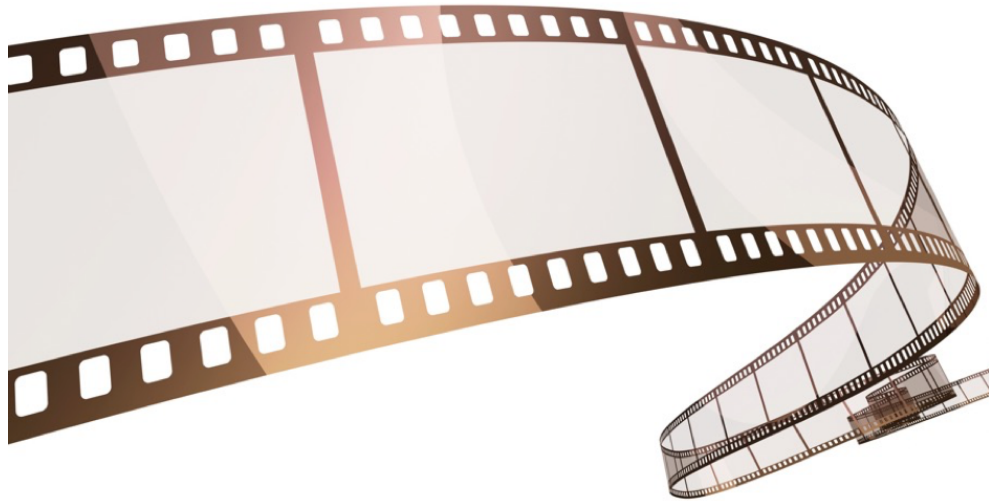


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Getting Away with Murder? *Crimes and Misdemeanors* and Alternative Conceptions of Justice

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Abstract: As with most great works of art, great films are typically amenable to multiple interpretations, and there need be no determinate answer to which interpretation is ‘right’ or even the ‘best’. Yet some interpretations can render a work more compelling – perhaps more morally or religiously deep – than others. And that might be one reason for preferring the interpretation in question. This article focuses on Woody Allen’s *Crimes and Misdemeanors*, which has often been construed as an attempt to illustrate the thesis that crime sometimes pays (or, at any rate, that it is not the case that crime necessarily does *not* pay). I call this the *un-just reading* of the film and contrast it with the *just reading*. I argue, however, that

both these readings presuppose a consequentialist conception of justice that is not the only conception available. Reinterpreted from a perspective of *intrinsic justice*, the film gains a depth that is unavailable in the light of the other interpretations.

Assumptions about ethical and religious matters can sometimes lead us to interpret a work of art in unduly narrow terms, obscuring from view other possible interpretations. Rather than allowing the work to challenge our assumptions and broaden our ethical and religious horizons, we let our assumptions guide our reading – or viewing – of the work. Among the films that have suffered this fate is Woody Allen’s masterful tragicomedy *Crimes and Misdemeanors* (1989). Many viewers have seen in this film the expression of the thesis that crime sometimes pays – or, at any rate, an expression of a counterexample to the thesis that crime necessarily does not pay.¹ They view it in these terms because they see one of its principal characters, Judah Rosenthal (played by Martin Landau), appearing to overcome any ill consequences of having paid his brother to hire a hitman to murder his troublesome mistress.² In short, such viewers treat the film as illustrating the contention that, in at least some cases, it is possible to ‘get away with murder.’³ I call this the *unjust reading* of the film because it assumes the film to be portraying the absence of justice in the world. Meanwhile, other viewers – albeit a minority – speculate that Judah has not, ultimately, got away with murder, for they consider there to be reasons to suppose that, even if he has escaped legal sanction, the psychological anxieties and pangs of remorse that afflicted him immediately after the killing are liable to return. I call this the *just reading* of the film.

