



The Minerva Center for Human Rights  
The Buchmann Faculty of Law  
Tel Aviv University

**Prof. David Luban,  
Georgetown Law**

**‘Complicity and Lesser Evils:  
A Tale of Two Lawyers’**



**September 23, 2020**

**Online event**

**19:00 | Chair: Natalie Davidson**

### **Lecture**



When a regime comes to power that does awful things, or tries to, or threatens to, how should decent people in the government respond? Staying in their jobs may turn them into “desk perpetrators”, but quitting the job may take away their only chance to temper awful policies – to become “desk mitigators.” Yet mitigation is often the flip side of perpetration: to implement an evil policy, but try to make it less bad, is still implementing an evil policy. What is a conscientious official to do? Stay or quit? In this lecture, Prof. Luban approaches this question through two case studies of lawyers who held important posts in the Third Reich, acted as desk mitigators, and saved lives. One of them, Helmuth James Moltke, is a famous martyr of the anti-Hitler resistance, the Widerstand. The other, Bernhard Lösener, was not just any lawyer in the Reich’s civil service. He was the Interior Ministry’s Judenreferent – its legal specialist on the Jews, that is, the persecution of the Jews, and seen in one light he qualifies as a paradigmatic desk perpetrator. Yet he too understood himself as a hero of the resistance. Could it be true, or is it an epic case of self-deception and self-flattery?

### **Respondent:**

**Smadar Ben-Natan**, University of Washington, Seattle

[Register in advance for this event](#)

<https://us02web.zoom.us/meeting/register/tZYud-2spzspHd0BDat3Fs-n8AtryiMr-AY2>

The lecture will be held in English