

Arendt, Little Rock, and the Cauterization of the Marginalized Other

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***Adapted from
Human Rights Law and the Marginalized Other (Cambridge UP, 2011)***

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Abstract

Hannah Arendt's writings on judgment have recently gained much acclaim among political theorists, especially proponents of deliberative democracy and those who seek an inductively derived universalism. This essay however argues that Arendt's theory of judgment cauterizes the marginalized Other in three inter-related ways. First, the Other is branded as beneath the political realm because she has not freed herself from the realm of necessity. Second, Arendt insists that the Other must be excluded from the political realm. Finally, Arendt urged members of the polis to cauterize or deaden any feelings for marginalized Others while in the public realm and to only cautiously take up solidarity with them. These three forms of cauterization are most apparent in Arendt's analysis of the Little Rock crisis of 1957 in which Arendt sided with many of the segregationists' arguments against the NAACP.

Arendt's theory of judgment is an exemplar of a concrete universalism and has been recently been embraced by a number of political theorists. While Arendt attempts to dismiss the banisters of thought and to develop a universalism based upon concrete experience, her theory of judgment ultimately relies on artificial typologies that for the most part remain un-interrogated. I argue that this lack of questioning is directly related to her deliberate cauterization of the Other from political judgment. Without the voice of the Other, the rulings of an Arendtian judge are never seriously questioned. Arendtian judgment resembles groupthink, where like-minded judges make decisions that reinforce their privileged position. This essay argues that Arendt's reliance on her own theoretical typologies and the silencing of the Other explain her ill-fated essay on the Little Rock Central High School crisis in 1957 where Arendt famously sided with many of the arguments of the segregationists. We may be tempted to label Arendt's Little Rock essay as an anomaly by a normally sensitive writer, or representing a type of judgment that has been since discounted, but the problems inherent to Arendt's analysis run through the very foundations of political theory and are frequently seen in a number of other cases involving marginalized peoples.

Arendt's "Reflections on Little Rock"

In a justly infamous essay, Arendt reflected on the case of the "Little Rock Nine," the nine African-American children who, in 1957, were the first students in the South to attempt to attend desegregated public schools after the landmark *Brown v. Board of Education* decision of 1954. In *Brown*, the U.S. Supreme Court had emphatically declared, "in the field of public education, the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal" (495). By 1957, many in

the political establishment in Little Rock favored the gradual desegregation of public schools, but in the weeks before the school year Governor Orvall Faubus bowed to the political pressure of an election cycle and took steps to oppose the desegregation plan. On the first day of class, the state's National Guard was sent to prevent the African-American children from entering Central High, directly contravening the decision of the U.S. Supreme Court. Fifteen-year old Elizabeth Eckford was the first of the nine children to arrive that morning. The National Guard turned Ms. Eckford away, leaving her and her precious few escorts to confront an increasingly angry mob outside of the school. Local photographer Will Counts snapped a now famous picture of Eckford, understandably shaken as she was verbally assaulted by "a jeering and grimacing mob of youngsters" (Arendt 1959a, 50). Seeing this snapshot spurred Arendt to write as the image conjured up memories of similarly desperate children in Europe during World War II. After a lengthy and controversial dispute, Arendt's Little Rock essay appeared in the journal *Dissent* in 1959 with a highly unusual preface penned by the editors: "we publish it not because we agree with it—quite the contrary!—but because we believe in freedom of expression even for views that seem to us entirely mistaken" (Editors 1959, 45).

I read Arendt's Little Rock essay as a quasi-legal opinion from a human rights tribunal.¹ One can imagine a white segregationist, perhaps one of those jeering at Ms. Eckford that fateful morning, bringing a petition to an international court alleging that the eventual federally enforced desegregation of Little Rock Central High School violated his human rights, especially those Arendt says "clearly belong to them [parents] in all free societies—the private right over their children and the social right to free association"

¹ Failinger (1987) appears to be the only other scholar that treats Arendt's essay as a quasi-legal opinion. She deftly compares Arendt's balancing of rights claims with 1980s U.S. case-law on the rights to association and gender equality.

(Arendt 1959a, 55). In her essay/legal opinion, Judge Arendt took hypothetical testimony first from an African-American mother asking “What would I do if I were a Negro mother?” and then from a white mother asking “what would I do if I were a white mother in the South?”² Judge Arendt then crafted her opinion weaving this testimony and the facts of the case with theory and precedent to weigh the conflicting rights claims.

Before considering her judgment we must ask whether Arendt is well placed to serve as judge in this case. In her “Preliminary Remarks” she claimed that she is an “outsider” as she had spent little time in the South “because that would have brought me into a situation that I personally would find unbearable” (Arendt 1959a, 46). For Arendt, this lack of on-the-ground perspective is not grounds for recusal, instead it seems to enhance her qualifications as judge. She knows, for example, that her abstract position is better than that of the oppressed (the children) and their representatives (the parents and the NAACP). Against the NAACP’s claim that the desegregation of schools should be their highest priority, Arendt condescendingly remarks that “this is understandable: oppressed minorities were never the best judges on the order of priorities in such matters” (Arendt 1959a, 46). But, we expect our human rights jurists at minimum to be on the side of human rights and especially sensitive to the rights of the oppressed. And Arendt writes “as a Jew I take my sympathy for the cause of the Negroes as for all oppressed or underprivileged peoples for granted, and should appreciate it if the reader did likewise” (Arendt 1959a, 46). Here Arendt has taken on the role of most human rights jurists, she has objective distance and she is on the correct side, that is, she is sympathetic to the

² Arendt describes her method in this way in her reply to her critics (Arendt 1959b, 179-81).

oppressed and thus she should be given some latitude by the reader.³ From this ideal vantage point, this “Olympian authority” as Ralph Ellison (1995, 156) would later describe it; Arendt can act as Ronald Dworkin’s (1977) ideal of a Judge Hercules who labors to apply abstract laws and judicial rules to specific claims of abuses to craft the perfect opinion.⁴ We may be concerned by Arendt’s condescending attitude, but judges rarely, if ever, recuse themselves for arrogance. So Judge Arendt will hear the case.

It then becomes a matter of weighing various rights claims which should be done according to the “Constitution and not by public opinion or by majorities” (Arendt 1959a, 46). One does not have to be a Critical Legal Studies scholar to ask whether a judge’s background will affect his or her interpretation of the Constitution. Judge Arendt does not begin her deliberations from a blank slate. She brings her theoretical preconceptions, such as her famous distinction between the private, social, and political realms, to bear on this case. This typology has served her well in making sense of the rise of twentieth-century totalitarian regimes and had been compelling enough to spur a legion of followers, but it does not serve her well in this context. Judge Arendt’s judgment is terse:

It seems highly questionable whether it was wise to begin enforcement of civil rights in a domain where no basic human and no basic political right is at stake, and where other rights—social and private—whose protection is no less vital, can so easily be hurt (1959a, 56).

