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ON HUMILIATION

Jeremy Waldron*

HUMILIATION, AND OTHER ESSAYS ON HONOR, SOCIAL DISCOMFORT, AND VIOLENCE. By *William Ian Miller*. Ithaca: Cornell University Press. 1993. Pp. xii, 270. \$25.

I

Though he teaches law at the University of Michigan, William Miller is a historian specializing in the saga literature of medieval Iceland. His earlier book was entitled *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland*.¹ His new book, *Humiliation*, is a discussion of the way in which the themes of the saga literature bear on the world we study and inhabit as professors and practitioners of law.

At first glance, the world of *Bloodtaking and Peacemaking* seems radically different from the peaceful order of a modern law-governed society. The saga world is a world of violence and vengeance, insult and affront, envy and shame, status and gift: a world in which Nordic heroes confront one another aggressively not only in their warfare but also in their socializing, a world in which all conversation “hover[s] on the edge of insult” (p. 85) and thus on the edge of violence. It is a world in which life and limb are valued in inverse proportion to dignity: a leg may be hacked off casually in response to the slightest affront, and men who are exquisitely sensitive to others’ opinions of them think nothing of killing another if his opinion does not tally with their own.

Of course, no sooner does one say that saga Iceland differs in these ways from our own world than one backs away from the observation, smiling foolishly. Is mayhem spurred by honor altogether unknown in the United States, one of the most violent industrialized societies on earth? How else are we to explain the fact that young men die in Los Angeles or New York for wearing the wrong colors in the wrong street? How else can we describe the proliferation of drive-by shootings among gang members in an apparently unending cycle of affront and retaliation?

One of the aims of Professor Miller’s new book is to show us that we are not as distant from the honor-ridden culture of the me-

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1. WILLIAM IAN MILLER, *BLOODTAKING AND PEACEMAKING: FEUD, LAW, AND SOCIETY IN SAGA ICELAND* (1990).

dieval sagas as we might think. He does not, however, locate the similarity between the saga world and modern America in the culture of drug dealers, Crips and Bloods, and assault weapons. Instead, he finds counterparts for Egil, a Viking warrior who seeks to kill a man for offering him an excessively valuable gift (pp. 15-16), and Gudrun, "who smiles and converses casually with the man who wipes his bloody spear on her sash right after he has killed her husband" (p. 95), in the placid streets of Ann Arbor, among middle-class professionals, politely attending one another's cocktail parties or reading groups. The dust jacket of *Humiliation* describes it as an "unsettling look at how ancient codes of honor figure in the social discomforts of everyday life." Those who do battle in Miller's contemporary sagas are pompous academics, fatuous sexual harassers, professors trying to talk dirty in working class bars, the hapless hosts of misbegotten dinner parties, and parents who have miscalculated the gift that their child should bring to another's birthday. In short, *Humiliation* is a book about *us*, its probable readers — people who, though living in a violent country in a violent century, are perhaps least likely to think of themselves in those terms.²

II

Part of the reason for making *this* the comparison — rather than using the drive-by shootings, and so on — is that Miller is more interested in the *culture* of honor, shame, and humiliation than in the specifically violent form in which that culture manifests itself in the saga literature. The point of the book is not to show that we are as violent, in our own way, as the Vikings were, but rather to show that certain structures of interaction and meaning that are crucial to an understanding of the way people spoke, thought, and acted in the saga world also hold the key to much of the way in which we speak, think, and act in polite society.

All the same, Miller is unwilling to let the issue of violence drop entirely from his discussion. Chapter Two of the book is called "Getting a Fix on Violence" and raises familiar questions about the definition of violence: Can an insult be violent? What about a threat? Can violence exist in an omission as well as in the active infliction of harm? Is the law violent? Is there a distinction between violence and (legitimate) force? His discussion of these issues adds little to the extensive literature on the subject,³ and I

2. Late in the book, Miller describes it as "the reflections of an academic on the psychology and sociology of certain social practices common to those who occupy comparable social niches." P. 198.

3. See, e.g., JOHN HARRIS, *VIOLENCE AND RESPONSIBILITY* (1980); TED HONDERICH, *VIOLENCE FOR EQUALITY: INQUIRIES IN POLITICAL PHILOSOPHY* (1967); L.J. MACFARLANE, *VIOLENCE AND THE STATE* (1974); *VIOLENCE, TERRORISM, AND JUSTICE* (R.G. Frey & Christopher W. Morris eds., 1991); *LAW'S VIOLENCE* (Austin Sarat & Thomas R. Kearns eds.,

found this the least convincing chapter in the book; certainly it is a distraction from the main line of analysis.

