

# Torture and Collective Shame

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## 1 Shame and Guilt

In *Waiting for the Barbarians*, one of Coetzee's finest novels, forces of an unnamed imperial power torture not only "barbarians" captured in their colonial frontiers but also the insubordinate mayor of the colonial outpost in which most of the story takes place. By having the mayor as narrator, Coetzee affords himself occasions for representing and musing on the shame, humiliation, and diminishment endured by victims of torture. These sensitive reflections cohere well with contemporary philosophical analyses of shame as the experienced public exposure of one's vulnerabilities, weaknesses, or flaws, particularly one's inability to control the aspects of oneself that one presents to others.<sup>1</sup> Under repeated exposure to torture, the mayor is reduced to a putrid, feeble animal that impotently writhes and howls, wholly at the mercy of others.<sup>2</sup>

In Coetzee's most recent novel, *Diary of a Bad Year*, torture and shame reemerge as central themes, but the focus of discussion is different.<sup>3</sup> Whereas in *Waiting for the Barbarians* there are long passages on the evil of torture and what it does to its victims, all this is simply taken as given in *Diary of a Bad Year*, which instead poses the question how Americans should respond to the shame, dishonor, and defilement brought upon them by the Bush administration's practice of torture in what it ridiculously calls the "war on terror." The subject is no longer the shame of the victim, or even the shame of the perpetrators, but the vicarious shame, or collective shame, borne by the perpetrators' fellow citizens.

Unlike the shame of the victim of torture, the shame of being somehow implicated in the practice of torture is closely related to moral guilt. Among the differences between shame and guilt is that shame arguably requires the presence, or at least the imagined presence, of observers.<sup>4</sup> One can be ashamed of oneself, but not shamed only *to* or *before* oneself. Suppose, for example, that Robinson Crusoe carries a burden of secret guilt to an uninhabited island from which he can never escape, and that there is no possibility that anyone he has left behind will ever discover the wrongdoing of which he is guilty. In these conditions, there is nothing that could be added to his guilt, which is and must remain entirely private, to produce a distinguishable state of shame. Yet when one's guilt is exposed to others, shame can be its public face. This is the basis of the practice of public shaming as a means of punishing the guilty – in some cultures, for example, by branding criminals, particularly on the face, or in Puritan America by locking sinners in public stocks. The thesis suggested in *Diary of a Bad Year* is that Americans are *objectively* shamed by the Bush administration's wrongdoing in torturing its suspected enemies – that is, they are shamed before the world whether they *feel* shame or not – and that among their moral burdens is an imperative to cleanse themselves of the shame and dishonor entailed by their membership in a nation that tortures its enemies.

It is unclear what the book's claims about collective shame imply or presuppose about collective guilt. The example of Robinson Crusoe suggests that there can be circumstances in which it can be rational to feel guilt when there is no occasion to experience shame. But it is possible that Americans might be shamed or dishonored by the Bush administration's embrace of torture while being individually and collectively guiltless. *Diary of a Bad Year* vacillates on the relation between shame and guilt and on whether Americans are shamed *because* of their guilt or *despite* their innocence. Although the references are mainly to shame rather than guilt, there are passages in which the two notions are treated as equivalent. It is said, for example, of those white South Africans who "will go bowed under the shame of the crimes that were committed in their name," that they "might learn a trick or two from the British about managing collective guilt. The British have simply declared their independence from their imperial forebears. The Empire was long ago abolished, they say, so what is there for us to feel responsible for?" (44) This is an implied accusation of bad faith: the British still bear responsibility for the crimes of their imperial forebears (just as, as we will see shortly, contemporary Germans still bear responsibility for the crimes of their Nazi forebears), and collective responsibility for criminal action entails collective guilt. Yet if the contemporary British bear collective guilt for the crimes of the Empire, and post-Apartheid white South Africans can learn from them some effective techniques for evading collective guilt, the implication is that the shame the South Africans bear for crimes that they did not commit but that were committed "in their name" has its basis in their collective guilt for those crimes. And a further implication is that Americans shamed by the tortures perpetrated in their name bear collective guilt as well.

Most of the pages of *Diary of a Bad Year* are divided into three sections. The middle section contains a continuing narrative – the diary, perhaps – of an elderly writer. It is concerned mainly with his relations with a younger woman who becomes the typist for a collection of short essays he is writing. The section at the bottom of the page contains a parallel narrative by the typist. Throughout most of the book, the section at the top of the page, which is usually much longer than either of the others, comprises the essays in the writer's book, which bears the same title as the collection of Nabokov's interviews and essays: *Strong Opinions*. The views about torture and shame articulated in the book are primarily in the essays, and as such are presented as the views of the writer. Are they Coetzee's views? They echo themes in *Waiting for the Barbarians* and in certain of Coetzee's other novels, particularly *Disgrace*. And some of the other views in the essays, such as those concerning human cruelty to animals, are ones with which Coetzee is identified. Finally, the writer is teasingly characterized in ways that suggest that he is simply Coetzee himself. He is, for example, a South African writer living in self-imposed exile in Australia whose initials are J.C. and who has written a novel called *Waiting for the Barbarians* and a book of essays on censorship that was published in the 1990s. It is, however, unimportant whether the views expressed in the essays within the novel are Coetzee's own. They are the views of a great many people. They are the views, in particular, of people of a certain familiar type, people generally on the political left who are earnest, decent, and humane. But in my view the beliefs about collective shame that these morally admirable people share with Coetzee's fictional writer are mistaken, and my aim in this short essay is to explain why. I will attribute them only to

