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Addressing the Past: Time, Blame and Guilt

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Abstract: Time passed after the commission of a wrong can affect how we respond to its agent now. Specifically it can introduce certain forms of complexity or ambivalence into our blaming responses. This paper considers how and why the time might matter in this way. I illustrate the phenomenon by looking at a recent real life example, surveying some responses to the case and identifying the relevant forms of ambivalence. I then consider a recent account of blameworthiness and its development over time that purports to account for this ambivalence. Blameworthiness, on this account, consists in a psychological flaw; time matters because it brings the possibility of change in the agent, and ambivalence arises because it is hard to know to the extent of such change. This account, I argue, mischaracterises responses to the case and misidentifies the source of their ambivalence. Drawing on recent work in the philosophy of emotion, I sketch an alternative approach. Our responses, I suggest, make sense within processes through which we address wrongdoing. Time matters because these processes take time and because time's having passed raises a question whether and how the wrong has been addressed. Unaddressed wrongs can elicit ambivalence of a specific form.

1.

In 2020, a 93-year-old man, Bruno Dey, was tried and convicted in Germany for 5,232 cases of accessory to murder, dating to his time working as a guard in

Stutthof Concentration Camp in 1944–5, when he was in his late teens. He received a two-year suspended sentence.

Responses to the case, the trial and the verdict were somewhat mixed. Some stressed the importance of the trial and of its delivering a guilty verdict. For instance, Stefan Lode, a lawyer representing former prisoners of Stutthof, claimed that his clients would welcome the verdict and would be satisfied with the sentence, saying that '[n]o one wanted to send an old man to prison' (Knight 2020). Éva Puzsai-Fahidi, a survivor, insisted that it is 'never too late' for these trials to take place (Buck 2020), while another survivor, Marek Dunin-Wąsowicz, welcomed the verdict as a 'good outcome' (Oltermann 2020).

On the other hand, many understandably lamented the lateness of the trial and the weakness of Dey's sentence. Christoph Rückel, another lawyer representing survivors, said the suspension of the sentence 'sends a signal of laxity that I think is not appropriate for a crime like this' (Machemer 2020). Jeremy Issacharoff, the Israeli ambassador to Germany, wrote that Dey's punishment 'doesn't reflect the severity of the accusations against the man' (*Times of Israel* 2020), while Christoph Heubner of the International Auschwitz Committee described the trial as 'unsatisfactory and much too late' (Eddy 2020).

Some of the most interesting responses were the most ambivalent. Ben Cohen, who attended the trial on behalf of his grandmother Judy Meisel, a survivor and plaintiff, agreed that a guilty verdict could 'send a powerful signal that no guard in any concentration camp can claim that they had no responsibility for what happened.' Yet he also wrote that for his grandmother, 'any practical punishment at this point is meaningless', and that '[i]t's too late for questions of forgiveness' (Cohen 2020).

A case like this raises a host of moral and legal questions about the significance of time. Is it appropriate to try and to punish someone for something they did almost a lifetime ago? Is it somehow unfair? Does the lateness of the trial somehow undermine its legitimacy or its capacity to serve justice? Does the time elapsed somehow change what constitutes a proportionate punishment? Can anything that has happened during that time make a difference to the appropriateness of blame on the part of victims, or remorse on the part of the offender? If so, what? How and why does it matter? And can we make sense of Cohen's thought, that it can be too late for meaningful punishment and for forgiveness?

I will not try to address most of these questions in this paper, though what I say will, I think, have at least some bearing on each of them. My main aim will be to say something about a range of affective responses we (including specific groups of 'us', such as victims and their relatives) might feel towards someone like Dey, and more generally how the passage of time and things that happen during that time can appropriately bear on how we feel towards someone in light of something they did in the past. I will be interested in the first instance in blame and remorse, but as will become clear, I do not think that questions of blame and remorse can be wholly separated from some of the other questions about punishment and justice.

I will start by considering a recent account of blameworthiness and its development over time, the authors of which claim at least partly explains the ambivalence that cases like Dey's are liable to elicit. On this view, the passage of time can matter because it brings with it the possibility of change on the part of the wrongdoer. If someone who does wrong and is blameworthy for doing so subsequently becomes a better person, the kind of person who would never do such a thing again, then that person no longer deserves to be blamed for the action in question, as it no longer reflects who they are. Cases like Dey's elicit ambivalence because it is, in such cases, so hard to be certain just how much the person has really changed. This approach, I suggest, fails to capture the real nature of the ambivalence in reactions to Dey's case. That ambivalence stems not, or not primarily, from any uncertainty about the empirical facts concerning Dey's psychology, but from sensitivity to a genuine normative complexity arising from the lateness of the trial and how this affects its capacity to serve its proper function. Doubt about Dey's blameworthiness is, I argue, no part of the ambivalence in responses: there is no serious cause for doubt that he deserves blame, even when we grant that he may have changed a great deal.