What both these readings of Judah’s predicament at the end of the film share is an assumption about what justice consists in – an assumption that we might term *consequentialist* in nature. They assume, that is, that justice consists in certain consequences or repercussions for the perpetrator of an action. So, if someone were to perform a benevolent action, justice would consist in the agent’s enjoying some reward. It could be a material reward, such as a financial gift or a promotion, or a psychological reward, such as a deepened sense of well-being or satisfaction; if no such reward were forthcoming, then a disturbance in the balance of justice would have occurred. Similarly, according to this assumption, the performance of a vicious action ought, in a just world, to be followed by the suffering of some retributive consequence on the part of the perpetrator. Again, this could be material retribution, such as incarceration or a financial punishment, or, at the very least, some psychological or emotional anguish resulting from the awareness of having acted wrongly.



Figure 1: Judah Rosenthal (Martin Landau) with his wife Miriam (Claire Bloom), daughter Sharon (Stephanie Roth, front left) and Sharon’s fiancé, Chris (Gregg Edelman, front right). All stills are from the DVD of *Crimes and Misdemeanors* (Allen 2004 [1989]).

Without simply rejecting the just or unjust readings of the film, this article promotes a style of non-theoretical philosophising that actively seeks alternative possible interpretations. By looking to see what assumptions underlie existing interpretations and considering whether those assumptions are necessary or inevitable, it is often possible to disclose interpretive options that are otherwise likely to be missed. Once disclosed, such alternative interpretations may disrupt and challenge our ingrained presuppositions rather than simply mirroring and reinforcing them. In this particular case, one alternative line of interpretation derives from a non-consequentialist conception of justice, which I designate the *intrinsic justice* view. By taking this view seriously, it becomes possible to see *Crimes and Misdemeanors* in a different ethical and religious light – a light that could plausibly be regarded as giving it a deeper significance than other interpretations afford. In turn, the film may enable us to sharpen our understanding of the sense that the intrinsic justice view makes *as* a conception of justice. To this end, I shall discuss each of the interpretive perspectives in turn, after having offered a concise summary of the film’s plot.

I. SUMMARY OF THE PLOT

For reasons of space, my summary of the plot of *Crimes and Misdemeanors* will be limited to aspects of the film that constitute the necessary background to the interpretive disputes I proceed to discuss. The central character, Judah Rosenthal, is a wealthy and successful ophthalmologist; he is married to Miriam and has a teenage daughter, Sharon. Early on, we learn that Judah

has been having an affair for two years with an air stewardess named Dolores Paley, who now wants to bring the affair out into the open. Judah would prefer to end the affair and keep his marriage, but Dolores insists that she wants to confront Miriam with the truth; she threatens to make public certain of Judah's financial indiscretions if he refuses to go along with her plan.

Judah confides in two people about his predicament: first, a rabbi named Ben, who has a progressive eye disease and is a patient of Judah's; and second, Judah's brother, Jack, who has connections with the criminal underworld. Ben recommends that Judah confess to Miriam and ask for her forgiveness in the hope that their marriage can get off to a fresh start and perhaps achieve a deeper level. Jack, by contrast, suggests that if Judah can supply the cash, he can have Dolores 'gotten rid of'. Following much anxious reflection, Judah eventually phones Jack and asks him to 'move ahead with what we discussed'.⁴

After being informed by Jack that 'it's over and done with', Judah shows signs of guilt and remorse and considers confessing to the authorities. Jack tells him he is 'not gonna let that happen', which Judah understands to be an implicit threat. Judah continues to play along with the deception.



Figure 2: Judah with Dolores Paley (Anjelica Huston).

Several months pass by; the final scene of the film (before the epilogue) depicts the wedding of Ben's daughter, at which Judah and Miriam are among the guests. By this time, Ben is completely blind; we learn that his brother Lester has paid for the wedding, probably because Ben is no longer able to work. At the wedding reception, Judah wanders into a darkened side room, where he comes across Ben's brother-in-law, Clifford Stern (played by Woody Allen), who has been one of the main characters in the film's comic subplot. Clifford ('Cliff') is a small-time documentary filmmaker and Judah takes the opportunity to obliquely tell him his own story as though it were a movie plot. Speaking in the third person, Judah remarks that the murderer has

managed to rationalise his previous actions and overcome his guilt: ‘maybe once in a while he has a bad moment’, he says, ‘but it passes, and with time it all fades’. Cliff protests that a genuinely tragic ending would require that the murderer turns himself in, thereby accepting responsibility for his actions ‘in the absence of a God or something’. But Judah responds that such endings happen only in the movies, whereas he is ‘talking about reality’. This scene ends with Judah exiting with his adoring wife through an archway reminiscent of the *chupah* or Judaic wedding canopy – ‘this film’s most potent symbol of happy endings’.⁵

