

Film & Philosophy



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This issue is dedicated to the memory of Henry Babcock Veatch.

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Justice and the Withdrawal of God in Woody Allen's *Crimes and Misdemeanors*¹

Mark W. Roche

Woody Allen's *Crimes and Misdemeanors* interlaces two tales. In the comic narrative, Cliff (Woody Allen) is a struggling filmmaker in an unhappy marriage, who is preparing a documentary on a philosopher named Louis Levy (Martin Bergman). His brother-in-law Lester (Alan Alda) is an arrogant, successful, and lecherous filmmaker, who charms many of those around him. As a favor to his sister, who is embarrassed by her husband's lack of success, Lester agrees to let Cliff make a documentary about him for a TV series. In the process Cliff falls in love with a producer named Halley (Mia Farrow) but finds himself competing for her with Lester, who in the end wins out over Cliff. Cliff's most meaningful relationship remains that with his niece (Jenny Nichols), whom he takes to the movies and to whom he offers bits of comic wisdom.

In the other, more serious strand, Judah (Martin Landau) is a successful ophthalmologist, who is preoccupied with religious and philosophical issues even as he remains a skeptic. He tries to end a two-year affair with Dolores (Anjelica Huston), who threatens to reveal all to his wife Miriam (Claire Bloom). Judah confides in two men, the rabbi Ben (Sam Waterson), who is going blind and who counsels Judah to confront Miriam and ask forgiveness, and Jack (Jerry Orbach), Judah's unseemly brother, who is willing to arrange Dolores's murder, a path Judah eventually chooses. While visiting his childhood home, Judah recreates in his mind a family Seder discussion: the principal conflict is between traditional faith, as embodied by Judah's father (David Howard), and moral relativism, the stance of Judah's Aunt May (Anna Berger). In one of the film's last scenes, Judah and Cliff meet at the wedding of Ben's daughter. After their conversation Judah embraces his wife and strides away, seemingly unaffected by guilt; evil appears to triumph.

My essay interprets and evaluates the film's competing philosophies of justice: the naive, the nihilistic, and the idealistic. First, I consider the simple theodicy of reward and punishment, the idea that "the eyes of God are on us always." This is the position of Judah's father and the young Judah. Second, I discuss the relativistic consequence of our having seen through this seemingly objective moral code, that is, the philosophy that "might is right" and "history is written by the winners." Judah's Aunt May voices this position, as do the film's advocates of harsh reality: Jack, Lester, and eventually Judah. Third, I weigh the philosophy of confession, understanding, and forgiveness, which is represented by Cliff, the rabbi, and the philosopher. Concluding that the film invites both

nihilistic and moral interpretations, the essay supports as the strongest reading a half-theodicy: good people do not necessarily succeed, but evil persons do suffer. Their suffering, however, consists not in God's punishment, but in God's withdrawal.

I

One position presented in the film is a simple theodicy: an all-seeing God rewards the righteous and punishes the wicked. Despite its venerable tradition and moral dignity, the position has several overlapping weaknesses. First, it is anti-intellectual and philosophically ungrounded. The naive position derives from an emotional need for justice, rather than any theoretical arguments. Judah's father asserts that he would opt for God over truth. Second, the naive position is ineffective. Like the Biblical Judas, Judah betrays (or overcomes) his religion. Because the wicked are not self-evidently punished and because the father can give no arguments for his position, Judah – like Jack – feels free to transcend it. For Judah, religiously-motivated goodness is a hypothetical norm he chooses not to follow: "God is a luxury I can't afford." Third, the naive position is primitive and retributive in its lack of forgiveness, an ethical corollary to its philosophical inability to integrate negativity, that is, to base itself on a refutation of alternative views.

Judah's initial fear that his crime will be recognized has a realistic as well as a religious dimension. When Judah first finds Dolores's body, he leaves the door to her apartment open, and the viewer nervously wonders whether Judah will be caught. That evening he stays awake under bathroom lights that remind us of interrogation lights, and his phone rings unexpectedly. Later a detective asks him a few questions. Just as Judah fears that the police know everything and see right through him, the viewer – recognizing in the detective's clothing and demeanor an allusion to the crafty detective of popular television, Columbo – wonders for a moment whether the detective knows more than he lets on. Judah, however, is not caught. Indeed, he not only escapes punishment, he prospers.

By way of Lester the film mockingly alludes to the Oedipus story. A genuine parallel exists, however, insofar as *Crimes and Misdemeanors* and *Oedipus Rex* undermine a naive theodicy. Only a banal reading of Sophocles' play would lead to the argument that Oedipus has committed a crime and therefore receives his just punishment. Oedipus has great moral integrity; he seeks the murderer and does not waver when the search comes back to himself. Not the justice of the gods, but the strength of the individual, keeps the moral order intact. The final choral ode in *Oedipus Rex* (864-910) addresses the central question of Allen's film: Is there a moral universe? Do the gods punish the unjust, the impious, the thieves? The answer given is that the gods have withdrawn ("Apollo is nowhere clear in honour; God's service perishes" 910). Justice is left not to fate or divine will but to Oedipus' moral integrity, his determination to do the good even as he knows that he will suffer for it.

As Sophocles problematizes the simple theodicy, so Allen mocks the naive retribution theology of Judah's father. The significant difference in Allen's film is that the great moral individual is absent. Judah does not make real the Oedipus-like scenario Cliff proposes at the end of the film: "I would have had him turn himself in, because then, you see, then your story assumes tragic proportions, because in the absence of a God or something he

is forced to assume that responsibility himself; then you have tragedy." Judah's inability to reach for tragedy, to sacrifice himself for the good whatever it might cost him, underscores his distance from Oedipus.

