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SHAME: BERGMAN ON RESPONSIBILITY AND BLAME

Leonard V. Kaplan[†]

"Where is this place?" Oedipus asks Antigone as they enter Collonus, the famous dwelling place of the transformed Eryns. This verse has captured me as powerfully as Hillel's admonitions that if I do not stand for others, who will stand for me? and "if not now when;"¹ Marx's admonition about the "poverty of philosophy;"² and Lenin's "what is to be done?"³ These few quotes tie humanity to place. They identify the mystery of identity and ultimately, the need for action even in the face of the ineffable or noumenal.

We live at a very dangerous time. It may be that every time was dangerous. So be it. At this time global war is in the air—a war to protect globalized economies under which a small part of humanity does very well while most of humanity struggles. Domestically, almost a banality but a truth, the poor get poorer, the rich richer, the gap between skilled and unskilled gets larger and the middle becomes more anxious. We have a crisis in health delivery, an industrial prison complex, continued poverty, a further disaffection from politics, a breakdown of political leadership here and in much of the world and a culture of complaint. At the more institutional level, our courts are more politicized—not a new but a more obvious condition than immediately in the past. The United

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¹ SAYINGS OF THE FATHERS, OR PIRKE ABOOTH (Isaac Unterman ed. & trans., 1964) ("If I am not for myself, who will be for me? And if I am only for myself, what am I? And if not now, when?").

² See KARL MARX, THE POVERTY OF PHILOSOPHY (1963).

³ See V.I. LENIN, WHAT IS TO BE DONE, BURNING QUESTIONS OF OUR MOVEMENT (1929). The first cite I can find to this famous Lenin query is from the *Acts of the Apostles*. See THE WRITINGS OF ST. PAUL 160 (Wayne Meeks ed., 1972).

States Supreme Court is more imperious, more activist and more disdainful of Congressional power than anytime since its struggle with the executive branch over the New Deal.⁴ State legislatures and the U.S. Congress are captured by corporate interests.

Perhaps I am overstating? How colored is my consciousness by developmental trauma and adaptive mechanisms? How prescient am I about reading the world as a text through my own subjectivity? This is the very point of the Essay: What difference does my assessment of national and global conditions make to what I owe the world or what it owes me? Or in the terms of this Symposium, what is my responsibility, what is my potential blame and for what aspect of the world am I responsible? These questions entail assessments of the epistemological, ontological, ethical, legal and, more generally, political understanding of what responsibility means philosophically, theologically, legally and politically. And what does theory along any of the fault lines mean for individual and social practice both normatively and empirically?

My view is not from nowhere but from here and now. It is colored by theologies that are committed to the other, it is unhappy with the liberal state both theoretically and actually and it prefers the liberal state theoretically over many other current alternatives. In the first part of this Essay, I briefly discuss the role of responsibility under liberal and republican theories of the state. This Essay then contemplates our individual responsibility for what is currently happening. It expresses no great faith in theory or writing against the current grain, but that is the practice at hand and here we are. So, I argue that we owe a responsibility to do more than we are doing, but that we do not have the energy, time or money to do more, and that we do not know what to do; this has consequences for how we feel about ourselves, about the quality of our life and souls. I do not posit an afterlife. This life is scary and fascinating enough.

At the outset, I assert the following claims: (1) as an individual, I am responsible no matter what I do; (2) we do not do enough; (3) we do not know what to do; (4) structural constraints and distortions rationalize present quietism; (5)

⁴ See JOHN T. NOONAN JR., *NARROWING THE NATION'S POWER, THE SUPREME COURT SIDES WITH THE STATES* (2002).

theory about the state of the state, though engaging, will be unavailing in shaping particular persons to be more responsible and effective in defining and addressing whatever is seized upon as the current commodified evil; and (6) social and intra-psychic motivational distinctions between shame and guilt explain little about most structural politics and less than we might hypothesize about interpersonal responses—at least for responsible action in the public sphere.⁵ My object is to explore these issues by analyzing Ingmar Bergman's film *Shame*.⁶

In the second part of this Essay, I analyze and critique *Shame*, placing it in context with the theological.⁷ Ultimately, this Essay looks to the implications of theologically shaped theories to ask about a theoretical advance beyond Bergman's *Shame*. I propose that Bergman provides a suggestive narrative to explore the problem of individual responsibility for self, other and state. He provides a frame for both an ethic and an argument that psychology is intimately related to ethics as a matter of ontology. Bergman's view in this work complements theologically informed philosophers of Jewish, Protestant and Catholic orientation toward questions of responsibility, particularly Emmanuel Levinas, Dietrich Bonhoeffer and Jan Patocka respectively. It also accords with the strain of metaphysics that Plato bequeathed to western thought.⁸

⁵ Barrington Moore gave us the concept of the commodification of moral outrage, meaning that, as a culture, we choose a particular social harm as a focus, write and talk about it, perhaps research it, deliver policy papers, perhaps show a modicum of institutional concern, then grow tired of the problem and turn to a new outrage as the social harm de jour. BARRINGTON MOORE, *INJUSTICE, THE SOCIAL BASES OF OBEDIENCE AND REVOLT* 500-05 (1972).

⁶ Screened in 1968, *Shame* starred Liv Ullmann and Max von Sydow. Sven Nykvist was the director of photography. The film's Swedish title is *Skammen*.

⁷ For perhaps the best critical, complete analysis of Bergman's cinematic work see PAISLEY LIVINGSTON, *INGMAR BERGMAN AND THE RITUALS OF ART* (1982). I am indebted to Professors David Bordwell and Noel Carroll, each of whom suggested Livingston's work when I mentioned I was working on this Essay. Bergman himself wrote an autobiography, *THE MAGIC LANTERN* (Joan Tate trans., 1988) and a critical book on his films, *IMAGES, MY LIFE IN FILM* (Marianne Ruuth trans., 1994). In the latter book, Bergman is critical of *Shame*. He sees the movie divided into two parts, one about the events of war which he found wanting and another about the effects of war which he felt was good. *Id.* at 298. He worried about the film's reaction and apparently received little satisfaction, though the initial review in Sweden was very good. *Id.* The film was nominated for best foreign picture but did not win the Academy Award. David Shipman comments that *Shame* was one of two movies where Bergman "takes his place as one of the great creative figures of [the twentieth] century." See DAVID SHIPMAN, *THE STORY OF CINEMA: A COMPLETE NARRATIVE HISTORY FROM THE BEGINNINGS TO THE PRESENT* 953 (1982).

⁸ This may be unsurprising since Bergman came out of a tradition akin to

Contrasting drama with a particular set of philosophical claims allows experiential testing of narrative plausibility and perhaps even conditional truth of the representational mimesis.

In important ways, the “theological” view of responsibility that suffuses *Shame* is anti-liberal. It intimates a direction for how one should live a life different from the market and institutional demands of mass society survival. But Bergman’s vision, even where he suggests a positive direction, remains bleak. Moreover, whatever the truth of my reading of the film with respect to interpersonal obligation and the soul, Bergman provides little direction toward how to reform institutions to negate the chilling despair he represents. He does not have to. Neither Plato, Hegel nor Rawls provided a successful institutional frame for republican, liberal or any other institutional array to shape conditions to avoid the world that enervates and kills Bergman’s players. Even Karl Marx refused to offer a precise politics, asserting in very enlightenment fashion in *The Critique of the Gotha Program* that the workers would have to fashion the appropriate politics together for themselves through struggle.⁹

In Part III, I call primarily on three thinkers to contrast with Bergman: Emmanuel Levinas, Dietrich Bonhoeffer and Jan Patocka. Each of these three continues a personal synthesis of Athens and Jerusalem, taking his ethical concerns from Jerusalem, measured against philosophic rigor and matched against competing philosophic analyses.¹⁰ In Susan Handelman’s terms, I seek possibilities in the “fragments of redemption” currently available for anchoring a practice of responsible public and private action.¹¹

Bonhoeffer’s. Bonhoeffer was captured and executed by the Nazis for his part in the Abwehr’s conspiracy to kill Hitler. See generally DIETRICH BONHOEFFER, *ETHICS* (1955).

⁹ Ralph Miliband concludes his then important *The State in Capitalist Society* by calling on Marx’s analysis in *The Critique of the Gotha Program* to conclude that eventually the working class will work through all internal conflict and rally toward a transformational politics. RALPH MILIBAND, *THE STATE IN CAPITALIST SOCIETY* (1969).

¹⁰ Jeffrey S. Shoulson argues persuasively that through history any defined boundary separating Athens and Jerusalem has long been blurred. See JEFFREY S. SHOULSON, *MILTON AND THE RABBI: HEBRAISM, HELLENISM, AND CHRISTIANITY* (2001). Nevertheless, prophetic Judaism ethically and stylistically presents very differently from Greek-derived philosophy.

¹¹ See SUSAN A. HANDELMAN, *FRAGMENTS OF REDEMPTION* (1991); Susan A. Handelman, *Crossing and Recrossing the Void: A Letter to Gene*, in *REVIEWING THE COVENANT: EUGENE B. BOROWITZ AND THE POSTMODERN RENEWAL OF JEWISH THEOLOGY* (Peter Ochs ed., 2000).

I. LIBERAL AND REPUBLICAN THEORIES OF THE STATE AND THE CONSTITUTION OF THE RESPONSIBLE SELF

The legal academy continues to debate the extent to which the United States is a liberal or republican government. This debate hinges on an intuition about the nature and constitution of the self and the degree to which the self is self-determining. Republican theorists emphasize the contingency of the self to the shaping community in which it develops. Republican theory holds the self to be contingent, communally dependent. The communitarian ethos embodied in republicanism theory is central to certain aspects of feminist and critical studies jurisprudence. The point of communitarian theory, backed independently by thinkers such as George Herbert Mead, is that the self is intrinsically social or, to follow Aristotle, political. To the contrary, liberal proponents assert and assume that the self is autonomous and responsible, unless incapacitated through age, mental illness or defect.

