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# Simone de Beauvoir and Hannah Arendt: Judgments in Dark Times

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## Abstract

This article compares Hannah Arendt's famous essay on Adolf Eichmann's trial in Israel in 1961 to Simone de Beauvoir's little studied piece, "An Eye for an Eye," on the trial of Robert Brasillach in France in 1945. Arendt and Beauvoir each determine the complicity of individuals acting within a political order that seeks to eliminate certain forms of otherness and difference, but come to differing conclusions about the significance of the crimes. I explain Beauvoir's account of ambiguity, on which she draws in her judgment of Brasillach and elaborates in her 1948 *Ethics of Ambiguity*, and measure it against Arendt's account of Eichmann's thoughtlessness and its effects on the destruction of conditions of worldly plurality. Linking the failure of ethical judgment on the part of individuals to prior systemic political conditions, Beauvoir helps us recognize struggles over the meaning of bodies and conditions of inequality as central to politics.

## Keywords

judgment, Arendt, Beauvoir, embodiment, ambiguity

In the Preface to *Men in Dark Times*, Hannah Arendt says that her collection of essays is primarily about "persons—how they lived their lives, how they moved in the world, and how they were affected by historical time."<sup>1</sup> She

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concedes that these persons might object to being “gathered into a common room” since what they share is only “the age in which their life span fell” (*MDT* vii). Some might argue that Hannah Arendt (1906-1975) and Simone de Beauvoir (1908-1986) might also object to being gathered into a common room though I will demonstrate in this essay that they share much more than the age in which their life span fell.<sup>2</sup> As witnesses to the political crimes of the twentieth century, Beauvoir and Arendt refuse to render them recognizable within old categories. Making reflective judgments about the particular wrongs committed, each theorist rejects explanations that would see these crimes as part of larger forces of history, or as able to be easily subsumed under universal, metaphysical, or moral laws.<sup>3</sup>

Although they share a commitment to political judgment and especially its role in affirming freedom, the disagreements that we can imagine arising between Beauvoir and Arendt are even more instructive to consider. Probing their views on when and why individuals are culpable for relinquishing their ethical responsibility to make judgments, we can see how Beauvoir’s and Arendt’s articulation of how and when judgment fails is linked to their very different conceptions of the conditions necessary for preserving freedom and action in politics. Capturing a dimension of politics that Arendt regards as social, Beauvoir directs our attention to a political sphere structured by embodied oppression and inequality in which the failures of judgment on the part of individuals lead to tragic results.

I focus this essay on two trial reports, Arendt’s account of the Adolf Eichmann trial in Jerusalem in 1961 first published in the *New Yorker* Magazine, and Beauvoir’s reflections on the trial of Robert Brasillach in France in 1945 first published in *Les Temps Modernes*. Arendt’s controversial writing on Eichmann’s trial is quite well known. Bringing Arendt into conversation with Beauvoir in her little known writing on Brasillach’s trial, I argue that Beauvoir’s way of conceptualizing the failure of individual ethical judgment as linked to political conditions demeaned by oppression and inequality illuminates important aspects of the political obscured in Arendt’s discussion of Eichmann.

## Theorizing Freedom

Beauvoir and Arendt both share a commitment to the priority of freedom, as well as to the idea that freedom can only exist with others rather than when alone. While Arendt’s theorizing of freedom as acting in a plural world with others is widely known, Beauvoir is often mistakenly thought of as deriving her theory of freedom from Jean-Paul Sartre’s idea of the radical freedom of

the individual.<sup>4</sup> In fact, Beauvoir consistently theorizes freedom as always constrained and enabled by situation and only able to flourish when others are also free. To put it most simply, for Beauvoir situated freedom describes self-chosen action that is always already constrained. The constraints refer to history, social conditions, ideology, the existence of others, and the webs of discourse (including the meanings given to forms of embodiment) that produce and position subjects and their experiences. Arendt also recognizes constraints on freedom, but dismisses oppression based on race or gender as matters of social rather than political concern. Indeed, Arendt hopes to secure political space as one untouched by social concerns precisely so that freedom can be enabled and our fundamental plurality as unique individuals can emerge. Thus, one important difference between Beauvoir's and Arendt's political thought concerns how to best enable freedom to flourish. Beauvoir worries about social identities and the political meanings given to embodiment that diminish the freedom of certain individuals, while Arendt seeks to protect political spaces from these identities in order that our singular personalities and perspectives can be disclosed in freely chosen actions with others.

Focusing on the theoretical concepts of representative thinking and ambiguity respectively, Arendt and Beauvoir approach the trials of these war criminals with different conceptions of how to protect political space in mind. Arendt's focus on representative thinking values the priority she accords to the individual's ethical ability to imagine how to think or feel in someone else's place, or make present the standpoint of someone else. Beauvoir's emphasis on ambiguity, in contrast, makes visible our embodiment and our mutual vulnerability in relationship to others: we are always both the self we imagine and the body others see. Thus, in spite of their common commitment to freedom as the disclosure of the self in concert with others, Arendt and Beauvoir think differently about how this freedom might be preserved, and the terms by which we judge when and how freedom is threatened.

Writing about Eichmann, Arendt elucidates how an ordinary, but thoughtless, individual can undertake actions that result in the destruction of conditions of worldly plurality. According to Arendt, plurality should be present both in the individual's mind (as the two-in-one) as well as in worldly conditions. Arendt characterizes thinking's link to plurality within the mind in claiming "conscience is the anticipation of the fellow who awaits you if and when you come home."<sup>5</sup> Noting in *The Life of the Mind* that "a life without thinking is quite possible" (LM 191), she says that in Eichmann's case, this failure to think contributed to genocide. Throughout her trial report Arendt laments Eichmann's inability to think and more specifically his inability to use representational thinking or enlarged thought whereby he would "think from

the standpoint of somebody else.”<sup>6</sup> Eichmann’s unique crimes, for Arendt, result in a violation of the “nature of mankind” in making “Jewish people disappear from the face of the earth” (*EJ* 268).

In contrast, Beauvoir emphasizes that Brasillach’s crimes resulted not from an inability to think with and against himself or from the standpoints of others, but rather due to his refusal to acknowledge the ambiguity of the human condition. As Beauvoir defines it, to accept and affirm, rather than mask, human ambiguity is a daunting responsibility: we must reject philosophical, moral, and ideological systems that impose a predetermined meaning on the world; we must recognize our fundamental human failure to control others or to determine the future; we must accept that each individual is, like ourselves, both subject and other; and we must act in ways that not only affirm our own freedom but also enhance the freedom of others. Detailing a range of ways that people exercise bad faith in refusing to recognize ambiguity and shoulder the responsibility of freedom, she describes the actions of those she calls “sub-men,” men such as Eichmann who “have eyes and ears but make themselves blind and deaf”<sup>7</sup> as well as those such as Brasillach who subjugate their freedom to a “fanaticism.” In Brasillach’s case, this fanaticism further violated ambiguity in treating embodied, unique, and free human beings as *things* able to be manipulated and destroyed, thus completely denying their “existence as men.”<sup>8</sup>

In what follows, I first explore Arendt’s and Beauvoir’s willingness to make reflective judgments in these cases and hold the criminals responsible, but for different reasons than those articulated by the national courts. By interpreting their trial reports, I then put Beauvoir and Arendt into conversation on the question of how to preserve conditions of freedom in politics by holding individuals responsible for egregious violations of the human condition. Reading Beauvoir and Arendt together sharpens our comprehension of the deep burdens of judgment and helps us to evaluate when and how embodiment situates freedom.

## Judging Brasillach and Eichmann

In an essay titled “An Eye for an Eye,” first published in 1946 in *Les Temps Modernes*, Beauvoir reported on the trial of Robert Brasillach, which she attended in January 1945. Brasillach was accused of treason by the French government, found guilty, and executed. He had been the editor of a fascist newspaper from 1935 to 1943 in which he published a column during the German occupation revealing the location of many Jews in hiding. This information led to Jewish loss of jobs, citizenship, deportation, and death.

