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2006

## The Case for Moral Complexity

Marc L. Fellman

University of Notre Dame Australia, [mfellman1@nd.edu.au](mailto:mfellman1@nd.edu.au)

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### Recommended Citation

**Fellman, M. (2006). The case for moral complexity. In P. A. Tabensky (Ed). *Judging and understanding: Essays on free will, narrative, meaning and the ethical limits of condemnation*. (pp. 111-125). Aldershot, United Kingdom: Ashgate Publishing.**

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## Chapter 5

### The Case for Moral Complexity

Marc Fellman

#### Editor's Introduction

Via an alternative route to the one taken by Nussbaum, Marc Fellman reaches similar conclusions to her's, but the focus of his concerns is somewhat different. He too is a particularist, focusing his attention on how to morally respond to specific others, how to be responsible to them, given their specific circumstances, adverse circumstances in particular. How we respond to others both expresses and determines our moral understandings. His primary case study is the Holocaust and, relatedly, the relationship between Hanna and Michael in *The Reader*. One crucial way of determining how to respond, including how to judge, involves the imaginative exercise of putting ourselves in another's shoes. Doing this, Fellman believes, will allow us to be more compassionate or, in Nussbaum's preferred vocabulary, merciful. Fellman spends some time showing us how the complex weave of practices of responding to others often leads us, to put things in Walzer's preferred terms, to get dirty hands; to be forced to do something bad in order to bring a good about. Of course, the case of perpetrators of the Holocaust is somewhat different. Their primary aims were deeply reprehensible. But complexity, which includes our vulnerability to circumstances which invite us to respond in certain ways, often lead to moral failings, even failings

**that overwhelm our capacity to understand. Our recognition of this complexity, of the moral complexity of living humanly, should incline us to judge with care, even in the light of the moral enormity of the Holocaust. Michael's complex relationship with Hanna paradigmatically embodies the complexity involved in our moral understandings of serious wrongdoing, understanding which involves judgment, but not merely judgment. Brian Penrose and Ward Jones' contributions nicely complement Fellman's piece.**

There is a passage in Bernhard Schlink's *The Reader*<sup>1</sup> in which the problem of the tension between judging and understanding is crystallized. It arrives at a moment in the story when the central character, Michael, comes to the conclusion that simultaneously understanding and condemning the crimes that his former lover had committed was possibly an impossible task. For Michael, and in particular because of his past relationship with the former camp guard, Hanna, it is as if the tension itself resists being accommodated, or even accorded a satisfactory coherency, within his moral worldview.

I hope to shed some light on Michael's predicament by situating the tension between judging and understanding, as it is understood in *The Reader*, within the context of a discussion on another powerful tension, that between moral complexity and moral enormity in Holocaust experiences. That is to say, I think that there are some interesting parallels between the two tensions. An important claim with respect to my argument is that the Holocaust more broadly, though not unlike Michael's personal quandary, represents a genuine moral problem. On the one hand, the Holocaust appears to encapsulate the paradigm case of evil while it is also the case that the Holocaust is a modern, human

phenomenon, the very complexity of which can have the effect of placing into question our capacity in such matters as judgment. Put another way, enormity analyses, that is analyses that foreground the moral enormity of the Holocaust, demand that we judge and ascribe responsibility, yet, for equally urgent reasons complexity analyses compel us to understand the whys and wherefores of human actions.

First I will expand on the form of the problem of the tension between enormity and complexity, whilst paying particular attention to establishing the presence and parameters of moral complexity within both individual moral experiences of the Holocaust and the Holocaust itself as a defining event. My core concern here is to establish to what extent there is a tension between moral complexity and enormity.

Specifically, I will argue that moral complexity is informed, in large part, by a variety of understandings of responsibility. My claim will be that it is the various understandings of, and issues arising from, responsibility, that are of prime importance to understanding both moral complexity itself and the tension that arises between complexity and enormity analyses. By responsibility I mean both particular individuals' senses of responsibility as well as more generalised conceptualisations. To clarify, I will elaborate on the ways of understanding responsibility that I think contribute to the idea that moral complexity is a core element of accounts of the Holocaust. It is in the context of discussions of responsibility that I make the link between the twin tensions of complexity and enormity and judging and understanding.

As a way of visualising the relationship between moral complexity and responsibility I additionally propose the idea of a 'weave' as a means of structuring the various understandings of responsibility.

I justify my attention on complexity analyses of the Holocaust because this aspect of the tension seems more difficult to defend in the face of the moral horror that usually characterises it.

