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Community, argumentation, and the legitimacy of reasons for action

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ABSTRACT: Communities gather persons sharing saliences, the meaning of events, and accountability based in shared values and practices. These shared features ensure community wide legitimacy for moral agents and their reasons for acting. But they also might ensure personal reasons for action are not universally legitimate. This discussion considers Hannah Arendt's and an alternative view of judgment seeking an account of community-limited legitimacy for reasons in both moral and closely related political thought.

KEYWORDS: community (local and critical), legitimacy, moral reasons, moral agents, balance point (between critical considerations and local community demands), judgment (creative and re-integrative)

1. INTRODUCTION

This discussion concerns the ways that reason working on real situated moral problems is limited or supported by being contextualized in communities. As well it concerns the mutual impact of moral reasoning's occurrence in a community and the requirements of reasoning critically in meeting moral problems. The discussion is framed in part in terms of legitimacy in moral reasoning. This is to identify a normative domain in which the discussion proceeds, namely that of the legitimacy of agents as this emerges from and rests in various grants of recognition on the part of others in the community. Thus one question of the discussion is to what extent or in what ways will an agent's moral reasoning occurring in a community affect the critical character of her reasoning and her legitimacy as a moral agent? A second question is to what extent will the critical involvement of an agent's legitimacy affect the character of the community within which that reasoning occurs? Stating Arendt's theory of moral judgment will involve addressing these two questions as will moving beyond Arendt to consider a second related but different view of moral judgment. The discussion concludes with some remarks on the thoroughly contingent character of the balance between apt community demands on reasoning about moral questions and apt demands of critical thought.

Now Arendt believed, a kind of common sense not only fits moral agents into community, but also allows these agents to think their individual ways to a moral insight appropriate to particular circumstances, and to do so imagining (and reaching accord with) the judgments others in the community would make in those very circumstances.

Common Sense for Kant did not mean a sense common to all of us, but strictly that sense which fits us into a community with others, makes us members of it and enables us to com-

municate things given by our five private senses. This it does with the help of another faculty, the faculty of imagination [...]. (Arendt 2003: 139)¹

Thus thinking in community is not only thinking to a moral judgment while also being a member of a community. In addition, it will be thinking as would some others or as a representative of some others thus reaching a judgment not only with some personal integrity but also one that expresses the integrity of a community of moral agents. (“Representative” is the word Arendt used. See Arendt 2003: 139.) “Common sense, by virtue of its imaginative capacity, can have present in itself all those [members of the community in question] who actually are absent.” (Arendt 2003: 140) This possibility generates another in which one person makes moral judgments by the exercise of personal insight even while making this same judgment as befits or expresses the views of all in the community. “The point of the matter is that my judgment of a particular instance does not merely depend upon my perception but upon my representing to myself something which I do not perceive.” (Arendt 2003: 140) Of course, to take Arendt’s example, this opens the door to the person who will embrace one who is evil, to the person who just does not care with whom she associates, and it allows for those who “out of unwillingness or inability to choose one’s examples and one’s company, and out of the unwillingness or inability to relate to others through judgment” do not even think about what troubles they see. (Arendt 2003: 146.) This last possibility illustrates the dynamics (or should it be the statics) of the “banality of evil.” It shows the readiness to see morality as mores formed by those with the greatest influence and so to drop all interest in morality, even in those mores as one comes habitually to do what is called for and to think nothing of it.

Arendt was speaking as an eye-witness to much of the Jewish Holocaust and so she had, perhaps, all the experience one might require of someone who would choose to speak in this way. An alternative way of putting her point is that moral judgment comes to express the dominance of those controlling the direction of the community and to inscribe the conditions of this dominance in the community life that the agent expresses in a judgment. The circumstances of community under Hitler were such as to still authentic moral judgments and thus to render those judgments made by representatives or functionaries of the government simply automatic applications of illegitimate norms of the day or mores. These overshadowing judgments of the government functionaries and the fear they inspired corrupted or silenced the everyday moral judgments of ordinary community members leading to a moral breakdown in which one either turned her head or risked death by resisting the government. By far most turned away. What was left of morality was just a hollow and rotten log of mores suggesting the vital tree of engaged moral judgment that previously grew in Germany’s communities.

Legitimacy as discussed here is a form of ethical standing that one achieves as a part of and through participation in community membership. To speak of legitimacy in this way then is to speak of recognition and deference or other accord one enjoys with respect to a range of undertakings. This standing of recognition and the accorded deference or other form of acceptance as an agent is something others in the community grant. It is not an independent matter of fact. For example, Greg Mortenson slowly with great

¹ Many of the pieces by Arendt featured in this discussion were originally spoken, not written. They have been collected into a single source cited here and below as appropriate. Thus they are referenced by that source not by the title they each bear.

persistence gained the trust and acceptance of local governing councils and other groups in a number of locations in Afghanistan and Pakistan and was able (with funding from outside those countries) to carry out his dreams of constructing schools there equipping them with books, student supplies and the provision of funding for the first years of a teacher's salary. It was highly unusual for an outsider to accomplish such feats. But it came about by Mortenson becoming in effect a member of the communities in question, of having a symbolic third cup of tea and discussing his proposals. His claims of moral judgments concerning the needs for the schools, his promises to carry through with these and indeed his avowed purposes of collaboration with the people of the villages were accepted because of his coming to have standing or legitimacy among the people with whom he was dealing. (See Mortenson 2009) By extension one might speak of these claims and judgments as having legitimacy—being reasons and judgments an agent makes as a legitimate member of community. (Still this extension of speech does not change the meaning of legitimacy or that to which legitimacy is granted or attributed.)

Thinking of legitimacy as belonging to the agent versus thinking of it as belonging to what the agent claims or judges is quite important. In the latter case, legitimacy stands apart from the agent and so can become an abstraction not understood by looking at the agent's practice. Legitimacy as considered here is a matter of the agent's relationships with others in a position to accept that agency and then to grant the agent and the agent's participation in the life of the community a special recognition. Morality, the focus of attention in this discussion, is not lived as an abstraction. Indeed, it is agents practicing as members of communities and in this activity forming moral reasons and moral judgments that are at the center. And to understand that, the present inquiry must consider these two, moral reasons and judgments as part of ethics lived in and organizing the inter-relationships of people engaged with each other in various ways; legitimacy needs to be understood in its real forms within the space allotted it in the lives of the people using it. This same emphasis is found in recent work by Barbara Herman.

Partly as a result of the work of moral reasons, we do not encounter morality as a conjunction of discrete rules of duty and obligation. It is not external, and only rarely constraining. For most of us, it is a normal practice, a way of living in which duties and obligations play a structuring role. Justification is not the ticket of entry; purity is not the mark of membership. If morality as a whole has a larger purpose, that will of course have a bearing on its content. But it cannot have just any constraint on what such purposes can be (and on the content of specific obligations as well). (Herman 2000: 31)

Legitimacy understood in the frame just suggested can fail in a number of ways. Indeed, Arendt's account makes clear one end of a range of such failures. The very communities within which individuals could achieve legitimacy as moral agents and bring forward legitimate moral reasons and judgments corrupted their members, leaving them mere echoes of government propaganda or silenced them altogether. In either case they were left without legitimacy. The collaborators were no better than the criminals in the government and the silenced were not even candidates for legitimacy, indeed not even members of any ethical community. Real moral judgment had ceased in either case. This sort of case led Arendt to pose what was one of the central questions in her work, and a question at the root of the concerns of the present discussion. Might the evil one encounters in a certain political frame or community wreck the working of that person's moral judgment. Might it turn that person away from real reflection on moral matters and simply

leave that individual paying lip service by judging and acting as directed by some set of social conventions that allow evil and criminality to flourish? Or is moral reasoning sufficient protection against this evil or even the source of legitimacy?

Is our ability to judge, to tell right from wrong, beautiful from ugly, dependent upon our faculty of thought? Do the inability to think and a disastrous failure of what we commonly call conscience coincide? The question that imposed itself was, could the activity of thinking as such, the habit of examining and reflecting upon whatever happened to come to pass, regardless of specific content and quite independent of results could this activity be of such a nature that it 'conditions' men against evildoing? (Arendt 2003: 161)

This question can be generalized so as to invite and call attention to thinking and the avoidance of evil, but also to thinking in a community context while avoiding lesser corrupting influences upon moral reasoning. Thus: are there properties of everyday community participation that are incompatible with legitimacy of agency? Do these compete with the demands of logical or critical thinking? Or just how do they operate to cripple moral judgment and preclude legitimacy in moral reasons?