I offer a different account of this complexity, outlining an approach on which interactive, social processes are of central importance to making sense of our blaming responses. Drawing from recent work in the philosophy of emotion, I suggest that reactive attitudes like anger, resentment and remorse can find their proper resolution through processes by which wrongs are recognised, acknowledged and addressed. Such processes may implicate the offender's psychology but involve much more than mere intrinsic change on their part. An exclusive focus on the agent's psychology thus leaves out much of what matters

to us most in holding agents responsible for their past wrongs. I suggest that this approach also points us towards a better way of making sense of Ben Cohen's claims about punishment and forgiveness.

2.

Khoury and Matheson (2018) ask whether 'blameworthiness is forever', or in other words whether it is possible to cease to be blameworthy for a wrongful action one took in the past. In answering the question, they develop an account of blameworthiness over time, and specifically of conditions under which blameworthiness can diminish over time, that they claim 'goes some way' towards explaining 'the ambivalence we may feel towards ... the old man living a quiet life in Canada who is discovered to have been a Nazi guard half a century earlier' (Khoury and Matheson 2018, 218). Bruno Dey was not living in Canada, and was put on trial three-quarters of a century after the fact, but it seems fair to assume that Khoury and Matheson would take their account to apply to his case and to shed light on the ethical reactions to it.

Before getting into the details of the account, I want to note a complication. Khoury and Matheson understand responsibility as the extent to which one is praiseworthy or blameworthy, and thus equate responsibility for wrongdoing with blameworthiness. This is part of the basis on which they read some authors on moral responsibility, who claim that responsibility for an action cannot be retroactively shirked, as being committed to the claim that 'blameworthiness is forever', the claim they reject. However, we might reasonably doubt whether to be responsible for a wrong *just is* to be blameworthy for it. We might instead take it that responsibility is a status that is normatively prior to any liability to be blamed, that responsibility can ground the appropriateness of blame without being reducible to it (Duff 2007; see also Pickard 2013). We might then want to distinguish between responsibility and blameworthiness, even if they often come together in the case of wrongful action. Since Khoury and Matheson do not make this distinction, I will for the time being indulge the conflation of blameworthiness with responsibility for wrongdoing, as it will make it easier to present their view and the arguments for it. However, this should not be read as an endorsement, and I believe the alternative account I outline later may make better sense if the distinction is made.

This having been said, it is easiest to approach Khoury and Matheson's account by starting with some familiar ideas about moral responsibility. It is not uncommon to explain an agent's responsibility for their actions in terms of those actions' being connected in the right way to the agent's will, the 'will' being understood in terms of (structures of) psychological states (e.g. Frankfurt 1971). As ordinarily presented, such accounts give synchronic conditions on responsibility: they are accounts of what has to be true when someone acts in order for them to be, having acted, responsible for what they did. This leaves open a further, diachronic question that we might raise about responsibility: namely whether, such conditions having been met, it is possible for an agent to become less responsible or less blameworthy for a past action of theirs, or even to cease to be responsible or blameworthy, in light of what happens after the action is taken.¹

Let's suppose that the synchronic conditions on responsibility do indeed concern the action's being connected in the right way with certain kinds of psychological states or structures of the agent. To understand responsibility over time, we would need to complete this view with an account of diachronic conditions. Two fairly natural but inconsistent ways of doing this suggest themselves. On one hand, we might think that once the synchronic conditions are met, there are no further substantive conditions that must continue to hold over time in order for the agent to remain responsible for the action. An action's flowing from your will in the right kind of way makes it, conclusively, yours to answer for. Being responsible for a given action is, on this view, a bit like being the biological parent of a given child: it is a historical relation, established by the obtaining of historical facts of a certain kind, which facts cannot be undone. You cannot retroactively shirk responsibility for something you did without having had an excuse or exemption at the time you acted.

On the other hand, it has seemed to some authors that we care about whether an action, especially a wrongful action, is connected in the right way with the agent's will precisely because what we care about is their will, and specifically

¹ Khoury (2013) distinguishes these two questions as concerning two kinds of responsibility, synchronic and diachronic. This seems to me a mistake. The distinction is not properly between two kinds of responsibility but rather two kinds of questions we can ask about responsibility, or two kinds of conditions that might bear on it: conditions that must hold at the time of acting to establish responsibility, and conditions that must hold over time to sustain responsibility.

the quality of their will towards us (see e.g. Strawson 1962). If a person's will changes, and particularly if it changes in such a way that they are no longer disposed to wrong us in the way that they did in the past, then what they did back then does not reflect their will towards us in the present. This suggests a quite different view, on which blameworthiness for a past action needs to be sustained by something like the persistence of the relevant psychological states or structures. Responsibility (blameworthiness) is not historical on this view, or not purely so, because an agent's responsibility now for some past action depends in a substantive way on how they are now.²

This latter approach is the one favoured by Khoury and Matheson. Specifically, in their version, an agent's blameworthiness for some past action depends on 'the persistence of distinctive psychological features', which is a matter of the extent to which the agent's present psychology is 'connected' in the right way with their psychology as it was when they acted (Khoury and Matheson 2018, 216). The notion of psychological connectedness here is that defined by Parfit: it is 'the holding of particular direct psychological connections' (Parfit 1984, 206). Direct psychological connections are such things as the persistence of 'a belief, a desire, or any psychological feature', or such connections as that 'between an intention and the later act in which this intention is carried out' (Parfit 1984, 205). Psychological connectedness is a matter of degree and thus, on Khoury and Matheson's account, blameworthiness for our past actions is a matter of degree: we become less blameworthy to the extent that we become less psychologically connected to ourselves as we were when we committed the offence. Although they are not very clear about this, it seems that Khoury and Matheson have in mind specifically the 'distinctive psychological features' of the agent that were causally or explanatorily responsible for the agent's taking the relevant action.³

What all this means is, in more straightforward language, essentially that to the extent that an agent loses the beliefs, desires and other 'distinctive psychological features' that led them to take an action—and to the extent that

² 'In a substantive way' because it depends on more than their simply meeting basic enabling conditions like being alive and rationally competent.