### **Moral enormity and the imperative to judge**

An invitation into the sort of general awe encountered in the face of enormity evaluations of the Holocaust is conveyed when Lawrence Langer writes,

...how can we inscribe...[narratives of Holocaust experiences]...in the historical or artistic narratives that later will try to reduce to some semblance of order or pattern the spontaneous defilement implicit in such deeds? Where shall we record it in the scroll of human discourse? How can we enrol such atrocities in the human community...Well, we can't: we require a scroll of *inhuman* discourse to contain them; we need a definition of the *inhuman* community...<sup>2</sup>

I happen to disagree with Langer's view that such acts as those referred to by him occurred, in some sense, in an *inhuman* universe. On the contrary, part of what contributes to their incomprehensibility is precisely the fact that they occurred in *our* universe and were committed by people with the same sorts of strengths and weaknesses most of us possess. That said I also think that Langer's sentiment does convey the power of the horror felt upon encountering Holocaust accounts. In a vein similar to Langer, Douglas Lackey writes:

Then evils of the Holocaust are so numerous, so diverse, and so extreme that at first sight it seems presumptuous to judge them at all, much less than to judge them by ordinary moral norms. Judgement requires comprehension and transcendence, and comprehension and transcendence of these events seems almost beyond human power. The ordinary moral categories feel too pale and narrow to do justice to our sense of condemnation...<sup>3</sup>

The sort of comprehension implied by Lackey is in itself difficult enough but when moral enormity is accompanied by moral complexity as a component of rendering morally intelligible, particular events and experiences, then the task is especially problematic. The combination of moral enormity and moral complexity with regard to the way the Holocaust was and continues to be understood, brings with it particular difficulties. The requirement of condemnation serves to restrict the capacity to comprehend the multiple moral dimensions that are a feature of this complex of events. Or to put it another way, the sort of enormity analyses often associated with the Holocaust can have the effect of obscuring the ways in which this same phenomenon is also morally complex. Of course, the opposite can also be the case. Misguided attention to the presence of complexity analyses can have the effect of diluting the moral enormity of such experiences.

Part of the challenge lies in understanding the extent of the problem presented by the tension. Moral enormity, for instance, appears to imply straightforward accounts of the way moral life is assessed. Moral complexity, on the other hand, suggests that moral life is anything but amenable to straightforward ways of understanding what is at issue. I intend to demonstrate that an important hurdle lies in the attempt to understand what the nature of the

relationship between enormity and complexity may yield for an understanding of both Holocaust experiences and Michael's personal moral quandary in *The Reader*.

One particularly interesting aspect of the tension between complexity and enormity analyses concerns the issue of the distinction between understanding and judgment. This is an issue often alluded to in accounts that stress moral enormity and includes the concern that experiences such as those typified by the Holocaust threaten to overwhelm understanding. Mary Midgley, in her book *Wickedness*<sup>4</sup> evokes just such a distinction in the context of a discussion of the factors influencing human behaviour. She writes:

Infection can bring on fever, but only in creatures with a suitable circulatory system. Like fever, spite, resentment, envy, avarice, cruelty, meanness, hatred and the rest are themselves complex states, and they produce complex activities. Outside events may indeed bring them on, but, like other malfunctions, they would not develop if we were not prone to them.<sup>5</sup>

Midgley's analogy entices us to pursue its implications for what they may reveal about individual human behaviour and the factors influencing such behaviour. For Midgley, a key requirement of understanding why we act the way we do is being able to recognise that eliciting both social and individual causes is required for properly explaining human wickedness. Midgley's aim is to enquire into the question as to why people treat others and sometimes even themselves abominably. She wants to be able to understand why, as she puts it "...[people] constantly cause avoidable suffering".<sup>6</sup> As I indicated above this is never going to be straightforward. One difficulty concerns the distinction between what she

refers to as individual and public wickedness. The exact significance of the distinction becomes evident when the discussion moves to an examination of the issues surrounding responsibility and, in particular, judgment. Midgley recognises that some actions are categorically wrong. But she is less clear about how the perpetrators of such actions are to be placed in a discussion of responsibility.

Midgley is well aware that judgment is sometimes necessary but she also recognises the complexities and difficulties that judgment entails. Such complexities very often render, at the very least, certain sorts of judgement problematic. Midgley's attempt at resolving the problem of judgment is interesting. She continues her discussion with the claim that moral judgments function to 'orient' us as we plot our way on the path that is moral life. In other words, moral judgments are a necessary pre-condition for making sense of our own behaviour as well as the behaviour of others. However, Midgley is careful to point out that the requirement to judge is not a licence, as she puts it, to stone people. Rather, it is an important part of understanding the behaviour of others, but understanding can have the effect of tempering judgment and make us less prone to judging harshly. Extrapolating from Midgley's position, I believe judging to be an important social practice and indeed that the tension is internal to the practice. The tension, though, can make moral life more difficult and indeed complex. So, judgment, while it is an important component of moral understanding, it ranks as only one component among others.