The film’s epilogue comprises a montage of moments from earlier scenes plus a prolonged shot of Ben dancing with his newly married daughter to the tune of the song ‘I’ll Be Seeing You’ (composed by Sammy Fain). Accompanying all of this is a voiceover spoken by Louis Levy (Martin Bergmann), a philosophy professor about whom Cliff had been making a documentary until Levy unexpectedly committed suicide. More will be said about this voiceover in Section V below.

How one interprets *Crimes and Misdemeanors*’ moral message depends on how one responds to many aspects of the film, but central among the questions confronting the viewer are the following. First, is there a sense in which Judah really has ‘got away with’ his crimes? Second, does Ben’s physical blindness bear any symbolic relation to the ethical and religious viewpoint he embodies? And third, to what extent does Professor Levy’s suicide undermine the ostensibly hopeful philosophical perspective that he had offered earlier in the film and which informs his final – post-mortem – voiceover? I shall now consider three variant readings of the film, each of which encompasses these issues.

II. THE ‘UNJUST’ READING

The first interpretation of *Crimes and Misdemeanors* to be considered here is also the most common. I call it the *unjust reading* because it understands the film’s message to be, in brief, that life is unjust: virtuous people, such as Ben, often suffer, and people who commit evil, such as Judah, often prosper as a consequence of their misdeeds. This interpretation is frequently allied with the view that the film is fundamentally pessimistic about both human nature and the possibility of ethical or philosophical knowledge, taking Professor Levy’s suicide as evidence that, as one character in the film puts it, ‘No matter how elaborate a philosophical system you work out, in the end it’s gotta be incomplete’.⁶

This interpretation prevailed in early reviews of the film, with several critics expressing it in morally indignant terms. An extreme exemplar is Leon Wieseltier, who declared it to be ‘a matter of honor to hate this film’, since it contains not a single frame ‘that fails to degrade, to debase and to demean something precious’; ultimately, the film ‘is a stain upon the culture that pro-



Figure 3: Judah (right) with his brother Jack (Jerry Orbach).

duced it'.⁷ Although Wieseltier abjures reasoned deliberation in favour of ad hominem condemnation, he is not alone in regarding Allen's film as immoral and anti-religious. Mary Erler, for instance, discerns the film's overriding message to be that 'moral judgements are clearly irrelevant', and Norman Denzin writes that, according to the film, 'those who commit the big crimes are rewarded and unpunished . . . There is no justice, no distinction between the wicked and the righteous'.⁸

With regard to Judah's situation at the end of the film, proponents of the unjust reading emphasise that he has evaded prosecution and largely overcome his earlier moral qualms. As Denzin puts it in his plot summary, Judah 'murders his mistress . . . gets away with it, suffers a small amount of guilt . . . and in the end finds pleasure and love with his wife'.⁹ This reading of Judah's psychological condition is supported by a remark by Allen himself in which he claims 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'.¹⁰

Ben's deteriorating eyesight is assumed by some critics to be a hackneyed metaphor for the inadequacy of his moral vision and the redundancy of the religious belief, alluded to during the film, that God's eyes are upon us. Erler, for one, reports being dismayed by the moment in the film's opening scene when, in a speech at an honorary dinner, Judah recalls how his father had warned 'that God's eyes see everything', to which Judah adds that this may lie behind his own decision to become an ophthalmologist. 'Our hearts sink', Erler opines, 'as we see that the movie intends to link the largest of moral questions – Is there a God? Is there a moral order? Is right action in the world rewarded and evil punished? – with the exhausted metaphor of vision as moral understanding'.¹¹



Figure 4: Judah Rosenthal and Clifford Stern (Woody Allen).

