

## INTERRUPTED DISCOURSE AND ETHICAL JUDGEMENT IN JONATHAN LITTELL'S *THE KINDLY ONES*

By Ronan McFadden

### Introduction

No text exists within a moral vacuum, and the considerable success of Jonathan Littell's *The Kindly Ones* comes with serious criticism of its perceived ethical messages. This is unsurprising, given the subject matter: Littell's first literary work is the story of Maximilien Aue, a fictional Nazi SS officer who escapes prosecution for participating in the mass murder of Jews, as well as for raping his sister and murdering his lover, his best friend and – as the novel implies – his mother and stepfather. Having taken a false French identity after the war and become a successful industrialist, Max narrates his memoirs as an older man, seemingly unrepentant for his participation in the Holocaust, which he puts into writing with over 900 pages of precise, disturbing detail. Written in French, American-born Littell's detailed descriptions of extreme violence and sex have been labelled by some critics as 'death porn', and have invited comparisons to Sade and Georges Bataille. Andrew Hussey has called these French authors 'controversial influences – it is possible to read both Bataille and Sade simply as advocates of extreme cruelty' (Hussey 2007). In this paper, it is my intention to analyse the ethical considerations in *The Kindly Ones* to show what I believe is an intentional resistance to the reduction of specific characters and stories, the latter resulting in generalising ethical messages. I will take Hannah Arendt's analysis of Adolf Eichmann as an example in order to investigate how *The Kindly Ones* simultaneously entertains and resists Arendt's concept of the banality of evil as a paradigm for perpetrators in general, which creates a type of ethical confusion, similar to Robert Eaglestone's interpretation of Emmanuel Lévinas's term "interrupted discourse". I believe this constitutes Littell's critique of human moral systems and will argue that the interrupted discourse of *The Kindly Ones*, far from being an unethical text, allows for the emergence of a universal ethical perspective beyond flawed human judgement.

### Context, reception and theoretical approach

In giving voice to a character such as Max, any ethical messages contained in *The Kindly Ones* would be of profound importance. In *Testimony: Crises of Witnessing in Literature, Psychoanalysis, and History*, Shoshana Felman and Dori Laub describe the Holocaust 'not as an event encapsulated in the past, but as a history [...] whose traumatic consequences are still actively *evolving*' (Felman and Laub 1992, xiv). Felman and Laub consider the Holocaust a trauma which cannot be resigned to history, not only because its consequences are still felt today but because they are still unpredictably evolving. The ethical importance of *The Kindly Ones* focuses on the idea that the text can be said to act upon the interpretation of a trauma which is still ethically relevant; it does not write *about* the Holocaust but *into* it, widening or limiting the frame of reference for how the actions of perpetrators can be understood and judged.

The commercial, critical and institutional success of the work invites particular scrutiny of its ethical impact. The novel has sold over a million copies, been translated into German, English and Hebrew, and won not only France's Prix Goncourt but also the French Academy's Grand Prix du roman. Littell has been awarded French citizenship for his contribution to the nation's culture, and translations of his novel bear the seal of approval of the French Ministry of Foreign Affairs. Much French criticism of the text has been positive, with Jerome Garcin of *Le Nouvel Observateur* hailing Littell's 'brilliant first work' as a 'grand novel' (Garcin 2006, my translation). However, it is in its handling of ethical questions that the novel has also drawn negative criticism. Mitchiku Kakutani attributes the novel's success to 'the occasional perversity of French taste', equating it to 'a slasher film with lots of close-ups of blood and guts' and taking particular issue

with its ‘monstrous’ protagonist who ‘[encourages] us to write off Nazis as cartoonish madmen’ (Kakutani 2009). It is certainly understandable that concerns have been raised about this text’s portrayal of perpetrators and anti-Semitic violence. The conviction in August 2009 of former German infantry commander Josef Scheungraber for the murder of civilians in 1944 is proof enough that the search for justice for Nazi crimes is not a thing of the past, and the context available for ascertaining their motives is still gravely important. Similarly, Andrew Hussey has raised concerns about new outbreaks of violent anti-Semitism in France following the release of *The Kindly Ones*<sup>1</sup>, commenting that ‘[i]t seems that it is easier for the French public to read about anti-Semitism as a historical phenomenon [...] than to face up to what is happening around them’ (Hussey 2006, 3). The possibility that Littell’s novel encourages the French public to consider anti-Semitism a thing of the past and thus ignore its new violent manifestations is a subject of debate beyond the scope of this essay, but such a suggestion is evidence of the scale of the text’s influence. These critics are not primarily concerned with an aesthetic criticism of the novel, but with the ethical ramifications of using the ‘sensationalistic and deliberately repellent’ (Kakutani 2009) narrative of a ‘cartoonish madman’ to represent Holocaust perpetrators. What is primarily at stake is the potentially harmful impact of Max’s story on concepts of transgression, evil and justice relating to the Holocaust as a living phenomenon.