I would want to add that whilst I find this aspect of Midgley's argument plausible, there is enough evidence to indicate that people are likely to conceive of responsibility as entailing obligations for which a person is morally accountable. Standardly, emphasis is on the fulfilment or violation of those responsibilities, deserving of praise or blame, rather than



understanding what a particular individual might take to be his or her responsibility. This view is supported by the currency of such terms as 'retributive justice' and the proliferation in both Eastern and Western cultures of a mentality of harsher penalties, increasing incarceration rates and expanding police forces.

Midgely of course, is not unaware of the significance of judgment as a function of moral understanding. She writes:

General scepticism about the possibility of moral judgment, though it may look like a piece of neutral, formal analysis, cannot fail to act as propaganda in this contest of attitudes. It must make us lose confidence in our power of thinking about moral issues involving individuals - including ourselves. Yet this power is absolutely necessary to us.<sup>7</sup>

Judgment for Midgely, is a necessary part of what it means to be a 'responsible agent'. This is a significant point because, as I argue, moral judgments are a necessary part of the way we arrive at moral understanding. Many situations are not able to be reckoned with responsibly without incorporating matters of judgment. There is a need though to distinguish between certain forms of judgment. To clarify, I may in one situation judge a person or their actions without holding them accountable in any significant sense. On the other hand, there are other sorts of situations requiring other sorts of judgments that, whilst entailing accountability, are also more problematic in the sense that they are morally complex. Typically such situations would encompass extenuating circumstances like duress, conflicting loyalties, decisions made without time to consider, a particular

individual's proclivity to procrastinate and the like. It is precisely in such situations that the tension generated by the presence of both enormity and complexity can make certain sorts of judgment more difficult to defend.

One way of establishing how it is that complexity affects judgment is by shifting the focus of the discussion to the relationship between judgment and responsibility. There is some value in placing the discussion on judgment within a more nuanced understanding of responsibility. It is in the above context that I again question Lawrence Langer when he disputes an important conclusion of Christopher Browning's groundbreaking study<sup>8</sup> that most of us are capable of becoming killers under certain circumstances. Langer seems distinctly uncomfortable with Browning's position when he writes quite defensively that:

The fact is that when ordinary men agree to mass murder, for *whatever* reasons they cease to be ordinary men like the rest of us and assume the role of killers.<sup>9</sup>

Here I think misses a crucial point. It is also arguable that 'the rest of us' possess the capacity, if circumstances are such, to commit terrible transgressions. That is what Browning's study so disturbingly demonstrates. My point here is that a discussion of responsibility in cases such as those described by Browning is crucial not only for what it can tell us about why individuals do wrong but also because it is core to the case for moral complexity and our understanding of the form of the tension. Accounting for why people do wrong requires that we unpack the complex moral byways that individuals travel. However, it also means that we need to move away from the traditional retributive understandings of the function of judgment and responsibility. Thus, my account of

responsibility de-emphasises ideas of responsibility as accountability in favour of understandings that foreground responsibility as part of our engagement with others with a view to developing our moral competencies.

There are benefits of a shift away from an understanding of responsibility as entailing too much of an emphasis on ideas of guilt, blame and punishment. Rather than necessarily focusing on some perceived imperative to mete out punishment or the idea that we treat individuals solely as responsible agents that must be held accountable, more nuanced ways of understanding the variety of dimensions of responsibility can be explored. In my account this also means maintaining a sense of the very centrality of responsibility in an understanding of the tension engendered by the combination of complexity and enormity. Let me also point out here that re-assessing how we might understand responsibility does not mean that the tension conveniently dissolves. On the one hand, the enormity of Holocaust experiences and such experiences as those that confronted Michael in *The Reader* remain intact. In some instances condemnatory statements, whilst they may not take the discussion very far forward, may sometimes still be appropriate. Failing to condemn the horror characterised by Holocaust experiences risks diminishing their moral significance in our eyes. Moreover, understanding the complexities of a situation, for example factoring in what individuals take to be their responsibilities or being able to account for the vulnerabilities that move people to act in reprehensible ways, complex and important though these issues may be, does not arguably lessen the requirement to also hold them accountable. However, understanding such moral complexities does lend substance to the case for moral complexity and may convince us to modify our judgments.