The Seder discussion between the father and the aunt penetrates to the core of the film. In this tragedy of collision virtue and right are on each side, even as each side neglects the truth of its other. The father has moral dignity, the aunt intellectual superiority: the father is just, but cannot defend himself ("If necessary I will always choose God over truth"); the aunt sees through Judah's father, but cannot transcend cynicism and nihilism (she denies the existence of any "moral structure"). Neither the father nor the aunt reaches the stature of an Oedipus with his combination of self-sacrificing virtue and intellect. In the modern world morality and intellect diverge.

II

To criticize Judah from an external perspective would be easy (he is, after all, a murderer), but from the perspective of the film itself such a critique is not so simple. The shortage of viable alternatives appears to speak for Judah. Not only is Judah's father illogical and unable to justify his stance, other seemingly moral alternatives – as represented by the rabbi, Cliff, and the philosopher – are equally undermined. The rabbi is blind to the fact that Judah has committed his crime. A representative of religion, he seems to symbolize God's lack of vision or inability to offer a strong and effective moral code. Cliff is no less ineffectual than the rabbi, and despite his depth of insight, he lacks moral rigor – as when he seeks to have an affair while he is married.² The philosopher meanwhile appears to cancel his position by jumping out the window. "Leap" of faith morality appears not to function as well as its proponents might think. In the nihilistic reading none of these figures is a substantive counterforce to Judah.

In the juxtaposition of Lester and Cliff, the film encourages identification with the loser, Cliff. In the juxtaposition of Judah and Dolores, the film invites the viewer to assume Judah's position. Unlike Lester, Judah is not rendered comic. The identification with Judah is further encouraged by the presentation of his inner turmoil and most intimate reflections as well as the portrayal of Dolores as "neurotic" and at times unattractive. We see Dolores solely from the perspective of her threats to Judah. Our perception of Cliff differs from our perception of Dolores: first, the film adopts Cliff's perspective – at least in part; second, Cliff's unattractiveness is mitigated by his wit. In this nihilistic reading the eyes are not the "windows of the soul," as Dolores once suggests; instead, as Judah says of Dolores's eyes at her death, nothing is behind them but a "black void." The void, which is mirrored back to Judah, signifies not so much the non-being of Dolores as the emptiness of traditional religious rhetoric about the soul and thus about predetermined categories of good and evil. In this reading the viewer is invited to identify with Judah's eventual self-overcoming, his assertion of a life beyond good and evil – even as Judah's celebration of a new life presupposes the death of Dolores.

Judah erases Dolores's disturbing voice by burning her letter in the fire; later, just after the audience sees that Dolores is to be killed, the film cuts to a close-up of the fire. Judah controls the fire and transforms what would be in his eyes a hell on earth (the revelation

of his misdeeds) into ashes that give birth to new life. The film appears to fulfill Lester's insight that "comedy is tragedy plus time." Judah awakens one morning with the burden of guilt wondrously lifted. Time heals all wounds; in Judah's words, "with time it all fades." The sadness of Schubert's Quartet No. 15, which formed the background to Dolores's murder, gives way at the film's conclusion: uplifting jazz tunes accompany the credits.

For the viewer who adopts this reading, the dialogue in which Judah sketches the perfect murder becomes another example of non-recognition and non-persuasion; the supposedly good listener (here Cliff, rather than the rabbi) fails to see behind Judah's story, and Cliff fails to move him. Judah renders his crime a mere fiction, and this is symbolic, for a truth that does not enhance our position in life becomes an illusion for the power positivist. Judah's triumphant departure with his "beautiful" wife represents resolution on his terms. Moreover, their daughter will soon marry, suggesting, again symbolically, that the line of Judah will continue and forever compete with the rabbi's descendants; power positivism will not give way to the naive hope for future norms.

In this film the harshness of reality (Judah's success) surfaces most strongly precisely when the viewer is inclined to expect cinematic reality (an aesthetic resolution of discord). This realism mocks the unrealistic aesthetic expectations of the audience, and it implies a complexly ironic happy end, insofar as the audience clandestinely identifies with the evil figure(s). The villain is pardoned on film, just as such villains are frequently acquitted in real life. The audience identifies with Judah's having to trouble himself with Dolores's complaints and threats as well as his desire to rid himself of this nuisance.³ Judah, we could argue, is the kind of character society magnifies or secretly admires. Underlining this, Genesis 29:35 and 49:8 tell us that the name "Judah" means "praised" or "object of praise." Also supporting this claim is America's still reigning fascination with gangster films. Characters like Cliff and Dolores, on the other hand, are secretly – or not so secretly – scorned.

Developing the nihilistic reading, we might read the film's decision not to portray the kind of tragic scenario Cliff envisages as mockery of a traditional concept that art should teach a lesson. Rather than arguing a case, the film mocks the audience's expectation that the film should, or even could, provide answers. In short, the film culminates in a self-reflective joke on untenable audience expectations.⁴ Truth personified has jumped out the window. As Judah would have it: "If you want a happy ending, you should go see a Hollywood movie." This ironic reading encounters a significant problem: the argument that films should not or need not teach a lesson is itself a lesson; the argument is self-contradictory. In response, however, we might shift our position and argue that, rather than offering a lesson of any kind, the film wants to portray a set of moral options. It presents these options without privileging any one of them. The film's structure presupposes that moral issues cannot be resolved.