As for Professor Levy, an apparently decent man who survived the Holocaust: the unjust reading treats his moral and intellectual authority as being undercut by his downfall, which is a very literal one. After all the lofty pretensions exhibited in the interviews filmed by Clifford, we are informed that, before jumping to his death, Levy left a note saying simply ‘I’ve gone out the window’. One commentator suggests that, aside from its black comedic impact, one of the things this note calls to mind is ‘the general fate of God and morality in *Crimes and Misdemeanors*’.¹² The film, it is supposed, portrays a world in which both of these traditional aspects of human life have been jettisoned and replaced by egoism and pretence.

III. THE ‘JUST’ READING

Is it, then, obviously the case that, as the unjust reading has it, *Crimes and Misdemeanors* endorses the view that, owing to the absence of any cosmic mechanism or overseer of justice, crime and immorality (at least sometimes) pay? While no commentators that I know of have bluntly denied that this is a possible way of understanding the film, many have argued that the film is amenable to a more complex, perhaps ambiguous, interpretation; some have defended what I will call a *just* reading, according to which the film subtly gestures towards a degree of natural justice in the world.

From the perspective of the just reading, there are indications that Judah has not evaded punishment altogether, since it appears that he remains haunted by the crime he has committed, and there are good reasons for suspecting that his familial and other personal relationships will be detrimentally affected by these psychological perturbations. As Sander Lee argues, against Allen himself, ‘it is clear that Judah is lying, especially to himself, when he

claims to have overcome his guilt. . . . Given what we have seen of his character, it is more likely that his high spirits at the film's end are temporary and that, in the long run, he will secretly torment himself for the rest of his life'.¹³

Proponents of this view also question the assumption that the film draws a straightforward parallel between defective eyesight and a flawed moral vision. Indeed, several commentators have turned this contention on its head, claiming that the film is in fact '[a]lluding to an old tradition', according to which 'blindness [is] symbolic of inner sight'.¹⁴ 'As Judah's self-deception becomes greater', Edward Quattrocchi observes, 'Ben conversely grows in wisdom and compassion, as his glasses become more opaque and his eyesight deteriorates.'¹⁵ On this view, there remains a sense in which Ben suffers physical impairment, but the symbolic significance of that impairment is radically transformed.

Professor Levy's suicide is harder to put a positive gloss on. Indeed, it is hard to resist the suggestion of some critics that Levy's failure to live out the promise of his optimistic philosophy reveals the impotence of that philosophy itself. But an advocate of the just reading might simply admit that Levy was a basically honourable man who ultimately succumbed to depression, while denying that this invalidates the aim of promoting goodness and justice in the world.

IV. THE NOTION OF 'INTRINSIC JUSTICE'

Both of the interpretations of *Crimes and Misdemeanors* that we have examined so far, though diverging from each other in important respects, share a common conception of what being punished for a crime consists in – a conception that is especially pertinent to how Judah's situation is assessed. We might reasonably call this a *consequentialist* conception, since it fixates on the consequences of an action for the responsible agent. According to this conception of punishment or justice, Judah will be punished for his crimes only if he suffers some effect that is detrimental to his well-being, where 'well-being' is understood as a condition of which he, the subject, is consciously aware. Thus, such an effect might be, or might involve, various eventualities, such as, first, apprehension by the police and subjection to public condemnation and legal sanction; second, disruption to his personal life or career or an inability to maintain his work routine; or third, psychological torment, the recurrence of feelings of guilt or remorse that gnaw away and frustrate his chances of achieving satisfaction and contentment.

Proponents both of the unjust and of the just reading concur that it looks unlikely that Judah is ever going to suffer legal punitive action; he appears to have 'got away with murder' as far as that potentially detrimental consequence is concerned. It is with regard to the other types of effect that disagreement arises. The unjust reading maintains that Judah's marriage has been happily restored – Judah 'escapes unscathed into the everloving arms



Figure 5: Ben (Sam Waterston) with his daughter (Grace Zimmerman).

of his wife' – and he has suffered no diminution of his social status, career prospects, wealth and so forth; neither do any of these features of his life seem at risk of collapse, certainly not as a consequence of the crime he committed.¹⁶ Moreover, his remorseful (or simply self-interested?) anxiety now appears to be behind him and his worldly success set to continue.

