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The Failure(s) of Ethics:
The Holocaust and Its Reverberations

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I don't know about the moral law. Does it dwell in everyone?

Primo Levi, *Other People's Trades*

I begin with words of thanks, congratulations, and tribute: I am grateful to Professor Frank Nicosia for the kind invitation to deliver the 2008 Raul Hilberg Lecture and for the hospitality he has so generously coordinated. I congratulate the University of Vermont for the establishment and development of the Carolyn and Leonard Miller Center for Holocaust Studies, which is destined to become a place of international importance in its field. The scholars at the Center, all of them known to me personally, are outstanding. The tribute I want to pay is to Raul Hilberg himself, for his scholarship and example have influenced my thinking about the Holocaust and its reverberations more than I can say.

It is a special privilege to speak in the lecture series that so deservedly honors Raul Hilberg at the University of Vermont, where he taught with great distinction and intensity for decades. Hilberg denied that he was a philosopher, but I think there were deep philosophical and ethical currents in his thinking, teaching, and research. I believe that he might well approve of the topic "The Failure(s) of Ethics," which I am addressing

on the 70th anniversary week of the vast pogrom, euphemistically called *Kristallnacht* that raged through the Third Reich in early November 1938.

I will not concentrate on that disaster, but it is worth recalling that seventy years ago tonight (November 10), Jewish synagogues, cemeteries, hospitals, schools, businesses, and homes throughout the Reich had been looted, wrecked, and often set aflame. Scores of Jews were killed; thousands more were arrested and marched off to the newly enlarged concentration camps at Dachau, Buchenwald, and Sachsenhausen. The Jews' German neighbors, not strangers, inflicted much of this damage while police followed orders not to interfere and arrested many of those who had been victimized. Meanwhile, with few exceptions, fire brigades followed their orders, too: Let torched synagogues burn, but protect Aryan property nearby. *Kristallnacht* ended the illusion that anything resembling normal Jewish life was still possible in the Third Reich. Encouraged by the Nazi leadership, carried out by ordinary Germans, abetted by countless onlookers, the November pogrom of 1938, a decisive prelude to the Holocaust, centrally involved a failure of ethics.

My title, "The Failure(s) of Ethics: The Holocaust and Its Reverberations," the epigraph from Primo Levi that accompanies it, and the 70th anniversary of *Kristallnacht* start

experience unfolds and history develops. Among the defining characteristics of human life are our abilities to think, make judgments, and remember. Human beings are also identified by webs

right and wrong, good and evil, precious and worthless, beautiful and ugly, or sacred and profane. Value judgments affect everything we do: from the ways that individuals spend their money to the interests that nations defend. Taken in this sense, it can be argued that every person, community, and nation is ethical. All of them have normative beliefs and make evaluative judgments.

Ethics, however, involves much more than a primarily descriptive use of that term suggests. For example, ethics also refers to the study of value judgments and the ways in

The singular failure of ethics is that ethics has not made us better than we are. What we are, moreover, is often far from being what should make us proud to be human. Human-inflicted abuse of human life and the world that is our home, including inaction and indifference in the face of that abuse, is often so great that shame about our humanity ought to take precedence over our pride about it. One implication is that ethics seems too fragile and weak to do what we hope, at least in our better moments, it can accomplish.

There are at least two dimensions about this fragility and weakness that deserve additional mention. First, there has to be something universal about ethics, if what could be called the *logic of ethics* is not to be riddled by contradiction. This point is illustrated by the frequent appeals that are made these days to *human* rights. If such rights are real, they do not belong just to Americans, to men, to white-skinned folks, but to all who are human. By now, there are long and even growing lists of these rights, many of them found in United Nations documents. This fact signifies that considerable agreement can be found where ethics is concerned, but the appearance of agreement may not match reality, for so much depends on what key concepts mean and how they are interpreted, factors that frequently bring disagreement to the fore. In principle, agreement about all of those matters may be possible, but possibility can be a long way from reality. One of the most important failures of ethics, then, is that it

than ever about ethics and our need for it. Human life is so full of discouragement, cynicism, and despair produced by human folly, miscalculation, and wrongdoing that one can scarcely call ethics successful. True, absent ethics, we would be much worse than we are, but the slaughter-bench of history, as the philosopher Hegel rightly called it, does not allow much comfort to be taken from that fact.

