

IN SENSIBLE JUDGEMENT

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Only in being pleased at what is done can I judge it as right. Kant is correct, nevertheless, that my motive is not the object of my judgment's concern. In working to make a good judgment, it is not pleasure but the right result that one seeks. In taking the jury's decision to be right, one is pleased at it—one takes pleasure in it. At the same time, it would shift attention from judgment's proper object to find the point of the justice of the decision in one's having been pleased.

For Arendt, in matters of right and wrong, judgement is always required. For Kant, in contrast, judgement has no place in determining moral principle, which is to be the province of pure (practical) reason. It is precisely because he fears that judgement, as such, involves the subjectivity of feeling that he appeals to pure reason in determining the foundations of “practical” reason. In contrast, it is evident to Arendt that judgement is involved at all levels in determining what is right. She reverses Kant's reasoning. We are involved not only in the necessities of logic but also the hazards of judgement when we declare what is right or wrong. We must therefore accept, even as we critically examine, the role of taste in our determination of an action as right or wrong. In supporting Arendt in this respect, part of our project, then, is to restore a sense of gravity to taste and feeling.

Judgement of Our Pleasures

Arendt concludes *Willing*, the second book of her intended trilogy, *Thinking, Willing, Judging*, with this highly charged paragraph:

I am quite aware that the argument [that freedom as the capacity for beginning is rooted in natality] is somehow opaque, that it seems to tell us no more than that we are doomed to be free by virtue of being born, no matter whether we like freedom or abhor its arbitrariness, are “pleased” with it or prefer to escape its awesome responsibility by electing some form of fatalism. This impasse, if such it is, cannot be opened or solved except by an ap-

peal to another mental faculty, no less mysterious than the faculty of beginning, the faculty of Judgment, an analysis of which at least may tell us what is involved in our pleasures and displeasures.¹

In effect, this is a preface to the book on judging that she was commencing when she died. Her study of thinking had demonstrated not only the importance of thinking's fragile power but also the status of willing as autonomous and equal with that of thinking. Arendt's study of willing had led her to use natality rather than the traditional "indetermination of the will" as her model for freedom. She confesses, however, to not yet having succeeded in describing and explaining how these powers—to think and to will—can be understood as mutually interdependent. In calling upon a study of judgement as a way out of the quandary, it was in judgement's thoughtful and willing dimensions of being pleased and displeased that she hoped to find the answer.

In the first two volumes of *The Life of the Mind*,² she demonstrated the importance of judgement as autonomous though integrated within thinking and willing. She wrote of its vital role in resolving the stand-off between the conflicting demands that the need to think and the need to act lay upon us. She expressed dissatisfaction with her account of the will, and its relation to thinking and to judgement. Her remark that to analyse judgement "may at least tell us what is involved in our pleasures and displeasures" is an obvious reference to Kant's account of aesthetic judgement as having its "first moment" in a particular pleasure we take in appearance. What range of judgements is Arendt thinking of here? Will analysis of our judgements of right and wrong, or of legal decisions, similarly "tell us what is involved in or pleasures and displeasures"? For Arendt, in matters of right and wrong, judgement is always required. For Kant, in contrast, judgement has no place in determining moral principle, which is to be the province of pure (practical) reason. It is precisely because he fears that judgement, as such, involves the subjectivity of feeling that he appeals to pure reason in determining the foundations of

¹ Hannah Arendt, *The Life of the Mind*, vol. II (New York: Harcourt, 1971), 217.

²A response to that aspect of her work is to be found in my *Judgment After Arendt* (Aldershot, England: Ashgate, 2007).

“practical” reason.³ In contrast, it is evident to Arendt that judgement *is* involved at all levels in determining what is right. She reverses Kant’s reasoning. We are involved not only in the necessities of logic but also the hazards of judgement when we declare what is right or wrong. We must therefore accept, even as we critically examine, the role of taste in our determination of an action as right or wrong. In supporting Arendt in this respect, part of our project, then, is to restore a sense of gravity to taste and feeling. We would reply to Kant thus: You have demonstrated in your final work how a judgement that originates in pleasure is well grounded and universalist in its reach. Now we can reassess your old insistence that our determination of what is right—universalist in its reach—can rest on pure reason alone.

Pleasure in Judgement

Aesthetic Judgement⁴

Regarding what is beautiful⁵, the “first moment” of judgement⁶ is the pleasure that we take in the power of what we judge to animate our sense of our capacities for imagination and understanding.⁷ Pleasure as *being pleased at* is the “first moment” of aesthetic response that, in the right conditions, is the aesthetic judgement of something as beautiful. So we need a nuanced approach to this “first moment.” The *being pleased of*

³ In contemporary language, we would contrast “pure” with “practical,” but Kant’s “practical” has to do with the *legitimacy* of what we do. His “pure reason” would limit practice within the bounds of right and wrong.

⁴ What I write about judgement is heavily indebted to Kant’s *Critique of Judgment* and Arendt’s *Lectures on Kant’s Political Philosophy*. Still, I draw upon them as I need, rather than devote myself to their interpretation.

⁵ I shall tend to compress “beautiful or ugly” to “beautiful,” “good or bad” to “good,” and so on. As “beautiful,” “good” and “right” relate to their various forms of *pleasure*, so their opposites relate to their *displeasures*.