According to Beauvoir's account of the trial in *Force of Circumstance*, Brasillach had "claimed the right 'to point out those who betray us' and had used it freely; under his editorship, the staff of *Je suis partout* denounced people, specified victims, and urged the Vichy Government to enforce the wearing of the yellow star in the Free Zone."<sup>9</sup> In journal entries recorded in *The Prime of Life*, Beauvoir recalls her anger with French colleagues who collaborated with the occupiers, particularly intellectuals: "Pétain's speeches had a more inflammatory effect on me than Hitler's; and while I condemned all collaborators, I felt a sharply defined and quite excruciating personal loathing for those of my own kind who joined their ranks—intellectuals, journalists, writers" (PL 502). When a petition was passed by French intellectuals urging a pardon for Brasillach, Beauvoir explicitly refused to sign. In refusing to sign the petition for clemency (though forty-nine of her compatriot intellectuals, Camus among them, did so), Beauvoir registered her judgment that Brasillach should be executed.<sup>10</sup> However, she wrote her essay to clarify that Brasillach should not be executed for the reasons given by the French Court. In Beauvoir's eyes, Brasillach was guilty of reducing human beings to things—regarding people as body-objects and denying their subjectivity and future—rather than the crime of treason to the French state. Beauvoir contends that although all forms of punishment, including both vengeance and abstract justice, fail to restore the reciprocity originally violated by the crime, we must still judge and punish Brasillach.<sup>11</sup>

In 1961, Arendt was sent by the *New Yorker* magazine to cover Adolf Eichmann's trial in Jerusalem. Her report, first published as essays in the *New Yorker* and later as the book *Eichmann in Jerusalem*, elicited a storm of controversy.<sup>12</sup> Like Beauvoir but under vastly different circumstances, Arendt fell out of favor with her compatriot intellectual cohort for the judgments she made in her interpretation of the meaning and significance of the trial and the role of ordinary citizens, even Jewish Council leaders, under Hitler's regime. Specifically by objecting to Israeli Prime Minister Ben Gurion's way of "teaching" moral principles through the trial, and in exploring the compromised actions of the Jewish Council leaders, Arendt angered many. Although in *The Origins of Totalitarianism*, Arendt had talked about the extermination camps as the appearance of "radical evil" on earth, in *Eichmann*, Arendt introduced the controversial term the "banality of evil" to discuss how a minor bureaucrat who harbored no ill feelings toward Jews efficiently arranged the murder of millions. Unlike Brasillach who, as an intellectual, journalist, and newspaper editor, identified Jews for extermination and demonstrated his anti-Semitism early and often,<sup>13</sup> Eichmann was employed by the Nazi state and claimed to merely be following orders. Yet, he also claimed

to have a conscience, to be able to distinguish right from wrong, and seemingly was not even an anti-Semite. In bringing to light the failure of all moral principles and yet judging Eichmann, the individual, as guilty of a crime against humanity, Arendt's report was troubling to those who instead wanted to condemn the movement of history that would make Eichmann into a cog in a killing machine and interpret all Jews as unique victims subject everywhere and always to the forces of anti-Semitism.

In addition to the differences in the actions and motivations of the defendants, as well as the different national contexts for the trials, Arendt and Beauvoir are, of course, differently situated in relationship to the nations where Eichmann and Brasillach face prosecution. Arendt is a German Jewish refugee and (as of 1951) an American citizen critical of an Israeli court intent on legitimating the Zionist state by insisting on the constancy of anti-Semitism throughout history and the unique nature of the crimes against Jews; Beauvoir is situated as a French citizen, a French Gentile in fact, who insists on the necessity of recognizing Jewish vulnerability to Nazi persecution as a critical counterpoint to the French state narrative that sought to prosecute collaborators as a more general offense against the French nation. These differences in the situation of the two thinkers, as well as the national contexts and the particular actions of the defendants, will be explored more thoroughly. For now, however, I want to focus in on some striking similarities in how Beauvoir and Arendt analyze the meaning and significance of the trials.

### *The Political Contexts*

One of the important points in common is that both thinkers discuss the political context of the trials themselves as significant to the judgments of the courts. Arendt and Beauvoir each see the trials as nation-building exercises, for a defeated and formerly occupied France (in the case of Brasillach) and for a newly formed and legitimacy-seeking Israel (in the case of Eichmann). For France to condemn its "traitors" and "collaborators" was to flex its muscles following deep humiliation and impotency; for Israel to show its legitimacy by claiming Eichmann's acts as rooted in deep-seated, forever existing, and widespread anti-Semitism was to validate Israel not only as an essentially needed homeland but also as a Zionist nation-state for Jews. As such, Beauvoir and Arendt were sensitive to the new political formations being advanced through these high-profile trials, and to some extent, for both authors, these political motivations served to impair the nature of the justice delivered.

Both thinkers particularly object to how the trials turned into nation-building exercises that obscured the actions of the individual defendants (seen as scapegoats or as emblematic of the role played by all bureaucrats, all Germans, all French collaborators and traitors), resulting in a failure to enact the requirements for justice: the assignment of responsibility for particular deeds. Arendt says of Eichmann: "on trial are his deeds, not the suffering of Jews, not the German people or mankind, not even anti-Semitism and racism" (*EJ* 5). Beauvoir argues that punishment must "be attached to the wrong by a concrete bond," one that can only be established by the "accused in his singularity" (*Eye* 258). In these two cases, the thinkers affirm that it is the individual, Eichmann or Brasillach, who is on trial, not the German or the French people, not Nazism or collaborators in general, and argue that what must be accomplished by the trials is to hold the defendant responsible for his acts.

They also each acknowledge the obstacles that stand in the way of holding individuals responsible, given the political orders in which the defendants were situated. These were political orders *systematically designed* and legally authorized to eliminate certain forms of difference, and tempting, sometimes even ordering, individuals to take part. As Beauvoir demonstrates in *The Mandarins*, her fictionalized account of the lives of French intellectuals during and after the war, the postwar moral terrain was quite confusing. It was certainly not so clear who had collaborated with the German occupiers and why, nor what punishment should be meted out and by whom. One of the difficulties in situating Brasillach's guilt, particularly for French intellectuals, was his identity as one of them: a French writer who used his pen to make his living. Some intellectuals felt that as a writer, Brasillach should bear even more responsibility; others were disturbed by the fact that he was singled out for prosecution. Though Beauvoir did not sign the petition for clemency circulated by intellectuals, and she wrote "An Eye for an Eye" to justify Brasillach's execution, she also condemns the French state's desire to make him into a scapegoat while allowing some real killers, as well as Vichy officials and businessmen, to go free.<sup>14</sup> By holding Brasillach responsible for particular crimes, Beauvoir sought to disentangle his responsibility from the narrative the French state was promoting that most French citizens had been resisters, but collaborators and traitors should be punished.

Eichmann's case in Jerusalem was equally, yet differently, situated within a unique political landscape. Fifteen years after the conclusion of the Nuremberg trials, Eichmann was apprehended by Israeli officials in Argentina and brought to Jerusalem to be tried in an Israeli court. Arendt reminds her



readers that Ben-Gurion's motivation for Eichmann's kidnapping included a lesson to the non-Jewish world about how and why Jews, in particular, suffered from Nazi crimes, and a lesson to the Jewish world about how Jews always and forever have faced hostility (*EJ* 9-10). While Ben Gurion hoped to promote the narrative that Eichmann was both an ordinary German and a vicious anti-Semite, such that he could be both an "innocent executor of some mysteriously foreordained destiny" (*EJ* 19) and evil incarnate, Arendt clarified exactly what Eichmann had done in order to specify how and why this person (and many more like him) acted in such a way that millions of Jews were dead at the end of the war. In other words, Arendt sought to take the focus off of legitimating the Israeli state and instead widen the scope to understand the ethical and political complicity of Eichmann himself, as an individual. In Arendt's estimation, Eichmann was neither a cipher of anti-Semitism nor the devil in disguise. And to judge him, Arendt restores Eichmann's humanity: "medium sized, slender, middle-aged, with receding hair, ill-fitting teeth, and nearsighted eyes, who throughout the trial keeps craning his scraggy neck toward the bench" (*EJ* 5).

