Humiliation and Liberal Democratic Politics

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ABSTRACT

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The concept of humiliation has not received much attention from political theorists, despite the fact that themes related to dignity, respect, and honour have become more prominent in recent years. Contributions to the literature in political theory and related disciplines that do focus on humiliation tend to cast humiliation in one particular mould: as a violation of human dignity or equality, or as the emotional response to such a violation. Writers who take this view of humiliation often conclude that liberal democratic states and other actors committed to liberal democratic principles should not engage in humiliation.

In this thesis, I provide an in-depth examination of the concept of humiliation, clarifying certain features of humiliation that are presented ambiguously in the current literature. I emphasise the complexity of humiliation and the variety of forms it can take, beyond the violation of human dignity or equality. Humiliation can, for instance, consist of damage to the images of relatively powerful individuals or groups. I then argue that normative conclusions about the responsibilities of actors committed to liberal democratic principles vis-à-vis humiliation ought to be more nuanced than the conclusions found in much of the current literature. In some circumstances, these actors may legitimately engage in action that constitutes and/or leads to humiliation in order to uphold liberal democratic principles. But I also endorse certain concerns regarding this kind of action. Decisions about the proper approach to humiliation on the part of actors committed to liberal democratic principles should be made, I argue, with sensitivity to the particular political context.

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PART I: INTRODUCTION

Preface

My interest in the concept of humiliation stemmed originally from an interest in the concept of human dignity. 'Human dignity' is used in a variety of legal and political contexts, notably to ground the idea of human rights; and it is employed in political theories such as those of Ronald Dworkin and Martha Nussbaum.[1] Yet 'human dignity' appears to admit of multiple interpretations, and it is capable of being used to advance multiple, sometimes conflicting, political positions. I was intrigued by the combination of the fundamental role that human dignity is often assigned – which suggested to me that the concept could provide a sense of the deeper, underlying concerns of political theorists and practitioners – and the contestation over the meaning and theoretical utility of the concept.

While researching the topic of human dignity, I encountered the view that the task of understanding human dignity would benefit from an understanding of concepts that involve its violation. In particular, an adequate grasp of these 'opposing' concepts could help in enumerating a more 'concrete' conception of human dignity and in clearly indicating what is at stake in the protection of human dignity and human rights.[2] Multiple terms have been proposed to capture the idea of a violation of human dignity, including 'disrespect' and 'degradation'; but a common one is 'humiliation.'[3]

I followed up this idea by investigating the concept of humiliation. I found that theorists who have mentioned or written about this concept – and there are not many who

[1] Ronald Dworkin, *Justice for Hedgehogs* (USA: Harvard University Press, 2011), 204; Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, and Species Membership* (USA: Harvard University Press, 2007), 161.
[2] Paulus Kaufmann et al, 'Introduction,' in Kaufmann et al (eds.), *Humiliation, Degradation, Dehumanization: Human Dignity Violated* (Springer, 2011), 1-5.
[3] Kaufmann et al, 'Introduction,' 1-5; Daniel Statman, 'Humiliation, Dignity, and Self-Respect,' *Philosophical Psychology* 13:4 (2000), 536.

have examined it in depth – largely portray humiliation as an action that violates people's human dignity or equality, or as a feeling experienced by those subject to this kind of action. Common examples of humiliation in the literature come from racial segregation, caste systems, and concentration-camps. Theorists therefore condemn humiliation in extremely strong terms and place a very high priority on the need to avoid humiliation. Originally I adopted this view of humiliation, especially since I had come to the topic through an interest in the violation of human dignity.

I began to confront, however, examples of humiliation – as action, condition, or feeling – that could not be presented readily as violations of human dignity or equality, and that did not merit the judgement that they ought to be condemned. This was especially true when those who were humiliated occupied a relatively high status. First, I noted that efforts to instantiate liberal democratic principles could give rise to feelings of humiliation on the part of those who stood to be displaced from their unjustly high social status (such as members of a favoured race or a higher caste at the advent of greater equality, or men upon the entrance of women to traditionally male spheres of work). In these situations, it seemed that states and other political actors should not compromise their commitment to liberal democratic principles in order to reduce feelings of humiliation.

Second, I observed that relatively disadvantaged actors might try to use humiliation as a 'weapon of the weak' in order to inflict reputational damage on their more powerful opponents. Examples include political ridicule as a method of deflating a figure's threatening image – employed by some journalists, for instance, against Senator Joseph McCarthy – and campaigns carried out by labour unions and environmental activists designed to highlight corporate misdeeds.[4] These forms of humiliation could serve as ways for political actors to

[4] For descriptions of the ridicule of McCarthy in the media, see Thomas Patrick Doherty, *Cold War, Cool Medium: Television, McCarthyism, and American Culture* (New York: Columbia University Press, 2003), 213.

puncture the images of those engaged in practices that are disturbing from a liberal democratic perspective.

Third, I considered the cases of some figures who are humiliated as a result of political scandal – say, Richard Nixon and other members of his administration – which suggested that people can be humiliated as a result of the exposure of genuine misconduct. These individuals appeared to be liable for their humiliation in part due to their decisions to occupy a certain public role, to project a certain public image, and to engage in behaviour that undermined their roles and images. The work of journalists, activists, and government bodies in exposing this misconduct could strengthen democratic accountability and further the pursuit of equality under the law, and it seemed inappropriate to rule out this kind of activity on the grounds that it would lead to humiliation.

In some of these cases, 'humiliation' refers to an action undertaken in order to remedy inequality, a dearth of democratic accountability, or another phenomenon that those committed to liberal democratic principles wish to avoid. In other cases, 'humiliation' refers to a side-effect of action undertaken in support of these goals. The universal condemnation of either type of action could, it seemed, have the perverse consequence of undermining the kinds of aims that contributors to the current literature on humiliation sought to support. The fact that an action helps to further aims that should be endorsed from a liberal democratic perspective does not mean, of course, that the action is necessarily legitimate. The existence of political scenarios involving humiliation different from those commonly appearing in the literature, however, seemed to suggest that a more nuanced approach to normative issues regarding humiliation would be advisable.

Political scientist and media specialist Jarol Manheim, in a book on corporate campaigns, refers to 'public humiliation' as 'part of the campaign's communication strategy.' *The Death of a Thousand Cuts* (Mahwah, NJ: Lawrence Erlbaum Associates, 2001), 265.

My first response to the possibility of these alternative forms of humiliation was to try to guard my model of humiliation against the intrusion of possibly disruptive variety. I sought to deny that alternative references to 'humiliation' denoted *real* humiliation, or at least 'humiliation' in the sense in which I was interested. I drew a distinction between mere feelings of humiliation, and 'objectively humiliating' actions that made it *reasonable* or *justified* for people to feel humiliated, and decided to focus only on the latter. I distinguished humiliating conditions that arose directly from an action inflicted by A on B, on the one hand, from humiliating conditions that arose partly as a result of B's own actions or mindset, on the other, and decided to focus only on the former case. The attempt to spell out these distinctions and their implications, however, only complicated matters further. I came to the conclusion that although these distinctions exist in some form, they are far less clear than I was trying to present them, both in terms of their conceptual foundations and their normative implications.

Furthermore, I began to doubt the utility of seeking to elaborate a set of conditions under which a phenomenon should be called 'humiliation' in a sense that could play a role in a political theory dedicated to the goal of non-humiliation. This project appeared to result in a definition of humiliation much along the lines of traditional 'wrongs' in liberal political theory, such as inequality or the violation of rights, or else in an understanding of humiliation as a violation of human dignity: a concept that the turn to humiliation was designed in part to explain. The intuitive appeal of turning to humiliation in political theory seemed to result from the concept's ability to capture, in a 'concrete' way, certain painful human cognitive and emotional experiences. But these experiences could, I noted, be found in people who were not victims of treatment that those committed to liberal democratic principles would necessarily wish to disavow.

I decided to take a different route, and to embrace the complexity of humiliation rather than trying to limit it. The problem, I believe, is that contributors to the current literature on humiliation tend to imagine just one form of humiliation when the word 'humiliation' is mentioned: namely, violations of human dignity or equality. These forms of humiliation are clearly egregious from a liberal democratic perspective, and those committed to liberal democratic political principles ought to place high priority on eliminating them. Contributors to the literature, however, go on to make universal claims about all forms of humiliation, without recognising that other cases exist. The difficulty, in Wittgensteinian terms, is that a certain picture of one kind of humiliation holds us in its grip, thereby restricting our vision of other varieties of humiliation, the contexts in which they may occur, and the appropriate normative judgments to make.