## **A weave of ways of understanding responsibility**

On my account, responsibility, though it may entail ascriptions of praise or blame, is not exhausted by them. I want to move the focus of the discussion to develop a more encompassing account of responsibility and how this account, in turn, lends substance to the claim for a tension between complexity and enormity.

I contend that the key to understanding life as morally complex lies, in turn, with understanding various different but related conceptualisations of responsibility. To help to visualise what I am proposing I suggest that the various nuances of responsibility be understood as analogous to a 'weave' comprised of differing threads. Taken together these threads represent a rich though complex moral fabric in contrast to the simple but powerful conceptual strand of moral enormity.

Following this analogy there are a number of different strands that can be identified as belonging to an understanding of responsibility. Among those that I shall discuss I find Primo Levi's notion of responsibility as somehow linked to a concept of goodness, Margaret Walker's 'practices of responsibility'<sup>10</sup> and Christopher Gowans' 'responsibilities to persons'<sup>11</sup> particularly interesting threads. As ways of understanding responsibility they do not of course exhaust how we may fruitfully understand the concept yet they are core to my account of moral complexity.

The first thread that I want to consider comes from a story by Primo Levi. On my understanding of this story Levi foregrounds the issue of responsibility in his view of how the Holocaust might be adequately understood. In this story and in reference to his friend Lorenzo, Levi evokes a strong sense of how responsibility can manifest itself even in the

most life diminishing of circumstances. In an account of the way camp life emptied people of their humanity Levi surmises:

I believe that it was really due to Lorenzo that I am alive today...for his having constantly reminded me by his presence, by his natural and plain manner of being good, that there still existed...a remote possibility of good...[and]...for which it was worth surviving.<sup>12</sup>

This quotation suggests that even amidst a systematic attempt to degrade human values, a moral perspective, in the form of accepting responsibility for other persons, can prevail. In Levi's account I interpret Lorenzo as having demonstrated the extreme importance of a belief in respect for self in the context of relations with the other. In the midst of this relationship, albeit only briefly discussed by Levi, it seems that two senses of responsibility and being played out. In the first instance, Levi claims that Lorenzo is in some measure, although perhaps even unknowingly, *responsible* for his survival. It also seems evident that Lorenzo helped to enable Levi to *take responsibility for himself* and so endure. Examples like that of Levi's account of Lorenzo goes to the heart of what I seek to convey in the understanding of responsibility I am presently defending as that which serves as the framework of our moral understandings of ourselves. I mention the case of Levi and Lorenzo in order to illustrate the view that taking responsibility for one's own situation is always to take responsibility within the context of our relations with others. It is within the context of our relations with others that we are able to grasp the dimensions of

responsibility. In another context, in an interview with Giovanna Borradori, Jacques Derrida said that:

Responsibility for a decision, if there is any and if one must answer for it, amounts each time...to a transaction between the imperative for autonomy and the imperative for heteronomy....<sup>13</sup>

If I understand Derrida correctly his point is that to be responsible is to understand, in some sense, the plight of the other. Lorenzo's responsibility for Levi is a paradigmatic case. My wider point here is that the way in which we take responsibility, in our relations with others, is how we come to map the complex byways of our moral relations.

In conjunction with the view that moral life is interpersonal, that is, that it is given meaning by virtue of our interactions with others, I want to introduce, as another aspect of responsibility, the idea that moral life is culturally situated and sustained by what Margaret Walker refers to as 'practices of responsibility'<sup>14</sup> Elaborating on what she means Walker writes:

...morality consists in a family of practices that show what is valued by making people accountable to each other for it. Practices of making morally evaluative judgments are prominent among moral practices, but they do not exhaust them. There are also habits and practices of paying attention, imputing states of affairs to people's agency, interpreting and describing human actions, visiting blame, offering excuses, inflicting punishment, making amends, refining and inhibiting the experience or expression of

feelings, and responding in thought, act, and feeling to any of the foregoing. In all of these ways we express our senses of responsibility.<sup>15</sup>

I think that Walker has captured a very important aspect of responsibility. By linking responsibility to a variety of social practices, and indeed to morality itself, Walker raises the prospect that it is these ideas themselves that play an important part in the expression of our sense of responsibility. And even more to the point, moral competency of the sort demanded by the sort of experiences that have become a trademark of the Holocaust requires that we pull together and attempt to render morally intelligible this complex composite of practices. The sort of practices identified above by Walker offer a sense of the intricacies entailed in living our lives as moral beings. In their own right they reflect something of the complexity that I contend is central to the moral lives of human beings. If, on the one hand, the sorts of moral practices described by Walker entail the ascription and/or the taking of responsibility they also strongly suggest that such analyses are going to be complex.