### *Arguments against and for Judgment*

As different as they were, many classified crimes like Eichmann's and Brasillach's as impossible to judge for many contradictory reasons: some argued that such deeds defied the possibility of human punishment; some said that they were acts that we too, under similar circumstances, might have committed; some claimed that their acts defied individual responsibility because they were part of larger forces of history; and finally, in sympathy some said that criminal acts never define the whole person.<sup>15</sup> Arendt thinks these explanations and arguments signal a *fear* of judging, stemming not from the biblical "Judge not, that ye be not judged" but rather from the suspicion that "no one is a free agent."<sup>16</sup> Beauvoir seems to confirm this view in remembering that before the war, she and her compatriot intellectuals "lived without wishing any of our fellow humans any harm" (*Eye* 245). She elaborates: "As for individuals like assassins and thieves, whom society denounced as dangerous, they did not seem to be our enemies. To our eyes their crimes were only accidents provoked by a regime that did not give everyone a fair chance . . . conscious of our privilege, we forbade ourselves to judge them" (*Eye* 246).

Both Beauvoir and Arendt argue, however, that these unprecedented circumstances introduced an especially urgent need for judgment. The crimes of Eichmann and Brasillach were definitely not "ordinary" (*EJ* 246). Were it not

that Brasillach's identification of Jews led to their deportation and death, we might justify his vehement anti-Semitic writing under the category of free speech. Beauvoir admits of Brasillach that neither he "nor Pétain, nor Laval directly killed anyone" (*EJ* 252). Likewise, Eichmann was guilty only of "aiding and abetting" in the commission of crimes with which he was charged, and he "himself had never committed an overt act" (*EJ* 246). Nor did Eichmann give orders or make policy; instead he efficiently carried out Nazi policies. Because there were no clear definitions of these crimes, because they were unprecedented and there existed no general rules under which these crimes could neatly "fit," Arendt and Beauvoir felt the urgency to understand them, to name specifically what was "new" in these unforeseen circumstances and uncharted territory. What was most directly at stake for both Arendt and Beauvoir was not only that history plays out against a backdrop of "accidents" not of our making but that in light of these particular political configurations and accidents, there is an even greater urgency to figure out what role the individual plays. The crimes committed may not be acts of "will" strictly speaking, yet they are tangible acts that have concrete effects on the world and the lives of others. Arendt repeatedly reiterates that though Eichmann's crimes were part of a systematic attempt to wipe a people off the earth, he nonetheless bears responsibility for his participation within this system. In holding Brasillach responsible, Beauvoir argues that "there are words as murderous as gas chambers" (*FC* 30).

Rejecting the view of charity that she had laid out as a potential argument against judgment, Beauvoir argues that we enact our freedom by choosing good over evil. This choice itself, and maintaining the value of that choice in our willingness to judge, creates meaning and affirms our freedom.<sup>17</sup> Arendt signals her agreement in reminding us of the distinction between temptation and force, arguing against those who say we cannot be trusted when the chips are down.<sup>18</sup> To fail to judge, for Arendt as well as for Beauvoir, is to abdicate the responsibilities of freedom, both to ourselves and to others.

Thus, against prevailing voices, Arendt and Beauvoir argue that judgment is not only possible but absolutely necessary. Brasillach the writer and Eichmann the bureaucrat are each responsible in a real way for their crimes.<sup>19</sup> Thus they stress (*with* the courts) that we must hold the individual defendant responsible for his deeds. In justifying the death penalty as a legitimate punishment for each man, we begin to see some important differences in what each thinks is at stake in how to best preserve conditions of freedom. Near the end of the epilogue to *Eichmann in Jerusalem*, Arendt argues that the justice done in Jerusalem would have "emerged to be seen by all if the judges had dared to address their defendant in something like the following terms" (*EJ* 277).

And 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, that is, no member of the human race, can be expected to want to share the earth with you. This is the reason, and the only reason, you must hang. (*EJ* 279)

Accusing Eichmann of not being willing to “share” the earth with others, Arendt stakes out her defense of the death penalty by condemning Eichmann on behalf of the “we” of worldly plurality.<sup>20</sup> It is important to note here that by claiming a larger “we” than Jewish victims, Arendt affirms plurality as a fact of the human condition that must be recognized and preserved. In *Force of Circumstance*, Beauvoir offers a different justification for the death penalty by stressing solidarity. Evoking a different “we,” Beauvoir writes: “certain men have no place in this world we’re trying to build” (*FC* 29). Affirming that it is with Brasillach’s victims, dead or alive, that she feels solidarity, Beauvoir writes: “they [Brasillach and others at *Je suis partout*] had demanded the death of Feldman, Cavaillès, Politzer, Bourla, the deportation of Yvonne Picard, Pèron, Kaan, Desnos . . . if I lifted a finger to help Brasillach [by signing the petition for writers asking for clemency for the defendant], then it would have been their right to spit in my face” (*FC* 28-29). Not a victim of injustice herself, Beauvoir helps us to see how we can actively affirm justice via solidarity, even as observers from afar. Moving from the “we” of plurality for Arendt to the “we” of solidarity for Beauvoir also foreshadows the emphasis that Beauvoir will place on embodied struggles for acknowledgment and recognition as political struggles for which we, as a collectivity, are responsible.

In sum, Arendt and Beauvoir each judge these individuals against dominant national narratives and in spite of voices cautioning against judgment. Each rejects the enlistment of moral precepts, historical movements, or even prior rules and definitions as a way to make sense of these political systems and the roles of individuals within them. Both hold the individual defendant responsible for his deeds, knowing full well that the defendants acted in light of political circumstances that arguably might serve to mitigate individual responsibility. Arendt and Beauvoir acknowledge that although these individuals alone do not bear responsibility for these structures or this moment in history, they do indeed bear responsibility for the particular deeds they committed within these systems. Thus, in holding the defendants individually responsible for their acts, Arendt and Beauvoir also each affirm the capacity for individuals to do evil without endorsing the idea that the individual is best

conceived as a self-possessing subject acting outside of structural constraints. Finally, Arendt and Beauvoir each affirm the death penalty for the defendants, but not, as explained earlier, for the same reasons as given by the courts. Opposing the argument of the Israeli court that Eichmann was an agent of larger and inevitable anti-Semitic forces, and opposing the argument of the French court that Brasillach's main crime was to collaborate against France with the German occupiers, Arendt and Beauvoir resist these moves toward easy moral closure. Instead, these thinkers make judgments that, in their eyes, affirm freedom and the role of judgment in sustaining it. They each seek to articulate the responsibility of ordinary citizens to our shared world, and the dangers that arise from a refusal of these responsibilities.

## Two Kinds of Failures: Thoughtlessness and the Rejection of Ambiguity

Although Arendt and Beauvoir agree that Eichmann and Brasillach should be held individually responsible for their respective acts, they differ in naming their particular failures as well as in detailing the conditions that must exist in order for freedom to prosper. Different explanations for Brasillach's and Eichmann's specific failures and crimes arise from the undeniable fact that the two were indeed very different kinds of criminals; totalitarian and other police state regimes provide numerous and various kinds of opportunities for people to betray their responsibilities toward others. As noted earlier, Brasillach was a journalist, an elite alumnus of the *Ecole Normale Supérieure*, and a recognized intellectual and fervent anti-Semite who, in addition to serving as editor of *Je suis partout*, during which time he condemned individual Jews by fingering them to state officials, also published highly regarded fiction, literary criticism, plays, and poetry. In contrast, Eichmann was a state employee with bureaucratic duties who claimed to hold no grudge against Jews specifically. As Arendt puts it, Eichmann was a "joiner"; he wanted to act in accordance with directives, orders, and commands; he had failed as a traveling salesman and saw the possibility for advancement of his career with the Nazis (*EJ* 31-35).

Specifically rejecting *mens rea*, Arendt says that Eichmann's crimes were a result of thoughtlessness. She parses thoughtlessness both as an inability to think for oneself (Eichmann almost blindly did his "duty," or did what others around him were doing) and an inability to think from the position of others. In regard to the first aspect, she remarks, for example, that Eichmann "could see no one, no one at all, who actually was against the Final Solution" (*EJ* 116); that "his conscience was indeed set at rest when he saw the zeal and eagerness

with which ‘good society’ everywhere reacted as he did”; and that his “conscience spoke with a ‘respectable voice,’ with the voice of respectable society around him” (*EJ* 126). Regarding these observations, Arendt emphasizes that we cannot count on the dictates of conscience, moral law, legal standards, or Christianity (or any religion) to guide individuals in dark times. And yet, there were people who did demonstrate an ability to think: Arendt references Anton Schmidt, for example, a German sergeant whom Abba Kovner credited with helping Jewish partisans (*EJ* 230) as well as the resistance of the Danish people and their government (*EJ* 171) as evidence that not everyone was unable to think from the standpoint of others, nor was everyone following Nazi orders. Eichmann, in contrast, exhibited what Arendt calls “sheer thoughtlessness”: he “never realized what he was doing,” and maintained a distinct “remoteness from reality.” Tragically, this inability to think had the effect of “wreak[ing] more havoc than all the evil instincts taken together” (*EJ* 287-88).