³ Khoury and Matheson talk at points about 'relevant' psychological connectedness, and support their view in part by appealing to the idea that an agent's distinctive psychological features when they act are 'essential' to their acting as they do (see e.g. Khoury and Matheson 2018, 214, 216–7).

they forget performing the action, and so on—they become less blameworthy for what they did. The question we must ask in order to determine whether someone merits blame for something they did in the past is, on this view, to what extent it reflects how they are now. Similarly, an agent who has changed a great deal since doing some wrong may appropriately cease to feel remorseful for what they did, given that they are no longer the kind of person who would do such a thing.

3.

Before considering how Khoury and Matheson's account could apply to the Dey case, let's look at their argument for it. Although they suggest that their view offers a plausible account of our attitudes to elderly former Nazis, it is not through considering such cases that they motivate it. Rather, as is so often the case, the main support comes from a thought experiment.

Our protagonist is Leon, an explorer searching for the 'elixir of life'. Leon comes across an island the inhabitants of which commonly live to over 500 years old, apparently thanks to the water from a magic well. In other respects, Khoury and Matheson insist, these people resemble 'any other human community' (Khoury and Matheson 2018, 213). Because they live so long, though, the ordinary, gradual processes of psychological change can, for them, result, over the course of a lifetime, in quite radical shifts in psychological make-up.

Leon drinks from the well. Like the locals, he goes on to live for centuries, changing gradually but radically over that time. At 500 years old, Leon is psychologically disconnected from the Leon he was at age 250, and at 250 he was similarly disconnected from himself as he was at age 50. Having established this background, Khoury and Matheson give us the following rather grim vignette:

Suppose that Leon at age 30 (Leon-30)—the age at which he drinks from the well—has the psychological profile of a ruthless conquistador. Imagine that Leon-30 commits a reprehensible act M—namely the massacre of the island's native inhabitants. And imagine that Leon-30 satisfies the [synchronic conditions on blameworthiness] for doing so. ... Now fast forward 500 years. Leon is now 530 years old. He has gone through many characters during his life. Suppose that Leon-530 is a perfect time-slice psychological twin of your favourite moral saint. Leon-530 shares *no* distinctive

psychological features with Leon-30 but remains psychologically and biologically continuous with him. ... We contend that Leon-530 is *not* blameworthy for M ... [because he] shares none of Leon-30's *distinctive* psychological features, and these distinctive psychological features were essential to his performing M. (Khoury and Matheson 2018, 214)

The point about psychological and biological continuity is to forestall one possible kind of response to the case, which would be to say that Leon-530 is simply a distinct individual from Leon-30. If we could say that, then we could say that the Leon we have before us now, the 'psychological twin' of our 'favourite moral saint', is not responsible for the massacre simply because *he* isn't the one who did it—this other person, Leon-30, who happens to bear an unusually intimate causal–historical connection to our present Leon, did. That would allow the proponent of a historical view of responsibility to agree with Khoury and Matheson about Leon's present blamelessness. Because the radical difference between Leon-30 and Leon-530 is the result of only a gradual accrual of relatively small changes, though, this is not a plausible response on any standard account of personal identity, including psychological continuity accounts (e.g. Parfit 1984, pt. 3). Leon-530 is still the one who did that terrible thing, so if we agree with Khoury and Matheson that he is no longer blameworthy for it, it seems that we cannot regard blameworthiness as being grounded in purely historical conditions—and the same goes for responsibility.

On its own, an 'intuition' about a single imaginary case involving so many potentially distorting factors would seem a somewhat flimsy basis for a fully general account of responsibility over time.⁴ However, Khoury and Matheson also back up their treatment of the example by appeal to some more general considerations about blame and blameworthiness. Blameworthiness, they suggest, involves 'a particular kind of criticizability': a blameworthy person 'is

⁴ One possible challenge to Khoury and Matheson's argument that I will not develop here would challenge the reliability of the relevant 'intuition'. Although philosophical argument tells us Leon-530 is numerically identical to Leon-30, many might nonetheless feel a strong inclination to say that he is a different person. If so, perhaps their inclination to say that Leon-530 is not blameworthy stems from the same source. If considered judgement can supersede our metaphysical 'intuitions' about such cases, why not our moral ones?

criticizable in light of a particular kind of flaw', a kind of flaw that a moral saint lacks by definition (Khoury and Matheson 2018, 214).