Meanwhile, the just reading, as we have seen, insists that despite the façade of Judah's having avoided personal or domestic strife, or problems with work or money, there are clear indications that his psychological worries will continue to plague him and perhaps contribute to an impoverishment of his personal relationships. Peter Minowitz, for example, notes that, despite Ben's blindness, 'he can at least *be* seen by all', whereas Judah is forced to keep his true self hidden from view, thereby placing inevitable stress on his marriage and friendships.¹⁷ This indicates to Minowitz that the film may, after all, contain a hint that, regardless of the truth or falsity of religious doctrines, the faithful and law-keeping believer, as Judah's devout father asserts, 'still [has] a better life than all those that doubt'.¹⁸

In light of their consequentialist conception of justice, proponents of the just or of the unjust reading would have to admit that the credibility of their respective interpretations depends on how things go for Judah – or (given that it is a fictional work about which we are talking) upon what seems to be the most plausible account of what will happen to him. It thus turns out to be a contingent matter whether he gets away with murder and an empirical matter how one would determine whether he has done so. If he prospers and lives a life untroubled by remorse, then the unjust view seems vindicated; if his conscience persistently unsettles him, generating mental anguish and perhaps destabilising his familial and social relationships, then there are grounds for accepting the just reading. However, the question that demands to be asked

at this point is whether the consequentialist conception of justice is the only one available, and if it is not, are there nevertheless good reasons for thinking it is the one most applicable to *Crimes and Misdemeanors*?

One alternative to a consequentialist conception of justice with a long pedigree in moral philosophy sees justice not so much in terms of the experiential consequences for the agent, but in terms of the implications for the person's character or soul. This alternative conception might be dubbed the *intrinsic justice* view, for it maintains that the detrimental effects of a morally vicious action and the correspondingly positive effects of a virtuous action, for the person who performs it are intrinsic, or internal, to the action itself; in other words, the very performance of an evil action is in itself a terrible fate to befall a person's soul or moral character. Versions of this intrinsic justice view have been propounded by many philosophers from at least the time of Plato's Socrates onwards. Below I shall quote three representative passages, from Plato's *Gorgias*, Boethius' *Consolations of Philosophy* and Kierkegaard's *Purity of Heart* respectively.

In the *Gorgias*, a conversation takes place between Socrates and Polus in which Socrates affirms that someone who kills another unjustly is worthy not of contempt but of pity, because such a killer is, necessarily, miserable: not miserable in a psychological or subjective sense, but in the sense that the person's soul has been debased. 'Surely', Polus responds, 'the one who's put to death unjustly is the one who's both to be pitied and miserable', to which Socrates replies: 'Less so than the one putting him to death . . . and less than the one who's justly put to death'. 'How can that be . . .?', Polus asks, and Socrates replies: 'It's because doing what's unjust is actually the worst thing there is.'¹⁹

Socrates, then, contends that a murderer, who kills unjustly, is more pitiable than either the victim, who has been killed unjustly, or someone who has been justly killed, because, as he says, acting unjustly is 'the worst thing there is'. By acting unjustly we make ourselves objectively miserable and hence pitiable. This, at any rate, is the view that Plato, through the character of Socrates, is prompting us to contemplate. We are being invited to perceive justice under a different aspect, in a different light from that which the consequentialist view casts.

