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## The original position and the rationality of Primo Levi's shame<sup>1</sup>

Contrary to what he expected, Primo Levi didn't experience his life after being released from Auschwitz as cheerful and light-hearted. He – like many other survivors – was haunted by an obscure and solid anguish. It took some effort for him to discern the object or source of this anguish. He finally identified it as springing from a sense of shame or guilt in front of the drowned, that is, of those who were exterminated in the Lager. He could not determine, however, whether his shame or guilt was at all rational:

Is this belated shame justified or not? I was not able to decide then and I am not able to decide even now, but shame was there and is there, concrete, heavy, perennial.<sup>2</sup>

It seems then that Levi could neither acknowledge his shame as rational nor reject it as irrational. This looks like a rather unstable situation calling for some further elucidation, so that we might eventually reach a more consistent understanding of where Levi's shame stands with regard to rationality and, for this purpose, I will examine Levi's shame in light of what I regard as the dominant conception of practical deliberation, according to which principles and emotional detachment are central to our ability to deliberate appropriately. This conception underlies the role that John Rawls ascribes to the original position in the determination of the fundamental principles of justice. Deliberation in the original position is

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<sup>2</sup> Levi (1986), p. 61.

supposed to abstract away from any particular moral situations that one may actually have faced, since these are purely circumstantial elements to be discarded as both irrelevant and misleading for a proper deliberation on the principles of justice. In this paper, I intend both to make a case against the conception of practical deliberation on which Rawls' original position relies and to vindicate the rationality of Levi's shame, once some well-entrenched assumptions are brought to light and challenged.

More specifically, I will firstly stress how Rawls' use of the original position as a representational device to determine the principles of justice relies on a certain assumption (i.e., the Matching Assumption) that Levi's experience calls into question (sections 1-3) and, secondly, I will identify two assumptions (i.e., The Control Assumption and The Third-Party Assumption) that are constitutive of Rawls' conception of rationality and such that they may account for Levi's reluctance to acknowledge the rationality of his shame. Once these constraints are brought out, I will argue that Levi's experience -together with that of other survivors- provides serious reason to call them into question inasmuch as it invites the existence of a fundamental asymmetry between the first- and the third-person perspectives (sec. 3-5). I will thus conclude that Primo Levi could coherently have regarded his blame as rational, even though no third party is in a position to blame him. This challenge to the primacy of the third-person perspective will provide, in turn, an additional argument against Rawls' original position and the dominant conception of practical deliberation.

### *1. John Rawls: The Original Position*

The original position is initially presented as a device of representation, as a thought experiment, designed to determine the fundamental principles of justice for the basic structure of society<sup>3</sup>. All this on the assumption that we are dealing with a stable society «divided by reasonably though incompatible religious, political, and moral doctrines»<sup>4</sup>. For it is this kind of society that gives rise to the problem of political liberalism, namely, how it is possible that in such circumstances «there may exist over time a stable and just society of free and equal citizens»<sup>5</sup>. From this perspective, the plurality of reasonable comprehensive doctrines is not regarded so much as

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<sup>3</sup> Rawls (1999), pp. 10-12, 506; Rawls (2001), p. xvii; Rawls (2005), p. xviii.

<sup>4</sup> Rawls (2005), p. xviii.

<sup>5</sup> *Ibidem*.

a regrettable accident, but as «the normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime»<sup>6</sup>.

The principles that the original position may eventually deliver, as well as the particular judgments that may follow from them, must meet the demands of *reflective equilibrium*, that is, they must match «*our considered judgments* once they have been pruned and adjusted»<sup>7</sup>. There is, however, a distinction Rawls does not explicitly mention, but seems essential to his project, namely, the distinction between:

*A Hypothetical C-Judgment:* An agent's considered judgment about a particular moral situation S, such that she has *not actually* faced either S itself or any other particular situation S\* relevantly similar to S,  
and

*An Actual C-Judgment:* An agent's considered judgment about a particular moral situation S once she has *actually* faced S or some other particular situation S\* relevantly similar to S;

where “c-judgment” stand for “considered judgment”. The first kind of judgment may be regarded as *hypothetical* insofar as the agent is not evaluating a situation S she has actually experienced, but a situation that she (or someone else) might eventually face; by contrast, the second kind of judgment appears as *actual* insofar as the agent is (or has been) faced with the situation (or a relevantly similar one) that she is trying to assess. In view of this distinction, the sorts of judgments that the original position might deliver will certainly qualify as hypothetical. In any case, it seems clear that, if the original position is to pass the reflective equilibrium test, the following assumption must be made:

if agents deliberate flawlessly, there will be no mismatch between their hypothetical c-judgments and their actual c-judgments.