In this thesis, I seek to loosen the grip of this picture of humiliation, by highlighting and clarifying the varieties and complexities of humiliation. One claim I make is that it can be legitimate to inflict humiliation in order to uphold liberal democratic principles. This is, perhaps, the most surprising of my claims; but supporting this claim is not the only goal or even the main goal of the thesis. In fact, part of the thesis consists in indicating drawbacks associated with humiliation. My principal aim is simply to discuss humiliation in a more nuanced way than currently exists, in the hope that future investigators will have a better understanding of the concept and its place in liberal democratic politics.

Chapter 1

Humiliation and Liberal Democratic Politics: An Overview

I. Introduction
II. Initial Survey of Literature on Humiliation and Related Concepts
III. Liberal Democratic Principles
    A. List of Some Liberal Democratic Principles
        1. Respect for Freedom, Equality, and Human Dignity
        2. State Protection of Individual Rights
        3. The Input of the Governed
        4. Non-Arbitrariness of Government
    B. Comments on the List of Some Liberal Democratic Principles
IV. Humiliation in the Current Literature
    A. The 'Current View' of Humiliation
    B. Normative Conclusions in the Current Literature
        1. Not Engaging in Humiliation
        2. Protecting People from Humiliation
        3. Alternative Ideas about Humiliation in the Literature
V. The Thesis's Response to the Current Perspective on Humiliation
    A. The Complexity and Variety of Humiliation
    B. Normative Conclusions Based on the Recognition of Humiliation's Complexity
VI. The Structure of the Thesis
VII. Methodological Considerations

I. Introduction

- In 1954, Senator Joseph McCarthy, after years of anti-Communist witch-hunts, was censured by the Senate for conduct that was 'contrary to senatorial traditions'[1]; historian David Oshinsky writes that the censure 'obviously humiliated McCarthy.'[2]

- Rosa Parks stated of her arrest for refusing to give up her seat on a segregated bus that 'I only knew that, as I was being arrested, that it was the very last time that I would ever ride in humiliation of this kind.'[3]

[1] 'Censure of Senator Joseph McCarthy,' *U.S. Department of State Education*. <http://eca.state.gov/education/engteaching/pubs/AmLnC/br60.htm>
[2] David M. Oshinsky, *A Conspiracy So Immense: The World of Joe McCarthy* (USA: Oxford University Press, 2005), 495.

- A book review written in 2012, titled 'The Humiliation of Rupert Murdoch,' states: 'Thus began a sequence of inquiries that would, eventually, six years later...lead to the closure of the highest selling newspaper in the world, huge losses in revenue and prestige for its parent company, News Corporation, and the public humiliation of Rupert and James Murdoch, its hitherto all-powerful and invulnerable proprietor and his heir-apparent.'[4]

- A man who served as a photographer in North Carolina during the civil rights era told an oral history project about the following occasion in the late 1950s or early 1960s:

  'I really wish that the Lumbee Indians would get grand status. They stood up to the Klan. The one thing that the Klan could not stand was to be laughed at. So the Lumbee Indians picked up the Klan robes, and a bunch of them drove up to the Charlotte Observer and burst into the newsroom. It just about frightened everybody. But Morey Rosen…got the picture that ran in Life of the Indians dressed up in the Klan robes. He shot it from the back so you could see the cross and all that stuff. The Indians were just turning around and smiling at the camera. It became kind of an icon of absolute humiliation to the Klan. And that's what everybody wanted, and the Klan never really recovered from that affect [*sic*]. They got laughed out of Eastern North Carolina...'[5]

- A news article on the abuse at the Abu Ghraib prison reads: 'In the weeks since photographs of naked detainees set off the abuse scandal at Abu Ghraib, military officials have portrayed the sexual humiliation captured in the images as the isolated acts of a rogue night shift. But forced nudity of prisoners was pervasive in the military intelligence unit of Abu Ghraib...'[6]

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[3] 'Civil Rights Icon Rosa Parks Dies at 92,' *CNN.com*, 25 October 2005. <http://edition.cnn.com/2005/US/10/24/parks.obit/>

[4] Anne Chisholm, 'The Humiliation of Rupert Murdoch,' *Australian Book Review* 343 (July-August 2012). <https://www.australianbookreview.com.au/july-august-2012/1055-343-features-chisolm>

[5] Peggy Van Scoyoc, 'Interview No. K-1052 of Bruce Roberts,' *Southern Oral History Program*, 17 January 2009. <http://dc.lib.unc.edu/cdm/compoundobject/collection/sohp/id/6045/rec/1>

[6] Kate Zernicke and David Rohde, 'The Reach of War: Sexual Humiliation; Forced Nudity of Iraqi Prisoners Is Seen as a Pervasive Pattern, Not Isolated Incidents,' *New York Times*, 8 June 2004. <http://www.nytimes.com/2004/06/08/world/reach-war-sexual-humiliation-forced-nudity-iraqi-prisoners-seen-pervasive.html?pagewanted=all&src=pm>

- The induction ritual of the Knights of the White Camelia, a white supremacist organisation that operated from 1867 to 1870, included the statement that the organisation:

> 'is destined to regenerate our unfortunate country and to relieve the White Race from the humiliating condition to which it has lately been reduced in this Republic… any attempt to wrest from the white race the management of its affairs in order to transfer it to control of the black population, is an invasion of the sacred prerogatives vouchsafed to us by the Constitution, and a violation of the laws established by God himself…no individual of the white race can submit to [such encroachments] without humiliation and shame.'[7]

These statements have in common the fact that they mention humiliation or its cognates ('humiliating,' 'humiliated,' and so on) in a context that has some bearing on politics, but they vary immensely. These statements provide an initial indication that humiliation is involved in several scenarios of interest to political theorists, which suggests that the topic of 'humiliation and politics' is worth investigation; and also that the concept of humiliation appears to be complex, in the sense that it seems to encompass a wide variety of phenomena and to admit of multiple understandings. The statements above use 'humiliation' to refer to the consequences of public censure; to the condition of racial segregation; to a result of a person's 'fall from grace' due to the exposure of misconduct; to the deflation of the KKK's image due to ridicule; to an aspect of the egregious mistreatment of prisoners; and to the condition of the 'white race' upon the advent of greater black equality – in the view of white supremacists.

One aspect of the complexity of humiliation involves the appropriate kind of normative judgment for those committed to liberal democratic principles to make about actions that lead to humiliation. Compare the Abu Ghraib case, for instance, with the humiliation of the KKK by the Lumbee Indians. Multiple factors combine to distinguish the

[7] Walter L. Fleming, *Constitution and the Ritual of the Knights of the White Camelia* (USA: Kessinger Publishing, 2003), 25-27.

appropriate normative judgments of actions leading to humiliation in the two cases: the identity of the humiliated; the nature of the characteristic attacked through humiliation (human dignity versus the reputation for intimidation); the purposes and attitudes of those inflicting humiliation; the relative status of, and power dynamics between, the humiliated and those inflicting humiliation. There are also, of course, cases in which the appropriate normative judgments are not so clear and polarised.

In this thesis I investigate the phenomenon of humiliation in a political context from a theoretical perspective, thereby contributing to the literature in four ways. First, I provide a sustained examination of a concept that plays a role in multiple political contexts but that has not received a great deal of theoretical scrutiny. Second, I clarify several aspects of the concept of humiliation, thereby providing a corrective to current tendencies to describe humiliation and to make normative judgments regarding humiliation in an ambiguous and sometimes confused manner. Third, I emphasise the complexity of the concept of humiliation and the variety of forms that it can take. In doing so, I point out the restrictiveness of a view of humiliation present in much of the current literature, according to which humiliation constitutes, or results from, an action that undermines human dignity or equality.

Fourth, I argue that the recognition of the variety of forms of humiliation has implications for suitable approaches to humiliation on the part of those committed to liberal democratic principles. Much of the current literature on humiliation indicates – although particular claims differ from writer to writer – that those concerned with people's human dignity or equality, including liberal democratic states and non-state actors, should not engage in humiliation. Some contributors also hold that the state or society should protect people from humiliation as long as doing so would fall within the bounds of state or societal authority. I contend that the approach to humiliation by those committed to liberal

democratic principles ought to be more nuanced and context-sensitive. Following an injunction to abstain from humiliation would sometimes undermine efforts to combat such phenomena as inequality and the absence of democratic accountability. At the same time, many forms of humiliation are incompatible with liberal democratic principles, and actions that give rise to humiliation may have other negative outcomes. I therefore use specific examples to examine considerations affecting suitable approaches to humiliation on the part of both state and non-state actors committed to liberal democratic principles.

