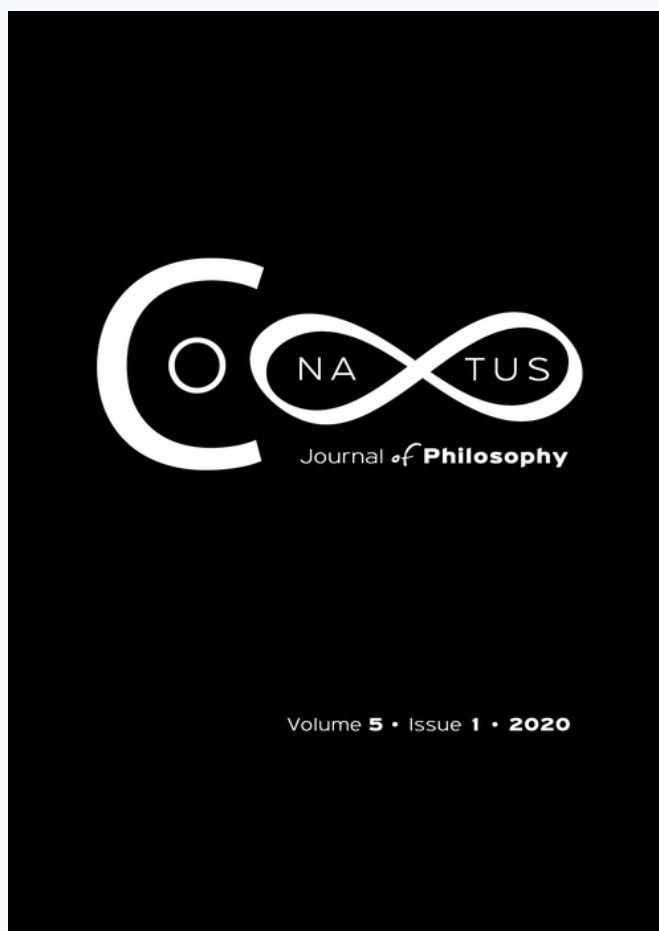


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### The Theft: An Analysis of Moral Agency

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# The Theft: An Analysis of Moral Agency

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## Abstract

*Adam and Eve's theft marks the beginning of the human career as moral agents. This article will examine the assumptions underlying the notion of moral agency from the perspective of three unremarkable human beings who found themselves in situations of moral difficulty. The article will conclude that these three people could not have acted differently than they did. It will conclude that it is unreasonable to assume that ordinary human beings will inevitably possess the resources to address difficult moral decisions.*

**Key-words:** *moral agency; moral responsibility; moral luck; free will; Holocaust; Ford Pinto case*

**W**e began badly. Adam and Eve were commanded to avoid eating fruit from the tree of knowledge of good and evil. Like wayward children, they were nonetheless tempted and succumbed to temptation. And, like wayward children from their day to ours, they hid in shame when their transgression was discovered, then tried to shuffle off blame. Their childish ruses failed to save them from God's wrath, and they were banished from the Garden of Eden.

*Genesis* intrigues and perplexes. It intrigues because its main characters are patently human. This ancient narrative describes behavior that remains familiar to every household. It perplexes because fruit theft is hardly a major crime. Adam and Eve's fatal error was disobedience to divine command, but why did the deity guard that particular fruit so vehemently? Children routinely disobey their parents and are routinely punished for doing so, but a sentence of hard labor, pain, and exile from paradise seems excessive even by

*Old Testament* standards. An aside has a clue to the deity's ire. He laments, "Behold, the man has become like one of us, knowing good and evil."<sup>1</sup> Moral understanding made us godlike. Apparently the deity had an additional fear, "And now, lest he put forth his hand and take also of the tree of life, and eat, and live for ever [...]"<sup>2</sup> Moral understanding is one step removed from eternal life and thus full divinity. Only timely banishment from the Garden of Eden kept us from immortality and membership in the company of the gods. So, it seems that Adam and Eve's theft aroused the deity's fury because it wished to bar them from knowledge of good and evil. That knowledge is both the curse and the glory of humanity; its possession drove us from paradise, but its possession makes us godlike. As Prometheus' theft of fire marked the beginning of human technological prowess, the theft of moral understanding marked the beginning of our fitful career as moral agents, that is, as individuals capable of being morally guilty or morally praiseworthy.

Hasty intervention denied us eternal life, but we retain moral understanding. So far as we can discern, no other beings possess moral understanding, and therefore no other creatures are capable of being morally virtuous or vicious. Though necessary for moral agency, moral understanding by itself does not suffice to make us morally accountable. Adam and Eve became sinners because they were capable of acting in accord with the deity's command but did not. Before they gained moral understanding, they were able to perform the acts they desired and gain the results they sought. They could act as they pleased, and, in particular, they could be obedient or disobedient, an ability shared with dogs, cats, and human infants. Their control over their actions allowed them to disobey the deity's command and become sinners. But, this particular sin, the theft of moral understanding, transformed Adam and Eve; they were now moral agents and able to add moral guilt to their guilt of disobedience. Just as individual infants become morally accountable only when they add moral understanding to their ability to obey or disobey, the human species became morally accountable when it added moral understanding to its ability to act as it wished. These three qualities, moral understanding, the ability to choose the principles that guide our actions, the ability to choose our actions, and the ability to gain the ends we seek comprise the essential features of moral agency.

Though Adam and Eve's humanity remains familiar, the conditions that shaped their lives are long gone. Their post-Eden world of small flocks, compact fields, and small villages has been replaced by another that is vastly different and offers starkly different moral challenges. History has worked

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<sup>1</sup> *Genesis*, 3:22.

<sup>2</sup> *Ibid.*

unsettling alchemy on our loot. Adam and Eve became guilty because they stole moral understanding. We moderns are more likely to falter through lapses in moral understanding, constraints on our actions, confusion over when we are obligated to exercise moral agency or how we should do so. The century just past offers striking examples of individuals whose lives disturb precisely because the conditions of their moral agency were imperfect. Our ancient theft made us moral agents, but we cannot evade the accountability moral understanding brings, not even when the elements of our moral agency have been compromised. Loosing hold of our booty will not return us to the Garden of Eden or to innocence. Human nature has not changed. Rather, the conditions of human life have changed. Consider Wilhelm Trapp.

### I. The case of Wilhelm Trapp

Wilhelm Trapp was a decent man, a respected and honest member of his community. He fought honorably in the World War I and was decorated for his efforts. He was concerned for the well-being of those around him, was sensitive to their feelings, and routinely made small efforts to assist them. He was known as “Papa Trapp.”<sup>3</sup> Though he had conducted himself honorably as a soldier, he hated to see people suffer and was viscerally repelled by the thought of killing human beings.<sup>4</sup>

Trapp was also a war criminal, guilty of the gravest crimes against humanity. He was commander of Reserve Police Battalion 101, a unit of the Nazi German reserve police forces charged with exterminating Jewish communities in Poland during the World War II. Major Trapp commanded the slaughter of thousands of innocent people, including small children and infirm elderly. Repeatedly he ordered his men to pull innocent people from their homes and kill them *en masse* at point blank range. By all accounts he hated giving this command, and he avoided being present at the scenes of slaughter when he could.<sup>5</sup> He also allowed the men under his command to evade the murder if they wished.<sup>6</sup> He never threatened to punish those who sought to avoid killing, and he never cajoled any of his men to commit murder. Several members of his brigade thought him weak and cowardly because he was repelled by the massacres he ordered them to carry out.<sup>7</sup>

<sup>3</sup> Christopher R. Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York: Harper Collins, 1992), 2, and 44-45.