Precisely this connection between uncertainty and nihilism surfaces in several interpretations that have appeared since the initial publication of my study. Allen himself argues that there is no objective moral code and, therefore, if Judah is not bothered with guilt, he can indeed flourish. According to Allen, Judah leaves the party with his beautiful wife. His daughter is going to get married soon. Everything is fine for him. So, if he

doesn't choose to punish himself, nobody else will. Evil is only punished if you get caught. He's a terrible person, but he himself is fine. (226). In an interview with Sander Lee, Allen adds that "Judah feels no guilt and the extremely rare time the events occur to him, his mild uneasiness (which sometimes doesn't come at all) is negligible" (374). Several recent critics side with Allen. Sam Girgus rephrases the film's nihilism as a statement about contemporary ambiguity and uncertainty. There is no resolution, no ultimate reconstitution of moral meaning and structure (127). Maurice Yacowar likewise sees the film along the lines of Allen's interpretation: The social pillar gets away with murder because he has status and a self-rationalizing conscience (279). Despite focusing on religious themes, Richard Blake sees the end similarly: Judah is the man who has outlived his guilt and now can peacefully look forward to leading the rest of his life of wealth and privilege untouched by the memory of his crimes (179).

III

Crimes and Misdemeanors undermines a naive theodicy and appears to accept nihilism, but these are not the only possible readings of the film. Another reading might point toward, even as it leaves unfulfilled, a possible synthesis of morality and intellect. In this section I present such an interpretation and develop it partly as a refutation of the nihilistic reading. The idealistic interpretation privileges the positions of the rabbi, Cliff, and the philosopher. Each adopts a generally moral position, and each is an intellectual; indeed, in the filmmaker, the rabbi, and the philosopher, we see the three stages of Hegel's Absolute Spirit. Alluding to an old tradition, *Crimes and Misdemeanors* invites us to recognize Ben's blindness as symbolic of inner sight: the rabbi speaks eloquently of confession, understanding, and forgiveness.⁵ In this reading, clear and complete solutions do not exist; nonetheless, the film ends with a kernel of the philosopher's wisdom and "the hope that future generations might understand more." The film inspires further thought and action; harmony becomes a goal outside the film medium rather than a lulling artistic reality.

The audience, identifying with Cliff, is naturally disappointed to see Halley become engaged to Lester. The disappointment is magnified by three long takes of Cliff's devastated expressions as he recognizes their bond; the audience is forced to stare at his pain. When Lester states that he won her with caviar and champagne, we recall an earlier scene when Cliff, trying to court Halley, says that he has no "caviar;" instead, he has "oatbran, which is better for your heart." The metonymy ("caviar" and "oatbran" represent differences in wealth and status) and the homonym ("heart") render the statement both comic and poignant.

Cliff is preferable to Lester; we identify with him not only from a narrative perspective but also in terms of values. Cliff has insight into negativity (as in the satiric documentary he creates about Lester), he expresses his idealism in his documentaries and in his suggestion to Judah that we must fill the void of God's absence, and he develops a beautifully happy and loving relationship with his niece. Halley defends her position to Cliff by explaining that Lester is not so bad after all, but we wonder whether this is a rationalization – also to herself – since she does not appear convinced and since Lester, rich and

successful, also serves the external purpose of helping her with her career. Halley may be using Lester for her own ends; she herself tells Cliff how ambitious she is.

Consider in this context the flower parallel. The murderer gains access to Dolores's apartment by saying that he has to make "a delivery of some flowers." Lester tries to court Halley by sending her white roses. Because of her allergy, she cannot accept the flowers; therefore, the situation differs, but the symbolism suggests that the relationship with Lester will weaken her, corrupt her, lower her. Paradoxically reinforcing this reading is the association – in Allen's works – of roses with idealism and the search for transcendence (Downing, "Broadway Roses"). Halley symbolically rejects any ideal dimension to her love relationship and opts for caviar (which Lester has and Cliff doesn't have). She, too, is a realist. Dolores, in contrast, has her ideal taken from her: expecting flowers from Judah, she receives death.

The name Halley and her predicament of choosing between two men (along with the prominence of the rose motif) allude to one of the greatest of American films, John Ford's *The Man Who Shot Liberty Valance*. In this film the woman, Hallie, must choose between the Western hero Tom Doniphon (John Wayne) and the less heroic but more intellectual and civilized character, Ransom Stoddard (James Stewart). Hallie eventually chooses Ransom, thus sacrificing passion and stability for intellect and progress. The choice Woody Allen's Halley makes is for the newest version of the American ideal, the phony and superficial careerist. In each film the spectator senses that the woman's choice is also a loss, but in Allen's film there is no tragic collision. Lester is a comic reduction of Ransom Stoddard. As with Oedipus, the parallel is also an inversion.

The rabbi has no insight into evil, but he does have moral fiber, and his blindness may derive less from ignorance than from the incomprehensible corruption of the world. The rabbi belongs to a separate moral realm. In a supposedly indifferent universe human beings create or deny the morality of the world; symbolically, Judah, who subverts morality, is unable (in his role as doctor) to prevent this blindness. In the nihilistic interpretation the rabbi's blindness symbolizes weakness; in the idealistic reading we focus on Judah's inability to cure this blindness: the rabbi's failure is also Judah's. In his loving relationship with his wife and daughter the rabbi appears a noble foreigner in a land of superficiality, deceit, and error.