“C,” which is how the writer is referred to in the novel. Whether they are also Coetzee’s is immaterial.

I should acknowledge that I am aware that there is a vast literature on shame – or, rather, a number of vast literatures: a philosophical literature on the concept of shame and its relation to concepts of responsibility and guilt, a related philosophical literature on the role of shame in ethical life, and further extensive explorations of shame from anthropological, historical, sociological, psychological, and even literary critical perspectives. I confess that I know very little of this literature beyond what I cite in the endnotes. There is also a vast literature on collective responsibility and a sparser though significant literature on individual responsibility for collective action. I am not well acquainted with these literatures either. This essay is therefore an amateur foray into these issues, neither scholarly nor systematic. But in this respect my strong opinions are no different from those they confront. For C’s reflections are also not the arguments of a systematic theorist.

## 2 Collective Identity as a Basis of Collective Shame

I begin with some facts. I am an American. I have never tortured anyone. I am not in any obvious way an accessory to torture: I have never conspired to engage in torture, never instigated, aided or abetted, or been in any other way an accomplice to an act of torture, never failed to prevent an act of torture that it was in my power to prevent, and so on. Yet according to C, I have a lot to answer and atone for. I bear the shame of the tortures committed by the agents of my government. Unless I do something to purify myself, I will remain forever dishonored and “appear with soiled hands before the judgment of history.” (41)

I find it curious that C’s accusatory finger points toward me primarily, or even exclusively, because of my country’s practice of torture, which was done in secret without public debate, had a relatively small number of victims, and involved methods near the milder end of the spectrum of modern torture techniques. By contrast, my country’s war in Iraq was extensively debated in public, approved by Congress, and supported by a large proportion of the population, who immediately decorated their Sport Utility Vehicles with magnetic ribbons urging their brethren to “Support Our Troops,” by which they meant “Support Our War,” a war in which more than 100,000 Iraqi civilians have been killed. If I am weighed down with shame for the acts of my country, I doubt that the proportion attributable to the policy of torture constitutes more than a small part of the total load.

There are, however, many who feel an especially acute sense of shame for the acts of torture committed in Iraq, Afghanistan, and Guantanamo, and there are even more who say they do, for we do tend to talk this way. Just as I was beginning to formulate my ideas for this essay, I read an Op-Ed piece in the *New York Times*, written in the aftermath of the terrorist attacks in Mumbai late in 2008, that urged Pakistanis as a nation to say to the terrorists among them: “What you have done in murdering defenseless men, women and children has brought shame on us and on you.”<sup>5</sup> So I concede that the sense

of vicarious shame, and in particular collective shame, is very common. The question is whether it is rational, and if so on what grounds, and on what occasions.

C's remarks suggest that wrongdoing is, or can be, an occasion for shame, and that if the wrongdoing is sufficiently egregious, those who are responsible for it, either as perpetrators or vicariously, are not only shamed but also dishonored. The medium through which shame is transmitted vicariously is, he suggests, membership in a collective. Consider, for example, what he writes in the concluding paragraph of essay 10, "On National Shame," about both pride and shame:

A few days ago I heard a performance of the Sibelius fifth symphony. As the closing bars approached, I experienced exactly the large swelling emotion that the music was written to elicit. What would it have been like, I wondered, to be a Finn in the audience at the first performance of the symphony in Helsinki nearly a century ago, and feel that swell overtake one? The answer: one would have felt proud, proud that *one of us* could put together such sounds, proud that out of nothing we human beings could make such stuff. Contrast with that one's feelings of shame that *we, our people*, have made Guantanamo. Musical creation on the one hand, a machine for inflicting pain and humiliation on the other: the best and the worst that human beings are capable of.

When he says that a Finn would have felt proud that "one of us" had written such triumphal music, it seems that "us" must refer to Finns. But the next clause in the sentence seems to expand the reference to include among "us" all human beings. Yet in the sentence that follows, the reference is again restricted, presumably to the relevant national group: Americans. The suggestion seems to be that national pride and national shame are precisely parallel: they both make sense and they are both grounded in the collective identity shared by all members of a nation or, in these cases, a nation-state.