An extension of the view of justice articulated by Socrates in the *Gorgias* is the idea that for someone who has committed a crime, it is better to suffer worldly justice than to go scot free. This idea is taken up by Boethius (c. 475-524 CE), who places into the mouth of the personification of philosophy the assertion that, 'when the wicked receive punishment they receive something good, the punishment itself, which is good, because of its justice'. It follows from this, the voice of philosophy continues, that the wicked 'are burdened with heavier punishment precisely when they are believed to escape it'.²⁰

The thought expressed here is that the injustice for which one who com-

mits a wicked act is responsible can be mitigated by means of worldly punishment: if the punishment is genuinely warranted and just, then it is good, and hence its application to the wrongdoer contributes towards returning the wrongdoer from a state of wickedness to one of virtue and goodness. While such punishment – willingly received – cannot undo the wicked action, it can at least provide a counterweight, thereby leaving the wrongdoer in a less wretched condition than he or she would have been had the crime gone entirely without worldly redress.

Corresponding to Socrates' doctrine that the wicked make themselves miserable by means of their own actions irrespective of what judgement the world makes upon them, is the doctrine that the innocent cannot really be punished – that is, cannot suffer what might be called an eternal punishment, as distinct from a merely temporal or worldly one – no matter what the world might do to them. Søren Kierkegaard gives voice to this view when he writes that 'even if the world gathered all its strength, there is one thing it is not able to do, it can no more punish an innocent one than it can put a dead person to death'. 'To be sure the world has power', Kierkegaard continues. 'It can lay many a burden upon the innocent one. It can make his life sour and laborious for him. It can rob him of his life. But it cannot punish an innocent one.'²¹

Needless to say, the mere quoting of these passages, from Plato, Boethius and Kierkegaard, provides no basis either for accepting the perspective they embody or for supposing that perspective to be the one from which a film such as *Crimes and Misdemeanors* ought to be understood. However, they poignantly illustrate an alternative conception of justice to that which is presupposed in what I have called the just and unjust readings of Allen's film. What I now intend to do is to highlight some aspects of the film which suggest that this alternative standpoint – the intrinsic justice view – may not only feature in a plausible interpretation of it, but may inform an interpretation that discovers in the film ethical and religious resonances that would otherwise be liable to be overlooked.

V. ASPECTS OF *CRIMES AND MISDEMEANORS* CONDUCTIVE TO THE INTRINSIC JUSTICE VIEW

Although there may be some truth in Sam Girgus's proposal that Professor Levy's 'concluding voice-over of optimistic moral reassurance . . . constitutes . . . a form of . . . self-reflexive parody on Allen's part', it seems reasonable to regard this voiceover's prominent role in the film's epilogue as imbuing it – or at least going some distance towards imbuing it – with the authority of the film's own self-interpretation.²² Some of its phraseology can be read as a condensed manifesto of Sartrean existentialism, but also as evoking some version of the intrinsic justice view that I outlined above.²³ Through this disembodied monologue, Levy declares, for instance, that 'we define ourselves

by the choices we have made. We are in fact the sum total of our choices'. And he goes on to state that, despite the universe's indifference to human affairs, we can give meaning to that universe through 'our capacity to love'. As the accompanying visual image settles on the tender dance between Ben and his daughter, the voiceover avers that 'most human beings seem to have the ability to keep trying and even to find joy from simple things, like their family, their work and from the hope that future generations might understand more'.

Here, then, we have an explicit endorsement of the view that our choices and most notably our choices to act, or not to act, from a motive of love, are what define us – they make us who we are – followed by a verbal and visual celebration of the humble and life-affirming attitude exhibited by Ben. The viewer is thus invited to reflect upon what various characters in the film have made of themselves, upon what they have done to their moral integrity by means of the choices they have made. And it goes without saying that the key character here is Judah. From the consequentialist perspective assumed by the just and unjust readings of the film, if Judah avoids worldly disgrace and psychological affliction, then he can be considered happy. Meanwhile, from the perspective of intrinsic justice, especially as elaborated in the passage from Boethius cited above, the more Judah evades these aggravations, the more wretched he becomes: by overcoming his pangs of guilt, he does not transcend his moral debasement, but debases himself still further.

In an earlier scene, when Judah is struggling to decide whether to have Dolores murdered, he imagines himself conversing with Ben, as though Ben were a personification of his conscience. He says to the imagined Ben, 'I push one button and I can sleep again at nights', to which Ben returns, 'Could you sleep with that? Is that who you really are?' This question of character – of who one truly is – is at the heart of the film. Judah makes a pretence of being virtuous, of being a decent, philanthropic, law-abiding citizen; and when it comes to the crunch, he chooses the pretence over the reality, selling his soul for the sake of what he conceives to be a convenient life.