For, otherwise, there would be no reason to think that our judgments in the original position will be able to reasonably track both our hypothetical c-

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<sup>6</sup> Ivi, p. xvii.

<sup>7</sup> Rawls (1999), p. 18, my emphasis. See Goodman (1983), pp. 63-64.

judgments and our actual c-judgments, as reflective equilibrium seems to demand. I will argue, however, that there are some cases of mismatch that *a certain kind of flaw* cannot explain away, namely: a flaw that agents could reasonably be expected to overcome from within their own respective stances, either hypothetical or actual. Moreover, I defend the view that in some such cases it is the actual c-judgment that must prevail. Trivially, this line of reasoning does not call into question the previous assumption as it stands, since one or another sort of deliberative mistake could still be involved in the cases of mismatch I intend to highlight. There is, however, a stronger assumption that the original position must grant, namely:

*The Matching Assumption:* if agents deliberate in such a way that they make no mistake that could reasonably have been prevented from within their respective deliberative stances, either hypothetical or actual, there is no room for a mismatch between their hypothetical c-judgments and their actual c-judgments.

Still, I will argue that, insofar as the original position is to be construed as a device of representation, the modality of ‘could’ must be constrained in such a way that the Matching Assumption turns out to be false. To develop my case, I will mainly rely on Primo Levi’s description of his experience of shame as a survivor of Auschwitz in his last book, namely: *The Drowned and the Saved*<sup>8</sup>. More specifically, I will focus on his experience of shame to conclude that his actual c-judgments on that experience must prevail over what would have been his hypothetical c-judgment about it, and also that this mismatch could not reasonably have been surmounted by further hypothetical deliberation. This will put the Matching Assumption under some pressure, as we shall see; and consequently invite the thought that the deliverances of the original position may not always prevail over an agent’s actual c-judgments. Of course, one could doubt the relevance of Levi’s c-judgments themselves insofar as Levi’s views on shame may not be regarded as particularly authoritative. Let me just mention as a reply that *The Drowned and the Saved* is usually presented as a central contribution to our understanding of the survivor’s experience. It seems then that his considered judgment on this matter has thoroughly been recognized as particularly significant and, consequently, that any relevant worry about any

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<sup>8</sup> Levi (1986).

given judgment of his ought to be grounded on some *specific* reasons and not on the overall idea that he *could* be wrong; for, otherwise, the demand that the original position must pass the reflective equilibrium test would become empty.

## *2. Primo Levi's Shame: Stereotypical Expectations.*

In Levi (1986, ch. 3), he puts forward his maturest view on his experience of shame. He highlights, to begin with, the mismatch between his view about liberation while he was still imprisoned in Auschwitz (say, time  $T_0$ ) and after his liberation (say, time  $T_1$ ). At time  $T_0$ , Levi was convinced that, if he survived, he would have nothing to feel ashamed of or guilty for. And it was on this assumption that he expected his life after liberation to be light-hearted and joyful. It happened though that, at time  $T_1$  and despite this expectations to the contrary, he was haunted by deep anguish which he finally recognized as springing from a sense of shame for what he actually did or fell short of doing in the extermination camp:

That many (and myself) experienced 'shame', that is, a feeling of guilt during the imprisonment and afterwards is an ascertained fact confirmed by numerous testimonies. It may seem absurd, but it does exist. I will try to interpret it myself, and to comment on the interpretations of others.<sup>9</sup>