As people, the republican argument asserts that we are first constituted by the social and its internalized meanings. We are born into sex with gender, linguistic, religious and nationalistic expectations. These constituent aspects of the individual self flourish, regardless of any asserted personal autonomy, through internalized cultural reinforcers that nourish self-formation. Republicanism, for some, makes for a better fit with this communitarian "insight." Republican theorists would change institutions and public practices to accommodate and enhance the self's more "natural" development along these communal lines. In contrast, liberal theory rests on the autonomous self as the bedrock of its legal and political world view. How we get to a republican polity is certainly as unclear as whether we ever had one, or could have one in mass societal conditions. Likewise, how can we actualize a truly liberal state, if such is defined as a state whose purpose is to provide, as Georg Wilhelm Friedrich Hegel insisted, for the conditions of human flourishing, is equally unclear and unlikely in current conditions.¹²

The liberal autonomous self is part of a liberal, mythology, supporting a liberal jurisprudence that, as Roberto

¹² For the argument that Hegel held a liberal position and that his position posited the conditions for individual actualization in an integrated, mediated social space motivated by a capitalist political economy see SHLOMO AVINERI, *HEGEL'S THEORY OF THE MODERN STATE* (1972).

Unger argued in *Knowledge and Politics*, presents but one of liberalism's antinomies.¹³ We are all monads negotiating our arbitrary desires through a rational instrumentalism in a preference-maximizing and marketing social space. C.B. MacPherson charted one important narrative of the liberal self toward a "possessive individualism" and claimed that liberal capitalism could best be characterized as the end state of that development.¹⁴ Hence, the republican or communitarian self would be both more contingent and more generous to communal concerns. Thus, it seems that the autonomous self of liberal theory would dictate a different understanding of individual and social responsibility and, therefore, different notions of individual and social blame. Except for a defined set of "worthy" losers—e.g., the nineteenth century's worthy poor—all others who lack or need can only blame themselves for their individual and social inadequacy.¹⁵

A. *Current Legal Practice and Individual Responsibility*

The nature of the self is a significant question for any jurisprudence, and the extent of any presumptive autonomy or contingency must be considered in micro or under a more structural framework, and in legal practice. The legitimacy of strict liability, negligence and any variations depends on the basic fit and fairness of the public's intuitions. Criminal jurisprudence has occupied itself with the insanity defense well beyond any real world applications, given that the nature of the self and the attribution of responsibility play out dramatically in this venue, particularly where the death penalty hangs as a possible sanction. Focusing on the individual, whether in a tort or criminal context, tends to narrow the focus on attribution of fault and blame to one disposition: Do we charge (blame) the individual economically or through punishment?

This focus on fault and blame sharpens certain aspects of our social judgments, which have showed historical variation if not "progressive" advance. For example, a jury in Wisconsin

¹³ ROBERTO MANGABEIRA UNGER, *KNOWLEDGE AND POLITICS* (1975).

¹⁴ C.B. MACPHERSON, *THE POLITICAL THEORY OF POSSESSIVE INDIVIDUALISM, HOBBS TO LOCKE* (1962).

¹⁵ Today, we are seeing at least one tendency in the United States toward a neo-social Darwinism, in practice if not name, in our attitude toward the poor, where compassionate conservatism stands for private altruism or charity and undercuts the state's obligation to the needy.

deemed human cannibalism legally sane in the Jeffrey Dahmer case.¹⁶ Insanity was not a category that the Wisconsin jury would affix to Dahmer. The humanizing tendency that David Bazelon tried and failed to establish with the insanity defense is well documented.¹⁷ The defense, never well-liked publicly, is not the subject of a wide movement for new reform. Yet, in the tort context, for example, policies like that embodied in the fellow servant rule have been long since discarded, apparently as improperly ideologically motivated. Would a thorough-going republican or communitarian ethos set differing standards for criminal or tort accountability and blame? Would such a standard play out differently for questions outside of liability establishing legal entitlement? These issues are important but only mentioned here to make the point that such issues are of concern to legal theorists.¹⁸ In practice, the public experiences the legal attribution of responsibility in a frame where the focus is on only one event and the question is one of individual punishment or fault without a broader context. This focus domesticates and, at times, distorts possible clarity about social complicity in any particular enterprise.

¹⁶ Dahmer did not appeal his conviction. Jim Stigl, *Dahmer Won't File an Appeal of Verdicts*, MILWAUKEE J., Mar. 5, 1992, at B6. Two years later, he was "bludgeoned to death in prison." Don Terry, *Jeffrey Dahmer, Multiple Killer, is Bludgeoned to Death in Prison*, N.Y. TIMES, Nov. 29, 1994, at A1. The first year, he was kept in protective custody but prison officials decided he would be safe in the general population. *Id.* I certainly was not surprised that he was murdered in prison.

¹⁷ Chief Judge David Bazelon, of the D.C. Circuit Court of Appeals was instrumental in persuading the D.C. Circuit to experiment with the application of the insanity defense. He was the force behind the *Durham* product test but finally despaired of ever finding a formulation that would compel a mental health expert to provide information, but not a conclusion, on the insanity issue. Bazelon was responsible for an unsuccessful judicial experiment with the application of the insanity defense. He wanted to allow psychiatrists to provide as much relevant expertise to the trier of fact as possible to inform judgment but he did not want to allow such testimony to substitute for the jury's determination. So psychiatrists were not limited in testimony except for conclusory statements, sane or insane. See *Durham v. United States*, 214 F.2d 862 (D.C. Cir. 1954). The so-called *Durham* test or product test did not work, however. Psychiatrists still gave conclusions and sometimes did so because of the trial court's questions. Bazelon and the D.C. court gave up on the *Durham* experiment in *United States v. Brawner*, 471 F.2d 862, 1010 (D.C. Cir. 1972) (Bazelon, C.J., concurring in part and dissenting in part). See generally DAVID L. BAZELON, QUESTIONING AUTHORITY: JUSTICE AND CRIMINAL LAW (1988).

¹⁸ Dan Kahan's discussion at the "Responsibility and Blame Symposium" analyzed criminal jurisprudence, and Tony Sebok's article examines the vicissitudes of tort theory, responsibility and entitlement. Dan Kahan, *The Aesthetics of Blame in Criminal Law*, Remarks at the Brooklyn Law School Center for the Study of Law, Language & Cognition Symposium, Responsibility & Blame: Psychological & Legal Perspectives (Oct. 18, 2002); Anthony J. Sebok, *The Fall and Rise of Blame in American Tort Law*, 68 BROOK. L. REV. 1031 (2003). Each scholar looks structurally at the respective jurisprudences and the implications for individual actors.

Current ideological proponents of tort reform—i.e., reducing a plaintiff's rights against manufacturers, doctors, etc.—emphasize individual responsibility, bad moral luck and individual burden, and seek to cut back on a structural frame, in place for over a century, for locating who should bear tort responsibility and burden. Criminal responsibility jurisprudence and even tort accountability have problematic relationships to the responsibility concerns I address here. Criminal accountability is binary: guilty or not, sane or not, competent or not. Tort liability is similar, but it incorporates economic analysis, which has more to do with the distribution of loss than an assessment of ethical blame. Neither readily addresses my question of whether a republican or liberal frame could set different standards for attributions of accountability and blame.

A classic political-philosophic problem concerns responsibility that differs from the attribution of responsibility in judicial settings: What does the citizen owe to the polity as citizen? The apologetics of Socrates exemplify a citizen's responsibility in the polity,¹⁹ although Socrates eschewed public responsibility until one was specifically called on in an official role to respond to a political demand.²⁰ What is the responsibility of the citizen as citizen rather than as merely a human, in a world where state sovereignty seems precarious in a globalized economy and where the complexity of the liberal state seems to alienate more and more of the populace, who have become more or less disaffected consumers and not citizen actors? Human rights, as opposed to civil rights, remain a significant problem for jurisprudence in the United States (and in the world generally). Where a contest to preserve civil rights

¹⁹ See PLATO, *Socrates Defense (Apology)*, in THE COLLECTED DIALOGUES, INCLUDING THE LETTERS 3 (Edith Hamilton & Huntington Cairns trans., 1961).

²⁰ Socrates made it very clear in his trial that if he had responded beyond those times Athenian practice officially called on him, he would not have lasted his seventy years. See R.E. ALLAN, SOCRATES AND LEGAL OBLIGATION 37 (1980). So the public/private split in the liberal state did not of itself affect a fragmentation of the individual's obligation to respond. One could argue that a motivation for Plato's *The Republic* was to provide a space for a Socrates to thrive. PLATO, THE REPUBLIC, THE STATESMAN (George Burges trans., 1901). But Socrates would have to be one of the philosopher kings, or else he would surely perish once again. The Athenian state that tried and executed Socrates was unlike our liberal, capitalistic state in kind and scale. Moreover, we must also distinguish the rights and responsibilities of citizens from human rights and responsibilities. This distinction has significant legal and cultural consequences regarding current entitlements in the United States and elsewhere.

is increasingly tense, a more general defense of human rights is subject to strategic and real sacrifice.

B. *The Responsibility of the Citizen and of Human Beings*

This Essay is not concerned with the attribution of fault in the narrow adjudicative context of torts or criminal law. Nor do I argue for class entitlement along lines of race, gender or any other putative deserving set of the population. Rather, my objective is to analyze a subject more difficult to assess and yet ultimately no less significant for contemporary jurisprudence: What does the individual owe to the polity? Asking the question in this form seems a bit ponderous, portentous, vague and anachronistic. We do not have a polity in the classic Greek meaning. Arguably, professionals assume guild or professional responsibility as a smaller set of social responsibilities.²¹ Max Weber warned us of the loss of vocation and the undermining of guild responsibility.²² He warned us of the loss of spirit that the iron cages of mass bureaucracies entailed.²³ But even professionals have experienced a rationalization of their respective worlds to the point of achieving significant compensation but a diminishing actual power to run their own professional lives. From very different political vantage points, the best of the twentieth century's best literature carried the same theme. Consider Yeats's "*the best lack all conviction, while the worst/ Are full of passionate intensity*"²⁴ as commentary on the virulent illogic of much of early twentieth century mass governance.²⁵

²¹ See generally, the influential work of Michel Foucault on power and disciplinary practice, particularly in medicine and more specifically in psychiatry. Foucault points toward the dispersal of power into disciplines that are governed by their own immanent institutional needs. For just one of many relevant works, see *THE FOUCAULT EFFECT, STUDIES IN GOVERNMENTALITY* (Graham Burchell et al. eds., 1991). Long after his death, Foucault is still giving an edited set of lectures where he takes on the "history of thought" on *parresia* (free speech and its relationship with frankness, truth and democracy, inter alia). See *MICHEL FOUCAULT, FEARLESS SPEECH* (Joseph Pearson ed., 2001).

²² MAX WEBER, *THE PROTESTANT ETHIC AND THE SPIRIT OF CAPITALISM* 180 (Talcott Parsons trans., 1958). Weber's classic diagnosis was that capitalism could well end with "[s]pecialists without spirit, sensualists without heart." The quote continues, "this nullity imagines that it has attained a level of civilization never before achieved." *Id.* at 182.