2. ARENDT'S VIEWS ON MORAL JUDGMENT

Moral judgment, according to Arendt, is the capacity (Arendt's term is faculty) by which a thinker might review a particular situation without applying any standards, rules or other classifications of conduct and form a position to the effect that "this is wrong," "this is beautiful," etc." (Arendt 2003: 189). (See also Arendt 2003: 26-27. Arendt's inspiration is Kant's view of aesthetic judgments.) This capacity allows one to form judgments of the moral character of particular actions or decisions in particular situations, that is particular moral judgments. An understanding (not necessarily available to consciousness) of salient aspects of the situation provides the agent with reasons for acting. However, Arendt characterizes the agent's discernment in terms of forming an example of what is wrong or right, ugly or beautiful. This example can serve the agent on other occasions but on each occasion what is needed is a fresh review of the circumstances leading to an insight apt to the particular situation, not an argument applying a preformed category that fits some aspects of the present situation.

A look at the process involved in gaining that insight yields the same result. No specific end-state principle guides judgment telling the agent to do this or that in order to achieve a particular end. Instead one considers the possibilities in conversation with herself and seeks a response. This process turns on the reflection Arendt further identifies as a Socratic view urging that it is better to suffer wrong than to do wrong. Morality, she argued, has connections with self-respect. Thus the suggestion is that one engage oneself so as to challenge and reject standard rule governed responses. Further, one applies to a review of the problematic circumstances one's mind acculturated to the truly human possibilities of the situation. This leads to individual, representative moral insights without resorting to rules and standards that tend toward habits and toward the status of mores which neither carry moral force nor always engage the moral agent. (See Arendt 2003: 168-189; 48. Also for the same account developed in detail and with respect to political judgment, see Arendt 1993: 220-226.) Arendt urges the acceptance of judgments that emerge this way on two grounds: the validity gained by including the view of others in a community in the formation of the insight; and the distillation of history into the human-

ism of the "truly cultivated mind." (See Arendt on "intersubjective or representative" validity, 2003: 141, 144 and 1993: 224) The credibility of this view and the judgments it gives rise to can be felt by imagining times when one has simply known what is to be done or not done, or occasions when one has just been unable to agree with a peer group about what is right or wrong even if one is not able to articulate clear reasons for the disagreement. Sociopathology aside, these are common experiences. And though Arendt does not suggest just this thought experiment, it seems fully apt to the ideas she offered in speaking of moral judgment.

Arendt does provide one other aspect worth noting in this account of how it is we gain insight into legitimate moral judgments in a situation.

...the question arises whether there is really nothing to hold onto when we are called upon to decide that this is right and this is wrong, as we decide that this is beautiful and this is ugly. And the answer to this question is yes and no. Yes—if we mean by it generally accepted standards [...] the *mores* of morality. Matters of right and wrong, however, are not decided like table manners, as though nothing were at stake but acceptable conduct. And there is indeed something to which common sense when it rises to the level of judging can and does hold us to, and this is the example. Kant said, "examples are the go-cart of judgment" (*Critique of Pure Reason* B174), and he also called the representative thought present in judgment where particulars cannot be subsumed under something general, by the name of "exemplary thought." (Arendt 2003: 143)

Arendt goes on to note differences in quality between exemplars gained in particular experiences and standards or rules passed along in society. As one goes along, one builds a repertoire of ways of seeing (and seeing in the name of others in one's community) those particular incidents or characters that are created and presented in the instant case or represented in the examples one formed in previous incidents. The recognition of this present situation as showing this or that moral character is only in the recognition of such a pattern as judgment forms and creates or else reviews the perceptual fit of an exemplar. Such creation and exemplary thinking are a real matter of preconscious perception, not a matter of finding guidance in arguments from analogy, for example.

The exemplar carries the moral reason that one isolates or the judgment one makes in forming the exemplar. If one's moral insight or judgment creates an exemplar then no classificatory reasoning has been involved. The process is bolstered by the critique of conscience in reflective thought. But this seems a precursor to the creative grasp of moral insight found in moral judgment and then the formation of an exemplar for the case. If the exemplar is grasped comfortably, that is comes into focus with no personal resistance, and is seen through what is a previously acquired exemplar, then the case has been reviewed and moral insight gained without the use of standards or rules. Perception alone occurring through the creation or use of an exemplar provides the particular insight. So in sum: legitimacy is afforded by the careful review that is independent of standards and rules and also representative of the community. To be acceptable that review must give rise to an exemplar or must illuminate an exemplar already formed. That is, legitimacy is found in the agency properly emerging from careful exemplary thought in some way making good use of the common sense that brings agents together in communities.

This account is vague in a number of places. More would have been available had the third part of Arendt's work *The Life of the Mind* been finished and published prior to her death. But this is enough to give the beginnings of an understanding of the break-

down of reason. What of the remainder of the aspects of that breakdown? Arendt gives a clear account of this in relation to the larger moral community of Germany and its influence as Hitler carried out his attempt to extirpate the Jews and others. She suggested that the discussion should consider three groups: those forming the bureaucracy, the implementation labour force of the death camps and the war machine, then second the “*respectable* society” who was found without morality in the face of the first group, and third those who refused to participate in the work of the country in its oppressive and militaristic condition (see Arendt 2003: 44).

The question is how did it come to pass that the respectable members of society went along with and even contributed to the work of the Hitler agenda, in particular the Jewish Holocaust? Arendt's answer was straightforward: the respectable folk simply had not internalized the full understanding of and a commitment to moral reasoning. Because of this they treated neither morality nor the change of values that came with the establishment of the Hitler regime as of any real significance. It was no more than a change in society's rules and standards at a time—perhaps no more than a change in a parking regulation which, once noted, one continues along, illegally parking or not, unchanged by any personal impact of the department of transportation and its associated law enforcement agencies putting the new regulation in force.

Only those who refuse the changes and resist the new system will really possess the means of having legitimacy and expressing this in the moral reasons and judgments upon which they work. “Best of all will be those who know only one thing for certain: that whatever else happens as long as we live we shall have to live together with ourselves” (Arendt 2003: 45). Thus moral breakdown and lack of moral engagement will be found in people simply failing to think and to take the result of that thought to heart in a way that makes a difference to what follows in life. Judgment successfully responds to a situation through a creative exemplar, fails at that undertaking, or judgment simply is not any part of the agent's engagement in the situation, it just does not appear. It is the last case that gives us the disengagement she described as banal.

3. OTHER COMMUNITY SOURCES OF TROUBLES WITH LEGITIMACY

The sort of troubles Arendt spoke of, namely lack of engagement or disengagement, occur frequently. Unfortunately there is no shortage of bullies and tyrants who can easily alienate others from various forms of ethics including especially morality. But there are other troubles also facing the legitimacy of moral agents and their reasons and judgments. Each of the following three arguments suggests a pattern of thinking that highlights one area fertile for such trouble. The intention is to present three patterns of arguments. Whether they are sound or inductively strong is not the point. Instead each argument turns on a choice of community that is underdetermined by all considerations that might settle factual or even normative questions. In the end, forming allegiances with one or another of the communities involved with these arguments perhaps is open to rational influence, but not rational proof. (Consider Mill 1957: 7) Still the interest these examples hold here is twofold: first they will reveal something familiar but important about functioning as a member of a community; second, they will introduce a way in which moral reasons and moral judgments might well go wrong—ways that Arendt's views on judg-

ment do not explain. These examples then clarify the need for a theory of judgment different from that of Arendt. Consider the following:

Collective Bargaining of Public Employees: Appropriate governmental agencies should not, morally and legally should not recognize a right for public employees to collectively bargain. (The beginning of the year 2011 saw several state initiatives in the U.S.A. aimed at precluding or weakening public employee collective bargaining. Wisconsin and Ohio were test stations for this work as each had a new governor and legislature that was Republican as of the fall 2010 interim elections.)²

- (1) The practice of public employees who collectively bargain has been to bargain for higher salaries, and when received these increases were turned over to unions who in turn turned them over to liberal politicians who reinforced a right to collectively bargain, This bargaining when it led to increases in salaries was passed on in the same way to liberal politicians, and so on.
- (2) This was true regardless of whether the funds came from union members or non-union members of union shops and institutions.
- (3) History suggests that this practice will continue on unabated.
- (4) This cycle of events—bargaining, raises, dues, political contributions, protection of bargaining, raises, and so on—is not good or not permissible. [Say some even: It is the behaviour of "communist" stooges who presumably do not have the interests of the U.S. at heart.]³
- (5) We all ought to avoid what is not good or is not permissible, and this applies to the legislators, executives of government and supervisors involved in setting the terms and conditions of employment for public employees.
- (6) Therefore public employees should be denied any right to collectively bargain or such a right should be greatly restricted.

This argument reminds one that there are different communities with certain purposes and various ways of doing things as well as expectations about how things will be done. One needs to be ready to live accordingly so that one will have a place to act and an access to recognition and acceptance as a legitimate agent in that arena. Conforming to a community's expectations and best practices for the sort of activity particular to it might well involve one in patterns of thinking and recognition one might otherwise avoid. Yet if one does not conform, one will fail to plan and act as a member of the community and will not be recognized as one. Without that, one will lack the recognition and acceptance needed to gain legitimacy within the group, given its pursuit of a certain agenda.