The mismatch between Levi's expectations and his actual experience may seem, at first sight, quite irrelevant from a normative point of view insofar as it may sound like just another case in which reality does not meet one's expectations. Yet, even though the discomfort which gave rise to the mismatch was at the outset merely experienced as anguish, it was later on discovered to involve a moral self-reproach and, thereby, some room seems to have been made for normative considerations. In any case, some people might still reply that the mismatch in question is not at all relevant to the debate about the original position insofar as it can hardly be identified as a mismatch between *two considered moral judgments*. For, given the survival conditions in the extermination camp, Levi's judgment at  $T_0$  could hardly be presented as such. In fact, Levi himself stresses that his expectations derived from a *stereotypical view* about liberation that he (like many others) had

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<sup>9</sup> Levi (1986), p. 54.

stereotyped judgments do not at all qualify as considered:

There exists a stereotyped picture, proposed innumerable times, consecrated by literature and poetry and picked up by the cinema; at the end of the storm, when “the quiet after the storm” arrives, all hearts rejoice. “To be freed from pain is delightful for us”. After the disease, health returns; to deliver us from imprisonment “our boys” arrive just in time, the liberators, with waving flags; the soldier returns and again finds his family and peace.<sup>10</sup>

Levi’s reflection at  $T_1$  surely constitutes an attempt to go beyond the stereotype in order to uncover his genuine experience – otherwise, “convention prevails over genuine memory”<sup>11</sup>. The upshot of this reflection may thus be taken as a considered judgment about the moral significance of his shame, but it is still clear that Levi’s judgment at  $T_0$  can hardly count as such. What could then be the relevance of Levi’s experience for the Matching Assumption and, in the end, for the original position if no conflict between considered judgments has so far been detected? Further aspects of Levi’s experience need then to be examined in order to make my case against the original position.

### 3. *Is Levi’s Shame Rational?*

Like many other survivors, Levi felt deep shame (or guilt) after his liberation. But what was he ashamed of? It was not at all a trivial endeavour for him to determine what the actual sources of his shame might have been. And, yet, a number of them were finally discerned. Firstly, there is the fact that he had systematically accepted being diminished and humiliated, without the slightest reaction on his side<sup>12</sup>. Secondly, he accuses himself of failure in terms of human solidarity, that is, of omitting to offer help to those who were weak and helpless. This was actually perceived among prisoners in Auschwitz as a more serious failure than deliberately hurting or robbing someone<sup>13</sup>. There is, thirdly, the grey zone, that is, the fact that the Nazi machinery could not have been so efficient and operative without the prisoners’ cooperation, which constitutes what Levi famously named «the

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<sup>10</sup> Levi (1986), p. 52.

<sup>11</sup> Ivi, p. 53.

<sup>12</sup> Ivi, pp. 56-57.

<sup>13</sup> Ivi, pp. 58-59.

grey zone»<sup>14</sup>. Even though his participation in the grey zone was not all significant, Levi was still haunted by memories of his little acts of cooperation and also with his inability to confront in any relevant way the Nazi machinery itself<sup>15</sup>. Fourthly, Levi feels guilty (or ashamed) at the mere fact of having survived. For, in his view, the best (that is, those who didn't accept humiliations, were generous with the weak, or rejected to cooperate with the Nazi machinery) were quite unlikely to survive. The vast majority died. Only the worst, the selfish, have survived and this makes Levi feel like a fraud: "I might be alive in the place of another, at the expense of another"<sup>16</sup>. And, finally, there is the shame of the world: one may feel shame for the crimes that others and not themselves have committed. For, after his experience in Auschwitz, Levi could no longer close his eyes to the fact that "no man is an island"<sup>17</sup>.

I must unfortunately leave aside a detailed exploration of the Levi's nuanced account of his shame in order to focus on a very specific question: "Is my shame (and that of other survivors) rational?" At first sight, it may seem that it wasn't, at least if the notion of control is to play a relevant role. For, given the extreme conditions of survival in Auschwitz, one can hardly ascribe to Levi the room for manoeuvre, the amount of control over his actions and omissions, that is usually required to impute moral responsibility. There was, besides, no conspicuous action by which he had contributed to the Nazi machinery, or any sense in which he had significantly failed to offer help. This is why, at some point, he concludes that there is nothing on his side to be ashamed of from the viewpoint of rationality:

Therefore, on a rational plane, there should not have been much to be ashamed of, but shame persisted nevertheless, especially before the few, bright examples of those who had the strength and possibility to resist.<sup>18</sup>

Nevertheless, the question as to whether his shame was really justified remains for him unresolved:

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<sup>14</sup> Ivi, ch. 2.