If Littell’s work is to be placed under such scrutiny, then the author’s relationship to the Holocaust bears addressing. Jonathan Littell was born in New York in 1967, the grandson of Polish Jews who emigrated to America in the late 1800s. Spending his childhood in France and the USA, Littell went on to head the Chechen mission of the humanitarian organisation Action Against Hunger. In an interview with Assaf Uni, Littell explains that, having grown up in the USA during the Vietnam War, he was haunted by the fear of being drafted and made to kill on behalf of the state. With a declared interest in the bureaucracy of state violence, Littell chose to write about the Holocaust, which he considers the most important case, despite not having been exposed to direct accounts himself. Littell’s intention for the *The Kindly Ones* is declaredly to take issue with arguments for the exceptionality of the Holocaust and highlight the potential disaster of twenty-first century state violence perpetrated by countries such as Israel: ‘There is nothing like genocide in the territories, but they are doing absolutely atrocious things. [...] Understanding the Germans of 60 years ago may make you feel that you’re not that far from it’ (Littell quoted in Uni 2008). With *The Kindly Ones*, Littell knowingly adopts controversial themes with a declared political perspective. This would seem to be, among other things, an invitation to ethical criticism.

But is it not reductive to distil a work of fiction down to relatively simple ethical messages, based on authorial intention and subjective interpretation? We can question the rigour of Kakutani’s criticism by asking what possible objective criteria are being applied to arrive at the ethical categories ‘monstrous’ and ‘perverse’. Deconstructive critic J. Hillis Miller writes:

An ethical judgement [...] has no ground in truth and [...] universalises without grounds, makes equal the always different moral situations in which men and women find themselves... It is by no means true, but at the same time it cannot be measured as false by reference to any possible ascertainable true ethical judgement. (Quoted in Eaglestone 1997, 73)

In insisting that there is no way to tell good from evil outside of structured systems, Miller concludes that a clear universal ethics which pre-exists action and against which actions can be judged is impossible. If situations and actions are always different, then there can be no stable ethical perspective; an action can only be considered right or wrong in its own terms, according

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<sup>1</sup> In his *New Statesman* article, Hussey refers to two 2005 incidents: the torture and murder of a young Jewish man named Ilan Halimi by a group of youths named Tribu KA, and a separate attack on a Jewish man by a group of French soccer supporters, resulting in one of the attackers being shot dead by police.

to the synchronic system in which it occurs. In this vein, it would be impossible to objectively judge Max's actions as good or evil, or to interpret his character as a good or bad representation of the perpetrator in general. For Miller, we are without objective means of making ethical judgements of the characters of *The Kindly Ones* or of the novel's metatextual impact.

So can we conclude that, while *The Kindly Ones* is about the Holocaust, we lack a universal perspective from which to judge its ethical impact? In his book, *Ethical Criticism: Reading After Levinas*, Robert Eaglestone points towards a universal ethics beyond contingent systems, extrapolating this perspective from Emmanuel Lévinas's idea of ethics as an 'unconditional responsibility' by which we are 'fundamentally responsible for others before we can theorise this relationship, and before we can place the other in relation to our own being' (Eaglestone 1997, 138). Ethics, then, in terms of a responsibility for other humans, is already present before any attempt to structure our relationships. In language, this call to ethical responsibility takes the form of what Lévinas calls the *saying*: 'the fact that before the face [of the other] I do not simply remain there contemplating it, I respond to it...It is difficult to be silent in someone's presence' (quoted in Eaglestone 1997, 141). Lévinas argues that before analysing the other person, before having anything in particular to say, we are compelled to make conversation because of the ever-present call to ethical responsibility. The feeling of needing to make conversation is called the *saying*, and is evidence, for Lévinas, of the ethical call. The second component of language that Lévinas discusses is the *said*, which is 'the saying incarnated into a concrete world of meanings and history' (Eaglestone 1997, 145). As the *saying* leads to the *said*, entering into a fixed linguistic system, its ethical origin is forgotten 'because it designates, and, in designation, denies the transcendence of the saying' (Eaglestone 1997, 145). Opposed to the *saying*, the *said* is not ethical, because it limits the *saying* within a structural linguistic universe.