⁶ See *Critique of Judgment*, Part I, Division 1, Book I, §1–9. (Hereafter referred to as CJ)

⁷ In later sections, Kant characterises the kind of pleasure we take in what we find beautiful: “The very consciousness of a formal purposiveness in the play of the subject’s cognitive powers...is that pleasure [we take in an aesthetic judgement].” (CJ, §12)

aesthetic judgement need not coincide with the first time of one's experience of the object. Nevertheless, when the beauty of an object or the rightness of an action strikes you, you experience the object or action as unprecedented.⁸ Both moments are vital—that of the reanimation of one's sensibility and cognitive powers, and of the realisation that precedents and comparisons have been there in the wings all along. We must take particular care about how we place the undeniable effect of prior information and prejudice on one's *pleased* reception of an object (“beautiful”) or an action (“right”). In being informed that a painting I own is now fashionable and worth a lot at auction, I may be more pleased in seeing it there on my wall. But this is a different object of pleasure. I am now also pleased *at owning a valuable thing*. In contrast, the *being pleased* that is my aesthetic judgement of the painting is pleasure *at the power of the thing to reanimate my sensibility and sense of my cognitive powers*. I can like things in different ways, and for different reasons. These origins of different pleasures are empirical. They are not the pure and transparent ones that Derrida exposes as mythical. This *being pleased at* is ab-original judgement all the same—judgement as from its origins in the object we judge. Ensuing work on that response modifies, defines, explains and attempts to justify it. What we had first felt, we now pronounce in the form of a judgement that has the form and intention of being valid for all beings capable of aesthetic response and mental powers. To say that it is “valid” for others is to say that they are to be expected to find a delight in the way that thing arouses their own sense of their powers of knowing and understanding. The expectation of a more general validity is thus, at the same time, the happy acceptance of the object as taken in by means of one's cultural skills and experience. Though something is beautiful, one may have to learn to appreciate it before it arouses that particular pleasure we call aesthetic. At the same time, since the object, as beautiful, quickens one's sense of one's “cognitive” powers, it will be typical of a beautiful thing (as being more than only

⁸ Elaine Scarry describes this in *On Beauty and Being Just*: “The beautiful thing seems—is—unprecedented; and that...conveys a sense of the...‘newbornness’ of the entire world.... [Then] Odysseus startles us by actually searching for and finding a precedent.” Scarry, *On Beauty and Being Just* (Princeton: Princeton University Press, 1999), 22-23.

“agreeable”) that it will unsettle, challenge, or reanimate established ways of perceiving and appraising what we sense.

Hence, we do not arrive at a cultural “relativism” that would place aesthetic “validity” as “true for that culture,” specifically. Nor does the existence of a cultural reception that ensures that the thing will be liked within that culture, entail that it is judged *beautiful* within that culture. It may be thought no more than *agreeable*. So our acceptance of aesthetic judgement as involving a particular kind of pleasure in its object is finely balanced. The balance is fine even though heavy weights hang on each side of the fulcrum. On the one side is the moment of pleasure in the object’s power to animate one’s sensory and intellectual being. Without a counterbalance, this moment of pleasure will not amount to an origin of genuine aesthetic *judgement*. And yet, to lose the significance of that moment (perhaps in unease at its momentarily pure “subjectivity”) is to have taken the route that will divert us from this sensibility to beauty, and take us into the territory of connoisseurship and academicism.⁹

On the other side of the fulcrum is the weight of learning, comparative experience and skill at recognition. This “cognitive” mass is of considerable moment to counterbalance aesthetic pleasure so that, securely, we can oscillate first toward pleasure itself and then back into the cognitive region of explanation, history and aesthetic analysis. Thus our originary susceptibility to pleasure is balanced against the weight of that pleasure as disinterested and informed, and is thereby open to the judgements of others that may conflict with our own.

Furthermore, to say that this aesthetic response of being pleased is the first moment of an aesthetic judgement is to say at least that it is the onset of a determination to take account of and to resolve the various different, conflicting and incommensurable elements in the object that give us that first moment of peculiarly aesthetic pleasure. As a judgement in the strict sense of the word, this response is the extension of one’s first being pleased. It is an extension of that pleasure into a measured taking

⁹ Kant is at his brilliant best in distinguishing the forms of “aestheticism” from that openness to the unexpected and previously unconceptualised that marks the love of what is beautiful.

of pleasure in the object.¹⁰ A judgement is the successful culmination of the process set in train by the determination to come to a resolution of the elements of that in which we took our aesthetic pleasure.

Judging What Is Right

Suppose that in judging right and wrong, also, it is our pleasures and displeasures that provide our capital—the principal for our investment in principle.¹¹ Suppose that, like aesthetic judgements, those concerning right and wrong arise within our reasonably informed sensibility—in a certain taste. If judgements of right and wrong arise from our sensibility, then, like aesthetic judgments, their first moment is one of pleasure—of our being pleased at the very idea or fact of an action. Someone may object that this “first moment” is never innocent, inexperienced or free from prejudice. One person will be pleased to observe how a woman has taken her own initiative and is ready to terminate her pregnancy. They may be pleased at the very fact of such an action in itself. They judge it right. Someone else will be horrified, displeased in their “first moment” of comprehension of the act she intends. Believing, already, that she is the creature of a Being that forbids the termination of a pregnancy, they will be displeased with her *at having disobeyed her creator*. They will judge what she intends.

A Kantian view of judgement involves a “first moment” of pleasure or displeasure—but ready to respond to public critique and to call upon communicable reasons. This view does not require of that “first moment” some pure innocence or initial freedom from all complicating opinion or prejudice. As *judgement*, that moment of being pleased or displeased is

¹⁰ I follow Kant in distinguishing extraneous pleasures derived from the existence or possession of an object (“mere agreeableness”) from the pleasure peculiar to a judgement of beauty.