Not only does Arendt side with our segregationist plaintiff, she berated the hypothetical co-defendants (the NAACP and the parents) for placing children on the front

³ For Norton (1995) such a claim signals that Arendt never calls her own privilege into question, “in claiming that she, as author, can declare where her sympathies lie, she reveals that the texts she has already authored do not accomplish this end” (248).

⁴ For Dworkin (1977) the ideal judge delves through all of the rules and principles that have founded the society and understands the moral fabric and political theory of the society. Even in hard cases, there is a right answer that can be reached by the Herculean judge without relying on his or her discretion in a strict sense.

lines of intractable political questions about race while they sat idly by as spectators. Ms. Eckford “obviously, was asked to be a hero, that is, something neither her absent father nor the equally absent representatives of the NAACP felt called upon to be” (1959a, 50). As judges are inclined to do, Arendt suggests how she will view subsequent cases. She will look more favorably on cases involving a private right, namely “the right to marry whoever one wishes” because it “is an elementary human right compared to which ‘the right to attend an integrated school, the right to sit where one pleases on a bus, the right to go into any hotel or recreation area or place of amusement, regardless of one’s kin or color or race’ are minor indeed” (Arendt 1959a, 49). Further, “even political rights, like the right to vote . . . are secondary . . . to the right to home and marriage” (Arendt 1959a, 49).

The U.S. Supreme Court’s opinion on the Little Rock crisis, issued several months before the publication of Arendt’s essay, offers an equally terse, but sharply divergent judgment. The Court found that the desegregation of schools was fundamental to the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution:

The controlling legal principles are plain. The command of the Fourteenth Amendment is that no "State" shall deny to any person within its jurisdiction the equal protection of the laws.... In short, the constitutional rights of children not to be discriminated against in school admission on grounds of race or color declared by this Court in the *Brown* case can neither be nullified openly and directly by state legislators or state executive or judicial officers, nor nullified indirectly by them through evasive schemes for segregation whether attempted "ingeniously or ingenuously" (*Cooper v. Aaron* 1958, 16-17).

The Supreme Court found fault with Governor Faubus and the state government’s elaborate efforts to contravene the rights of the children as enshrined in the U.S. Constitution as interpreted through the *Brown* decision. Arendt, from her Olympian

authority, placed the blame for the crisis on the parents and the NAACP for putting the children in harm's way and for privileging the wrong set of rights. Judge Arendt's human rights court would rule the 1959 judgment of the U.S. Supreme Court be REVERSED.

Analysis of Arendt's "Reflections on Little Rock"

Arendt's essay provoked a plethora of responses immediately after its publication and there has been a recent resurgence of interest in the essay. Some scholars have tried to exonerate Arendt and explain away how one of the twentieth century's most astute writers on totalitarianism could critique one of the cardinal moments of non-violent resistance to an unjust public policy.⁵ Much less forgiving commentators have charged Arendt with racism (Steele 2002, 186, and Norton 1995) while others have argued that she too strictly applied her theoretical writings to a dissimilar political reality (e.g., Benhabib 1996 and Bernasconi 1996), and still others have used the essay as a springboard to discuss pivotal Arendtian themes such as the need for social plurality (Bohman 1997). Several commentators (e.g., McClure 1997) have tried to salvage Arendt's work by contending that it exemplifies a practical application of her theory of judgment. In contrast, I maintain that it is her theory of judgment, increasingly in vogue among political theorists, which leads to her misinterpretation of the Little Rock situation. Moreover, Arendt's essay spotlights problems common to a specific manner of judgment that has predominated "Western" thought for millennia, namely the abstract judgment of like-minded elites that base their decisions on artificial typologies with little regard for the voice of the marginalized. This type of judgment is typical of an entire line

⁵ For example, Kohn (2003) belittles Arendt's contemporaneous critics and inexplicably concludes: "the desegregation of schools has not achieved its intended goals; many of Arendt's warnings have been realized, and the entire question remains open to judgment" (xxxv).

of thought back to at least Aristotle and continues to haunt much thinking in political and legal thought.

Arendt's Misapplied Typology of the Private, Social, and Political

As numerous commentators (e.g., Benhabib 1996, 56; Bernasconi 1996, 4) have noted, Arendt's essay hinged upon typologies that she developed, and that served her well, in other contexts, most notably the rise of totalitarianism in Europe in the 1930s. Of these typologies, the most evident is her well-known distinction between the private, social, and political spheres that she developed in *The Human Condition*. This typology not only guides her thinking on the Little Rock crisis, it is also pivotal for her theory of judgment.

Arendt argued that the rise of twentieth century totalitarianism could be traced to the rise of the homogenizing social sphere in the modern state. With the rise of the social sphere, the distinction between the private and the public, which was a hallmark of the ancient Athenian polis, became blurred. In the private household realm of ancient Athens, individuals were united out of necessity and they were predominately focused on applying their labor to meet their necessity. Some "men" would emerge from this realm of necessity, often with the aid of slaves who would take care of their needs, and enter the political realm, where they were free to initiate action. While, the household was a realm of inequality based upon a clearly delineated hierarchy, the realm of the polis, the realm of action, was a realm of equals. Of course, Athens as a whole was not built upon equality. The equality found in the polis, "presupposed the existence of 'unequals' who, as a matter of fact, were always the majority of the population in a city-state" (Arendt 1958, 32).

Arendt pines for the Athenian polis because it nurtures pluralism in the private and public spheres which could serve as a bulwark against the conformity of modern society and totalitarianism. The seeds of pluralism would be sown in the insulation of the private realm with its “atmosphere of idiosyncratic exclusiveness” (Arendt 1959a, 55). These idiosyncrasies would then blossom as a healthy pluralism through the open expression of a wide range of competing ideas in the political sphere. In the modern world, the important distinction between the private and public spheres became blurred with the rise of mass society. The necessity of life, a private concern, became a matter for society through the rise of economics (etymologically; the rule of the household). At the same time, politics became focused on political economy (etymologically; an oxymoron for Arendt). With an increasing concern for the common good and welfare, the political became involved in all aspects of our lives. This led to an equalizing, or flattening of the political. Instead of political action serving as a means for distinguishing oneself, the political sphere became a realm of conformity as it assumed the characteristics of mass society which “expects from each of its members a certain kind of behavior, imposing innumerable and various rules, all of which tend to ‘normalize its members, to make them behave, to exclude spontaneous action or outstanding achievement” (Arendt 1958, 40). The conformity of the social realm swallowed up “the only place where men could show who they really and inexchangeably were” (Arendt 1958, 41). The public realm made up of those who had escaped the necessity of the household realm, became driven by the concerns of the household realm, namely, consumerist wants and needs where society’s “members act as though they were members of one enormous family which has only one opinion and one interest” (Arendt

1958, 39). This conformity of thought, Arendt argues, allowed totalitarianism to take root in Germany and elsewhere. For her, it was crucial that the private, social, and political spheres remain distinct so that pluralism could check totalitarianism.