Another important idea connecting moral complexity with responsibility is Christopher Gowans' understanding of 'inescapable wrongdoing'.<sup>16</sup> I suggest that Gowans' idea of 'inescapable wrongdoing' supports the view that moral evaluations are complex. In his book *Innocence Lost* Gowans explores moral experience from the perspective of moral conflict and the claim that sometimes moral wrongdoing is inescapable. Gowans writes:

Many philosophers maintain that in every moral conflict some course of action that is wholly free from wrongdoing is available to the agent (though it may be difficult, and

perhaps in some cases virtually impossible, to know what this action is). In my view these philosophers are mistaken. We may find ourselves in moral conflicts in which, through no fault of our own we will do something morally wrong no matter what we do. In these situations we may choose the lesser of two evils and hence act for the best. But in acting for the best we still choose an evil, and in this sense we still do something wrong.<sup>17</sup>

By challenging the idea that it is always possible to avoid moral wrongdoing Gowans is contributing to an old debate in Western philosophy over the status of moral dilemmas. He argues that although a person may decide after careful deliberation that one of two conflicting responsibilities is more compelling than the other, the less compelling responsibility does not simply disappear. Instead the secondary responsibility is at best subordinated in the process of prioritising. I agree with Gowans and hold that his argument holds even in the case of the Holocaust. The perpetrators, for example, though they knew they were doing something wrong could still be conflicted over what they take to be their responsibilities.

A key factor in this grading of responsibilities is the idea that in situations that would typically constitute serious moral conflict the agent experiences, as a matter of course, strong emotional responses. Such emotions seem to be, at least for Gowans, *prima facie* litmus tests for the presence of moral dilemmas. In other words, feelings such as anguish at the time of the decision and guilt after the decision result from the recognition that the situation cannot be resolved in a way that avoids the feeling and knowledge of moral transgression. Perhaps not surprisingly, such outcomes, emotionally painful though



they may be, have the potential to enrich our moral lives. Consistent with this, Gowans writes that it is important to recognise that ‘...our affective moral responses [to certain situations] can be a source of moral understanding’.<sup>18</sup> This takes me back to my earlier point about perpetrators. The fact that perpetrators typically felt serious emotional conflict over their behaviour, something that is well supported by such research as Browning’s,<sup>19</sup> implies some sense of a deeper moral understanding of their own behaviour even if such understanding does not result in changes to the way they behave in the future.

As a means of tapping this potential for moral understanding in what he calls a ‘logically consistent and systematic way’ Gowans, following Rawls’ conceptualisation of ‘reflective equilibrium’ coins the term ‘reflective intuitionism’. He argues that moral understanding or ‘moral judgments’ as he calls them result in large part from processes that are more than mere gut reactions. On Gowans’ somewhat Aristotelian account, moral understanding comes about largely as the result of the acquisition and development of our experiences over time and handed down through successive generations. As for moral dilemmas, he is not saying that in every situation where conflicted feelings are present moral distress is appropriate. Rather he is stating that there are some situations where such feelings are appropriate and are felt intuitively.

I believe that Gowans’ account of the factors at play in situations of moral conflict resonates strongly with the sort of understanding of responsibility that I am seeking to convey. I think that this is best demonstrated by considering the way in which he pulls his idea of inescapable conflict together with his understanding of responsibility. He says that our intuitions concerning feelings of moral anguish are best explained by the more fundamental proposition that in some situations moral wrongdoing is inescapable. He then

proceeds to show that it is on the basis of responsibilities to specific persons that unavoidable feelings of moral distress are grounded. It is this connection between responsibilities to particular people and the feelings generated by such commitments that are of interest for my discussion on moral complexity. In regard to this important claim Gowans writes:

...an agent's moral responsibilities are based on a recognition of the intrinsic and unique value of the particular persons (or social entities) with whom the agent has, in various ways, established some connection. Hence, an agent's responsibilities are ultimately responsibilities to specific persons. The nature of these responsibilities is defined primarily by the agent's relationship with those persons to whom he or she is responsible and is not simply a function of the outcome of the agent's moral deliberations about what ought to be done in a given situation. For this reason responsibilities to specific persons may conflict. When they do, the fact that deliberation of necessity directs the agent to fulfil his or her responsibility to at most one person does not mean that the responsibility to the other person has in this situation been eliminated. There will thus be occasions of conflicting moral responsibilities when, whatever the agent does, he or she will fail to fulfil at least one of these responsibilities. It is with respect to moral wrongdoing in the case of not fulfilling a moral responsibility so defined that I believe that moral wrongdoing is sometimes inescapable.<sup>20</sup>