Now, I want to shift gears to illustrate further, historically and personally, why I am concentrating on the failure(s) of ethics. Having studied the Holocaust—taught and written about that catastrophe—for almost forty years, the questions that confound me continue to grow. As historical research proceeds, issues about *how* and *why* the Holocaust happened have not been put to rest, at least not entirely. As a philosopher tripped up by history and by the Holocaust in particular, I am especially provoked by questions such as these: What happened to ethics during the Holocaust? What should ethics be and what can it do after the Holocaust?

Absent the overriding of moral sensibilities, if not the collapse or collaboration of ethical traditions, the Holocaust could not have happened. Its devastation may have deepened conviction that there is a crucial difference between right and wrong; its destruction may have renewed awareness about the importance of ethical standards and conduct. But Birkenau, the chief killing center at Auschwitz and thus a kind of epicenter of the Holocaust, also continues to cast a disturbing shadow over basic beliefs concerning right and wrong, human rights, and the hope that human beings will learn from the past.

The Holocaust did not pronounce the death of ethics, but it did prove that ethics is immensely vulnerable, that it can be overridden, misused and perverted, and that no simple reaffirmation of pre-Holocaust ethics, as if nothing had happened, will do any

more. Too much has happened for that, including the fact that the shadow of Birkenau so often shows Western religious, philosophical, and ethical traditions to be problematic. Far from preventing the Holocaust, they were at times seriously implicated in that catastrophe.

We can explore at least some of these themes in greater detail by reflecting on insights from the Auschwitz survivor Primo Levi. Consider, in particular, what Levi called “the gray zone,” which was the title he gave to one of the most influential essays to emerge from the Holocaust, a chapter in his remarkable book *The Drowned and the Saved*.

Levi’s Holocaust experiences led him to reflect on language. “If the Lager had lasted longer,” he observed, “a new, harsh language would have been born: and only this language could express what it means to toil the whole day in the wind, with the temperature below freezing, wearing only a shirt, underpants, cloth jacket and trousers, and in one’s body nothing but weakness, hunger and knowledge of the end drawing nearer.”³

Arguably, the Holocaust did not last long enough to produce fully the new language of which Levi spoke, but as survivors and scholars continue their struggle to describe, analyze, and explain what happened during those dark times, new and, in their own way, harsh concepts have emerged. One thinks, for instance, of Lawrence Langer’s *choiceless choices*, a term now used to identify the dilemmas created by Nazi Germany and its collaborators, who often put Jews and other victims in circumstances where they had to make decisions among hideous options that could not even be described as involving so-called lesser of evils.⁴ Or, to cite a second example, there is Terrence Des

Pres s *excremental assault*, the concept he created to refer to the ways in which lack of sanitation in the Holocaust s ghettos and camps—whether intended by the Germans or not

“What I had seen and lived through proved the exact contrary. Preferably the worst survived, the selfish, the violent, the insensitive, the collaborators of the „gray zone, the

Rumkowski, whose fate it was to lead the Jewish Council that the Germans forced the Jews to establish in the Lodz ghetto. Suggesting that Rumkowski's story contains "in an exemplary form the almost physical necessity with which political coercion gives birth to that ill-defined sphere of ambiguity and compromise" that constitutes the gray zone, Levi's chapter concludes that "like Rumkowski, we too are so dazzled by power and prestige as to forget our essential fragility. Willingly or not we come to terms with power, forgetting that we are all in the ghetto, that the ghetto is walled in, that outside the ghetto reign the lords of death, and that close by the train is waiting."¹³ Levi spoke of the gray zone in the singular, but his analysis made clear that this multi-faceted and multi-layered reality constituted gray *zones* that were not and are not confined to one time or place.