<sup>15</sup> Ivi, p. 28.

<sup>16</sup> Ivi, p. 62.

<sup>17</sup> Ivi, p. 65.

<sup>18</sup> Ivi, p. 58. See *ivi*, p. 54.

Is this belated shame justified or not? I was not able to decide then and I am not able to decide even now, but shame was there and is there, concrete, heavy, perennial.<sup>19</sup>

There seems to be a tension between what rationality tells Levi to feel and what he actually feels. This may sound, though, like a very familiar situation: after all, people's feelings are quite irrational on many occasions. So, why shouldn't we regard Levi's shame as just an irrational response? I will certainly resist this conclusion. We may, for now, focus on how Levi might react to such a conclusion. He could not defend his shame as rational, as we have seen; but he was also unable to discard it as purely irrational either. This is, indeed, a rather unstable position badly in need of some explanation. And, for this purpose, we cannot confine ourselves to Levi's explicit claims on the issue, but must contemplate any other remarks and attitudes that may reveal the significance that his shame actually had for him. On the basis of this wider body of evidence, we may reasonably conclude that, even though Levi may not have felt entitled to judge his shame as either rational or irrational, he *felt forced to be faithful to it*:

I could not say whether we did so or do so because of a kind of moral obligation towards those who were silenced, or rather in order to free ourselves of their memory; certainly we do it because of a strong and durable impulse.<sup>20</sup>

Some people will certainly be inclined to interpret this impulse, this "feeling forced to", as a merely neurotic disposition, given that Levi himself could not recognize it as *rational* or *proportional* to the facts. This is, however, a temptation Levi explicitly resists, as his own reluctance to discard it as simply irrational seems to confirm<sup>21</sup>. The rationale behind this reluctance was, it seems to me, that obedience to such an impulse was not at all perceived by him as base or degrading, but, on the contrary, as part of a demand that he could not ignore without feeling debased:

It was not possible for us, nor did we want, to become islands; the just among us,

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<sup>19</sup> Ivi, p. 61.

<sup>20</sup> Ivi, p. 64.

<sup>21</sup> Ivi, pp. 64-65.

neither more nor less numerous than in any other human group, felt remorse, shame and pain for the misdeeds of others and not they had committed, and in which they felt involved, because they sensed that what had happened around them in their presence, and in them, was irrevocable.<sup>22</sup>

We may, however, take advantage of Levi's uncertainty as to whether his shame was rational in order to argue for the existence of a mismatch between his actual c-judgment at time  $T_1$  and a hypothetical c-judgment that he might have issued at time  $T_{-1}$ , that is, a time previous to his deportation to Auschwitz. In this respect, he argues that, as a prisoner in Auschwitz, he did not have enough room for manoeuvre so that he might reasonably be held responsible for what he may actually have done or refrained from doing. He is, therefore, convinced that no one could reasonably object to the fact that he did not to act otherwise, so that he might have resisted humiliations or fought in one or another way the Nazi machinery:

Changing moral codes is always costly: all heretics, apostates, and dissidents know this. We cannot judge our behaviour or that of others, driven at that time by the code of that time, on the basis of today's code; but the anger that pervades us when one of the "others" feels entitled to consider us "apostates" or, more precisely, reconverted, seems right to me.<sup>23</sup>

This line of reasoning rests, however, on two significant assumptions. One such assumption is commonly mentioned in philosophical debates and also in everyday discussions, namely:

*The Control Assumption:* a relevant degree of control or room for manoeuvre over one's actions is a necessary condition for the rationality of one's shame.

But the second assumption is rarely invoked:

*The Third-Party Assumption:* if no one can legitimately accuse me of having done something shameful, my shame is irrational.

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<sup>22</sup> Ivi, p. 66.

<sup>23</sup> Ivi, p. 61.