Arendt was well aware that unrestrained pluralism in the social sphere would most likely engender social inequality and discrimination as part of the organic process of group formation. This inequality and discrimination should be tolerated or even welcomed as it would check the rise of conformity and totalitarianism. As she writes, “without discrimination of some sort, society would simply cease to exist and very important possibilities of free association and group formation would disappear” (Arendt 1959a, 51). Such social discrimination could only be “legally abolished” at the risk of violating the “freedom of society” (Arendt 1959a, 53). From this analysis and her fear of social conformity, Arendt vehemently opposed any form of hegemonic national government or any laws that infringed upon the freedom of association.

Judge Arendt’s Little Rock opinion is rooted in a “hierarchy of rights” (Benhabib 1996, 150) that preserves pluralism by maintaining the distinctions between the private, social, and political spheres. Anti-miscegenation laws where the government interfered with an individual’s right to marry were clearly an involvement of the government in the private sphere and were deemed by Arendt the “most outrageous law(s) of Southern states” (Arendt 1959a 49).⁶ The education system as part of the social sphere should be a realm of pluralism or free association where parents choose their children’s classmates. Here, Arendt’s conclusions echo President Eisenhower’s regrettable comments to Chief Justice Warren about segregationists during the Little Rock crisis: “These are not bad

⁶ Sidney Hook (1959) scoffs that Arendt was asking for African Americans to agitate for “equality in the bedroom rather than ... equality in education” (203).

people. All they are concerned about is to see that their sweet little girls are not required to sit in school alongside some big overgrown Negroes” (Warren 1977, 291). Judge Arendt then wanders outside the scope of the case to argue that any form of social discrimination must be beyond the scope of the government. “There cannot be a ‘right to go into any hotel or recreation area or place of amusement’ because many of these are in the realm of the purely social where the right to free associate, and therefore to discrimination has greater validity than the principle of equality” (Arendt 1959a, 52).⁷ Finally, even though not everyone will emerge into the political sphere, it is important that all have the potential right to exercise political action (Arendt’s famous “right to have rights”) such as the right to vote. However, “even political rights, like the right to vote . . . are secondary . . . to the right to home and marriage” (Arendt 1959, 49). From this hierarchy of rights, Judge Arendt sides with the segregationist and his “private right over [his] children and the social right to free association” (Arendt 1959, 55).

Arendt was so intent on establishing the separation of the private, social, and political spheres that she underestimated the multitude ways that they bleed into each other.⁸ Social discrimination will infringe on the private sphere when it leads to economic deprivation or when it sanctions domestic violence. As many feminist scholars

⁷ The U.S. Supreme Court saw this issue much differently and creatively interpreted the Equal Protection Clause of the 14th Amendment and the Commerce Clause to uphold the Civil Rights Act of 1964 ending social discrimination in public accommodations. The U.S. Congress through the Civil Rights Act of 1964 and the Elementary and Secondary Education Act of 1965 also failed to pay heed to Arendt’s warning that “it would be very unwise indeed if the Federal government . . . were to use its financial support (of education) as a means of whipping the states into agreement with positions they would otherwise be slow or altogether unwilling to adopt” (Arendt 1959, 211). Of course, these laws and the interpretations of the Supreme Court proved to be major factors in finally ending the massive Southern resistance to desegregating public schools (Mazmanian and Sabatier 1989).

⁸ Arendt wrote: “the question is not how to abolish discrimination, but how to keep it confined within the social sphere, where it is legitimate, and prevent its trespassing on the political and personal sphere, where it is destructive” (Arendt 1959a, 51).

have argued, permitting a strict dichotomy between the public and private spheres “in effect tolerates violence against women, especially in the legal and juridical realm, depoliticizing and relegating violence to the domestic private sphere and narrowly portraying it as personal in nature, rather than as a ‘systemic historical and political event’” (Fregoso 2006, 18, Cf. Simmons 2007). And, often social discrimination is so extreme it will interfere with meaningful participation in the political realm (cf. Bohman 1997). But, Arendt resists using political means for solving such social questions as persistent poverty and pervasive discrimination. From her analysis of the French Revolution she claims flatly that “every attempt to solve the social question with political means leads into terror” (Arendt 1963b, 112).

Arendt’s Misreading of the Little Rock Context

Arendt’s over-reliance on the private, social, political typology—a lens “crafted in another context” (Benhabib 1996)—combined with her lack of personal experience and her Olympian authority, prevented her from fully appreciating the social, economic, and historical context of the South in the 1950s. The segregation of Little Rock Central High should not be seen in isolation, but was part of a comprehensive structural violence that ensured African Americans were treated as second-class citizens. Arendt failed to see that this structural violence was supported by a vast majority of Southern citizens and government officials and that it touched every aspect of life for African Americans.

Elizabeth Eckford would not have been outside of the high school if the governor had not ordered the Arkansas National Guard to refuse entry to any African-American children and he would not have made that order if he was not responding to a populist states’ rights current during a contentious election cycle. Arendt fails to mention that

many of the members of the mob demanding their rights were also carrying ropes and other weapons. The violence of the mob was part of the everyday reality and was sanctioned by state and local law enforcement officials. It is difficult to imagine the helplessness that Ms. Eckford felt when she “turned back to the guards but their faces told me I wouldn’t get help from them” (Lebeau 2004, 52, citing Bates 1966, 408-9). We also must remember that Ms. Eckford would not have been alone outside of the high school that fateful morning if she had received the phone call the night before to meet with the other children and approach the school as a group with a large number of escorts. But, alas, the Eckford family did not have a phone (Lebeau 2004, 52; Beals 1994, 52).

Arendt also selectively reads much of the civil rights movement and the massive Southern resistance. In her strong desire for political plurality she embraces the states’ rights claims of the segregationists because “states’ rights in this country are among the most authentic sources of power, not only for the promotion of regional interests and diversity, but for the Republic as a whole” (1959a, 54). She fails to see the context of the states’ rights claims, including the extreme measures that the southern states were willing to take to resist the implementation of *Brown*. To subvert the federal government’s mandates Governor Faubus would shut down all Little Rock high schools for the entire 1958-1959 school year and desegregation efforts were met with violence in numerous Southern cities (e.g., Baker 1996). Ten years after *Brown* this massive resistance ensured that legalized segregation was still a fact of life in the overwhelming majority of Southern schools.

Most dramatically, Arendt failed to comprehend the experience of being an African American in the South in the 1950s. Judge Arendt begins with the photograph of Elizabeth Eckford but her essay discusses everything else but Elizabeth Eckford and the plight of African Americans. Arendt's failing is succinctly summed up by Ralph Ellison: Arendt "has absolutely no conception of what goes on in the minds of Negro parents when they send their kids through those lines of hostile people... The child is expected to face the terror and contain his fear and anger precisely because he is a Negro American" (Warren 1965: 343). In response to Ellison's charges Arendt issued her only retraction to her essay, but it has been most aptly described as a "cryptic concession that takes little back" (Steele 2002, 187). In a letter to Ellison, Arendt concedes that she

hadn't grasped the element of stark violence, of elementary bodily fear in the situation your remarks seem to me so entirely right, that I now see that I simply didn't understand the complexities in the situation...it is precisely the ideal of sacrifice that I didn't understand" (quoted in Bernasconi 1997, 15).