²³ See MAX WEBER, *Science as Vocation*, in *FROM MAX WEBER: ESSAYS IN SOCIOLOGY* 155 (Hans Girth & C. Wright Mills eds., 1946).

²⁴ William Butler Yeats, *The Second Coming*, in W.B. YEATS, *THE MAJOR WORKS* (Edward Larrissy ed., 1997).

²⁵ FRANZ KAFKA, *THE TRIAL* (Willa Muir & Edwin Muir trans., 1956).

Anthony Kronman's *Lost Lawyer* examines the corruption of law as a vocation, implicitly asking what is to be done about the degradation of law's fraternity and the profession's obligation to the state and community.²⁶ He analyzes the tension that Kantian liberalism creates for his neo-Aristotelian valuation of prudence.²⁷ He finds that Kantian obsessiveness with respect to an idealized individual equality undermines a more reasonable and ultimately more effective and just neo-Aristotelian conception.²⁸ We have lost individual prudence in the service of structural analysis, particularly to a variant of economic analysis in the legal academy.²⁹ Kronman does not express much optimism for the core of legal practice to be one based on social obligation.³⁰ As a legal profession, we have lost soul and direction. I might add that we also have not achieved the Kantian respect for the juridical (hypothesized) individual in juridical or political practice. Theoretical gains frequently remain theoretical. Kronman writes about the particular obligation of the bar toward the social good, but the loss of professional control over its own work extends to medicine as well.³¹ Further, the alleged good that lawyer-statesmen did for the state was at best restricted to citizen rights, most likely making a more general contribution to governance.

Richard Dagger and others attempt to create a new synthesis, a liberal republicanism, resolving any conceptual and real impediment to participatory and engaged politics.³² We are not bereft of theory. From John Rawls and Ronald Dworkin through Michael Sandel and Jean Bethke Elshtain and beyond, we have identified theoretical issues with some real subtlety. But just as Plato failed to construct a new state in *The*

²⁶ See ANTHONY KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* (1993). Kronman's description of the day-to-day life of legal practitioners captures something very close to truth. Whether lawyers ever acted to any degree as the kinds of legal statesmen that he claims is more problematic. For a critique of Kronman, see AVIRAM SOIFER, *LAW AND THE COMPANY WE KEEP* (1995). *But see also* Aviram Soifer, *Who Took the Awe Out of Law?*, in 3 GRAVEN IMAGES: MADNESS, MELANCHOLY, AND THE LIMITS OF THE SELF at 173 (Andrew D. Weiner & Leonard V. Kaplan eds., 1976).

²⁷ KRONMAN, *supra* note 26.

²⁸ *Id.* at 37-39.

²⁹ *Id.* at 236-38.

³⁰ *Id.* at 6-7.

³¹ *Id.*

³² RICHARD DAGGER, *CIVIC VIRTUE, RIGHTS, CITIZENSHIP, AND REPUBLICAN LIBERALISM* (1997).

Republic and *Laws*, we do not live in a world where we can construct or reconstruct either a Rawlsian neo-liberal (Kantian) state or a new republic from a theoretical drawing board.

We are not Greek; we do not have a polity. We have consumers more than we have citizens. Most of us, including law professors and political philosophers, do not want or have the time to act as citizens. Theorizing is not acting as a citizen. Gregory Vlastos, perhaps the leading student of Socrates, critiqued even Socrates for his lack of participation as a citizen of Athens.³³ Vlastos had the war in Vietnam in mind, but the matter applies generally.³⁴ What is our obligation and what enforces such an obligation on us as theorists and as human beings, living in an uncertain, morally ambiguous world? How do we define or account for individual responsibility to others or the society outside of dispute resolution or other formalized state institutions?

II. BERGMAN'S *SHAME*

In *Shame*, Bergman layers the individual, interpersonal and political, dramatizing the open-ended quandary of existence for the artist and every person in a contemporary world in the throes of an unintelligible war, where commitments are beyond Sartrean absurdity yet choices nevertheless have consequences for the individual soul and for the greater community. Every meaning of shame is structured into the film. Blame is an unvoiced result of living that the film's narrative demands.

A. *The Film*

The film is set during a war. It is unclear whether the war is civil or between countries. The ambiguity of its setting bolsters its power and makes the film significant as an object for analysis of shame and responsibility.³⁵ Bergman's film

³³ See Gregory Vlastos, *Socratic Studies*, in EPILOGUE: SOCRATES AND VIETNAM 127 (Myles Burnyeat ed., 1994).

³⁴ See *id.* at 132-33.

³⁵ This very ambiguity counted against Bergman in some critical reviews at the time of the film's release in Sweden. Maria Bergom-Larson in her book, *Ingmar Bergman and Society* details Swedish critical reaction to the film. MARIA BERGOM-LARSON, *INGMAR BERGMAN AND SOCIETY* 99 (Barrie Selman trans., 1978). She also analyzes the movie and finds it wanting from a left, political viewpoint. She, among

captures my attention because its very lack of specificity about the competing sides sets forth a more powerful narrative about more than war: It portrays the consequences of self-defense and the avoidance of responsibility in the face of ambiguity, contingency and horror.

The film opens with Jan and Eva Rosenberg³⁶ awaking for a new day on an island separated by a short ferry ride from the mainland.³⁷ They have been at a small cottage where they maintain a modest living growing their own food, keeping chickens and selling berries to the townspeople. For four years, they have been modestly self-sufficient, away from politics and a war they and most of the others they encounter seem not to understand. Viewers are certainly left without a clue concerning the reasons for the war and the combatants' competing concerns.

In the first scene, Bergman sets the tone for the first part of the film by catching the couple waking up.³⁸ Eva, played by Liv Ullmann, wakes with energy. She performs her morning ablutions. The more vital member of the couple, she has to admonish Jan to shave. He seems enervated, passive, listless. Through the first part of the movie, Eva dictates the responses for the two. Jan, played by Max von Sydow, is weak, self-pitying, selfish, cowardly and a hypochondriac. He is also most likely Bergman's reference to himself, the artist contingent on patronage, a parasite on society on the one hand, a critic on the other.

We find that the war has been going on for four years and that the two were musicians. Eva was the first violinist for

others, is critical of Bergman's critical aim in the film. The Swedish left generally saw the movie as an apology for the United States' involvement in Vietnam. She refers to Bergman's statement that the script, which he wrote in 1967, would have been different if written after the escalation in the Vietnam War and the Soviet invasion of Czechoslovakia. *Id.* at 93. But she notes that the ethical status of the war was a significant issue in Sweden given the war tribunal that Bertram Russell and others held in 1967 in Stockholm. *Id.* She says that Bergman himself had ethical qualms about the movie, not only with respect to the Vietnam issue but also with respect to the central role of the Soviet Union in its invasion of Czechoslovakia. *Id.*

³⁶ That the name Rosenberg may strike the observer as Jewish though not necessarily so has not gone unobserved. It also may be significant that it was the last name of Julius and Ethel, the infamous couple convicted of espionage during the Red Scare.

³⁷ Viewers today are aware that there are no island retreats in a globalized economy and that local wars tend to have broader implications.

³⁸ Bergman, a tough critic of his own work, likes the first scene of the movie and stands behind the movie though he would have changed certain scenes on aesthetic grounds. BERGMAN, *supra* note 7, at 299-301.

the state orchestra, which was disbanded because of the war. Jan seems to be a virtuoso. This assumption is reinforced by the fact that he possesses a rare, invaluable violin, a Pampini. Underscoring his expertise, Eva does not know the history of the violin maker. She may know less about the history of music and even her own instrument, but she controls their everyday life. She knows that he has been sexually unfaithful, and this continues to bother her though she attempts to suppress her feelings. She knows he is selfish. She may not even like him, but she says she loves him and makes love with him in an early, spontaneous scene. She seems to appreciate any positive attention he gives her.

Bergman shows us another scene from their marriage with its irritations, minor regrets and cruelties.³⁹ The war at this stage has changed their lives but not their basic modes of relating to each other. Eva wants a child and challenges Jan to be examined by a doctor to see if he is the biological cause of her failure to get pregnant. Jan is unwilling to see a physician, not out of a fear of biological deficit, but because he is not particularly interested in becoming a father. This failure of generativity emphasizes the extent to which Jan is self-obsessed. It also reveals his unwillingness to reach beyond himself. His stance in the world seems unrelated to the war. He would be superior, selfish, unfaithful and self-pitying in any case. He is bored and does little. He fiddles with the car, which is always breaking down, and with the radio, which is also chronically malfunctioning. He fails to pay the phone bill. When challenged by Eva, his stance is why pay when the phone does not work anyhow? We can pay our neighbor for any phone call. When Eva expresses irritation in response, ominously the dysfunctional phone rings. Eva picks it up, but no one answers. Despite Eva's general discontent, as in most marriages, there *are* moments—particularly early in the movie—when Jan is seductive and Eva's smile radiates.

Even before the war more immediately intrudes on their life away from the mainland, we have evidence that Jan is not maintaining any commitments beyond self-gratification and survival. His desultory care of his own grooming and mere tinkering with the car and radio register his disaffection from

³⁹ Bergman's work frequently deals with the theme of marriage and its potential destructiveness. See for just one example his *SCENES FROM A MARRIAGE* (1973).

any vital commitment. He is not even committed to his art. Neither he nor Eva practice together or alone any longer. This is highlighted on the occasion where Jan and Eva meet Jacobi, the mayor, and his wife on the ferry and reminisce about playing together, as they had done once, but it is clear to them all that a new engagement is a hollow commitment.

Before the war violently comes to their doorstep, Jan presents himself as too sensitive. He cringes on the steps inside of the house when Eva reminds him to get a jacket before they leave to deliver berries to the Jacobi household.⁴⁰ Eva, who is presented as vital and compassionate, is obviously disgusted with what she sees as his hypochondria. In their interactions he cajoles, don't you like me a little; don't you love me? His posture is whining, needy, ill—a Woody Allen character without the humor. His posture works. Despite her disgust, Eva responds to his seductive moves. When touched, she smiles. Yet, aware of his adultery and in light of his overall behavior, she is under no illusion about his basic selfishness.