Would Beauvoir concur in Arendt’s diagnosis of Eichmann’s thoughtlessness? We can look to the way Beauvoir describes the “sub-man” in *The Ethics of Ambiguity* to understand how she might see things differently. Explaining the attitudes and actions of “sub-men,” Beauvoir notes, for example, that they are “led to take refuge in the ready-made values of the serious world” (*EA* 44). More dangerously, they gladly offer themselves up for movements and ideologies that help them to escape the “agonizing evidence” of freedom (*EA* 45). “One day, a monarchist, the next day, an anarchist, he is more readily anti-semitic, anti-clerical, or anti-republican”; the sub-man is willing to “proclaim certain opinions,” “take shelter behind a label”; “to hide his indifference he will readily abandon himself to verbal outbursts or even physical violence” (*EA* 44). When the sub-man subordinates his freedom to a movement or ideology, he violates ambiguity in refusing his responsibility to make judgments and choices that affirm his freedom (as well as that of others).

By reading Beauvoir’s work on the “sub-man” as a way to understand how she might judge Eichmann, we can see that in contrast to Arendt’s focus on Eichmann’s inability to think for himself, and particularly his inability to engage in a Kantian exercise of enlarged thought, Beauvoir would frame his crime as resulting from a distinct refusal of what she names the “tragic ambiguity” of the human condition (*EA* 7). While like Arendt, Beauvoir emphasizes the ordinariness of the sub-man’s attitude toward the world, in contrast to Arendt, she explicitly describes this attitude as a refusal of the anguish and responsibility that human freedom demands of each individual. To embrace freedom would demand taking responsibility for one’s actions, and to do so

in light of the fact that one's existence and actions are always and inevitably linked to the existence, and therefore the freedom, of others.

So while Beauvoir would likely agree with Arendt's judgment of Eichmann's thoughtlessness when understood as a "hopeless confusion or complacent repetition of 'truths,'" <sup>21</sup> Beauvoir would part ways with Arendt when she draws on Kant's notions of representative thinking (or enlarged thought) in her *Lectures on Kant's Political Philosophy*. <sup>22</sup> Here Arendt argues that enlarged thought entails "comparing our judgment with the possible rather than the actual judgments of others, and by putting ourselves in the place of every other man" (*KPP* 43). In contrast, Beauvoir sees us as inherently confined by our own subjectivity. The way an "other" sees the world is always opaque to us. Beauvoir contends that as unique individual subjects, we are trapped in our heads, certainly unable to *know* and maybe not even think from the standpoints of others. And yet we must find a justification for our own existence by recognizing the *existence* of others who also desire freedom. It need not matter what we know about them or their situations; what matters is that they, too, are free individuals; and freedom for all is denied when some are treated as things.

Beauvoir's articulation of Brasillach's failure, although very different than that of Eichmann's or what she would name as the sub-man's, is also framed by focusing on the demands that freedom makes on each of us as an individual. Acting in the role of the tyrant, as pure transcendence and sovereign agent, Brasillach sought to control and manipulate events and people, thinking he could determine the outcome of the future and impose his meaning, in this case Nazi meaning, on the world. Beauvoir stresses repeatedly that freedom aims at "an open future," and that only "the freedom of other men can extend [the ends toward which we project our freedom] beyond our life" (*EA* 71). As she puts it, "every man needs the freedom of other men" since only "the freedom of others keeps each one of us from hardening in the absurdity of facticity" (*EA* 71). Brasillach denied his own ambiguity by acting as pure transcendence; he denied the ambiguity of his victims in treating them merely as things, or as body-objects with no legitimate access to the future; and he denied the ambiguity in existence by acting as if Nazi control over the future was certain.

Most importantly for Beauvoir, we are responsible to ourselves and to others to expand the scope of freedom for all by collectively altering the political conditions in which our acts play out. To explain this further it is important to understand that Beauvoir sees individuals and collectivities exercising a dangerous and radical freedom to act, and thus create the world,

outside of any moral standards. Beauvoir thus contends that we have a daunting responsibility to and for the lives and freedom of others. When confronting others, we should not seek to control them; nor should we see our own freedom as a zero-sum game in competition with the freedom of others. Instead, the meaningful exercise of our own freedom depends on acting to enable the kind of political conditions that lessen or eliminate oppression. The situation in which Brasillach's actions played out, one in which oppression was so prevalent, serves to magnify rather than mitigate his responsibility. While Brasillach's anti-Semitism was despicable and his refusal of freedom was clearly an ethical violation, the possibility for his anti-Semitic actions to result in the deaths of particular Jews was made possible only within political conditions whereby Jews were already isolated and targeted. His naming of the location of Jews in this particular political environment made it possible for them to be rounded up by authorities, deported, or killed.

Thus, when Beauvoir posits ambiguity as constitutive of the human condition, she complicates the conditions of judgment by making them explicitly and always political, as occurring within the context of unique and separate individuals who do not and cannot know the situation of others beyond the recognition that they, too, desire and deserve freedom. There is neither an autonomous, rational, dispassionate judge nor a principle or rule, even one as laudable as representative thinking, to guide us.<sup>23</sup> Instead, for Beauvoir, judgment is always politically situated and occurs within political conditions outside our control. While each individual has a responsibility to alter these political conditions to reduce oppression, it is also the case that individuals are usually acting within conditions where oppression and inequality are present and must be acknowledged. Facing up to the situation of ambiguity, thus, also entails looking carefully at larger structural and political contexts that foreclose the possibilities for individuals and the collectivity to embrace and enhance freedom. Expanding the concept of the political in this way, Beauvoir asks us to think not only about the ethical realm of the responsibility of individuals but also more explicitly about the political conditions in which people act.

Arendt's appeal to a principle of thinking—her claim to plurality enacted in thinking (needing to live with one's self), to representative or enlarged thought (thinking from the perspective of others), and her theorization of the role of thoughtlessness in destroying plurality—helps us see the ethical responsibility of individuals in making, or failing to make, judgments, even against positive law and under conditions of coercion. In her focus on ambiguity, Beauvoir also helps us to see the ethical responsibility of individuals and their role in judgment, but takes us even further. Beauvoir directs our attention to how



pernicious meanings attached to embodiment, such as racism, introduce inequality and oppression into the political realm.

In the following section, I will demonstrate how Beauvoir makes her claims about the implications of ambiguity more tangible through her focus on how the political meaning of certain bodies in public spaces threatens the freedom, and sometimes the lives, of distinct individuals and erodes the conditions of collective freedom. It is under these demeaned conditions for freedom and action, or as Beauvoir puts it, when oppression takes root, that it becomes especially difficult for the Eichmanns and Brasillachs of the world to resist temptation. And as both Beauvoir and Arendt have warned, when such individuals fail to resist temptation, as many inevitably will, the results are calamitous.

## The Demands and Conditions of Freedom

Recall again that while Arendt and Beauvoir are both eager to explain each state's motivation for prosecuting these individuals, the contexts are markedly dissimilar. Beauvoir observed that within the French state's narrative of Brasillach as collaborator and traitor, his acts against individual Jewish victims were obscured. Hence, she hoped to bring embodiment and the suffering of the victims to the fore by illuminating Brasillach's specific actions against particular named Jews. In contrast, Arendt argued that the Israeli state was overinvested in the narrative (as well as the testimony) of individual victims in its emphasis on the role of anti-Semitism. In countering the "Jews are unique victims" narrative, both through her "banality of evil" interpretation as well as by noting "Jewish help in administrative and police work" (*EJ* 117), Arendt hoped to redirect the focus onto more general questions of political accountability.