In his initial summary, Miller says that although violence is a contested category, the contestation tends to be at the margins: There is, he says, "an incontestable core to violence — when fist meets face — that shades by degrees into more and more contestable claims of violence in which political and normative agendas predominate" (pp. 7-8). Later, however, he describes the core of the concept as "boundary-breaking" (p. 65) — the violent person is one who violates boundaries — and he concedes that the boundaries whose breaking seems incontestably violent are themselves ambiguous and contestable (p. 60). If this is so, then the image of a core of easy cases, "about which no sane person would dispute the appropriateness of the interaction being labeled violent" (p. 59), surrounded by a penumbra of hard cases will not do; contestation is present at the core as well. Now, there is nothing wrong with the idea of contestability-at-the-core, particularly for a concept that is, as Miller rightly observes, as fraught with social and political significance as "violence." But the discussion would have been clearer if the author had made explicit reference to the various models of conceptual indeterminacy that philosophers and political theorists have developed — persuasive definitions,⁴ open texture,⁵ essentially contested concepts,⁶ among others⁷ — as a framework for explicating the kinds of problems that an analysis of violence involves.

Instead, the discussion just meanders along, exploring what Miller calls "the content of our intuitions about violence" (p. 55): violence is not the same as coercion (p. 64); not all pain is violent, nor is all violence painful (pp. 66-67); face-to-face encounters seem more violent than the use of lethal technology from a distance (p. 69); omissions can be cruel but not violent (p. 70); violent females are considered more deviant than violent males (p. 73); and so on. There is nothing wrong with these musings, but they lead nowhere; no framework is provided for assessing them, and so they add little to the overall argument of the book.

The chapter is marred further by an unhelpful preoccupation with the issue of who decides — the victimizer, his victim, or the observer — when the violence of some encounter is called into

1992); Robert Paul Wolff, *Violence and the Law*, in *THE RULE OF LAW* 54 (Robert Paul Wolff ed., 1971).

4. See C.L. Stevenson, *Persuasive Definitions*, 47 *MIND* (n.s.) 331 (1938).

5. Friedrich Waismann, *Verifiability*, 19 *PROCEEDINGS OF THE ARISTOTELIAN SOCIETY, SUPPLEMENT* (1945); see also H.L.A. HART, *THE CONCEPT OF LAW* 121-32 (1961).

6. W.B. Gallie, *Essentially Contested Concepts*, 56 *PROCEEDINGS OF THE ARISTOTELIAN SOCIETY* (n.s.) 167 (1955-1956).

7. See generally Jeremy Waldron, *Vagueness in Law and Language: Some Philosophical Issues*, 82 *CAL. L. REV.* 509-40 (1994).

question. Questions like “Who decides?” or “Whose perspective is privileged?” are interesting only when something specific turns on the characterization at issue, in other words only when somebody’s verdict — “This encounter was (or was not) violent” — is supposed to have some particular effect in the world. Certainly, as Miller points out, the concept of violence is linked to that of legitimacy (p. 78): to call a forceful political action violent is usually to condemn it as illegitimate, while to call it nonviolent is to attempt to surround it with some aura of Gandhi- or Martin Luther King-like sanctity. Evidently, however, one and the same action can be condemned as illegitimate by some and commended as legitimate by others; since the term “violence” clusters together a number of different characterizations and concerns, both sides may accurately be drawing attention to important features. The question “Who decides?” is worth asking only if society as a whole needs to take a stand on the issue so that some determinate consequence — a legal consequence, for example, or a political consequence like official willingness to enter into negotiations with a dissenting group — can accrue. Only under such circumstances do we need to ask: “Whose description is being accepted as society’s characterization?”

III

Is our society more violent than medieval Iceland? Are the sagas of the American West more violent than those of the Nordic heroes? We are constantly tempted, Miller says, to make such cross-cultural or transhistorical comparisons:

[W]e seek to know whether it was better then or is better now, whether the grass is greener on the other side or whether there is no place like home. If answers to such questions are forthcoming, one of the chief criteria informing them will have to do with the relative quantity and quality of violence in the cultures [p. 7]

Miller believes this temptation should be resisted. Despite his earlier talk of an “incontestable core” to the concept of violence — “fist meets face,” and so on — he concedes at the end of Chapter Two that we simply do not have the conceptual equipment to enable us to make these comparisons. For not only are our own intuitions about violence “made up of inconsistent notions operating at different conceptual levels” (p. 90), but also

the concepts embodied in our word *violence* may not have lexical counterparts in the other culture[.] In other times the “violence problem” was not an easy conceptual dumping ground for everything ranging from sport to child abuse. Old Norse had no word that ran the semantic range of our *violence*. Nor for that matter does French *violence*. Many core French uses of the term would seem metaphorical, tendentious, or vastly extended in English. [p. 91]

On the other hand, if we were to retreat from the attempt to compare measurements of violence and to compare instead measurements of more easily operationalized phenomena like injury, fighting, coercion, or fear, we would beg important questions about why *these*, or some subset of them, are the appropriate dimensions for comparison. Security from fear, and the absence or suppression of physical combat may matter to us. But why should *our* concerns be the touchstone when we ask which would have been the better society to live in? Why not instead, or at least also, ask: "What would it be like *for them* — with their particular concerns — to have to live in our society?"