Forgiving the Murderer of One's Child: Members of such groups as the Old Order Amish should not forgive the murderer of their children as did those in connection with the West Nickel Mines [Amish] School murders, October 2, 2006. (The insertion of [Amish] in the identification of the school is needed since this is one of a relatively few

² <http://codes.ohio.gov/orc/4117>; <http://www.newstimes.com/opinion/article/Opposed-to-collective-bargaining-among-unions-in-1318920.php>; <http://education.uslegal.com/teachers-unions-and-collective-bargaining/state-and-local-provisions-governing-collective-bargaining/>; <http://articles.latimes.com/print/2011/mar/11/news/la-pn-0312-wisconsin-unions-scott-wal20110312>, all accessed July 5, 2011.

³ Relevant material at: newswithviews.com/Devvy/kidd486.htm, <http://www.directionjournal.org/article/?1543>, <http://en.internationalism.org/icconline/2011/02/wisconsin>, all accessed July 5, 2011.

schools that the Amish have been allowed to operate on their own and as befitting their faith.) On this date five female children were killed and five young female scholars wounded at the West Nickel Mines [Amish] School in Lancaster county, Pennsylvania.

- (1) Forgiveness requires of us that we "overcome the resentment, toward the offender, not by denying our right to the resentment, but instead by trying to offer the wrongdoer compassion, benevolence, and love."
- (2) Such an achievement of overcoming perfectly natural feelings and tendencies carries a price of self renouncement and is unnatural to an extreme that is unhealthy for the one forgiving.
- (3) In a case like the West Nickel Mines killings forgiveness of the murderer did a disservice to the slain children: their dignity, their memory as significant simply because of who they were and who they showed promise of becoming.
- (4) The Amish community did not show the appropriate levels of individual anger. It was too mild to be a proper response to such an event. There should not have been immediate and deep forgiveness shown the killer.

This argument reminds one that there are at least two sorts of salencies in competition here and in other arguments and either is open but only by choice. Here the choice is between the path of generalized love and peace on one side and the path of personal love (perhaps) as well as protection of kith and kin on the other side. Community organization and operation reflect such divisions and hold members to their choices. There is nothing to say here about what is natural or evolved or called for by religion that seems sure to justify or vindicate one or the other side of the argument. However, such a choice is filled with unexpected practical consequences for those who make it. Communities have prominent salencies the centrality of which one's choice of membership brings with it, salencies such as a life of peace and forgiveness, even if this is not welcome to the community member. Forgiving a person who almost murdered your child is terribly hard. But it is expected of the Amish and the Amish support each other and keep alive the expectation they have of themselves and for each other in this regard. The core salencies of a community are commitments for members that can become the source of failures of engagement that compromise one's legitimacy.

The Use of Electroconvulsive Therapy (ECT): After a beginning in what seems but superstition and a relatively recent period of poor to simply dangerous and harmful practice, ECT has made something of a rise in its acceptability. Even though its mode of operation is still uncertain and thus "doses" of the therapeutic treatment are far from calibrated with any precision, many now accept the therapy as an approach of much less than first resort in dealing with problems such as profound depression, mania, and other psychological disorders. Administration has been improved through higher standards and better training. Thus some urge that it is time to consider accepting ECT as like any other medical treatment; the suggestion calls for assigning legitimacy to practitioners of best practice. This acceptance would include a form of the paternalism that physicians often expect to exercise as their knowledge and control of medications and other treatments creates a power differential. In the case of ECT this paternalism extends to the application of this treatment, even in a wide range of cases where it might be against the will of the patient. Many of these are cases where the need is left to the interpretative determination

of the physician. Some patients would challenge the argument below and the appropriateness of this paternalism.

- (1) Electroconvulsive therapy (ECT) has become much more humane in its application. (It is administered under a general anaesthetic to prevent frightening memories of the event and to prevent pain. Patients are also given a muscle relaxant to prevent damaging seizures.)
- (2) While the mechanism of the treatment's working remains unclear, it is found useful in dealing with several bodily and psychological maladies such as profound and persistent depression, mania and in some circumstances schizophrenia.
- (3) Of course there are dangers as with any medical treatment that alters one's normal bodily conditions. However, in cases of the indicated sorts, it is thought to be a good choice by the psychiatric profession and by many patients as indicated in anecdotes collected and published on line and in professionally informed studies.
- (4) One should always approach any serious medical intervention with caution and conduct careful background checks on the physicians and clinics involved as well as read and decide for oneself the significance and usefulness of the treatment as indicated in the latest research on its administration, if one can. In spite of all the research and caution a patient might exercise there will still be dangers.
- (5) But if the treatment is appropriate for that patient then he or she should consent to undergo it, or if necessary should be the unwilling recipient of the treatment.
- (6) That is, given its utility in certain cases, if indicated and there are no defeating conditions having to do with the particular physician, clinic and treatment administration team, the physician should go ahead with the treatment and the patient even should be placed in the hands of the physician with respect to further treatments.

The lesson here is that participation in a community sometimes calls for one to surrender one's freedom or autonomy agreeing not to challenge the stability of a community and not to put oneself outside it (unless one is ready to abandon the community and others like it). If the patient has sought treatment from a physician using modern medical techniques, or (at the extreme of the argument) even lives in the presence of the legal and customary use of such techniques, then that patient should not seek other treatment or seek to avoid such treatment administered on an emergency intervention basis. From within the group, after commitment to it, one cannot push the shape of the group to serve oneself; or one must go along with the community's rules for how limited one's behaviour must be. At least one must accept restraint to the extent that one's behaviour does not challenge the stability of that community. Expressed in yet another way, the lesson is that one's accountability and power of articulating reasons as a member of a community with legitimacy, is an invitation to construct and to take part in the evolution or the development of the community, but these are not invitations to moral anarchy. One must choose between moral legitimacy with real limitations on autonomy or freedom on the one hand, and the absence of such limits due to the absence of the order of a moral community structure on the other. And, of course, communities will differ on these limits and thus one from another.

If there is a common failing or weakness in the reasoning of the above arguments it can be found in the parochial nature of each. The first argument is concerned with a Republican party desire to deprive those it imagines as liberal of the funds needed to continue to effectively campaign. Not all members of the Republican party need agree

and not all members of the party of the Democrats, Libertarians and others need disagree. But in those communities where such an argument is made and affirmed, what is reflected is a commitment to doing things in a certain way, to looking at problems and possible solutions in a certain way, and generally to a pattern of socialization into the community that brings members of the community to interact so as to lead to common practices and expectations in analyzing and addressing problems, in arguing and even believing the way displayed in the argument. Joining the community thus involves learning how its members see and work the systemic possibilities to address issues such as collective bargaining among public employees. That lesson is simply part of learning one's way around the workings of the group with respect to matters of common interest. To someone ready to make the commitment of community membership it simply would provide a default position of leaders or others in the group with respect to how to believe and proceed in connection with particular issues such as the conditions of employment of state workers who would be union members.

Yet, as this example shows, the acceptance of this lesson can easily involve learning bias and prejudice, being manipulated by another's power, and setting aside reason in favour of what allegedly are no more than assertions of what is commonly known. In these ways the reasoning of the community is deficient and corrupting of one who would seek moral legitimacy. At least this is so from a position of criticism outside that community, a position occupied by those who are ready to challenge the legitimacy of such reasoning using logic and the general knowledge of reasoning well. (Similar worries arise with regard to finding beneath this argument a perception of a slippery slope, questions begged, and possibly other informal fallacies.) What this argument illustrates is that there are dangers in the socialization needed to ready someone to participate as a member of a community that deals with a specially interested agenda bearing on the larger society.

Communities can be usefully typed as interested, agenda driven operating and parochial first order gatherings of agents. Or communities can be typed as second order critical gatherings committed to identifying the ways first order communities fail or succeed at gaining and sustaining logical or more generally critical legitimacy in their reasoning. These possibilities give rise to another, a third order community found in an intersection of these first two, where the members and the community itself learns how to introduce critical acumen into the daily life of a first order community without compromising either. (For a parallel and informing suggestion see Donella H. Meadows on three levels of systems, Meadows 2008: 76) This third order community would show an acceptable balance of first order community identifying special interests, and second order community constraining limitations of critical thought. Both of these and the capacity to monitor and restore an acceptable balance between these are needed in the socialization of members with legitimacy. However, such a balanced community operation is difficult to imagine let alone find. And one appealing criticism of such an argument as the three above is that it seems to show community members might well be socialized into a variety of problems of mis-engagement. Members socialized into ways of functioning in a community, into ways of interpreting and doing their personal as well as their functionary business of the community both are brought to some degree of legitimacy within the community but also might well be corrupted with respect to the legitimacy they might have had in a second order community of logic and critical thinking, or within a balanced community of critically acceptable moral or even political action. The socialization into

such a second or third order community must bring a member, in this case into some internally, critically acceptable pattern of thinking about such things as allowing public employee unions. (It must provide a nonpartisan as opposed to partisan habitus or, in this case, pattern of organizing governance of self and others through framing and constructing arguments. See Bourdieu, 1990: *passim*) But instead the dominant thinking of the local community brings members to treat such questions in a biased and otherwise critically improper way that is then reflected in the policy arguments espoused by the members of the community.