¹¹ I say “right and wrong” rather than “moral and immoral” or “ethical and unethical.” Morality is tied to mores, and what is enjoined by adhering to mores is itself something to be judged as right or wrong. “Ethics” is tied to “ethical principles,” and while these are important as the road-rules for particular sections of society (“business ethics,” “academic ethics,” etc.), such an ethics (or part of it) may not be right. Judgement is involved at both levels. We ask, “Is it right to say that this action contravenes those mores, or ethics?” And we ask, “Is it right to adhere to those mores, those ethics?”

open at the outset to critique and the need for grounds of one's feeling. Also, an account of judgement can give at best a hint of what comprises *good* judgement. Insistence on one's being *pleased* in judging something as right keeps judgement immediately in contact with what one judges. The alternative (as Kant argues in the aesthetic case) is to lose one's autonomous judgement in favour of conformity with established opinion. The other point, also made very clear from the outset in Kant's analysis of aesthetic judgement, is that we must be precise about what it is that we judge. Consider a judgement of an act as wrong, then. If someone's displeasure at a woman's intended termination of her pregnancy is at *her not obeying the edict of her creator*, then *obeying one's creator* is the immediate object of judgement. It is quite consistent for that same critic to be pleased with the woman's power to take initiative—to take charge of what is to happen to her. That it happens to be disapproved of by her creator is really an extraneous fact about that decision, then. (The critic will then be in a dilemma about what she should do.) The example shows how, far from severing judgement from its grounds in fact and consistency, the emphasis on what immediately pleases us in the action itself opens up judgement to criticism. There is no short way with the issue. One is led into various arguments. Can an action be right simply by *obeying an edict*? We ask someone whether *being in conformity with a creator's edict* is *all* that pleases them about what they judge as right. We argue that one must judge the creator. Otherwise, obedience may lead us into monstrous action. In short, judgement as *being pleased* is not *reducible* to being pleased. Rather, *being pleased* is raised to *being judgement*.

To identify is not to reduce.¹²

We do not forget that when Kant dared to say that aesthetic judgement had its first moment in being pleased, he was quick to point out that a

¹² The confusion of identification with reduction has dogged other areas of philosophy. (Speculatively) to identify a process of thinking as a brain process is not to reduce thinking to electro-chemical patterns of activity. The identification actually elevates the status of those patterns to that of thinking. Any pattern of brain processes that would be correctly identified as a process of thought must, for instance, be something capable of dealing with what is absent or non-existent, and able freely to move between its objects as past, present or future.

judgement is more than the registration of a pleasant sensation. Furthermore, he observed that to judge something as beautiful is to go beyond a report that one gains pleasure from sensing it. Simply to find something agreeable is not yet to judge that it is beautiful. Accordingly, if judging as right also includes its moment of pleasure in the action (or character) we judge, that judgement does not collapse into finding that action (or character) to be only *agreeable*.

It is morally as well as logically risky to categorise the judgement of an action as right as the taking of a certain kind of pleasure in a certain kind of fact about that action. We can be encouraged in the project, however, when we see what risks of excessive “subjectivity” had to be negotiated when pleasure was placed at the heart of aesthetic judgement. We have observed that the full-hearted and clear-minded acceptance of aesthetic judgement as a particular kind of pleasure in its object—considered with appropriately disinterested interest—was finely balanced. On the one side was the moment of pleasure in the animation of one’s sensory and intellectual being. Without a counterbalance, however, this moment of pleasure would not have amounted to aesthetic *judgement*. At the same time, one must preserve the significance of that moment. To lose it in our unease at its momentarily pure “subjectivity” would divert us from sensibility and dump us in the different territory of expertise. On the other side of the poised balance were considerations weighty enough to keep the “first moment” of aesthetic pleasure in equilibrium. With that achieved, our thought about aesthetic judgement can permit a safe and steady oscillation around a secure pivot point. The balance can now swing first toward pure pleasure and then into the region of learning—of history, technique and artistic intention.

In the case of aesthetics, whose form of judgement *is* one’s being pleased at the very appearance of what we judge, it is a disinterested pleasure that we take, nevertheless. Our pleasure is other than that of owning the thing, or gaining social status from it, or flattering ourselves on our good taste in appreciating it. This is to say that our interest is in the thing itself.¹³ It is a quite particular delight that we take in sensing something that founds the judgement of its beauty. It is a delight in the

¹³ Kant says that in appreciating beauty, we must be without “interest.” We can understand this as similar to the requirement imposed upon a judge or jury to have no “interest” in the outcome of a trial.

appearance of the thing itself. In brief, the delight that founds a judgement of beauty is our pleasure in the object's power to reanimate the sense of our capacities to understand and to imagine. It is this animation of the sense of those powers that makes it seem that an aesthetic response is a kind of discovery of something new about the world.¹⁴

To lay a Kantian template for aesthetic judgement onto the array of judgements of what is *right* is to flout Kant's own account of the difference between judgements of what is right and judgements of what is beautiful. Kant said that declarations of the basic principles of what is right are not *judgements*. Judgements involve *taste*, and taste involves (enlightened and critical) pleasure and displeasure. So, Kant holds that declarations of what is right are not *judgements* in this true sense. They are universal categorical imperatives whose necessity is apprehended by pure reason—imperatives whose content is such that to ignore the imperative is to flout reason. Our experiment is precisely to resist Kant's insistence on this difference between *judging-as-right*, and *judging-as-beautiful*. The difference between these kinds of judgement will remain strong and irreducible, nonetheless. What pleases us in beauty is not the same as what pleases us in what is right. And the nature of the pleasure is not the same, either. Where aesthetic pleasure is our delight in the power of an object to stir our sense of our powers of knowing and understanding, *just* pleasure—happiness that we are worthy to own—is our satisfaction in perceiving or knowing that an action or situation is precisely as it is.¹⁵

We shall not depart so far from Kant as to say, with Keats, that beauty is truth, and truth beauty. Rather, our speculation is this: a judge-

¹⁴ Some critics misread Kant as saying that that to which we should attend is our *pleasure* when judging something as beautiful: "What is relevant...initially concerns only how the object's appearance makes us feel." See Robert Wicks, *Kant on Judgment* (London and New York: Routledge, 2007, 19. But it is in our pleasurable close perception of an object that we attend to *it* as beautiful. The pleasure is one's mode of apprehension of it, rather than the object of our attention. Wicks himself proceeds to quote Kant: "We can aesthetically judge *the formal configuration* of either sort of presentation in a judgment of pure beauty." The configuration is of the object, not of our feelings about it.