Khoury and Matheson seem to assume that a 'perfect time-slice psychological twin' of a moral saint will lack the relevant kind of flaws—unsurprisingly, since their account supposes that the kind of flaw for which a blameworthy individual is criticisable must be a feature of their intrinsic psychological make-up. It is worth noting at this stage, however, that while it may be true by definition that a moral saint is morally flawless, it only follows that a perfect time-slice psychological twin of a moral saint is morally flawless if we assume that moral flaws must be intrinsic psychological features. If moral flaws can be even partly historical or relational—if, for instance, certain past wrongs can inexpungably stain one's moral character—then the perfect time-slice psychological twin of a moral saint might be less than saintly. We will return to this thought later. First, though, let's consider what Khoury and Matheson's account might have us say about Bruno Dey.

The basic tool the account provides for accommodating ambivalence in such cases is epistemic uncertainty about the agent's psychology. This comes out initially through the way Khoury and Matheson respond to a set of questions that might be raised concerning their example:

First, would it not be appropriate for a victim to blame Leon-530 for M? Second, does not Leon-530 have a reason to apologize for M? Third, would it not be appropriate for Leon-530 to feel guilt for M? And fourth, does not Leon-530 have a duty to compensate victims of M? (Khoury and Matheson 2018, 214)

The authors acknowledge that 'intuition' seems to favour affirmative answers to these questions, and that this might seem to imply that Leon still has something to answer for in his act of wanton colonialist mass murder, even if it was a very long time ago back when he wasn't such a nice man. Their responses are in a way concessive, but also in a way dismissive.

Blame and feelings of guilt may, Khoury and Matheson say, be reasonable, but at most 'in an epistemic sense'. The victim may reasonably take Leon's past actions as evidence that he has a flawed character, and it may be difficult to conclusively show that he has really completely changed. It can be very difficult, if not impossible, to see into the depths of someone's mind, to know whether they

have truly reformed or whether they are still the same deep down. For the same reason, if Leon were to be informed about what he did (he has, after all, forgotten all about it), he might reasonably wonder whether he still has, somewhere within him, the potential to do such evil—and perhaps he could reasonably conclude, given the enormity of what he did, that he must. In as much as these beliefs about Leon’s character are reasonable on the basis of the evidence, they might make blame and remorse ‘epistemically appropriate’, reasonable in light of the subjects’ reasonably-held beliefs: if things were as they reasonably appear to the victims and to Leon, blame and remorse would be fitting. By Khoury and Matheson’s account, though, this is a false appearance. Since Leon is without psychological flaws, he is blameless, despite evidence to the contrary.

This reasonable but false appearance also explains why something approaching apology might be required on Leon’s part. If Leon is ‘aware that others reasonably see him as blameworthy’, he might have a duty to explain himself in a way that acknowledges the epistemic reasonableness of the blame, acknowledging the harm and expressing ‘regret at its occurrence’ (Khoury and Matheson 2018, 215). Khoury and Matheson do not claim that this amounts to a genuine apology (though compare Khoury 2013, 744). As they emphasise, though, one can have reason to respond in such ways without in fact being blameworthy or accepting blame.⁵

Finally, Leon-530 might have a duty to compensate victims (if any survive), but only as one who has benefitted from past wrongdoing—not as atonement or in recognition of his own responsibility for the harm.

5.

Applied to the Dey case, Khoury and Matheson’s view suggests that, once contemporaneous excuses and exemptions are ruled out—once we have established that the synchronic conditions on blameworthiness are met—the only question that matters for assessing whether and to what extent we should still blame Dey for what he did is whether and to what extent he has changed in his distinctive psychological features. In this case, of course, we are dealing with a real flesh and blood human being, so the extent to which he has changed is not

⁵ Arguably this is exactly what makes this at best a very poor form of apology. Compare, e.g., Smith (2008).

something given *ex hypothesi* and would have to be established empirically. This is what Khoury and Matheson would propose as the source of any ambivalence in blame or blame-related responses to Dey: we simply can't be sure how much he has changed. He participated in something truly terrible, and the fact that he could do so, perhaps, gives us pretty strong evidence about what he is like. But someone might also change an awful lot in 75 years. Perhaps he really is different. We are thus stuck with ambivalent moral responses to Dey because we are stuck in an epistemically ambivalent question with respect to his character.⁶

It is striking, however, how little of the commentary on Dey's case focuses on his psychology at all. There is mention of his behaviour, his manner and comments in court, and of course of what he actually did back in the 1940s, but his degree of psychological connectedness to his younger self is not something that anyone seems particularly concerned to establish. The question arises not once in Ben Cohen's nuanced reflection on the trial and its significance. Even those who expressed satisfaction with the relatively mild sentence, such as Stefan Lode, did not justify its mildness by appeal to the likelihood of Dey's having changed: Lode simply said that 'human dignity' would prevent 'sending an old man to prison' (Knight 2020). It is not immediately obvious what Lode means by this; perhaps it is, at least in part, that someone of Dey's age should be shown mercy in such matters. Perhaps it is also related to Cohen's thought that punishment at this point is meaningless. Perhaps we would only sully ourselves by exacting retribution on this man in his final years of life. Whatever exactly Lode's thought is, though, it does not seem to be that Dey no longer deserves more serious punishment because he has changed.