<sup>4</sup> *Ibid.*, 2, and 57-58; Daniel Goldhagen, *Hitler's Willing Executioners* (New York: Knopf, 1996), 212-213, 240, and 537, n 22.

<sup>5</sup> Browning, 57-58.

<sup>6</sup> Browning, 2, 57, 86-87, 102-103, 130, and 171; Goldhagen, 213-215.

<sup>7</sup> Browning, 45-46, 56, and 57-58.

Major Trapp was not an evil man, at least not before he entered Poland and maybe never. Had the war not intruded, he would doubtless have spent his life a conscientious and respected citizen of Battalion 101's home in Hamburg, Germany. In death, he would likely have been fondly remembered by the few who were aware of his existence. He would have ranked with the obscure legions of the world's simple, ordinary, upright people, the salt of the earth whom anyone would be pleased to have as a neighbor. There is no evidence that his character changed in any marked way during the war. He remained the sober, conscientious official he had been all his life, yet he also became a war criminal and repeatedly ordered his men to commit actions that sickened him.<sup>8</sup> Though his character was not evil, the acts he ordered certainly were, and the vast killing machine that swept him along certainly was. Trapp may well have insisted that the commands he gave, though he gave them repeatedly and ensured they were carried out, were not his. In two senses, they clearly were not. Apparently, he had no desire to give them, and, left to his own devices, he would never have done so. They are not the commands a man of his character desired or valued. He was bitterly repelled by them and the suffering they brought to innocent people.

Yet, though he was decent, sensitive, and honest, it apparently never occurred to Trapp that he could refuse to issue his commands. He had, after all, been ordered to give them. He seemed to be unaware that he had any other choice, and that is part of the explanation of why he would likely have claimed the commands were not his. Also, it apparently never occurred to him that the murders he ordered were morally wrong. Though he was repelled and emotionally shattered by them, he never drew the conclusion that they were morally abhorrent. It seems a simple and direct inference, but Trapp never made it.<sup>9</sup>

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<sup>8</sup> With some consternation, Goldhagen cites one of Trapp's men. Speaking some years after the war, the Battalion 101 veteran observed, "He was what one would call a fine human being and I deem it impossible that it was he who had ordered the shooting of the hostages." Goldhagen then comments, "Trapp – who years later, despite having led his men in mass murder, is remarkably pronounced 'a fine human being' [...]" Goldhagen, 240. Goldhagen's bemusement captures the difficulty perfectly; Trapp was at once a decent human being and a mass murderer.

<sup>9</sup> Browning and Goldhagen, though they employ the same sources and are alert to the limitations of their sources, disagree on the degree of Trapp's anti-Semitism and the degree to which he eventually became enthusiastic about his assignment. As previous references show, both agree that he was widely regarded as a kindly person who initially was greatly troubled by his assignment and continued to have conflicting emotions about it. They also agree that he eventually lost at least some of his inhibitions and came to display some enthusiasm for his task. Browning, however, believes the anti-Semitic prefaces Trapp gave his orders to kill were unfeeling transmissions of official doctrine used to make an unsavory task easier for his men (Browning, 102 and 149). Goldhagen believes this is mistaken, that Trapp's anti-Semitism was genuine and that he took satisfaction from the killing, or, at least, that he eventually came to do so (Goldhagen, 550-551, n. 61). If Goldhagen is correct, Trapp's racism may

It would seem that Major Trapp could have avoided his torment by simply refusing to carry out the orders he received. On reflection though, it is not obvious that he was capable of this. A stronger, more self-assured individual with a different view of authority may well have refused to transmit the orders Trapp received from above. A stronger individual may have done more than refuse, may instead have actively fought the Nazi machine. But, it's not obvious that Trapp, given his character, background, and values, could have acted other than he did. Even if he had somehow found the resources to battle against the program of extermination, he would have been crushed, and his effort would have been entirely fruitless. He was an ordinary man. A saint or a hero might have risen to noble but futile self-sacrifice, but Trapp was neither. And, neither are the great majority of the rest of us.

Apparently his breeding suited him admirably for the role of a responsible citizen in a bustling German port city. Had he remained in Hamburg's tidy surroundings, he would have led the exemplary life many simple, decent people achieve. He had been born and bred to do his duty, to follow orders, and trust in the system that sustained him. For the bulk of his life, this conditioning served him well. But, nothing in his background equipped him for the circumstances that awaited him in Poland. It is difficult to say how he would have responded if he had been ordered to kill members of his own family. Would he have obeyed that order too? Would he have refused? Would he have recognized its moral repugnancy? It is hard to know. It's not obvious that he was capable of grasping the enormous moral evil of his actions in Poland. And, it's difficult to claim that he could, in any realistic construal of the term, have acted other than he did.

If Trapp was not evil, at least not initially, it is also not easy to determine exactly where the evil lies. Battalion 101's actions were evil, that's for sure, but not all who carried them out were evil. Some, like Trapp, were

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have prevented him from recognizing the immorality of his acts. However, this cannot be the complete explanation, since it is possible to be a racist without endorsing the mass slaughter of innocents. Furthermore, the fact that Trapp's enthusiasm appeared only after some months of slaughter gives support to the view that he was simply ground down by his assignment. The scant and unreliable data available to us are consistent with both Browning and Goldhagen. Hence, Trapp was either a decent man who never reconciled himself to the killing he ordered, or he was a decent man who came to embrace the killing, and therefore became an evil man – but without losing his innate decency towards human beings whom he was not ordered to kill. He never became evil through and through. The view that the magnitude of his evil is sufficient to infect his entire character and transform him into an entirely evil person is plausible. However, adopting this view would not allow a moral distinction between Trapp and those who were eager to slaughter from the first or those who were callous and brutish in all aspects of their lives. Whatever slant is given to the data available, it remains true that Trapp was a man driven by circumstance to perform acts he would have rejected if left to his own devices.

apparently sickened by their assignment and had no taste for it.<sup>10</sup> Others, those who embraced their assignments and carried them out enthusiastically, were evil, but, without the Nazis' intrusion, most of them would never have contemplated the actions they undertook. Several of this latter group were described by their peers as young, ambitious people who were eager to get ahead, and killed energetically because they believed it would help advance their careers as party functionaries.<sup>11</sup> So, they were evil, but not necessarily because they reveled in slaughter for its own sake. They were evil because they were glad to engage in mass killing when it served their personal interests.

Nonetheless, the 101 Battalion's evil and non-evil men worked together to carry out the tasks assigned to them, and the chilling implication is that the evil or non-evil nature of its men made little difference to the result.<sup>12</sup> Had the entire battalion been comprised of people like Trapp, it would likely have carried out its assignments all the same, without enthusiasm perhaps, and maybe less efficiently, but the job would have been done. The Nazi Holocaust machine took in shallow careerists, hangers-on, the weak, the strong, and also simple, honest, decent people, like Major Trapp, then made them killers.<sup>13</sup> The diverse character and values of its human instruments mattered little to its operation. The machine could not have functioned without them, but it had to twist and channel their diverse natures to serve its purposes, and it succeeded.

Major Trapp, those ordinary Germans who, like him, were decent and honest, the Holocaust, and Nazi Germany pose a direct challenge to our

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<sup>10</sup> Browning, 57-58, 59, 62-63, 69, 73-75, 86-87, 102-103, 113, and 168; Goldhagen, 261.

<sup>11</sup> Browning, 75-76.

<sup>12</sup> Both Browning and Goldhagen note that the men of Battalion 101 were highly unpromising candidates for the role of mass murderers; their backgrounds, age, and social standing contained nothing to support the view that they would be capable of cold-blooded murder. Browning, 164-165; Goldhagen, 206.