These differences certainly move us a good distance toward explaining why Arendt seeks to direct attention away from the embodiment of the victims and Beauvoir seeks to direct attention toward it. As we witness throughout her account of the Eichmann trial, Arendt repeatedly insists on the fact that this was not a case of anti-Semitism per se but rather an attempt to wipe an entire people off the earth. Arendt shows her frustration with Ben Gurion and the Israeli court in her claim that theirs was a show trial meant to expose the "complicity of all German offices and authorities in the Final Solution" (*EJ* 18), to demonstrate "what the Jews had suffered" rather than "what Eichmann had done" (*EJ* 6), and to hold responsible not only the Nazi regime but "anti-Semitism throughout history" (*EJ* 19). Arendt thus argues that the charge of anti-Semitism missed the mark because it implied that only a single people, the Jews, were



harm, when in fact it was the “order of mankind” that was at stake (*EJ* 272).<sup>24</sup> In contrast, throughout “An Eye for an Eye,” Beauvoir links the personal, the intimate, and the concrete to the political, the public, and the general. Specifically, Beauvoir seeks to bring personal embodiment and suffering into view and think concretely about whether any form of justice (personal vengeance or the impersonal justice of the state) can restore or even account for the wrongs that have been committed as violations of ambiguity, freedom, and human solidarity.<sup>25</sup>

The different national and embodied situations of the two thinkers in relationship to these two trials partially accounts for the contrast between Beauvoir’s desire to *illuminate* versus Arendt’s desire to *deemphasize* the suffering of individuals and the embodiment of the victims. Yet, it is Beauvoir’s articulation of the relationship between embodiment, oppression, and political freedom that better explains the difference in emphases between the two in regard to the suffering of victims. Arendt argues that we must draw a bright line between the social and the political in order to preserve the possibility to disclose our unique selves in the political realm and preserve plurality.<sup>26</sup> My interpretation of Beauvoir reveals that this focus obscures the dynamics of power at the level of bodily existence and the specific vulnerabilities of the body as relevant to consider in regard to *creating* and *maintaining* conditions of political freedom. To understand why, for Beauvoir, embodiment is so relevant to consider as a distinctly political question, it is important to revisit the different ways Arendt and Beauvoir theorize how freedom is made possible in the political sphere.

In works such as *On Revolution*<sup>27</sup> and *The Human Condition*, Arendt demonstrates that she is acutely aware of the way social conditions automatically exclude some from active participation in the political process. Being enslaved, being in charge of taking care of household activities and the realm of reproduction, being poor and hungry, all put one under the sway of necessity. And liberation from necessity is an important precondition for the possibility of political freedom for Arendt. These concerns, all of which Arendt deems pre-political or anti-political, are classified under the umbrella of “the social question” (*OR* 59-114) and thus their oppressive effects, ever-present and ongoing, are not considered by Arendt to have direct or urgent political implications. Of the distinctly *political* realm, Arendt remarks in *The Human Condition*: “In acting and speaking men show who they are, reveal actively their unique personal identities and thus make their appearance in the human world. . . . Without the disclosure of the agent in the act, action loses its specific character” (*HC* 179-180).<sup>28</sup> Defining human plurality as the “paradoxical plurality of unique beings” (*HC* 176), Arendt designates the political sphere as the space

in which we “appear to each other, not indeed as physical objects, but *qua* men” (HC 176). Motivating Arendt is her desire to preserve the “equalizing of differences” promised by the conferral of citizenship. And while she acknowledges that the line between public and private is continually and constantly eroded by the meanings that our “single, unique, and unchangeable” private existences (OT 382) take on in public, she fails to theorize this as having implications for our understanding of what she says is the strictly “political” realm of speech and action. As is well known, Arendt seeks to make the political sphere, or the *vita activa*, as distinct and contained as possible. Here, our appearance is more than an exposure of “mere bodily existence” (HC 176); here, we can express ourselves as “subjects, as distinct and unique persons” (HC 183) beyond the “merely given” (OT 382) and in the context of our “human togetherness” (HC 180).

Arendt’s account of the political realm can be contrasted to Beauvoir’s theorization of how freedom is always situated. In writings after *The Ethics of Ambiguity*, Beauvoir fully develops her concept of situated freedom, the idea that the extent of one’s freedom not only is linked with the freedom of all but also that the exercise of freedom (and even the desire to exercise freedom) is conditioned by political understandings of embodiment. It is not the case, for Beauvoir, that freedom is absolutely circumscribed by certain meanings attached to embodiment; rather, freedom is always situated. In fact, Beauvoir insists that even oppressed individuals exercise agency and respond to their situations in a variety of ways. For example, we can think about how racism as a persistent, single, and pernicious account of embodiment adversely affects the possibility for nonwhites to exercise freedom, and yet, agency and resistance are often possible. Extending the work she began in “An Eye for an Eye” in both *The Second Sex* and *Old Age*,<sup>29</sup> Beauvoir explains at length how the body’s vulnerability and political meanings, both ontologically and socially situated, are the very conditions that structure the possibility for political freedom. Here she emphasizes that the political meaning of certain bodies makes some populations, indeed some individuals, far more vulnerable to oppression, abuse, and dehumanization than others, and we all have a responsibility to work against such political conditions.

What Beauvoir particularly helps us to see is that it was the political meanings that adhered to certain forms of embodiment that put specific individuals at risk. To affirm the political community and the demands of freedom within relations marked by ambiguity, Beauvoir brings the fate, as well as the structural position, of individual victims into view. She demonstrates that in targeting individual Jews, Brasillach identified people that were already structurally disadvantaged and politically at risk because of anti-Semitism or to political

circumstances that circumscribed their freedom.<sup>30</sup> Brasillach took advantage of these conditions, jumping on the bandwagon to isolate and condemn vulnerable individuals, but it was the situation in which these acts played out that is here most important to emphasize. In "An Eye for an Eye," Beauvoir says there are many offenses, even crimes, that we might excuse; it is certainly the case that, as individuals, we fail to acknowledge ambiguity on a daily basis. But it is when political conditions are such that Brasillach's deliberate degradation of individuals reduced them to things, there is no compensation "for the abomination he causes to erupt on the earth" (*Eye* 257).

Beauvoir thus emphasizes that particular conditions of oppression are what serve to make crimes such as Brasillach's or Eichmann's possible. When groups of people, through a variety of mechanisms or institutional processes (substantive economic inequality, racial and sexual discrimination, blocked access to citizenship, and so forth), are systematically rendered body-objects, they are open to dehumanization, their bodies are especially vulnerable, and the possibility to enhance collective freedom is denied. Beauvoir repeatedly emphasizes how difficult it is to affirm the freedom of those who have been dehumanized by political meanings that have been given to their bodies. In *The Ethics of Ambiguity*, she says the victims *themselves* began to justify their own humiliation and abuse due to conditions that made them feel their abjection so acutely: "That is why the Nazis were so systematically relentless in casting into abjection the men they wanted to destroy: the disgust which the victims felt in regard to themselves stifled the voice of revolt and justified the executioners in their own eyes" (*EA* 101).

If oppressed subjects must struggle themselves to even desire their freedom because others see them as dehumanized things, not only will ambiguity be denied, there will be no possibility for plurality and the kind of freedom that both Arendt and Beauvoir hope to see flourish. As Beauvoir often reminds us, within the space of appearances lauded by Arendt in *The Human Condition*, we might make an "appeal" to an Other, but she may fail to heed that appeal, or be unable to act upon it. Whole classes of people, made up of unique individuals, are cast into the position of the "other" and thus, systematically unable to make any appearance in public space and disclose themselves as human beings. Beauvoir defines oppression precisely as the situation whereby one cannot respond to an appeal, or when one makes such an appeal it falls uselessly back on itself (*EA* 81). Such a situation is never "natural"; "man is never oppressed by things; in any case, unless he is a naïve child who hits stones or a mad prince who orders the sea to be thrashed, he does not rebel against things, but only against other men" (*EA* 81). For her, it is not just

interdependence that makes conditions political but also our embodied exposure to each other that constitutes “the risk implied by every step” (EA 82). Explaining further, she writes:

It is this interdependence which explains why oppression is possible and why it is hateful. As we have seen, my freedom, in order to fulfill itself, requires that it emerge into an open future: it is other men who open the future to me, it is they who, setting up the world of tomorrow, define my future; but if, instead of allowing me to participate in this constructive moment, they oblige me to consume my transcendence in vain, if they keep me below the level which they have conquered and on the basis of which new conquests will be achieved, then they are cutting me off from the future, they are changing me into a thing. (EA 82)

Likewise for Beauvoir, only when all others are able to take up our projects with us (and the projects are transformed via our interaction) are we fully free. As she puts it, under conditions of oppression, others may not be able to respond to my appeal nor take up my projects. Thus my freedom falls back on itself and is denied as well.