Of course, observations about the comments that happen to make it into the media reporting on one specific case are not enough to show that Khoury and Matheson's account is wrong, but they might at least give us pause. If blame is really about attributing a flaw to the offender, specifically an intrinsic psychological 'flaw', it would appear that those responding to the Dey case are generally failing to consider what is in fact the most important question with

⁶ One salient question here is just what Dey's psychological 'flaw', past or present, is supposed to be. In fact it seems likely that he was (unlike the fictional Leon) no fanatic, but rather another example of the 'banality of evil' (Arendt 1963), participating in terrible crimes not so much from ill will as from quite ordinary forms of cowardice, ignorance, shallowness and so on.

respect to determining what kinds of attitudes and treatment towards him are justified now. Are these people morally confused? Are they simply deceiving themselves because they need someone to blame? From the perspective of Khoury and Matheson's account, there is a real possibility that Dey is just a scapegoat, yet none of the commentators seems troubled by this possibility. There is, as we have seen, some ambivalence in responses to Dey's trial and verdict, but it does not appear to stem from doubts about his blameworthiness.

There is, in my view, good reason for this, which is that there is no real doubt about Dey's blameworthiness. Dey is still deserving of blame and he shows himself to be so during the trial. The ways in which he shows himself to be so are not wholly separate from his character or his 'distinctive psychological features', but they are not in the first instance *about* such features—or so I want now to suggest.

A salient factor here is Dey's attitude to the trial itself. It seems, based on reporting, that he resented being put on trial:

There are times when Dey appears to feel most sorry for himself. There is one revealing exchange in the first week of trial, when he remarks that the hearings are bringing back memories that he had successfully repressed for decades. 'This is not how I imagined my sunset years,' he says. The complaint sounds petulant, and draws a rebuke from Anne Meier-Görling, the presiding judge. (Buck 2020)

At one point Dey offers a kind of apology, but it is a general 'apology' for what happened and what victims went through, not a personal apology for what he himself did:

As the trial drew to a close, Dey acknowledged 'the full scope of the horrors and suffering' experienced at Stutthof. He shared an apology to survivors of the camp, relatives and 'all the people who have gone through this hell of insanity,' but stopped short of assuming responsibility for his actions, instead arguing that he'd been forced into serving as a guard. (Machemer 2020)

This has some notable similarities to the way the no-longer-blameworthy agent might, on Khoury and Matheson's account, have reason to respond: acknowledging the harm and expressing regret at its occurrence without

personally accepting blame. It seems not to have been good enough for at least some of those to whom it was directed. Marek Dunin-Wąsowicz, the same survivor who welcomed the guilty verdict as a 'good outcome', rejected the apology, saying: 'I'm speechless. I don't want his apology, I don't need it' (Machemer 2020).

A particularly instructive comment came from Christoph Heubner of the International Auschwitz Committee, who said that what is 'so upsetting for survivors is that [Dey] failed to use the many postwar years of his life to reflect on what he saw and heard' (Eddy 2020). Khoury and Matheson could readily accommodate the surface of this claim. Reflection, they might say, matters here because had Dey reflected seriously on his time in the camp, he might have changed—he might, through reflection, have become a better person. Again, though, it is noteworthy that this is no part of what Heubner says. Moreover, if we emend his statement to have it explicitly reflect an interest in Dey's character, it seems to miss the mark in a way that the original does not. 'What is so upsetting for survivors is that he did not change in the many postwar years of his life.' Why should this be so upsetting for survivors? Why should they care so much about the psychology of one relatively insignificant old man with whom they have, and presumably desire, no personal relationship? Do they fear for his immortal soul? In fact what the survivors are concerned with in the first instance is not what Dey is like but with what he did. His failure to reflect on what he did, his failure to personally apologise, his resentment at being put on trial, his saying that he just wants to forget—these are all objectionable in themselves because they reflect his failure to accept blame, to take responsibility for what he did, to 'own' his past and to reckon with his role in a grave evil.

Naturally, these failures tell us something about Dey's character. If he were a more morally serious person he would no doubt respond differently. But they are not primarily objectionable because of what they show about his psychology, and certainly not because they show that he is still strongly psychologically connected to himself as he was in his late teens. If all that really mattered was Dey's psychology, then it would be an open question whether he was doing anything wrong in refusing to take responsibility in these ways. Perhaps forgetting all about what he did, as he apparently tried to do, would be a more effective way of becoming a better person than would dwelling on the past. That is an empirical question, at least if we understand a 'better person' to be one with

fewer and less egregious ‘flaws’ in Khoury and Matheson’s individualistic sense. Had he managed to change in that way, then, by Khoury and Matheson’s lights, he might be perfectly justified in feeling that the trial was unfair, that he was not really to blame, and that he had nothing to apologise for since those actions no longer reflected his character. For all we know, it may well be true that those actions no longer reflect his character. Were he—God forbid—to find himself in a similar situation today, he might well act differently. Even if so, there would still be something objectionable in his resistance to accepting responsibility.