Levi's reluctance to acknowledge the rationality of his shame suggests that the Control and the Third Party assumptions (as well as the corresponding conception of rationality) are deeply entrenched in our culture. So deeply ingrained that he was unable to challenge them even though they were clearly in conflict with some central aspects of his own experience. Consequently, one should expect such assumptions to have shaped Levi's hypothetical c-judgments at  $T_{-1}$ , that is, before his deportation to Auschwitz. Thus, we say that, had Levi been asked at that time whether shame at  $T_1$  would have been rational, his hypothetical c-judgment would have fallen on the negative side, that is, he would have endorsed the claim "In the standard case, the survivor's shame is irrational". Thus, we seem to be confronted with a mismatch between a hypothetical and an actual c-judgment. A hint is, besides, provided as to why our hypothetical c-judgments may tend to depart from our actual c-judgments on occasions like this, namely: because our hypothetical c-judgments are shaped by some stereotypical assumptions people can hardly become aware of even after conscientious deliberation. One may regard the interference of such assumptions as a failure in deliberation, but barely of the relevant kind to our purposes insofar as there is reason to think that Levi (and, in general, any cultivated and reflective person) could not have surmounted it at  $T_{-1}$ , that is, from a merely hypothetical perspective. It must not be inferred from the existence of this kind of mismatch that our actual c-judgments should *always* prevail, though; since this may vary from one to another occasion. Yet, to make my case against the original position, I only need to show how it is the actual c-judgment must be privileged on some relevant occasions. And this is what seems to happen in Levi's case insofar as his actual c-judgments about his experience as a survivor are regarded as classic, that is, a continuous source of understanding as to what happened in the Nazi extermination camps and the kind of response it calls for.

Several objections stand in the way of this line of reasoning. Let me just consider two that seem fundamental, even though they point in opposite directions. Firstly, some may be inclined to vindicate the capacity of hypothetical deliberation to bridge the gap and be as insightful as any actual deliberation could be. Thus, they may stress that Levi's case shows at most that people's hypothetical reflections on certain matters tend to be unsatisfactory, but this does not rule out that a more conscientious process of hypothetical deliberation might eventually bridge the gap and lead to a view as profound and insightful as Levi's at  $T_1$  might have been. In other

words, some may say that Levi's case may bring to light the fact that most people only come to understand the full significance of certain facts whenever they may actually face them, but this gives us no reason to conclude that a sufficiently detailed hypothetical deliberation could not have delivered similar results and, therefore, that there is no deliberative advantage of our actual c-judgment that could not have been appropriately counteracted by further hypothetical deliberation, so that the Matching Assumption could finally be retained. This line of objection hinges on a fundamental claim:

(C1) One *could* always have reached Levi's actual c-judgment by a more conscientious hypothetical deliberation.

Some constraints must be placed, though, on the modality of "could" if claim (C1) must serve to vindicate the original position in front of Levi's actual c-judgment. For such a hypothetical position was presented as *a device* of representation, and actual devices have some operating conditions that limit the modality of "could". But, what could those operating conditions be? It sounds reasonable to assume that such conditions must somehow refer to our human capabilities and the circumstances in which they are normally exercised. Moreover, insofar as political liberalism conceives of all agents as free and equal, it seems that the capacities at play in the original position must be quite common in adult human agents. We may thus restate claim (C1) as follows:

(C1\*) Under normal conditions, human agents could have reached Levi's actual c-judgment conclusion by a more conscientious hypothetical deliberation.

The worry is that Levi, despite being a rather cultivated person, may have failed to meet this challenge. For there is serious reason to think that he could not have reached at time  $T_{-1}$  the sort of considered judgment that as a survivor he felt the need to acknowledge. It has been argued, moreover, that his failure didn't hang on any idiosyncratic features of his, but instead on the way stereotypical assumptions may secretly condition anyone's hypothetical deliberation, namely: the Control and the Third Party Assumptions.