The second argument seems apt to criticize the Amish practice of forgiving those who harm them or their families. But instead the argument calls for an aggressive attitude reflecting the arguers' readiness to withhold forgiveness from anyone who brings them harm. Indeed the argument seems to call for celebration of the lives and innocence of the dead and wounded children thereby voicing the hatred and vituperation the critic would bear to anyone who would so assault their, the arguers' children. Not all communities of parents feel or seek to feel forgiveness and even love for those who harm them. But the Amish do, or strive to become people who forgive in this way. Such forgiveness is an expression of their religious faith and their most central and strongly professed values. And their common sense, as Arendt would put the point, brings them together in part on this very difference from those who would reason as in argument II. above.

Amish everyday life seems to involve continuing socialization of their children and of each other to fix in place and reinforce such a tendency to love and forgiveness as opposed to hatred and desire for revenge. (See Kraybill et al. 2007 and Kraybill et al. 2010: xi-xvi; 182-192) In this way, it might be said, the Amish end up behaving in a prejudicial way (as do adherents to any organized practice of faith and spirituality). Thus one lesson to draw from this argument is the simple one that membership in a complexly articulated community of special interests might well involve coming to accept (and be reinforced in) certain values running along with the community interpretation, organizing impact and motivating emotional force these values bring in their wake. Not all Amish parents who had children involved in the West Nickel Mines (Amish) School incident wanted to forgive and love the perpetrator and his family. They were encouraged and supported by the rest of the community, and eventually came to accept even this aspect of the salencies that order the lives of the Amish. (See Kraybill et al. 2010) But then critics might say (as did those referenced in the second argument) that the members of the community who at first resisted came to hold values not really acceptable to them but required of them if they were to continue in the community.

These values or salencies were not just the bases of mores to the Amish and their critics. They reside at the center of a constellation of ways of caring and patterns of attention that define the mature Anabaptist Amish person. They are central to what Kraybill, et al. (2010) refer to as religious affections. That these were not the values held by the critics makes clear possibilities of encounters over who has legitimacy as a moral judge. But such encounters have been treated as clashes suggesting that on this question one finds only relativism and adherence to mores or many errors in the constitution of the community practices, salencies and tolerance of member induced change. Yet if communities are viewed as systems whose work is to help organize ordinary living, systems within which moral agents can gain and grant moral legitimacy, it seems unproductive to see encounters between communities as clashes where there must be a winner and a loser.

Better perhaps would be a view in which these encounters are calls for mutual adjustment or at the least adjustment of the ways of the community and forgiveness of the unseen consequences of acting as Arendt spoke of in her work *The Human Condition*. (See Arendt 1958: 236-243)

What skills, practices, saliences, and even tolerances for poor reasoning are appropriate to a proper balance between critical and communal interest concerns is a question that is to be addressed within the work of a third order community. Questions of balance are not questions about which of two or more contending communal parties is, in isolation, really right on the issue at hand. Relativism which emerges from the insistence upon such questions of the really right view is a problem (or a set of problems) thinkers confront themselves with. It is an artefact of organizing challenges to the validity of assessments of agency legitimacy so that one must certify members of only a single potentially conflicting community as acceptable. (It is the Amish *or* the modern urban critics of the Amish who must be right on whether to forgive one who threatens one's children.) This insistence on a setting allowing for relativism, oblivious as it is to the larger setting in which different communities can be seen as different systems with different resources, goals, feedback loops of information flow and a larger setting where these different communities share some common resources and goals seems contrived in the narrowness of its possibilities. (The discussion picks up this thread a little later in comparing Arendt's and another view of judgment.)

Both political and religious communities do make demands upon their members that might well present challenges to the norms of good thinking. The first case is tied to political argument. This exemplar emphasizes challenges to thinking well that show up in day-to-day practice of a political group as it presents a case of public reasoning on behalf of a contested stand. The second case emphasizes a different matter, namely the way that thinkers can be limited by traditions of interpretation, authorities upholding those traditions and by attachment to the central saliences of a community. As the case unfolds one can see, for example, how the value commitments of community members influence their moral thinking about others in or out of the group. The third argument shows yet another problem of parochial communities.

The third argument is concerned with paternalism in the application of ECT either in emergent interventions or in situations of well informed consent. In either sort of case an overly paternalistic physician can take over the control of a patient (if only for a short while) and administer a course of ECT. Occasions for these two forms of control, emergent or fully informed consent cases, present circumstances stretching over a surprisingly wide latitude. Within the medical community of psychiatrists who are ready to endorse this controversial treatment, the third argument or one like it would have wide acceptance as carrying the legitimacy of its imagined physician author.⁴

Among patients who are thinking about entering the treatment or who find the treatment to be damaging in one of the variety of ways it can fail to fit a patient, the argument would not have that appeal. These patients would seek to retain control over their treatment options and would challenge readily and vigorously any assertion that having had this treatment (or not) they remain within the medical or legal reach of a particular

⁴ <http://www.medhelp.org/lib/ect.htm> ; <http://www.rcpsych.ac.uk/mentalhealthinfo/treatments/ect.aspx> ; <http://www.psychminded.co.uk/news/news2010/march10/compulsory-ect-is-wrong002.html>; <http://www.ect.org/news/newyork/andretest.html> ; all accessed 7/5/11

physician who through her, the physician's interpretation, could give them ECT against their, the patients', will. (See John Breeding <http://www.ect.org/john-breeding-testimony-to-new-york-assembly/> Accessed 7/5/11.) Thus these patients would urge that if they enter a hospital voluntarily or in an emergency and sign off granting permission for a treatment by ECT, they still may leave that treatment or renegotiate that and all subsequent treatment at any time. (The dangers of ECT are suggested by the FDA refusing to lower the risk classification of ECT machines from class III--the most dangerous to class II--intermediate risk.⁵

There is a great difference between communities of patients who would accept the argument and surrender their treatment to a team administering ECT, and communities of patients sceptical of ECT's potential or aware of its capacity to harm them and so who would oppose both the treatment and argument III.⁶ One dimension of this difference is that those who would oppose the argument would seek a degree of autonomy in working with physicians who often and for a variety of reasons would refuse that autonomy to patients who show symptoms of mania, deep depression, bipolar cycling and in some circumstances schizophrenia even though they are capable of informed consent.⁷

The contested point is not that autonomy is usually absent and needed at the outset of the treatment since informed consent is generally now part of proper practice. The question of good, legitimate practice is now the extent to which the patient should retain some control and if the patient does retain some control, what bounds are there for that. Each community member will not only go about the business of the community as a matter of participation in the community, in this case the physician-patient community. In addition, the participant will seek to use the community as a field in which she conducts her own business appropriate to the interests of the community. In the present case, the physician-patient relations around ECT are intended to limit the degree to which the patient might participate in that community seeking treatment on a basis that best suits the choices of the patient. The patient can challenge the physician's paternalism to a degree that the physician no longer will work with her, or will work with her only in an institutional setting. The patient may be ready to continue in a physician's service, but want to be free of ECT. Whether that degree of control of the treatment regimen should be afforded the patient is the contested point of the third argument. Traditionally, care-givers would tend to accept the argument and many patients would reject it. But the lesson of paternalism in the sort of cases in question has been that there are limits to how far a community member might push the envelope of tradition, moral and legal expectation, and accepted practice before being limited by or expelled from the community.

These points raise several unsurprising difficulties about reasoning in community and retaining one's moral legitimacy. More follows on that point. As well these points suggest one way of understanding community where moral reasons and moral judgments are articulated and made. In summary, then, the following is the picture of community emerging in the discussion:

⁵ See John Breeding <http://psychcentral.com/lib/2011/dr-john-breeding-on-ect/>, accessed July 5, 2011; and further see <http://www.umassmemorial.org/MedicalCenterIP.cfm?id=4928>, accessed July 5, 2011.

⁶ There are, of course, borderline cases such as in http://www.msnbc.msn.com/id/30670631/ns/health-mental_health/, accessed 15 April, 2011.

⁷ See for example: <http://psychcentral.com/lib/2011/informed-consent-for-ect/>, accessed 15 April 2011.