6.

So far, this interpretation of the Dey case somewhat begs the question against Khoury and Matheson. I have simply been saying some of the things we might want to say if we reject the claim that blameworthiness is simply a matter of the agent’s psychology. I have been trying, in doing so, to bring out some of the things that do *seem*, more so than his psychology, to matter when we consider the case on its own terms and take the commentators and plaintiffs at their word. In particular, I have been suggesting that one of our major concerns in determining how to respond to Dey seems to be not just what he is like and how he has changed in himself but what he has actually *done* since 1945 and what he does and says now. Of course, Khoury and Matheson might argue that insofar as the commentators fail to consider the possibility that Dey has changed, they are making a mistake. Perhaps they could learn something by considering the example of Leon. With this in mind, I now want to explain what is wrong with the conception of blame that Khoury and Matheson use to support their view, and to articulate an alternative view of blame that can vindicate the responses to Dey as I have interpreted them.

Even if we do not go along with the view that blame consists solely in ‘reactive’ emotions like anger and resentment (e.g. Wallace 1994; Menges 2017), such emotions do seem to be closely connected with blame (Strawson 1962). They are at the very least often made fitting by the same facts that make blame fitting, so it makes sense to consider blame in relation to such emotions. Khoury and Matheson’s account of blameworthiness thus suggests a certain view concerning these kinds of emotions and their fittingness conditions, and the authors appear to accept as much (Khoury and Matheson 2018, 221). The view their account suggests is that a victim’s blaming anger involves the attribution of a ‘flaw’ to the

person who is the anger's target. Similarly remorse, the feeling of guilt, would involve the attribution of such a flaw to oneself.⁷ As we have seen, Khoury and Matheson understand this 'flaw' to be a 'flaw' in the agent's current psychological make-up. This suggests that the resolution for the victim's blaming anger and for the agent's remorse should be sought simply in the latter's distinctive psychological features changing. I have suggested that this seems a distorted picture of what victims are actually concerned with.

A striking thing about this conception of blame is that it is totally at odds with commonplace ideas about the relevant emotions. Anger, for instance, is typically understood as a response to something that seems to the subject to be an offence or slight. In the case of moral, blaming anger, we might specify that the transgression is perceived as a *wrong*, a wrong against the subject. The wrongfulness of an action might depend, in some cases, and to some extent, on the agent's motives; this is not because the action is wrongful only if it manifests the agent's 'flawed' character, but because they might have had a justification for doing something that would otherwise have been wrongful, or they might have had an excuse (for instance if they acted under duress), and such justifications or excuses would typically be reflected one way or another in their motivations.

In focusing on an event, an act of wrongdoing, anger differs from an attitude like, say, contempt, which is more plausibly construed as reflecting a negative appraisal of another's character (see, e.g., Keller 2022). Underlying anger seems to be an interest not in the quality of the agent's character or will, but for justice, in particular for one's own just treatment. No doubt if someone wrongs me I might care what it says about them, and if they are a friend, for instance, I will want to know whether they are likely to do something similar again. The point, though, is that the concern about whether the offender is liable to repeat the offence is not internal, so to speak, to my anger about what they did. What is internal to that anger is my sense that I have been slighted, treated unjustly, or wronged.

⁷ In speaking of these emotions as 'involving an attribution', I am trying to remain relatively neutral on the issue of emotional intentionality, for instance on whether emotions have evaluative content, on what kind of attitude emotions are, and so on. See Deonna and Teroni (2012) for a helpful overview of many of the various possible answers to such questions.

Interestingly, the passage of time raises puzzles about past-directed emotions such as anger independently of any attempt to give diachronic conditions for responsibility or blameworthiness, as philosophers of emotion have noted (e.g., Hieronymi 2001; Callard 2018; Na'aman 2020). Indeed, related puzzles arise in the case of emotions where ascriptions of blameworthiness need not be relevant at all, such as grief (Marušić 2018; Moller 2017). In brief, the puzzle, as it arises in the case of anger, is that if I appropriately feel anger in response to someone's having wronged me, the reason for anger—the fact to which my anger is an appropriate response—is something that never goes away. We cannot change the past; we cannot undo our wrongs. If you wronged me through some specific action, it will forever be true that you did so. This would seem to imply that it will forever be appropriate for me to feel angry about the wrong. In many cases, though, we want to say that anger can fittingly resolve or dissipate, and that someone who never stops being angry is making a kind of mistake.

Of course, we have practical, 'prudential', and perhaps moral reasons to let emotions such as anger fade. We are better off if we are able to let things go, to move on with our lives without dwelling on every mistake, every offence, every transgression. One who felt remorse about their every wrong or anger at every slight against them as keenly as if each and every wound were still fresh and raw would most likely find their relationships poisoned and their life miserable. There is a virtue in being able put things behind us. However, that does not in itself show that the relevant attitudes would not still be fitting, in a certain sense, were they still to be felt. The appraisal reflected in the emotions might still be accurate (D'Arms and Jacobson 2000). Perhaps we would be right, in the sense that we would be seeing things aright, if we were to feel guilty for all our youthful transgressions in direct proportion to their wrongfulness. We can be grateful that we do not, because we are better off that way (compare Moller 2017).