¹⁵ We can deal, in a fashion parallel to Kant's discussion of non-aesthetic pleasure, with the objections that one may be pleased or displeased at an action or situation for reasons other than those that that make it right or wrong.

ment of what is right (like a judgement of what is beautiful) is founded in its own particular kind of pleasure. The difference between aesthetic and other judgements is to be found in their differing kinds of pleasure. These differences are themselves derived from the differing interests we have in something when we consider it as beautiful rather than right. Our speculation that one can thus differentiate judgements-as-right from judgements-as-beautiful is tested by articulating the objects and pleasures of these differing judgements. This involves, first, that we consider the business of *being-pleased-by* that lies at the centre of *forming a judgement*.

Being Pleased: (i) A Mode of Discovery and an Object of Enquiry

We judge something as beautiful in that it pleases us by stimulating our powers of imagination and understanding, thus enlivening our sense of the power to gain knowledge. If we seek what is beautiful, though, it is not as “giving us (such) pleasure” but as “having the complexity and integrity on the basis of which we take such pleasure.” If we were to propose a similar account in relation to right (and wrong), we would say that we judge an action as right in that it pleases us in itself, simply in being done.¹⁶ At the same time, this syntax of what is right requires us to predicate as right not the pleasure, but rather the action or principle *in which* we take pleasure. It is not *as* pleasing us, but *as* having those characteristics that please us, that we judge an action as right.¹⁷ Evidently, action is appropriate to judgement of what lies within one’s power to choose, modify, support or oppose. In much the same spirit, we also find ourselves judging as right or wrong how things stand. Someone for whom we care discovers they have untreatable cancer, and not only do we feel with them, feel for them and grieve at their loss of expectation of

¹⁶ We may not be pleased by the implications of what we judge to be right. We may be displeased about what it may cost us to follow what we judge to be right. But we are pleased that what we judge to be right should be the case, and if we are prepared to act in accordance with what is right then we are prepared to bear with the incidental costs. Certainly, it may be judgement that is involved when we decide not to pursue what we judge to be right. We may judge that it is imprudent to follow the course of action that that would involve.

¹⁷ This is not to deny that pleasure is intrinsic to the judgement’s being made, autonomously.

life: we say “It’s just not right.” We judge that things ought not to be that way. If we believed in a Being that sent such trials or that could prevent such a disaster, we would have to judge that Being as acting wrongly. But while having no opinion about whether any Being is responsible for the onset of cancer, still we judge that it is not right for such a thing to have happened—that someone we know should have been struck down in the midst of life. A state of nature, in itself, can flout our sense of what is right. The sense that the situation ought to be changed is then an impulse toward fundamental medical research that will shift our framework of what lies within our power.

At the original moment of our judgement of what is beautiful is that arousal of pleasure at the mental and emotional enlivenment that the beautiful object has the power to produce. It is on that basis, fixed firm, that we can refine a philosophy of aesthetic judgement. Still, in the account that makes pleasure integral to a judgement being made, it is the painting, the poem, the building, or the flowering gum tree—the object of aesthetic judgement—that is properly declared as beautiful. This pleasure that is integral to aesthetic judgement is not the *reason* for the judgement, any more than being pleased that an action was or is to be taken is the *reason* for a judgement of what is right or wrong. The reasons or grounds for judgement are what, more or less successfully, we attempt to state. In the case of beauty, as with any other judgement, those reasons consist not in what we say, but in what is said to be. The reasons or grounds are what it is about the beautiful object that excites the imagination and stirs the sense of one’s powers of knowledge and understanding. It is precisely because the (aesthetic) judgement coexists with the moment *of* pleasure we gain from the appearance of the object that we turn to something other than that moment of pleasure when looking for the grounds of judgement.

So, in dealing with judgements of what is right, we maintain a clear distinction between the original moment of the judgement and the object that occasions it. Also, we distinguish the object that occasions the moment of pleasure from the reasons one can articulate for being moved. Then we couple this distinction with Kant’s appeal to universality—that to declare something beautiful is to require that others should also find it so—or else one must critically examine one’s initial response. So we read Kant’s appeal to universality not as the arrogant demand that if I find something beautiful then everyone else must agree with me. Rather,

the implication of universality is a concession of my vulnerability to objections by others if they find themselves unmoved. If we can remain poised, keeping all of these elements in play, we can accommodate the original moment of pleasure that is the aesthetic response within the structure of a kind of objectivity in judgement. Pleasure in simple sensation is not enough.¹⁸