To ask these questions is to see a deeper problem with such comparisons — deeper, that is, than the problems Miller points out. Why exactly is it worth asking questions like those at the end of the previous paragraph? What can possibly hang on our answer apart from a meaningless kind of self-congratulation? I ask myself constantly whether the United States is a better place to live in than New Zealand, for I might go back there some day. But for whom is it a practical question whether medieval Iceland is a better place to live in than the United States?

Here we come up against what Bernard Williams has called "the relativism of distance":⁸

[I]t matters whether the contrast of our outlook with another is one that makes a difference, whether a question has to be resolved about what life is going to be lived by one group or the other. . . .

. . . .

. . . Many outlooks that human beings have had are not real options for us now. The life of a Bronze Age chief or a medieval samurai are not real options for us: there is no way of living them. This is not to deny that reflection on those value systems might inspire some thoughts relevant to modern life, but there is no way of taking on those outlooks. Even utopian projects among a small band of enthusiasts could not reproduce *that* life.⁹

In this situation, evaluative judgments lose their practical content, and their deployment becomes moot. This happens, too, with complex concepts like "violence" that have a strong evaluative component; it happens whether the descriptive part of their meaning is determinate or indeterminate, translatable or culture-specific, contested or incontestable. We might as well be relativists about these comparisons. We might as well say that there is no right answer to the question "Which society — Iceland or modern Ann Arbor — is

8. BERNARD WILLIAMS, *ETHICS AND THE LIMITS OF PHILOSOPHY* 162 (1985).

9. *Id.* at 160-61.

better or less violent?" meaning mainly that there is no intelligible point to asking or attempting to answer the question.¹⁰

I should emphasize that this relativism applies only to the considerations canvassed in Miller's Chapter Two. It does not make the rest of his project inappropriate. We can often learn something about ourselves from the study of some past or distant society, even if the social form of that society is not comparable, for *practical* purposes, to our own. The relativism of distance applies as much to the comparison between us and classical Athens as it does to the comparison between us and medieval Iceland; yet no one denies that we may learn many things by studying the politics and literature of ancient Greece. The dramas of Euripides, for instance, can teach us much that we need to know about love, accident, anxiety, vengeance, and degradation, and it can teach this to us even if we do not put out our enemies' eyes with brooches or sacrifice their children to our gods, and even though the social forms in which these are intelligible actions are no longer real possibilities for us.¹¹

I think, then, that Miller is absolutely right to insist that even if the violence of axe and spear is not for us the marker of when a social encounter threatens somebody's sense of self, still we can learn a lot by studying forms of interaction in another culture that are marked in exactly this way, and by pondering whether those forms have counterparts, marked in some other way, in the placid interactions of modern everyday life with which we are more immediately familiar. "What I want readers to come away with," Miller says at the end of the book, "is a sense of the social and psychological complexity of the most innocuous of our daily encounters" (p. 204). He also wants us at least to entertain the hypothesis that "the reason such simple interactions are fraught with danger" — or with what counts for us as danger — "is that we still feel the demands of something like honor very keenly" (p. 204). In this aim, I believe, he succeeds.

10. Notice that the relativism of distance does not depend on the qualitative extent of similarity and difference. A nineteenth-century Maori warrior may be much more like a medieval Nordic hero than like a European colonist farmer. Yet for the Maori warrior's practical purposes, only the comparison with the latter is worth essaying: in the nineteenth century, the Maori cannot be or become a Viking, so there is no point to his considering whether the Viking way of life is better or worse than his own, quite similar, way of life. Or, to use another one of Williams's distinctions, the confrontation between two similars — the Maori way of life and the Viking way of life — is purely "notional"; whereas the confrontation between the Maori way of life and the quite different European colonist way of life is a "real confrontation" that matters for purposes of choice and action. For "real" versus "notional" confrontation, see *id.* at 160.

11. The reviewer has the task of commenting on the contemporary relevance of Euripides' *Hecuba* at an American Conservatory Theater production in San Francisco this summer.

IV

The title of the book provides the key to Miller's analysis. In modern English, the word "humiliation" can refer to a feeling ("I don't feel ashamed, I feel humiliated") or to an action ("He was bugging me, so I decided to humiliate him"). Neither usage can be understood, Miller argues, without grasping first that humiliation has to do with a kind of social occurrence:¹² a person's relation to certain appearances that are key to his social identity, or that he has tried to make key to his social identity, and the sudden collapse or deflation of those appearances in the eyes of others whose acceptance of them is necessary, socially, for them to do their work.