One might wonder whether C's view implies that even little children are somehow implicated in the deeds of their conationals. It is, in fact, commonly accepted that they are. Most people take pride in the deeds of their ancestors. A Finn who was only a year old when Sibelius's fifth symphony had its premier, or even a Finn who was born decades after that, might find that her pride swells with the music whenever she hears it. C claims that the grounds for national shame, like the grounds for national pride, are transmitted across generations, as the nation itself survives through generations. He quotes, with apparent approval, Jean-Pierre Vernant's reference to "the ancient religious conception of the misdeed as a defilement attached to an entire race and inexorably transmitted from one generation to the next," and then writes, later in the same essay: "Young Germans protest, *We have no blood on our hands, so why are we looked on as racists and murderers?* The answer: *Because you have the misfortune to be the grandchildren of your grandparents.*" (49-50) According to this view, one's unchosen and ineffaceable identity as a member of a certain nation can make one the bearer of shame for the deeds of others. Even if I can somehow cleanse *myself* of the shame and dishonor I carry, my grandchildren will nevertheless inherit a burden of shame for what the Bush administration and its hirelings have done.

This understanding of collective pride and collective shame is untenable, indeed grotesque. As I will suggest in Section 4, there may be some collectives that have features that distribute responsibility, and thus perhaps pride, shame, or guilt, to *all* their members on the basis of action by only *some* of the members. But if responsibility gets distributed in this way, it must be by virtue of more than the mere fact that the members all share a certain collective identity. Even putting aside the issue of transmission across generations, the implications of the idea that shared collective identity is a rational basis for collective pride and shame are thoroughly implausible even in quite pedestrian cases. Here is an example from my own experience. During the late 1980s and early 1990s, I lived in Urbana, Illinois, which is contiguous and, in effect, continuous with the town of Champaign, Illinois. During that period, a young woman named Bonnie Blair who had grown up in Champaign won a record number of gold medals in the Olympic games. On each occasion when she won a medal, the people of Champaign held their heads a little higher. They felt the kind of pride that C imagines a Finn might feel on hearing the first performance of Sibelius's fifth. Blair, they imagined, had bestowed honor *on them*, justifying their sense of personal pride. The grounds for pride varied, of course, depending on the degree of exclusivity of the relevant shared collective identity. In the innermost concentric circle were those who had actually been her neighbors or schoolmates as she was growing up. They were assumed to have the strongest grounds for pride. Within the next, larger circle were those who were longtime residents of Champaign, though even those who had moved there quite recently felt they were entitled to a certain degree of pride as well. Then came residents of the state of Illinois, then Midwesterners, then all Americans, millions of whom congratulated themselves on Blair's victories.

If, as C's view suggests, the residents of Champaign had genuine grounds for pride in Blair's achievements, it seems that others ought, on those same grounds, to have admired them, and perhaps even praised them, for sharing in her glory. For admiration and praise are what is called for from others when there are objective grounds for pride in one's own accomplishments. And they are also called for when pride in the accomplishments of others is justified in uncontroversial ways. Thus, Blair's coach was entitled to feel pride in her achievement, as were her parents, whose encouragement and sacrifices for the sake of her training contributed to her success. And the grounds for the pride that these people deservedly felt also justified the admiration and praise of others, which they naturally elicited. Yet I had no reason to think better of my barber after Blair won her medals than I had thought of him before. Nor did I have any reason to think less well of him after a local man, who was known to neither of us, committed a murder. That my barber rejoiced in being a resident of Champaign, which made him a bearer of the same collective identity as both Blair and the murderer, failed to give him a share in either the former's triumphs or the latter's depravity.

When C has his imagined Finn reflect that "one of us" has composed a transcendent symphony, the collective to which "us" refers is essentially arbitrary. C himself unguardedly raises the question why "us" should pick out only Finns rather than all human beings. It could in fact refer to the members of any group to which Sibelius belonged, such as all Finns, Finns whose first language is Swedish, people who are or are destined to become completely bald, people who have had throat cancer, or, as C

acknowledges, members of the human species. Yet for the individual members of most such groups, there seems to be no reason for pride in the fact that *one of them* wrote that symphony. There are two reasons for this. One is that we naturally feel pride only when the unifying collective identity is one to which many of the members attribute significance. Bald people do not take pride in Sibelius's fifth because being bald is not a significant ground of collective identification. More importantly, none of the collectives I mentioned, not even the nation of Finns, enables their members to claim that "we composed that symphony," or even that "we are a people who compose great symphonies." Perhaps it is the appropriateness of the collective subject "we" that C is groping for as the criterion of rational collective pride or shame, and mistakenly thinks he has located in mere collective identity. For the acts of some members of a collective to be a legitimate basis for pride or shame on the part of the other members, the collective must be of a certain type, and the acts must have been done in a way that connects them with the collective. It might be true, for example, that while Finns have no basis for pride in Sibelius's fifth because there is no sense in which it is *their* creation, Americans nevertheless have grounds for shame in the Bush administration's acts of torture because their relation to those acts makes it reasonable to claim that *they* together constitute a nation that tortures its captive enemies. If so, the challenge is to identify the relations between Americans in general and the Bush administration and its immediate agents of torture that make that claim reasonable. More generally, what are the properties of a collective, and the conditions of individual action, that are sufficient for an act by some members of a collective to be a ground or occasion for pride, shame, or guilt on the part of the collective as a whole?