I adverted earlier to Peter Minowitz's remark that *Crimes and Misdemeanors* 'does not refute [Judah's father's] claim that even if his religious beliefs turned out to be false, he would "still have a better life than all those that doubt."' ²⁴ But there is a question here about what having a 'better' life consists in. By the end of the film, we have been exposed to a wide range of ethical and religious perspectives, and we may reasonably ask which of them conduce towards the best sort of life. There is, for example, Judah's brother, Jack, with his cynical amorality. There is Cliff, a basically well-meaning guy who copes with his serial misfortunes by means of ironic self-deprecating wit. There is Ben, with his heartfelt affirmation of 'a moral structure with real meaning and forgiveness and some kind of higher power'. And there is Judah himself, a complex character who, on the surface, perceives himself as a secular agnostic, but who cannot quite break free from the Judaic convictions

with which he was inculcated as a child.

The film does not make it easy for the viewer to disentangle moral from pragmatic considerations. If we take a ‘better life’ to be one containing more pleasure and less distress, then some might presume that, say, going blind at a relatively young age is to count against such a life. Yet Ben’s abundant faith seems able to absorb such an apparent misfortune, to transform it into one component of a greater whole rather than construing it as an obstacle in the path to happiness. So, with Ben as an example, we might be tempted to suppose that there are pragmatic, prudential, reasons for adopting his ethical and religious standpoint. When we turn to Judah, however, we see a man whose life, from a non-moral perspective, seems to have turned out better than that of the likes of Cliff. Yet, in moral terms, Judah’s life is a sham and a disaster. He is, to paraphrase Boethius, ‘burdened with heavier punishment precisely when he is believed to escape it’ – not an emotional burden, but the non-subjective burden of a contaminated soul. From the intrinsic justice perspective, the pragmatic motivations for pursuing a principled life pale into insignificance when compared to the moral ones.

VI. CONCLUDING REMARKS

In light of the considerations I have brought forward, we can see that those who would invoke *Crimes and Misdemeanors* as an instance of a film that offers a counterexample to the thesis that crime necessarily does not pay, betray an unwarrantedly narrow conception of the film’s possible interpretations. Notwithstanding the hostile and simplistic condemnations of many reviewers, *Crimes and Misdemeanors* is not a straightforward portrayal of someone getting away with murder. Or rather, to view it in these terms is to do an injustice to the interpretive possibilities that it affords. Instead, the film may be seen as a complex mesh of tragic and comedic strands that invites a reflective response from its audience. It achieves this result by means of its personification of a variety of moral perspectives in its several characters: ‘A plurality of independent and unmerged voices’ (to borrow a phrase from Mikhail Bakhtin’s description of Dostoevsky’s novels).²⁵ Although the characters express highly contrastive viewpoints, none of them is a mere caricature.

I have argued that, as long as the viewer remains constrained by a consequentialist conception of justice, the range of interpretive options will be unduly restricted. From the consequentialist standpoint, Judah is viewed as having ‘got away with murder’ provided he suffers no significant ill effects, such as legal sanctions, disruption of personal relationships or psychological distress; and he is viewed as having failed to ‘get away with it’ provided he does suffer one or more of these deleterious consequences. On these interpretations, it becomes a contingent matter whether he gets away with it or not, and an empirical matter whether we should judge that he has.

Meanwhile, from an alternative perspective, which I have called the perspective of intrinsic justice, the relationship between immorality and punishment is internal and hence necessary: if one acts immorally, then there is no question of getting away with it, since the action itself is its own punishment, in the sense that it debases one's moral character – and this is the worst thing that could happen to anyone. This perspective has a noble tradition behind it, from Plato's Socrates onwards and, although Woody Allen's film does not unambiguously propagate this stance, there are reasons for maintaining that it facilitates an interpretation of the film that is at least as plausible as any rival interpretation. Indeed, although I am entirely open to an interpretive pluralism – according to which there need be no single 'correct' interpretation of a work of art such as a film – I am inclined to say that the intrinsic justice view brings out possible moral and religious depths in *Crimes and Misdemeanors* that would otherwise be missed – and which have been overlooked by those who see the film as a patent illustration of the view that crime (at least sometimes) pays.