Being Pleased: (ii) Being Pleased with What We Judge as Right

In considering what it is to judge something as right, we may appeal to the same distinction between being delighted as intrinsic to an aesthetic judgement, and there being grounds for that judgement. We can make the same distinction with respect to judgements about what is right. We need to take account both of feeling (approval, commendation, admiration) and the communicability and attempted universality required of any judgement that goes beyond feeling. As in aesthetic judgement, we are pleased with an action for being the right one and pleased (in that respect) with the person who has done it. Furthermore, as with aesthetic judgement, the pleasure we take in the action's being done is not to be confused with the reasons or grounds for judging it as right. As with a judgement of something as beautiful, a judgement of what is right is grounded not in the fact that it pleases us but in the reasons or grounds for judging it as being right. It is in taking a certain pleasure at what an object provides that we judge it beautiful, but we judge it on the basis of the reasons it pleases us in that specifically aesthetic mode. The fact that it pleases us in that way cannot be internalised to become a reason for itself. It is consistent of Kant to say that the "first moment" of aesthetic judgement consists in a peculiar mode of pleasure, while it is not our pleasures that we cite when defending a judgement of it as beautiful. Our judgemental pleasure in the object is the mode of a particular kind of attention directed to the object. It is only if we confuse the (specifically aesthetic) pleasure that is a mode of judgement with pleasure as an object of judgement that we fear that a judgement's intimate involvement with sensibility makes it "merely subjective."

¹⁸ But Kant comes to recognise that the artful juxtaposition of colour with other features can be essential to the object as beautiful. (CJ, 169 and 192–195).

Suppose it is the case that we judge what is right only in finding a certain kind of pleasure in the doing or observing of certain actions, or in contemplating their principles. And suppose, further, the very reasonable view that an action is right because it best promotes what is good.¹⁹ It might appear, then, that these hypotheses about judgements of what is right may lapse into the outlook classically called “hedonism.” They may seem to resemble the conviction that pleasure is good and that what is good is so only because it is pleasurable.²⁰

According to our hypothesis, the judgement that something is right occurs in the moment of one’s being pleased by the very existence of the object of one’s judgement, just as, in aesthetic judgement, we are pleased by the appearance of something. The “hedonist” view of what is good and right is something quite other than that. The hedonist claim would supply its own quite particular criterion (an implausible one, in the event) of what ought to please us when we come to a sound judgement. It is a substantive judgement of what is good and right, and is thus of a different order from our hypothesis about what is involved in judging something as good and right. The hedonist claim takes the analytical judgement that something is right in being the best means of producing what is good, but couples it with the evaluative judgement that anything is good simply in that it pleases the speaker (egoism) or as it pleases the largest number to the highest degree (utilitarianism). We can disagree with those judgements.

This difference between judgement as one’s being pleased at something and goodness as reducible to something’s being pleasant can be demonstrated by a simple supposition. Suppose that our hypothesis is correct—that just as my aesthetic judgement comprises my taking pleasure in the very appearance of something, my judgement of an action as right comprises my being pleased by the very existence of the action. It

¹⁹ Knowledge is good, as are just laws. A right action promotes what is good, and there is a plurality to this good.

²⁰ Though we deem to be good countless things other than pleasure, this “goodness” might be like the “healthiness” of foods. Aristotle remarks how naturally we transfer terms. It is we who are healthy or unhealthy, but we do not hesitate to transfer the epithet so as to speak of “healthy” food. If pleasure were the only good, it would be in like fashion that we would extend the use of “good” to declare as good all those things that give us pleasure. “But what pleases us may be bad!” Hedonism responds: “It displeases us in other ways.”

does not follow that I judge an action to be right on the grounds of its thus pleasing me. (As we have seen, to say so would be to judge what suits the ego as the criterion of what is right.) Nor does it follow that I judge an action to be right on the grounds of its thus being pleasing to most people. (That would be utilitarianism—judging what suits the majority as the criterion of what is right.) As with aesthetic judgement, we distinguish between what *constitutes* a judgement and what *grounds* it. Aesthetic judgements involve a (measured) pleasure at something's very appearance. At the same time, in making these judgements, we do not base our judgements on pleasure as if that were a criterion. That would make the pleasure intrinsic to judging comprise the ground of its own validity. Whatever we judge, if judgement is being pleased with something in a certain respect, then its grounds are the grounds for our being pleased with it in that respect.

If judgement has the general form of one's taking a certain kind of pleasure in the very fact or existence of what we judge, we can retain the distinctiveness of the various kinds of judgement. We have learned from Kant how, when we judge something aesthetically, we exclude rigorously any aesthetically irrelevant pleasures we may gain from the existence of the object. For instance, he argues decisively that we can distinguish a judgement that something is beautiful from an assessment that it is agreeable, or that we shall gain money or prestige from its existence. Our consideration of the various kinds of judgement will involve nuanced accounts of the kind of pleasure we take in our response to something, the structure of the objects of that pleasure, and of the kind of reasons and grounds that are essential to the taking of pleasure as the incipient forming of a judgement.

With Kant, we shall insist upon the specific form and object of pleasure that is relevant to each kind of judgement, whether of beauty or of what is right, of what lies within the law, and so on. At the same time, we shall emphasise the complex framework of reasons within which pleasure at an action becomes a judgement of that action's being right. There is another kind of objection, however, to the hypothesis that the judgement comprises the (measured) taking of that pleasure. We feel this objection most keenly in relation to what we judge to be right. That such a judgement consists in being pleased at the very fact (or idea) of an action's being done can seem an affront to the sternness of a judgement of what is right. When I judge such a thing, must I not set aside what

pleases me? This sense of “sternness” in such a judgement is most evident when we judge something as wrong. It is displeasure that is the form of the judgement of what is wrong. The judge expresses no softening of his or her attitude of doing justice when they express their judgement as their “intense and deep displeasure” with the conduct of the accused. This displeasure in what is wrong can surely permit a parallel sense of pleasure in what is right.