To say that she did not understand the "ideal of sacrifice" of the parents or the daily travails of the children is a vast understatement. Of course, this was not an "ideal of sacrifice" in the sense of being abstract, but a very real sacrifice with numerous moments of sheer terror as shown by this poignant recounting of that fateful September morning by Melba Beals, another member of the Little Rock Nine. Beals and her mother arrived at Central High as the mob berated Elizabeth Eckford. A small part of the mob turned their attention to the Beals saying: "we got us a nigger right here!" Beals recalls that as she and her mom fled in terror "the men chasing us were joined by another carrying a rope." As one man grabbed at her Mom

"Melba, ... take these keys...get to the car. Leave without me if you have to."

“No, Mama, I won’t go without you.”

Suddenly I felt the sting of her hand as it struck the side of my face. She had never slapped me before. “Do what I say!” She shouted (Beals 1994, 50).

Arendt does not discuss this very real and palpable sacrifice, or the bravery required to return to school each day for an entire academic year despite persistent and immediate threats. Nor does she consider what it must have meant for a 15-year-old child to hear: “Drag her over to this tree! Let’s take care of the nigger” (Bates, 1962, 75) or what terror must have resonated the morning of the first day of class when Melba Beals’ younger brother casually reminds her of the famous lynching of 14-year old Emmitt Till in neighboring Mississippi only two years previously.

Even conceding this fundamental misunderstanding, Arendt does not “take back” any of the rest of the essay. She never backed away from her insistence on the validity of states’ rights claims or her adherence to a typology “crafted in another context.” Arendt, the advocate of practical reason and critic of speculative reasoning stuck to her “penchant for the abstract classification of historical events according to her own philosophical categories” (Bohman 1997, 53).

Arendt on Judgment

Many apologists for Arendt’s Little Rock essay and for her equally controversial *Eichmann in Jerusalem* stress that these are examples of her “enactment of public judgment” (McClure 1997, 63). They claim that until her theory of judgment is understood, one should not be too critical of her conclusions.⁹ However, I argue that it is

⁹ McClure summarizes “we might characterize Arendt’s writings on Little Rock as one prominent public face on this process of judging. As an exemplar of the proprieties of judging that she identified with political thinking, their claim on the reader is an invitation to engagement rather than an appeal to truth ... these writings present themselves as an attempt ‘to communicate and

her theory of judgment that is most problematic and it points to a problem with theories of judgment all the way back to Aristotle; namely the cauterization (in its three facets) of the marginalized Other. An in-depth analysis of her theory of judgment is warranted as it will reveal how even a concrete universalism developed in the context of the fight against totalitarianism can further marginalize the Other.

Although Arendt never wrote her planned treatise on judgment, the outlines of her theory are fairly clear and have been further illuminated by numerous excellent commentaries. Arendt draws upon Kant's discussion of aesthetic taste in the *Critique of Judgment* which she surprisingly concludes "contains perhaps the greatest and most original aspect of Kant's political philosophy" (1968, 219), but she admits that to include a discussion of aesthetic taste in a political discussion "sounds so strange" (1968, 223). It is also strange that Arendt, for the most part, eschews Kant's better known discussions of ethics and politics including his more famous (and more deductive) formulations of the categorical imperative and perpetual peace. Instead she finds in Kant's account of taste a theory of judgment which eschews the speculative thought of deductive philosophers but crucially retains a form of communal or even universal validity.

This concrete universalism is intimately connected to the private-public typology discussed above. Judgment is the distinctly political faculty, or as she says, it is "one of the fundamental abilities of man as a political being" (Arendt 1968, 221). The free citizen employs judgment, working with others to gain a practical truth that could lead to political action. Indeed, "it is the most important way in which sharing the world with others comes to pass" (Arendt 1968, 241). However, as we will see, this "sharing the

expose to the test of other' what she discovered in the solitude of thought" (1997, 76-7, Cf. Parvikko 2003, 201-02).

world” is restricted to similarly situated judges. Arendt insists upon cauterizing the Other from the political sphere in order to ensure proper judgment.

The Stages of Judgment

Arendtian judgment begins from the concrete experiences of the subject and those around him or her. The judge should gain as much perspective on the situation as possible.¹⁰ From these concrete experiences, judgment proceeds in three steps. The first two are “mental operations” (Arendt 1982, 68) and the third involves communal validity. The first mental operation is imagination, “in which one judges objects that are no longer present” where the object “becomes an object for one’s inner senses.” This is the closing of the external senses so that the object can be considered by the mind’s eye. Ideally, this would be a perception of the object without the biases of sense perception and without any theoretical biases. “By closing one’s eyes one becomes an impartial, not a directly affected, spectator of visible things. The blind poet” (Arendt 1982, 68). Imagination “prepares the object” for the second step in judgment “the operation of reflection” (Arendt 1982, 68).

In reflection, the second mental operation, the judge applies her own taste to the object which is being considered by the mind’s eye. She decides whether she approves or disapproves of the object. Although this is a mental operation it is not entirely subjective, but relies on what Kant calls communal sense. We anticipate that our judgment will be subject to communal validity and so we try to “put ourselves in the minds of other men.”

¹⁰ Arendt insisted that the judge need not be an active participant or even present in a given situation in order to pronounce judgments. Critics of her Eichmann essay claimed that she could not judge the actions of Jewish elders during the Holocaust, because she did not walk in their shoes. Arendt responded: “the argument `that we cannot judge if we were not present and involved ourselves seems to convince everyone everywhere, although it seems obvious that if it were true, neither the administration of justice nor the writing of history would be possible” (Arendt 1963a, 295).

Or as Kant writes, “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” (quoted in Arendt 1982, 71). Through reflection we “liberate ourselves from the ‘subjective private conditions’” (Arendt 1968, 220) and we begin to develop “an enlarged mentality” by thinking “in the place of everybody else” (Arendt 1968, 220).

When we apply our taste in reflection we often rely on examples what Kant called “the go-cart of judgments.” Examples aid in moving from our concrete experiences to the general¹¹ because “the example is the particular that contains in itself, or is supposed to contain, a concept or a general rule.” For instance, when an Athenian spoke of courage, they most likely would have in “the depths of one’s mind’ the example of Achilles” or when Christians speaks of goodness “we have in the back of our minds the example of Saint Francis or Jesus of Nazareth” (Arendt 1982, 84). Examples themselves are subject to the communal sense. They must resonate with others who will have shared our similar experiences (Arendt 1982, 84-5). Just as imagination prepares the way for reflection, reflection grounded in communal sense and examples, paves the way for the third step of judging, communal validity. “One can communicate only if one is able to think from the other person’s standpoint; otherwise one will never meet him, never speak in such a way that he understands” (Arendt 1982, 74).