As presented, the war is not primarily responsible for much of this behavior.⁴¹ Their art itself is not sustaining or even important without an audience. They talk as if they will practice but do not; they plan, after the chance meeting with the Jacobis, to play a string quartet. This is the talk of an enervated marriage. Jan does not appear clinically depressed, which could explain his general disinterest.⁴² Rather, Jan is a paradigmatic narcissist and, as such, needs mirroring and constant affirmation. For him, other people exist only for their instrumental value. His art seems instrumental and not worthy in itself. All this changes when he learns he is capable of murder. In any event, Jan has no sense of shame or for that matter guilt. Staying alive, without physical pain, suffices. He can live with the personal anguish that seems his lot, but the viewer cannot be sure how deeply his suffering is actually felt. His suffering does seem postured but even hysterics, after all, experience suffering though those on the outside find their behaviors flamboyant, overwrought, histrionic.

⁴⁰ Eva and Jan deliver berries to the mayor's home to earn subsistence money.

⁴¹ The Rosenbergs' interaction was characterized by many of my female students, in a recent showing, as typical of married life.

⁴² Bergman, as clinically aware as any film director, would have made depression clear if that were his intent.

All is not always glum, however. In one of the film's few delightful scenes, Eva and Jan enjoy fresh fish and wine, talk about music and discuss Eva's commitment to learn Italian. But when finally Eva complains about not having a child, Jan declares himself a determinist. Here, Bergman plays with philosophy as mere noise. Eva laughs and says that she really is not interested in philosophy. Jan gets seductive and they fall under the table together. Bergman's genius is to illuminate even the dour and to indicate life can yield simple delight.

Their pleasure abruptly changes. The war intrudes and the film speeds toward a degradation and forlorn doom. An army attacks and parachutists fall from the sky. A soldier, suspended from a tree, screams and Eva runs toward the scream despite Jan's demand that she stay away. She looks at Jan with contempt. She is impulsively brave. He thinks her foolhardy. The soldier may need help and Eva will help. The soldier dies but others arrive demanding to know what happened. The tension heightens. We see Jan's panic and cowardice.

A patrol stops at their house and demands that Eva express her opinion about her political views on camera. She is frightened, confused and intimidated. She says that she and Jan are apolitical. She is a musician and they have no knowledge about what is going on in the war but it has been going on too long. The patrol challenges her about whether she believes in democracy. Jan cringes and claims he is sick. The patrol later doctors the interview and uses it against Jan and Eva as propaganda. In so doing, Bergman demonstrates the hypocritical ease with which competing sides can doctor propaganda by distorting objective reality. Despite the camera control squad's claim that the Rosenbergs stood for democracy, the viewer has no reason to differentiate one set of combatants from the other. Even the uniforms of the competing sides are without discernible difference.

The war has come home. Another attack and more bombing prompt Eva and Jan to try to escape, but the road is out and they are forced home. Before their aborted journey, Eva suggests they take food. Jan can't bring himself to kill a chicken. He looks foolish, cartoonish, not like someone who values life. The scene would be funny if the consequences were not so serious. The fortunes of war shift. Jan, Eva and others are rounded up and interrogated. Eva is roughed up but Jan doesn't go to her aid. Others are more severely hurt and some killed. We see some of the badly hurt acting stoically whereas

Jan acts as if he were terribly tortured when he clearly received little harm.

Jacobi, an acquaintance and the town's mayor, changes sides from the resistance to become a Quisling.⁴³ Jacobi reveals to Eva and Jan that they were taken into custody for propaganda reasons and he knew that their filmed statements were doctored. Jacobi sends the couple home. He treats the two with deference where others experience a less kind fate. We quickly find out that Jacobi has personal motives for his seeming kindness. Jacobi starts to visit Jan and Eva, bringing gifts to each. In front of Jan, he tries to seduce Eva. Eva tells Jan that Jacobi's favoritism is going to bring them retribution from Filip, a friend who we saw selling freshly caught fish to Eva. Filip is now clearly the head of the resistance. Filip gives Eva notice that the resistance does not like the Rosenbergs' ostensible friendship with Jacobi. Eva looks to Jan for leadership but finds little help. Their marriage begins to unravel.

Jacobi's last visit marks a climactic shift in the film. Jacobi presents Jan with a first edition of Dvorák's Trio in E Flat. He gives Eva an expensive ring, a family heirloom. When Eva mentions the fact that his visits are putting them at risk of attack from the resistance, Jacobi threatens them with internment in a camp if they refuse his friendship. The three drink until Jan seems to fall into a stupor from too much wine. Jacobi tries to pay Eva to have sex with him. He gives her a wad of money, twenty-three thousand, all his savings.

Jacobi represents middle order, local leadership. He is a handsome man, generally held in esteem, successful, dignified. In reality, he is a man who has a wife, a son he has just visited and a grandson. But his posture in the world is all persona. He makes clear that he has always had a problem with fellow feeling. He fears that enemy patrols are going to murder him if they can find him. He switched sides so he would not be sent with a gun to fight. Bergman reveals that this man of some prestige and class is motivated by personal fear and an almost infantile sexuality. He seems to want mothering from Eva more than mature sexual satisfaction. He has a sadistic side and a want of emotional depth, except when he perceives the pain of others. He is not a pronounced sadist; rather, he is in a position

⁴³ Bergom-Larson refers to Jacobi's Quisling regime evoking the name of the famous World War II turncoat traitor. See BERGOM-LARSON, *supra* note 35, at 95-97.

fraught with personal danger and aggresses on the cowardice of others, perhaps masking his own. He seems to have lived life as façade: his wife, family, community are all surface, all aesthetics but lacking aesthetic pleasure. Jacobi represents the "as if" personality, the individual who lives a pretense life, one motivated by appearance.

Jacobi's seduction of Eva is inept. He reaches for her in front of a seemingly oblivious Jan and sinks his head into her breast, a child looking for comfort. She tells him she has never cheated on Jan, but leads him by the hand to the greenhouse where they have sex. Compared to the earlier scene with Jan, this coupling lacks sexual frisson; Eva matter-of-factly resigns, and Jacobi follows Eva passively. The money is left on the table. Jan awakens, grasps what has happened and puts the money in his pocket. No sooner do Jacobi and Eva come back to the house than Filip and a patrol arrive. They grab Jacobi, who tries to buy his freedom with the money he has given to Eva.

Eva demands the money from Jan; he disavows knowledge of the money. Filip orders his crew to search the house. They rip apart the house, destroying everything, including the rare Pampini violin. The irreplaceable violin is worth more than the thousands Jan is secreting. When it becomes clear that the money is not forthcoming, Filip puts his arm around Jacobi, a comrade he knows is about to be executed. Filip hands the gun to Jan to execute Jacobi. Jan at first drops the gun and then picks it up in a replay of the pantomime with the chicken that he could not kill. Finally, he awkwardly fires at Jacobi, hits him and then chases him around a wagon where he shoots him again. A soldier then uses an automatic weapon and finishes the job, but that shooting seems gratuitous. Jan killed Jacobi.

Jan changes. He is now toughened. He will live. He does not seem traumatized but rather determined.⁴⁴ When Eva says she will not go with him, he tells her that her absence will make his opportunities easier. She follows. But I think, in fact, despite her strength and palpable humanity, Jan has always been in control in the relationship. He has the control of the suffering one as well as the virtuoso husband who has been the

⁴⁴ He is not an example of the beserker that Jonathan Shay exemplarily describes in his excellent analysis of war trauma that relates Homer's Achilles to Vietnam War veterans suffering post traumatic stress disorder. See JONATHAN SHAY, *ACHILLES IN VIETNAM, COMBAT TRAUMA AND THE UNDOING OF CHARACTER* (1994).

object of desire of other women. Eva looked toward him to no avail. Now he is in command.

On the road, they encounter an exhausted young soldier, Johan. Eva makes Johan feel comfortable. He falls asleep, but Jan grabs Johan's rifle, awakens him and chases the terrified boy down the road. Jan returns with Johan's boots and information about a boat that will be leaving the next morning. Jan killed the boy, but not for the boy's boots. He could have had them anyway.

Filip, who replicates Jacobi in seemingly changing character, is the boat's captain. With some irony, Filip accepts Eva and Jan as passengers. When Jan approaches Filip for passage away from the war, he does not bother to negotiate price. He offers the whole of the twenty-three thousand of Jacobi's "gift" to Eva. Although unstated in the film, the script specifies that the boat is on the water seven days. The world may have been created in seven days, but there is no creativity on this boat as its inhabitants either struggle to stay alive or resignedly give up. To the viewer, the horror is undifferentiated. At an early point on this death voyage, Filip lifts himself over the side and commits suicide. We do not know if this was always Filip's intention.

Jan, however, struggles for survival and nothing more. His life is revealed as having survival and little more as his principal motivation. At one point, the boat is hindered by the bodies of dead soldiers. With grim determination, Jan plows through the bodies, moving them aside with an oar. Jan killed Jacobi to save his own life. He had good reason to believe that Filip would kill him if he did not kill Jacobi. He kills to protect himself. But he killed Johan for no good reason. When Filip goes over the side of the boat, Jan seems unconcerned. He pays little attention to Eva and her needs, as he paid no real attention to her desire for a child. More than anyone, he keeps up the struggle on the boat, fighting through the dead bodies. Yet, he does not reach out to respond to anyone beyond his own need.⁴⁵ Though he is now a murderer and has lost his music, he seems more ruthless and in command. He has no guilt or

⁴⁵ Emmanuel Levinas would point out that Jan's incapacity to respond to another limits the meaning of his own life. See, e.g., EMMANUEL LEVINAS, *ETHICS AND INFINITY*; *CONVERSATIONS WITH PHILIPPE NEMO* 65-72 (Richard A. Cohen trans., 1985) [hereinafter *ETHICS AND INFINITY*] (noting where Levinas talks about relating to the feminine and also to paternity; in each case the self must reach toward the mystery of the other and yet remain self).

shame. These are irrelevant behaviors. Nor is this state a consequence of war.

The film ends with the survivors at sea, rudderless, with a watery horizon, seemingly out of food and water. Where horizon can mean openness, freedom, here the implication is a desert of inhuman, endless despair. Where water symbolizes life in Bergman's *Virgin Spring*,⁴⁶ here it represents a meaningless, inescapable death. Jan has negotiated himself to a loss of meaning and caused loss of life. Eva is left with a dream of an infant and the intimation that Jan would "tell me the important thing that I had forgotten."⁴⁷

B. *Theological Implications of Shame*

In the 1960s, the then most famous scholar of the Frankfurt school in the United States, Herbert Marcuse, wrestled with the possibilities of emancipation from a one-dimensional society, a society so bureaucratically rationalized that there was little escape from futile consumer-deluded

⁴⁶ *Virgin Spring* was released in 1960. Sven Nykvist was the director of photography.