Throughout *The Drowned and the Saved* and especially in its chapter on "The Gray Zone," a crucial tension emerges between Primo Levi's caution about making moral judgments and his persistent use of ethical evaluations. Levi understood that human cravings for simple understanding include the need "to separate evil from good, to be able to take sides, to emulate Christ's gesture on Judgment Day: here the righteous, over there the reprobates."¹⁴ The gray zone, however, defied such neat separations.

Nevertheless, moral judgments resound in Levi's writing. As noted, for example, he never hesitated to call the creation of the *Sonderkommando* a "demonic crime," the worst committed by the

judge you. ”¹⁶ Levi added that he did not hate the German people, but then he delivered a comment whose moral critique was as devastating as it was understated: “I cannot say I understand the Germans.”¹⁷

That statement contained an ethical judgment that went much deeper than conventional moral evaluations, which assume that people are more-or-less in agreement about shared rights and responsibilities, even though they may violate those norms. For Levi, the Germans were not understandable because, as he put it, they had willingly abandoned civilization. Levi clarified these points in comments that he made in 1961 about collective guilt:

The very expression “collective guilt” is a contradiction in terms, and it is a Nazi invention. Every person is singly responsible for their actions. Every German (and non-German) who took part in the murdering is fully guilty; their accomplices are partially guilty . . . ; less guilty but still contemptible are the many who did nothing in the full knowledge of what was happening, and the mass

Levi's ethical analysis did not stop there. Acknowledging that he lacked trust in "the moral instinct of humanity, in mankind as „naturally good,”¹⁹ Levi warned that the existence of Nazi Germany and the Holocaust meant that realities akin to them could

thought that the prisoners' behavior could be called "rigidly preordained. In the space of a few weeks or months the deprivations to which they were subjected led them to a condition of pure survival, a daily struggle against hunger, cold, fatigue, and blows in which the room for choices (especially moral choices) was reduced to zero."²⁵ Levi strengthened his argument for caution about making moral judgments by adding two more reminders: "one is never in another's place," he emphasized, and "nobody can know for how long and under what trials his soul can resist before yielding or breaking."²⁶

Levi's position harbored danger, if not some inconsistency. While defending the Lager's victims against inappropriate moral judgments, would his appeal to human frailty and even to a kind of behavioral determinism open the door too widely for rationalizations that undermined the moral accountability he so much wanted to support?

Levi's ethics is instructive. By learning to restrain moral judgment appropriately, by not misdirecting it in ways that blame the victims, one can better focus where the ethical critique and its accompany

Primo Levi was not sure that ethics could be restored and revitalized after Auschwitz, but he knew that the failure to try would exact a price higher than humankind could pay. That theme is illustrated in “News from the Sky,” an essay of Levi’s that appears in his book *Other People’s Trades*. There Levi notes that Immanuel Kant, the famous German philosopher, emphasized two wonders in creation: the starry sky above and the moral law within. “I don’t know about the moral law,” Levi muses, “does it dwell in everyone? . . . Every passing year augments our doubts.”²⁹ The starry sky seemed to be another matter, but even those considerations gave Levi pause. The stars remain, but the sky—the territory of bombers, hijacked planes, and missiles that can unleash terror and annihilation—has become an ominous place because of World War II, the Holocaust, 9/11, and their aftermath.

“The universe is strange to us, we are strange in the universe,” wrote Levi, and “the future of humanity is uncertain.”³⁰ Nevertheless, he had his hopes. “There are no problems that cannot be solved around a table,” Levi said, “provided there is good will and reciprocal trust.”³¹ It could be argued that this judgment of his was too optimistic. In any case, much hinges on his qualification about good will and reciprocal trust, for both remain in short supply. That scarcity is one of the most confounding results of the Holocaust’s gray zones and, I would add, the failure(s) of ethics.

The Holocaust did not have to happen. It emerged from human choices and decisions. Those facts mean that nothing human, natural, or divine guarantees respect for the ethical values and commitments that are most needed in contemporary human existence, but nothing is more important than our commitment to defend them, for they remain as fundamental as they are fragile, as precious as they are endangered.