Humiliation relates particularly to appearances regarded as appropriate to some ranked or valued social identity. As a professor of law, one bears and presents oneself in a certain way among those, such as one's students, who do not have that status; as a *well-known* professor of law one would bear oneself in a slightly different way among other not-so-famous professors; as a law school dean one bears oneself differently still; and so on. Appearance here can mean anything from dress, demeanor, and vocabulary to styles of greeting, degrees of familiarity, and observance of conventions about the initiation, continuance, and conclusion of conversations. Humiliation happens when some aspect of this self-presentation slips, or when some real aspect of self is revealed that is at odds or in tension with the identity being presented.

One can be humiliated when one fails to maintain the appearance appropriate to the rank or role that one in fact occupies. Much of Miller's discussion, however, relates not just to the slipping of appearances, but to the deflation of *pretension*. "Humiliation," he says, "is the consequence of trying to live up to what we have no right to" (p. 145; italics omitted). The professor who behaves at an academic conference as though he were a well-known scholar may be humiliated when others fail to greet or recognize him (pp. 149-51). Or someone who fancies himself to be sexually attractive may be humiliated when a group of young women laugh as his path crosses theirs (p. 139).

This sort of humiliation is the stuff of comedy; we delight in seeing through vanity or pretension, in imagining, from a safe distance, the almost desperate way in which an imposter struggles to maintain the appearance he has cultivated, and in seeing the effort come to nothing as the pretension collapses in a moment of unequivocal deflation. Of course, the mirth is also part of the experience of humiliation, for now the humiliated person is exposed not merely as not the man he pretended to be (a famous scholar or a Don Juan),

12. Humiliation as "a social fact" is, in effect, "a quasi-judicial status." P. 196.

and not merely as the man he pretended not to be (a little-known scholar, or a man who is sexually inconspicuous), but as an imposter, a pretender, the butt of ridicule, someone who has made a fool of himself (p. 144). That is the risk of pretension, the risk of ending up in the eyes of others with a status much lower than the status one found unsatisfying in the first place.

Miller believes that there is an important distinction between *humiliation* and *shame*.¹³ Humiliation has to do with the failure of the presentation of one's claim to a certain status or identity. But avoiding humiliation is only the beginning of the struggle for honor-based esteem. Honor is not only a matter of privilege; it is also a matter of performing certain tasks, acknowledging certain duties, observing certain limits, and living up to certain expectations. Shame is the state that a person gets into¹⁴ when he fails to meet these demands. Among warriors, for example, cowardice or the failure to avenge a wrong done to one's kin are occasions for shame; among businessmen, bankruptcy might be the equivalent; among us academics, the occasions for shame are things like plagiarism, too many rejection slips, or, increasingly, sexual harassment of students.

I don't think Miller quite makes the case for a sharp differentiation between humiliation and shame, and I am not sure that he is really committed to it. For one thing, he speculates that the division of labor between shame and humiliation will tend to vary in part with the extent of hierarchy in a particular society:

One of the necessary conditions . . . for eventually conceptualizing a difference between shame and humiliation was social differentiation and hierarchy sufficient to give rise to epidemics of hypocrisy and social climbing. The comedy of pretension could play only a very small part in the heroic world because there was only one noteworthy ground of pretension: pretending to be courageous when one was really a coward. In a differentiated and hierarchical society the possibility of pretension grows geometrically. [pp. 198-99]

His suggestion seems rather to be that humiliation and shame may be different aspects of social discomfort rather than sharply discernable feelings or social situations. Still, he is right that we use the words in somewhat different spirits. To talk of someone as having been shamed, or as having acted shamefully, or to say that he ought to be ashamed of himself, is never funny. Shame is usually occasioned by some serious breach, and it is in itself a dark and serious

13. See pp. 117-24 (describing *shame*).

14. I intend this phrase to be as ambiguous as it sounds. Like humiliation, shame is both a social situation — "a status with an almost juridical aspect" (p. 134) — and a subjective emotional experience. I will discuss Miller's treatment of the specifically emotional side of these states in Part VII of this review.

matter. Humiliation, by contrast, can be the subject of ribald comedy: think of Falstaff, for example, or Malvolio in *Twelfth Night*.

But, though Miller stresses the comedy of humiliation, he is right to add that:

The delight we take in the discomfiture of the pompous can never be one of simple mirth. There is always a tinge of brutality in it, the delight of kicking someone who is down, a delight we can indulge in because the justice and desert of the humiliation excuses us from having to make excuses for our failure of fellow-feeling. We can even congratulate ourselves on the labor we devote to the administration of such justice as a service to the community. [p. 149]

The book is dominated from the beginning by a disturbing story Miller tells about his own participation in such an act of collective brutality (pp. 1-5). He and a bunch of his colleagues decided to humiliate a boorish and pretentious member of their reading group by conspiring not to turn up at his house when it was his turn to host the group's meeting. They called him an hour or two after the appointed time to tell him they were watching a basketball game on television at the house of another, more popular group member instead. This call ensured that he knew they were together and that he would not be able to comfort himself with the thought that he must have been mistaken about the date. It appears that the humiliated member never joined the group again.