Community is a number of persons or groups of persons made comfortable and united by:

- some particular range of everyday practices and expectations that create and maintain a set of social conditions and processes in which the member's pursuit of the salient goes forward effectively,
- some common sensibility of salience, and
- some limits upon the range of each group member's agency in so far as this involves recognition, deference, and acceptance by others as an agent with defeasible authority to plan and act even at some inconvenience or cost to these other(s), and even at some danger to usual actions and practices pursuing the commonly recognized salient.

It will be useful to confirm these points about community and reasoning in community through a look at one set of structures for aiding persons in leaving one community to join another very different sort of community.

4. THE SOCIAL LIFE OF MOSE GINGERICH

Thus far the discussion has identified four sorts of challenges to the legitimacy of moral agents acting in community. The first of these involves an absence of critical thought. The other three each illustrated a form of reasoning that seemed prone to several informal difficulties in reasoning as well as prone to being a form of reasoning that required a certain commitment to values or contestable ways of thinking before the argument was acceptable and provided the one reasoning any legitimacy. This discussion has associated these four challenges with community membership contending that community membership of the first order, in and of itself seems associated with dangers of coming to feel and act in ways that interfere with an agent's reasoning, thereby compromising her legitimacy. The problem is not that these features of communities are themselves incompatible with moral legitimacy. Rather the point is that reasoning well by expectations internal to the community limits the degree to which a member can display critical acumen that second order communities of good thinking would expect. The idea is simply that the first order community is a place of interested or agenda driven activity and feeling. Thus there are priorities of identity and loyalty that must be protected against the universalistic norms of second order communities of good reasoning. These priorities drag in their wake acceptance of a range of practices that in some circumstances good reasoning would not endorse. Reasoning, at least that leading to moral reasons and judgments, is being considered as Barbara Herman suggests--neither external nor constraining, but rather a part of living in community and a part that serves to order that life, to integrate it into a whole natural to the person acting upon it. (Herman 2000: 31) However, the discussion has identified the following four ways reasoning in community, reasoning that affords one moral legitimacy, can fail to be a natural and personally ordering dimension of the community life of the moral agent.

Reasoning about moral matters might come to involve:

- (1) disengagement from reasoning in the face of total moral breakdown of the sort Arendt spoke of;
- (2) mis-engagement in the form of a failure or refusal to act in standard or expected ways as one participates in the community;⁸
- (3) mis-engagement in the form of an agent seeking to pursue her own values or ends while neglecting or even interfering with the pursuit of what is generally salient or of central interest and import in the community;⁹
- (4) mis-engagement in the form of an agent seeking to make use of or take part in the enabling goods and services of the community while acting in a way to push accepted practice in the community beyond or outside of traditionally recognized limits;¹⁰

Communities present these dangers in so far as they are the smallest human unit or system of recognition and support for one's agency. But this is organized around common interests and agendas, around individual pursuits within these, and around the social capital of recognition, deference and other acceptance conveying forms of regard all three of which are limited stocks. The community's work takes place in real time, in a real location and real socio-economic circumstances of resources and access, rewards and assessments or expectations. Further all of this is framed by the task of individuals seeking to form an identity and to find meaning in what one can have and do, control and seek. And this is the same for meaning in several different forms of interaction and relation: meaning in position and acceptance associated with family ties, with care giving or if separate with occupation, with craft or professional life, with economic achievement, with a position or status of honour or trust among associates, and on. (For suggestive discussions consonant with this, see for example Bourdieu 1990, and Fowler 1997.) This describes a situation fraught with problems including those of individual readiness to overstep one's degree of acceptance in the community, of overreaching ambition, hubris, inhibition due to debilitating fear and weakness, ineptitude in dealing with opportunities to renew the community or to follow the direction of flow of its power if acceptable, excessive readi-

⁸ For example: refusing to present public reasoning in as complete, clear and bias free a fashion as possible; refusing to embrace accountability for one's work performance; or generally otherwise engaging in poor reasoning; disregarding payment or other arrangements one has made with someone providing services; failing to be on time with no excuse; failing to contribute to the needs of a family member; seeking to rely on favour to gain advantage in job placement; or in various ways failing to provide recognition and deference to other agents with whom one interacts;

⁹ For example: lack of or reluctance to offer forgiveness of those that harm the agent; failing to provide support and assurance as well as constructive criticism to a friend; failing to contribute to the emotional and economic dimensions of family life or of the life of some organization such as comes with religion, politics, business, or physical well being;

¹⁰ For example: pushing the patient-physician relationships to the point that the patient can choose which prescriptions of the physician to follow and which to reject and still expect the relationship to continue with full vitality serving the patient's interests; acting with no regard for strengthening the community by regenerating the bonds between members or specifically between the agent and others with some stake in what is affected by the action; acting with no regard to the connection between the character of community membership (cool, aggressive, trusting, exploitative toward others) and the health or flourishing of the community; acting with no regard for the powerful identity founding connections between history and tradition in community mission and practices as the agent seeks to modernize and simplify these without changing the community.

ness to compromise, irascibility, confusion, lack of scepticism, fickleness of regard, tenuousness of association and of established relations, and on.

All of these and a myriad other ways in which life in community can be prickly or difficult test relatedness and lead members away from trust, cohesion, cooperation, mutuality, and from understanding and openness to engaging community members on their own terms as agents. In the face of such challenges some communities both those that are highly personal and sharply defined, as well as those that are large and more amorphous tend to become rigid in their acceptance of new members and in their expectations of performance and loyalties. This is clear in the current reduction of social mobility in the U.S.A. and other so-called first world countries and in their pursuit of trade, defence and other sorts of loyalties in the Middle East as resources dwindle and formerly loyal governments fall of their own weight. Such pressures then produce greater need for coordinating norms sharply defining and insulating communities from outside interference. All of these factors being in play influences individuals in community and puts even more pressure on traditional communities such as the Amish to retain their separateness as part of retaining their identity and membership.

These pressures are played out at the individual level where agents and especially younger individuals with less invested in communities must decide whether to stay put in their parents' stultifying, simple and disengaged world or their bewilderingly complex (and perhaps counterproductive) world, or else seek out another. As a further illustration of the dynamic siting of reasoning in community consider the case of Mose Gingerich who recently gained some fame as a ferryman crossing between the Amish and the so-called English worlds. At the time of a National Geographic piece on his work as a guide to young ex-Amish, Gingerich, a former member of an Amish family and church, ran a small construction company. Currently he is in automobile sales. His interests also run to production of media projects which began with the reality TV program *Amish In The City*, continued in a project he co-produced for the National Geographic Online called *Amish: Out of the Order*, another National Geographic Online program, *Amish At The Altar*, and his development work on a series of programs giving an historical view of Amish architecture in the U.S.A.¹¹

As the owner of a construction business, Gingerich could involve former Amish young men in work in the area of Columbia, Missouri, Gingerich's home. (His work to assist young Amish women find jobs was not made clear.) This made it possible for the ex-Amish to establish contacts as well as learn the ways of the "English" into whose cultural sway they had moved. Columbia apparently is widely known as a haven for the ex-Amish and includes a broad range of ages among its ex-Amish population. The National Geographic program shows several of the young people Gingerich was working with at the time of the filming. One in particular left his Amish home in order to gain the chance to acquire a college or university education. This person was showing signs of following in Gingerich's footsteps as a guide to still other ex-Amish.

The production illustrated the history of many of the ex-Amish, e.g. their difficulties in securing a birth certificate so that they might sign-up for a social security card and gain regular employment. It showed their difficulties with establishing bank ac-

¹¹ See: <http://www.gingerichconstruction.net/> <http://channel.nationalgeographic.com/episode/amish-out-of-the-order-4961/Photos#tab-Photos/0>, <http://channel.nationalgeographic.com/episode/amish-at-the-altar-4960/Overview>, <http://amishamerica.com/leaving-the-amish/> All accessed on April 17, 2011.

counts, acquiring a driver's license, arranging to purchase a car and to otherwise get ready for the normal working life of any ordinary non-Amish person. The production also made clear the troubles some of the émigrés had negotiating the difficult terrain not only of taking on adult responsibilities while still teenagers, but also of avoiding the troubles associated with alcoholism and other possibly addicting substances easily acquired in the new area. The ex-Amish clearly faced problems of finding meaning and shaping their life around personally salient values recognized in the non-Amish community. Having left in part because of the repression they found at home, a repression tied so closely to the social structures and religious as well as moral demands of a life pervading and life orienting faith, the problem of finding a life centering sort of value was perhaps particularly difficult for the new citizens of Columbia. Finally, with so little sense of the way things work among the “English,” what people value, how they regard that to which they give special attention, how difficult or lax the “English” will be generally in their expectations of the ex-Amish, how to read the mood and emotional responses of folks they will encounter, and so on, the ex-Amish face a very steep learning curve in coming to understand when and to what degree they might be able to shape a relationship, learning its expectations in relation to their personal interests. Thus it is no great surprise that the full range of pitfalls and problems facing reasoning in community revealed by this discussion is as much in play for these young men and women new to Columbia as for anyone. The difference is that the ex-Amish had no preparation for their new experiences and none for dealing with them. Gingerich was needed.