#### 4. *Specific Reason and the Fears of Detachment*

The second objection presses in the opposite direction. If the first objection grants the accuracy of the victims' judgement and just denies that there were serious reason to rule out that a similar judgement could have been attained by mere hypothetical means, the second objection calls into question that we could reasonably trust the victim's voice. The fundamental concern is that victims are typically so attached to their respective experiences that one cannot reasonably expect their voice to be accurate and faithful to the facts. Due respect must undoubtedly be paid to Levi's account of his experience as a survivor, but quite a different matter, some may argue, is whether his verdicts should really be trusted, since his emotional attachments may easily have led him astray. From this perspective, the victim's judgment about her own plight could not be acknowledged as considered, given that a certain distance seems indispensable for an impartial and authoritative judgment to be obtained. A trivial implication of this line of reasoning is that Levi's view could hardly challenge the Matching Assumption, since his actual judgment at  $T_1$  does not qualify as considered insofar as it is inevitably tainted with his experience in Auschwitz.

This line of objection relies, however, on a certain stereotype that may not ultimately be attested by evidence: it jumps from the trivial fact that our emotional attachments tend to cloud our minds to the conclusion that they necessarily interfere with our deliberative capacities and to such a degree that the victim's voice must be dispossessed of any authority as to the nature of her own plight. And, yet, I will argue that not only emotional attachments, but also emotional distance may seriously bias (and, in general, diminish) our deliberative capacities. It follows that if we had to dismiss the victim's voice just for the risk of distortion, we should refuse the voice of the detached agent as well. Hence, if any voice is to be trusted, we must renounce the idea that a testimony is not at all credible simply because there is a general risk of distortion, and instead examine each particular case to see whether there is *specific reason* to dispense with one or another report. Let me now briefly suggest why emotional distance may bias our deliberation.

For this purpose, we may focus on the fact that, as Elaine Scarry puts it, "every weapon has two ends"<sup>24</sup>. Some deep metaphysical and epistemic

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<sup>24</sup> Scarry (1987), p. 59.

asymmetries emerge, though, between those who confront one or another end. Those who hold the weapon have, metaphysically speaking, the power to hurt and, epistemically, the capacity to look away from the pain being produced and even doubt the intensity of it. By contrast, those who face the cutting edge are, from a metaphysical point of view, transformed into someone who can just be hurt and who can't certainly deny the pain they are being inflicted. These metaphysical and epistemic asymmetries induce third agents to perceive the torturer's action as justified and the victim's demand as illegitimate. Such appears to be the essential role of interrogation, whose question is stereotypically construed as providing a motivation (and, tacitly, a justification) for the pain being inflicted, and whose answer is almost inevitably viewed as a betrayal. All this in the absence of any specific evidence to justify this particular interpretation of both the question and the answer. It is clear however that, by this elementary procedure, the initial sympathy for the victim's pain and the moral perplexity for the torturer's action, is reverted and transformed into a justification of the infliction of pain. But why is it that, despite our initial sensitivity toward the victim's plight, the interrogation can so easily subvert our moral attitude toward her? Some psychological mechanisms will be highlighted to account for this tendency to neglect the victim's predicament and support the torturer's action. Such mechanisms have to do with a variety of fears. The most trivial of which is this: if third agents regarded the torturer's action as arbitrary, they would perceive themselves at risk insofar as the torturer's weapon would then appear as only accidentally away from them; but if the contrary were true and the infliction of pain on the victim's body were a legitimate manoeuvre of self-defence, then third agents would feel protected by the same agent who looked so dangerous from the previous perspective. All this suggests that emotions may not only cloud the victim's mind, but bias the views of third agents and their hypothetical judgments, even when they are the result of conscientious deliberation. Yet, once all parties are at risk of distortion in the benefit of their respective psychological needs and dispositions, it seems that *specific reason* must be mentioned if one or another voice is to be either trusted or discredited. Let us now see why Levi may be so reluctant to regard his shame as rational.