The philosopher presents a complex view of the world, he is both insightful (like Cliff) and moral (like the rabbi), but he cannot sustain his position in such a cold and corrupt world. The line, "I went out the window," is first of all and most importantly comic. We wonder whether Allen has the philosopher commit suicide because his stance is untenable or because the gag was irresistible. Nonetheless, the gag and the message might not be so simple. If a window is a kind of lens or eye, and if it is connected to the soul and the eternal (as in the film's suggestion that "the eyes are the windows of the soul"), then the philosopher's departure may imply withdrawal from the world of superficiality and brutality and a longing for what is eternal and harmonious. The philosopher can no longer live in such a corrupt and unloving world, and his death – like the rabbi's blindness – may shed more light on the world than on his self. Such a philosopher leaves hidden messages, not banalities. This reading of the philosopher's death as paradoxical is reinforced by the philosopher's own embrace of paradox in his brief video sermons.

On the superficial level the evil Judah gets off scot-free. In one scene Judah's brother Jack threatens that if Judah weakens (as did Dolores) and endangers Jack's existence (by turning himself in), Jack may decide to do away with Judah. This moment, which would have exhibited the immediate self-cancellation of Judah's position, is not developed beyond this one brief segment; nonetheless, the self-cancellation of Judah's position is exhibited in more subtle ways. Though we identify with Judah from a narrative perspective, we do not identify from the perspective of his values. The film distances us from him.

We see in Judah an inversion of tragedy. Common in tragedy is the act of noble self-sacrifice, the willingness to do the good even if one must suffer for it, indeed, the readiness to pledge one's life for one's position. Beyond this inversion of tragedy, we recognize a reversal of religious tradition. Part of the ritual of the Passover seder is for each individual to imagine that he or she has been liberated from bondage in Egypt. Participants are commanded to internalize and personalize the entire liberation experience. Judah doesn't liberate himself as the seder tradition requires; instead, he frees himself of Jewish values. The irony of this reversal is underscored by the fact, highlighted by Lee (256-257), that Judah is the namesake of Judah Maccabee, the self-sacrificing leader of the battle (waged against the Greek king Antiochus IV in the 2nd century B.C.E.) that formed the historical basis for Hanukkah, the Jewish festival that instructs Jews to reject the temptations of secular society and embrace traditional values. Judah's abandonment of tragic self-sacrifice is intertwined with his rejection of religious values.

Judah's elliptical confession to Cliff, however, represents a need for intersubjectivity and absolution, even if it is not fully realized.⁶ Judah's affirmation of the "fictive" murderer's actions seems forced, a pseudo-triumph. The act of confession suggests that Judah is in truth barely coping with his crime. His pains of conscience will likely return, and his future bliss is unveiled as mere emptiness and vanity. A pragmatic contradiction surfaces when he implies to Cliff that he has gotten over his guilt, that it is all behind him, that "his life is completely back to normal."

Other evidence supports this reading. When last we see Judah before the wedding, he is a total wreck and he speaks in tortured ways of his belief in God; no evidence of a mediating transition is given. Though Judah tries to be happy at the party, he leaves the festivities. As he tells his story, he grimaces, reliving the pain of his guilt; the effect of his facial expressions is accentuated by an exceedingly long close-up. Cliff's earlier bon mot encourages us to look at a speaker's expressions: "Don't listen to what your schoolteachers tell you," he suggests to his niece, "just see what they look like, and that's how you'll know what life is really going to be about." Judah's final references to rationalization and denial exhibit how forced and strained his triumph is. Judah is still fighting within himself.

When he returns to his wife, he tries to will a happiness that seemingly eludes him. Is this genuine happiness or the modern compulsion to insist on our being happy – even when life is most hollow and superficial? We are reminded of Mrs. Smith in Hitchcock's *Mr. and Mrs. Smith*, a film quoted in *Crimes and Misdemeanors*, who insists that she is happy at a moment of utter dejection (during her ride on the ferris wheel). Happiness is a complex concept both psychologically and philosophically. Often those who most

insist on their happiness are the least content. Moreover, is happiness more a pragmatic concept (getting what we want) or an objective concept (uncovering the deepest layers of the self, its profundity, its hidden resources, its goodness)? To take an extreme example, does Jack appear happy? If not, is Judah, who has denied the moral dimension of his self, genuinely happy either? Has his good fortune deceived him into thinking that he is happy? And is the superficial Lester, who reacts with rage when Cliff unveils the deficient aspects of his self, genuinely happy?

Judah's original religious belief is an obsession with the eyes of God, with what can be and is seen. Freeing himself from the view that God can see all, Judah moves on to a preoccupation with appearances. He is willing to betray his wife, but not to be caught. Likewise, his financial improprieties must not be uncovered. Judah is obsessed with his good home, his financial security, the appearance of philanthropy. Dolores upsets him most strongly whenever she threatens to unveil the truth. Her death is partly the consequence of Judah's treating her as an object and a means, partly the consequence of his obsession with appearances. Even as Judah abandons the essence of his father's moral code, he remains within his child-like reception of it: he still dwells on appearances.

Judah's preoccupation with appearances illustrates a contradiction in his values. As in many other literary works, the unjust individual unwittingly reveals the superiority of justice by always acting in such a way as to want to appear just and to demand justice from others. Judah asks the rabbi in his imaginary conversation: "What good is the law if it prevents me from receiving justice? Is what she is doing to me just?" Moreover, the individual who frees himself from religious values – because they are oppressive – ends up being tormented by his confused morality, including its duplicity. The film unravels the underside of Judah's appearances, just as Cliff's biting commentary reveals what lies behind the facade of Lester's success. In forgetting Dolores, Judah wills to forget his religious past, and this leaves him isolated – not only from other persons, but also from tradition. He has broken a temporal chain; the philosopher, in contrast, emphasizes continuity with the past and the future.