So, despite the stern constraints of disinterest and of facing unpleasant facts—constraints intrinsic to rigorous judgement—it is for the reasons that Kant sets out in relation to aesthetic judgement that the one who judges is implicated in being pleased (or displeased) that what s/he judges as right should have been done. Without that condition, judgement degenerates into a sham—judgement of something as right would be displaced by an appeal to established moral or legal conventions. (This is the analogue of Kant’s critique of beauty as some perfect adherence to an ideal standard.) That we are pleased by an action in judging it as right is precisely what we experience. There are judgements about matters of such seriousness that the one who judges will brook no thought of a counter-opinion.²¹ Even here, it is in being displeased with what I observe or apprehend as happening that I make my uncompromising judgement of it as wrong. Hence, in sorting out these issues, we had better look further into what attracts and what repels us from the view that to judge something as good is at least to be pleased by its existence, and that to judge an action as right is to be pleased that it produces or fosters what is good. We can then more steadily examine the ways in which a judgement is a complication of this “innocent” pleasure.

It is vital to advance in these stages. Long-standing objections require us to complicate the thought that to judge an action as right is to be pleased at the very idea or fact of its being done. If I am thinking in relation to the various good things that I may foster and produce when acting rightly, I will be ready to judge that it would be wrong to pursue what in itself pleases me, if that would be displeasing to others. This judgement that here it is wrong to please myself operates still at a level of my own pleasure at the existence of the action. If I judge it wrong to injure others by pursuing what pleases me, it displeases me to please my-

²¹ We shall consider the judgements of perpetrators and accomplices in the murder of Jews in the 1930s and 1940s.

self by injuring others. We may find it difficult to accept this line of thought because we fancy that it requires us to submit our judgement to a calculus of pleasures and pains. This is a mistaken apprehension. I might disagree with or have no view on the question of whether I ought to try to maximise the pleasurable well-being of the maximum possible number of people. The utilitarian principle is a specialised criterion for judging what is right. It is no part of an account of what it is to judge what is right. In most situations, I would have every reason to set it aside as an irrelevant criterion, inapplicable and incommensurable with the reasons and grounds for the measured judgement I need to make in my situation.²²

So, without thereby agreeing with a utilitarian calculus of acting rightly, I am pleased that not merely myself, but anyone, should gain what is good—simply because it is good. And if my being pleased with an action is the mainspring of a judgement of what is right, then it takes into account my displeasure in doing what would increase the misery of others.²³ In a particular case, I judge that it is not right to do what, in itself, would please me. It would displease others, or displease me to consider it as part of my own character. If, against these complicating considerations, I were to pursue what otherwise would be pleasant, I would not be able to “take pleasure in my pleasure,” as Irigaray puts it.²⁴ It is in the same way—not forging ahead but stopping to think—that I judge as wrong some activity that I had expected to be pleased to do. It may be that I would have wronged another. It may be that I would wrong myself. Something about the action (or the conditions of getting what I want) may be humiliating. In this or in other more serious ways, I can wrong myself by pursuing what, in itself, would please me. To disregard these considerations is to displease myself in pleasing myself, and to involve myself deliberately in such self-belying action is to relinquish or at least damage my powers of independent thought. Though I harm no one else, I may be unable to “take pleasure in my pleasure” because of the wrong to

²² “Utilitarian” reasons for not using the utilitarian principle mean that it ceases to be a coherent reference point.

²³ That is, without making the utilitarian principle a single and ultimate criterion of what is right.

²⁴ Luce Irigaray, *The Sex Which Is Not One* (Ithaca: Cornell University Press, 1985), 199.

myself involved in obtaining it. I may know that I shall be disgusted at it in retrospect, or dismayed at my having accepted the conditions of obtaining it. These are amongst the reasons why, if I were to flout my autonomous judgement and pursue something only for its being pleasant in itself, it would be no longer fully my pleasure to enjoy. In the usual case, one continues to pursue objectionable pleasures only because one has become addicted to them.

Thus, one must recognise the role of freedom in any satisfactory life. Thought about “what pleases” swiftly leads us past any simple measure of what is good. We realise the difficulties and the discipline that may be involved in judging what is right as the best choice in the circumstances of what is good. All of this is consistent with the possibility that judgements of what is right, no less than judgements of what is beautiful, have their “first moment” in the pleasure we take in contemplating them in thought and in actuality. Such complicating thoughts are a version of the (properly) commonplace reflection about judgement as involving processes by which we come to judge our pleasures—their quality, the conditions of obtaining them, the implications (for others and ourselves) of continuing to enjoy them.

If judging involves being pleased at what we judge favourably, there is certainly an urgent need to judge what pleases us.²⁵ It is because of this fact that theorists of “moral” or “ethical” thought and action look for the nature of judgement *outside* sensibility. In his *Groundwork for the Metaphysics of Morals* (and then systematically in his *Critique of Practical Reason*), Kant argues that it is by pure reason that we can see that a good will is formed in accordance with only those maxims that we would countenance as natural law. The business of pure reason is precisely to set aside as irrelevant any pleasure we may have in the action we judge to be right. Kant reckons that when we think that we know that we must tell a lie, we are being misled by sentiment. We allow that sentiment to blind us to what, by autonomous use of our own reason, we know to be right. Both in the *Groundwork* and in the second *Critique*, Kant argues against basing judgements of right and wrong on sentiment. This is certainly correct if it means that, when someone challenges my judgement, I cannot brandish my *feeling* about the matter as establishing its validity.

²⁵ Thus we return to the theme Arendt announced at the end of the *Willing* volume—of the pleasures and displeasures involved in our judgements.

For all that, to judge what is right may involve one's coming to be pleased at an action's being taken. Aesthetic judgements are nuanced inflexions of the particular kind of pleasure we derive from what is beautiful. Still, we do not appeal to our being pleased by something when giving the *grounds* of our judgement. The grounds of the judgement are found in the qualities of the thing that give it the power to evoke that particular form of pleasure that we call aesthetic. We may apply the same distinction to judging what is right. The grounds of the judgement are found in the qualities of the thing that pleases us as being right.