It's worth emphasizing that the notion of responsibility, as Gowans understands it, cannot simply mean that one has duties and obligations toward others. I think, and if I understand Gowans, responsibility, and this means moral responsibility, is bound with the nature of our relations with specific others. Somewhat similarly to Walker, this in turn means that understanding moral life more generally needs to account for the complexities surrounding discussions about responsibility. Gowan's own example of Herman Melville's disturbing but compelling story of Billy Budd<sup>21</sup> is a good illustration of the sort of discussion I am referring to.

I believe that whilst our responsibilities might, and likely do, entail duties and obligations of one sort or another such ways of understanding responsibility are, on their own, insufficient as explanations as to how we arrive at the place where we are able to decide between one responsibility and another. The reason that duties and obligations, by themselves, are insufficient with respect to how we understand our responsibilities, is because of other significant factors that complicate our understanding of our responsibilities. In addition to Walker's practices of responsibility and Gowans' responsibilities to specific persons such factors as the role of individual disposition, luck regarding one's circumstances and others are pivotal to understanding how it is that we arrive at our perceptions of our responsibilities.

It is because there are a number of significant conceptual and practical factors that should be considered when discussing what it is that enables us to understand our responsibilities that I also believe that the analogy of a weave of ways of understanding responsibility has merit. This is perhaps nowhere more evident than in respect to the attempt to understand the moral dimensions of the Holocaust. In the course of a person

arriving at a moral decision, a whole host of factors that relate to the ways that person understands their responsibilities 'weave' their way into the decision making process. The case of Hanna, the former camp guard in Schlink's *The Reader* typifies this point. In the course of the trial during which Hanna is charged with crimes relating to selections in Auschwitz and the death of several hundred women who burned to death in a church, she speaks about her responsibilities, both to herself and others. The narrator writes that in the course of the trial 'Hanna wanted to do the right thing...she took on a responsibility to admit what she could not deny'.<sup>22</sup> And elsewhere we can see how Hanna recalled her responsibilities as a camp guard. The narrator claims that:

Hanna described how the guards had agreed among themselves to tally the same number of prisoners [for selection and death in the gas chamber] from their six equal areas of responsibility.<sup>23</sup>

And in the case of the women who burned to death, Hanna, responding to the judge's question regarding why she didn't unlock the doors to the church claims that, 'We couldn't just let them escape! We were responsible for them...'.<sup>24</sup> As a result of a complex combination of factors, amongst them the interplay of her perceptions of her responsibilities, her personal fears and the circumstances she found herself in, Hanna committed wrongs for which she would be held accountable.

If, as I have indicated, a discussion of responsibility is to underpin an account of moral complexity, it is also the case that a proper understanding of moral complexity contributes to understanding the extent to which the tension between judging and

understanding is a central dimension of our moral lives. On a sympathetic reading of the story of Hanna we can claim to understand her account of her responsibilities yet still require judgment in the sense that she be held accountable for her actions. However, this requirement to both understand the complexities of moral life and yet hold a person accountable for what they do generates a tension that is unavoidable. Michael says as much when the narrator writes:

I wanted simultaneously to understand Hanna's crime and to condemn it. But it was too terrible for that. When I tried to understand it, I had the feeling I was failing to condemn it as it must be condemned. When I condemned it as it must be condemned, there was no room for understanding.<sup>25</sup>

Returning to Gowans, a large measure of the success of his account of responsibility rests on the nature of the claim of specific relationships between persons. For Gowans, relationships, and in turn the responsibilities that derive from these relationships stem from differing sorts of associations, primary and otherwise, between individuals. In other words, moral responsibilities derive from particular concrete relationships such as those typified by relations of kinship, friendship and love.<sup>26</sup> The example of Michael in Schlink's *The Reader* is relevant here. Because of his past relationship with Hanna, as lovers, and because of his belief that a miscarriage of justice had occurred, Michael felt he had to act in her defence. His understanding of his responsibility toward Hanna was also based on the knowledge that he alone had regarding her illiteracy. Even in the presence of this deep

understanding, but because of all the layers of complexity that it entailed, he was conflicted by the need to judge her for what she had done.

Gowans' account of responsibilities to specific persons as substantively informed by the nature of relationships between intimates represents an important insight into the way responsibilities are formed more generally. Moreover, I think the value of Gowans' account lies in its ability to unravel aspects of the practical operations of our moral relations.