The third step in judgment is the actual appeal to communal validity in the political sphere. “The very faculty of thinking depends on its public use; without ‘the test of free and open examination’ no thinking and no opinion formation is possible. Reason is not made ‘to isolate itself but to get into community with others’” (Arendt 1982, 39-40).

¹¹ Imagination “provides examples for judgment” (Arendt 1968) but it must be in reflection that the examples are compared to the object.

In this way, the judging person must in Kant's famous formulation, "woo the consent of everyone else" (Arendt 1968, 222).¹²

Arendt's theory of judgment tracks nicely with her typology of the private, social, and political spheres. Judgment which begins from the concrete experiences and the subjective, private viewpoint of the judge is ultimately a political act as any individual judgment must stand the agonistic test of discussion in the polis. The individual will emerge from the private realm as an individual with specific tastes and judgments. Free association in the social and political spheres will then lead to a communal or political judgment among citizens. Individual predilections are nurtured in the private sphere but they are subject to validity through interaction with the community of equals in the political realm. Or, to push the original analogy, Judge Arendt begins from concrete experience, taking testimony from a variety of perspectives before retreating to her private chambers—the act of imagination—and then she engages in reflection with the aid of the "enlarged mentality" of communal sense and examples. Her judgment is first rendered through imagination in private, before subjecting it to a communal validity in a conference room of other judges. In this way she ascends from the particular to the communal or universal without relying on the banisters of speculative thought.

Arendt's theory of judgment has recently received great attention for it seems to offer a fecund alternative to the stale cultural relativism—universalism debates. Her theory of judgment is a concrete universalism, an inductive method for creating norms and judgments without reliance on the abstract principles of speculative philosophy.

Judgment's validity unfolds through political discourse. From Kant's account of

¹² It is far from clear that Kant took this third step. As Beiner (1992) points out, Kant's concepts in the Critique of Judgment are "transcendental categories: they do not connect judgments of taste to any empirical sociability" (26).

aesthetic taste Arendt finds the blueprint for an ethical thought that is both subjective and objective, that is both grounded in individual freedom and subject to communal validity. Arendt appears to be the perfect postmodern democrat, with her emphasis on performativity, pluralism, discourse, iterability, and interdependence of selves. But, what about the conclusions in her Little Rock essay?

Judgment of a Narrow Elite

I argue that in Arendt's theory the judge's initial opinions crafted in her chambers are rarely ever seriously interrogated in the conference room as she is rarely, if ever, exposed to any sort of otherness. The communal validity of the conference room resembles the mutual reinforcement of groupthink more than a true dialogue. Although she claims that judgment "is truly discursive, running, as it were, from place to place, from one part of the world to another, through all kinds of conflicting views," (Arendt 1968, 242) it actually rests on a very limited communal validity. The number of judges, and hence the number of viewpoints, is limited in at least two important ways. First, most people are branded as incapable of shedding their personal interests enough to serve as impartial judges and second, only those who share a common worldview can be considered judges. And, for Arendt, it is imperative that those who are not qualified to be judges are barred from the conference room.

Arendt's theory of judgment exemplifies what I call the "cauterization" of the Other. The term "cauterize" aptly describes the comprehensive way that the Other has been excluded by most rights thinking be it philosophical, political, or legal. I identify three stages of cauterization that correspond to the term's three inter-related meanings (Cf. *Oxford English Dictionary*). The first meaning comes from its roots in the Greek

verb *kauteriazeln* which means to burn with a *kauter* or a branding iron. Such branding was historically done to physically mark a slave or criminal as rightless. Second, cauterization refers to a medical procedure in which burning is used to seal off or remove part of the body. This procedure is most often used to stop bleeding but it can also seal a wound to stop the spread of infection. Finally, in its most metaphorical meaning, cauterization means to deaden feelings or make one callous to the suffering of another.

Previous rights theories, whether philosophical or legal, often cauterize the marginalized Other. The Other is branded as beneath humanity, below those who deserve rights. Then, those that are deemed inferior or rightless are sealed off from the polis or the courtroom, in effect, treating the voice of the rightless as an infection that must be stopped from spreading. This meaning is suggested by Adolph Eichmann's attorney when describing the extermination camps as a "medical matter" (Arendt 2003, 43). Finally, those with rights, the full members of the polis, deaden their feelings toward the suffering of those who are branded as rightless.¹³

For Arendt those who remain tied to necessity or self-interest are incapable of serving as judges and their viewpoints must be excluded or sealed off so they do not contaminate the healthy political realm. To seal them off, the judges must first brand

¹³ Of course, this logic lurks behind almost every ideology that has supported genocide, colonization, or slavery. Examples abound. African slaves brought to the Americas were often physically branded on their faces or shoulders. Even after that practice was banned in much of the U.S., less physical, but very real, legal branding was perpetrated by legislation and legal opinions. African Americans were famously branded as "so far inferior that they had no rights which the white man was bound to respect," and therefore, they "might justly and lawfully be reduced to slavery for his benefit" (*Scott v. Sandford* 1857, 407). Once branded as rightless, as beneath rights, those marginalized would no longer be granted access to the courts and could not even testify in the courts in any state, as if their voices, their perspectives literally did not exist (See, for example, Cogan 1989). Of course, such branding and exclusion contributed in no small part to the brutality suffered at the hands of genteel slave owners and "courageous" captains of death boats who were deadened to the immense suffering of the rightless.

these Others by accusing them as vulgar (*banausikos* in Greek) or base (*faulos*). And, finally, the judge or the political man must deaden any private feelings toward those who are excluded.

Since judgment is a political activity, it is restricted to those few who have freed themselves from the necessity of the household and emerged into the political sphere. This freedom from necessity allows the judge to achieve a maximum of impartiality. The necessary objective or Olympian distance “cannot arise unless we are in a position to forget ourselves, the cares and interests and urges of our lives” (Arendt 1968, 210). If the common world is merely an object needed to sustaining life or out of self interest, then we are not seeing the world or others from a sufficiently objective vantage point. We are not in a position to judge the world or to “woo the consent of everyone else.” Arendt believed that most individuals would not be able to attain this esteemed position because most could not shed their personal interests enough to be judges. She writes: “the political way of life has never been and will never be the way of life of the many” (Arendt 1963b, 275).¹⁴

Arendt’s surprising gloss of Aristotle’s famous definition of man as a *zoon ekhon logon* (an animal having speech) is instructive. For Arendt, this definition does not refer to “man in general” or a declaration that the capacity of speech was the *specie differentia* of human beings. Instead, Aristotle refers to the empirical fact that only some humans

¹⁴ It is then not surprising that Arendt embraces limited suffrage. She writes, “to be sure, such an ‘aristocratic’ form of government would spell the end of general suffrage as we understand it today; for only those who as voluntary members of an ‘elementary republic’ have demonstrated that they care for more than their private happiness and are concerned about the state of the world would have the right to be heard in the conduct of the business of the republic. However, this exclusion from politics should not be derogatory...in fact would substance and reality to one of the most important negative liberties we have enjoyed since the end of the ancient world, namely, freedom from politics” (Arendt 1963, 284).

will live the type of life that will allow them to exercise speech. Speech for Arendt is a particular form of communication that transcends mere utility. It is the disclosure of an individual in the course of action in the political sphere. Therefore, those individuals who could not emerge into the political sphere and are incapable of judging were literally not men and thus, *aneu logou*—without speech. Arendt explains, “everybody outside the polis—slaves and barbarians – was *aneu logou*, deprived of course, not of the faculty of speech, but of a way of life in which speech and only speech made sense and where the central concern of all citizens was to talk with each other” (Arendt 1958, 27). The implications are clear, without freedom from necessity an individual could not participate in the political sphere and would thus be *aneu logou*.