<sup>13</sup> Different authors have varying explanations of the mechanisms which drove these unremarkable people to murder. Browning believes the deciding factor was peer pressure, the desire to avoid appearing weak in the presence of peers (Browning, 184-186, and 375-416). Goldhagen believes the Nazis were able to exploit ordinary Germans' inherent anti-Semitism to transform them into killers (Goldhagen, 13-14). Zygmunt Bauman suggests that a special code of honor of the civil servant, the ability to execute superior orders as though they were one's own and to sacrifice one's own concerns and self-interest while doing so, is a key to understanding the crime. See Zygmunt Bauman, *Modernity and the Holocaust* (New York: Cornell University Press, 1989), 21-22. Bauman also cites the view of Herbert Kelman, who claims that the triple factors of authorization from on high, routinization, and dehumanization of victims together made the killing possible (Bauman, 21). Each of the authors recognizes that a variety of plausible explanations have been offered. In fact, the plethora of explanations deepens the mystery of the crime rather than dissolves it; the ease of devising plausible explanations and the difficulty of eliminating any of them, heightens the sense that the crime lays beyond explanation.

ancient legacy of human moral agency. Trapp and his compatriots participated in one of the greatest moral outrages of human history, yet our traditional conception of moral agency falters when called upon to judge men like Trapp. It has few resources to morally assess ordinary, decent human beings when vast, complex human institutions knit their actions together with the efforts of many people to produce evil or human suffering.

Adam and Eve became sinners for violating a command which they could have obeyed. Major Trapp is guilty for obeying a command which it is unlikely he could have disobeyed.<sup>14</sup> He is guilty nonetheless. Adam and Eve were guilty for what they did and knew to be wrong. They were guilty for doing what they could have avoided doing. Trapp is guilty for failing to know what he should have known but likely could not know, namely, that the slaughter of innocents is morally abhorrent. He is guilty for the acts he performed, even though he could not have averted their result and he lacked the strength of character to refuse to carry them out. He is guilty, even though he brought no evil to Poland, because he should have understood the evil of his actions. He should have understood even if he was incapable of doing so – because we cannot overlook evil of this magnitude. Trapp was extradited to Poland in 1947. In 1948 he was tried, then executed for his crimes.<sup>15</sup> Who can say he was not guilty?

And yet, because Trapp didn't understand the evil of his act and was incapable of doing so, he lacked the personal and moral resources to refuse the act, and he could not have prevented the slaughter from occurring, we must remain uncomfortable with the judgment that he is guilty. The circumstances of his conduct and the facts of his character count against guilt. He must be guilty, but he also cannot be.

Trapp never lost his conventional morality or innate decency. Apart from the killing, he remained the man he had always been. But, he didn't recognize that he could disobey commands he had been given, and he apparently did not understand that the acts he ordered were morally wrong. Perhaps he was anti-Semite, and his racism prevented him from recognizing the wrong of

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<sup>14</sup> Though he is careful to acknowledge the pressures on Trapp and his men, the turmoil of their circumstances, and the complexity of their motives, Browning believes that each of the men in the Battalion made the choice to kill, could have made a different decision, and, thus, each is morally accountable for his actions. He bases his conclusion on evidence that at least some of the men refused to kill, others refused after awhile, and others avoided killing when they could slink away from it. Hence, because different men behaved differently, all had the choice of how to behave. Browning, 188. Unfortunately, this does not take account of differences in the nature and personal resources of individual human beings. Some are self-confident and sure of their values, others are weak and insecure, while others are devoted only to nurturing their own interests. The fact that some, such as Martin Luther King or Andrei Sakharov, are great moral heroes is not evidence that the rest of us are capable of moral heroism.

<sup>15</sup> Browning, 144.



his acts. Or, perhaps he was simply incapable of understanding that orders handed down from higher authorities could be morally wrong. But, whatever the explanation, it is unlikely that Trapp was capable of recognizing the evil of this conduct or that he could have refused to perform it. So, he is guilty, but his guilt is deeply troubling.

## II. The case of Otto Stange

So far as we know, Otto Stange never personally harmed anyone. We have only a few small scraps and bits of information about him, like stray beams of light filtering through closed blinds. In contrast to our vivid portrait of poor, tortured Wilhelm Trapp, Otto Stange's life remains in the shadows of his unprepossessing office. Yet, his role in the Holocaust was as critically important as Trapp's. Otto Stange was a minor bureaucrat, an *Amtsrat*, in the German railway system. He was charged with devising *Sonderzüge*, special trains.<sup>16</sup> *Sonderzüge* were not regularly scheduled. Rather, they were individually planned and assembled to serve particular purposes. Some were contrived to transport ethnic Germans for resettlement. Others moved the mentally ill to killing centers. Yet others transported Jews out of the Third Reich, mainly to the concentration camps and death camps in Poland.<sup>17</sup> Requisitions for special trains to transport Jews originated in Adolph Eichmann's bureau in the Reich Security Main Office. Eichmann was in charge of its "resettlement" section. One of Eichmann's underlings, Captain Franz Novak, was liaison to the *Reichsbahn*, the German railway system. Novak would deliver requisitions for special trains to an *Amtsrat*, often Stange, who would devise a transport program for each special train, then hand it over to Novak, who carried it to Eichmann's bureau.<sup>18</sup>

Stange would have known that his special trains would carry Jews, since Novak's requisitions were clearly labeled as such.<sup>19</sup> He must have known the *Sonderzüge*'s destinations in order to draw up his transport programs. He may or may not have known of the Jews' fates once his special trains had done their job. If he did not know, it would have been a simple matter for him to ask Novak. One scrap of information reveals that, "He was very convinced of the importance of his work and his person," another that, "He was 'choleric,' sick with gallstones, and once hospitalized."<sup>20</sup> In his sixties during the World

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<sup>16</sup> Raul Hilberg, "German Railroads/Jewish Souls," *Society* 14, no. 2 (1976): 68.

<sup>17</sup> *Ibid.*, 527 and 536-537.

<sup>18</sup> *Ibid.*, 535.

<sup>19</sup> *Ibid.*, 539, and 544.

<sup>20</sup> *Ibid.*, 535.

War II, Stange had worked in the *Reichsbahn* all his life. The details of his work with Novak likely differed very little from the labor he had performed for decades. Only the ultimate result differed.

Of the Jews killed in the Holocaust, approximately half were transported to their fate by train. Many were carried by the special trains Stange planned.<sup>21</sup> During the early portion of World War II, the *Reichsbahn* employed nearly a million and a half people, and dispatched some 20,000 trains each day. It owned 850,000 freight cars, of which perhaps 15% were empty at any one time.<sup>22</sup> Novak's requests for Jewish special trains had to be balanced against the demands of military transport, industrial freight, and ordinary commercial traffic. As the war progressed the *Reichsbahn* was stretched to its limit, and strained further by Allied bombing and partisan sabotage. Nevertheless, as a result of the skills and effort of men such as Novak and Stange, the Holocaust machine always found ways to assemble trains that transported Jews to their deaths.<sup>23</sup>

The Holocaust could not have been carried out without the operation of sprawling organizations like the *Reichsbahn* and many millions of ordinary, unremarkable, skilled, and conscientious persons. They were persons like Otto Stange, people who employed discipline and abilities developed long before the war to meet essential needs of a modern, industrialized nation.<sup>24</sup> The grim arithmetic of the Holocaust drives the point home. It snuffed out the lives of nearly 6 million Jews. The animal fury unleashed in the *Kristallnächte* resulted in maybe 100 deaths. Nearly 200 years of *Kristallnächte* mob violence would have been required to kill the 6 million people the Holocaust eliminated in a few years.<sup>25</sup> A crime of this magnitude cannot be fueled by brute, criminal rage. It requires sprawling, carefully organized, and efficient organizations, those like the *Reichsbahn*. There was little place for the psychopathic, the deranged, or the criminal in such operations. In fact, they were carefully screened out.<sup>26</sup> The effort required legions of ordinary, disciplined, honest, and skilled people, people of the same sort that the world's large organizations require to this day.