##### *5. Who Can Judge the Sondernkommandos?*

The idea expressed by the Third-Party Assumption, namely, that the

limits of morality coincide with those of a third-person accusation, may lie at the core of Levi's reluctance to acknowledge the rationality of his shame. For he was adamant in rejecting the idea that a third party might be entitled to accuse him (or any other survivor) of having done something shameful. In this respect, he emphasizes the legitimacy of his anger (and that of other survivors) at those who may feel authorized to judge him despite their lack of acquaintance with any experience that might remotely resemble Auschwitz:

We cannot judge our behaviour or that of others, driven at that time by the code of that time, on the basis of today's code; but the anger that pervades us when one of the 'others' feels entitled to consider us 'apostates' or, precisely reconverted, seems right to me.<sup>25</sup>

It is true that, as Levi himself emphasizes, extermination camps could only have been so efficient due to the prisoners' massive cooperation in their activities. And, yet, he insists that no human court, no third party, has the authority to judge their actions:

The condition of the offended does not exclude culpability, and this is often objectively serious, but I know of no human tribunal to which one could delegate the judgment.<sup>26</sup>

A moral evaluation about what survivors might have done in the extermination camp should, in any case, "be entrusted only to those who found themselves in similar circumstances, and had the possibility to test on themselves what it means to act in a state of coercion"<sup>27</sup>. He feels, thus, entitled to draw some distinctions as to the judgment that different survivors may deserve given their respective contributions to the Nazi machinery. He does not hesitate, for instance, to condemn the *Kapos* (i.e., foremen of a prisoners' party), but reserves his judgment as to the members of the *Sonderkommandos*, namely: those prisoners who led newcomers to the gas chamber, including their own neighbours or even members of their own families. Despite the disgust that their actions may arouse, Levi is decided to withdraw judgment. He is convinced that no one (not even other

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<sup>25</sup> Levi (1986), p. 61. See *ivi*, p. 58.

<sup>26</sup> *Ivi*, p. 29.

<sup>27</sup> *Ivi*, pp. 28-29.

survivors) is actually in a position to judge them. Thus, Levi seems to grant that there are some cases where an agent may have performed a morally horrendous action and still no third party is entitled to judge her, not even those who may actually have confronted a relatively similar situation. And, yet, it may make sense for the agent herself to feel ashamed or guilty as a result of what she did or refrained from doing.

We may, in view of this, renounce the Third-Party Assumption and accept that the limits of morality do not overlap with those of third-person praise or accusation. For there are cases, precisely those where the Control Assumption is not met, in which an agent may legitimately accuse herself of having done something shameful but, nevertheless, no third agent is entitled to accuse her of such a thing. To put it another way, we may say that Levi was trapped in the following line of reasoning: (a) he took for granted both the Control Assumption and the Third-Party Assumption, but (b) strongly rejected the idea that a third-party could legitimately accuse him, whereby he concluded (c) that his shame was not rational. He was, though, reluctant to dismiss it as a purely irrational and idiosyncratic reaction either. A reasonable way to make sense of this reluctance is to challenge the Third-Party Assumption, for that way we make room for Levi's shame to be rational despite the fact that no third party is entitled to judge him given that he did not possess the required degree of control. A trivial consequence of this is that the Control Assumption must be dropped too, given that the conditions under which an agent may legitimately feel responsible for her actions (and omissions) do not reduce to those cases where the agent is relevantly in control.

So, it seems that the privileged epistemic authority of those whom, like Levi, have faced some harsh experiences of harm, derives not only from the fact that, given our psychological condition, human beings are unable to grasp some aspects of a moral situation unless they actually face it, but also that, in some situations where the Control Assumption is not met, agents may still experience an accusation that appears to them as both *inescapable* and *strictly first-personal*. It is first-personal because only the agent herself is entitled to make such an accusation, and it is inescapable insofar as some sort of necessity is involved<sup>28</sup>. It is hard to see, however, how one could make sense of this kind of necessity within the Rawlsian approach. For it is

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<sup>28</sup> Corbi (2012), (2014), (forthcoming); Williams (1981), (1993), (2002).

not rational necessity as it is conceived of within that approach because it is agent-relative and, therefore, cannot be established from a detached, impartial perspective. But it cannot be construed either as the kind of necessity that the Rawlsian approach ascribes to passions. For Levi's experiences involves the question, clearly unintelligible with regard to blind passions, as to what being faithful to his impulse may consist of and to what extent one may have succeeded in that respect.