Human experience and ethical dilemmas go hand in hand. As some problems are eliminated, new ones rise up or old ones reappear in different and even novel forms. Hunger, poverty, and crime, for example, are age-old, but their shape and size and the resources for dealing with them change with developments in politics, economics, technology, religion, and even ethics itself. Arguably critical ethical reflection would not exist—there would be no need for it—if human beings knew everything, understood all the consequences of their actions, never made mistakes, always agreed with one another about what to do, and put exactly the right policies into practice. Human experience, however, is not that clear or simple. Our knowledge is incomplete. We do make mistakes; we do disagree. Often, human life is full of conflict because we do not see eye to eye about what is true and right. Thus, human life simmers, boils, and at times erupts in controversies, debates, and disputes. All too often, issues intensify and escalate into violence, war, and even genocide.

Fortunately, those destructive responses are not the only ones that human beings can make. Ethical reflection may prove insufficient to save the day; nevertheless it remains crucial, and it is ignored at our peril. Done well, ethical thinking, in spite of its failure(s) can focus a community

Notes

1. For more detail about my focus on these themes, see John K. Roth, *Ethics During and After the Holocaust: In the Shadow of Birkenau* (New York: Palgrave Macmillan, 2005). Parts of the first half of this essay are adapted from that book.
2. This paragraph draws on my discussion of Raul Hilberg's ethics in *Ethics During and After the Holocaust*, pp. 54-74, and especially p.70.
3. Primo Levi, *Survival in Auschwitz: The Nazi Assault on Humanity*, trans. Stuart Woolf (New York: Simon and Schuster, 1996), p. 123. From his hiding place in Dresden, the German Jewish scholar Victor Klemperer documented how the Nazis themselves had contributed to a new, harsh language of violence and atrocity. See Victor Klemperer, *The Language of the Third Reich (LTI—Lingua Tertii Imperii): A Philologist's Notebook*, trans. Martin Brady (New York: Continuum, 2002).
4. See, for instance, Lawrence L. Langer, *Versions of Survival: The Holocaust and the Human Spirit* (Albany: State University of New York Press, 1982), pp. 67-129. Choiceless choices, writes Langer, do not “reflect options between life and death, but between one form of abnormal response and another, both imposed by a situation that was in no way of the victim's own choosing” (p. 72).
5. See Terrence Des Pres, *The Survivor: An Anatomy of Life in the Death Camps* (New York: Oxford University Press, 1976).

6. See Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington: Carnegie Endowment for International Peace, 1944).
7. Primo Levi, *The Drowned and the Saved*, trans. Raymond Rosenthal (New York: Summit Books, 1988), p. 53.
8. *Ibid.*, p. 49.
9. *Ibid.*, 82.
10. Primo Levi, "The Duty of Memory," in Marco Belpoliti and Robert Gordon, eds., *The Voice of Memory: Interviews, 1961-1987*, trans. Robert Gordon (New York: The New Press, 2001), p. 232. This article is based on Levi's interview Anna Bravo and Federico Cereja, which was first published in Italy in 1983.
11. Levi, *The Drowned and the Saved*, p. 48.
12. *Ibid.*, p. 42.
13. *Ibid.*, pp. 67, 69.
14. *Ibid.*, p. 37.
15. *Ibid.*, p. 53.
16. *Ibid.*, p. 174.
17. *Ibid.*, p. 174.

18. Levi, *The Voice of Memory*, pp. 180-81.
19. Ibid., p. 180.
20. See Levi, *The Drowned and the Saved*, p. 199.
21. Ibid., p. 58.
22. Ibid.
23. Ibid., p. 59.
24. Ibid., p. 49.
25. Ibid., pp. 49-50.
26. Ibid., p. 60.
27. Ibid., p. 44.
28. See Levi's chapter on "Useless Violence" in *The Drowned and the Saved*, pp. 105-26.
29. Primo Levi, *Other People's Trades*, trans. Raymond Rosenthal (New York: Summit Books, 1989), p. 20.
30. Ibid., pp. 22-23.
31. Levi, *The Drowned and the Saved*, p. 200.