One of the examples that Gowans uses is that based on the sort of intimate relationship between a parent and child.<sup>27</sup> In this example he describes the responsibility of a parent to nurture his or her child. Such responsibility, it is argued, comes from a number of sources not least of which is the accepted knowledge that the infant in question is his or her child and as such would usually be regarded as intrinsically and uniquely valuable. Gowans' intent is to establish a connection between this primary relationship and the way we perceive the morality of our relations more generally. He is suggesting that the way people with whom we do not share a close relation or even a distant relation may still be regarded as intrinsically valuable on the basis of the way we understand ideas of value and responsibility toward those with whom we are close. In this way Gowans builds an account of morality extrapolating from relations with intimates.

### **The case for moral complexity**

The discussion of responsibility to date, from Levi to Walker to Gowans is intended to show how the various ways of understanding responsibility contributes to an account of

moral life, characterised by a tension between moral complexity and moral enormity. Gowans identifies how inescapable wrongdoing and moral conflict stem in turn from understandings of responsibility built up from among other things our ties with intimates. I am arguing that these concerns, moral conflict and responsibilities to persons, together with ideas of taking responsibility for ones self, other practices of responsibility and such accompanying issues as individual disposition, circumstances, luck and the like comprise the elements of the complexity of moral life. In short, these elements of moral life ensure that moral life is morally complex. In turn it is these same elements of moral life that enable us to understand why it is as difficult as it is compelling to judge perpetrators of crimes and indeed how it is that people commit such crimes in the first instance.

There is a key moment in *The Reader* that captures this tension poignantly. When questioned about her role and personal culpability in the selection of prisoners to be sent to the gas chambers Hanna answers with a question for the judge that goes to the heart of the claim for the moral complexity of moral life. She asks, or perhaps pleads, ‘I...I mean...so what would you have done?’<sup>28</sup> The answer that the judge provides is starkly abstract and stripped of any real appreciation of what Hanna was asking, rendering it most unsatisfactory to all who heard it. What Hanna deserved to hear by way of an answer was what she should have actually done taking into account all facets of the complexity of moral life. The very tension at issue is what characterises the question and what makes it impossible to answer satisfactorily. The answer that she received was a statement of the obvious. What she received was a statement of what she shouldn’t have done. Yes her situation had been morally perilous but it had been made so by the moral complexity of her predicament.

By engaging directly with the judge Hanna is engaging with us all. This is a question for all who would seek to judge the Hannas of this world. It is a question that exposes the moral vulnerabilities in us all. It is a question that puts us all in her shoes and confronts all of us with the stark possibility that as fellow human beings we cannot guarantee that we would have behaved any differently faced with same set of moral complexities.

Following Gowans, an important part of our moral response to a particular situation should be based around an understanding of the wellbeing of the other, whomever that other may be. In the process of deliberating about the nature of our responsibilities to a specific person in a specific situation one vital concern ought to be maintenance of the wellbeing of the other. Of course, because of the wide variety of factors operating at the interface of deliberation and decision many different moral outcomes are possible. This is also why in concrete and often complex situations, the ways in which we understand our responsibilities can, and do, emerge in ways that generate conflict. The case of Hanna is a prime example.

Of related importance to the case for moral complexity, is the claim that moral life generally is characterised by complexity analyses. Among the most powerful representations of this claim, in my view, are accounts of Holocaust experiences. Though this discussion has dwelt on the story of Hanna, the tension between complexity and enormity that such stories generate is not restricted to the perpetrators of crimes. In an interview with Claude Lanzmann, Auschwitz survivor Abraham Bomba, tells a story that conveys a powerful sense of the tension between complexity and enormity in its combination of ways of understanding responsibilities, individual dispositions, massively



impoverished circumstances and the gamut of conflicted emotions that you might expect to accompany such a story. Recounting Bomba's story the narrator writes:

I want to tell you something that happened. At the gas chamber, when I was chosen to work there as a barber, some of the women that came in on a transport from my town of Czestochowa, I knew a lot of them. I knew them; I lived with them in my town. I lived with them in my street, and some of them were my close friends. And when they saw me, they started asking me, Abe this and Abe that - 'What's going to happen to us?' What could you tell them? What could you tell? A friend of mine worked as a barber - he was a good barber from my home town- when his wife and his sister came into the gas chamber.... I can't. It's too horrible. Please.

*We have to do it. You know it.*

I won't be able to do it.

*You have to do it. I know it's very hard. I know and I apologise.*

Don't make me go on please.

*Please. We must go on.*

I told you today it's going to be very hard. They were taking that in bags and transporting it to Germany.