⁴⁷ The script is not quite so bleak in the final interaction between Jan and Eva. In the script's ending, on the sixth day Jan turns to Eva, "wondering what it said in those letters we wrote to each other during the summer tour. Whether it said 'My hand in yours' or 'Your hand in mine.'" Eva answers "it said 'My hand in yours.'" See INGMAR BERGMAN, *PERSONA AND SHAME, THE SCREEN PLAYS OF INGMAR BERGMAN* 191 (Keith Bradfield trans., 1972). The last instruction on the script states in italics: "On the seventh day a storm blows up, and there is a heavy rain. The survivors slake their thirst with poisoned water." *Id.*

The film generally presents a bleaker view than the script. Bergom-Larson observes Bergman's different use of class in the script. BERGOM-LARSON, *supra* note 35, at 97. In the script, a scene near the end of the movie has a tank pointing toward the fleeing boat, calling out the names of the upper class occupants of the small boat trying to escape the war. Several of the escapees are called out by name, but Jan and Eva are not even mentioned. In the script, Jan demands why their names are not called with the others who are upper class and have been corrupt. The implication is they lack importance. But Bergman dropped this scene and its Marxist message from the film. Bergom-Larson takes the position that the vagueness of the competing sides in the war, and the compassion for Jacobi, who she understands to be only a torturer, sentimentalizes the movie and removes the moral gravitas against an unjust war and against injustice itself in a more general apolitical attack on human violence. *Id.* at 95-96. Bergman fails in his quest to show the relationship between inner and outer violence because "it lacks any social or political contours." *Id.* at 101.

Another example of a change from the script to the film itself is the action around the boy Johan, the young soldier who deserted the war. The script makes Jan's motivation for killing him something more than gratuitous. Jan and Eva kill him to take his place on the boat escaping the island and the war. But in the movie, Johan knows about the boat's prospective leaving, but he has no reserved place and it is not clear that he had the money to get on the boat. Jan claims to shoot him for his boots in the film, but that seems a rationalization for a new indifference in Jan concerning murder.

seduction. Even before his *One Dimensional Man*,⁴⁸ Marcuse argued in a debate with Norman O. Brown that only a change in capitalistic culture could free the individual from enmeshment in a soporific society dedicated to tepid self gratification.⁴⁹ With a real loss of the essence of polymorphic perversity, Marcuse found, contra Freud himself, in Freud's insights.⁵⁰ For Marcuse, only a cultural revolution would free the individual from a deadening society,⁵¹ Brown saw the possibility of individual salvation.⁵²

In his own terms, Bergman sets forth a similar quandary. Can the individual escape from a culture whose violence threatens to destroy him physically as well as psychologically? Is there a relationship between individual salvation and ethical obligation? How and why commit to a side when the various sides are equally ideological, sanctimonious and corrupt?

Bergman does more than merely culturally relativize violence and equate moral social ambiguity with a rationale to escape responsibility. He makes clear the cost of avoidance, even if he does not solve the institutional question any more than did Plato or Marcuse.⁵³ The war for Bergman is real but, whatever his qualms, the moral questions in the war's ambiguity are strengthened and universalized beyond Vietnam.⁵⁴ So what does Bergman present? How plausible is his representation of the ethical,⁵⁵ and what does he point to as

⁴⁸ HERBERT MARCUSE, *ONE DIMENSIONAL MAN: STUDIES IN THE IDEOLOGY OF ADVANCED INDUSTRIAL SOCIETY* (1964).

⁴⁹ The debate was published in HERBERT MARCUSE, *NEGATIONS* (Jeremy J. Shapiro trans., 1968) (containing Marcuse's essay *Love Mystified: A Critique of Norman O. Brown* and *A Reply to Herbert Marcuse* by Norman O. Brown). Brown's first attempt to appropriate Freud for individual salvation was *LIFE AGAINST DEATH, THE PSYCHOANALYTICAL MEANING OF HISTORY* (1959). Brown's *LOVE'S BODY* (1966) prompted Marcuse's critique and his response.

⁵⁰ See HERBERT MARCUSE, *EROS AND CIVILIZATION, A PHILOSOPHICAL INQUIRY INTO FREUD* (1955) [hereinafter *EROS AND CIVILIZATION*] (arguing how Freud can be appropriated for social liberation at the political level). Marcuse carries his cultural analysis along in *One Dimensional Man*. See *supra* note 48.

⁵¹ See MARCUSE, *EROS AND CIVILIZATION*, *supra* note 50.

⁵² BROWN, *LOVE'S BODY*, *supra* note 49.

⁵³ Julia Annas persuasively argues that Plato is more successful in arguing for the possibility of a man being just despite a corrupt society than Plato was in drawing up the foundations for a just state. See JULIA ANNAS, *AN INTRODUCTION TO PLATO'S REPUBLIC* (1981). See also JULIA ANNAS, *PLATONIC ETHICS, OLD AND NEW* (1999).

⁵⁴ See *supra* note 35.

⁵⁵ Emmanuel Levinas would later posit that the ethical is prior to ontology. See, e.g., EMMANUEL LEVINAS, *TOTALITY AND INFINITY* (Alphonso Lingis trans., 1979);

any way out for the cowardly, befuddled Jan and his dependent wife Eva Rosenberg?⁵⁶ In fact, I argue that no one in the film escapes the loss of self and soul as they work through their respective roles in the narrative. At best, the resistance leader Filip, at first blush, seems to possess a quiet dignity. The torturer, interrogator and Quisling, Jacobi, also seems to possess a human dignity when confronted with certain death. But does either possess an ethical dignity rather than the aesthetic choice Søren Kierkegaard identifies in his opposition of the “either” of the ethical to the “or” of the aesthetic?⁵⁷

Martha Nussbaum argues for the continued relevance of Hellenistic philosophy for contemporary edification.⁵⁸ The Epicureans, Stoics and Skeptics all shared an understanding of the corruption in the politics of their times. She argues these schools differed on the individual’s ethical obligation against widespread social corruption. She counsels a reasoned modification of attitudes on coveting unnecessary material objects.⁵⁹ Happiness and psychological health depended on calibrating desire to the necessary or natural, not to socially induced, artificial need. Jan and Eva certainly acted in accord with this wisdom. They separated themselves and reduced their desires to human maintenance. But they could not thereby escape the shame that the dominant political forces visited on them. In declaring the self a non-political person, Bergman clarified that, like Aristotle, he understood that humanity is essentially political. Shame exemplifies the essentially social nature of beings, no matter what the social construction of the self might be.

Dietrich Bonhoeffer argued in his *Ethics*, written while in prison, that human responsibility sometimes entails transgressing the laws of man and God.⁶⁰ We owe an obligation, a response to the other in need. And we must put ourselves on the line, whatever the prevailing ethics. In fact, Bonhoeffer, citing the exile from Eden, argued that Western ethics itself has been a defense of narcissistic, sanctimonious deceit. We are

EMMANUEL LEVINAS, *OTHERWISE THAN BEING OR, BEYOND ESSENCE* (Alphonso Lingis trans., 1991).

⁵⁶ See *supra* note 36.

⁵⁷ See SØREN KIERKEGAARD, *EITHER/OR* (David Swenson et al. trans., 1944).

⁵⁸ MARTHA C. NUSSBAUM, *THE THERAPY OF DESIRE: THEORY AND PRACTICE IN HELLENISTIC ETHICS* (1994).

⁵⁹ *Id.* at 501.

⁶⁰ See *supra* note 8.

estranged from God and wish through ethical rationalization to assuage our self-esteem by ethical nicety. Nietzsche, not Kant, was the philosopher against whom Bonhoeffer measures his analysis. For Bonhoeffer, the particularity of the others' need, not a universalized imperative, dictates responsible action.

But Bonhoeffer tempered his demands on the individual. He posed three mandates that command fidelity: state, family and church. As a Lutheran minister, he remained an authoritarian.⁶¹ But at moments of breakdown, when at the abyss, the individual must respond despite the empirical reality of the mandates, and incur whatever guilt necessary on behalf of another. His position, however, was not one of passive witness or civil obedience when the situation commanded response. But the situations at the edge are not everyday. They are limited to the kind of breakdown the Nazi thrust exemplified. Bonhoeffer eschewed the possibility of a rule-bound ethics, Kantian or otherwise.⁶² He could not, however, state when one should respond beyond the mandates and transgress for the other. He thought such states were necessarily atypical; we should all remain bound to Caesar, the family and the Church.⁶³ In this he followed Luther, who himself followed Augustine and ultimately Paul, who called forth an ethos that grounded obligation in the city of Caesar and hope in the city of God.⁶⁴

The predicate for Bergman's *Shame*, however, is a state of war.⁶⁵ War is the situation wherein Bonhoeffer felt compelled to reach beyond institutional structure. War has been seen as a deviant case, one where normal civility falls apart. Deviant cases mark and define the normal. But the conditions of the war in *Shame* do not reach its players except as a backdrop of anxiety. Only when the war actually comes to their very doorstep do we see a significant change in their respective characters; they move to the island to escape the war, but otherwise they remain the same. Further, the shift to war,

⁶¹ NUSSBAUM, *supra* note 58, at 330-31.

⁶² *Id.* at 86.

⁶³ *Id.* at 204-10.

⁶⁴ *Id.* at 95-97.

⁶⁵ At a time of war against Iraq by the United States, Vietnam is old, musty news to most Americans. In retrospect, we did not have a chance to win the war in Vietnam by the logic of our own engagement. I am not arguing that there are no just wars and times when fighting may be justified. Nor am I commenting on Iraq. Rather, my point is that many wars present ambiguous justification, a lack of clarification of goals and dubious communal support.

while extreme, is part of a continuum in the movie, problematizing the boundaries of Bonhoeffer's authority structures.

Who can determine when the abyss is present, when action demands transgression? Bonhoeffer's inbred, Lutheran, authoritarian bias may be unhelpful for those who fail to respond to such internal Protestant constraints. And individual transgression may be justified on Bonhoeffer's own grounds. Jan and Eva Rosenberg tried to opt out of a war but were not allowed to. The war came home. We cannot say whether the war changes the Rosenbergs. Does it bring out what is latent or does it effect structural, characterological alteration through terror or trauma? What is within their respective compasses, and what must be understood as bad moral luck? These are among the classical questions clustered in discussions of responsibility.