The scraps and bits of information we have reveal that Stange was likely a lesser human being than Wilhelm Trapp. Stange was a sickly, self-important,

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<sup>21</sup> *Ibid.*, 543.

<sup>22</sup> *Ibid.*, 536.

<sup>23</sup> *Ibid.*, 532.

<sup>24</sup> *Ibid.*, 548-550.

<sup>25</sup> John P. Sabini, and Mary Silver, "Destroying the Innocent With A Clear Conscience: A Sociopsychology of the Holocaust," in *Survivors, Victims, and Perpetrators: Essays on the Nazi Holocaust*, ed. Joel Dinsdale, 329-357 (Oxfordshire: Taylor & Francis, 1980), 329-330.

<sup>26</sup> Bauman, 19-20.

minor bureaucrat. Trapp cared about other people, tried to help them in many small ways, and was revolted to the core of his being by the death he brought. It is likely that Stange was placidly free of any of this torment. It's difficult to say that Stange was guilty or what his crime may have been. Tens of thousands of deaths resulted from his activity, but was he guilty of them? Should he have made himself aware of the consequences of his actions and refused to carry out his usual duties? Should he have tried to combat the Holocaust? A better man would have done so, but Stange was the man he was. It is not self-evident that Stange was morally obliged to become a better person, and it is not obvious that he was able to become one, given his lack of intelligence, fortitude, and initiative.

Despite its vital importance to the Holocaust and considerable evidence that some of its workers were viscerally aware of its role in the slaughter, no employee of the *Reichsbahn* was tried for war crimes. None was so much as summoned as a witness in the Nuremberg Trials.<sup>27</sup> Stange carried out his ordinary duties in his ordinary way, yet they were crucial links in a vast chain of human actions that brought mass death. During the war, he may well have walked a bit straighter, lifted his head a bit higher, and spoken with a bit more authority. He likely had a sense that he played an essential role in something that was highly important – he received frequent visits from a high ranking official after all and performed valuable services for him. His self-satisfied bearing would have been justified. But, on the other hand, if, following the war, he were questioned about his role in the mass slaughter, he would have likely responded that he only carried out his small duties as best he could and that their large and remote consequences were far beyond his responsibility or understanding. He was not authorized to concern himself with them.

And, he would have been absolutely correct to say so. But, the fact remains that the Holocaust could not have occurred without him and millions more like him. Stange assisted Adolph Eichmann's "resettlement" program. Eichmann's responsibility was only to transport Jews, to "resettle" them. Like Stange, he commanded no one to die. He was courteous to his staff and those around him. Eichmann repeatedly asserted that he was, like Stange, a mere cog in the machine.<sup>28</sup> Eichmann professed to have kindly feelings toward Jews and to be intrigued by their culture.<sup>29</sup> He visited the death camps, and was sickened by what he saw.<sup>30</sup>

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<sup>27</sup> Hilberg, 523, and 544-545.

<sup>28</sup> Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, revised edition (New York: Penguin Classics, 1977), 289.

<sup>29</sup> *Ibid.*, 26, and 40-42.

<sup>30</sup> *Ibid.*, 87-88.

So both Stange and Eichmann were in the business of transporting Jews. Yet, Eichmann was guilty and paid for his guilt with his life. He was guilty for viewing himself merely as a cog, an instrument, and failing to recognize that he was a human being, with the moral responsibility other human beings possess.<sup>31</sup> Then how can Stange be innocent? Stange too was a gear in a large and complex machine, but neither he nor Eichmann was only a cog. Their work as cogs demanded the intelligence, understanding, and self-control that only human beings possess. The two were able to play their roles in the Holocaust only because they were human and had human abilities. Because Stange was human and possessed the abilities of other humans, he was obliged to recognize that he had the moral responsibilities other human beings possess. Nonetheless, it is not evident that he was guilty for acting as he did.

To be sure, there are crucial differences between Eichmann and Stange. Eichmann's explicit responsibility was to transport Jews to the death camps. If the railroads had become unavailable, he could have sought other means. Stange's responsibility was only to devise *Sonderzüge*. If he had ceased to receive visits from Captain Novak, he would no longer have played a role in the Holocaust. Eichmann was in charge of the entire resettlement effort. Stange played a small role in that program. Eichmann visited the death camps and knew what happened there. Stange likely did not know. Further, Eichmann, like some of Trapp's men, was a shallow careerist. He was eager to advance himself, and accepted the deadly result of his efforts as the price success in his career demanded. Stange was likely too old and too settled in his ways to be interested in getting ahead. But, it's not obvious that these differences suffice to absolve Stange from guilt, and the question remains undecided.

Stange is disturbing. He disturbs because his guilt or innocence is unsettled. Adam and Eve were guilty for what they did. Stange disturbs because the activity he had performed for his entire adult life suddenly became an essential component of one of the greatest crimes of human history, and we lack a moral framework that would allow us to determine whether he was guilty or remained innocent. Our moral thinking has few resources for assessing the moral culpability of those who contribute to evil but play minor roles bringing it about and are several steps removed from its result.

But a major part of why Stange is more disturbing than Trapp is that his life and his circumstances are so much closer to ours. Trapp was pulled from the surroundings his ordinary morality was capable of addressing and was placed in circumstances it was unable to address. Stange, on the other hand, remained in his familiar office and carried out his usual business. Only the ultimate result of his labors changed. We are unlikely to be called upon to command the death of thousands of innocent people. Yet, it is quite

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<sup>31</sup> Ibid., 289.

possible that we may one day find that the skills, habits, and discipline we have developed over a lifetime have become crucial links in a chain of human actions that result in harm to other human beings. Worse perhaps, and more likely, the rest of us sober, hard-working, skilled people may, like Stange, continue to labor diligently in vast organizations and play crucial roles in endeavors whose results we understand only dimly and whose consequences for other human beings range beyond our comprehension. And then, we may wonder about our own guilt or innocence because we have scant resources to morally assess honest and innocuous labor that somehow becomes part of a chain of activity that brings evil to human beings.

### III. The case of Dennis A. Gioia

Dennis A. Gioia is a very different person than Stange or Trapp, and he lives in a starkly different world. Certainly he is no Nazi, and he is in no way associated with horrors remotely akin to those perpetrated in the Holocaust. Yet, there are several illuminating and intriguing parallels between his life and his circumstances and those of Trapp and Stange. And, like Trapp and Stange, his career puzzles and unsettles.

Gioia was an employee of the Ford Motor Company from 1972 to 1975. Fresh from college and the counter-culture movement of the era, he had routinely demonstrated against the war in Vietnam and was an energetic critic of large corporations. He joined Ford partly, he asserts, with the idea that he could help transform it from within.<sup>32</sup> So, he left campus with his values intact and planned to impart them to the vast organization he entered. He was pleased to find his work challenging and interesting, and he devoted himself to his assignments with enthusiasm and a strong conviction that he could make a difference. He was soon immersed in his duties and Ford's corporate culture, his activist's long hair now cropped short.<sup>33</sup> One result of his diligence is that in 1973 he received the assignment of Field Recall Coordinator. The position included the responsibility to monitor information about possible safety or functional defects in Ford's products and initiate requests for recall and repair or reconfiguration of vehicles that were judged unsafe or otherwise defective. The assignment was demanding and exhilarating. He took his new responsibilities very seriously, and he was, initially at least, keenly aware that the lives and well-being of other human beings depended on his diligence.<sup>34</sup>

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<sup>32</sup> Dennis A. Gioia, "Pinto Fires and Personal Ethics: A Script Analysis of Missed Opportunities," in *The Ford Pinto Case: A Study in Applied Ethics, Business, and Technology*, eds. Douglas Birsch, and John H. Fielder, 97-117 (New York: State University of New York Press, 1994), 98.