In fact, this impulse presupposes a kind of bond among human beings that the Rawlsian approach may be at pains to account for. Thus, the original position assumes that the principles of justice are to be agreed upon by individuals who would otherwise be unbound to them. This suggests that agents, as they are conceived of in the original position, are *only contractually linked* to the principles of justice for the basic structure of a society. But if social and political justice is central to our life in a society and the principles that must govern our social life are to be determined by means of a contract, how are we to conceive of the fundamental bond that bring individuals together within a certain society? Should it be regarded as merely contractual as well? It is true that Rawls insists on «the profoundly social nature of human relationships»<sup>29</sup>. The question is how that 'profoundly social nature' is to be construed and the constraints upon its depth that derive from the role ascribed to the original position in his conception of political justice. In this respect, Levi's experience of shame seems to reveal the existence of a deep bond among human beings: we are not islands, that is, we may legitimately feel guilt or shame for things that others, and not oneself, have done. At first sight, this bond is quite foreign to the idea of a contract. For it does not appeal to either the idea of a decision that an agent may make or to the conclusion of a deductive argument. The demands that the drowned (the name by which Levi refers to those who were murdered in Auschwitz) impose upon Levi are not so much a matter of decision, but of *acknowledgment or recognition*. They are demands that no third party is entitled to make upon him, and still he feels forced to recognize them as essential to his humanity. These asymmetries between the first-person and the third-person perspectives imply that failure to be faithful to such demands could hardly be paralleled with the infringement of a contract. Some may reply, however, that failure to honour some contracts comes often with an experience of degradation, and this

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<sup>29</sup> Rawls (2005), p. 259.

suggests that a deep bond may be already be present in the idea itself of a contract. But, in such a case, we ought to spell out how much of our humanity is involved in the acceptance of a contract and how the elements at play are to be accounted for with the limited resources comprised in the original position. So, the dilemma seems to be: either we stick to the original position as it was initially designed, but then it is hard to understand the kind of bond that Levi's experience suggest and the demands concerning reparation that it imposes; or instead we decide to enrich the resources to which one may appeal to in the original position, but then it is hard to understand how our deliberation in that position could still be purely hypothetical and independent of the particular situations an agent have actually be confronted with. So, we may conclude that a deliberation behind the veil of ignorance, is not necessarily advantageous with regard to issues of political justice and reparation. For that sort of deliberation may be misleading not only because the agent's judgment might inadvertently be distorted by some stereotypes and fears, but also because, as I have just pointed out, the fact that we are not islands involves a kind of social bond that goes beyond the idea of a social contract and this, in turn, implies that some judgments concerning morality – like those involved in Levi's shame – are both rational and strictly first-personal.

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*Abstract*

Contrary to what he expected, Primo Levi didn't experience his life after being released from Auschwitz as cheerful and light-hearted. He – like many other survivors – was haunted by an obscure and solid anguish that he finally identified as springing from a sense of shame or guilt in front of those who were exterminated in the Lager. Levi was unable to either acknowledge his shame as rational or reject it as irrational. This looks, though, like a rather unstable situation calling for some further elucidation. I will thus examine Levi's shame in light of the dominant conception of practical deliberation and, more specifically, in view of the the role that John Rawls ascribes to the original position. Firstly, I will stress how Rawls' use of the original position as a representational device to the determine the principles of justice relies a certain assumption (i.e., the Matching Assumption) that Levi's experience calls into question and, secondly, I will identify two assumptions (i.e, The Control Assumption and The Third-Party Assumption) that are constitutive of Rawls' conception of rationality and such that they may account for Levi's reluctance to acknowledge the rationality of his shame. Once these constraints are brought out, I will argue that Levi's experience provides serious reason to call them into question inasmuch as it invites the existence of a fundamental asymmetry between the first- and the third-person perspectives (sec. 3-5). I will thus conclude that Primo Levi could coherently have regarded his blame as rational, even though no third party is in a position to blame him. This challenge to the primacy of the third-person perspective will provide, in turn, an additional argument against Rawls' original position and the dominant conception of practical deliberation.

*Keywords:* shame, rationality, principles, original position, Auschwitz.