Eaglestone's interpretation of Lévinas does not allow for the *saying* to be transferred into language as a system of laws or morals, to universally define good and evil as such. Instead, based on the call to responsibility inherent in the revelation of the other, Lévinas allows us to conceive of a metaphysical ethics beyond contingent, human systems. The *saying* is by nature beyond interpretation, because in linguistic articulation it is concretised within the unethical *said*. In order to demonstrate the nature of the *said*, that is to say, the contingent nature of human moral systems, what Lévinas calls 'interrupted discourse' (Lévinas quoted in Eaglestone 1997, 165), is required. Interrupted discourse is a form of philosophical language which aims to circumvent habitual language and reveal the *saying* in the *said*. It 'has no prescribed method: it resembles [...] scepticism, constantly interrupting and challenging' (Eaglestone 1997, 164). Eaglestone's interpretation of Lévinas extends the capacity for interrupted discourse to literature because '[l]iterary discourse, too, is an abuse of language which can speak of the unsayable'<sup>2</sup> (Eaglestone 1997, 165). Literature, like Lévinas's philosophical language, has the capacity to interrupt the *said* and reveal the *saying* which inheres in all language. The truly ethical dimension of a text can be uncovered in its interruptions and inconsistencies, where it challenges earthly, contingent ideas of law and morality and gives way to an ethics which is beyond human systems. It is this relationship between the unsayable true ethics of the *saying* and the contingent, systemic morality of the *said* that I believe is thematised in *The Kindly Ones* and serves to enact judgement on Max.

### **Interrupted discourse – the example of the banality of evil**

One important ethical paradigm implicitly and explicitly explored in *The Kindly Ones* is Hannah Arendt's concept of the banality of evil, which is both entertained and resisted by the novel, creating a paradoxical confusion of moral messages. Taking the banality of evil as an example of a generalising ethical character type, we can investigate how the interrupted discourse of Littell's

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<sup>2</sup> In extending this theory to literature, Eaglestone admittedly runs against Lévinas's explicit comments on the profoundly unethical nature of art, which he terms the 'contemplation of the shadow. [...] There is something wicked and egoist and cowardly in artistic enjoyment. There are times when one can be ashamed of it, as of feasting during a plague' (Lévinas quoted in Eaglestone 1997, 109).

novel challenges such character types in an effort to move beyond them to a universal ethical perspective. In *Eichmann in Jerusalem: A Report on the Banality of Evil*, Hannah Arendt reports on the trial of Adolf Eichmann, the infamous former Nazi Lieutenant Colonel put on trial in Jerusalem in 1961 and hanged for his important role in overseeing the mass deportation of Jews to extermination camps during the Holocaust. Arendt coins the phrase 'banality of evil' (1963, 231), to articulate what she perceives as 'the greatest moral and even legal challenge of the whole case' (Arendt 1963, 23), namely 'that an average, "normal" person, neither feeble-minded nor indoctrinated nor cynical, would be perfectly incapable of telling right from wrong' (Arendt 1963, 23). Arendt's analysis of Eichmann highlights his ordinariness, his lack of malice or of 'fanatical anti-Semitism or indoctrination' (Arendt 1963, 23). The motivation for Eichmann's actions is seemingly a desire to remain 'a law-abiding citizen, because Hitler's orders [...] possessed "the force of law" in the Third Reich' (Arendt 1963, 21). Eichmann himself claims to have 'never thought of ... such a solution through violence' (Arendt 1963, 27) and, following the Nazis' defeat, claims to have worried at the prospect of living 'a leaderless and difficult individual life [...] a life never known' (Arendt 1963, 28). But Eichmann's inclination to obey orders in general and Hitler's law in particular is not the result of ideological indoctrination. Rather, the flaw in Eichmann's character is ambition. An unremarkable young travelling salesman, Eichmann seized the opportunity to achieve success in the Nazi party, accepting as necessary his new, unsavoury responsibilities. In Arendt's words: 'From a humdrum life without significance the wind had blown him into History' (1963, 29). The use of metaphor here is important. Eichmann was 'blown [...] into History'; elsewhere Arendt describes him as a 'leaf in the whirlwind of time' (1963, 29). For Arendt, Eichmann is, to a certain extent, a victim of circumstance; this is a controversial conclusion to reach about the man who managed the deportation of millions to death camps. The Third Reich had provided a situation in which an ordinary man like Eichmann could succeed by following even the most disagreeable orders.

