantian traditions of moral thought from which she drew inspiration both share a priority of humanity's cognitive faculty over its emotional one—not in all matters, of course, but surely as far as the view of moral performance is concerned, and this suffices for my present point.

So it is that Arendt fails to separate the phenomenology of overt feelings such as love and compassion from the constitutive faculty in humanity from which they arise and by virtue of which their development and manifestation are made possible. It may be recalled that a similar failure to distinguish levels undermines MacIntyre's philosophically shallow "refutation" of emotivism. The difference between a level of manifestation and a level of constitution is elaborated below. Thus, in Chapter 3 I turn to a critique of Max Scheler that seeks to clarify the systematic relations among love, sympathy, and empathy; in Chapter 4 I examine the category of perception; and in Chapter 5 I discuss how the "dark side" of emotion, that is, a feeling such as hate, may endanger moral performance and even lead to downright immoral

conduct—at least if allowed to have the last word. Only if we make sure to observe the difference between the levels involved here will we avoid throwing the baby out with the bathwater. If the host of possible particular feelings or emotional attitudes toward others is not kept conceptually apart from humanity's basic emotional faculty, that of empathy, the point about the genuinely moral significance of "our being emotional beings too" will be missed. In particular, I seek to demonstrate the error in all attempts to pick some particular manifest feeling—be it (positively) love, be it (negatively) hate—in order to conclude from its apparent contingency/subjectivity/irrationality that humanity's emotional abilities per se are "thus" proved to be alien to the business of moral perception and judgment. Though invariably unable to acknowledge it, such attempts jump from one level to the other, from manifestation to constitution. In a word, what I set out to show is that the inference to which they are committed is a non sequitur.

To sum up, Arendt is preoccupied with—and often offers brilliant insights into—humanity's cognitive and intellectual capacities; nowhere does she subject humanity's specific emotional faculty to proper philosophical inquiry; more to the point, she has no concept of such a faculty at her disposal. This makes it all the more important that we liberate our thinking about morality from the cognitivist framework Arendt, from beginning to end, remained a captive of—despite her sought-for independence and break with tradition.