Crimes and Misdemeanors not only undermines the simple theodicy, it persists in asking the most demanding questions: Why doesn't virtue necessarily lead to happiness? Why don't categorical and hypothetical imperatives coincide? The film's answer – from the perspective of this reading – is that good people (for example, Cliff, the rabbi, and the philosopher) do sometimes suffer (such that the theodicy is not resolved), but that bad people (for example, Judah) necessarily suffer (such that the theodicy is at least half answered). The more complex moral reading of the theodicy is not that God punishes the wicked but that God withdraws from them. This is Cliff's point when he states that Judah is left with a void, his worst beliefs realized. Like his etymological namesake Judas and unlike his brother Jack, Judah is an intellectual, thus a character spiritually troubled by his betrayal. Simple suffering appears miniscule in relation to the suffering we experience from an empty universe, from the absence of truth and a moral order. A rich message found in works from Plato to Boethius and Shakespeare is that the worst suffering is *not* to be punished. Boethius, for example, writes:

The wicked are less happy if they achieve their desires than if they are unable to do what they want. For, if desiring something wicked brings misery, greater misery is brought by having had the power to do it, without which the unhappy desire would go unfulfilled. So, since each stage has its own degree of misery, if you see people with the desire to do something wicked, the power to do it and the achievement, they must necessarily suffer a triple degree of misfortune...When the wicked receive punishment they receive something good, the punishment itself, which is good, because of its justice...The logical conclusion of this is that they are burdened with heavier punishment precisely when they are believed to escape it. (IV.4)

Consider also Hegel's argument that justice is the right of the criminal or recall the despair of Kierkegaard's father that after he cursed God in his youth, God punished him by giving him prosperity and then withdrawing from him. The resulting guilt was more wrenching than abject poverty. The words of Shakespeare's Posthumus sum it up best:

I'll write against them,
 Detest them, curse them. Yet 'tis greater skill
 In a true hate to pray they have their will;
 The very devils cannot plague them better. (*Cymbeline*, 2.5.32-35)

The idea that God's presence or absence depends on human action is prominent in enlightenment and post-enlightenment eras. Lessing's parable of the ring(s) in his famous drama *Nathan the Wise* insists that our possession of the true ring (or religion) is determined by the moral behavior associated with the bearer of the ring or the particular believer. A similar idea is expressed as the central concept of Goethe's poem "The Divine," when Goethe writes that ethical human actions teach us to believe in gods, that human justice should act as a model for otherworldly beliefs. Where pre-enlightenment proofs for God's existence were dominated by logic (the cosmological, teleological, and ontological proofs), Kant, the contemporary of Lessing and Goethe, offers a moral proof for God's existence. Allen's concept of God is related to this moral reading of God as well as to the idea that the departure of God is the result of human, not divine, action.

The film embraces not the naive belief that "God is always with us," nor the emotional assertion that "God is dead," but the more subtle suggestion that God has withdrawn from us. We are living in a less than sacred world, but the possibility of moral and religious regeneration remains. As Hölderlin suggests in "Bread and Wine," the gods have withdrawn because we are ourselves not equal to their demands. This theme of the godless age has frequently been reasserted in this century, as Heidegger's readings of Hölderlin attest and as is evident from Max Scheler's polemics against a "divine justice of reward and punishment." Echoing Spinoza, Scheler writes, "the 'good' person directly participates in the nature of God, in the sense of *velle in deo* or *amare in deo*, and he is 'blissful' *in* this participation." Any divine "reward" would replace this intrinsic and deep pleasure with something superficial. God does not directly reward or punish our actions, yet, according to Scheler, God can "abandon a person" by not forgiving that person (368-69). Allen can be associated with these thinkers in his claim that the punishment of God is not revenge but withdrawal.

Consider the dominance of pale and cool colors in the scene of Judah's departure. Most prominently, Judah's wife, wearing a blue outfit, greets and envelops him before a stale and empty space. The cool colors could imply that Judah is triumphant; he has overcome the burning of hell, the damnation of the wicked prophesied by his father. Yet the blank space and cool colors may reveal a worse punishment, the absence of God and thus the emptiness and coldness of the modern world. We recall that Judah himself describes his story as "chilling." In Thomas Mann's *Doctor Faustus* hell is likewise described as cold; it is the specifically modern hell.

Because artists sometimes create artworks whose complexity and meaning transcend their conscious intentions, it is in principle legitimate to interpret a film differently than its director. Several other critics writing since the initial publication of this essay have opted for a moral reading of the film. Mary Nichols concurs that Judah suffers internally: "His is a deeper unhappiness than suffering from the just punishment of the law" (158). She alludes thereby to a reading of the theodicy that recognizes in unjust suffering an opportunity for the cultivation of human excellence and virtue: "If the unjust and wicked were always punished, and the just and good always rewarded, moral integrity would be indistinguishable from the basest of calculations" (161). Disagreeing with Lee, she argues for not "a subjective will to morality," but "a moral foundation" (160). Nichols and I differ most prominently on the question of whether Allen's film provides us with that foundation or whether it simply negates various false positions.⁷ Finally, elsewhere in this volume, Vittorio Hösle writes insightfully: "The question has often been discussed whether the final scene of the movie where Judah speaks with Cliff in terms which seem to suggest that he overcame any feelings of anxiety is nihilistic. It hardly is; for, as Danny [Rose] would say, the lack of the feeling of guilt may be worse than the feeling of guilt, not only for society, but for the individual himself, who loses with the capacity to suffer any relation to the moral dimension of life" (45).⁸