In *The Kindly Ones*, Max's understanding of his crimes often seems to have much in common with Arendt's analysis of Eichmann. At the outset of the novel, Max attempts to shift blame for his crimes from himself onto the State and the realities of total war in general; he laments that upon conscription 'the citizen in question simultaneously loses [...] the right not to kill' (Littell 2009, 17) and notes that '[i]n most cases the man standing above the mass grave no more asked to be there than the one lying, dead or dying, at the bottom of the pit.' (Littell 2009, 17). Later, Max again shirks personal responsibility: 'In a state like ours, everyone had his assigned role: You, the victim, and you, the executioner, and no one had a choice.' (Littell 2009, 102). Indeed, throughout the novel Max discusses the alienation of the individual from personal responsibility within the violent totalitarian state:

Just as, according to Marx, the worker is alienated from the product of his labour, in genocide or total war in its modern form the perpetrator is alienated from the product of his actions. This holds true even for the man who places the gun to the head of another man and pulls the trigger. For the victim was led there by other men, his death was decided on by yet others, and the shooter knows that he is only the last link in a very long chain. (Littell 2009, 18-19)

So it is the chain as a whole that is responsible, and not the individuals that form it. We can see that this distance between the individual and responsibility is encouraged by Max's superiors in the SS. Discussing killing methods, Paul Blobel, Max's colonel during the massacres in the Ukraine, initially outlaws the use of only one officer and one bullet per victim so the officers can avoid 'a feeling of personal responsibility' (Littell 2009, 36). Among his colleagues in the SS, Max also notices a 'terrifying lack of self-awareness, that surprising way of [...] killing without understanding why and without caring either' (Littell 2009, 89) and explains that the majority of troops had ended up in the SS not because of a murderous personality or ideological Nazism, but

had simply 'signed up in the SA during the Depression in the hope of finding work, and had never left it.' (Littell 2009, 32). Max also suggests that he personally did not join the SS in the East for ideological reasons but rather because he was ambitious to leave Berlin where he had been 'left to vegetate' (Littell 2009, 58), and was unaware that his assignment would lead to murder: 'What man of sane mind could ever have imagined that they'd pick jurists to assassinate people without a trial?' (Littell 2009, 60). The oblivious ease with which Max claims to cross over into dark territory is an attempt to show the reader that Nazi crimes were not committed by monsters, but by '[men] of sane mind', such as Arendt's Eichmann. In this vein, Max offers a direct challenge to the reader:

[Y]ou should be able to admit to yourselves that you might also have done what I did. [...] If you were born in a country or at a time not only when nobody comes to kill your wife and your children, but also nobody comes to ask you to kill the wives and children of others, then render thanks to God and go in peace. But always keep this thought in mind: you might be luckier than I, but you're not a better person. (Littell 2009, 20)

Max seems so sure of being beyond reproach that he writes in the first pages of his memoirs that 'I do not regret anything: I did my work, that's all.' (Littell 2009, 5). He declares that it is not his intention to 'write my memoirs for the purposes of self justification, since I have nothing to justify' (Littell 2009, 4). In his apparent reluctance to accept responsibility for himself, one can detect an echo of Eichmann's infamous plea 'Not guilty in the sense of the indictment' (Eichmann quoted in Arendt 1963, 18).