We can now see that Beauvoir’s theory of ambiguity captures a dimension of politics relegated to the category of the social in Arendt’s work. Though like Arendt, Beauvoir holds individuals responsible for their actions within totalitarian and police states, she also directs our attention to the political sphere as specifically structured by inequality and oppression. Hence, the material situation of oppression, as well as the myriad ways oppression plays out subjectively (Beauvoir’s most well-known work, *The Second Sex*, explains how women must struggle for the desire to assume their freedom, for example) offers a more robust sense of the requirements for and the constraints on freedom than does Arendt’s account. The result of Eichmann’s and Brasillach’s actions was that Jews were denied the possibility to appear on the earth, both in their “merely given” bodies as well as “speaking and acting” beings able to exercise freedom. The “merely given” bodies of Jews were laden with political significance because of conditions of oppression and dehumanization. Another way of putting this is to say that the “mere bodily existence” of Jews, a category outside the realm of the political for Arendt, is for Beauvoir something we should be thinking about in the political register.

So while a failure to think or to embrace ambiguity can be classified as an ethical failure, Beauvoir’s focus on ambiguity forces us to think beyond the

ethical to illuminate the political conditions in which unethical actions play out. It is worth noting here that in *The Origins of Totalitarianism*, Arendt says those designated as “scum of the earth” (OT 343) were persons already cast out of political space and rendered stateless (and also, without “human” rights as these were linked to citizenship). What Beauvoir helps us to see is that even when and if people have rights as citizens, freedom and the ability to exercise it is still situated by the meaning accorded to bodies, and the presence of oppression and inequality within political space.

Thinking about Beauvoir’s reading of the sub-man in the context of Eichmann’s crimes and pairing this with her work on Brasillach’s trial, I have explained Beauvoir’s account of ambiguity in order to highlight Beauvoir’s emphasis on our collective responsibility for working against oppression. Beauvoir’s focus on ambiguity as an acknowledgment of embodied existence helps us to see that these crimes were made possible only by a prior and ongoing political interpretation of embodiment. Moreover, Beauvoir’s appreciation of embodiment informs her sense of solidarity with Brasillach’s victims and her claim that “we” are trying to build a world where there is no room for people like Brasillach. As an observer of injustice, Beauvoir’s “we” commits her to solidarity with its victims. This enactment of solidarity, from a position of privilege rather than necessity, is instructive for our own dark times as we face the political challenge of how to act and judge when we observe injustice from a distance. Beauvoir’s “we” contrasts with Arendt’s more impersonal rationale for the guilt and execution of Eichmann. While the Arendtian “we” on behalf of worldly plurality could be interpreted as a commitment beyond a specifically Jewish solidarity, at the same time Arendt’s focus on plurality remains an abstract formal condition for the possibility of politics rather than an embodied description of the pluralist human community actually engaged in political struggle.<sup>31</sup>

## Conclusion

Arendt and Beauvoir both demonstrate a willingness to make judgments without recourse to overriding moral precepts, philosophical rules, and justifications within history or philosophy, thus affirming reflective judgment as central to political freedom, and a responsibility that none of us should shirk. In addition, they both sought to lay bare the stakes of the trials in their political contexts. Indeed, both Arendt and Beauvoir were repulsed by the way the Israeli and the French courts manipulated the trials to teach lessons, garner authority for their fledgling national identities, and show themselves as meting out justice. Analyzing the trials in their political contexts, seeing

the crimes as failing to fit under existing moral or normative universalisms, and affirming the political act of judgment are lasting contributions of both Beauvoir's and Arendt's writings on these trials.

I have argued, however, that Beauvoir's theorization of ambiguity better captures the fragile, as well as daunting, situation in which individuals act. Beauvoir's commitment to freedom within conditions of ambiguity, particularly as theorized inter-subjectively with a focus on the political meanings of embodiment, can guide not only our actions, but how we might judge them. Ambiguity is a phenomenological condition that we share as humans, not only in our self-expression through words and deeds but also in our embodied encounters with others who in turn interpret our actions and interactions. Like Arendt, Beauvoir holds individuals responsible for the effects of their actions on the world. Moving beyond Arendt, Beauvoir shows that engaging in collective action to alter conditions of oppression and inequality are political activities we must embrace.

In my reading of Beauvoir's writings on ambiguity linked with her essay on Brasillach's trial, I have sought to illuminate one important feature of Beauvoir's compelling contribution to political thinking. We might even conclude that Beauvoir's contributions to contemporary political questions concerning freedom and judgment may be even more significant than Arendt's. Regardless, reading these two thinkers together deepens our understanding of the vital importance of judgment in affirming freedom and sharpens our awareness of when and how embodied oppression and inequality denies certain individuals and groups the possibility to embrace freedom in our own dark times.

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## Notes

1. Hannah Arendt, *Men in Dark Times* (New York: Harvest Press, 1955), vii. Hereafter *MDT*.
2. It is remarkable that the work of Arendt and Beauvoir has rarely been compared or studied together. This is quite striking given the common philosophical phenomenological tradition out of which each works, as well as the recent resurgence in scholarship on Arendt by political theorists and on Beauvoir by feminist philosophers. At the very least, historical circumstances bring them together. During their lifetimes, they witnessed the rise of fascism and communism, the emerging prominence of the United States and the Soviet Union as competing world powers, the Algerian and Vietnam wars, and at the end of their lives, the origins of the New Left, the counterculture, and the women's and black power movements as potentially democratic alternatives brought forth by coalitions of workers and students. But yet, they are never thought of together, and rarely even brought into the same intellectual conversations.

Maybe this could be explained by the very different intellectual company they kept: Arendt, a German Jew, emigrated to the United States in May of 1941 and her work became most well known by American intellectuals and scholars, while Beauvoir, a French woman of bourgeois origin, became famous in Europe as a novelist, the lifelong partner of Jean-Paul Sartre, and the author of *The Second Sex*, trans. Constance Borde and Sheila Malovany-Chevalier (New York: Knopf [1949] 2010). It could also be that their differing political visions and sympathies make it seem that they are worlds apart: Arendt's most famous work, *The Origins of Totalitarianism* (New York: Schocken [1948] 2010), hereafter *OT*, includes the Soviet Union alongside Nazi Germany as a totalitarian state, while Beauvoir was criticized, along with Sartre, for not breaking political ties with the French Communist Party and the Soviet Union clearly and soon enough. On this point see Tony Judt, *Past Imperfect: French Intellectuals, 1944-1956* (Berkeley: University of California Press, 1994). While Arendt was writing her penetrating critique of totalitarian states, Beauvoir was penning *The Mandarins* (New York: W.W. Norton [1954] 1991), wherein she fictionalizes her and Sartre's agony and initial disbelief on learning of Stalin's extensive crimes. Also, while Beauvoir has become posthumously most well regarded for her contribution to feminist debates, Arendt's reception from feminists has always been controversial. For work in English that brings Beauvoir and Arendt into conversation, see Marc