No genuine reconciliation occurs before the scene of Judah's departure (Judah is not rehabilitated, and his marriage is so fragile as to be unable to confront negativity). Just as Judah silences Dolores by burning her letter and having her killed, he silences Miriam – if in a less drastic way – by never giving her the possibility of showing understanding. A clever symbol of Judah's lack of progress is the treadmill, a gift from his wife. While Cliff enjoys viewing Hitchcock's *Mr. and Mrs. Smith*, a substantial "comedy of remarriage" (Cavell), the film in which Cliff is a player offers a mock comedy of remarriage. Moreover, the film ends not with Judah's departure but with clips from earlier in the film. The final two images are of Cliff and his niece followed by the rabbi and his daughter; the final words are the philosopher's hope for future generations. The last image we see from Judah's story, offered shortly before these concluding images, is of Dolores just before her murder. Does this suggest, symbolically, that Judah still relives the crime and suffers guilt? In this reading the void Judah encounters in viewing Dolores is the emptiness of his new reality and apparent success. Judah substitutes this void for the content of ethics, rights, duties, and laws. He longs for a spark of Dolores's soul – the spark Ben says is in every person – but it has vanished of Judah's own doing, and its disappearance – along with that of God – continues to torment him.⁹

In this reading the terms “crimes” and “misdemeanors” refer not only to the alternation between serious and substantial issues with their resulting tragic consequences (Judah’s error, murder, and guilt) and comic foibles of little harm or consequence (the shallow exploits, superficial longings, and greed of Lester), but also to the escalation that takes place from misdemeanors to crimes. If in the nihilistic reading “crimes” are reduced to “misdemeanors,” that is, in Judah’s consciousness murder becomes a misdemeanor, something he can forget and overcome, here we can argue that misdemeanors engender crimes: “one sin leads to a deeper sin.”¹⁰ The idea that a small indiscretion carries with it the seeds of more serious destruction is represented in the fact that Dolores’s apartment is located above a shop named “Jack’s.” From the beginning Jack (the brutally evil brother (or side) of Judah) has been invading Dolores’s world.

Though Judah stands as an isolated individual, he symbolizes a more overarching sense of decay. He has internalized much of modernity, its consumerist greed, its external standards of success, and its moral bankruptcy. The outside shots are all taken in late fall and winter. The dominant colors throughout the film are pale: off-white, tan, yellow, beige, brown, olive green, gray. References are made to an array of social and other problems – from crack-addiction and insider-trading to toxic waste. Judah’s and Lester’s wealth and social status are effectively contrasted with that of Dolores, Cliff, and his sister.¹¹ The devolution of morality and social justice portrayed in the film has been viewed by Pauline Kael as symptomatic of the “Reagan eighties” (76), but the film suggests that the disintegration of values transcends political orientation: Lester considers himself a liberal intellectual. The decay of relations and the coldness of society are also illustrated by the seemingly excessive number of references (at least a dozen) to phone calls, phone messages, etc. Relations are mediated and distant; human warmth appears to have vanished.

Significant in this context is the film’s thematization of loneliness and sexuality. The lack of sexual activity in Cliff’s marriage represents, on the one hand, the simple emptiness of many marriages in the contemporary world, yet the reference to Hitler’s birthday may imply more ominous consequences for a world without love or its sensual analogues. The most striking image is of Cliff’s sister and her blind date. Without God we search about for relationships in the cruelest and most perverse of worlds. Most significant is Judah’s affair with Dolores. His marital relationship has become boring, so he turns to Dolores. In a world dominated by strategic rationality (both in the workplace and the marriage, where negotiation and compromise are necessary), one seeks communicative rationality outside of marriage only to find there more strategy (Will we be caught? How can we negotiate time? etc). The relationship with Dolores reveals a legitimate need for communicative rationality, but it is not the answer, as it, too, becomes strategic, and, more importantly, it violates the presuppositions of genuine communicative rationality. Finally, the acquisitive structure of Judah’s character suggests that he will never be satisfied – neither in love nor in wealth. Not self-sufficient, he must depend on fortune, which can never guarantee happiness and will never suffice.

Allen’s film undermines every position – the naive, the nihilistic, and the nearly synthetic – but in a differentiated way. Though everyone is ironized, not everyone is ironized

equally. In the third and most comprehensive reading, *Crimes and Misdemeanors* remains moral. Nevertheless, I would criticize the film – despite its complexity, its vitality of spirit and comic wit, its substance and self-reflexivity – for succeeding more at negating what is untenable than at enriching the positive paradigm.¹² The fact that Allen ironizes the advocates of a substantive and third position, along with their attempts to transcend both naiveté and negativity, might be read as an unwitting endorsement of stagnant nihilism. By undermining a naive ethos and replacing it with power positivism and no strong synthetic morality, Allen only increases the moral decay and dissolution he wants to criticize. Movement back and forth between naiveté and negativity or between these poles and an ironized third position is not as much of a movement forward as may be necessary in an age of crisis.

The film's supernatural moments illustrate the work's moral ambiguities. First, Judah's conversation with the rabbi as Judah contemplates murder: Does the rabbi's presence bespeak a genuine power or force that cannot be suppressed, or is it the subconscious baggage of Judah's religious education reduced to an ineffectual ghost? Second, the phone that rings the night of Dolores's murder: Is it genuinely (or symbolically) God calling or Dolores, who must remain silent (we remember that she once called Judah at home and hung up without saying a word), or is it, as Jack might suggest, mere coincidence? Finally, the Seder discussion Judah envisages at his childhood home: Is Judah for good reason unable to abandon his heritage and the force of its arguments, or is he simply recollecting his aunt's perspective and thus slowly freeing himself from the unwanted torments of religion?