Judging, Criticising and Eichmann

To engage in criticism may be to praise as much as to criticise, if that means to find fault with. To criticise is not restricted to finding fault, just as to judge is not only to condemn. If to judge is to "pass sentence," then not all sentences will be adverse. The work of criticism, though, is neither to recommend nor to reject, though the material of criticism readies us for taking such stances. In *Eichmann in Jerusalem*, Arendt, writing of how Hitler set about his project of murdering the Jews of Europe, describes how insidiously, step by step, first involving them in the "helpful" process of arranging the pressured emigration of Jews from Germany, he finally had the Jewish deputies themselves working with his own administrative machinery, in effect, helping to organise the Jewish people for their "deportation" to the sites of mass murder. She does not pass sentence on the deputies, nor provide material that would entail the passing of sentence. She could understand, as can anyone, how it came to seem to them that, since they could not prevent wholesale murder, the only thing they could do was to try to diminish the trauma and terror for the impending victims. This involved being party to hiding from them the meaning of their transit from their homes to the collection points.

Arendt exhibits this collaboration to us as evidence, not of the Jewish deputies being Nazi sympathisers (which of course they were not), but of their being profoundly misled by a sense that the main issue was to make things seem as normal as possible, and by an inability to break out of their world of organisation. She would have argued with them that everything was as far from normal as could have been humanly imagined. The only thing left for those who were still permitted to retain administrative powers within Jewish communities was to make all the

trouble that they could—to do all they could to reveal what was happening and to inform people what was about to happen to them.

Arendt reveals the Jewish deputies as being drawn into making the mistake made by leaders of democratic countries who, in an effort to maintain public calm and the confidence of electors, hide from their people the reasons for which they commit them to war and the dimensions of the disasters to themselves and those of other countries that are intrinsic to a military adventure. Arendt's adherence to judgement in "dark times" reveals to us the elementary errors committed by the people who so bitterly found fault with a politics of "blaming the victim" that they read into her account of Jewish organisational collaboration. Arendt's critics complained that only someone who had had to deal with the situation faced by Jewish leaders could legitimately make a judgement.

That response obfuscates the issue. She insists that it falls to us who live afterwards to make a judgement. Arendt does not "condemn" the Jewish deputies. She speaks from no position of administrative or legal authority. It would be cheap talk in another way, too. Anyone might say that as an unthoughtful reaction at first finding out how people in the Jewish administrative systems were used. Arendt does the endless work of judgement, which required the steady and persistent listening to the months of evidence at the trial and the application of eye and memory to thousands of pages of documents. What we read, then, is not her judgement as passing sentence. Rather, it is an exercise of judgement about what was done and how it happened.

The judgement that Arendt evidences in her reading of the trial, in the context of her intricate personal and documentary acquaintance with the people, systems and events of the Nazi era, is plain, though. Her critics do not mistake her in that. One reads, amongst the multitude of other themes and judgements, the depth and extent of her judgement, which is her reasoned and grounded displeasure at any attempts that anyone made during or after "that which happened" to smooth over the procedures of murder organised by the state. My assertion of the language of displeasure as lying at the heart of a judgement—a judgement as momentous as that upon the murder of the Jews of Europe—may move the reader now to react against me as Arendt's critics reacted against her in speaking of banality in relation to Eichmann's mentality. The charge would be different, but the error by such a critic would be the same. Any word one chooses in characterising the nature of a judgement of those

who initiated, participated and colluded in Hitler's "Final Solution" is inadequate to the gravity of the judgement. This is for the same reason that any word one chooses is unequal to the task of conveying the nature of the event that spurs all those derivative judgements—the organised murder of millions of people itself. So this business of judgement as "keeping steady" in the face of what one judges—whether terrible or admirable—does encompass feeling as at the heart of judgement. "Being displeased," a mere term of theory, may sound pitifully inadequate to express the depth of one's judgement of Hitler's plans and of an Eichmann's willing and expeditious enactment of them. But each of our words of disapprobation separately, and all of them in combination, fail to convey the measure of the displeasure at deeds and collusions that are beyond the measure of "moral" language. Arendt makes linguistic choices, like those who survived the death camp and lived to write about it. With deadly effect, she sets herself to write in the register of accuracy and concision rather than expostulatory outrage. The outrage and grief fall to us, now witness to these matters.

When we attempt further to characterise our judgement of the murder of the Jews of Europe in terms of how bad it was or how much the perpetrators wronged their victims, there is a recursive failure of epithets. First we try to find epithets adequate to qualify the actions we wish to condemn. At the suggestion that we rest with the fact of our displeasure and the facts that prompt it, we try to qualify the degree of inadequacy we observe in this language of mere "displeasure at" or "disapprobation of" what was done. So we clutch at a bunch of epithets that would intensify the language of "displeasure." We may grab at "ludicrously," for instance. We expostulate that it is "feeble" to speak of being *displeased* by what was done, but we achieve nothing by doing that. What shall we do next, then? Say that the language of displeasure is monstrously inadequate? In our inner ear, we hear these loud words debase the currency, just as attempts to intensify descriptions of "that which happened" weaken it. Whether we talk viscerally about the "bestiality" of the perpetrators or make a profound theory of the Reality of Demonic Evil, still, we rebound to the same spot.