### 3 The Collective as Irreducible Bearer of Guilt or Shame

I will offer a few suggestions about this but before I do it may be helpful to distinguish explicitly between two ways in which properties might be "collectivized." According to one view, relations within a collective may be such that when some of the members act wrongly in certain ways, responsibility for their wrongdoing extends to other members of the collective – perhaps to *all* of them – in a way that makes them individually guilty or shames them as individuals. I will discuss this way in which shame or guilt might be collectivized in the next section. In this section I will consider a different possibility. On this view, when some members of a collective act in a way that satisfies certain conditions, their act constitutes an act of the collective as a whole. When this is the case, and the act is wrong, all the members of the collective may be said to share the guilt and shame for the act. Yet this is compatible with its being the case that for any individual member of the collective, there are no grounds for *personal* shame or guilt, for that individual may be in no way personally responsible or culpable for the wrongful collective act.

This view has been articulated by Margaret Gilbert, one of the foremost writers on the nature of collectives and collective action. Her account is important for our purposes not only because it articulates the second of these two ways in which shame and guilt may be collectivized, but also because it elucidates the connection between collective responsibility and the appropriateness of attributing an act or its outcome to a collective

subject, so that it makes sense (as it does not in the case of the composing of Sibelius's fifth symphony) to say that "we" did it. Gilbert writes:

If I am one of us, and *we* did something, *I am part of what did it*. More precisely, I am *part of the agent* that did it... Whereas *I* am the subject of *my* action, I am *part of the subject* of *our* action. ...If *we* did this bad thing, as opposed to this or that person doing it, we may bear moral guilt with respect to the doing of it. If *we* bear guilt, the guilt in question is, precisely, *ours*. Not mine, nor mine and yours, but ours, ours *together*. Perhaps it may then be referred to as *collective* guilt. This guilt will be *participated in*, or *shared*, by all of us, *in our capacity as members of "us."* ...Different members can still bear different degrees of *personal* guilt in relation to what they understand to be "our" act. Some members might have done all they could to stop it, others may have been blamelessly ignorant of it, whereas some may have put all their efforts into its performance. It is clear enough where the personal guilt lies when this is so.<sup>6</sup>

Gilbert refers here to guilt, but all she says applies equally, with relevant changes, to shame (and pride, which contrasts with both guilt and shame). As I noted earlier, in cases of wrongdoing, the agent's shame may be nothing more – though also nothing less – than the public face of guilt.

Although this conception of collective guilt or shame as entirely distinct from personal guilt or shame is interesting, it is problematic in various ways. Suppose, for example, that one is a member of a collective that has acted wrongly in a way that makes one's claim that "*we* have acted wrongly" true. And suppose further that one bears not only one's share of the collective shame but that one also has grounds for personal shame. How might one experience the two forms of shame? Should the collective shame simply intensify one's feelings of shame? Or should the two forms of shame be phenomenologically distinguishable?

Although Gilbert claims that "a feeling of guilt can be an appropriate response for the member of a *plural subject* [her slightly technical notion of a collective] that bears guilt," this is actually doubtfully consistent with her understanding of collective guilt.<sup>7</sup> What is distinctive of her account of collective guilt is precisely that guilt can be a property of a collective of which an individual is a member without being a property of that individual – that is, the collective can be guilty when the individual is entirely blameless. The guilt is fully collectivized: "not mine, nor mine and yours, but...ours *together*" – that is, it belongs to the collective as an entity distinct from the sum of its members. One can, as Gilbert does, appeal to the idea that one can be innocent qua individual but guilty qua member of the collective – or, as she puts it, that guilt can attach to "the self-as-group-member or [to] the group-insofar-as-it-exists-in-my-person, rather than [to] me personally."<sup>8</sup> But I can make no sense of that, as no one seems to be composed of these distinct entities. One is either guilty, so that one deserves punishment, ought to feel shame, and so forth, or one is not. There seems to be no way to punish "the

group-insofar-as-it-exists-in-my-person” without inflicting the same harm on “my person” – that is, on “me personally.”

What I think Gilbert ought to say is that if it is the collective that is guilty, and not the individual member, then it is the collective that ought to feel shame. If the collective can be guilty even though the individual member is blameless, then it should be appropriate for the collective to feel shame even though it would be irrational for the individually guiltless member to do so. Sturdy common sense might intervene here to protest that collectives cannot have feelings. That may be so but if we can make no sense of the idea of a collective feeling shame then it is hard to see how we can make sense of other collective psychological states that writers such as Gilbert and C take to be unproblematic – for example, the notion of a collective desire, a collective belief, or a collective intention.