Readers' reactions to this story, and the author's telling of it, will vary, but I bet that mirth is not among them. The comedy seemed forced even among the humiliators:

We made jokes about the situation, drawing the connection between our own actions and the kind of ostracism and social disciplining that might have taken place in saga society. And we laughed harder than the jokes deserved. We constructed self-congratulatory justifications for our behavior: we hyperintellectualized souls had shown ourselves worthy of our subject matter and were wonderfully preindustrial in the best Viking manner. [p. 3]

On reflection, Miller's main justification for participating in this action is that the boor had it coming to him. The man "was treated to the rude truth that not only hospitality engenders obligations to reciprocate, but that offenses and assaults do too" (p. 5), even though his offenses and assaults consisted only of general social incompetence and the "academically suicidal habit of lecturing to people about their own subject matter on which he was usually woefully misinformed" (p. 2).

If there is justice here, what are the norms that it vindicates? Some of the norms are associated with the ranked or valued identities sustained in social interaction:

It is for the community to determine the social position to which you justifiably belong. Your job is to know where they are likely to put

you, based on both your knowledge of the relevant standards of judgment and how you stack up in relation to them. And you will be punished if you are unable to do so. [pp. 142-43; footnote omitted]

The pretentious person is punished, in effect, for failing to observe norms that are remarkably similar to norms of honor — hard-fought bases of distinction and ranking that are social in character and thus not to be left to the whims of individual vanity or pomposity.

Yet putting the matter in terms of individual transgression of group norms¹⁵ may not quite get at the issue of honor. I hesitate to lecture the author on something he knows more about than I do, but I suspect that in saga society matters of social status are *not* in fact securely upheld by group norms. On the contrary, the vindication of one's standing as a great warrior, or as a man to whom respect is due on some other ground, is largely left to the individual himself: *he* must claim and enforce his due, and if he does not do it, that may be a sign, so far as the group is concerned, that he is not entitled to that status after all. Individual honor is therefore much more precarious than talk of group norms suggests; it is much more a matter of the individual's vigilance in sustaining his own status, which explains the saga heroes' extraordinary prickliness and sensitivity to others' opinions, to their recognition, and to their affronts. I do not mean that there is no social content to status or honor in these circumstances: I cannot make myself a great warrior by forcefully presenting myself as such. Still part of what it takes socially to be a great warrior *is* to be preoccupied with others' recognition. In this regard, being a great warrior is not like being a Nobel Prize winner — an objective matter of rank or achievement that anyone can look up. It is more like being a "mover and shaker" in modern politics — a status one can sustain only by behaving as though one were a mover and shaker, a status that may be lost if one fails vigilantly to uphold it in the eyes of others.

V

It is a common observation that when we deal with one another as equals, we deal with each other not as though distinction did not matter, but as though we were all equally distinguished. To the extent we are an egalitarian society, to the extent that we accord people certain rights simply on the basis of their humanity, we are, as Gregory Vlastos observed, "much more like a caste society (with a

15. "[H]umiliation can run across the closed boundaries of the honor group. In fact, humiliation is the emotional experience of being caught inappropriately crossing group boundaries into territory one has no business being in." P. 145.

unique caste)” than like a society in which everything is based on fine differentiations of merit.¹⁶

[T]he fact that first-class citizenship, having been made common, is no longer a mark of distinction does not trivialize the privileges it entails. It is the simple truth, not declamation, to speak of it, as I have done, as a ‘rank of dignity’ in some ways comparable to that enjoyed by hereditary nobilities of the past.¹⁷

If there is anything to this, we might expect issues of honor and humiliation to present themselves not only as “an inherent consequence of ranked social difference” (p. 142), but also in relation to the basic ranking — of ordinary membership — in any society. Though Miller’s main interest in the modern world focuses on the petty pretensions and deflations of polite social interaction, he does spend a perceptive page or two on what he calls “Humiliation with a big *H*” (p. 165), the humiliation practiced by a torturer or a concentration camp guard.

The humiliation in that horrific world can still be subsumed within the notion of pretension deflation which defines so much of comic humiliation. But the pretension being deflated in that upside-down sadistic world is different. It is not the unmerited claim to a higher social status in the moral and social world than one justifiably merits; rather the claim of the torturer, the concentration camp guard, the ideologues of ethnic, racial, and religious genocide, is that the humanity of their victims is a pretense. [p. 165]

Part of what the torturer tells his victims is “that all social norms are suspended in dealings with them because they are not human” (p. 167). But part of the enterprise, Miller says, is also to show that despite the unambiguous validity of the victim’s claim to human status, he can be made to behave in ways that are, at least superficially, at odds with that status. There is a dreadful logic to this degradation: “[A] human who acts like a rat justifies his torture for two contradictory reasons: because he disgraces his humanity by acting like a rat and because as a rat he is pretending to humanity, a most disgraceful and arrogant presumption for a rat” (p. 166).