Arendt omits the conventional intensifiers and epithets intrinsic to moral language, along with profundities about "absolute and transcendental moral values." This is how she succeeds in conveying the nature of the events and the crimes that were committed. It is her mordant and

often ironic record of it all—her intense condensation of what individuals did within the structures of organisation they inhabited—that exhibits her judgement. Our attempts at intensifying disapprobation—“vicious,” “murderous,” “ruthless,” “bestial”²⁶—become more shrill and pointless as we attempt to make them do the work of judgement that must lie beyond their means. Arendt’s critics say that she minimises “that which happened” by writing of the “banality” of mind of those who carried it out. For those critics, “banality” is an aesthetic category that would reveal the sensibility involved in our judgement of the perpetrators of mass murder. Arendt responds that such critics are liable to confer an illusory greatness upon the plotters and perpetrators—as if there were a kind of greatness in their evil, something that would suitably match the magnitude of the suffering and destruction wrought upon the victims. That is the illusion that figures such as Himmler himself attempted to convey about the undertaking of making the whole of Europe *judenrein*.²⁷ His rhetoric, in summoning his underlings to undertake the killing was of a “great and terrible task” that would require their utmost dedication to duty in the face of their tendency to lapse into the human weaknesses of compassion and pity—or into sheer disgust at the enterprise.

Arendt does not pass outraged sentence on Eichmann. Rather, the gravity of her judgement is contained within the work of the persistent sentences that constitute her whole account of the trial of Eichmann and of the events in Europe leading up to and during the war that frame what he did. We have to work to take in the dimensions of such a work of judgement as Arendt’s. We do not diminish that judgement by describing it as a reasoned and informed displeasure. Judgement becomes more intense and deeper in the measure of this displeasure at the actions and events that make up the attempt to exterminate the Jews of Europe.

Certainly, it is easy to feel that an attempt to understand judgement that places terms as subjective as “pleasure” and “displeasure” at the centre must weaken it: The very mention of pleasure and displeasure

²⁶ “Bestial” is inapposite—an epithet grabbed from a bag of rhetorical tricks. A lion might horrify us as “bestial” when it gnaws at its still-breathing prey. If it could plot to exterminate deer from the face of the earth, we should have to find some quite different word for that. (Hitler and his lot were not, as it were, *worse* than the lion.)

²⁷ Literally, “Jewish-free.”

threatens judgement with mere subjectivity. At the same time, this understanding of judgement in terms of one's measured response in this pleasure and displeasure is too cool and detached. Nowhere do we find room for our words of absolute condemnation.²⁸ At the same time, however, a characterisation of judgement as measured pleasure or displeasure may appear to overemphasise the need for measure. Thus Arendt's measured language outrages those who think that she blinks at the immeasurable wrong that prompts the (correct) judgement of it as evil. All parties must agree that judgement is grounded in fact. Hitler and his "gang" (as Churchill called them) never did the work of judgement when they blamed the Jews for Germany's loss in the First World War, for instance. There is a crucial need that we be measured in our feeling, since judgement is itself one's being pleased or displeased at what one judges. And yet this *being measured* might seem to put out of play all expression of our feelings of compassion, horror, admiration and disgust. All of these feelings are aspects of our displeasure at crime, however, and thus have their proper place in judgement when they are measured and grounded in fact. Horror and disgust can be measured for all that such feelings are strong.

Arendt's being measured in all her judgements had the result that some of the critics of her descriptive method in *Eichmann in Jerusalem* complained that she made the Jewish deputies seem, in their administrative compliance with Eichmann, comparable to Eichmann in his active planning of the deportations to the death camps—as if Arendt was trying to make us "understand" an Eichmann who worked to ensure the success of Hitler's "Solution" while not trying to understand the situation of the deputies who worked to ameliorate its effects. A very recent critic²⁹ of Arendt, too, looking back at more than four decades of response and reaction to her account of Eichmann's trial, has typified her approach as leaving no room for feeling in relation to the magnitude of the murder of the Jews of Europe and the individual narratives that emerged during the trial.

In looking for her *sentences* of judgement, these critics miss her precise *words* of critique. For Arendt, the Jewish deputies misjudged the situation and their proper role in it. They overestimated what they could achieve by cooperation in continuing to help organise the orderly "depar-

²⁸ Author's construction of such an objection.

²⁹ Adam Kirsch, "Beware of Pity," *New Yorker* (January 12, 2009), 62–68.

ture” of Jews, and they underestimated the chaos on the streets that would have faced the Nazis had they refused all administrative cooperation. In Arendt’s implied judgement, for being unable (or refusing) to come to terms with the radical nature of their situation, the Jewish deputies deserved only her critical history of their partial mistakes. Her judgement of Eichmann is utterly different. She concludes her report of the trial with the words she imagines saying to him had she been the one to pass sentence:

Politics is not like the nursery; in politics obedience and support are the same. Just as you supported and carried out a policy of not wanting to share the earth with the Jewish people and the people of a number of other nations—as though you and your superiors had any right to determine who should and who should not inhabit the world—we find that no one...can be expected to want to share the earth with you. This is why you should hang.³⁰

Arendt was right not to waste her final words on emotions of disgust and abhorrence. To write such emotions is ineffectual—forcing epithets to work beyond their powers. She has shown us the rigorous restraint that judgement demands in the face of horrors that defeat moral epithets. However, Arendt’s concluding judgement (“This is why you should hang”) reads as if stuck on. A lapse in style, her “hanging sentence” is not a convincing conclusion to an argument that Eichmann refused to “share” the world. Perhaps it would have been closer to the mark to declare, “*This is why you must spend the rest of your life in solitary confinement.*” She demonstrated not that Eichmann should hang, but that nothing is a suitable or adequate punishment for him. That is the measure of his wrong.

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³⁰ Hannah Arendt, *Eichmann in Jerusalem* (New York: Penguin, 2006), 279.