While issues concerning the *feeling* of shame are of philosophical interest, they are of comparatively little moral significance. Our feelings are unreliable guides in matters of morality. The shame or guilt one feels may be appropriate or inappropriate, rational or irrational. If we wish to act morally, we must ask whether our feelings, either individual or collective, are justified; and to determine whether they are, only thinking will help.<sup>9</sup> But the question whether it is the individual or the collective that has grounds for having certain feelings does suggest parallel questions that are of considerable moral and practical significance. For example, do the grounds for attributing collective guilt or shame to *us* make any *individual* member of the collective morally liable to defensive or preventive action as a means of sparing further potential victims from torture? Do these grounds for guilt or shame confer on any individuals a moral obligation to make reparations to former victims? Do they make any individuals liable to punishment?

Suppose that one is personally implicated in a collective practice of torture in a way that makes one personally guilty and thus liable to punishment. But one is also a member of the collective that is guilty. Are individual guilt and collective guilt additive, so that the punishment one receives for one’s personal guilt ought to be increased by an additional amount corresponding to one’s share of the collective guilt?<sup>10</sup> If collective shares are determinable, they are presumably equal, but are they also – for example – proportional to the size of the collective? That is, is one’s share of the collective guilt larger, so that one deserves more punishment, if the number of individuals who compose the collective is smaller? If, for example, there are only a hundred of us in the collective, are our individual shares of the collective guilt larger than they would be if there were a million of us to share the same total of collective guilt?

Gilbert claims, probably wisely, that “*there is no way of breaking down collective guilt into quantifiable shares.*”<sup>11</sup> But if that is true, collective guilt seems irrelevant to such practical concerns as punishment and reparation, unless, for example, one can discover a way of punishing a collective that does not necessarily involve the punishment of any of its individual members. For if individual members are punished, their individual punishments must be proportionate to their guilt, and Gilbert is denying that their share of the collective guilt can be measured. On these assumptions, proportionate



punishment of individuals for collective guilt is necessarily impossible, since there is no way to calibrate punishments so that they are proportionate in relation to guilt that cannot be measured.

One might argue that if a punishment is genuinely *collective*, there is no punishment of individuals at all (apart from additional individual punishments based on individual guilt). For punishment is not just a matter of the infliction of harm but is also, and essentially, a matter of intention. When a convicted criminal is punished, his relatives may also be harmed; indeed, they be harmed to an even greater degree than he is (by grief, loss of income, loss of reputation – in some cases, because of common beliefs about collective shame – and so on). But this does not mean that the relatives are *punished*. Rather, they are harmed unintentionally as a side effect of the punishment of the criminal. One might argue that, in a precisely analogous way, collective punishment involves the punishment *only* of the collective itself. Harms suffered by individual members of the collective as a consequence of the punishment of the collective are entirely incidental. Individuals may be harmed directly – for example, their businesses may be directly affected by trade sanctions against their country – or they may be harmed only indirectly or derivatively, by virtue of their identification with the collective and their investment in its good. But such harms need not be intended and need not count as punishment.

What might be gained by the infliction of a genuinely collective punishment – that is, one intended to affect only the collective itself? If the aim is retribution, then collective punishment will, in my view, always be disproportionate in practice. This is because I think retribution – understood as the *intrinsic good* involved in the infliction of *deserved* suffering on wrongdoers – is a *comparatively* unimportant aim. Suppose, for example, that life imprisonment can be equally effective in preventing and deterring crime as capital punishment, and at no greater cost. In that case, even if some offenders really do deserve to die, execution will nevertheless always be wrong in practice because the value of retribution will always be outweighed by the ineliminable risk of executing the innocent, or by the harms that would be caused to the offender's relatives as a side effect. Capital punishment would, in short, always have side effects that would be disproportionate in relation to the aim of retribution. And if this is so in the case of retribution against an individual, it is all the more so in the case of retribution against a collective, whose desert is of a different nature from that of an individual.

Suppose, however, that something more important than retribution is at stake, such as the prevention or deterrence of further wrongdoing by a collective such as a state. One might argue that in such a case the harms inflicted on the innocent as a side effect of collective punishment could well be proportionate in relation to the good that the punishment might achieve. Yet if in such a case there are members of the collective who are individually innocent and who will be harmed as a side effect of the punishment of the collective, would it not be more just to try to identify those members of the collective who are individually guilty, or who bear most responsibility for the action of the collective, and punish them rather than punishing the collective as a whole?<sup>12</sup> If the aims of the punishment are prevention and deterrence, it seems that punishing the individuals who are guilty should be just as effective as punishing the collective as a whole. It is also

probable that punishing only the responsible agents would have fewer harmful side effects on those who are individually innocent. It therefore seems that individual punishments would almost certainly achieve a better balance between the goals of prevention and deterrence and the infliction of unintended harms on the innocent.