But in *The Kindly Ones* there are also inconsistencies which run against accepting the banality of evil as a general paradigm for the perpetrator, challenging this concept in a form of interrupted discourse. There is ample evidence that Max is an ideological Nazi who not only willingly takes part in the extermination but is aware before and after these actions that they constitute a radical transgression. After refusing to accept that he has anything to justify, Max contradicts himself by admitting to the reader that his participation in the extermination was not in fact due to alienation or a lack of choice: 'I am not pleading *Befehlnotstand* [sic], the just-obeying-orders so highly valued by our good German lawyers. What I did, I did with my eyes wide open' (Littell 2009, 18-19). A role in the extermination is a choice for Max which he is keen to accept. Even before being ordered to kill, Max is not 'satisfied with avoiding the *Aktion*' (Littell 2009, 43) and indeed afterwards he admits having freedom of choice because '[the State] did not even mind, in the end, if you refused to kill, no disciplinary action would be taken' (Littell 2009, 131). Contrary to his declaration that 'no one had a choice', Max admits to having the freedom to avoid the extermination altogether, and also to question the ethics of the orders coming down from above. Max notes that 'it was vital to comprehend within oneself the necessity of the Führer's orders' (Littell 2009, 102), to give them due consideration and interpret them into a personally acceptable choice: 'It was a question of rigour. I knew that these decisions were made at a much higher level than our own; still, we weren't automatons' (Littell 2009, 43). Max chooses to participate in the extermination out of a desire to see the radicalism of Nazi ideology reach its conclusion. Max is far from alienated from his crimes; he is able to consider both their ethical ramifications and their consequences lucidly: 'undeniably, we were killing a lot of people. That seemed atrocious to me, even if it was inevitable and necessary.' (Littell 2009, 81). The inevitability and necessity that Max senses are not a result of blind obedience, but due to his convinced belief in Nazi ideology. Max declares that '[t]he highest morality [...] consists in surmounting traditional inhibitions in the search for the good of the Volk' (Littell 2009, 471). That is to say, he recognises a revolutionary ethics which requires the suspension of traditional moral instincts; he knows that this ideology will lead to evil deeds as judged by earthly moral systems. Max frequently claims to believe, as do many of his colleagues, 'that the state could reach its ideal point of unity only in and through war' (Littell 2009, 54) and that '[t]here is no God. There's just Adolf Hitler, our führer, and the

invincible power of the German Reich.’ (Littell 2009, 90). His participation in the extermination comes from his faith in this ideology, even if it reveals itself in the end to be evil:

I had always wanted my thinking to be radical; and now the State, the nation had chosen the radical and the absolute; how, then, just at that moment, could I turn my back, say no, and at the end of the day prefer the comfort of bourgeois laws, the mediocre assurance of the social contract? [...] And if this radicalism was the radicalism of the abyss, and if the absolute turned out to be absolute evil, one still had to follow them to the end, with eyes wide open – of that at least I was utterly convinced. (Littell 2009, 96)

It is as part of this ideological faith that Max accepts the supposed necessity of the destruction of the Jews as ‘an irrevocable sacrifice, which binds us once and for all, prevents us from ever turning back.’ (Littell 2009, 142) In order to achieve the radical absolutism of Nazi ideology, Max is willing to suspend his moral instinct, to accept the pure loss represented by the extermination of the Jews in order to bind the German Volk into absolute unity. His recognition that morality is contingent allows him to follow this ideology into the abyss: ‘morality is nothing but Law. [...] there can be no other morality since there would be nothing to support it.’ (Littell 2009, 591-592). But despite his strong declarations of faith, Max’s adherence to Nazi ideology wavers throughout the novel, and he comes to lament his loss of certainty: ‘A man of convictions? Before, probably, I had been one, but now, where was the clarity of my convictions hidden away?’ (Littell 2009, 476). Similarly, he is tortured by images of confusion and lack of direction, with nightmares of riding trains on ‘a broken down, noisy, immense, interminable network’ and of ‘feeling utterly lost’ (Littell 2009, 162-163). Max’s ideological radicalism is defined by constant critical and ethical reassessments of his actions. This is a far cry from the ambition and uncritical moral blindness that Arendt claims led Eichmann to his crimes.