By presenting a rich mosaic of moral and religious perspectives and prompting us, as viewers, to reflect deeply upon our reactions to the decisions made by different characters, Woody Allen's masterpiece offers us a mirror in which to scrutinise our own ethical and religious attitudes and values. It cannot reasonably be reduced to a simple illustration of a crude ethical thesis or counter-thesis.²⁶

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NOTES

¹See, inter alia, Russell 2000.

²For the full cast list, see the entry in the Internet Movie Database 2019 (accessed 11 June 2019).

³See, e.g., McGrady 1989.

⁴All quotations from the film are my transcriptions from the DVD (Allen 1989).

⁵Pally 1989, 12.

⁶The character who speaks this line is Halley Reed (Mia Farrow), a film-producer with whom Cliff wishes to become both professionally and romantically involved.

⁷Wieseltier 1989.

⁸Erler 1989 and Denzin 1991, 95.

⁹Denzin 1991, 95. Cf. Vipond 1991, 102: 'Apart from the odd twinge of guilt from time to time, he [Judah] suffers no punishment for his crime. His Aunt May's statement that if a person commits a mur-

der, gets away with it and chooses not to be bothered by the ethics of situation [sic], then he's home free, is borne out by the film's conclusion.' It should be noted, however, that Vipond adds: 'But Allen doesn't leave it at that.'

¹⁰Woody Allen in a written interview by Sander Lee, quoted in Lee 2001, 77.

¹¹Erler 1989; also quoted in Girgus 2002, 129. See also Minowitz 1991, 79: 'By making Judah "prosper" and the Rabbi go blind, the film seems to mock [Judah's father's] faith that God ultimately punishes the unrighteous and rewards the just.'

¹²Minowitz 1991, 83 (see also 86). The dreadful parallel between Levy's suicide and the death of Primo Levi in 1987 has occasionally been pointed out (e.g. Lee 2001, 60), though whether Primo Levi's death was suicide remains disputed (Gam-

betta 1999).

¹³Lee 2001, 76, 77.

¹⁴Roche 1995, 552.

¹⁵Quattrocchi 1991, 91. See also Blake 1991, 65: ‘In his blindness, [Ben] sees a reality closed from Judah, the ophthalmologist and Cliff, the filmmaker.’

¹⁶Liggera 1990, 102.

¹⁷Minowitz 1991, 80.

¹⁸Sol Rosenthal (David S. Howard), quoted in Minowitz 1991, 80.

¹⁹Plato, *Gorgias*, 469a-b (1997, 813).

²⁰Boethius 1969, 129, 130 (Consolations IV.4). Cf. Roche 1995, 557, who also quotes this passage.

²¹Kierkegaard 1847, 97. Cf. Winch 1966, in which this passage from Kierkegaard is discussed in relation to passages from other authors, including Plato and Wittgenstein.

²²Girgus 2002, 145.

²³‘In the voiceover narration ... Allen

gives us one of the best short descriptions of existential beliefs I have ever heard or read’ (Lee 2001, 57).

²⁴Minowitz 1991, 80.

²⁵Bakhtin 1965, 6, original italics omitted.

²⁶This article has had a long gestation period. Shorter versions were originally delivered at the *Religion, the Arts and the Creative Imagination* conference, Heythrop College, London, May 2008 and at the *Philosophy and Film / Film and Philosophy* conference, University of the West of England, Bristol, July 2008. I am grateful to the respective organisers of those events and to members of both audiences for helpful comments and questions. I have also benefited from conversations with Sue Richardson and from comments by Aaron Meskin on an earlier draft. Research for the article was assisted by a Royal Institute of Philosophy bursary.

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