What can the hell of torture tell us about the purgatory of everyday life? It can tell us that there are ways we fear we might be or behave that might be difficult to reconcile, at the level of social appearances, with the dignity of our status as humans. An individual pleading for mercy, an individual who has lost control of bodily functions, or an individual from whose smell others recoil is still, in principle, a human person with the rights and privileges attendant to that status. But it matters intensely to people as a matter of very basic self-esteem that they not be in these situations, and that may

16. Gregory Vlastos, *Justice and Equality*, in *THEORIES OF RIGHTS* 41, 54 (Jeremy Waldron ed., 1984).

17. *Id.*

be a sign that the status of person carries connotations of some sort of vague obligation to hold or bear oneself in a certain way appropriate to the dignity of one's equal but noble rank.¹⁸

It is also a sign, of course, that our commitment to equal dignity is perhaps a little more contingent than conventional rhetoric suggests. Though we proclaim that first-class citizenship is at once crucial, universal, and inalienable, in fact the readers of *Humiliation* are likely to acknowledge that the status that matters most to them is respectable membership in their class or, less tendentiously, in the circles in which they practice their profession, conduct their business, and do their socializing. This membership defines what we might regard as the normal baseline of honor for most of us; a fall from this status would not be regarded as mere decline in rank but as some sort of catastrophe. Specifically *ranked* social difference — organized around wealth, reputation, social or scholarly prowess — is then built up from this baseline as a further structure of honorific status. So when Miller observes that “[m]ost of our disposition with regard to honor is defensive rather than offensive, preserving rather than acquisitive” (p. 204), I take his suggestion to be that baseline respectability matters for most of us much more than competitive status.

Presumably something similar applies also to other classes or strata. Those with whom one interacts socially sustain among themselves both a baseline of respectable group membership and a hierarchy of competitive achievement relative to that baseline.

Because *basic* status is thus stratified, Miller should be less embarrassed than he is about the general applicability of his observations. He remarks modestly at one point that the book comprises “the reflections of an academic on the psychology and sociology of certain social practices common to those who occupy comparable social niches” (p. 198), and even more modestly at another point that he is focusing “mainly on practices I am intimately familiar with” and that the claims he is making “should be held to obtain only for the narrow American academic or educated white communities I am immersed in” (p. 13). The narrowness of focus seems fine to me, and it contributes of course to the sharpness of his analysis. There is no reason at all to think that his analogy between saga Iceland and modern America has to work at the level of whole societies. The world of the saga heros is a homogenous tightly knit world of dense interaction; its appropriate analogue in America, then, is not American society as a whole, but rather groups or strata that are comparably homogenous or comparably tight-knit. One

18. See also the discussion in Jeremy Waldron, *Homelessness and the Issue of Freedom*, 39 UCLA L. REV. 295, 320-21 (1991) (discussing the relation between urination and human dignity).

might of course choose any group — urban black males, for example, or rural farmers — and there would be a problem for Miller's account if there were some such groups that knew nothing of status, honor, and humiliation. But this brings us back to the basic point of strategy I mentioned at the beginning of the review. By focusing on the group whose members would be *least* likely to see their lives as comparable to the violent, honor-ridden world of the saga heroes, Miller takes on the hardest case, and therefore makes a promising start on the wider enterprise of showing the place that honor occupies in social structure generally.

These considerations also help to explain the methodology that Miller uses. He writes:

What I am after is not hard and testable in the narrow empirical ways of a certain style of social science. I credit feels, hunches, and my method is largely the interpretation of what I consider to be recognizable situations involving the discomforts of norm violation and norm adherence, the awkwardness of self-presentation in simple social interaction, and the pains of social and minor moral failure. [pp. 133-34]

Nowhere is this methodology better deployed than in Miller's discussion of American middle-class conventions about hospitality and gift-giving. His theme in that discussion is what he calls "the dark, obliging, and importuning side of gifts" (pp. 5-6). Though gifts advertise themselves as tokens of spontaneous goodwill, we all know that the occasion and scale of gift-giving is governed by quite strict social norms, and that this is connected to the fact that giving an appropriate gift is almost always the first move in a game of reciprocity; it therefore operates in part as the creation of an obligation. To give another a gift at the very top end of the range of acceptable scale or expense is thus something of an imposition, calling as it does for the other to reciprocate on a similar scale. If the other would not have chosen to initiate an exchange at that level, the gift will be resented as both a burden and a potential insult. Miller's Nordic heroes killed each other over matters much less serious than this.