However, this seems not to be the only way in which it can be appropriate to stop feeling angry about something. There is a difference between cases where we simply 'let it go', leaving a offence unaddressed because it is not worth the trouble, and those where we find resolution, ceasing to feel anger, and forgiving the offender, because the offence has been adequately dealt with. How can this be fitting if the reason for one to be angry, the fact of the wrong, remains? Na'aman (2020; 2021) offers an answer that can, I think, help us approach a better treatment of the Dey case. Na'aman advocates a 'process view' of the rationality

of backward-looking emotions, on which the fittingness of such emotions at a time can depend on their place in a fitting process through which the subject responds to a significant event. On this view, facts about what has happened since the event to which one is affectively responding can figure in the background conditions that determine what that event gives one reason to feel; so, even if it will be forever true that you wronged me, what happens after the act of wronging might (eventually) make it the case that that fact no longer gives me reason for anger.⁸

The main focus of Na'aman (2021) is on 'rationally self-consuming attitudes', where among the relevant *post hoc* developments are the simple fact of the subject's having already felt the relevant emotion for a certain period of time. The general idea is that for some emotions, the longer one is subject to the emotion, the less rational it is for one to go on feeling it. Intense grief, for instance, might be an important stage in a fitting process through which one comes to terms with a loss and recognises its significance; but having gone through a period of intense grieving, it becomes rational for the intensity of one's grief to diminish, and eventually for the affect of grief to dissipate. Na'aman also, however, indicates other ways in which background conditions can change through the course of a fitting process, and the relevant factors are not limited to the realm of the subject's psychology. Most salient for our purposes, Na'aman (2020), building on ideas in Hieronymi (2001) and Callard (2018), argues that anger can be fitting in part in virtue of playing a role in a process of moral repair. Anger or resentment can be understood as something like a protest at a moral violation (Hieronymi 2001), perhaps calling for recognition of the wrong done to one (Silva 2021). Anger can be fittingly resolved when the wrong is recognised, acknowledged, and suitably addressed. The process of moral repair is, Na'aman suggests, one 'that one cannot normally carry through on one's own' (Na'aman 2020, 2427); it may be a necessary part of the process that the nature of the wrong is mutually understood and acknowledged and that the offender expresses contrition. When this happens, it can shift the background conditions such that one no longer has reason to feel angry.

While Na'aman focuses mainly on the offender's contrition and its expression, plausibly the process of moral repair sometimes demands more. Apology may

⁸ For the relevant notion of background conditions on reasons, see Dancy (2004, 39–40).

be enough when the offence is relatively minor, but more serious wrongs might require more serious forms of atonement. For some kinds of wrongs, we might think that justice requires that the offender pay compensation (e.g. Stone 2001), or submit to punishment. What exactly a fitting process of moral repair would look like will depend on the nature of the wrong, of the relationship between the offender and the victim, the customs and institutions that are relevant in the context, and so on. The main point here is just that, generally speaking, the process of moral repair is largely overt, social, and interactive—it is not something that occurs wholly within an individual, be it the offender or the victim. Some elements of the process through which we address a given wrong may, at least in part, be aimed at bringing about a change in the offender: if the offender is unrepentant, we might hope to communicate to them the seriousness of what they did, perhaps through punishment (Duff 2003, chap. 3), and our being successful in this would necessitate a certain kind of change on their part. But a repentant offender might still deserve punishment. Indeed, for the Socratically-minded, an offender who recognises what they have done might want and seek punishment as part of a process of moral repair (Plato *Gorgias*, 469a–479e).

Things are similar with remorse. Remorse, unlike, perhaps, shame, is not primarily an appraisal of one's own character—an appraisal of oneself as a bad person—but a recognition of the gravity of some specific thing that one has done. Like regret, remorse is inherently directed towards the past. Gaita characterises serious remorse with the thought that a remorseful murderer is haunted by their victim (Gaita 2004, chap. 9). The image of haunting captures remorse's focus: it is on the victim and what the murderer did to them; it is not about what the murderer is like as a person. We do not appease vengeful spirits by merely changing in ourselves, but through the kinds of things that can properly resolve guilt and heal the suffering of remorse: 'repentance, atonement, forgiveness, punishment' (Gaita 2004, 51); in other words, the appropriate, overt, explicit addressing of the wrong.

Both anger and remorse, I am suggesting, point towards their own resolution in moral repair. Both are responses to an unaddressed, or insufficiently addressed, wrong. And both the victim's anger and the wrongdoer's remorse are properly resolved through addressing that wrong as it needs to be addressed,

through processes of apology, atonement, and corrective justice, which may include reparation or punishment.

This approach, which understands our reactive attitudes as playing certain roles in processes by which we address moral violations, allows us, I think, to make better sense of Dey's case. What is so objectionable about Dey's failure to accept responsibility, his refusal to offer a genuine personal apology, his failure to 'reflect on what he saw and heard', is that they constitute his refusal to acknowledge the wrong that he did. In doing so, he closes off the possibility for certain kinds of moral repair: he fails to take the first step in his part in the process, namely to recognise and acknowledge the wrong and his part in it. That is something that remains for him to do regardless how much or how little he has changed psychologically in the intervening 75 years. His psychology is largely besides the point.