I have so far assumed that it is possible for collective punishment to be discriminate, in the sense that it is possible to intend to harm only the collective itself and not the individual members, many or all of whom may be individually innocent. There may, however, be cases in which this is not possible. There may be collectives that have so little internal structure or organization that it is impossible to harm or damage them except by harming their individual members. If there are, it may be impossible to punish the collective without intending to harm the individuals, many of whom may be individually innocent. In that case, collective punishment would be indiscriminate.

The upshot is that collective punishment, as a response to collective guilt in Gilbert's sense, is in practice almost certain to be either disproportionate or indiscriminate. Collective guilt in this sense is therefore largely or entirely irrelevant to matters of practice.

#### **4 A Possible Basis for Collective Responsibility and Collective Shame**

This notion of collective guilt, and by extension collective shame, seems in any event not to be what C has in mind. He writes that "the issue for individual Americans becomes a moral one: how, in the face of this shame to which I am subjected, do I behave? How do I save my honour?" (39) For C, the ground or source of the shame may be a collective act, but the shame itself is personal. On C's view, there is no metaphysical schizophrenia, no division of the self between individual person on the one hand and cell the ghostly collective organism on the other. There are just people, but shame arising from what only some of them do is sometimes distributed among them in peculiar ways by virtue of their relations within a collective. This is the other way in which I suggested earlier that shame or guilt might be collectivized.

C is a novelist. Novelists are sometimes the inspired source of moral insights of startling originality and power. But it is in general not in their line of work to draw out the implications of their insights in rigorous but tedious detail, or to test the ultimate plausibility of those apparent insights by reference to those implications. This is true even of novelists who occasionally write nonfiction. And it is especially true of novelists who are themselves merely fictional, whose options are in consequence highly restricted. As someone who makes a living by thinking about matters such as this, perhaps I can offer C some professional assistance. His idea that rational pride and shame can be diffused among all the members of a collective through the thin medium of collective identity is one that I think he should want to repudiate. Among other things, it is an idea that he shares with a great many terrorists who often invoke it, if not always in their public statements, at least in their private struggles to rationalize what they do. Many terrorists are highly morally motivated. This is especially evident in the case of suicide bombers. It is therefore unlikely in most cases that they think of themselves as intentionally killing people who are entirely innocent. Even Osama bin Laden, in his

“Letter to the American people” of 2002, argued that Americans are not innocent but are responsible for the acts of their government through the activity of voting. But many others think that all Americans (and, *mutatis mutandis*, all Israelis, all Jews, etc.) are guilty just because they are Americans (or Israelis...) – that is, because they are citizens of a country that is guilty of grievous wrongs and injustices. This is the view that C and many terrorists seem to have in common, though C refers more frequently to shame than to guilt. The difference is that C does not infer from the collective guilt or shame of Americans that they deserve to be killed, or are morally liable to be killed.

C ought not to be seduced by his justifiable revulsion at the Bush administration’s practice of torturing its captives into accepting so crude a doctrine of collective responsibility. He could in fact do better in his effort to find grounds for shame among ordinary Americans for the acts of their government than their mere shared identity as Americans. He might start, for example, by noting that the policy of torture operates through institutions that are designed, organized, and administered by Americans to serve Americans. These institutions are, indeed, partly constitutive of the abstract object known as the United States. States are constituted by their territory, institutions, citizenry, and so on. They persist over long periods of time despite the replacement of their entire population over several generations, in part because of the continuity of their institutional structures. When the operation of these institutions results in a practice of torture, it may not be unreasonable to locate at least some degree of responsibility for the practice among those whose institutions they are, and especially among those who administer, participate in, and benefit from the operation of those institutions. This is particularly true when the institutions are at least to some degree remotely controlled through democratic decision-making procedures, and when practices such as torture operate through established mechanisms of political authorization. In such cases, responsibility for the practice and its consequences can be traced back, if only tenuously, through chains of authorization, all the way to the citizens themselves. There is thus some substance in bin Laden’s point, though it has nothing like the significance he attributes to it.

C might go further by noting that people have a special responsibility to control the operations of the institutions that serve them. When those institutions malfunction and begin to operate immorally, both those who administer them and those on whose behalf they operate have a duty to try to bring the immoral action to an end. People can incur a burden of shame by failing to fulfill this duty as well as by contributing positively to the continued immoral operation of their institutions.

The focus on institutions is important in another way. For it is usually only by acting in an official capacity within the institutions of a collective that an individual or group of individuals can transmit responsibility and therefore shame for wrongful acts to others in the collective. Suppose, for example, that entirely as a matter of chance all the American perpetrators of torture in Afghanistan, Iraq, and Guantanamo have been Catholics. Even if it makes sense to suppose that their action brings shame on all Americans, it makes no sense to claim that it also brings shame on all Catholics. This is because they had no capacity to act as agents of the Catholic Church on behalf of

Catholics. They acted instead as agents of the United States, fulfilling the requirements of certain roles they had in exclusively American institutions.