The validity of these points depends, of course, on the understanding of 'humiliation' in question. There are relevant distinctions between humiliation as an action, condition, or feeling; between the idea of 'humiliating someone' and of contributing to situations in which people are humiliated; and between humiliation as an intentional effect and a side-effect. There are also relevant distinctions between the quality or aspect of a person that is violated or damaged through humiliation – for instance, human dignity or a particular feature of one's social reputation. An assessment of the proper approach to humiliation must be attentive to these distinctions. In the thesis I consider the nature and limitations of many of these distinctions, which are not made clearly in much of the literature and are not discussed thoroughly in political theory.

Some might try to use these kinds of distinctions to circumscribe their conception of humiliation and thereby preserve the validity of a general injunction not to engage in humiliation. An example comes from an article by Frederic Schick commenting on Avishai Margalit's book *The Decent Society* (1996). Margalit's book urges the creation of a 'decent society' with institutions that do not humiliate those under their control. Schick states:

> 'There are certainly many ways of defining humiliation. In my view, to humiliate someone is to disempower him and to render vivid to him his having been disempowered – but only where some gloating follows, where the disempowerment pleases the person who did the disempowering, and pleases him independently of any

> effects his having done that might have. We might expand this a bit; we might let the gloating be only imagined. Or we might define the concept in very different terms, perhaps (along with Margalit) in terms of self-respect, perhaps in terms of shame (like Lynd), perhaps in terms of pride. It makes no sense to ask which definition would be correct. The special virtue I claim for mine is that it validates Margalit's thesis, the thesis that a decent society is one whose institutions don't humiliate people. My definition sustains the idea that it is always *wrong* to humiliate: on my definition, it *is* always wrong. Not so on other definitions. Think of humiliation as the exposure of shame: that may sometimes be blameless.'[8]

Here, Schick adopts a definition of 'humiliation' as something like 'an action in which one person disempowers another and takes gratuitous pleasure in doing so.' He adopts this definition even though he recognises that humiliation could be defined in other ways, with the explicit aim of validating Margalit's thesis that the institutions of a 'decent society' never humiliate.

Margalit himself acknowledges (at the very end of his book) that his definition of humiliation as 'rejection of persons from the Family of Man'[9] is not a universal one:

> 'I am well aware that the most prevalent use of the word "humiliation" is not to describe the rejection of persons from the Family of Man, but rather the lowering of persons from their social status to a "humbler" one. The public demotion of a soldier for misdeeds in army service, as in the case of Dreyfus, is a paradigmatic example of a case where the word "humiliation" would be used. Another prevalent usage of "humiliation" is for the deflation of a person's social aspirations, such as when a candidate who was soundly defeated in an election sees herself as rejected by the voters, although she certainly does not consider herself rejected as a human being. The sense in which I have used the word "humiliation" – as rejection from the Family of Man – also exists, as I see it, and is often used in cases involving the "demotion" of those who are already at the bottom of the social ladder, so that there is no "lower" case to "demote" them to. Examples are the humiliation of prisoners, army recruits, helpless cripples, the unemployed, and the indigent.'[10]

Thus Margalit, like Schick, makes a conscious decision to circumscribe the concept of humiliation, this time so that it refers to the demotion of the 'lowest' members of society.

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[8] Frederic Schick, 'On Humiliation,' *Social Research* 64:1 (1997), 139; emphasis in the original.
[9] Avishai Margalit, *The Decent Society* (USA: Harvard University Press, 1996), 288-289. Margalit actually provides 'three senses' of humiliation of which 'treating humans as nonhuman' is one (146) and also defines humiliation initially in terms of injury to self-respect (9). These descriptions of humiliation are considered later in the thesis.
[10] Margalit, *The Decent Society*, 288-289. Margalit's reference to Dreyfus is potentially confusing because Dreyfus could be said to be rejected as a human being, given the process by which his conviction came about. Margalit's intention, however, seems to be to refer to the process of military demotion more generally.

Such an approach to the concept of humiliation is by no means incoherent. In the thesis I argue, however, that it is not necessary to adopt this approach to the topic of humiliation, and that this approach is accompanied by certain drawbacks.

Section II of this chapter provides an initial survey of literature on humiliation and related concepts. I note that there has recently been increased interest in themes related to humiliation in several disciplines. In political theory, some writers have referred to humiliation in order to ground or explain claims about human rights or human dignity. Not many theoretical writings have focused directly on humiliation, but I point out a few contributions that have done so. Section III clarifies the nature of the 'liberal democratic principles' to which I refer. Section IV describes a certain perspective on humiliation found in much of the current literature that has focused on the concept, and Section V explains the ways in which the thesis responds to this perspective on humiliation. Section VI previews the structure of the thesis, and Section VII takes up methodological issues.

II. Initial Survey of Literature on Humiliation and Related Concepts

Concepts related to humiliation, such as dignity, recognition, respect, self-respect, shame, and honour, have become more prominent in recent decades in a variety of disciplines. In psychology, there are a few papers on humiliation, and a much larger literature on shame.[11] Humiliation and related concepts have also been studied by a few scholars in the contexts of literary and sociological analysis.[12] In economics, some scholars

[11] On humiliation, see Donald Klein, 'The Humiliation Dynamic: Viewing the Task of Prevention from a New Perspective,' *Journal of Primary Prevention* 12:2 (1991), 93-121; Jeff Elison and Susan Harter, 'Humiliation: Causes, Correlates, and Consequences,' in Jessica L. Tracy, Richard W. Robins, and June Price Tangney (eds.), *The Self-Conscious Emotions: Theory and Research* (Guilford Press, 2007), 310-329; Linda M. Hartling and Tracy Luchetta, 'Humiliation: Assessing the Impact of Derision, Degradation, and Debasement, *The Journal of Primary Prevention* 19:4 (1999), 259-278; Aaron Lazare, 'Shame and Humiliation in the Medical Encounter,' *Archives of Internal Medicine* 147:9 (1987), 1653-1658. For an overview of psychological discussions of shame, see Toni Massaro, 'The Meanings of Shame: Implications for Legal Reform,' *Psychology, Public Policy, and Law* 3:4 (1997). I discuss the relationship between humiliation and shame later in the thesis.

[12] On humiliation, William Ian Miller's *Humiliation and Other Essays on Honor, Social Discomfort, and Violence* (Ithaca, NY: Cornell University Press, 1993) combines literary, sociological, and historical analysis.

have recently challenged certain kinds of rational-choice models that portray people as seeking either property or power and emphasised instead people's desires for esteem, honour, or prestige.[13] Scholars in political science and international relations have also paid more attention recently to topics related to humiliation, casting concepts such as respect, honour, and dignity as explanatory features of political conduct. One impetus for this trend has been an increased interest in psychological considerations in the study of empirical politics, such as the role of emotions in regulating political behaviour.[14] Another is the rise of the 'constructivist' school in international relations, which has challenged understandings of states as engaged in the pursuit of military or economic prowess and argued that socially constructed factors such as a state's identity and self-image significantly influence international behaviour. Recently, scholars in the constructivist vein have pointed to the importance of the desire for respect, recognition, and honour on the part of international actors.[15] A limited number of recent studies in political science and international relations have focused specifically on humiliation.[16]

For broadly sociological discussion, see M. Silver et al, 'Humiliation: Feeling, Social Control, and the Construction of Identity,' *Journal for the Theory of Social Behaviour* 16:3 (1986), 269-283; Barbara Czarniawska, 'Humiliation: A Standard Organizational Product?' *Critical Perspectives on Accounting* 19:7 (2008), 1034-1053. Poet and cultural critic Wayne Koestenbaum offers a series of fugues about humiliation in *Humiliation* (USA: Picador, 2011). On the related concepts of honour, degradation, and stigma, see for instance Frank Henderson Stewart, *Honor* (Chicago: The University of Chicago Press, 1994); Harold Garfinkel, 'The Conditions of Successful Degradation Ceremonies,' *American Journal of Sociology* 61:5 (1956), 420-424; Erving Goffman, *Stigma: Notes on the Management of Spoiled Identity* (England: Prentice-Hall, 1963).

[13] Geoffrey Brennan and Philip Pettit, *The Economy of Esteem: An Essay on Civil and Political Society* (UK: Oxford University Press, 2006).