Ultimately, it is Max’s definition of “ordinary”, differing from Arendt’s, which leads to the impossibility in this text of establishing clear ethical categories for perpetrators and amounts to an interrupted discourse. While Arendt refers to an apparently sane, ‘average, “normal” person, neither feeble-minded nor indoctrinated nor cynical’ Max explodes the category of “ordinary” to embrace all humans and their contingencies:

There have been hundreds of thousands of us whom you still judge as criminals: among them, as among all human beings, there were ordinary men, of course, but also extraordinary men, artists, men of culture, neurotics, homosexuals, men in love with their mothers, who knows what else. And why not? [...] To state that I was not typical means nothing. I lived, I had a past, a difficult and burdensome past, but that happens, and I managed it in my own way. [...] I am a man like you. (Littell 2009, 24)

Max proposes the paradox that we are all the same because we are all different: the very fact of having all lived through different and challenging pasts makes us human, and makes us all the same as each other. According to Max, it is not just those who are boring and uncritical like Arendt’s Eichmann who are potential murderers: we are all just as likely to participate in genocide, whether our lives involve art, culture, insanity, homosexuality, incest, war, murder, or rape. I believe this is Littell’s attempt to overstretch what Arendt means by the banality of evil into not only a repulsive but also a categorically useless concept. Max’s statement serves to disrupt the

possibility of finding a consistent ethical paradigm for the perpetrator by proclaiming that all humans are exactly the same and no other categories are relevant, hence his puzzling description of Eichmann, who features importantly in the novel:

A lot of stupid things have been written about him: he was certainly not the enemy of mankind described at Nuremberg [...] nor was he an incarnation of banal evil, a soulless, faceless robot, as some have sought to present him after his trial. He was a very talented bureaucrat [...] with a certain stature and a considerable sense of personal initiative, but solely in the framework of clearly circumscribed tasks [...]. I never perceived that he nourished a particular hatred of the Jews [...]. Of course, he wasn't the kind of person I like to see frequently, his ability to think on his own was extremely limited (Littell 2009, 570)

Max explicitly refuses Arendt's category of the banality of evil but goes on to describe Eichmann in effectively the same way as Arendt. For both Max and Arendt, Eichmann is inherently uninteresting, uncritical, bureaucratic, and only capable of achieving success and making decisions within a strict 'framework of clearly prescribed tasks'. What Max is refusing here is not Arendt's description of Eichmann as such, but the use of the banality of evil as a generalising ethical category. For Max, there is only one human category, and all our differences serve to prove that we belong to this one category. This is how Max is able to accept that he is a perpetrator without also accepting the moral judgement of his character. It is impossible for the reader to resolve this notion with Max's private crimes; it is not under SS orders that he rapes his twin sister Una, or murders his lover Mihai in an inexplicably violent rage. Meanwhile, Thomas's murder in the final pages of the novel has no motive other than self-preservation, as Max steals Thomas's false papers in order to flee to France. Also at the end of the novel, Max bites Hitler on the nose when being offered an award by the Führer, but is unable to offer any explanation for his actions: 'Even today I would be unable to tell you why I did this: I just couldn't restrain myself' (Littell 2009, 960). In resisting comprehension, Max's extreme actions place him well beyond the pale, yet the shifting ethics of the novel do not allow us to categorise him outside of the all-encompassing but unsatisfactory "human". The interrupted discourse, or 'muddled philosophy' (Littell 2009, 17), created in this novel by simultaneously entertaining and resisting ethical character types, such as that defined by the banality of evil, renders the ethical system of the text utterly incomprehensible. In this way *The Kindly Ones* thematises the problem we identified earlier: faced with atrocious transgression we require a method of ethical classification, but no contingent categories are sufficient to provide a universal, ethical judgement.

### **Ethical judgement**

Littell's critique of contingent judgement systems in *The Kindly Ones* as 'constantly interrupting and challenging' (Eaglestone 1997, 164) accepted ethical categories is similar to the interrupted discourse of Emmanuel Lévinas; this serves to open up the possibility of the universal judgement of Max according to an ethics which exists outside of human systems, and which thus exceeds comprehension. Despite Max's declarations that he has done nothing wrong, he does recognise a universal ethics beyond contingent laws:

If the terrible massacres of the East prove one thing, paradoxically, it is the awful, inalterable solidarity of humanity. As brutalized and habituated as they may have become, none of our men could kill a Jewish woman without thinking about his wife, his sister, or his mother, or kill a Jewish child without

seeing his or her children in front of him in the pit. Their reactions, their violence, their alcoholism, the nervous depressions, the suicides, my own sadness, all that demonstrated that the other exists, exists as an other, a human, and that no will, no ideology, no amount of stupidity or alcohol can break this bond, tenuous but indestructible. (Littell 2009, 147)