Judgment excludes in another fundamental way. It is restricted to those who share a common understanding of the fundamental issues of the polis. As Canovan (1992) describes Arendt’s view of the public space, “what unites the citizens of a republic is that they inhabit the same public space, share its common concerns, acknowledge its rules and are committed to its continuance and to achieving a working compromise when they differ” (227). Such an emphasis on like-mindedness may be surprising from a scholar who feared any homogenization of the public sphere such as twentieth century totalitarianism or Rousseau’s concept of a General Will, but is actually pivotal to Arendt’s embrace of pluralism. In Arendt’s view, “citizens are held together not by a common will but by a common world” (Canovan 1992, 226). Citizens are “equal partners in a common world” but from this initial commonality, political action facilitates an “ever-increasing differentiation of citizens that is inherent in an agonal life” (Arendt 1990, 83).

Aristotle's discussion of *homonoia* or like-mindedness sheds light on what Arendt means by a common world and how it further limits the pluralism of the political sphere. In the *Nicomachean Ethics* in his famous argument for diversity in the polis against Plato's emphasis on unity, Aristotle writes that *homonoia* is the "chief aim" of lawmakers in order to eliminate factions and enmity (1155 a25). This *homonoia*, which appears to be the highest level of political friendship is "not merely agreement of opinion" and it is not just agreement "about any subject" but is an agreement among good men about the fundamentals of a society, "the realm of great matters" (*ta en megethei*). This like-mindedness is only possible among the good men who have shed personal interest as much as possible. "The base [*faulos*] on the other hand are incapable of *homonoia* except in some small degree, as they are of friendship, since they try to get more than their share of advantages, and take less than their share of labors and public burdens" (1167a 10-15).

So, when Arendt praises the Greek polis where "the commonness of the political world was constituted only by the walls of the city and the boundaries of its laws, it was not seen or experienced in the relationships between the citizens" (Arendt 1990, 82), the essential point is how the good men understand the laws as common. The common world or public realm is famously described by Arendt "as a table is located between those who sit around it... [that]gathers us together and yet prevents our falling over each other" (Arendt 1958, 52). Conversely, the social realm of the base (*faulos*), who "try to get more than their share of advantages," lacks the "power to gather them together" (Arendt 1958, 52). This emphasis on a prior "common world" or *homonoia* in both Aristotle and Arendt reinforces the first type of exclusion in that only those who have shed self

interests will be able to appreciate the common world and have this type of friendship and thus be citizens.

Arendt's cauterization goes further, the good (disinterested) men who agree on the realm of great matters are charged with the crucial task of determining who or what should appear in the polis. As she says, the political man "renders" the "public realm" "politically secure" and "can be trusted to tend and take care of a world of appearances" (Arendt 1968, 218, 219). They must decide which individuals are capable of entering the political realm; that is, they must cauterize or seal off the polis from those who are unable to shed their selfish interests or lack the necessary *homonoia* about the great matters of the polis. The political man must "protect the island of freedom they have come to inhabit against the surrounding sea of necessity" (Arendt 1963b, 280).¹⁵

With such exclusion of the base or the banausic from the political sphere, Arendt's theory of judgment takes on the odor of groupthink. Her interpretation of Kant's passage that judgment is "valid for every single judging person" makes this clear. For Arendt, "the emphasis in the sentence is on 'judging'; it 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" (1968, 221). This interpretation gives new meaning to her phrase that judgment includes "the ability to see things" from "the perspective of all those who

¹⁵ Arendt's elitism and its concomitant exclusion of the Other seems to be tempered by her famous right to have rights. While, she calls for "a self-selective process... that would draw together a true political elite in a country," she also believes "each person must be given the opportunity" to participate in the political realm (1969, 233). All individuals must have the opportunity to exercise their political rights if they are able. So, Isaac (1998) is correct that Arendt did not *a priori* exclude any individuals from the political realm based upon qualities such as race, gender, or wealth and there would be no *a-priori* exclusion of opinions (Bernstein 1986, 227). But, it would be quite rare for a person to shed their own necessity to break through into the political realm, especially when the political realm is monitored by those already present. These political actors would also be charged with excluding opinions that do not agree with theirs in fundamental respects.

happen to be present” (Arendt 1968, 221). To be present for Arendt means to be one of the few in the public sphere. To be a judge means to consider the viewpoints of other judges. To be *aneu logou*, on the other hand, means not to be present in the political sphere, not to judge, and not to have your opinions considered when judgment on the basis of communal validity occurs.

Arendt and the Other

So, we see that the judge is one who has freed herself from the necessities of life, shares a common world, and is tasked with maintaining the freedom of the political realm from the social and private spheres. Of what political import then are those who are deemed *aneu logou*, those who are without speech and thus cannot participate in the political realm?¹⁶

At first blush, the *aneu logou* resembles Giorgio Agamben’s (2002) accounts of “bare life,” that is a person who is “politically irrelevant.” Unable to free him or herself from necessity and initiate action in the political sphere, the *aneu logou* cannot properly be called ‘man’ or even “human.” Arendt writes, “a life without speech and without action... is literally dead to the world; it has ceased to be a human life because it is no longer lived among men” (1958, 176). Such a person would not strictly be a legal person with political rights and duties. “They would be “a ‘natural man’—that is, a human being or homo in the original meaning of the word, indicating someone outside the range of the

¹⁶ Cf. “speechless action would no longer be action because there would no longer be an actor, and the actor, the doer of deeds, is possible only if he is at the same time the speaker of words” (Arendt 1958, 158).

law and the body politics of the citizens, as for instance a slave—but *certainly a politically irrelevant being*” (Arendt 1963b, 103, emphasis added).¹⁷

Nonetheless, the *aneu logou* are not irrelevant for Arendt’s theory of judgment. As discussed above, the opinions of the *aneu logou* as “politically irrelevant being” would not factor into the judge’s calculations when anticipating the opinions of others from whom she would eventually have to woo consent. The judge would *a fortiori* not have to consider the potential discourse with those without speech. And yet the *aneu logou* would factor into the first step of judgment. Recall, it was imperative for the judge to begin with as many experiences as possible before she undertook the first formal operation of judgment. This gaining of as many standpoints as possible would presumably include all individuals, including the *aneu logou*. The judge must put themselves in the position of the *aneu logou*, but would not adopt the (self-interested) views of the *aneu logou*. If the judge adopted the views of any other, including the *aneu logou*, she would not only lose her disinterestedness, she would lose her own identity which was nurtured in the idiosyncrasies of the private realm. To lose oneself in the Other would risk bringing interests into the political realm and would promote social conformity. So, the judge “does not blindly adopt the actual views of those who stand somewhere else, and hence look upon the world from a different perspective” (1968,