[14] See for instance Jeff Goodwin, James M. Jasper, and Francesca Polletta, *Passionate Politics: Emotions and Social Movements* (Chicago: University of Chicago Press, 2001); Sharon Krause, *Civil Passions: Moral Sentiment and Democratic Deliberation* (Princeton: Princeton University Press, 2008); Martha Nussbaum, *Hiding from Humanity: Disgust, Shame, and the Law* (Princeton: Princeton University Press, 2004).

[15] Richard Ned Lebow, *A Cultural Theory of International Relations* (Cambridge: Cambridge University Press, 2008); Thomas Lindemann and Erik Ringmar (eds.), *The International Politics of Recognition* (Boulder and London: Paradigm Publishers, 2012), which includes Honneth, 'Recognition between States: on the Moral Substrate of International Relations,' 25-38, and Reinhard Wolf, 'Respect and Disrespect in International Politics: The Significance of Status Recognition,' *International Theory* 3:1 (2011), 105-142.

[16] William A. Callahan, 'National Insecurities: Humiliation, Salvation, and Chinese Nationalism,' *Alternatives* 29:2 (2004), 199-218; Paul Saurette, 'You Dissin Me? Humiliation and Post 9/11 Global Politics,' *Review of International Studies* 32:3 (2006), 495-522; Robert Harkavy, 'Defeat, National Humiliation, and the Revenge Motif in International Politics,' *International Politics* 37:3 (2000), 345-68; Thomas Scheff, *Bloody Revenge: Emotions, Nationalism, and War* (USA: Westview Press, 1994); Evelin Lindner, *Making Enemies: Humiliation and International Conflict* (USA: Praeger Security International, 2006). Lindner has founded a 'Human Dignity

Recent trends in moral philosophy, political theory, and jurisprudence have also led to increased interest in concepts related to humiliation from a theoretical perspective. There has been philosophical work on the concepts of respect and self-respect[17] and on shame,[18] seeking to analyse the nature of these concepts and their ethical implications. In jurisprudence, two relevant areas of research are the literature on US-based shaming penalties, which assesses the legitimacy of sanctions designed to shame convicted offenders,[19] and discussion of the nature of 'degrading' treatment, which has particular bearing on issues of torture and criminal punishment.[20]

In political theory, there has been a trend in some quarters towards viewing people's desires, needs, and/or justified claims not only in material terms, but also in terms of respect, esteem, honour, or prestige. This trend is evident in, for example, the attention paid to the primary good of self-respect in John Rawls' *A Theory of Justice*[21] and the move to 'relational egalitarianism' in the work of theorists such as Elizabeth Anderson.[22] Moreover, there is a

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and Humiliation Studies' network to conduct research on humiliation and seek to reduce humiliation in practice, www.humiliationstudies.org.

[17] For instance, Stephen Darwall, 'Two Kinds of Respect,' *Ethics* 88:1 (1977), 36-49; Robin Dillon (ed.), *Dignity, Character, and Self-Respect* (New York: Routledge, 1995); Joseph Raz, *Value, Respect, and Attachment* (Cambridge: Cambridge University Press, 2001); Thomas E. Hill, *Autonomy and Self-Respect* (Cambridge: Cambridge University Press, 1991); Stephen Massey, 'Is Self-Respect a Moral or a Psychological Concept?' *Ethics* 93:2 (1983), 246-261.

[18] See for instance Bernard Williams, *Shame and Necessity* (California: University of California Press), 1993; Gabriele Taylor, *Pride, Shame, and Guilt: Emotions of Self-Assessment* (Oxford: Clarendon Press), 1985.

[19] For instance, Dan Kahan, 'What Do Alternative Sanctions Mean?' *University of Chicago Law Review* 63:2 (1996), 591-653, and 'What's Really Wrong with Shaming Sanctions,' *Texas Law Review* 84 (2006), 2075-2095; James Whitman, 'What is Wrong with Inflicting Shame Sanctions?' *Yale Law Journal* 107:5 (1998), 1055-1092; Dan Markel, 'Are Shaming Punishments Beautifully Retributive? Retributivism and the Implications for the Alternative Sanctions Debate,' *Vanderbilt Law Review* 54:6 (2001), 2157-2242; Nussbaum, *Hiding from Humanity*, especially 223-279.

[20] Jeremy Waldron, 'Cruel, Inhuman, and Degrading Treatment: The Words Themselves,' NYU School of Law Public Law Research Paper No. 08-36 (2008). http://ssrn.com/abstract=1278604; also in Waldron, *Torture, Terror, and Trade-Offs: Philosophy for the White House* (USA: Oxford University Press, 2010), 276-319; James Whitman, *Harsh Justice: Criminal Punishment and the Widening Divide between America and Europe* (USA: Oxford University Press, 2003), especially 19-32. Catherine L. Fisk writes about humiliation in the workplace from a legal perspective; 'Humiliation at Work,' *William and Mary Journal of Women and the Law* 8:1 (2001), 73-95.

[21] John Rawls, *A Theory of Justice* (USA: Harvard University Press, 1999), 386-90.

[22] Elizabeth Anderson, 'What is the Point of Equality?' *Ethics* 109:2 (1999), 287-337.

growing literature on the concept of human dignity,[23] and a few works on the concept of honour; Kwame Anthony Appiah and Sharon Krause have argued recently, for instance, that honour remains relevant to modern societies and can exercise a positive social influence.[24]

Themes related to humiliation in political theory are prominently featured in the literature on the 'politics of recognition.' Here, thinkers such as Charles Taylor, Axel Honneth, and Nancy Fraser have insisted on the damaging effects of denigration, disrespect, and other harms grouped under the label of 'misrecognition,' and the corresponding ethical and political importance of recognition, respect, and dignity.[25] Honneth presents 'feelings of humiliation and disrespect' as crucial elements of the experience of injustice, and motivators of 'struggles for recognition' in the form of social protest.[26] Later in the thesis I discuss the recognition literature, primarily to show that the investigation of humiliation should not take place within the framework of this literature.

The practice of referring to the concept of humiliation to illuminate various aspects of injustice is also found in other contributions to political theory. As noted in the preface, some writers discussing the concept of human dignity appeal to the idea of humiliation to provide a

[23] See for instance Jeremy Waldron, 'Dignity, Rank, and Rights,' Tanner Lectures at UC Berkeley, NYU School of Law, Public Law Research Paper No. 09-50 (2009). Available at Social Science Research Network, http://ssrn.com/abstract=1461220, forthcoming as Waldron, *Dignity, Rank, Rights*, edited by Meir Dan-Cohen (USA: Oxford University Press, 2012); Michael Rosen, *Dignity: Its History and Meaning* (USA: Harvard University Press, 2012); George Kateb, *Human Dignity* (Cambridge: Harvard University Press, 2011); Christopher McCrudden, 'Human Dignity and Judicial Interpretation of Human Rights,' *European Journal of International Law* 19:4 (2008), 655-724.

[24] Kwame Anthony Appiah, *The Honor Code* (New York: W.W. Norton & Company, 2010); Sharon Krause, *Liberalism with Honor* (USA: Harvard University Press, 2006).

[25] Charles Taylor, 'The Politics of Recognition,' in Amy Gutmann (ed.), *Multiculturalism and "The Politics of Recognition,"* 25-73 (Princeton: Princeton University Press, 1992);.Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (UK: Polity Press, 1995); Nancy Fraser and Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange* (UK: Verso, 2003).