<sup>33</sup> *Ibid.*, 99.

<sup>34</sup> *Ibid.*, 99.

He inherited responsibility for 100 active cases when he took his new position, approximately half of them involved safety matters, that is, possible defects that might result in death or injury.<sup>35</sup> Though harried, he threw himself into his assignment and sought to do his job well. He acknowledges, however, that his early vivid sense of responsibility for human life gradually gave way to emotional numbness and professional detachment from the human suffering that might result from defective products. He was trained to scan consumer complaints and accident reports for evidence of an unusually high rate of component failure and obvious patterns of causes for these failures. If he believed he had found such patterns, he had the authority to request that his department review the case and consider issuing a recall notice.<sup>36</sup>

During Gioia's tenure, Ford Motor Company was busily manufacturing and selling millions of Ford Pintos, small, cheap, economy cars devised to combat the inroads on its sales inflicted by small, thrifty cars from Germany and Japan. The Pinto had become notorious by the time Ford ceased production in 1980. There were reports of fires resulting from rear-end crashes at low and moderate speeds. One victim of such a crash sued Ford and was awarded millions of dollars in damages.<sup>37</sup> The balance of public opinion was likely tripped against the Pinto when a counterculture magazine, *Mother Jones*, published a vigorous and lurid expose of the Pinto in 1977.<sup>38</sup> The report and the controversy it ignited alerted the public to the possibility of a deadly defect in the Pinto. Shortly after the *Mother Jones* piece appeared, the Federal National Highway Traffic Safety Association began an investigation. It completed its study in 1978 and concluded the Pinto was defective. In consequence, it recommended that Ford initiate a recall of 1971 through 1976 Pintos, and Ford promptly complied.<sup>39</sup> The problem is that its gas tank was located between the rear axle and the rear bumper, an unprotected location. In the event of an impact from behind, the tank could be rammed into the rear axle and differential which was located in the middle of the axle. Several bolts in the differential assembly protruded to the rear and could easily puncture the tank. At that point a spark from scraping metal or shredded electrical wiring could readily ignite the spilled

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<sup>35</sup> *Ibid.*, 101.

<sup>36</sup> *Ibid.*, 101-102.

<sup>37</sup> West's California Reporter, "Grimshaw v. Ford Motor Company," in *The Ford Pinto Case: A Study in Applied Ethics, Business, and Technology*, eds. Douglas Birsch, and John H. Fielder, 253-257 (New York: State University of New York Press, 1994), 253-255.

<sup>38</sup> Mark Dowie, "Pinto Madness," in *The Ford Pinto Case: A Study in Applied Ethics, Business, and Technology*, eds. Douglas Birsch, and John H. Fielder, 15-36 (New York: State University of New York Press, 1994).

<sup>39</sup> Gioia, 104-105.

gasoline.<sup>40</sup> Accounts of pre-production testing revealed that nearly all Pintos subjected to rear end crashes suffered potentially dangerous ruptures of their fuel tanks. Only three of them avoided this failure, and each had been modified to protect the tanks from rupture.<sup>41</sup> The Pinto's notoriety reached its peak in August 1978 when, following a gruesome crash in which three teen-age girls were killed, Ford was charged with reckless homicide in an Indiana court.<sup>42</sup> Though Ford was eventually found not guilty of the charge, the public's confidence in the Pinto and Ford plummeted.

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<sup>40</sup> Gioia, 100. History echoed itself in disconcerting fashion in the summer of 2000, when Ford Motor Company announced that its popular and highly profitable Explorer sport utility vehicles were involved in an unusually large number of fatal rollovers. See Matthew L. Wald, "Tread Failures Lead to Recall of 6.5 Million Firestone Tires," *New York Times*, August 10, 2000, <https://www.nytimes.com/2000/08/10/business/tread-failures-lead-to-recall-of-6.5-million-firestone-tires.html>; Keith Bradsher, "Tire Deaths Are Linked to Rollovers," *New York Times*, August 16, 2000, <https://www.nytimes.com/2000/08/16/business/tire-deaths-are-linked-to-rollovers.html>. Ford asserted that the Firestone tires used on the vehicles were to blame for the crashes. However, Bridgestone Tire, the owner of Firestone, and independent investigators claimed that the Explorer was at least partly to blame as well. See Joann Muller, and Nicole St. Pierre, "Ford Vs. Firestone: A Corporate Whodunit," *Business Week*, June 11, 2001, 46-47. Sport utility vehicles are heavy and have high centers of gravity. Hence, in the event of tire failure, they are more apt to roll over than passenger cars, and rollovers are often fatal. Critics claimed that this feature of sport utility vehicles is exacerbated by the Explorer's design, which places considerable weight on the left rear tire, since the gasoline tank and the four-wheel drive transfer case are located in the left rear of the vehicle. See Keith Bradsher, "Risky Decision/A Special Report; Study of Ford Explorer's Design Reveals a Series of Compromises," *New York Times*, December 7, 2000, <https://www.nytimes.com/2000/12/07/business/risky-decision-special-report-study-ford-explorer-s-design-reveals-series.html>; Keith Bradsher, "Questions Raised About Ford Explorer's Margin of Safety," *New York Times*, September 16, 2000, <https://www.nytimes.com/2000/09/16/business/questions-raised-about-ford-explorer-s-margin-of-safety.html>. When the vehicle is traveling at a high rate of speed in hot weather, this tire may fail. As with the Pinto, Ford was eager to rush the Explorer into production in 1989 because it was eager to exploit the growing market for sports utility vehicles. See Bradsher, "Study of Ford Explorer's Design." Also, as was the case with the Pinto, some of Ford's engineers expressed concern over the safety of the vehicle's design. See Bradsher, "Study of Ford Explorer's Design." Though it has never admitted that its product is deficient in any way, Ford quietly began redesigning its Explorers in 1997 to make them safer—and has recently established a sort of driver's education program to demonstrate safe driving techniques to the owners of sport utility vehicles. See Keith Bradsher, "Changes in Ford Explorer Aim at Protecting Other Motorists," *New York Times*, August 4, 2000, <https://www.nytimes.com/2000/08/04/business/changes-in-ford-explorer-aim-at-protecting-other-motorists.html>; Keith Bradsher, "Explorer Model Raises Doubts About Safety," *New York Times*, April 26, 2001, <https://www.nytimes.com/2001/04/26/business/explorer-model-raises-doubts-about-safety.html>; Keith Bradsher, "Ford Wants to Send Drivers of Sport Utility Vehicles Back to School," *New York Times*, July 4, 2001, <https://www.nytimes.com/2001/07/04/us/ford-wants-to-send-drivers-of-sport-utility-vehicles-back-to-school.html>.

<sup>41</sup> Gioia, 100.

<sup>42</sup> Douglas Birsch, "Introduction: The Pinto Controversy," in *The Ford Pinto Case: A Study in Applied Ethics, Business, and Technology*, eds. Douglas Birsch, and John H. Fielder, 3-14 (New York: State University of New York Press, 1994), 5-6.