¹⁷ Shockingly in some passages, Arendt even places slaveholders and slaves above those who are *aneu logou*, whose life is not human life. Slaveholders “may be unjust, but they certainly are human” (Arendt 1958, 176). In Arendt’s idealized, mostly Greek, view of slavery, slaves had “a place in society—more than the abstract nakedness of being human and nothing but human” (Arendt 1951, 297). Arendt is far from consistent on this matter. She writes, “the two qualities that the slave according to Aristotle, lacks—and it is because of these defects that he is not human—are the faculty to deliberate and decide and to foresee and to choose. This, of course, is but a more explicit way of saying that the slave is subject to necessity” (Arendt 1958, 84 n.12).

241).¹⁸ Instead, the judge retains her identity but sees the world from the position of the *aneu logou*. Arendt sums this up nicely as “thinking in my own identity where I am not” (Arendt 1968, 241). So when Arendt famously says the judge “trains one’s imagination to go visiting” (Arendt 1982, 43), her visiting with the *aneu logou* is not as a possible interlocutor but, in Kant’s terms, as a “judging spectator” (1968, 219).¹⁹ This judging spectator is one who “sees the play as a whole, while each of the actors knows only his part or, if he should judge from the perspective of acting, only the part of the whole that concerns him” (Arendt 1982, 68-69). So, here it becomes clear that Arendt’s “Olympian authority,” as Ellison called it, is part and parcel of Arendt’s theory of judgment.

The Cauterization of Pity for the Other

The judge is well aware of the barely human status of the politically irrelevant *aneu logou* and their dire material conditions. However, Arendt insists that legal or political solutions should not be used to ameliorate their economic plight. “Nothing, we might say today, could be more obsolete than to attempt to liberate mankind from poverty by political means; nothing could be more futile and dangerous” (Arendt 1963b, 110). Moreover, following her private-public typology Arendt persistently attempted to seal off or cauterize the political realm for any sort of what she categorizes as private emotions which includes compassion as well as empathy, love, and (Christian) goodness.²⁰ Such

¹⁸ “The trick of critical thinking does not consist in an enormously enlarged empathy through which one can know what actually on in the mind of all others to accept what goes in the minds of those whose ‘standpoint’ . . . is not my own would mean no more than passively to accept their thought, that is, to exchange their prejudices for the prejudices proper to my own station” (Arendt 1982, 43).

¹⁹ While Disch (1997) is correct to point out that visiting is “neither insistently egocentric nor self-effacingly empathic” (136) she does not distinguish the visiting with other political actors from visiting with the *aneu logou*.

²⁰ Arendt’s cauterization of pity helps to explain her impatience with the litany of survivors who emotionally testified in the Eichmann trial (See Mertens 2005).

emotions which “are located in the human heart” would be corrupted by being brought into the public realm. Arendt writes that “the qualities of the heart need darkness and protection against the light of the public to grow and to remain what they are meant to be, innermost motives which are not for public display” (Arendt 1963b, 91). Furthermore, from her analysis of the French Revolution she argues that such emotions, especially goodness, are destructive of the political realm. In fact, “absolute goodness is hardly any less dangerous than absolute evil” (Arendt 1963b, 77) and “every effort to make goodness manifest in public ends with the appearance of crime and criminality on the political scene” (Arendt 1963b, 93).²¹ Goodness is “beyond virtue” (Arendt 1963b, 78) so it is not part of the human world of politics. It would be more for the saints and Jesus than for the political man.

This is not to say that a political man cannot feel compassion for the oppressed as a private man. But as a private emotion, compassion is unsuited for political means. If it is brought into the political sphere, it becomes pity which is a “perversion of compassion.” Pity is inimical to the political sphere because it lacks the patience to engage in the political arts of “persuasion, negotiations, and compromise.” Instead it will demand “swift and direct action, that is, for action with the means of violence” (Arendt, 1963b, 82). This demand for swift action and the overwhelming of pity, leads to self-righteousness, to an appeal to ends by any means necessary despite laws and propriety. All can be sacrificed in the name of pity even the pitiable. For instance, the French Revolution, in Arendt’s account, was “actuated by the limitless immensity of both the

²¹ Arendt illustrates the unsuitability of Christian goodness for the public sphere through her analysis of Melville’s *Billy Budd*. The title character represents goodness and innocence but is ultimately executed. Arendt concludes, goodness “must go into absolute hiding and flee all appearance if it is not to be destroyed” (Arendt 1963b, 75).

people's misery and the pity this misery inspired" but "from the sentiments of the heart whose very boundlessness helped in the unleashing of a stream of boundless violence" (Arendt 1963bb, 87). The final and perhaps ultimate sin of the French Revolution was Robespierre's pity for the masses which led to his demand to bring the sans-culottes or "the low people" (Arendt 1963b, 69-70) into the political realm.

Arendt opposes what she sees as the folly of the French Revolution with the American Revolution. While in France, pity overwhelmed the truly political "feelings" of friendship and respect, the men of the American Revolution had "no pity to lead them astray from reason" so they "remained men of action from beginning to end, from the Declaration of Independence to the framing of the Constitution" (Arendt 1963b, 90). They did not try to solve the social question politically, but the American Revolution focused on preserving and fostering the political space, where a plurality could appear in political action. Their "republic granted to every citizen the right to become 'a participator in the government of affairs,' the right to be seen in action" (Arendt 1963b, 127).

Solidarity with the Other

What then is the proper outlet for the private emotion of compassion? Arendt advocates "solidarity" with the *aneu logou*. Again, Arendt, as the great proponent of pluralism and fearful of political uses of private emotions, must advocate a very limited conception of solidarity or risk it becoming conformity or pity. Solidarity requires political men to "establish deliberately as, as it were, dispassionately a community of interest with the oppressed and exploited" (Arendt 1963b, 84). The judging spectator observes suffering and is moved to action not by the original suffering, but by solidarity

or the community of interest (Arendt 1963b, 84). The judge creates such solidarity when she applies her practical reason to understand how the suffering fits in with the suffering of many others and thereby abstracts (etymologically “draws away from”) the suffering of the oppressed. This suffering is translated then into political ideas and therefore “compared with the sentiment of pity, it may appear cold and abstract, for it remains committed to ‘ideas’ – to greatness, or honor or dignity—rather than to any ‘love’ of men.”

Since those who are *aneu logou* are unable to shed their own self-interest, they should not enter the political realm. Instead, their interests will be represented by someone else, someone who is able to shed their interests for them. When the judge enters the political realm to woo the consent of others, the judge does so in their own identity and is not overwhelmed by the feelings or interests of specific individuals who are *aneu logou*. As an example of how the judge will go visiting without adopting the viewpoint of the *aneu logou*, Arendt considers her relationship to the slum-dweller.