[26] Honneth, *The Struggle for Recognition*, 160-70; *Redistribution or Recognition?* 135-136. Doron Shultziner writes about the role of feelings of humiliation in giving rise to a 'struggle for recognition' in the context of civil rights activism. *Struggling for Recognition: The Psychological Impetus for Democratic Progress* (New York: Continuum International Publishing Group, 2010), especially 62-86.

concrete indication of the nature and import of human dignity.[27] In addition, Michael Ignatieff refers to humiliation in the context of cross-cultural deliberation about human rights:

> 'We need to stop thinking of human rights as trumps and begin thinking of them as a language that creates the basis for deliberation. In this argument, the ground we share may actually be quite limited: the basic intuition that what is pain and humiliation for you is bound to be pain and humiliation for me. But this is already something. In such a future, shared among equals, rights are not the universal credo of a global society, not a secular religion, but something much more limited and yet just as valuable: the shared vocabulary from which our arguments can begin, and the bare human minimum from which differing ideas of human flourishing can take root.'[28]

Allen Buchanan, in explaining his 'modest objectivist view of human rights,' describes his account of basic human interests as follows:

> 'We can make justified judgments about what sorts of actions and policies generally undercut human beings' opportunities to live a decent or dignified human life…For example, we know that being tortured or enslaved or lacking physical security generally undercuts the opportunity to live a decent, dignified life. We also know that because they possess cognitive and emotional capacities that other animals seem to lack, human beings can suffer intensely when they are humiliated, that certain forms of punishment and the more serious types of discrimination are humiliating, and that severe humiliation has severe effects on our psychological well-being as well as being an assault on dignity in its own right…'[29]

Underlying these references to humiliation – different though they are – seems to be a view that the concept of humiliation can serve as an intuitive example of the kind of experience to which people should not be subject. Humiliation may therefore be capable of grounding or explaining claims about the importance of protecting human dignity or human rights, or at least of providing a starting-point for conversation on the subject. These kinds of claims might be taken to indicate that a theoretical investigation of humiliation is unnecessary, for the nature of the concept is simply intuitive; we all know what humiliation is, and why people should not engage in it, when we see it. The examples provided at the beginning of this introduction and over the course of the thesis, however, indicate that the

[27] Kaufmann et al, 'Introduction,' 1-5; Statman, 'Humiliation, Dignity, and Self-Respect,' 536.
[28] Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton: Princeton University Press, 2001), 95.
[29] Allen Buchanan, *Human Rights, Legitimacy, and the Use of Force* (USA: Oxford University Press, 2010), 86. He notes that he does not intend the 'modest objectivist view' as a full justification of human rights, but as an 'attempt to begin the process of justification' (85).

concept is more difficult to understand than such a view would suggest. If the invocation of humiliation in such weighty contexts is to be evaluated, it would be useful to have sustained investigations of the concept at hand. Only a limited number of such investigations, however, are available in current political-theoretical or philosophical literature.

The most well-known is Margalit's *The Decent Society* (1996), which analyses the concept of humiliation and advocates a 'decent society' with institutions that do not engage in humiliation. An issue of *Social Research* devoted to Margalit's book includes papers by writers such as Stephen Lukes, Arthur Ripstein, Philip Pettit, Anthony Quinton, and Schick (whose contribution was quoted earlier).[30] Paul Saurette has written about the role of humiliation in Kant's moral philosophy, which he believes is relevant to modes of discipline in contemporary politics,[31] and Daniel Statman has presented a philosophical account of humiliation and its relationship to self-respect.[32] A recent collection on 'Human Dignity Violated' contains some consideration of the topic of humiliation,[33] and another recent collection focuses on humiliation in India.[34] Martha Nussbaum's *Hiding from Humanity: Disgust, Shame, and the Law* (2004), which focuses on the concepts of disgust and shame and their relationship to the law and public policy, contains some discussion of humiliation.

The thesis contributes to the current literature on humiliation and related concepts in four main ways. I expand on two of them in this section and two of them in Section V below.

First, the thesis provides an in-depth examination of a concept that plays a role in political settings but that has not received much scholarly attention. For the most part, the

[30] *Social Research* 64:1 (1997), including Stephen Lukes, 'Humiliation and the Politics of Identity,' 36-51; Philip Pettit, 'Freedom with Honor: a Republican Ideal,' 52-76; Arthur Ripstein, 'Responses to Humiliation,' 90-111; Anthony Quinton, 'Humiliation,' 77-89; Frederic Schick, 'On Humiliation,' 131-146.
[31] Paul Saurette, *The Kantian Imperative: Humiliation, Common Sense, Politics* (Toronto: University of Toronto Press, 2005).
[32] Statman, 'Humiliation, Dignity, and Self-Respect.'
[33] Kaufmann et al (eds.), *Humiliation, Degradation, Dehumanization: Human Dignity Violated*. See especially Christian Neuhäuser, 'Humiliation: The Collective Dimension,' 21-36.
[34] Gopal Guru (ed.), *Humiliation: Claims and Context*. See especially Bhikhu Parekh, 'Logic of Humiliation,' 23-40, and Sanjay Palshikar, 'Understanding Humiliation,' 79-92.

existing literature in political theory and related fields mentions humiliation only in passing, or uses 'humiliation' alongside another term without considering possible differences between them.[35] This thesis, on the other hand, engages in a detailed examination specifically of humiliation. While taking into account the close connections between humiliation and other concepts, the thesis considers humiliation in its own right and avoids taking 'humiliation' as simply a vivid description of another concept.

The thesis contributes to a particular segment of the literature on humiliation: writing on humiliation in a political context. The specific political context on which the thesis concentrates is intra-state. I refer to the international context when it helps to illuminate a specific point, but the basic concentration of the thesis is on domestic politics. Within the intra-state context, I focus on (1) interactions between state institutions and citizens, and (2) interactions among fellow citizens in the broader realm of 'political culture': the spheres of political activism, journalism, and debate that affect political outcomes in a given state.[36]

In adopting this focus, I do not mean to suggest that these interactions exhaust the space of 'the political.' For example, although I concentrate on the relationships between the state and citizens and among fellow citizens, the question of how states and citizens interact with *non-citizens* raises significant issues about humiliation, which I am unable to discuss due to space constraints. To take another example, some might claim that humiliation involving the interaction of husband and wife in their home, though 'personal,' is 'political.' This thesis covers certain instances of humiliation in a political context, not all of them; in this way it makes a contribution to the literature on humiliation in a political context even if it does not cover the entire field. I also do not draw a bright line between 'the political,' on the

[35] Honneth, for instance, refers to the 'experience of humiliation or disrespect' without considering possible distinctions between these two concepts. *Disrespect: the Normative Foundations of Critical Theory* (UK: Polity Press, 2007), xii.

[36] The term 'political culture' thus does not refer to the more technical meaning of 'the political psychology of a country or nation (or subgroup thereof).' 'Political Science,' *Encyclopaedia Britannica Online*, Encyclopaedia Britannica Inc., 2012. <http://www.britannica.com/EBchecked/topic/467721/political-science>

one hand, and ‘the personal’ or ‘the social,’ on the other. Some might want to conceive of the interactions I describe as simultaneously ‘personal’ or ‘social,’ and I do not take a position either way.

The first contribution of the thesis, then, is to provide a detailed examination of a concept that is not much discussed in current literature. The second is to clarify several aspects of the concept of humiliation. The current literature focusing on humiliation tends not to reflect adequately on the ways in which the term ‘humiliation’ and its cognates (‘humiliating,’ ‘humiliated,’ and so on) are being used, or on the nature of the normative judgments that are made about a given understanding of humiliation. Some examples of this lack of clarity are found in the rest of this chapter and later in the thesis. The thesis addresses this situation not by putting forward one ‘correct’ analysis of humiliation, or by devising a simplified concept of humiliation, but by identifying different possible understandings of humiliation and examining their implications. Those who disagree with some or all of the normative conclusions of the thesis should still be able to derive value from the clarifications contained in it.

The third contribution of the thesis is to point out the complexity of the concept of humiliation and the variety of forms that it can take, thereby contesting a narrow view of humiliation that is found in the literature. The fourth contribution consists in drawing out the implications of a broader view of humiliation for the responsibilities of those committed to liberal democratic principles (including states) with regard to humiliation. I explain these points in Section V. Before that, Section III clarifies the nature of the ‘liberal democratic principles’ to which I will refer, and Section IV draws attention to a certain perspective that is often found in work done in political theory and related disciplines that has focused on humiliation.

III. Liberal Democratic Principles

Below is a statement of some core principles of liberal democratic politics that I endorse. As the descriptions below suggest, some of these principles describe obligations that the state owes to citizens, and some also identify obligations that citizens interacting in a state's political culture owe to one another. Much more work would have to be done to develop and justify these principles. The thesis cannot engage in such detailed analysis, but my discussion of examples in later parts of the thesis may provide more detailed interpretation of some of these principles. Other core principles of liberal democratic politics could also be suggested, but the following list is most closely related to the issues covered in the thesis.

A. List of Some Liberal Democratic Principles

1. Respect for Freedom, Equality, and Human Dignity

States should treat citizens, and citizens interacting in a state's political culture should treat one another, with respect for citizens' freedom, equality, and human dignity. The basic idea behind treating people as free is that their ability to make choices about their lives should be recognised and protected, within bounds set by certain factors, such as respect for the freedom of other citizens. People should be treated as equals in at least two senses. One is the sense of 'status equality,' where the relevant status is that of a citizen. The basic idea behind 'status equality' is that each citizen of a liberal democratic state should be granted a public standing as an equal participant in a common social and political project. The second sense of equality is that of 'equal moral worth,' which applies to all human beings and hence to all citizens. The implications of the requirement to recognise 'equal moral worth' may be debated, but I take this principle to mean at least that there are ways in which no human being may be treated, regardless of how badly a person has behaved. Note that 'status equality'

applies specifically to citizens, while 'equal moral worth' applies to every human being. As indicated earlier, my focus in the thesis is on the interactions between the state and citizens, and among citizens. I do not, therefore, address the question of the extent to which non-citizens, who also possess equal moral worth, should be accorded the rights and responsibilities associated with equal citizenship.

