



Judging and Understanding: Essays on Free Will, Narrative, Meaning and the Ethical Limits of Condemnation

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This collection embodies a debate that explores what could be characterised as the tension between judging and understanding. It seems that after a particular threshold of understanding of the basic facts leading to a given moral transgression, the more we understand the context and motives leading to crime, the more likely we are to abstain from harsh retributive judgement. Martha Nussbaum's essay 'Equity and Mercy', included in this collection, is the philosophical starting point of this debate, and Bernhard Schlink's novel "The Reader" - a novel exploring the tension between judging and understanding, among other things - is used as a case study by most contributors. Some contributors, situated at one end of the spectrum of views represented in this collection, argue for the wholesale elimination of our practices of retribution in the light of the tension between judging and understanding, while contributors on the other side of the spectrum argue that the tension does not actually exist. A whole array of intermediate positions, including Nussbaum's, are represented. This anthology is comprised of nearly all specially commissioned essays bringing together work dealing with the moral, metaphysical, epistemological and phenomenological issues required for properly understanding whether in fact there is a tension between judging and understanding and what the moral and legal implications may be of accepting or rejecting this tension.

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