In this Max subscribes to Lévinas's philosophy that the ethical responsibility for the other is always already present before human interactions are systematised. Although this responsibility can be denied, the denial is always a transgression. Max's rejection of morality, then, is not a rejection of the concept of transgression as such, but of the flawed contingent systems that would judge him and categorise him as an evil perpetrator. However, he is aware of, and eventually condemned by, a universal ethical judgement:

The link between will and crime is a Christian notion, which persists in modern law; [...] For the Greeks, [...] that changes nothing, it's a crime, they are guilty, you can pity them, but can't absolve them – and that's true even if often their punishment is left to the gods and not to men. (Littell 2009, 593)

We know that Max escapes the flawed judgements of human law, but that is not to say that he is not condemned or punished by "the gods". The title of the novel *The Kindly Ones* refers to the Furies in Greek mythology, deities of vengeance for the dead. They are personified in the novel by Clemens and Weser, two detectives who investigate Max for the murder of his mother and stepfather. They pursue him from Berlin to Auschwitz and back again, until the end of the novel, when they catch up with him and accuse him of murder:

"Listen," I babbled, "you've lost your minds. The judges said you have no evidence. Why would I have done that? What would be the motive? You always have to have a motive." – "We don't know," Weser said calmly. "But actually it's all the same to us. [...] We've already judged you, [...] We found you guilty." (Littell 2009, 968)

Clemens and Weser's judgement of Max follows the Greek concept; whatever the motive, whatever the proof, the crime was committed and punishment must handed out. It is relevant that Clemens and Weser judge Max for the only crime that neither Max nor the reader are sure he has committed: believing himself asleep at the time, Max has no memory of committing these murders and, despite the obvious implication that Max is the murderer, the reader cannot be certain of his guilt. But our human understanding is irrelevant; Clemens and Weser, representing the universal ethical perspective of the Kindly Ones, know that the crime was committed. On a higher ethical level, beyond human systems of morality and judgement, Max is condemned. The condemnation does not take the form of a human trial or punishment, and indeed the detectives are killed before they can arrest Max, but the novel nonetheless ends with Max's judgement:

I felt all at once the entire weight of my past, of the pain of life and of inalterable memory, I remained alone [...] with time and grief and the sorrow of remembering, the cruelty of my

existence and of my death still to come. The Kindly Ones were on to me. (Littell 2009, 975)

## Conclusion

In this paper, I have attempted to show that Jonathan Littell's *The Kindly Ones* does not contribute to Holocaust thought by recklessly blurring the distinction between perpetrators and victims, or indeed between perpetrators and the rest of humanity. The novel does take issue with the universal application of contingent moral systems, but within the text the perpetrator's crimes are such that he is condemned by a universal ethical judgement, which is beyond human understanding or application. Max's character presents paradoxes: he claims to be simply following orders but also to have full choice over his actions, to be alienated from his crimes while entering into them with full knowledge of their causes and consequences. This confusion prevents the establishment of ethical categories within the text against which Max's actions can be judged good or evil. Again, this is Littell's critique of the universal application of human moral systems, which fail to take into account both their own contingency and the specificity of each individual ethical situation. The novel's "muddled philosophy" is similar to Lévinas's interrupted discourse, 'constantly interrupting and challenging' habitual language in an effort to break through to reveal the *saying*, the inherent ethical origin of language which is beyond human understanding. Max is indeed judged outside of human systems by the detectives Clemens and Weser, personifications of the mythical Kindly Ones, who do not care about human categories of good and evil but know and understand everything and leave Max alone with his guilt and sorrow at the end of the war. Although Littell criticises the universal application of contingent moral systems, he does not conclude that because this process is flawed there is no possible true ethical standard which we can uphold. Having denied the ethical commitment to the other, which, according to Lévinas, exists before the systemisation of human relationships, Max has made a universal transgression. Human justice is flawed but the universal ethical judgement of the *Kindly Ones* is not: Max's participation in murder ultimately and truly condemns him.

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MA Comparative Literature  
Centre for Intercultural Studies

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