C. *The Elision of Shame and Guilt*

Levinas maintains that everyone owes an asymptotic responsibility to the other, stranger or intimate.⁶⁶ As in Bonhoeffer's view, this responsibility is ethical, called forth by the face of the other and not limited to any natural, i.e., ontological mandates. Levinas deems it essential for one to possess awareness of shame. None of the characters in *Shame* understand this position—to their shame. In the film's interactions there is not *any* sense of shame. The Rosenbergs tried to avoid the war and any commitment to a life beyond themselves.

Jan and Eva change indeed but viewers may differ on the reasons for, and their personal control over, the changes. If Jan is the narcissist, locked into himself and survival at all costs, Eva, alternatively, is a lovely, vibrant, compassionate human being. But she is dependent on Jan. For Levinas, this would in some ways be an ethical strength in that Eva understands her need for the other, in this case Jan. But Levinas understands that responsiveness to the other must occur at a certain level of human development. Understanding, and responding to, the other becomes meaningful only when a certain security in the self is achieved, a certain level of

⁶⁶ See, e.g., EMMANUEL LEVINAS, *TIME AND THE OTHER* 110-16 (Richard Cohen trans., 1987).

narcissism. For Levinas, one must reach a certain level of autonomy to appreciate that an autonomous state is insufficient for psychological development and a recognition of the obligation of responsibility to the other.⁶⁷ A reaching out to the other without a prior sense of self does not mark the ethical attainment of responsible action. Nevertheless, one must credit Eva; her first response is toward others—the parachutist who is part of the attack on the island and Johan, the boy soldier trying to flee the war. She even seems to respond to Jacobi, moving beyond her fear of him, because he appeals to her nurturing tendencies, certainly not because of his gifts. She may also have responded to Jacobi out of disgust at Jan. Levinas's "difficult freedom" demands an adult developmental attainment.⁶⁸ Eva's impulses are a necessary but insufficient reaching out of herself. Ultimately, she remains in thrall to Jan, who, as usual, is not there for her.

In what way does Eva express a face of shame, a lack of responsiveness? Bergman indicates no harsh judgment toward Eva. Indeed, Bergman makes even Jan human. This is his very point. Eva's incapacity may be her strength. She is committed to Jan and her marriage even in the face of his cowardice at the beginning of the film and, later, in her despondent passivity toward him in the face of his brutality. Ultimately, however, her impulses are more human, responsive and attractive than Jan's.

Would her "being in the world" present a problem for Levinas's philosophy? He would understand her reaching out and her impulse toward caring for the other, even the stranger in need.⁶⁹ He would be less judgmental than Bergman. He would point out that Eva's incapacity to follow through effectively on her humane impulses hurt and infantilize her.⁷⁰ The war, an extreme state, reveals her implicit regard for others. It also reveals her ultimate dependency on Jan. She may well have stayed with him had there been no war, more adultery and no children.

⁶⁷ See LEVINAS, *ETHICS AND INFINITY*, *supra* note 45, at 52.

⁶⁸ See EMMANUEL LEVINAS, *DIFFICULT FREEDOM: ESSAYS ON JUDAISM* 11-23 (Sean Hand trans., 1990).

⁶⁹ See EMMANUEL LEVINAS, *Toward the Other*, in *NINE TALMUDIC READINGS* 12-29 (Annette Aronowicz trans., 1990).

⁷⁰ *Id.* In *Nine Talmudic Readings* Levinas indicates his understanding of the difficulty of forgiving, in his case Heidegger. His work and ethos call for compassion and a recognition of the difficulty of becoming separate and then responding to the other.

Jacobi, Filip and Lobelius, the antique dealer, must be accounted for as well.⁷¹ Jacobi, the mayor turned enemy Quisling, presents himself as a man who feels little except during the pain of others, despite his seeming sense of dignity.⁷² He preys on Jan to reach Eva, who sees through him but is certainly resigned and afraid. In his attempt to seduce Eva in front of Jan, he says he is lonely and alienated. "Eva give me a kiss. Jan won't mind." Jacobi's character is perhaps the significant, explicit attack on the artist society's parasitic nature and lack of responsibility, a general theme for Bergman. Jacobi has a wife, a son and a grandson; yet he gives the family's heirlooms away. Eva certainly is attractive, but Jacobi does not seem a passionate man; his approach to her expresses a kind of need for intimacy. Perhaps he is a sadist, one who gets sexual pleasure from the suffering of others, both Jan and Eva. But Bergman presents him with sympathy as well. He dies well, too. He is a man who expresses authority, dignity and familial responsibility but ultimately lives a lie. The war brings out, but does not cause, his response. The war reveals that he has no sense of shame and that the responsibility he previously exemplified was a misrepresentation. His behavior did not make him grow or take him outside himself toward any other.

Filip, at first blush, provides the model for responsible, committed action. A contrast to Jacobi, he seems to keep the faith. At the beginning of the film, we first encounter Filip as a pastoral fisherman who sells fish to Eva when she and Jan are on their way to deliver berries. We later learn that he is the leader of the resistance. He seems a man of dignity, justice and commitment. When Jacobi presses his friendship on the Rosenbergs primarily to get to Eva, Filip warns Eva and Jan to avoid Jacobi. When Jacobi offers a trapped Filip his life for money to continue the resistance, the viewer, and more importantly Filip, seems to take him at his word. He will honor the deal. He does kill Jacobi—a turncoat—but only when Jacobi cannot recover the money he gave Eva. Bergman never makes clear what Filip or the others fought for. At the very end Filip wavers. He captains the escaping boat, but his true intent is murky until he eases himself over the side to a watery grave.

⁷¹ See *supra* note 73 and accompanying text. A few other characters who are tortured show courage and care but they are supplementary, serving to highlight Jan's deficits.

⁷² BERGMAN-LARSSON, *supra* note 35, at 96.

His resignation is not without dignity, but he abandons the refugees who paid him to escape. While Bergman seems to sympathize with Filip's choice, he undercuts the most committed character in the film. He leaves viewers with another betrayal, a lack of shame in the face of a resigned death.

Bergman provides other reflections relevant to shame and responsibility in capturing the Rosenbergs' social relations. For example, there is a scene where Jan and Eva, having earned more money than expected selling their berries to the Jacobis, buy a good bottle of wine from Lobelius, the musty antique shop keeper.⁷³ Lobelius appears in an old uniform. He has been drafted. An elderly man, he worries that he will be sent to fight and no one will miss him. His cleaning woman will look after the shop, but even she, with whom he sleeps once a week, will not miss him. Lobelius shares a bottle of fine wine with Eva and Jan and sells them one of his last bottles to go with Filip's fish. He also shows them a fine antique Meissen porcelain music box. Eva and Jan express a perfunctory sympathy. That they meet the scene, with its aged objects from a dead past and old antique dealer, with merely conventional concern leaves a sense of melancholy and failed community. Jan and Eva want to leave, to eat their fish and drink their wine. They leave Lobelius confused, afraid and alone.

Shame as an emotion can mean humiliation.⁷⁴ But *Shame* also represents the sense that the characters and the culture that produced them are shameful, worthy of blame. Here, the long debated relationship between shame societies and guilt societies arises.⁷⁵ The issues go to individual attributions. How does shame differ from guilt? If there are differences in the two terms, how do they affect our understanding of responsibility? Bergman's characters seem locked into the shameful. They express no sense of guilt. But it is not clear whether shame is a felt emotion, as opposed to a cultural structure and behavior, regardless of felt emotion.

When I interviewed for admission to study at The Institute for Psychoanalysis, Gerhard Piers asked how I would

⁷³ The script for the film indicates that the shop is filled with "objects (vain, meaningless, fragile, ugly, indispensable)." BERGMAN, *supra* note 47, at 120.

⁷⁴ This is certainly a theme, perhaps the significant theme, in Bergman's film work. See LIVINGSTON, *supra* note 7.

⁷⁵ See GERHARD PIERS & MILTON B. SINGER, *SHAME AND GUILT, A PSYCHOANALYTIC AND CULTURAL STUDY* (1971).

differentiate between shame and guilt. I told him that guilt referred to an act. One conceivably could pay for the act through punishment or be granted forgiveness. Shame was an attack on one's being regardless of a particular act. Bernard Williams's noted study holds that guilt results from an internalization where the internalized imago is anger and the subjective feeling is fear.⁷⁶ Shame, according to Williams, arises from the humiliation of being watched and found lacking.⁷⁷ Piers told me that he used to think along the lines I suggested, which accorded with Williams's view, but came to the position that the two states could probably not be differentiated. While wandering through a bookstore after my interview with Piers, I found a copy of Piers and Singer's *Shame and Guilt*.⁷⁸ Piers never mentioned his theoretical contribution to the distinction.

Psychoanalysis still has much to teach about the intrapsychic organization of the individual patient, including the shame/guilt differentiation. It also may be suggestive of the ways in which culture helps shape the internalized world. Bergman, however, makes the case that shame reveals more about social and individual denial or, even more significantly, a failure of a social imperative of responsibility to the other. In the world of *Shame*, neither guilt nor shame prompts any significant character toward responsible action. Talking about a guilt or shame culture is not relevant to the motivation of the film's characters. Piers observed the way in which shame and guilt are intra-psychically confounded or not differentiated, picking up on a culture of narcissistic inwardness where success is counted in materiality and appearance, and where tending one's own garden is the exemplary ethos. Bergman shows us a world where guilt and shame ceased to affect human response. He shows us a set of consequences where such emotions no longer motivate.

⁷⁶ BERNARD WILLIAMS, *SHAME AND NECESSITY* (1993).

⁷⁷ See *id.* at 220.

[T]he root of shame lies not so much in observed nakedness itself, but in something of which that is, in most cultures, but not all, a powerful expression. . . . The root of shame lies in exposure in a more general sense, in being at a disadvantage: in what I shall call, in a very general phrase, a loss of power. The sense of shame is a reaction of the subject to the consciousness of this loss: . . . "it is the emotion of self-protection."

Id. (quoting Gabrielle Taylor's phrase).

⁷⁸ See PIERS & SINGER, *supra* note 75.

Paisley Livingston argues against those who view Bergman's often bleak cinematic worlds as nihilistic.⁷⁹ Livingston urges that Bergman presents our world to us for an assessment of our actions (and inactions), for consideration of how any change or transformation may be possible, if even called for.⁸⁰ Bergman, that is, is bearing witness. From this perspective, a set of questions arise from *Shame*. What is Bergman showing us about basic human relationships (1) between the self and the self, and (2) between the self and significant others, the self and more generalized sociality, and the self and the institutions that constitute the formal and informal modes of governance?