Though Gioia was Ford's Field Recall Coordinator during a portion of the Pinto's production run, he found nothing in the pattern of consumer complaints or accident reports to reveal a special problem involving the Pinto's fuel tank. However, he was sufficiently moved by the sight of a crashed Pinto's burnt-out hulk that he asked the other members of his department to consider an inquiry. Following a study, the department found no indication of a problem and voted against a recall. Gioia cast his vote with the majority.<sup>43</sup> Gioia points out that this meeting was held before the *Mother Jones* piece appeared or the homicide trial occurred. He also says his office was not aware of the reports of fuel tank ruptures in early testing. He notes in addition that he owned and drove a Pinto during this period and eventually sold it to his sister.<sup>44</sup>

He left Ford in 1975, and for some time thereafter continued to believe that he had made the right decision when he voted against recalling the Pinto. Several years later, he concluded that his decision was mistaken.<sup>45</sup> He spent considerable time and effort reconsidering his actions, and reports that he kept returning to the thought, "Somehow, it seems I should have done *something* different that might have made a difference."<sup>46</sup>

Like Trapp and Stange, Gioia played a small role in a large, complex human organization. As they did, he helped propel a bureaucratic apparatus that sometimes brought harm to human beings. Unlike Trapp and Stange, Gioia's corporate responsibility was to safeguard human life, and he was keenly aware of his burden.<sup>47</sup> Nonetheless, he came to believe that his efforts to preserve human life were insufficient; he did not protect lives that should have been protected. He concluded that he failed because Ford had not instructed him to apply moral principles to the cases he examined. He searched only for patterns which revealed high rates of component failure and a definite causal relation between component failure and incident. He has decided that the Ford could address this deficiency by instructing its Field Recall Coordinators to consider the ethical impact of their decisions.<sup>48</sup>

His proposal reveals that Gioia believes that he was beset by the same problem that undid Trapp, a lack of sufficient moral understanding. Trapp didn't recognize that his actions were morally abhorrent, and Gioia has come to believe he wasn't aware that he needed to employ moral scruples when

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<sup>43</sup> Gioia, 103.

<sup>44</sup> *Ibid.*, 104-105, and 107.

<sup>45</sup> *Ibid.*, 106.

<sup>46</sup> *Ibid.*, 105.

<sup>47</sup> *Ibid.*, 102-103.

<sup>48</sup> *Ibid.*, 113-114.



deciding whether to request issuing recalls. His unstated assumption is that he, and others who serve as Field Recall Coordinators, share Trapp's inability to remedy deficiencies of moral understanding. Like Trapp, he applied the standards of judgment his organization had provided, and, like Trapp, he was unable to recognize that he should apply different standards. Gioia presumes, in other words, that he too was a functionary, albeit a functionary charged with protecting human life. He assumes that the functionary's activities can change only when the functionary's role is redefined.

The campus activist, who entered Ford planning to change it, came to believe that Ford should change its job specification. Rather than concluding that Ford needed to seek out more astute and self-assured employees, Gioia decided that Ford needed to alter its procedures in order to introduce the moral sensitivity he found lacking. The Holocaust machine took in men as it found them and transformed them into killers; Gioia appears to believe that corporations must take in human beings as they find them and transform them into employees who are sensitive to the moral demands of their work. He assumes that human institutions can expect their functionaries to become morally accountable only by designing their roles to include it.

There is considerable irony in Gioia's belief that a corporate emphasis on moral standards would have helped him save lives. It is unlikely that enhanced moral sensitivity would have achieved this. A sizeable portion of Gioia's problem was a simple lack of essential information. Gioia did not know of the Pintos' record in preproduction testing. Neither was he aware of concerns a number of engineers voiced about the Pinto's design.<sup>49</sup> If the patterns revealed in consumer complaints and accident reports did not reveal a significant number of failures or a causal linkage for them, it is unclear what grounds Gioia would have possessed for drawing the conclusion that Pintos were unsafe. It is not obvious he would have drawn that conclusion even if he had applied a rigorous standard of concern for human life. Given the information at his disposal, it is difficult to see what basis he had for initiating a recall. Gioia's problem is not equivalent to Trapp's. To fully honor his responsibility to protect human life, Gioia needed more information, not heightened moral sensitivity.

But, there is another issue here, and a crucial one. It is not obvious that Ford was morally irresponsible for designing the Pinto in the way it did, producing millions of copies, then selling them to the public. Unlike the Nazis, Ford did not wish to harm anyone. To the contrary, Ford would likely have been delighted if no one were killed or injured in its vehicles. The factual data are in dispute, but estimates of people killed as the result of igniting Pinto fuel tanks range from 28 to 500. The NHTSA investigation focused on 27

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<sup>49</sup> *Ibid.*, 103-104.

deaths.<sup>50</sup> By the end of its production run, there were 3 million Pintos on the road.<sup>51</sup> During the period of its production, several hundred thousand people were killed in automobile accidents in the U.S.<sup>52</sup> People were, and continue to be, killed and injured in every one of the vehicle models Ford produces and in those produced by every auto manufacturer in the world. Automobiles are dangerous devices that kill tens of thousands of people each year in the United States alone and injure many tens of thousands more. Further, small cars are inherently more dangerous than larger ones. Ford's decision to place the gas tank between the rear axle and the rear bumper was a common automotive practice at the time.<sup>53</sup> Finally, as Lee Iacocca, then President of Ford Motor Company, noted pungently, "Safety doesn't sell."<sup>54</sup> More to the point, many people resist taking simple measures, such as wearing seatbelts, driving more slowly and cautiously, or avoiding taking the wheel after drinking. These are all actions that are simple, cost nothing, and would significantly enhance their safety.

The above indicate that it is not obvious that Ford was morally remiss in designing Pintos as it did. Safety is a matter of degree. No car is perfectly safe. Hence, the judgment that a particular model of car is safe or unsafe must be grounded on a variety of considerations that are balanced against one another. Honest and informed people can legitimately disagree on the question of whether Pintos fell below a minimal standard of safety. So, in addition to his lack of information about the Pinto's problems in testing, Gioia lacked clearly defined standards of how safe automobiles must be. Further, since this is a moral problem, not an engineering or manufacturing difficulty, neither Gioia nor Ford Motor Company has authority to address it. These standards can only be devised by representatives of the larger society. Only the nation as a whole can determine how much human life and suffering it is willing to trade for efficiency, style, or comfort.

Hence, despite his belief, Gioia was not beset by the problem that doomed Trapp. Unlike Trapp, he did not need a heightened sense of moral responsibility

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<sup>50</sup> Office of Defects Investigation Enforcement: National Highway Traffic Safety Administration, "Investigation Report, Phase I: Alleged Fuel Tank and Filler Neck Damage in Rear-End Collision of Subcompact Passenger Cars," in *The Ford Pinto Case: A Study in Applied Ethics, Business, and Technology*, eds. Douglas Birsch, and John H. Fielder, 77-96 (New York: State University of New York Press, 1994), 81.

<sup>51</sup> Birsch, "Introduction: The Pinto Controversy," 6.

<sup>52</sup> The Ford Pinto was manufactured and sold from 1970 to 1980. In that 11-year period, there were 549,447 deaths in traffic accidents in the United States. "Traffic Safety Facts 1997," National Highway Traffic Safety Administration: U.S. Department of Transportation, accessed March 4, 2002, <http://www-nrd.nhtsa.dot.gov/pdf/nrd.30/NCSA/TSFAnn/TSF97.pdf>.

<sup>53</sup> Birsch, 7-9.

<sup>54</sup> Gioia, 107.

or the recognition that slaughtering innocent people is abhorrent. Gioia needed more information and a clearly defined set of automobile safety standards. Nonetheless, Gioia and Trapp do share something important; both faced moral crises which they as individuals lacked the resources to address successfully.