The idea of respect for human dignity can be understood in multiple ways. I endorse the principle in the sense that each person should be treated in accordance with her status as a human being. The precise nature of this requirement is open to dispute, but one way of explaining it is to reject forms of treatment that deal with human beings as if they were entities with a lower status than human beings (objects, non-human animals, infants in the case of adult human beings).[37] Respect for human dignity might be thought to overlap with respect for freedom or equality. The failure to respect people's freedom could, for instance, be cast as a lack of respect for human dignity insofar as human beings are treated like objects without the capacity to make choices in support of their ends. Furthermore, one way to explain the requirement for the state to respect human dignity is to indicate that all humans are equal, and unequal treatment is therefore incompatible with the way in which the state must treat every human being. In fact, the requirement to respect human dignity might be viewed as identical to the requirement to recognise equal moral worth in the sense of not violating basic standards of treatment. Invocation of the term 'dignity,' however, brings into play concepts associated with people's rank and status, and could therefore be considered to provide an additional dimension to the principle.[38] In the thesis I generally refer to the principle of respect for human dignity, leaving open whether it is the same as respect for equal moral worth.

[37] See Waldron, 'Cruel, Inhuman, and Degrading Treatment,' 37-38.
[38] See Waldron, 'Dignity, Rank, and Rights,' especially 22-33.

I conceive of the requirement to respect freedom, equality, and human dignity as both an obligation owed by the state to citizens, and an obligation owed by citizens to fellow citizens when they are interacting in a state's political culture (understood as the spheres of political activism, journalism, and debate that affect political outcomes in a given state). I do not rule out the idea that citizens are obliged to respect one another's freedom, equality, and human dignity in other spheres of their lives, but the focus of the thesis is on state-citizen interaction and on citizen-citizen interaction in a state's political culture. Moreover, I do not claim that the obligation to respect citizens' freedom, equality, and human dignity has identical implications when it is owed by citizens to fellow citizens as when it is owed by the state to citizens. In the thesis I do not provide a general theory about distinctions between the obligations of the state vis-à-vis citizens, on the one hand, and the obligations of citizens to fellow citizens, on the other. Rather, I discuss obligations of particular state or non-state actors that are relevant in specific political contexts.

2. State Protection of Individual Rights

A state committed to liberal democratic principles should protect citizens' individual rights. The nature of these rights is controversial, and I do not provide an exhaustive statement of them. The following list, based on the Universal Declaration of Human Rights, provides an indication: the right not to be enslaved, or subjected to cruel, inhuman, and degrading treatment or punishment; the right to equality before the law; the right to be presumed innocent before proven guilty when charged with a penal offence; the right to freedom of thought, religion and conscience, expression, and assembly; the right to some acceptable standard of living and to social and economic protection required to claim the status of equal participant in a common social and political endeavour. The requirement for the state to protect these rights could be thought to overlap with the obligations in (1) in a variety of ways. These rights might be viewed, for instance, as consequences of the state's

obligation to respect freedom, equality, and human dignity; or they might be thought to have an alternative basis. I do not take a position on the precise relationship between (1) and (2); rather, I group both categories under the label of liberal democratic principles.

3. The Input of the Governed

The legitimacy of the state should depend on some kind of robust input and/or participation from the governed. This idea is usually considered to support democratic and representative government. The cases that I consider take place in representative democracies or in states that make claims or aspire to this characterisation. In order to ensure that the input of the governed is meaningful, democratic institutions should instantiate characteristics such as the accountability of government to citizens and some degree of transparency in government operations.

4. Non-Arbitrariness of Government

Citizens should not be subject to the arbitrary exercise of power on the part of those who govern them. This principle provides an additional reason to support government accountability to citizens, as well as the transparency required in order for citizens to be able to check abuses of power. Principle (4) might be cast as a right that the state ought to guarantee and thus subsumed under (2); as earlier, I do not claim that these principles are entirely separate, but simply endorse all of them as elements of liberal democratic politics.

B. Comments on the List of Some Liberal Democratic Principles

For all of the principles listed above, I do not take a position on their ultimate philosophical justification, or on the issue of whether any 'foundational' justification exists. For my discussion in the thesis, it is sufficient that liberal democratic political arrangements

are organised around certain understandings of individual citizens and the appropriate relationship between citizens and the state, some of which are reflected in these principles.

Another issue concerns the normative weight that I take these principles to bear. As I note below on the section on methodology, this thesis does not aim to present a comprehensive structure of normative judgments related to humiliation, and it does not contain a detailed analysis of the nature of reasons for action. Nevertheless, I employ certain terms to describe the normative status of various considerations, including the liberal democratic principles described above. There are multiple conceptions of reasons for action in the philosophical literature, and contributors to this literature make different terminological choices. I do not claim to be adopting the most accurate account of reasons for action in general; my point is only that the following categories suffice for the purposes of the thesis.

In broad terms, then, I adopt the usages of '*pro tanto*,' '*prima facie*,' and 'decisive' in the following statement by Shelly Kagan:

> 'A *pro tanto* reason has genuine weight, but nonetheless may be outweighed by other considerations. Thus, calling a reason a pro tanto reason is to be distinguished from calling it a *prima facie* reason, which I take to involve an epistemological qualification: a prima facie reason *appears* to be a reason, but may not actually be a reason at all, or may not have weight in all cases it appears to. In contrast, a pro tanto reason is a genuine reason – with actual weight – but it may not be a *decisive* one in various cases.'[39]

These types of reasons and their relationship to humiliation are discussed at greater length in Part II. For now, I simply note that I take the liberal democratic principles described above to be *at least* 'weighty *pro tanto* reasons.' They should be taken very seriously and in many cases will be decisive. I am not, however, committed to the claim that these principles will always be decisive. In particular, I leave open the possibility that these

[39] Shelly Kagan, *The Limits of Morality* (USA: Oxford University Press, 1991), 17. Note that '*prima facie*' is sometimes used to refer to reasons that Kagan would label '*pro tanto*,' as in W.D. Ross's account of *prima facie* duties, *The Right and the Good* (USA: Oxford University Press, 2002), 19-20, or Joseph Raz's reference to a '*prima facie*' reason as 'one which is neither conclusive nor absolute,' *Practical Reason and Norms* (USA: Oxford University Press, 1999), 27.

principles may conflict with one another and that, in these cases, one principle may legitimately outweigh another. I also leave open the possibility (though I do not necessarily endorse it) that these principles may be outweighed by considerations not listed above, such as the need to attend to a national emergency. This consideration could alternatively be incorporated into the list of liberal democratic principles – say, if one views the requirement for the state to protect citizens' safety as a precondition or corollary of the state's respect for citizens' freedom or human dignity, or as an independent requirement of liberal democratic politics.

Some might argue that the liberal democratic principles above cannot conflict, and one way of supporting this view would be to take a 'specificationist' position.[40] This would involve specifying a set of qualifications to each principle that define the principle's area of application – for instance, saying that the state is required to respect Principle X *unless* doing so would result in failing to respect Principle Y. In this way, each principle could retain decisive force within a specified domain. My positions in the thesis do not depend on either the acceptance or rejection of specificationism. The view that the liberal democratic principles listed above provide at least weighty *pro tanto* reasons in favour of a course of action is meant to be compatible both with the view that these principles provide decisive reasons for action when sufficiently specified, and with the view that two or more principles could conflict.

The above description of liberal democratic political principles is very general, and some of the details are filled in over the course of the thesis. It provides, however, an indication of the kinds of considerations that I will take into account. Section IV now

[40] Leif Wenar, 'Rights,' in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy* (Fall 2011). <http://plato.stanford.edu/archives/fall2011/entries/rights/>

discusses a perspective on humiliation found in much of the current literature that has focused on the concept, and Section V explains the thesis's response to this perspective.