- Blanchard, "On the Style of the Coming Philosophy: 'Le style, c'est la femme,'" *MLN* 119, no. 4 (2004): 696-717; Karen Shelby, "Beauvoir and Ethical Responsibility," in *Simone de Beauvoir's Political Thinking*, ed. Lori Marso and Patricia Moynagh, 93-108 (Champaign: University of Illinois Press, 2006); and Andrea Veltman, "Simone de Beauvoir and Hannah Arendt on Labor," *Hypatia* 25, no. 1 (2010): 55-78.
3. Although there has been a resurgence of work in political theory that explores the implications of Kantian reflective judgment for politics, there is stunning lack of literature on the actual practice of judging hard cases. Authors exploring Kantian reflective judgments, particularly as glossed by Arendt, agree that once we abandon the universe of cognitive truth or rule-governed activities and the subjective basis of judgment is acknowledged, it becomes quite difficult to find firm ground for judgment. When we explore actual trials raising complex and unprecedented issues, difficult judgments are illuminated as located at the heart of politics. For recent work on reflective judgment and its political implications, see Ronald Beiner and Jennifer Nedelsky, eds., *Judgment, Imagination, and Politics: Themes from Kant and Arendt* (Lanham: Rowman & Littlefield, 2001); Alessandro Ferrara, *The Force of the Example: Explorations in the Paradigm of Judgment* (New York: Columbia University Press, 2008); Jerome Kohn, ed., "Introduction," *Responsibility and Judgment* (New York: Schocken, 2003); David Marshall, "The Origin and Character of Hannah Arendt's Theory of Judgment," *Political Theory* 38, no. 3 (2010): 367-93; and Linda Zerilli, *Feminism and the Abyss of Freedom* (Chicago: University of Chicago Press, 2005). See Roger Berkowitz, "Why we Must Judge," *Democracy: A Journal of Ideas* 18 (2010); and Jennifer Culbert, "Judging the Events of Our Time," in *Thinking in Dark Times*, ed. Roger Berkowitz et al (New York: Fordham University Press), 145-50 specifically on the practice of judging hard cases and events.
  4. Reductive interpretations of Beauvoir's political and philosophical commitments have stood in the way of serious study of her political ideas. Beauvoir is dismissed for affirming the radical unrestrained freedom of the individual (following Sartre's early existentialism), or conversely for validating the suppression of the individual (stemming from her engagement with Marxist politics, and Sartre's and her controversial association with the French Communist Party and later the French Maoists), and often condemned as male-identified (because of her strident criticisms of the institutions of marriage and motherhood and her negative descriptions of female biological processes in *The Second Sex*). Some early critics characterized *The Second Sex* simply as Beauvoir's effort to apply Sartre's *Being and Nothingness* to the "problem" of women. In this scenario, Beauvoir was cast solely as Sartre's lover and partner, and her work was seen as derivative of his, a position that Beauvoir herself promoted in several interviews



and her autobiography. In recent years, however, these assumptions have been thoroughly discredited in research conducted by feminist philosophers. Beauvoir challenges Sartre's early commitment to absolute freedom by theorizing individuals as always embedded in, and constituted by, contingent situations that are not chosen, and situated human action as always ambiguous in both its effects and intention. In fact, Beauvoir was challenging Sartre's position even before she published *The Second Sex* in 1949. In *The Prime of Life* (New York: Penguin, 1962, hereinafter *PL*), for example, Beauvoir recounts a conversation with Sartre during the war in which she challenged his commitment to the radical and unrestrained freedom of the individual: "I maintained that from the angle of freedom as Sartre defined it—that is, an active transcendence of some given context rather than mere stoic resignation—not every situation was equally valid: what sort of transcendence could a woman shut up in a harem achieve? Sartre replied that even such a cloistered existence could be lived in several quite different ways. I stuck to my point for a long time, and in the end made only a token submission. Basically I was right" (434).

5. Hannah Arendt, *The Life of the Mind* (San Diego, CA: Harvest Books, 1971), 191, hereinafter *LM*.
6. Hannah Arendt, *Eichmann in Jerusalem* (New York: Penguin, 1965), 49, hereinafter *EJ*.
7. Simone de Beauvoir, *The Ethics of Ambiguity* (New York: Citadel, 1948), 42, hereinafter *EA*.
8. Simone de Beauvoir, "An Eye for an Eye," in *Simone de Beauvoir: Philosophical Writings*, ed. Margaret A. Simons (Urbana: University of Illinois Press, 2004), 248, hereinafter *Eye*.
9. Simone de Beauvoir, *Force of Circumstance* (New York: Penguin, 1964), 28, hereinafter *FC*.
10. De Gaulle refused to grant the pardon and Brasillach was executed by firing squad on 6 February 1945. For a fascinating in-depth account of Brasillach's trial, see Alice Kaplan, *The Collaborator: The Trial and Execution of Robert Brasillach* (Chicago: University of Chicago Press, 2000). Kaplan explores accusations that Brasillach was singled out as a suspected homosexual, as well as asking whether it was right that Brasillach was executed when others, such as real killers and economic collaborators, went free. Diane Rubenstein looks specifically at the way intellectual collaborators were treated in postwar France in her article "Publish and Perish: The Épuration of French Intellectuals," *European Studies* 23 (1993): 71-99. As Rubenstein points out, Brasillach's was the "quintessential show trial," and lasted only five hours—it began at 1 p.m. and by 6 p.m., he was sentenced to death.
11. Tony Judt's argument in *Past Imperfect* inadvertently reveals how dissimilar Beauvoir's judgments were from her compatriot intellectuals. Judt includes

Beauvoir in the group of postwar French intellectuals that he criticizes for their inability to name Stalin's crimes and failing to show any ethical leadership. The general trend he sees in this group is the move to absolve crimes as part of the movement of history (as long as history was seen moving toward freedom). Naming the disdain for liberalism as part of the general mood of French intellectuals at this time, Judt writes:

At the heart of the engagement of the 1940s and 1950s there lay an unwillingness to think seriously about public ethics, an unwillingness amounting to an incapacity. An important source of this shortcoming in the French intelligentsia was the widely held belief that morally binding judgments of a normative sort were undermined by their historical and logical association with the politics and economics of liberalism. It was a widely held view that liberalism, with its political language based on individuals and their rights and liberties, had utterly failed to protect people against fascism and its consequences, in large measure because it provided them with no alternative account of humanity and its purposes—or at any rate, no alternative account sufficiently consistent and attractive to fight off the charms and dangers of the radical Right. (Judt 230)

Judt's desire to put Beauvoir into this category is entirely unconvincing. He sees Beauvoir as always echoing and supporting Sartre's positions, rather than as carving out a political and theoretical ground of her own. His very brief mention of "An Eye for an Eye" and parts of her autobiography are quoted out of context to support Sartre's ideas, rather than to understand Beauvoir's argument as part of a larger ethics she was developing in *The Ethics of Ambiguity*. I mention Judt's book, however, not to engage here with his interpretation of Beauvoir's work but rather to demonstrate that if we take Judt's argument seriously, we see the novelty of what Beauvoir was doing in making judgments outside the philosophical universe of either liberalism or communism.

12. For context on the controversy and Arendt's response to it, see Kohn, "Introduction" to *Responsibility and Judgment*.
13. Ian Buruma reminds us that before the occupation of France even began, Germans were cultivating French public figures, such as Brasillach, who were part of the anti-Semitic right. As he recounts: "The journalist Robert Brasillach, among others, was invited in 1937 to attend the Nazi rally in Nuremberg, and came back so impressed with all the drum-beating, flag-waving, goose-stepping Hitler-worship that he compared the event to the Eucharist." See Buruma, "Who Did Not Collaborate?" *The New York Review of Books*, 24 February 2011, 16-18.

14. Beauvoir writes in *Force of Circumstance*: "To me, it seems utterly unjust that economic collaboration should have been passed over, but not that Hitler's propagandists in this country should have been so severely dealt with" (*FC*, 29).
15. This is a simplified summary of the various positions taken against judgment, all for complex reasons and by different constituencies. Beauvoir discusses these controversies and arguments against judgment both in *The Prime of Life* (*PL*) and *Force of Circumstance* (*FC*), and also fictionalizes these issues in *The Mandarins*; Arendt discusses these controversies as they pertain to the Eichmann case in "Personal Responsibility under Dictatorship," and "Collective Responsibility," both in *Responsibility and Judgment*, ed. Kohn, hereinafter *PR* and *CR*.
16. *PR*, 19.
17. "For the life of a man to have a meaning, he must be held responsible for evil as well as for good, and, by definition, evil is that which one refuses in the name of the good, with no compromise possible. It is for these reasons that I did not sign the pardon petition for Robert Brasillach when I was asked to" (*Eye* 257).
18. "I had somehow taken it for granted that we all still believe with Socrates that it is better to suffer wrong than to do wrong. This belief turned out to be a mistake. There was a widespread conviction that it is impossible to withstand temptation of any kind, that none of us could be trusted or even be expected to be trustworthy when the chips are down, that to be tempted and to be forced are almost the same" (*PR* 18).
19. Arendt explains that "where all are guilty, no one is": "What I wish to point out, in addition to these considerations, is how deep-seated the fear of passing judgment, of naming names, and of fixing blame—especially alas, upon people in power and high position, dead or alive—must be if such desperate intellectual maneuvers are being called upon for help" (*PR* 21). Arendt adds that "under conditions of terror most people will comply but *some people will not*" (*EJ* 233, emphasis in original). In like manner, Beauvoir argues: "certainly, man is wretched, scattered, mired in the given, but he is also a free being [and] he can reject the most urgent temptations" (*Eye* 257). To hold the collectivity or history or god responsible is to fail our human responsibility to judge.
20. In calling Arendt's defense of the death penalty for Eichmann an act of "non-reconciliation with the world," Roger Berkowitz distinguishes this type of judgment from notions of revenge and forgiveness. Berkowitz argues that Arendt neither calls for vengeance on behalf of the wronged, nor does she forgive Eichmann's crimes, which would serve to reconcile us to a common world with persons such as Eichmann in it. Instead, the judgment of non-reconciliation with the world suggests "a break, a crisis, a new beginning, one that makes a claim either to reaffirm a common world (reconciliation) or to re-imagine and re-form our common world (non-reconciliation)." See Roger Berkowitz, "Bearing Logs on Our