#### IV. Moral luck

Some years ago, Bernard Williams and Thomas Nagel introduced the notion of *moral luck*, the idea that the crush of fate and circumstance can turn people into killers, criminals, or...heroes.<sup>55</sup> Certainly Trapp, Stange, and Gioia were buffeted by unsettling twists of moral luck. The Nazi Holocaust apparatus transformed Trapp into a murderer and a criminal. Without it, his moral record would likely have remained unsullied. Stange's services for Captain Novak and Eichmann differed little from those he performed for his entire adult life. Yet, fate transformed his innocuous activity into a critically important element in a machine that brought death to millions. Gioia was sensitive, industrious, and conscientious. He tried to carry out his responsibilities, yet he has come to believe that brute circumstance prevented him from preserving human life as he wished and left him with the sinking feeling that his efforts were not what they should have been. They are all victims of cruel moral luck; had their lives veered in slightly different directions, their moral standing might have shifted as well.

Williams is aware that the idea of moral luck introduces a fundamental shift in our thinking about our moral fates. It links our moral performance tightly to the rest of our lives and shunts aside the conviction that our moral status is immune in some critical way to the forces that shape our lives in other domains.<sup>56</sup> As the league of chastened dotcom workers can attest, success or failure in commercial enterprise depends on blind fate and chance as well as skill, intelligence, and long hours on the job. We recognize that accidents of genetic configuration provide us with short rather than tall stature, a gift for mathematics rather than literature, or physical dexterity rather than hopeless ineptitude. Many believe that accidents of birth play a huge role in delineating our life prospects. Those fortunate to enter wealthy

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<sup>55</sup> Williams, and Nagel introduced this idea, and ignited a lively controversy on the topic, in papers they delivered at a meeting of the Aristotelian Society. Both have been reprinted. See: Bernard Williams, "Moral Luck," in *Moral Luck*, ed. Daniel Statman, 35-55 (Albany, NY: State University of New York, 1993), and Thomas Nagel, "Moral Luck," in *Moral Luck*, ed. Daniel Statman, 57-71 (Albany, NY: State University of New York, 1993). Statman's useful anthology also includes a number of other illuminating and incisive discussions of this issue.

<sup>56</sup> Williams is well aware of this implication of his view; in fact, he insists on it. See Williams, 35-40.

and successful families are apt to find success in their lives, while those whose lot places them in impoverished environments will have difficulty escaping their surroundings.

Hence, William's notion stands in contrast to Immanuel Kant's influential view that our moral nature and fate are independent of the brute facts which shape our fates in other domains of life.<sup>57</sup> Kant presumed we are always able to avoid becoming murderers. Williams assures us that our moral qualities may sometimes be insufficient to shield us from this fate; in fact, in some circumstances, our moral virtues may propel us to murder. Trapp's character brought him a life of simple decency in Hamburg. In Poland, his character made him a murderer. Trapp is guilty, but guilty through a brutal twist of moral fate. Stange remained the same man he had always been and performed the work he had always performed, but the Nazi regime transformed his skills into vital links in a chain that led to murder. Gioia was conscientious and industrious, but he was unable to preserve human life with the success he desired. Nonetheless, the idea that we only partially control our moral lives is unsettling; it is unsettling to believe that only a few twists and turns of fate stand between us and murder, theft, or callous brutality. We cling to the belief that our moral fates are immune to brute fact, even while we recognize that blind fate is often the key to our financial, physical, or social fortunes. It is entirely true that we sometimes find the moral strength to rise above temptation, self-advantage, or social pressure. But, we are able to rise above our circumstances in other domains of our lives also. And, as happens in life generally, our moral integrity is sometimes crushed by the weight of circumstance. As in other domains of life, we also recognize that some are endowed with exceptional moral strength and integrity. This is why we esteem the likes of Gandhi and Martin Luther King, but we don't expect ordinary people to match their achievements. They serve as ideals whose example we revere and wish to emulate but don't expect to equal.

While the idea of moral luck helps us to comprehend our unease over the fates of Trapp, Stange, and Gioia, it does little to ease our discomfort regarding our moral judgments about them. Though Trapp is a victim of cruel moral luck, he is not less guilty, and our judgment that he is guilty is not less pained. But, that is the way luck works. It is often cruel, heedless, or unjust. *Something went wrong* for Trapp, Stange, and Gioia. Trapp is both decent and guilty. Like a skull cracked by a falling brick, his murderous campaign should not have happened, but it did. A morally better man than Stange would have been aware of the ultimate consequences of his services for Captain Novak, recognize the evil of those consequences, and respond

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<sup>57</sup> Immanuel Kant, *Groundwork of the Metaphysics of Morals*, 4: 433, 12ff.

to that evil. In more fortunate circumstances, Gioia would have known more about the Pinto's record and been able to employ a more carefully defined set of automobile safety standards. Trapp, Stange, and Gioia are victims of blind luck.

But, though their lives differ greatly, the bad moral luck that befell each has an element in common: It resulted from the roles they played as workers in sprawling and complex human institutions. In other areas of human life, we do not simply shrug our shoulders and try to get on with our lives when struck with bad luck. We are never entirely helpless, but examine our circumstances and seek ways to remove the causes of our ill fortune. We don't shrug off disease, injury, or economic misadventure. We work to discover the conditions which cause them and then look for ways to eliminate or mitigate the sources of our misfortunes. Vast and enormously powerful human organizations are important for all of us, and they contribute greatly to each individual's burden of moral luck. But, as in other domains of human life, we are bound to consider how we can eliminate or mitigate the bad moral luck they bring. Adam and Eve fell because they were tempted. We are more likely to fall because our lives are entangled with organizations that shape us, shape others, or create troubling moral difficulties for us. What is more, they do so in ways we cannot fully control or understand.

## V. Autonomy achieved

At the end of the World War II, the people of West Germany began to face their guilt and sought ways to prevent the crimes of the Nazi era from recurring. They concluded that the ultimate root of Nazi evil was that German society, and the German army in particular, placed enormous emphasis on blind obedience and set no upper boundaries on the fealty which superiors might demand from their subordinates.<sup>58</sup> The issue was addressed squarely in 1955 when, after several false starts and much hesitation, West Germany made the decision, prodded by the Allied Powers, to reestablish its army. The German army had been disbanded at the end of the war, and the need to construct it anew was seen as an opportunity for a fresh start that would avoid the terrible mistakes of the past.<sup>59</sup>

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<sup>58</sup> Sgt. Michael Maddox, "OSCE Seminar," *SFOR Informer* #93, August 2, 2000, accessed July 12, 2001, <http://www.nato.int/sfor/indexinf/93/gertrain/5000730n.html>; Donald Abenheim, *Reforging the Iron Cross: The Search for Tradition in the West German Armed Forces* (Princeton: Princeton University Press, 1988), 159.

<sup>59</sup> Count Wolf Baudissin, "The New German Army," *Foreign Affairs* 34, no. 1 (1955): 5-6; Detlef Bald, "Military Reform and the *Innere Führung* in Germany," in *Civil-Military Relations in Post-Communist States: Central and Eastern Europe in Transition*, ed. Anton Bebler, 36-43 (Westport, CT: Praeger, 1997), 38-39.