*Okay, go ahead. What was his answer when his wife and sister came?*

They tried to talk to him and the husband of his sister. They could not tell them this was the last time they stay alive, because behind them was the German Nazis, SS men, and they knew that if they said a word, not only the wife and the woman, who were dead already, but also they would share the same thing with them. In a way, they

tried to do the best for them, with a second longer, just to hug them and kiss them, because they knew they would never see them again.<sup>29</sup>

It should be borne in mind that the use of this example is not to serve as a point of reference to the story of Hanna. The two stories are clearly on a different moral footing and the distinction between victim and perpetrator is important. Nevertheless, both stories convey the strength of the tension between both the enormity and the complexity of the events portrayed. Albeit from very different perspectives both stories convey the sense of moral failure felt by those involved.

### **Toward an understanding of moral life**

Both moral complexity and moral enormity are present in Holocaust experiences and with respect to such experiences they are manifest in the deliberations that take place around our understandings of our responsibilities to self and others. My claim is that such deliberations with all that this implies, including the tension between judging and understanding, are what constitutes the moral complexity of our lives.

In the context of Michael's moral dilemma in *The Reader*, the discussion on moral complexity delivered a stark conclusion. Like Michael, if I the reader err too much on the side of judging the character of Hanna I run the risk of failing to understand her place in the course of events. Indeed I may fail to understand period. If, on the other hand, I factor in the moral complexity of her situation I arrive at the conclusion that, in her shoes, I cannot guarantee I would have behaved differently. Such a conclusion has the potential to

compromise judgment. Yet judgment remains important. It is this predicament that underpins the tension between judging and understanding. Hanna made some poor decisions that led to terrible outcomes. Yet our deeper understanding of the moral complexity of her situation ought to acknowledge the need for a more reflective and compassionate appraisal of her. Such is moral life.

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## Notes

- 1 Bernhard Schlink, *The Reader*, London; Phoenix, 1998.
- 2 Lawrence Langer, *Pre-empting the Holocaust*, New Haven: Yale University Press, 1998, p.2.
- 3 Douglas lackey, 'Extraordinary Evil or Common Malevolence: Evaluating the Jewish Holocaust' in Brenda Almond & Donald Hill (eds.), *Applied Philosophy, Morals and Metaphysics in Contemporary Debates*, London: Routledge, 1991, p.141.
- 4 Mary Midgley, *Wickedness*, London: Routlege & Kegan Paul, 1985.
- 5 Ibid., p.3.
- 6 Ibid., p.2.
- 7 Ibid., p.71.
- 8 Christopher R Browning, *Ordinary Men: Reserve Police Battalion and the Final Solution in Poland*, New York: Harper Collins, 1993.
- 9 Langer, *op.cit.*, p.xiv.

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- 10 See Margaret Walker, *Moral Understandings: A Feminist Study in Ethics*, London: Routledge, 1998, pp. 200-205.
- 11 See Christopher W. Gowans, *Innocence Lost: An Examination of Inescapable Moral Wrongdoing*, New York: Oxford University Press, 1994, pp. 16-25.
- 12 Primo Levi, *If this is a Man and The Truce*, London: Abacus, 1987, p.127.
- 13 Giovanna Borradorri, *Philosophy in a Time of Terror: Dialogues with Jurgen Habermas and Jacques Derrida*, Chicago: The University of Chicago Press, 2003, p.132.
- 14 Margaret Walker, *Moral Understandings: A Feminist Study in Ethics*, London: Routledge, 1998, p.201.
- 15 Walker, *op.cit.*, p.10.
- 16 See Gowans, *op.cit.*, pp.3-10.
- 17 *Ibid.*, p.3.
- 18 *Ibid.*, p.19.
- 19 See Browning's evidence of conflicted feelings in *Ordinary Men*.
- 20 Gowans, *op.cit.*, pp.19-20.
- 21 Gowans, *op.cit.*, pp.3-24.
- 22 Schlink, *op.cit.*, pp. 108-109.
- 23 *Ibid.*, p.109.
- 24 *Ibid.*, p.126.
- 25 *Ibid.*, p.156.

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- 26 In a similar vein to Christopher Gowans, Margaret Walker in her book *Moral Understandings*, develops the idea of a ‘geography of responsibility’ to explain how moral responsibilities evolve. See especially pp.107-109.
- 27 See Gowans, pp.122-3.
- 28 Schlink, *op.cit.*, p.110.
- 29 Claude Lanzmann, *Shoah* (NY: Pantheon Books, 1985), pp. 115-7.