- Shoulders: Reconciliation, Non-Reconciliation, and the Building of a Common World,” *Theory and Event* 14, no. 1 (2011). While Arendt’s call for Eichmann’s death presumes a solidarity (or not) with the world, Beauvoir’s emphasis on the victims of Brasillach’s crimes presumes a solidarity with the oppressed.
21. Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), 5, hereafter *HC*.
  22. Hannah Arendt, *Lectures on Kant’s Political Philosophy*, ed. Ronald Beiner (Chicago: University of Chicago Press, 1992), hereafter *KPP*.
  23. See Sonia Kruks, “Living on Rails: Freedom, Constraint, and Political Judgment in Beauvoir’s ‘Moral’ Essays and *The Mandarins*,” in *The Contradictions of Freedom*, ed. Sally J. Scholz and Shannon M. Mussett (Albany: State University of New York Press, 2005), 67-86.
  24. Shoshana Felman argues that Arendt “reserves some of her harshest language and fiercest irony in *Eichmann in Jerusalem* for the description of K-Zetnik’s unsuccessful court appearance.” See Felman, *The Juridical Unconscious: Trials and Traumas in the Twentieth Century* (Cambridge: Harvard University Press, 2002), 140. K-Zetnik (a pseudonym, a slang word meaning a concentration camp inmate) was a writer who began chronicling his experience in Auschwitz soon after he was liberated. K-Zetnik (his real name was Yehiel Dinoor) was called to testify at Eichmann’s trial as the only eye witness for Eichmann, but he collapsed on the stand before he could make an identification. Felman reads the incident as a confrontation between the “legal” apparatus and the truth that cannot be conveyed in its legal language. She sees Arendt’s frustration with any and all survival testimony as Arendt’s conservative philosophy of law.
  25. Beauvoir says “only [an embodied desire for vengeance] bites into the world” (*Eye* 258). The passing of time, she acknowledges, makes the satisfaction of punishment for these criminals much more difficult, but even if exacted as vengeance in the moment, punishment often fails to satisfy. When reading the articles of *Je suis partout*,

we said to ourselves in an outburst of anger, “They will pay.” And our anger seems to promise a joy so heavy that we could scarcely believe ourselves able to bear it. They have paid. They are going to pay. They pay each day. And the joy has not risen in our hearts. (*Eye* 246)

In the heat of the moment, at the time of struggle, vengeance inspired by hatred seeks to directly punish the individual responsible for suffering. But since the punishment seeks to “compel a freedom” as Beauvoir puts it, to make the torturer understand the injustice of acting as a tyrant by being the victim of violence himself, the punishment always misses its mark. It is

impossible to make the tyrant feel the abomination of his crime. He might suffer with “a sense of irony, with resistance, with arrogance, with a resignation lacking remorse” and so “punishment suffers a defeat” (*Eye* 250). How, then, do we compel the lessons we want the tyrants to learn? While the “affirmation of the reciprocity of interhuman relations” is “what vengeance strives to reestablish in the face of a tyranny that wants to be sovereign” (*Eye* 249) because control of an other’s consciousness is always out of our reach, there is no way to establish justice on the level of the particular. If we turn the tables and torture the torturer, he becomes “nothing more than panting flesh—torture misses its aim” (*Eye* 249), failing to reestablish human ambiguity and instead demolishing it via enacting the punishment. Moreover, vengeance committed by individuals runs amok: “one act of revenge calls for another act of revenge, evil engenders evil, and injustices pile up without wiping one another out” (*Eye* 251). So the question for Beauvoir becomes whether we can possibly enact justice on the level of the general. As she admits: “In renouncing vengeance, society gives up on concretely linking the crime to the punishment” (*Eye* 254). Moreover, “the official tribunals claim to take refuge behind an objectivity that is the worst part of the Kantian heritage . . . they want to be only an expression of impersonal right and deliver verdicts that would be nothing more than the subsumption of a particular case under a universal law” (*Eye* 258). In Beauvoir’s estimation, justice seems to fail on each level—the concrete and the general. And yet, she names Brasillach’s crime and seeks his punishment. Despite the fact that we cannot establish justice on the level of the general, we can affirm political community and affirm the embrace of freedom in making such a judgment.

26. For the most influential article on Arendt’s thinking about embodiment and its relationship to political questions, see Linda Zerilli, “The Arendtian Body,” in *Feminist Interpretations of Hannah Arendt*, ed. Bonnie Honig (University Park, PA: Penn State University Press), 167-93. As Zerilli puts it, the body “often figured as ravenous and oral, poses an immanent threat to Arendtian plurality” (171). Zerilli claims these symptomatic fears, while indicating a displacement, also make visible the sheer “terror of having a body, an anxiety about mortality and loss of symbolic mastery that, on [Arendt’s] account, haunts every speaking subject in Western culture” (174). Moreover, as Zerilli indicates, Arendt not only recognizes the injustices and violence of the borders that separate those in the realm of necessity from those in the realm of politics, she also seeks to transgress them noting that in Ancient Greece the slave “stood as the disavowed, embodied part of the free (masculine) subject” (179). But yet her worry to preserve a common world and the boundaries that would secure it push her to maintain the

public space where she claims that people can disclose the “who” of their being beyond the “what” of our bodies. It is this “who,” the speaking and acting citizen, that is unique and distinct while the “what” links us in common (bodily) traits with others even though, as Arendt recognizes, we are uniquely different in our given bodies as well.

27. Hannah Arendt, *On Revolution* (New York: Penguin, 1973), hereafter *OR*.
28. What Arendt fails to mention here, when speaking about the possibility of politics, is that the acting “who” is dependent on, or made possible by, the labor of the people who are disallowed from disclosing themselves beyond the “what” of their existence. We might argue that in *The Human Condition*, Arendt is delineating and describing segregated dimensions of human activity, but politically it is too often the case that these segregated dimensions map all too clearly onto different people and populations. For Beauvoir, the phenomenon whereby some people are destined to labor in the realm of necessity while others are free to transcend is called oppression, while Arendt sees it as part of the human condition inherent to the nature of labor itself. See *The Human Condition* and Andrea Veltman 2010.
29. Simone de Beauvoir, *Old Age* (translated as *The Coming of Age*), trans. Patrick O’Brian (New York: Putnam’s, 1972).
30. Documenting conditions in 1940 France for Jews, Beauvoir writes that:

the note “Out of Bound to Jews” began to appear in the windows of certain shops. *Le Matin* published a muckraking article on “the Ghetto,” demanding its abolition. Vichy Radio was busy denouncing the “renegade Jews” who had left France in the lurch, and Pétain repealed the law forbidding anti-Semitic propaganda. Anti-Jewish demonstrations were whipped up in Vichy, Toulouse, Marseille, Lyon, and on the Champs Elysées, while a large number of factories fired all “Jews and foreigners” among their workers (*PL* 458-59).

31. I thank Mary Dietz and the anonymous reviewers of this article for helping me to better draw out these conclusions.

## About the Author

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