*Innere Führung* became a signature doctrine of the reconstituted West German army. It is a term which the Germans insist cannot be translated, but which they nonetheless translate variously as “inner leadership” or “civic and political education,” the latter being the preferred rendering.<sup>60</sup> *Innere Führung*, and the array of programs that accompany it, were devised to encapsulate the idea that soldiers must always remain citizens, with the same rights, responsibilities, and freedoms other citizens possess; they are never simply gears whirling in a vast mechanism.<sup>61</sup> The Germans also understood that their soldiers and citizens required inoculation against racial bias. Hence, the programs also emphasized the dignity and rights of all human beings. In light of their determination to have an army of citizens, the West Germans also made the considered decision to establish a conscript army in which all able-bodied young men would serve. In the army thus devised, soldiers are expected to be politically active and are encouraged to join political parties.<sup>62</sup> They are trained to understand that they should not obey illegal or immoral orders.<sup>63</sup> To inculcate this array of ideas, recruits receive considerable formal training, including sessions in which discussion and disagreement are encouraged.<sup>64</sup>

The Germans also established a training center, the *Zentrum für Innere Führung* in Koblenz. It was given the responsibility of providing elaborate instruction in *Innere Führung* to officers and noncommissioned officers.<sup>65</sup> The educational materials for its endeavors draw on resources provided by civilian academics, clergy, and lawyers.<sup>66</sup> The government also established an independent ombudsman for the military services to which military personnel could send complaints regarding their treatment. Apparently German soldiers keep the ombudsman quite busy, sending a blizzard of tens of thousands of complaints each year.<sup>67</sup> In addition to wielding *Innere Führung* as an instrument to prevent the German army from lapsing into the evil ways of its past, its designers

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<sup>60</sup> Maddox; Abenheim, 44 n. 50, and 45.

<sup>61</sup> Donald Hancock, *The Bundeswehr and The National People's Army: A Comparative Study of German Civil-Military Policy* (Denver, CO: University of Denver, 1973), 3.

<sup>62</sup> Baudissin, 9, and 10-12; Bald, 41.

<sup>63</sup> Eric Waldman, *The Goose Step Is Verboten: The German Army Today* (New York: The Free Press of Glencoe, 1964), 144.

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*, 140-145.

<sup>66</sup> *Ibid.*, 141.

<sup>67</sup> Bald, 140-141.

hoped the conscripts would return to civilian life with *Innere Führung* firmly in place and spread the idea and its allied practices to the broader society.<sup>68</sup>

This German response mirrors the solution Gioia recommended; the Germans concluded that they could change the beliefs and behavior of individual human beings by devising institutions to shape them in desired ways. They came to believe that individuals sense of moral responsibility and moral standards are shaped by the organizations in which they operate – and they believe that these organizations must reshape themselves and the persons within them in order to avoid recurrence of the tragedies of the Hitler years. Gioia and the founders of the German army appear to share the view that human beings enmeshed in large organizations can be relied upon to be aware of moral standards and view themselves as moral agents only if these organizations explicitly convey these messages to them and the organizations encourage them to act in accordance with their moral scruples. Individual human beings can no longer presume they have full control of their sense of moral responsibility, nor can they presume they are inevitably aware of all fundamental standards of moral conduct. As the Germans discovered, moral accountability and moral standards must be self-consciously nurtured and protected. We can no longer take them for granted; we can no longer presume that our cultural heritage will automatically provide us with a robust sense of moral responsibility, and we cannot longer assume that the moral standards we receive in our youth will prove adequate to the moral problems we face as adults.

*Innere Führung*, elaborate education in the principle of respect for the lives and dignity of all human beings, and opportunity for independent moral judgment may well have given poor Wilhelm Trapp the personal resources he sorely needed to comprehend the evil of his orders and the strength to refuse them. Though Trapp was in a police battalion, not an army unit, during the World War II, the current German doctrine of *Innere Führung* was devised to address the deficiencies that led to his downfall. However, Trapp's problem is not that he had no moral standards or sense of moral responsibility. He most certainly did. The difficulty is that they were limited by his ingrained deference to authority and lack of imagination. The German doctrine of *Innere Führung* is designed to remedy these limitations.

The West German emphasis on personal responsibility, or something akin to it, is necessary to correct Trapp's failings and those of people like him. However, it does not have resources to address the challenge Stange and Gioia pose. Their difficulties did not arise from failure to appreciate the dignity and inherent worth of the individual, nor did their problems emerge

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<sup>68</sup> Baudissin, 13.

from failure to understand that they are citizens and human beings as well as functionaries. *Innere Führung* is focused on the individual and that individual's responsibility for his or her own actions. It is not designed to generate new moral standards when the circumstances of human life spawn moral quandaries. Stange's actions were innocuous; they were not the problem. The problem is that they became part of a chain of human activity that resulted in mass death, but we lack standards which will allow us to assess people's conduct in such cases. Gioia, on the other hand, was keenly aware of his moral responsibility; his difficulty is that he lacked the resources he needed to completely fulfill his moral obligations. He did not have full information about the Pinto's safety record, and he lacked a well-defined set of minimal standards of automobile safety.

The deity has not seen fit to issue new commandments governing the moral responsibilities of individuals who labor in large human organizations, nor has it delivered well-defined standards of automobile safety. Furthermore, the deity has not defined the circumstances under which human beings are obliged to exercise moral agency, and it has not transmitted instructions governing the ways in which human beings should express their agency. As a result, we human beings, as individuals, cultures, or as a species, will have to address these matters using our own resources. Those who direct our vast human organizations want them to function as smoothly and efficiently as possible. This goal is achieved more readily if their employees conduct themselves as cogs and gears. But, people who view themselves as morally accountable will not unthinkingly act as the organization decrees. Neither will they accept the organization's plans and goals without question. People of this sort, people who wish to exercise their moral agency even when they labor as agents of large human institutions, threaten an institution's friction free operation. Left to its own devices, any large organization will work to tune this sensibility out of its workers. In consequence, we may wish to simply bow to this reality and agree that employees bear no moral responsibility for the ultimate consequences of their individual actions. If so, Stange is clearly innocent. He had no obligation to concern himself with the remote consequences of his actions, terrible though they were. On the other hand, we human beings may elect to insist that our moral agency must include responsibility for the ultimate consequences of our acts, even when we play only a small part in bringing them about and they are remote from us. Stone tablets delivered on a mountain peak have no answer to this question. Nor are philosophers of help on this matter. Immanuel Kant would insist that we are obliged to accept responsibility for our actions.<sup>69</sup> True enough. But, Stange's actions were innocuous. The problem is that his actions linked with those

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<sup>69</sup> Kant, *Groundwork of the Metaphysic of Morals*, 4: 434-435.



of others to bring evil. Kant doesn't tell us how to resolve that question. We must decide for ourselves how to view Stange and those like him. The decision is ours alone.

In similar fashion, we, as a society, may opt to allow corporations or government agencies to concoct standards of how safe we wish our automobiles, appliances, housing, and streets to be – but we will also have to recognize that allowing this gives them license to weigh our human lives and welfare against cost, efficiency, and style. Or, we may wish to dodge the whole problem by forgoing any effort to establish communal standards in these matters. If so, we will ease away from the demands of moral agency. However, we may also decide that part of the burden of moral agency bequeathed to us by Adam and Eve's theft requires that we accept responsibility for these matters – along with the inconvenience, laborious study, and difficult deliberation this entails. Then we would decide that neither Dennis Gioia nor Ford Motor Company should determine how to strike the balance, for we would have committed ourselves to carrying this burden as a society.

We can no longer take human moral agency for granted. Nor can we continue to presume that individuals have an adequate grasp of the moral standards which should guide their actions. Adam and Eve were accountable for what they did and knew to be wrong. Trapp, Stange, and Gioia didn't understand which moral standards should guide their actions, and it is unlikely that they could be expected to know them. Trapp is guilty for what he did, but Stange and Gioia give pause because their individual actions, innocuous in themselves, were linked to the endeavors of other human beings to bring human suffering. We presently have no clear means of assigning moral guilt or innocence in such cases. However, we cannot overlook these deficiencies, because they ensnarl us all in our day-to-day encounters with vast human institutions.

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