What the National Geographic Online program suggested was that the young ex-Amish were seeking to integrate their individual lives into the subject of some coherent narrative with virtually every new assessment of an individual moral problem, every new formation of reasons for acting one way or another in a particular new situation and every new moral judgment they formed. They sought a life resting in acceptable moral reasons and in that way a life with legitimacy. What they lacked was any good sense of what was their standing and what were their opportunities in the new world; they lacked any sense of how trust and social capital worked there, and so on. They had faced similar problems in their home communities. But at least at home there was usually some sort of support system and a wealth of pertinent past experience. In spite of his best efforts Mr. Gingerich could provide only a semblance of that. The difference in some cases could be like that between operating in one's first or in another language in which one was not brought up.

The point for the present is that in dealing with arguments and judgments representing a frame of interested agenda-driven thinking, or dealing with problems faced by individual adults who seek to come out of one culture into another in search of meaning and opportunity the need is to understand the work of reintegrating rents and tears in the fabric of one's life narrative. The context is a new cultural setting in which problems with regard to socialization, to aligning salencies and to identifying new limits to personal accommodation all demand attention. The new citizens of Columbia had to face challenges of all of these sorts at once and more urgently so as to fit in and to see if they might find themselves in the new community setting. The first problem was one of avoiding mis-engagements, not of avoiding disengagement. And it was a problem of reintegration, not a problem of overcoming disengagement. Perhaps then Arendt's view of moral judgment is focused too narrowly on certain cases. It seems as though problems of disengagement can emanate from frustrations or fears in failing to deal with problems of

mis-engagement. For example disrespect in failing to take accountability seriously can lead others to give up on moral or political relations and to dissociate from relations including moral interactions with another. In this light one wonders whether a reintegrative view of moral judgment that will assist in understanding cases of disengagement and mis-engagement might not do the work discussed here of Arendt as well as that of the other view of judgment? Of course in context Arendt's theory of moral judgment is not a contrivance to simply perform certain operations. It is an integral part of a complex and rich theory and tradition of understanding morality. That said, however, what good does the alternative view of judgment provide?

V. MOVING BEYOND ARENDT'S THEORY OF JUDGMENT

Much of philosophy finds a welcome stepping stone in the faith that reason can teach us how to live and provide what is needed to live well. As Arendt put it:

When everybody is swept away unthinkingly by what everybody else does and believes in, those who think are drawn out of hiding because their refusal to join is conspicuous and thereby becomes a kind of action. The purging element in thinking, Socrates' midwifery, that brings out the implications of unexamined opinions and thereby destroys them—values, doctrines, theories, and even convictions—is political by implication. For this destruction has a liberating effect on another human faculty, the faculty of judgment, which one may call, with some justification the most political of man's mental abilities. It is the faculty to judge particulars without subsuming them under those general rules which can be taught and learned until they grow into habits that can be replaced by other habits and rules. (Arendt 2003: 188-189.)

Thinking, in Arendt's somewhat technical use, does the destructive work of finding counterexamples and exceptions to universal rules or standards. By clearing away such straightjackets of reflection and aspiration, thought throws the one who reasons on her own devices to gather in the moral (or political) by her own insights. Indeed, Arendt suggests that perhaps the judging agent even creates her insights, her reasons and then perhaps her own legitimacy. Moral and political judgments are one in that the judge proceeds carrying all those in a community with her into forming an insight. And in that way the specific contributions of the individuality of each drops away in favour of what they can see as one in the circumstances where a moral judgment and decision is called for. Further, Arendt seems to offer no clear way to challenge these judgments. The important thing is the engagement of judgment with the moral field of particular circumstances encountered. Beyond that, Arendt seems to have a faith in reason and human kind such that once it *is* engaged and it has become the beneficiary of the work of exception identifying thought in the two-in-one, judgment can be illuminated by one's humanity, by common sense, or really it seems by both as well as a number of previous exemplars so that clashes will be minimal and insight consonant across all parties engaged or represented in the judgment. Indeed in this way moral (and political) judgments as judgments of taste are part of a cultural activity, as part of an activity in which is inscribed that which endures of humans. (Arendt 1954: 223-226.) (On the matter of a faith in humankind, also see the explicit treatment: Arendt 2003: 48.)

Arendt's views as approached in this discussion are subtle and so still in need of further exegesis. This fact introduces a certain amount of danger into challenging them. Still two questions remain for the purposes of this discussion. Just how are moral reasons

and moral judgments to be an expression of community, that is of a living community, and just how are they to be an expression of one's continuity where, presumably, they would have an important role to play in knitting together one's life in community?

Surely, moral reasons and judgments are expressions of community life, of operant or living community life. The discussion above illustrates how it is that aspects of community life make real differences to one's reasons and judgments. Community life can lead one into mis-engagements with moral problems or with those having moral troubles. And, as this is so, these influences will set one up for challenges to one's legitimacy and then to one's judgments. The challenge will be to lead ("woo") others to accept as reasonable and salient what one means to hold as reasons for her actions or decisions or else to accept her competence to gain that insight. But in all of that and common sense too, just how do moral reasons and judgments come to be expressions of community life? What are the mechanisms, and more to the point of the discussion, what is the relation between forming reasons and judgments, and bringing the living community into one's agency?

Talk of imagination enabling an agent to represent others in the group in her thinking about what is acceptable is still too general to be of assistance. In this connection it seems puzzling that Arendt spoke of thought in solitude as proceeding to a moral judgment based upon the Socratic view of the superior place of suffering wrong over doing wrong. (Arendt 2003: 100-101.) Also she explained that on her view the validity of judgment "depends on the presence of others" (1954: 221). The moral (political) agent incorporates this presence in representing those others of the community and in revealing herself in the insights she offers. But this does not involve the presence of the agent actually working with others in a way making community in forming and finding acceptable moral insights. Moral insight in a particular case according to Arendt is based in the resources the moral judge finds within herself alone, or so it seems. Even though humanism and culture are inclusive of many or most of all humans, and even though these elements of culture are gained from other humans in the past though present remembrance, the moral judge seems to act and stand alone at the crucial moment. "If common sense, the sense through which we are members of a community, is the mother of judgment, then not even a painting or a poem, let alone a moral issue, can be judged without invoking and weighing silently the judgment of others, to which I refer just as I refer to the schema of the bridge to recognize other bridges." (Arendt 2003: 140-142.) Yes; but though the schema be shared when invoked by an agent crossing the stream, the schema is invoked by the agent alone. So too, the moral judgment still goes on without clearly being part of a process of actual engagement within a community or a process of community building. And if it is a judgment in which one functions alone only representing imagined others in the community, and a judgment in which one judges by gaining or creating in particular circumstances a personal insight capable of being an exemplar, there seems no need for community interaction or building. And then this leaves the moral judgment-living community relationship(s) mysterious.

But then what do we need in the everyday? Arendt in the works discussed here seemed intent upon exposing a source of real evil, as expressed in the Nazi régime. Her stalking horse was a study of morality and its breakdown. Thus the main problem with moral judgment in these studies was that of dis-engagement. So perhaps judgment as Arendt presented it was not a vehicle to arrive at moral beliefs and exemplars within communities where problems are ones of mis-engagement, not dis-engagement? Perhaps an-

other notion of judgment could serve a wider range of moral issues while still incorporating the gains of Arendt's view?

The second question mentioned above is that of how moral reasons and moral judgments are expressions of community and personal continuity? How might moral reasons and moral judgments expressing legitimacy bring elements of a community and a person's life together into a continuity? How is it that reasons and judgments might accumulate in a person's life or come to characterize the life of a community? Surely they do. Moments are not separated in either the unfolding life or the continuing community when it comes to what matters and what that salience was taken to mean in the setting of a particular moral problem. It does not seem that this could happen through the power or operation of representations. To adapt a similar point made by Charles Taylor:

Maps or representations, by their very nature, abstract from lived time and space. To make something like this the ultimate [...] factor is to make the actual practice in time and space merely derivative, a mere application of a disengaged scheme. It is the ultimate in Platonism. But this is a constant temptation not only because of the intellectualist focus on the representation, but also because of the prestige of the notion of law as it figures in natural science. (Taylor 1993: 55-56)

Reasons and reasoned judgments are embedded in sequences carrying a significance that not only links them but also puts them in a whole larger than the concatenation of reasons, judgments and circumstances, yet incorporates the decisions and actions informed by these reasons and judgments. The reasons and judgments are thus not what they seem even to one aware of their sequence and linkages. They are each coloured and made more or less salient in new and different ways by the place they had and have in changing relationships and ongoing undertakings. Their significance is partially open to specification in an ongoing narrative negotiated in writing or speech by the parties involved, noted by commentators on the narrative and by the whole resulting turn of events that it encompasses. Does Arendt's view of judgment accommodate this function of living narrative? The notion of judgment Arendt brought forward seemed more in tune with how at a moment or in a particular case one might represent all others in a community thereby coming to provide them with an exemplar that could enter into the formation of their grasp of this or other morally charged situations. In this way, at least, there was a momentary collection of members of community and a validity of judgment appropriate to that collection. (See, for example, Arendt's discussion in the paper on Collective Responsibility, 2003: 143 and Some Questions of Moral Philosophy 2003: 95) But neither the moral agent nor the community changes or is made more continuous through these judgments. Of course each action is a revelation of who the agent is and carries a take on what is morally significant and why. Both of these can accumulate into a narrative of personal history and a communal narrative revealing history and emerging culture. But again, neither of the latter two are narratives involved in making continuities in a living community. Perhaps then, a notion of judgment different from Arendt's might better return the diachronic unity of individual and community life achieved through forming moral reasons and making moral judgments.