Thinking in these processual terms can also, I think, give us a way of making sense of Ben Cohen's claims that any practical punishment at this point is meaningless and that it is too late for questions of forgiveness. It may be too late for meaningful punishment—or, especially, punishment that is meaningful to the victims—at least in part because it is too late for it to play a meaningful role in a certain kind of fitting process of moral repair. Timeliness matters here. Survivors have had to find ways of dealing with what they suffered without people like Dey playing the part that they might have played in that process, that is without such people taking responsibility or being held formally to account. The lateness of Dey's trial limits what it can achieve in terms of justice and moral repair.⁹ It may be too late for forgiveness for similar reasons: forgiveness might have been the end state of a possible process of repair, but the opportunity for that process to be pursued may have long since passed.¹⁰ Perhaps Judy Meisel found a way to let go of emotions like anger and resentment without forgiving.

⁹ To say that punishment could in this sense be 'meaningless' to victims is not to say that Dey should not be punished, or even that he should not be severely punished. This specific kind of process of moral repair need not be the only source of reasons for punishment. It seems clear to me that there are others, but whether Dey should be punished and how severely is not our question here.

¹⁰ What about Éva Puzsai-Fahidi's claim that it is 'never too late' for such trials to take place? Perhaps her thought is that it is better late than never. 'Justice delayed is justice denied' is not an

Na'aman's framework also accommodates another source of ambivalence. There may be, in the case of an unaddressed wrong, a conflict between the rationally self-consuming character of anger and resentment—the fact that it is rational for these attitudes to lessen over time—and the character of these emotions as protests against a wrong that call for the wrong to be addressed and acknowledged. Dey's case is interesting in part because of how it combines two factors: the sheer amount of time that has passed since the crimes were committed, and the relative lack of any sense that those who feel strongly about the case would do better to simply forgive and forget. The sense that the survivors' anger is still reasonable is, of course, connected with the seriousness of Dey's crimes. There may be survivors who managed to 'move on', in the years since 1945, to the extent that they could face someone like Dey without anger. I would by no means wish to say that such a person would be wrong to let go of their anger; it is not for someone in my position to judge either way. But neither would I say that those who do remain angry today ought simply to get over it.

7.

At the risk of anti-climax, I want to conclude by saying something about Khoury and Matheson's thought experiment in light of the foregoing discussion. Khoury and Matheson, as we have seen, hold that to be blameworthy is to be criticisable for a flaw, and they assume that the kind of 'flaw' for which a blameworthy individual is criticisable is to be found in their distinctive psychological features. To hold that Leon at age 530 is blameworthy whilst accepting that blameworthiness is a matter of being criticisable in virtue of a flaw, we would have to take it that the flaw in question could be, as Khoury and Matheson put it, 'a purely extrinsic property'. Khoury and Matheson find it 'hard to see how such an extrinsic property could be of intrinsic practical relevance' (214).

Our consideration of the reactive emotions, however, points to such a property. It is the property of having done wrong and having failed to adequately address it. This is a historical, relational property, but it is a flaw, or better a moral failing, in a perfectly good sense. And it is a flaw that we could in principle find even in an intrinsic duplicate of a moral saint. Something that crucially matters

excuse to leave old wrongs unaddressed on the grounds that justice is no longer possible, but an imperative to stop delaying.

in the case Khoury and Matheson describe is something they say nothing about, something they skip over when they 'fast forward 500 years': it matters not just that Leon changes but how he changes, and in particular what he does in the process of reforming his character. What kinds of responses he is legitimately subject to now depend in large part on whether he has ever faced up to what he did or whether he simply forgot all about it and became a better person, as it were by accident. Did he ever apologise or atone? Was he ever punished? Did he ever suffer the pain of genuine remorseful recognition of what he did? These things matter in a way that an account that focuses solely on the wrongdoer's psychology cannot accommodate.

This is not to say that the victims, or anyone else, *must* blame Leon. They might prefer to forgive him. If so, his change in character might make it easier for them to do so. Or they might, quite reasonably, want nothing to do with him: they might feel that it is simply too late for justice or forgiveness. If this is their response, it will likely be because they no longer feel that there is anything meaningful to be gained by attempting to bring Leon to account. To say that, though, is not to say that Leon has nothing to answer for. Leon may have become a person for whom his former actions are inconceivable, but he is still, and will forever be, the person who did those things. They are still his actions to face up to, and it is not unreasonable, or a mistake, or inappropriate, for his victims to demand that he do so.

A final possibility I think we should take seriously in cases like these (both the real Dey and the imaginary Leon) is that with crimes so serious, there may not be anything the wrongdoer could do that would amount to adequately addressing the wrong. That is to say that there may not be anything they could do that would legitimate an insistence on their part that they have discharged their reparative duties and no longer deserve blame. They might still hope for forgiveness, but any forgiveness would be a gift.¹¹

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¹¹ On the idea of 'gifted' forgiveness see, e.g., Fricker (2019).

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