III. JERUSALEM AND ATHENS: THE THEOLOGICAL APPROPRIATION OF PHILOSOPHY FOR AN ETHICS OF RESPONSIBILITY

A. *Levinas and the Ethical Over the Ontological*

The individual psychology of the characters in *Shame* affirms the ethical position of Emmanuel Levinas.⁸¹ Levinas follows in a long line of philosophers who sought to bring philosophy into the service of theological concerns, bringing the tools of Athens under the revelatory dictates of Jerusalem.⁸² Perhaps more than any other philosopher, Levinas makes the argument for what he calls a scandalous position: that ethics precedes ontology.⁸³ Levinas means that an individual cannot

⁷⁹ See LIVINGSTON, *supra* note 7, at 15-21.

⁸⁰ *Id.* at 20.

⁸¹ I examined the work of Levinas on responsibility and law elsewhere, so I will summarize my views. See Leonard V. Kaplan, *Intentional Agency, Responsibility and Justice*, in INTENTIONS AND INTENTIONALITY: FOUNDATIONS OF SOCIAL COGNITION (Bertram Malle et al. eds., 2001). From his first recognition, for his translation of Heidegger's *Being and Time* and his footnoted place as Jacques Derrida's teacher, Levinas, even before his death, gained recognition as a significant philosopher in his own right, engendering a still growing critical commentary.

⁸² I should make clear that the Islamic thinkers Averroes and Averroes made Aristotle available to the Jewish philosopher Maimonides, who, in turn, was read by the Christian Alfred and Alfred's student St. Thomas Aquinas. In the ninth century, before Maimonides, the Jewish theologian Saadia Gaon brought philosophy to Jewish thought. Of course, even early in the first century, the Jewish philosopher Philo, who was more influential on Christian than Jewish thought, had already incorporated Greek philosophy into his thinking about Jewish theology.

⁸³ See, e.g., LEVINAS, NINE TALMUDIC READINGS, *supra* note 69; LEVINAS, ETHICS AND INFINITY, *supra* note 45 (containing an influential interview with the philosopher Philippe Nemo).

Arguably, and truly from Levinas' point of view, he shares his position with

achieve any real personhood without making the ethical central to personal development. Without the primacy of the ethical we are lost as individuals. For Heidegger, ontology culminated in the authenticity of the Nazi regime.⁸⁴ The logic of authenticity and the care of ontology fundamental to Heideggerean philosophy demanded universalizing the particular (Nazi racial theory) into an all-encompassing being for the other who was now in concert with yourself.⁸⁵ Heideggerean ontology, from Levinas's point of view, celebrates sameness, not the particularity that an individual soul brings to existence.⁸⁶

In historical terms, Heidegger was able to prefer as the universal class of existence the peasant class with its conservative tendency toward the authoritarian, a class that ironically tamed existence into a sameness that ultimately privileged Nazi mechanization. The necessity of recognizing the particularity of an individual soul grounds Levinas's ethics of responsibility with respect to what is owed the other and the third. Further, by demanding that the ethical precedes ontology, Levinas also attacks any idealization or idolatry of theory or practice.⁸⁷ He attacks any theoretical or practical totalization where the individual is lost to a greater entity. This even includes the state, itself a precarious third for the pragmatics of justice. The third marks the position of institutions and justice in Levinas's account of his prophetic

one of the most quoted and perhaps least read of twentieth century Jewish thinkers, Franz Rosenzweig. See, e.g., ROBERT GIBB, *CORRELATIONS IN ROSENZWEIG AND LEVINAS* (1992). Levinas acknowledges his debt to Rosenzweig often. See, e.g., LEVINAS, *ETHICS AND INFINITY*, *supra* note 45, at 78; STEPHANE MOSES, *SYSTEM AND REVELATION: THE PHILOSOPHY OF FRANZ ROSENZWEIG* (Catherine Tihanyi trans., 1992).

⁸⁴ See, LEVINAS, *ETHICS AND INFINITY*, *supra* note 45, at 100-01. See also *ETHICS AS FIRST PHILOSOPHY, THE SIGNIFICANCE OF EMMANUEL LEVINAS FOR PHILOSOPHY, LITERATURE, AND RELIGION* (Adrianne T. Peperzak ed., 1995). The notion of ethics as first philosophy is that ethics makes the humanity human. Fabio Ciarraelli captures Levinas's struggle to get at the concrete experience of ethical responsibility and the necessity thereby to go beyond (prior) to the language of ontology. See Fabio Ciarraelli, *Levinas's Ethical Discourse Between Individuation and Universality*, in *RE-READING LEVINAS* 81-105 (Robert Bernasconi & Simon Critchley eds., 1991).

⁸⁵ For an important analysis of Levinas's political philosophy, see HOWARD CAYGILL, *LEVINAS AND THE POLITICAL* (2002).

⁸⁶ Levinas is concerned with the way in which Heidegger, particularly in his later work, moves away from particularity of the individual's concrete being and responsibility to an abstracted concept of existence. See, e.g., LEVINAS, *ETHICS AND INFINITY*, *supra* note 45, at 40-44.

⁸⁷ EMMANUEL LEVINAS, *IN THE TIME OF THE NATIONS* 55-75 (Michael B. Smith trans., 1994).

politics—but a precarious and often unreliable third. Justice for Levinas precariously partakes of an overlapping of ontology and ethics. The state may be a necessary institution to ground justice but it also often reifies into an oppressor itself. Ultimately, in his prophetic politics Levinas also ratifies Plato's insight that justice can and sometimes only lies in the just person who can and must resist institutional oppression.

Levinas differs from Bonhoeffer in his historical judgment that existence is always either in the market place or at war.⁸⁸ Peace is precarious and the state cannot be trusted as the guarantor of justice. Bonhoeffer seems to argue that the state, though flawed as a divine mandate, is generally good enough for human deferment.⁸⁹ In *Shame*, Bergman exemplifies the borderland between Levinas and Bonhoeffer.

Bergman did not intend the kind of apology for war like the thinker Carl Schmitt's philosophy reflected. Schmitt's liberalism was both soft with no meritorious telos and too strong; it weakened the human spirit, which required the agon of struggle (side against side) to create human meaning.⁹⁰ Bergman's poetic, in fact, is beyond a governmental configuration. Whatever informs the competing sides does not justify the war's violence.

Levinas, a Jew, and Bonhoeffer, a Protestant, each wrote in the face of World War II. Each generalized notions of responsibility informed by that struggle to something more universal. A Czech thinker, Jan Patocka, also starts from Edmund Husserl and Heidegger as does Levinas. Patocka incorporates Christian, likely Catholic, theology into the center of an analysis of human history and of a responsibility that is necessary to the struggle against the nihilism engendered by the Nazi experience.⁹¹ To what extent do we need historical

⁸⁸ See LEVINAS, TOTALITY AND INFINITY, *supra* note 55, at 233 (stating Levinas's position that market relations and war are constant, though commerce is a better state than war). See CAYGILL, *supra* note 85, at 94-107. For Bonhoeffer the state is "a restrainer," a "force for order" one of the mandates that express God's will for humanity's good. See BONHOEFFER, *supra* note 8, at 55.

⁸⁹ Bonhoeffer remains a good Lutheran except at times of extraordinary crisis, given his commitment to the Lutheran world view of the two kingdoms, one of God and one of Man, each of which has his place and must be obeyed. See BONHOEFFER, *supra* note 8, at 55.

⁹⁰ For one solid presentation and criticism in the literature concerning Schmitt's critique of liberalism, his ties to the Nazi regime and his place in liberalism's right wing enemies, see WILLIAM E. SCHEUERMAN, CARL SCHMITT: THE END OF LAW (1999).

⁹¹ Like Bonhoeffer, Patocka gave his life resisting an evil regime. He was the

specificity to ground responsibility and to affect character responses through shame, guilt or some other mechanism to care for others? Is the debate about republican or liberal forms of governance instructive toward creating more responsible subjectivities? Patocka provides historical analysis toward a history of actualized responsibility, one that fruitfully contrasts with Bonhoeffer and Levinas. Patocka furthers Bergman's representation of the war and shame as silencing responsibility as human institutional and everyday practice.

B. *Patocka and the Relationship of the Material Base to Responsibility*

Patocka, like Bonhoeffer, was the victim of a repressive regime.⁹² He was not allowed to teach or publish in Czechoslovakia because he was antagonistic to its totalitarian brutality.⁹³ He became a leader of the dissent and was ultimately killed at the hands of the police during forced interrogations. Only now is his work being translated into English and becoming widely known.⁹⁴

Patocka was a student of Husserl and Heidegger and had command of their respective work. Heidegger is very much in the background of Patocka's essay on European decadence.⁹⁵ Heidegger's notion of authenticity is thematic to the analysis. The Heideggerian attempt to capture human existence and ontology relies on the notion that only when the self confronts death can it live an authentic life. The function of true philosophy is to teach how life can be so lived. In short, there is a right and a wrong way to live. Following Heidegger, Patocka fears that Western civilization through technology veered toward decadence and the inauthentic.⁹⁶ Since the rise of capitalism, various thinkers of left, right and center feared the extent to which technology could so dominate consciousness as

spokesman for the Charter 77 movement that demanded, in 1977, that the Czech government adhere to universal human rights commitments. His exhaustive interrogation by the police cost him his life before his seventieth birthday. See JAN PATOCKA, *HERETICAL ESSAYS IN THE PHILOSOPHY OF HISTORY* 161 n.2 (James Dodd ed., Erazim Kohák trans., 1996) [hereinafter *HERETICAL ESSAYS*].

⁹² *Id.* at vii.

⁹³ *Id.* at vi.

⁹⁴ See JACQUES DERRIDA, *THE GIFT OF DEATH* 1-34 (David Wills trans., 1995) (commenting on Patocka's essay, *Is Technological Civilization Decadent, and Why?*, in *HERETICAL ESSAYS*, *supra* note 91, at 95).

⁹⁵ PATOCKA, *supra* note 91, at 95.

⁹⁶ *Id.*

to undercut self-awareness and human awe at the mysteries of existence, without, however, coming to theological speculation.