The film, like Judah, appears morally confused and troubled: this is formally conveyed by the back and forth movement between the two stories. The moral confusion has resulted in the most common reception of the film as simply nihilistic. John Simon succinctly sums up the movie's meaning for such critics: "there is no justice, no rhyme or reason in the universe, no God" (47). Even one of the few early readings that discusses the film as moral, that of Peter Minowitz, reminds us that it only hints in this direction. Extra-cinematic developments shortly after the release of the film reinforce our sense that Allen's wisdom is extremely fragile. Because the ideals sketched in his films are ungrounded and often ironized, they are not easily transferable to life.

The goodness of individual characters remains either an ungrounded choice, that is, an act of faith, or grist for Allen's irony. Thus no firm argument is presented as to why Judah's position is untenable. Even if we side with the underdogs, above all, Cliff and the rabbi, we are not sure *why* their position is preferable or how it might stem increasing power positivism. To answer the questions "What is the good?" and "Why do the good?" with gestures toward tradition, intuition, or a leap of faith is to fall back into the naive – and indefensible – paradigm of Judah's father. However dignified such a morality might be, it is intellectually insufficient and pragmatically weak. The argument that we must act *as if* God were watching us – as Kael interprets *Crimes and Misdemeanors* (77) – begs the question and can easily be reduced to either an ironization of the father's genuine faith (a choice of God over truth) or Judah's construction of a different kind of fiction to circumvent overt cynicism. The view that our moral principles are created and con-

structed, as Lee suggests in his existentialist reading of the film, renders these principles less than binding.

The ethical consequences of Judah's power positivistic position are more than private. The film alludes to ethics within the context of the Holocaust. At the dinner table Judah's aunt speaks of Hitler. Her argument is that truth and justice are determined by power. Concerning the Nazis, she states, "might makes right – that is, until the Americans marched in and stopped them."¹³ But the aunt conflates *is* and *ought*. Her tone makes it clear that something was objectively wrong with Hitler, yet she cannot make this judgment, given her elevation of power. The aunt's suggestion that Hitler should have been punished contradicts her argument that only power exists and that norms and moral arguments are irrelevant. Despite her intellectualism, she still works within the paradigm of a naive theodicy: only those who are punished are unjust; if we are not punished, we are not unjust:

And I say, if he [Judah] can do it and get away with it, and he chooses not to be bothered by the ethics, then he's home free. Remember, history is written by the winners, and if the Nazis had won, future generations would understand the story of World War II quite differently.

Adding to the context of the Holocaust, the jump cut from Dolores's death to the fire has symbolic resonance, and the fact that the philosopher is a Holocaust survivor also reinforces the broader framework. The film invites overarching ethical questions, and Judah, like his father and aunt, cannot answer them with any satisfaction. The film's ambiguities and unsteadiness are in tension with its call for clear philosophical answers to pressing ethical issues.

Seven "acts" of the film are devoted to Judah (and Dolores); the other alternating seven focus on Cliff (and Lester). The final act brings the two strands together. I have suggested that in these diverse strands we identify with Judah and Cliff. A central interpretive question becomes, with whom do we identify in the final act? From a narrative perspective we must identify with Judah: we know what Judah knows, which is more than what Cliff knows. We have been privy to Judah's actions and – thanks to the night-time conversation with Ben, in which Judah debates his moral options, and the Seder discussion, in which he reflects on the limits of traditional morality – his innermost thoughts. On the other hand, if we view Judah's summary account of his murder as a microcosm of the film and Cliff as its objective evaluator, the reader is to identify with Cliff – and so condemn Judah's actions. Earlier we identified with Cliff in his role as spectator (indeed our first shot of Cliff is when he is watching a movie in the theater). We identify with Cliff even further insofar as Cliff is also Woody Allen. This identification, however, is ambiguous, for we know that the Woody Allen persona – here and elsewhere – is self-undermining, self-erasing. This is further reinforced by the fact that Cliff's imagined heroic ending is *not* the ending of Allen's film. While we may emotionally identify with Cliff (rare is the viewer who would explicitly say, "Yes, let's get away with all we can"), there is no intellectual reason – internal to the film – not to identify with Judah. No religious, philosophical, or aesthetic position is left intact.

Allen's film contains a series of self-reflective moments: the Hollywood films of which we see segments; Lester's dictation of potential plots; Cliff's films on the philosopher and Lester; the supernatural moments, which function almost as films within the film; the self-conscious appeal to a possible tragedy; the theoretical discussions of movies vis-à-vis reality; and references to Allen's earlier work – for example, the amusingly self-reflexive and critical reference to *Another Woman* (Judah comments to Ben: "I've done a foolish thing, senseless, vain, dumb – another woman."). In this rich self-reflection Allen exhibits his awareness of the possibility of making art that is better or truer than life, but he prefers (as he did in *The Purple Rose of Cairo*) to abandon any art that is above life. We consistently hear, in a self-reflective voice, that heroism and reconciliation are confined to Hollywood films, the implicit suggestion being that such films fail to account for the weaknesses and harshness of reality. Thus, the art of *Crimes and Misdemeanors* becomes a mimetic, rather than an idealizing, art.