IV. Humiliation in the Current Literature

Contributions in political theory and related disciplines that have focused on humiliation tend to feature a certain perspective on humiliation. This perspective consists of (1) a view of the nature of humiliation, which I call the 'current view,' and (2) normative conclusions based on this view. My discussion is not meant to imply that all writers on humiliation consistently adopt this perspective; later in this section I cite statements that suggest alternative approaches. Moreover, the positions of writers who adopt this perspective vary in certain respects. There is, however, sufficient commonality to ground discussion of a general trend.

A. The 'Current View' of Humiliation

Here I provide an initial indication of the 'current view'; more detailed citations are contained later in the thesis. In current literature, then, humiliation tends to be portrayed either as an action that denies people's human dignity and/or equality, or as the conditions or feelings of those who are subject to this kind of action. The 'current view' of humiliation is reflected in examples that are commonly cited in the literature on humiliation: racial segregation in the American South[41]; the treatment of prisoners at Abu Ghraib by the American military[42]; the treatment of the Jews by Nazis[43]; untouchability in India[44]; rape[45];

[41] Parekh, 'Logic of Humiliation,' 24; Schick, 'On Humiliation,' 136; Shultziner, *Struggling for Recognition*, 62-86.
[42] Saurette, *The Kantian Imperative*, 238; Lindner, *Making Enemies*, 110-111; Parekh, 'Logic of humiliation,' 24.
[43] Parekh, 'Logic of Humiliation,' 25; Margalit, *The Decent Society*, 112; Margalit and Gabriel Motzkin, 'The Uniqueness of the Holocaust,' *Philosophy and Public Affairs* 25:1 (1996), 72-76; Lindner, *Making Enemies*, 4-5; Silver et al, 'Humiliation,' 270-272; Klein, 'The Humiliation Dynamic,' 105; Statman, 'Humiliation, Dignity, and Self-Respect,' 535.
[44] The articles in Gopal Guru (ed.), *Humiliation: Claims and Context* focus to a large extent on this subject.

and the position of women in sexist societies.[46] In these examples, people are treated in a way that is incompatible with respect for their human dignity and/or equality. Another feature of the 'current view' is that humiliation is presented either as a 'form of treatment' in which one party is 'acted upon,' or as a condition or feeling that arises as a direct consequence of such a form of treatment. This is not true, however, of situations such as a public episode of incontinence, which can be traced to embedded social assumptions but not necessarily to the action of another person, and such as the situation of a politician who touts 'traditional family values' and is caught having an affair. In the latter case, the actions of others (say, journalists) play a role in bringing about the humiliating situation, but the politician's humiliation does not simply result from his being 'acted upon.'

Contributors to the current literature vary in the degree to which they explicitly present humiliation as embodying various aspects of the 'current view.' Some writers simply appeal to examples that reflect the 'current view' or make statements that suggest an assumption that humiliation takes this form.[47] Others explicitly define humiliation in accordance with one or more of these aspects. To provide a couple of illustrations of the latter approach, Margalit states that 'humiliation is the rejection of a human being from the "Family of Man" – that is, treating humans as nonhuman, or relating to humans as if they were not human.'[48] Neuhäuser writes that 'humiliations in the normative sense…attempt to lower someone beneath the status of a human being with dignity through an improper attitude or treatment.'[49]

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[45] Parekh, 'Logic of Humiliation,' 27; Neuhäuser, 'Humiliation: The Collective Dimension,' 26-27; Schick, 'On Humiliation,' 137-138.
[46] Pettit, 'Freedom with Honor,' 60-61; Neuhäuser, 'Humiliation: The Collective Dimension,' 27.
[47] Parekh, 'Logic of Humiliation,' and Statman, 'Humiliation, Dignity, and Self-Respect' can serve as examples of such an approach.
[48] Margalit, *The Decent Society*, 108. Although Margalit proposes other conceptions of humiliation, the idea of rejection from the 'family of man' is, however, central to his understanding of humiliation (288-289).
[49] Neuhäuser, 'Humiliation: The Collective Dimension,' xiv.

Writers who hold the 'current view' of humiliation unsurprisingly issue strong condemnations of humiliation. These claims differ from writer to writer, and writers often do not clarify their position or differentiate it from possible alternatives. In what follows, I describe normative conclusions that various contributors to the literature seem to be making.

B. Normative Conclusions in the Current Literature

1. Not Engaging in Humiliation

One possible claim – or cluster of claims – involves the view that no one should engage in humiliation. Statman writes that 'claims about humiliation are typically weighty claims from a moral point of view, as humiliation is one of the worst evils.'[50] Margalit writes that humiliation is a form of 'mental cruelty,' and cruelty is 'the ultimate evil,'[51] so 'the supreme commandment of eradicating all manifestations of cruelty includes the eradication of humiliation.'[52] Saurette writes about 'the cruelty of humiliation…and the fact that it is premised on the denial and denigration of the very idea of one's dignity and autonomy.'[53] Some writers build the wrongness of humiliation into their definitions of humiliation. Lindner writes that '"to be humiliated" is to be placed in a situation that is against one's interest…in a demeaning and damaging way; and "to humiliate" is to transgress the rightful expectations of every human being and of all humanity that basic human rights will be respected."'[54] Neuhäuser, as quoted earlier, incorporates the idea of an 'improper attitude or treatment' into his conception of humiliation,[55] and goes on to write that 'there are probably

[50] Statman, 'Humiliation, Dignity, and Self-Respect,' 536.
[51] Margalit, *The Decent Society*, 85.
[52] Margalit, *The Decent Society*, 87.
[53] Saurette, *The Kantian Imperative*, 9.
[54] Lindner, *Making Enemies*, xiv. Much of Lindner's book focuses on international relations, but she discusses instances of humiliation in a variety of personal and political contexts and draws conclusions across the range of these contexts. The statements I quote in the thesis are characteristic of her approach to humiliation in general, not merely her approach to humiliation in an international context.
[55] Neuhäuser, 'Humiliation: The Collective Dimension,' xiv.

many cases where degrading someone can be justified; there are no cases where it is justified to humiliate someone, or, at least, I can think of none.'[56]

These condemnations of humiliation in the literature would seem to apply to humiliation carried out by the state as well as by other actors in a state's political culture, such as the media and activist groups. Some writers make more specific claims to the effect that state or societal institutions should not engage in humiliation. For Margalit, a 'decent society is one whose institutions do not humiliate people.'[57] Societal institutions, for Margalit, include state institutions such as government bureaucracy and the penal system, but also important communal institutions such as religious groups.[58] Nussbaum is also particularly interested in criticising humiliation by an institution – in her case, the state. She writes in the context of a discussion of 'shame sanctions' that 'The fact that the state is complicit in the shaming makes a large difference. People will continue to stigmatize other people…For the state to participate in this humiliation, however, is profoundly subversive of the ideas of equality and dignity on which liberal society is based.'[59]

Neither Margalit nor Nussbaum, however, clearly restricts their condemnation to humiliation by the state or societal institutions rather than by other actors in a state's political culture, such as the media or political activists (although Margalit might view the media as a societal institution).[60] Margalit distinguishes between a decent society and a 'civilized' society, in which members do not humiliate one another.[61] This distinction may serve the purpose of helping Margalit to avoid utopianism, in that he can call a society 'decent' without the complete eradication of humiliation, or to avoid the potentially liberty-restricting

[56] Neuhäuser, 'Humiliation: The Collective Dimension,' 28.
[57] Margalit, *The Decent Society*, 1.
[58] Margalit, *The Decent Society*, 275.
[59] Nussbaum, *Hiding from Humanity*, 232.
[60] Margalit considers the issue of whether celebrities are humiliated by the 'high-powered lens of the paparazzi,' *The Decent Society*, 206.
[61] Margalit, *The Decent Society*, 1.

conclusion that societal institutions should seek to eradicate humiliation wherever it occurs.[62] Margalit certainly views institutional humiliation as 'more harmful than humiliation by an individual in the society.'[63] Nevertheless, he seems to see the establishment of a 'civilized' society whose members do not humiliate one another as desirable as long as such a society is also decent. This view is supported by Margalit's description of humiliation as 'mental cruelty'[64] – a description that he does not restrict to humiliation carried out by societal institutions. The restriction of the condemnation of humiliation to state-sponsored cases is not obvious in Nussbaum's case either. Nussbaum criticises the humiliation of Martha Stewart not only at the hands of prosecutors, but also at the hands of the media and the public more generally; and she likewise criticises the informal shaming of American conservative commentator William Bennett, who was revealed to be a heavy gambler.[65]