Judgment in some popular thinking does seem summative and aspiring to pronouncement of a finding; a phenomenon fit to close discussion or reflection on the matter at hand. This view could suit the general spirit of Arendt's form of moral judgment, or so it seems. But there is a different form to consider here. Judgment also gauges, guides, informs production or processes by taking note of interruptions or potentially distracting

or interfering developments in the course of action. As apt to the continuing development of a series of processes in action it operates *in media res* and responds to the need for reassessment in the face of trouble or opportunity, while inviting into a context of accountability the consideration, comments, criticism and continuing attention of many that might be informative or might have a stake in the matter at hand. Such judgment offers for consideration the information of a feedback loop, as Meadows (2008) made clear. And so, this manner of judgment seeks to provide what reflection and insight is necessary to move beyond or away from a blockage, to reintegrate one's understanding and plans in order to proceed with a particular undertaking, or even proceed with the rest of one's life. (For a brief discussion of integrative judgment [not re-integrative] see, Thiele 2006: 150-152.)

Reintegrative judgment is what was apt to the situations of the Amish in the face of the shootings in the West Nickel Creek school, or the situations of various patients and families or guardians who must decide whether to use ECT and decide whether to commit to a full prescribed series or to opt out of that treatment form at any time. And, in deciding these matters, such judgments must also begin to put back together a life that might have been shattered and shaken, not just interrupted. Performing this function is central to the legitimacy of the agent. A judgment or the articulation of a reason not involved in putting action or a life back on course, even if it otherwise passes logical and critical muster, cannot be accepted as displaying the legitimacy of its authors. The context of questions calling for the reasons and judgments of a legitimate agent is one looking forward and concerned with forming with others a mutual sense of what is deserving of attention, what would be understandably a cause for moral disappointment. The task is not to identify the act or decision that is right or most acceptable. The task is to regain one's equilibrium in life and one's capacity for the undertakings to which one is committed, all while nurturing and expanding the living relationships involved. Judgment that is *not* reintegrative does not serve here. Or rather whether it does or whether it does not is of no consequence to the agent and to those who might grant to or withhold legitimacy from the agent. The same can be said in the case of the former Amish, or Amish youth who have rejected baptism seeking instead a very different life outside of the Amish community. These persons especially have need of a form of moral judgment and of a way to articulate moral reasons that can serve to knit together this new life and their old connecting them with the life of their adopted community so as to be parts of a single narrative and so as to provide a morality that is personal and yet consonant with that of others. Such needs, as they involve real moral questions and sets of relationships needed to support responses to these moral questions are neither delusional nor fraudulent as they might appear from the depths of moral disengagement.

Morality, moral reasons and moral judgment are found in the everyday, as Hermann urged, and found operating at a level of consciousness or pre-consciousness that makes them not deliberate and not a show displayed to gain status (or not just that). As suggested above, it is in the agent reasoning in ways checked by intuition and yielding articulated moral reasons, reasoning in ways making moral judgments, and then reasoning in ways by which one marshals a defence of moral reasons and judgments that brings one recognition as a having legitimacy. And one presents and negotiates the articulations and defences of reasons and judgments as one is able to bring others to accept one's reasoning—others whom one "woos" or moves with less than arguments. That all seems fine; though the wooing might be expected to dovetail with further reasons for accepting

reasons and judgments, and the exchanges likely would go on. And in the continuing exchanges acceptance and legitimacy develop.

Arendt's view suggests that there is a right and a wrong way to act and be and that these are separated from each other in moral judgment. To be up to such a task moral judgment needs to be objective or as she said valid in some manner. ("Matters of right and wrong, however, ... are not decided as though nothing were at stake but acceptable conduct." Arendt 2003: 143.) And judgment done well calls for the formation of the right insight captured in examples "valid for other particular instances" (Arendt 2003: 144). Unfortunately it seems that such judgment cannot provide guidance that is obviously responsive or then adaptive to changes in the fortunes of the moment. Judgment as Arendt spoke of it is not for the purpose of reintegrating one's life or some portion thereof along with the community in which one holds legitimacy. Rather its purpose is and could have been to stop horrors such as thoughtlessly produced by the Nazis. Perhaps it is for this reason that the greatest worry with moral judgments for Arendt was not that agents might get them wrong, though that was a worry, but that they would not even bother with them; that they would become disengaged from morality. After all there is no immediately clear connection between judging well and staying engaged in the face of threatening or frustrating circumstances. For that, judging well needed to come along with caring. But the motivation to act as tied to the immediate circumstances in which one must act seems external and secondary to the agent's concerns in Arendt's views. It must to make sense of mass disengagement. And yet if it does remain external, the problem of refusing to judge or to take part in morality will remain as well (Arendt 2003: 146).

Moral judgments understood as reintegrative, however, are unlikely to fail to be a normal part of the thinking of individuals in troubled situations, including but ranging considerably beyond cases of disengagement. Considering the case of Nazi Germany, the circumstances of the years under that regime and of the Jewish Holocaust were disturbing along many different lines to many of those who witnessed them. They certainly brought different priorities and supported the urgency of new sacrifices. Life changed for all, and for most it brought interruption, interference, danger and perhaps disengagement. That said, moral judgment, understood as a normal route for repair or reintegration of life with such problems, might well be thought to have emerged just because of the Nazi regime and the Holocaust while morality thought of as abstractly valid in its principles or renderings of particular cases might well be expected to be ignored in the cases of what amounted to problems the moral theory did not make personal.

Much remains to be said about the way in which taking judgments as reintegrative is different from and promising in ways that Arendt's views are not. Still perhaps enough has been said to suggest some promissory notes that might further explain those differences and deliver on those promises. Here is not the place to do more than to raise that possibility. There remains one problem that does need further attention, however.

VI. CONCLUSION: COMMUNITY LIFE AND REASONING WELL

This discussion has taken up the possibility that moral reasoning addresses certain of life's problems in the everyday while operating within community. However, this very communal contextualization can present troubles for the critical quality of that reasoning, troubles ranging from bias to formal fallacies. Further, there is no clear way to avoid the

corruption of moral reasoning by features of its communal context. If all agents in communities were to aspire to high standards of moral reasoning then, when certain reforms were made in the reasoning of those communities, these reforms might subvert and destroy the communities. Thus support the Amish in being more protective of their children and they will lose part of the love and peaceableness that is their theologically affective life. Take bias and partisan favouritism from political circles and possibly these communities will crash on shoals of the fear of betrayal and the failure to attract the voters' attention. Tighten the hold of physician paternalism and many patients needing harsh and dangerous treatments will avoid treatment all together or will find a physician where those constraints are non-existent and services are performed for a fee only, not part of an ongoing plan of care. Critical reform for the moral reasoning in communities easily leads to subversion of the community itself. It seems plausible to suggest that any community facing demands of critical reform to correct something less than serious harm to all stakeholders, in or out of the community, or sure destruction of the community from some other source is facing a challenge to its continuation. Community members enjoy a shared comfort zone based in a certain range of personal belief, attitude, sensibility and performance. Correct the critical excesses of these and the point of the community might well evaporate. At the same time, not just anything goes in the reasoning that leads to the recognition granting an agent legitimacy. Not just any way of arriving at moral reasons or moral judgment will lead to such grants made in a way that would be acceptable across the community.