Patocka has the credentials that Heidegger sorely lacked on his biographical commitments to responsible and just action. Like Bonhoeffer, Patocka grounds his analysis on the essential nature and the possible development of Christian theology. He is both deeply Christian and critical of the Christian practice of responsibility in Europe.⁹⁷ He contends that Christianity has for a long time informed and dominated the metaphysics of responsibility in Europe.⁹⁸ He claims that Christian influence dominated and subsumed the Greek model that prevailed in the West to motivate and rationalize responsibility.⁹⁹

Patocka's analysis uses Plato's Greek model with respect to the unification of thought toward a general, overarching, integrative good. Lenn Goodman, in his recent *God of Abraham*, argues that Jerusalem and Athens share the common genius of organizing meaning into an integrative quest for the good, and that pluralism can contribute to more subtle and nuanced elaborations for determining the human good.¹⁰⁰ Patocka, however, in his genealogy of good to God, Greek to Christian, differentiates very different stances in the world predicated on Greek good or Christian God.¹⁰¹

Patocka asserts the triumph of the Christian over the Greek in the metaphysics of responsibility, not as a sectarian matter, but as historical fact. Bernard Yack noted that postmodern discourse notwithstanding, certain traditions have maintained themselves through history through uninterrupted argumentation, clarification, commentary and the like.¹⁰² Patocka takes the view that the Christian model has been ideologically dominant for the West since its elaboration. Derrida is convinced by Patocka's assertion that Western responsibility, or at least European responsibility, is Christian.¹⁰³ (This claim does not mean that there are not other competing, lower visibility traditions like Judaism and Islam.)

⁹⁷ *Id.* at 95-108.

⁹⁸ *Id.* at 107-18.

⁹⁹ *Id.* at 106-07.

¹⁰⁰ L.E. GOODMAN, *GOD OF ABRAHAM* (1996).

¹⁰¹ *Id.*

¹⁰² BERNARD YACK, *THE FETISHISM OF MODERNITIES: EPOCHAL SELF-CONSCIOUSNESS IN CONTEMPORARY SOCIAL AND POLITICAL THOUGHT* (1997).

¹⁰³ DERRIDA, *supra* note 94, at 1-35.

What then constitutes the Greek and the Christian for Patocka's analysis? Patocka grounds his Greek representation on Plato's rendition in the *Symposium* of Socrates's interaction with male beauty and the lesson that he teaches. Plato ascribes Socrates's wisdom to his female sage—Diotima.¹⁰⁴ Diotima teaches Socrates to contemplate the beauty of the one he admires and would love, but to not act on that beauty. In that way, Socrates instructs that the lover will learn how to know the true lineaments of beauty and to transcend the particular case to a more exalted understanding.¹⁰⁵

Patocka argues that the Platonic move pushes philosophy past the exuberance and delirium associated with previous Greek religiosity that signified the human will for ecstatic merger with the Godhead.¹⁰⁶ Plato has Socrates separate himself from the need to fuse. Socrates recognizes the need as desire and the desire as an impediment to spiritual growth. Individuation, not orgy, is the Socratic instruction. The beautiful is the good to which reason points, or it points to nothing at all and can only be obtained by consciousness through the frustration of desire. Socrates banishes orgy. Socrates also establishes the intent to act so as to achieve higher understanding as something very different from the will to power. As Euripides discerned and warned, however, Dionysus is not so readily dismissed.¹⁰⁷

According to Patocka, Christianity, in its triumph over the Greek good and its rationality, historically and metaphysically instantiated a Christian representation of God as the model of human responsibility. Patocka's sense of Christian responsibility identifies God as a "Person who sees into the soul without being itself accessible to view," exemplary of responsibility over the more rational commitments exemplified by Maimonides and, at least probably, by St. Thomas Aquinas.¹⁰⁸ Mankind as an image of God has occupied Old Testament commentators from the very beginning of commentary. Maimonides, the famous Jewish metaphysician and rationalist, argued in *The Guide of the Perplexed* that humanity is Godlike in its capacity to reason, not in any

¹⁰⁴ See Plato, *The Symposium*, in THE COLLECTED DIALOGUES 553-63 (Edith Hamilton & Huntington Cairns eds., 1961).

¹⁰⁵ *Id.*

¹⁰⁶ PATOCKA, *supra* note 91, at 103-06.

¹⁰⁷ See THE BACCHAE OF EURIPIDES (C.K. Williams trans., 1990).

¹⁰⁸ PATOCKA, *supra* note 91, at 107.

identification with a corporeal object representing God.¹⁰⁹ In this, Maimonides is in accord with Plato and Aristotle, both of whom influenced his thought. He, in turn, integrated Aristotle into the work of the great Moslem theologians, as did Thomas Aquinas, who, like his teacher, studied Maimonides.

Patocka's point is that God's transformation to human form, forced to experience human passion, suffering and finitude, provided a model of human responsibility more intimate and less cerebral than the Greek good.¹¹⁰ Patocka, however, both laments the potential twilight of the Christian revelation and the fact that it did not enter more deeply and critically into human consciousness.¹¹¹ He argues that there is much to develop in Christian responsibility.¹¹² He fears that technocracy invaded human consciousness to such an extent that the Christian moment of revelation becomes nugatory.¹¹³

Where Patocka agrees with Heidegger about the causal, dire implications of technology for the human spirit, Levinas, recognizing the problem of technology, maintains that technology is necessary for humanity to respond adequately to food shortages and famine, to provide for the substantive good for individual existence.¹¹⁴ But Heidegger's notion of care and its ontological centrality to his philosophy is sterile and abstract. This is the point of Patocka's insistence on the particularity of the Person as a model of human responsibility. But the Person remains *mysterium tremendum* and, therefore, secret, not worked through in Christian and not, therefore, the European self-understanding of responsibility. And now we are in danger of losing that advance over the pre-Platonic moment. Regardless of the status of technology, aiding or mystifying human existence cannot be universalized without losing the difference required by individuals who are at very different levels of development, capacity and need.

Hans Jonas, another student of Heidegger, makes this point much like Patocka. In his general discussion of the role of philosophy in everyday life in his essay, *Philosophy at the End of the Century*, Jonas criticizes his brilliant teacher on two

¹⁰⁹ MOSES MAIMONIDES, THE GUIDE OF THE PERPLEXED (Shlomo Pines trans., 1963).

¹¹⁰ PATOCKA, *supra* note 91, at 108-09.

¹¹¹ *Id.* at 111-18.

¹¹² *Id.* at 117-18.

¹¹³ *Id.* at 118.

¹¹⁴ For Levinas on technology, see CAYGILL, *supra* note 85, at 91-92.

points.¹¹⁵ First, Jonas attacks Heidegger's concept of care for its sterile quality, his failure to really probe what human care must entail. In his analysis, Jonas observes that Heidegger follows an ideal strain in philosophy that separates the human spirit from fundamental, everyday bodily need.¹¹⁶ Jonas also notes the fissure between Heidegger's ontology of care and his practice in the world as the rector of a university that embraced Nazi ideology and his repudiation of former colleagues and friends for their Judaism or other anti-Nazi commitments. Jonas wonders about the brilliant Heidegger's support of evil in the world and contrasts Heidegger with another of his philosophy teachers, Julius Ebbinghaus, whose "strict and uncompromising" Kantianism supported him in a steadfast resistance to Hitler.¹¹⁷ Heidegger's atrocious behavior and brilliant philosophy, and Ebbinghaus's less original philosophic commitments but ethical heroism cause Jonas to question philosophic brilliance and the philosophic project itself as it relates to living the wise and just life.

Patocka cautions that we are subject to losing the principal issue of actualizing a Christian responsibility with the many particulars that engage human thinking and practice.¹¹⁸ Technology is here to stay. Any attempt to claim that it has confounded the human spirit as the independent factor must come to terms with how to harness technology so it does not hide the question of human responsibility. But the various attempts to demonize a particular set of human practices and institutions for causing a falling away from human responsiveness to the other must reconcile the fact that Western theology and philosophy have grappled with the deficit of human care for the other. Western societies have engaged this problem, from the Hebrew prophets and Jesus's *Sermon on the Mount* to Plato's attempts at providing arguments and maps for just people even in unjust conditions. Neither technology nor capitalism caused the existence that Bergman directs at us to our shame.

¹¹⁵ This essay appears in Hans Jonas's *MORTALITY AND MORALITY: A SEARCH FOR THE GOOD AFTER AUSCHWITZ* (Lawrence Vogel ed., 1996). See also HANS JONAS, *THE IMPERATIVE OF RESPONSIBILITY: IN SEARCH OF AN ETHICS FOR THE TECHNOLOGICAL AGE* (1984).

¹¹⁶ JONAS, *MORTALITY AND MORALITY*, *supra* note 115, at 47.

¹¹⁷ *Id.* at 49.

¹¹⁸ Jan Patocka, *Is Technological Civilization Decadent, And Why?*, in *HERETICAL ESSAYS*, *supra* note 91, at 95. In this essay, Patocka analyzes the genealogies of responsibility that undergird Western metaphysics.

CONCLUSION

In *Shame*, Bergman makes clear that self-defense, confined to self-protection in the face of evil, can assure survival. But the survival gained, if gained, is at the cost of human meaning. So what do we owe to the other? Bergman, Bonhoeffer, Levinas and Patocka suggest everything—and for our own good. When Plato argued in *The Republic* that justice is such an intrinsic good that it is better to be just and appear foolish, he set an unpersuasive standard philosophically. Patocka's claim that the Christian notion of responsibility must be actualized or we will face a fall greater than that of the abyss of World War II falls on deaf ears. The world seems to negate both Plato's insistence for the just life and the prophets' or Christian call for responsibility to the other. Manichean heresy seems to be winning the day. Too many are being forced into the rhetoric and practice of crusade. The return of the repressed implication of the ontological reality of choosing sides between a putative necessary good or evil, of evil empires and axes of evil, ignores what Bergman's *Shame*, as an already forgotten work, taught: The loss is ultimately ours. Bergman does not tell us what to do but shows us what inaction does. We will ignore the civil rights of a class of citizens in the name of security and it will be common sense to do so. We can hardly be expected to look out for others—aliens, strangers—when we fear, distrust or disdain our own. Levinas always feared the potential idolatry of even the state of Israel, for whose existence he wished and defended. Bonhoeffer gave his life in responsibility and remained an authoritarian Lutheran.¹¹⁹ Patocka lamented the continued need to become Christian. Bergman showed what happens when we have lost a sense of shame.

¹¹⁹ See Carl Rasmussen, *Justice, Justification, and Responsibility in Bonhoeffer's Ethics*, in 4 GRAVEN IMAGES: ESSAYS IN CULTURE, LAW AND THE SACRED, *supra* note 26, at 86 (describing Bonhoeffer as authoritarian).