In modern polite society, we do not respond to gifts with threats or violence. But we often feel them as annoyances just the same. The gifts on which Miller focuses particularly are food and drink, in the form of domestic hospitality: the dinner invitation. His account of this institution and its attendant norms of reciprocity and obligation (pp. 25-35) is sharp and knowing, in a "Miss Manners" sort of way. Much of it consists in a discussion of how one can avoid an unwanted invitation, or, if one cannot avoid it, how one can avoid having to reciprocate, or, if one cannot avoid that, how one can avoid "the horror . . . of an eternal recurrence of gift and counter-gift" (p. 29), all the while falling just short of humiliating

either oneself or one's host. In these practices and conventions, in their exceptions, and in the intricacy of the strategies involved in avoiding both obligation and affront, we see the force of Miller's observation that, although we do not kill each other like the saga heroes, still, among us, "humiliation is a normal risk of normal interaction; it is an unavoidable feature . . . of civilized emotional life" (p. 206).

VI

So far, I have outlined what we might call the "objective" side of Miller's analysis: humiliation and shame as social relations between persons and norms. What about humiliation, the feeling? It is no doubt possible as Miller says to *be* humiliated without *feeling* humiliated: "The incorrigibility of certain pompous souls is the proof of the pudding" (p. 146). Admittedly the possibility is paradoxical: there would be little point to establishing humiliation as a social condition or predicament if those who suffered it were by and large oblivious to the fact.

What is it to *feel* humiliated? What is the relation, exactly, between the social fact and the subjective experience? Leaving aside the question of what occasions the humiliation, are there proper and improper *ways* of feeling humiliated? Do these ways vary across cultures? How does emotional vocabulary interact with feeling and culture? Is *anger*, for example, the same in all cultures? What difference does it make to emotional life, when a culture begins to draw verbal distinctions between *shame*, *embarrassment*, and *humiliation*? Some of the most interesting analysis in the book results from Miller's perseverance with questions like these, and his refusal to succumb to a simplistic notion of feelings as purely personal, purely inner, or purely subjective. The refusal is dictated in part by his starting point in Icelandic literature: "[T]he saga authors and saga characters do not especially like to indulge themselves in emotion talk" (p. 108). Reading the sagas, we are tempted to think of the heroes, and their victims, as unfeeling brutes (p. 93), for they respond to outrage or injury not, as we would, by garrulous revelations of how it makes them feel, but by either action or talk about action, supplemented occasionally with somatic descriptions, given by the narrator, of blushing or pallor. Miller of course wants to resist the temptation, and so that leads him to raise searching questions about what, if anything, an account of one's feelings *adds* to an account of one's actions or of what is expected of one.

Philosophical behaviorism seeks to identify mental states with external behavior or dispositions to behavior.¹⁹ Miller is no beha-

19. The *locus classicus* is GILBERT RYLE, *THE CONCEPT OF MIND* (1949); see also LUDWIG WITTGENSTEIN, *PHILOSOPHICAL INVESTIGATIONS* (G.E.M. Anscombe trans., 1958).

violist,²⁰ but he takes the connection between inner and outer seriously enough to suggest that the *feeling* of humiliation might, in large part, be the subjectively experienced readiness to respond to the social fact of humiliation. If the socially appropriate response to humiliation is to lash out at the humiliator, then one will feel the combination of anger, fear, and excitement that usually accompanies aggression toward another. If humiliation tends to feed on itself, as one suffers not just the loss of pretended status, but the loss of face that comes from exposure as a pretender and the further humiliation of being regarded as a figure of fun, then one would expect fear to figure largely in the experience of humiliation. These, however, are just intermediate explanations, raising further questions about fear, anger, and other basic emotional states. Fear of death might be a different kind of experience from fear of ridicule, not just the same experience, more or less intensely felt, in response to a different stimulus. Fear, for a person whom the culture expects and permits to scream in response to certain threats, may be different from fear for a person from whom a paralyzed silence is expected (p. 99).

Above all, Miller is interested in the relation between feelings and words. Notoriously, we use the single term "snow" to cover many different kinds of precipitation that other cultures carefully distinguish. Our emotional vocabulary may mark similar differences, Miller suggests.

The existence of the concept and term, say, of anger might cause us to ignore the differences between closely related hostile feelings and lump them together. . . . They tend to make us subsume our emotional states, or at least our understanding of our emotional states, into the ready-made category the word provides. [p. 101]

Correspondingly, the late emergence of the English words "embarrassment" and "humiliation" may be a sign that people are in a position to make finer and finer distinctions among the emotions associated with honor.