Good moral reasoning in the particular case, then, is not only a matter of logicality, openness to the needs and views of another (or of others) involved in the case, impartiality in the reflection behind responses made to changes in salient aspects of life. Also required is a matter of seeking an acceptable balance between critical constraints and demands characteristic of the community wherein one is accountable for that moral reasoning. There is no single, let alone correct balance point for even each community regarding each sort of moral issue. Problems arise, for example in disengagement from moral judgment. Absent strict and standard constraints on moral reasoning, community contextualization can suggest morals are just mores and then community members mistakenly adopt the attitude that they may take or leave these mores as so many local niceties or inconveniences. And, as suggested above, other problems of balance such as bias, are familiar sources of corruption of moral judgment. Still, a critical-communal balance is arrived at in the practice of living as moral agents who exercise a certain form of judgment in community.

Forming a moral judgment fixes one's reasons for action which themselves carry a specific critical-communal balance point. Short of ruining the commons of political thought or totally corrupting the process of campaigning, taking up a view that suggests a lower point in standards of honesty and relevance when supporting a judgment that the opposition should have their political spending controlled by losing their option to form public employee unions seems acceptable to many in one U.S. political party. And no one or not enough really seem to care about challenging such views of acceptable reasoning. This low level of critical quality to certain political arguments seems to be comfortable to many members of that party. Indeed it seems to make the party work in some ways and to urge better reasoning in political campaigns will draw derision from many. In similar cases, as anyone interacts with others in the community to articulate and support her moral reasons for acting, this moral agent seeks acceptance from others for her moral judgment and for some particular balance point as registered in her reasoning.

The communal contextualization of moral reasoning thus introduces not only specific problems of poor forms of reasoning accepted in the community. It also erects barriers to changing some of these in favour of critically better forms, because of the possible effect doing so will have on cohesiveness of and allegiance to the community group. Of course this can have a good result as when restorative justice procedures break up criminal or socially disruptive groups for example through teaching equity by insisting upon concern with parity of reasoning about respecting one's person and property. But this also can be a cost to acceptable or even desirable communities as well, for example when those new to a community are asked to quickly take up its troubled critical attitudes as in the ex-Amish exposed to an implicit demand to participate in the litigious, consumptive, and at times narcissistic society of the English. Clearly such problems of balance need to be the subject of further exploration. Here are limits to good reasoning in the name of community practice and goals, or limits to acceptable community forms in the name of reasoning well. What can be said about just when forms of community should be shaped by the demands of good reasoning and when should these demands be constrained by forms of local community? Is there anything general to be said about this? If not, perhaps many detailed illustrations are in order. Arendt's notions of moral judgment and moral reasons seem to have no place for these questions but instead only for ones concerning culture, the cultivated mind, the practicality of moral reasoning, exemplary thinking and memory and history as these play a part in living well. How do these two sets of questions or concerns engage each other? What can be said of such engagements without inviting relativism, nihilism, misology, or the collapse of morally ordered community? Arendt was dealing with such questions at a terrible point in history. This discussion makes a plea for a return to these matters at a different but no less challenging moment.

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Commentary on “COMMUNITY, ARGUMENTATION AND THE LEGITIMACY OF REASONS FOR ACTION” by Charles Blatz

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Walter Laqueur, commenting on the acrimonious debate that surrounded the publication of Arendt’s *Eichmann in Jerusalem*, was right on the mark when he noted that “Hannah Arendt loved to judge.” Indeed, she deemed judgement an “inescapable ethical responsibility.” Yet her reflections on judgement, significant and fecund they may be, are certainly enigmatic, if not confusing and shifting. This thought provoking and ambitious paper traces the contours of Arendt’s reflections on judgement and critiques and extends her thoughts towards the notion of reintegrative judgement; while, in the process, sharpening our understanding of our communal allegiances and obligations.

An intriguing side issue raised by Blatz is the concern for authenticity both in terms of judgment and individual life choices. Blatz mentions the dialogical dimension of judgement that is axiomatic in Arendt’s thinking and it is this connection between dialogue and authenticity that will preoccupy this commentary. An important aspect of Arendt’s theory of judgement is that one always forms it in the company of one’s peers. Just as we all carry on the internal dialogue between me and myself, one confects judgements though a process of interrogation between me and my peers. It is in dialogue that the due diligence aspect of judgement is processed. Moreover, though this internal process of introspection and interrogation one judges not only for oneself, but as it were, one judge on behalf of one’s community of peers.

Blatz’s account of Arendt’s treatment of judgement is predicated upon the pluralism that pervades the public realm. He seeks to explicate the “thoroughly contingent character” of the balance between apt community demands on reasoning about moral questions and the apt demands of critical thought. As Moderns, working without the absolutes that accompany meta-narratives, members of a community must choose what they will uphold and it is in participation with the community that an individual comes to attain standing, legitimacy and recognition. One cannot participate in moral or political life outside of a community but who one is not simply one’s communal identity. What we call the authentic self is fundamentally shaped and defined by our community: “we need each other to be anybody.” But, significantly, authenticity is predicated upon a default of inauthentic life where one loses oneself totally in the communal.

To have standing in such a community, one has not only to be accepted into the community but to partake of the mores of the community. This, as we are told, includes the acceptance of a particular range of everyday practices, some common sensibility of salience and some boundaries conscribed by recognition, deference and acceptance. Contextualised thinking in communities or embedded moral reasoning is always prone to the parochial and chauvinistic which can affect the critical quality of that reasoning. There is

no specific way of avoiding the distortion or corruption of moral reasoning by features of the communal context; leaving open legitimate charges of nihilism and relativism.

Blatz identifies a number of different difficulties regarding reasoning about moral matters. First, there is the kind of disengagement that renders one unwilling or unable to engage in the kind of thinking that promotes and fosters critical judgement. These embedded biases may impair moral judgement by corrupting their members to such an extent that they become little more than ciphers echoing and amplifying the group think perspective of government propaganda or the ideology of the powerful. Second, there is the prospect of a series of mis-engagements: a failure to fit in by an unwilling to conform to communal expectations; an unwillingness to hew a path that neglects communal interests or an inside agitator who is willing to push accepted practice beyond or outside traditionally recognised limits. Third, critical reform can, if pushed too far, subvert the community itself and can lead to the atrophy of the moral community. Even the imperative for critical reform can be a challenge to the continuation of a community since it can lead to mis-engagements with moral problems and even to mis-engagements with those having moral problems. Critical reform often leads to instability and challenges to standing and legitimacy.

Arendt appears to have two different conceptions of judgements. In brief, the characteristics of judging that are significant for Arendt are its reflective, imaginative, and non-deductive status as well as communicability and sociality. Moral insight is based on the resources the moral judge finds within herself alone and Arendt takes it on faith that we possess the more resources required to procure moral judgement. The demand for honest self-expression is especially important when one's ideas run against the grain of popular opinion. The ideal of authenticity and the ideal kind of community in which such authenticity can exist is linked. Arendt initially believed that the ability to achieve a form of partial distance, in imagination, was sufficient to counter both personal and communal bias. Even a dysfunctional community where one is pushed to disengagement need not preclude authentic judgement. For Arendt, even if one is denied engagement in one's first order community, authentic judgement remains an actual possibility by participating, through the faculty of imagination, in a community of moral exemplars.

Nevertheless, Arendt's account of judgement appears to vacillate between judgement as the exemplary faculty of those who participate and engage in action (future oriented) and the faculty of non-participating spectators (backward looking); reflecting, I suspect the different interests and perspectives of the *vita contemplativa* and *vita activa*. Judgement is a concern for those living the *vita activa*. For her, one acts with others but one judges by oneself. In judging one weights the possible judgements of an Other, and not necessarily the actual judgements of real interlocutors. One justifies one's judgement not by its adherence to some external standard, but to the inter-subjective, dialogical process of critical argument. But as she pondered the matter, Arendt came to the view that judgement is also the prerogative of history. In this latter view, it is the spectator that is best prepared to pass judgement; that it is the spectator, not the actor, who can know and understand whatever offers itself as a spectacle. It is the spectator, who sees instead of acts, that instantiates authentic judgement.

For Arendt, the communal ability to chill and still thinking and hence judgement was a constant worry. Bear in mind that Arendt's conception of judgement was very much influenced by her view that we are living in dark times; at a time of crisis. For her, the source of authentic judgement needed to be located in the individual and not in the

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community; yet the requirement for dialogue and interrogation remains. Hence, critical thinking, though essentially solitary remains dialogical, viable only where the standpoints of others are accessible and available to inspection and interrogation. Through introspection the dialogue with community is recreated in a public space as far removed from the parochial. For Arendt, an important aspect for critical thinking is to train your imagination to go visiting as one of Kant's world citizens, to be able to appreciate the cosmopolitan.

Blatz is spot on to notice that Arendt's reflections on judgement focus on the communal propensity to disengagement and mis-engagement and to think through the notion of reintegrative judgement is to be sensitive to the judgement of the embedded actor constrained yet enabled by communal contextualisation. It is the actor rather than the spectator that takes back center stage. It would be interesting to speculate how Blatz would apply the notion of reintegrative judgement to deal with issues of dual loyalty; another feature of the pluralism of the public realm.