There is a subtle but important difference between acting in an authorized role or official capacity within a collective, which is an objective matter, and acting “in the name” of a collective. The latter phrase is common and appears in C’s lament, quoted earlier, that “the generation of white South Africans to which I belong, and the next generation, and perhaps the generation after that too, will go bowed under the shame of the crimes that were committed in their name.” (44) But one can, it seems, act in the name of others simply by claiming to do so. This is presumably the assumption of the *New York Times* editorialist who contended that the action of Pakistani terrorists in India brings shame on all other Pakistanis. If those men had simply been ordinary criminals engaged in mass killing for personal gain, the editorialist would not have supposed that they had shamed an entire nation. It is because he assumes that they took themselves to be acting in the name of all Pakistanis that he believes that they were able to implicate other Pakistanis in what they did. But it is beyond the power of terrorists to implicate the other members of a collective to which they belong simply by declaring that they are acting in the name of the collective as a whole. If a group of white supremacists were to claim, in committing some atrocity, to be acting in the name of white people everywhere, that would not entail that there would be yet another burden of shame under which C, a white man, must go bowed.

### **5 How Important is it to Avoid Collectively Imposed Guilt or Shame?**

I have offered a crude sketch of some grounds on which it might reasonably be claimed that Americans quite generally have been shamed by the Bush administration’s practice of torture. Suppose this sketch has some plausibility and that I and other Americans are indeed bearers of shame for the action of our government. C poses for us the question: how can we save our honor? How might we escape from this burden of shame and how important is it that we should do so?

According to C, this is a matter of considerable importance: “the object, not just for Americans of conscience but for individual Westerners in general, must be to find ways to save one’s honour.” (41) (Here he repeats the mistake of thinking that shame is transmitted by bare collective identity. While I have suggested that Americans may be implicated via the institutions that connect them to their government and its acts, there are no comparable institutional structures capable of implicating Westerners in general.) C surveys some of the means by which we might save our honor but finds most of them wanting. “Mere symbolic actions,” such as “pronouncing aloud the words ‘I abhor the leaders of my country and dissociate myself from them’ – will certainly not be enough.” (40) What, then, would be enough? C has only one suggestion of which he is entirely confident. “Suicide would save one’s honour, and perhaps there have already been honour suicides among Americans that one does not hear of.” Thus, “if today I heard that some American had committed suicide rather than live in disgrace, I would fully understand.” (40 & 43)

I have no idea how seriously Coetzee would have his readers take this suggestion. I hope there are no earnest and idealistic young Americans who in a moment of anguish over their government's action have taken it seriously enough to act on it. For even if there are institutional connections between ordinary Americans and their government that make it rational for them to feel personal shame over its deeds, to suggest that it might be desirable, meritorious, noble, or even morally necessary for them to kill themselves is to attribute vastly disproportionate significance to the grounds for shame. What would killing oneself accomplish? What would it be other than a "mere symbolic action," which C dismisses as not enough? I suspect that C's answer, if only he could have stayed around for another chapter to answer challenges, would have been couched in the religious idiom in which much of his discussion of torture is expressed. He would have said that Americans have been morally stained, tainted, contaminated, or defiled, and that in consequence their souls require radical purgation or purification. But like so many of religion's contributions to moral thought, this obsession with the state of one's own soul is a pernicious corruption. A hypothetical example will show where it leads.

Suppose that an American of conscience, to borrow C's term, is in a position to prevent CIA agents acting under presidential authorization from torturing 10 captives who have been designated as "unlawful combatants." Alternatively, he can, as chance would have it, prevent agents of the Iranian government from torturing 20 Iranian citizens accused of disloyalty, subversion, or something of that sort. But he cannot prevent both; he must choose. According to the view espoused by C, his own moral purity and honor are at stake in the action of the CIA agents, whereas there is nothing to connect him to the action of the Iranian agents that would give him grounds for shame. If he is to save his honor, he must prevent the torture of 10 by CIA agents rather than the torture of 20 by Iranian agents. Yet that would be perverse. It is not in fact what morality requires.

This does not show that there is no more reason to prevent wrongdoing by those to whom one is specially related than there is to prevent equivalent wrongdoing by others. If the American's choice were between preventing CIA agents from torturing 10 innocent people and preventing Iranian agents from inflicting equivalent tortures on 10 different innocent people, many of us think that he would have a reason to prevent the tortures by the CIA. Even so, that reason might not be that he would be shamed or dishonored by the acts of the CIA but not by the acts of the Iranians. It might instead be that because of his special relation to the CIA agents – the relation of fellow-citizenship – he has stronger reason to prevent what would be bad for them than to prevent what would be equally bad for Iranians. On the plausible assumption that it is bad for a person to act in a way that is egregiously immoral, it follows that the American would have stronger reason to prevent his fellow citizens from acting immorally than he would have to prevent the same number of Iranians from acting in the same immoral way.