Arendt as judge,

perceives the general notion ... of poverty and misery. I arrive at this notion by representing to myself how I would feel if I had to live there, that is, I try to think in the place of the slum-dweller. The judgment I shall come up with will by no means necessarily be the same as that of the inhabitants, *whom time and hopelessness may have dulled to the outrage of their condition*, but it will become for my further judging of these matters *an outstanding example to which I refer...* while I take into account others when judging, this does not mean that I conform in my judgment to those of others. I still speak with my own voice and I do not count noses in order to arrive at what I think is right. But my judgment is no longer subjective either” (Arendt 1982, 107-108, emphases added).

Arendt’s judgment may be inspired by the “outstanding example” of the plight of the Other, but it is not taking on the Other’s perspective or inviting the Other into the

polis or into the courtroom. After all, they are perhaps, like the slum-dweller, unaware of the “outrage of their condition.” So, Arendt’s insistence on the cauterization of private emotions from the public sphere further cauterizes the *aneu logou* who is unable to shed their private interests.

Return to Little Rock

From the foregoing, Arendt’s missteps in the Little Rock essay come sharper in focus, especially as a prime example of her theory of judgment. Emphasizing the cauterization of the Other adds several nuances to, and is in some ways more damning than recent insightful critiques of Arendt’s essay. For example, Bernasconi (1997) boldly points out that Arendt’s plea that the reader take her sympathy for granted in the Little Rock essay is “of no value, because ... she regarded such feelings as politically irrelevant and any intervention of them into politics as almost certainly disastrous” (16, cf. Arendt 1963b, 81). His statement may be a bit too strong. There is a modicum of value to Arendt’s sympathy; it has the potential to lead to solidarity as well as an improvement in judgment as she puts herself in the shoes of the oppressed, thinks in her own identity where she is not, and ultimately speaks for the *aneu logou*.

Meili Steele (2002) has cogently argued that Arendt over-assumes a common world between the ego and the Other, between her and the African-American mother in Little Rock which would allow her “access to the self-understanding of African-American political thought that informs the judgment of the black families” (186). To speak for the Other, would be to assume that this common world “is in good enough shape to articulate and draw together her own position and that of black mothers” (Steele 2002, 187). According to Steele the problem with Arendt’s account of Little Rock

(besides its racism) is that she never interrogates the structural violence that girds this common world or the invisible ideology that supports the structural violence. As Steele concludes the “imagination ‘goes visiting’ without interrogating the historical medium of language and culture” (Steele 2002, 187). My analysis suggests that the flaw in Arendt’s theory of judgment runs even deeper. The oppressed are not part of the common world. They are not invited into the conference room of judges. So, Norton (1995) rightly claims that

There is ... a persistent asymmetry in Arendt’s moral questioning. She goes visiting – in the place of the Other – but without a changed identity – metempsychosis. Arendt asks ‘what would I do if I were a Negro mother? She does not ask “what would I write if I were a Negro scholar?” or “What would the Negro mother write if she held this pen? The strategy of moral metempsychosis is used to question the actions of the Negro mother. The writings of the white intellectual remain closed to the questions of the Negro mother Arendt inserts herself into the mind of the Negro mother, but she does not invite that woman into hers” (258).

Inviting the *aneu logou* into the judge’s realm as Norton suggests is not only unimaginable for Arendt, but it would be unconscionable, as it would repeat the mistakes of the French Revolution. The African-American mother has not shed self-interest enough to enter the political realm so she cannot be an interlocutor among like-minded equals. Her interest should not be considered directly, but must be filtered through the judge’s reason. Here, Martin Jay (1997) asks the obvious question “how could Arendt know that her thought experiment in imaginative visiting was more than the imposition of her own prejudices onto the others whose position she claimed to inhabit” (347). The obvious answer from Arendt’s point of view is that the judge does, and should, impose her own prejudices or what she calls individual idiosyncrasies nurtured in the private

realm.²² Arendt's judgment about the Little Rock crisis is an exemplar of "thinking in my own identity where I am not."

Conclusion

Arendt's unfortunate claim that "oppressed minorities were never the best judges on the order of priorities in such matters" (Arendt 1959a, 46) is not a flippant comment, nor is it idiosyncratic to her analysis of the Little Rock crisis, but is one of the lynchpins of her theory of judgment, a theory of judgment that cauterizes the Other from the political sphere. Arendt's concrete universalism begins with a disdain of judgment from speculative ideals which she warned could become "fixed habits of thought, ossified rules and standards" that will close the judge to "the phenomenal richness of the appearances that make themselves available for our judgment" (Arendt 1982, 111). Only by beginning from actual experiences and bracketing out theoretical preconceptions can the particular, in terms reminiscent of Husserl's phenomenology, "be apprehended as it truly discloses itself" (Arendt 1963a).

However, Arendt's theory ultimately over-relies on banisters, albeit banisters derived inductively from the examples of history. For her Little Rock essay, the most pertinent examples are drawn from the Greek polis, especially the private, social, political typology, and from the French Revolution, especially Robespierre's exaltation of pity.²³

²² E.g., she unhesitatingly writes, "if I were a Negro mother in the South, I would feel that the Supreme Court ruling, unwillingly, but unavoidably, had put my child into a more humiliating position than it had been in before" (Arendt 1959b).

²³ Yet another typology "crafted in another context" further clouds Arendt's vision. Her distinction between the parvenu and the pariah, developed in the context of Post World War I European Jewish society led her to argue that pride "is lost not so much by persecution as by pushing, or rather being pushed into pushing, one's way out of one group and into another" (Arendt 1959b, 179). Of course, the Civil Rights Movement could be summarized as a group pushing themselves where they were told they originally did not belong, which led to an enormous sense of pride. For example, Ernest Green reflecting on his finally gaining entrance to

These typologies became essentialized and normativized. That is, they ultimately function in the same way as deductively derived principles of philosophers with the certainty that she disdained.²⁴ Since she cauterizes or excludes the perspective of the Other these typologies facilitate a self-reinforcing theory of judgment. Arendt's theory of judgment is a closed loop that literally and etymologically is a tautology, that is, it is a saying of the same thing. Despite her desire to oppose sameness, Arendt's theory of judgment cleanses the political sphere of all thinking that could (radically) challenge the judge's viewpoints. All those who have not shed self-interest and do not speak of the common world as determined by the judges are excluded. Even when the Other is taken into consideration through compassion, her voice will only be heard through the voice of the judge.

Little Rock Central High in 1957 said, "walking up the steps that day was probably one of the biggest feelings I've ever had. I figured I had finally cracked it" (Hampton et al. 1990, 48).

²⁴ As Yar (2000) concludes this leads Arendt "back to what which she first set out to overthrow, namely the supremacy of the *Bios Theoretikos*, the life of contemplation' (18).

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