Miller is not, however, ingenuous about the power of words themselves in this regard. In a discussion of the English epic *Sir Gawain and the Green Knight* (pp. 183-95), Miller notes that we are presented with what is undoubtedly a distinction among shame, humiliation, and embarrassment, even though our *words* for these

20. But he does use consciousness of body as a rich, expressive device for capturing emotion. Thus, for example:

With humiliation, the feeling may also lead to blushing and rising temperature, but the center of feeling is the gut. The stomach goes queasy, the bowel contracts. One may even feel the sudden urge to defecate which fear produces with the attendant efforts of tightening in the bowel to prevent oneself from doing so. [pp. 160-61]

Once — just *once* — I would like to hear a description of that quality in response to the typical television interviewer's question to the victim of some catastrophe: "How did you feel?"

emotions (or their equivalents) were not available: "It seems reasonable to assume that the richness of one's emotional life depends to some extent on the richness of linguistic resources available for the expression of emotions, yet language does not need a rich lexicon of specifically dedicated emotion terms to fund this richness" (p. 195). What may be more important is the complexity and variation among norms, rituals, and responses associated with various situations in social life, for in structuring behavior, these will necessarily structure conscious experience as well. Miller insists that we must not lose sight of the fact that in some contexts, emotion terms may serve mainly "as surrogates or shorthands for describing ritualized behavior or for making normative claims" (p. 101). We get a slight sense of this from the way in which we can say that a bereaved person is "in mourning" whether he or she *feels* sad or not, and Miller's suggestion is that something similar may be true also, sometimes, of being angry, afraid, affronted, ashamed, and humiliated.

VII

I said at the beginning that William Miller is a Professor of Law. He has not attempted in this book to draw any heavy-handed connections between the honor world, whether in saga Iceland or polite Ann Arbor, and the legal world. *Humiliation* is a book about the sort of people we are and the way we structure our interactions, and of course that is something that any lawmaker will do well to take into account. But Miller leaves it to others to draw on his resources.

Beyond that, there is an occasional suggestion that the world of honor and the way we behave therein is antagonistic to the world that law purports to create. Modern institutions — law, state, and economy — claim to have created a pacified society in which people are supposed to feel sufficiently secure not to have to take their honor into their own hands, so to speak. Miller has his doubts about this claim, noting that the modern state's emergence with a Weberian monopoly on violence was violent in itself (pp. 81-82) and moreover usually redounded to the benefit of violent aggressors and to the detriment of their victims. The rule against violence was more likely to be enforced against aggrieved and identifiable victims than against the unpredictable sociopaths who attacked them.²¹ But whatever the merits of modernization, Miller thinks it has left space enough for us to behave in premodern ways:

21. This point would have been clearer in Miller's presentation if he had represented Max Weber's definition of the state more accurately in terms of "a monopoly of the legitimate use of physical force" rather than "a monopoly on the means of violence." P. 80. See MAX

[D]espite the claims of the law, the state, and certain religions, within certain groupings we still live as if we were people of honor. True, not all or even most of the roles we play function in the way the honor game does, and it may be that even the roles we consider most important have very little to do with the mechanisms of honor. But it is hard to get through a life without having a feel for some of the things at stake in the world of honor, whether they be in the horrors of high school, in the pressures of career, or in the simple exchange of gifts and meals with family, friends, and workmates. Amazingly, in spite of the reputed all-intrusive evil hegemony of modern institutions, we still manage to create spaces for ourselves within which we function rather preindustrially for all that. And it is in these spaces that we often find our deepest being engaged. [pp. 51-52; footnote omitted]

I wonder about this "preindustrial" thesis. We should recall that one of Miller's hypotheses is that, although shame and humiliation are both associated with the culture of honor, the specifically verbal distinction between them emerged quite late, with extensive social differentiation generating an epidemic of pretension and hypocrisy (p. 199). It would be wrong to suggest that this hierarchy is premodern or preindustrial; on the contrary, Miller claims that it is saga society that lacks extensive differentiation (p. 199).

Alternatively, if one wanted to emphasize the decline of hierarchical status and the rise of modern equality, there would still be the points discussed in Part VI above, that even equal status is disciplined by certain norms that function very like norms of honor. Think of the importance, to our standing in the world, of having "good credit" — that is, of not having slipped from the expectations applied to the financial dealings of the ordinary citizen. It would surely be naive to suggest that modern institutions disdain the aspects of honor and the potential for shame and humiliation associated with this status in favor of more legalistic forms such as an action to recover a debt or the foreclosure of a mortgage. It is, rather the *legal* remedy that seems exceptional in the modern world; for the most part, society relies on the average person's intense fear of loss of status to enforce its economic order.

But this is just a quibble. *Humiliation* does not aspire to be a work of legal theory, except in the very broadest sense that all social and literary reflection is relevant to the world with which law purports to come to terms. On its own terms, *Humiliation* is a delight: It is a sly and challenging presentation or (re)presentation of ourselves to ourselves.

At the beginning of the book, Miller observes that "we . . . are not strangers to the nervousness and tensions that necessarily accompany caring about what others think about us" (p. ix). Though

we are not strangers, we may not know the names of these discomforts; we need to be introduced. Miller has done a mannerly job of effecting the introduction in a way that ensures that their names will not be forgotten.