But even if the reason why the American ought to prevent CIA agents rather than Iranian agents from torturing 10 innocent people is that this is what is required in order to avoid personal shame and dishonor, a further variant of the example suggests, to me at least, that the avoidance of shame and dishonor that one would otherwise incur, not through one's own action but only through one's association with others, is a comparatively insignificant aim. If the American could either prevent the CIA agents

from torturing 10 people or prevent Iranian agents from inflicting equivalent tortures on 11, it would, in my view, be inexcusably egotistical to suppose that one should allow the torture of an additional person just to “save one’s honor.”

Although *Diary of a Bad Year* contains C’s essays in *Strong Opinions*, it does not include the acknowledgments section of that book. If it did, it could not allow C to say what Coetzee says of those who offered him advice on the writing of *Diary of a Bad Year*: “For what I have made of their advice I alone am responsible.” (231) For if some of the opinions (other than those about collective shame) articulated in *Strong Opinions* are wrong, C would have to think that his friends who had offered him advice would share responsibility for the book’s mistakes, and would be shamed by them, not only because they had given him bad advice but also by virtue of their being his friends. That Coetzee does not implicate his own friends and advisors in this way offers grounds for hope that C has kept some of his strong opinions to himself rather than passing them on to his creator.<sup>13</sup>

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<sup>1</sup> See, for example, J. David Velleman, “The Genesis of Shame,” *Philosophy and Public Affairs* 30 (2001): 27-52; and Martha C. Nussbaum, *Hiding From Humanity: Disgust, Shame, and the Law* (Princeton: Princeton University Press, 2004), esp. chapter 4.

<sup>2</sup> For an account of the way in which torture is an especially egregious subversion of the victim’s humanity, see David Sussman, “What’s Wrong With Torture?” *Philosophy and Public Affairs* 33 (2005): 1-33.

<sup>3</sup> J.M. Coetzee, *Diary of a Bad Year* (New York: Viking, 2007). All parenthetical page references in the text are to this book.

<sup>4</sup> Nussbaum is among those who deny that shame requires publicity. See *Hiding From Humanity*, p. 205.

<sup>5</sup> Thomas L. Friedman, “Calling All Pakistanis,” *New York Times*, December 3, 2008.

<sup>6</sup> Margaret Gilbert, “Group Wrongs and Guilt Feelings,” *The Journal of Ethics* 1 (1997): 65-84, p. 76. (Italics in the original.)

<sup>7</sup> *Ibid.*, p. 83. (Italics in the original.)

<sup>8</sup> *Ibid.*, p. 80.

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<sup>9</sup> This is not to deny that there may be second-order reasons for having certain feelings. If people's having certain feelings would have good consequences, there might be reason to cultivate those feelings even if they were otherwise unjustified. Suppose, for example, that Finns would be more likely to support the musical arts, thereby making it more likely that other Finns will compose great symphonies, if they take pride in the work of Finnish composers. In that case it might be good to encourage their otherwise irrational pride in Sibelius's fifth.

<sup>10</sup> One prominent legal theorist, George Fletcher, argues that collective guilt actually mitigates individual guilt. See his *Romantics at War: Glory and Guilt in the Age of Terrorism* (Princeton: Princeton University Press, 2002), chapter 8. For criticism of this view, see Jeff McMahan, "Collective Crime and Collective Punishment," *Criminal Justice Ethics* (Winter/Spring 2008): 4-12.

<sup>11</sup> *Ibid.*, p. 81. (Italics in the original.)

<sup>12</sup> Philip Pettit has recently shown that there can be cases in which, even though every person who participates in a collective decision-making procedure may vote against a certain course of action, their other inputs may nevertheless commit the collective to the exact course of action that they have all individually rejected. In such a case, the collective may do wrong without any individual being guilty or having acted wrongly. I think that in such a case there is no justification for collective punishment as a matter of retribution. If it is necessary to take action against the collective to prevent or to deter further collective wrongdoing, or to coerce the collective to compensate the victims of its action, the justification for such action must be that all the members of the collective are liable to accept their share of the burden by virtue of having voluntarily participated

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in a decision-making procedure that had the potential to result in wrongful collective action even when no individual participant wanted that result. See Philip Pettit, “Responsibility Incorporated,” *Ethics* 117 (2007): 171-201.

<sup>13</sup> I am grateful to the editors for penetrating written comments on an earlier draft of this essay, and to Ruth Chang, Shelly Kagan, Frances Kamm, and Larry Temkin for extraordinarily helpful discussion. Special thanks to my dear friends Agi and Bosko Zivaljevic for keeping me well supplied with Coetzee’s books, and especially for ensuring that he always wrote a new one in time for my birthday. Finally, my criticisms of the views of one of his characters should not be understood as criticisms of Coetzee as a novelist. Of all living novelists whose work I know, Coetzee is in my view the best.