Employing a metaphor, we could say that Allen opts more for the sight of the ophthalmologist Judah (who sees superficial reality clearly) than the inner vision of the rabbi (who offers an ideal to counter reality or, one might say, endorses a higher reality).¹⁴ This is not to suggest that the film fails to negate what is untenable. Just as Cliff satirizes Lester, so Allen subtly exhibits the self-cancellation of Judah's position. But a negation of negativity is not yet an articulation of valid norms. For Allen the choice is God or truth (the tragedy of collision I spoke of earlier). The idea that God and truth might be one and that they might be portrayed in an idealizing art that is nonetheless aware of the schism between the real and the ideal is not an option. The eyes of the camera that replace the eyes of God are more Judah's than they are Ben's: we think, for example, of the sweep of the camera from Judah's eyes to Dolores's body. If the film exhibits for us the three spheres of Hegel's Absolute Spirit, it also undermines them: religion is blind, and the philosopher commits suicide, leaving us with art, but art, too, is insufficient: Lester is superficial, and Cliff lacks funds and prestige.

In each of the film's male characters we see a moment of Woody Allen. Allen is the seeker after meaning, religious wisdom, and a moral universe (Ben); the nebbish, trying to influence the world through his art, but unsure of his path (Cliff); the successful and admired filmmaker (Lester); the philosophical thinker who articulates the need for love in a cold and barren world (the philosopher); and the guilt-ridden and troubled thinker obsessed with his Jewish tradition (Judah). Ben – as the figure who provides the resolution between the two tales – and Cliff – as the character played by the film's writer and director – are symbolically the most significant. But the lack of any organic unity among the characters, any synthesis of their individual strengths, suggests a world of disintegration and harshness, a world in which the newly resolute Judah and the clever, manipulative Lester seemingly triumph. We see the reality of fragmentation rather than the idealism of a norm, but the lack of an ideal answer is not necessarily the fault of the film's director. Few contemporary thinkers are willing to recognize any grounds for morality other than the non-grounds of probabilism and decisionism. Allen's film can be criticized only at the point where contemporary American society has also come to a standstill.

Notes

1. This article was originally published in the *Journal of Value Inquiry* 29 (1995): 547-63. Permission for it to appear here, with revisions, has graciously been granted by the *Journal of Value Inquiry* and Kluwer Academic Publishers. Since its publication a number of interesting works on Allen have appeared. Although their claims did not lead me to make any significant adjustments in my overarching argument, I have made minor changes in the text, partly integrating material deleted because of space limitations from the original essay and partly drawing attention to the more interesting recent criticism. My interpretation of the film has benefitted from conversations with Barbara Roche as well as with Leslie Adelson, Vittorio Hösle, and Linda Rugg.
2. Sustained critiques of Cliff are available in Brode 274-276 and Girgus 124-125.
3. Read in this light, Allen's film bears similarities to a blatantly sexist film that it would otherwise seem to mock, *Fatal Attractions*.
4. In this reading the film echoes Allen's various mock genre-films, for example, *What's Up, Tiger Lily?*, *Take the Money and Run*, and *Zelig*, as well as *Stardust Memories*, which is especially adept at mocking audience expectations.
5. Jack also speaks of confession, but for him the motivation is purely strategic; thus, he delimits its possibility when it conflicts with his own interests: "The time to confess was to Miriam about your mistress – not about this [i.e., murder]."
6. Judah almost confesses also after receiving Jack's call; he announces ambiguously: "I think I've done a terrible thing."
7. Nichols also deepens our understanding of the role of time and death in the film (155-157) and offers a helpful discussion of the allusion to *Singin' in the Rain* (162-163).
8. Hösle's essay offers a splendid theory of the comic that needs to be read alongside classic accounts such as Bergson's, to which Hösle provides an important corrective, and he gives a broad overview of Allen's comic strategies, including a fascinating comparison and contrast with Aristophanes.
9. Although Lester's comment that "comedy is tragedy plus time" would seem to support Judah's self-overcoming, Judah's reconciliation remains superficial and hollow. We recall in this context the ways in which the film ironizes Lester's line: the application of the concept to Oedipus is grotesque, and Lester's general views on the genre are eventually mouthed by a mule!
10. Supporting a nihilistic reading of the title is the developed tradition of misleading and ironic titles in comedy: from the nihilistic perspective the real title becomes "Crimes or Misdemeanors." Supporting the moral reading is of course the literal title, which is not disjunctive and insists on "crimes." For some interesting reflections on the escalation from misdemeanors to crimes, see Lee, esp. 260 and 284.
11. Lester and Judah mirror one another not only in their dishonesty and success but also in the symbolic fact that they travel to Europe at the same critical time in the film. Their similarity is further underscored when Judah begins his "murder story" to Cliff with the words: "Let's say there's this man who's very successful, he has everything ..." and the camera cuts to the pompous Lester.
12. My criticism of the film functions at a very high level and does not contradict a widely held view that *Crimes and Misdemeanors* is Allen's best film to date (e.g., Spignesi 215 and Lee 255).
13. Aunt May's "might makes right" rhetoric is not only anti-religious in a generic sense. Downing ("Blindness and Insight," 81-82) draws our attention to the fact that it represents a specific inversion of *Jeremiah* 23:10: "might is not right." The allusion is particularly significant for the film, as the aphorism follows a series of oracles against the people of Judah, exhorting them not to "steal, murder, commit adultery" (7:8), the very crimes Judah commits, and it invokes the rhetoric of sight, criticizing those "who have eyes, but see not" (5:21).
14. The point is substantiated in Allen's own comments on Ben's religious faith being a wonderful gift but one that implies that he cannot grasp reality: "I feel that his faith is blind, it will work, but it requires closing your eyes to reality" (Allen, 225).

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