As noted earlier, 'humiliation' could refer to an action, a condition, or a feeling; to a side-effect or an intended effect of an action; and, if the latter, to an end in itself or to a means to a further end. The idea of 'condemning humiliation' seems to connote the condemnation of an action, but the action could have multiple sorts of relationship to humiliation. Is the action being condemned an instance of intentional humiliation, or an action that results in humiliation as a side-effect? If the latter, does the action bring about humiliating conditions, feelings of humiliation, or both? If the former, is humiliation employed as a means to a further end, or is humiliation viewed as an end in itself? As I discuss later in the thesis, most writers – with the potential exceptions of Statman and Palshikar – do not explicitly restrict

[62] Margalit writes that it is more justified to restrict humiliating speech on the part of an institution than an individual. *The Decent Society*, 172.
[63] Margalit, *The Decent Society*, 171.
[64] Margalit, *The Decent Society*, 85.
[65] Nussbaum, *Hiding from Humanity*, 242-243. She seems to reach a different judgment on extra-legal public shaming of 'bad Samaritans' (246) but she does not, I believe, provide adequate reason to support the difference in her views.

their condemnation to intentional humiliation.[66] Some explicitly disavow such a restriction, but are not entirely consistent on this point. The precise meaning of the strong condemnations of humiliation found in the literature, therefore, must be evaluated in the context of each writer's work. Often, however, current literature is not clear about these distinctions and their implications.

2. Protecting People from Humiliation

The second main claim made in the current literature on humiliation regards the obligation for the state or society to protect people from humiliation. As with (1), particular instances of (2) differ, and they are sometimes not easy to interpret. Margalit writes that 'a decent society is one which fights conditions that constitute a justification for its dependents to consider themselves humiliated,'[67] and he notes that 'a welfare society is supposed to ameliorate not only intentional humiliation but also degrading life conditions…that are not generally the result of planning.'[68] His examples of such conditions include poverty, begging for alms,[69] and – though he may not be entirely consistent here – unemployment.[70] Nussbaum writes, citing Margalit, that 'It is natural for writers on social norms to speak of a good society as one that protects its members from humiliation, where humiliation is understood as a particularly damaging insult to the person's human dignity.'[71] She states that law and public policy ought to create 'a "facilitating environment" in which citizens can live lives free from shame and stigma,'[72] and notes several ways in which the state can and should protect citizens from humiliation and shame: providing social welfare, enacting anti-

[66] Statman, 'Humiliation, Dignity, and Self-Respect,' 536; Palshikar, 'Understanding Humiliation,' 79. Further discussion of the topic of 'humiliation and intentionality' is contained later in the thesis.
[67] Margalit, *The Decent Society*, 10.
[68] Margalit, *The Decent Society*, 226.
[69] Margalit, *The Decent Society*, 232.
[70] Margalit uses unemployment as an example of 'degrading life conditions' (226), but then argues that a decent society must guarantee all adults not paid employment, but a meaningful occupation (253).
[71] Nussbaum, *Hiding from Humanity*, 204.
[72] Nussbaum, *Hiding from Humanity*, 282. Given Nussbaum's view that humiliation is likely to be more intense and less legitimate than shame (204), this conclusion would seem to hold *a fortiori* for humiliation.

discrimination law and hate crime law, and expanding opportunities for people with disabilities.

According to Honneth, 'the goal of social justice must be understood as the creation of social relations in which subjects are included as full members in the sense that they can publicly uphold and practice their lifestyles without shame and humiliation.'[73] Parekh indicates that 'a good society,' as opposed to 'a society based on organized humiliation…should, among other things, nurture the self-respect of its members and devise its institutions and practices accordingly.'[74] Neuhäuser holds that society must respond adequately to, rather than sanctioning, the humiliation of individuals targeted for their group membership in order not to be held responsible for humiliating the entire group.[75] These statements differ in many respects, but they have in common the view that society and/or the state needs to take some kind of measures to protect people from humiliation.

Some writers who hold this view might want to limit the obligation to take such measures in accordance with the authority of the agent in question, particularly when it is the state. Nussbaum, for instance, sometimes draws distinctions between proper action on the part of states and on the part of citizens,[76] and she might want to claim that the state should not seek to protect people from humiliation when doing so would exceed the bounds of political authority. Margalit distinguishes between the appropriateness of disallowing humiliating practices carried out by institutions, on the one hand, and individuals, on the other, and he might wish to make a similar move.[77] In general, contributors to the literature do not engage in detailed discussion of the limits of political authority and its relationship to the obligations of the state or other parties vis-à-vis humiliation. Nevertheless, they could

[73] Honneth, *Redistribution or Recognition?* 259.
[74] Parekh, 'Logic of Humiliation,' 34.
[75] Neuhäuser, 'Humiliation: The Collective Dimension,' 29-31.
[76] For instance, Nussbaum, *Hiding from Humanity*, 232, 246.
[77] See for instance Margalit, *The Decent Society*, 170-172.

restrict the need to protect people from humiliation to actions that would fall within the bounds of state or societal authority.

In the thesis, I largely focus on the limitations of the view that state and non-state actors should not engage in humiliation, and I do not discuss in depth the view that the state or society should protect people from humiliation. I mention the ideas in the literature about protecting people from humiliation, however, because they further emphasise the strong condemnation of humiliation found in current work. Not only are individuals and institutions obliged to refrain from humiliation, but the state or society should also take measures to protect citizens from humiliation, at least when doing so falls within the bounds of state or societal authority.

3. Alternative Ideas about Humiliation in the Literature

The perspective on humiliation described thus far is not universal in the literature, either in terms of the view of humiliation that writers adopt or the normative conclusions that they draw. To take a few examples, some writers commenting on humiliation discuss humiliation as it affects not the weaker members of society, but individuals and collectives with a relatively high status.[78] William Ian Miller describes the humiliation not of people with reasonable expectations to be treated with respect, but with overblown senses of their own worth.[79] More generally, Miller investigates humiliation in the context of 'darkly comic' social situations, and indeed conceives of these as the core of the concept, rather than the serious infringements of human dignity that he calls ''Humiliation with a big **H**.'[80] Dan

[78] Lebow deals with humiliation 'felt' by powerful states when they are denied 'recognition as a great power or are treated in a manner demeaning to their understanding of their status.' 'Spirit, Recognition, and Foreign Policy,' in Thomas Lindemann and Eric Ringmar (eds.), *The International Politics of Recognition* (USA: Paradigm Publishers, 2012), 93. A psychologist who also writes about humiliation in some political settings, Donald Klein, quotes psychoanalyst Karen Horney's view that 'Criticism from people of a lower status is the ultimate humiliation.' Klein, 'The Humiliation Dynamic,' 104.
[79] Miller, *Humiliation*, 2-3.
[80] Miller, *Humiliation*, 165-167; emphasis in the original.

Kahan defends 'shaming sanctions' that include 'stigmatizing publicity,' noting that 'penalties in this class attempt to magnify the humiliation inherent in conviction by communicating the offender's status to a wider audience.'[81] Even a writer who ultimately rejects 'public humiliation sanctions,'[82] James Whitman, does not treat the issue of whether these sanctions are permissible as obvious, and rejects several arguments against these kinds of sanctions.

Michael Rosen states that it is difficult, if not impossible, to avoid humiliation in the context of criminal punishment:

> 'Clearly, certain kinds of humiliating punishment are always unacceptable, yet how can we punish people without humiliating them? How can being deprived of one's liberty and subjected to constant surveillance fail to be humiliating? What is more, the humiliating message expressed by punishment is not an unwanted side effect. It is part of the punishment itself…In convicting and punishing a criminal the state is publicly holding his or her action up for condemnation.'[83]

I do not claim that Rosen is correct to believe that criminal punishment is inherently humiliating, or that humiliation is a constitutive element of punishment. Rather, I simply wish to draw attention to his view that there could be a distinction between different forms of humiliation, some of which are unacceptable while others are not. This distinction is missing from much of the rest of the literature, which runs various forms of humiliation together and condemns them wholesale.

Some writers whose work I quoted as examples of the 'current view' include statements to the effect that they recognise forms of humiliation different from those captured by the 'current view' and/or alternative normative conclusions about how to approach humiliation – although such statements are generally brief side points. Statman, for instance,

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[81] Kahan, 'What do Alternative Sanctions Mean?' 631-632.
[82] Whitman, 'What is Wrong with Inflicting Shame Sanctions?' 1059.
[83] Rosen, *Dignity*, 74-75. Rosen goes on to say that it is particularly important to treat citizens with dignity in the context of punishing criminals (and in the context of war), but it is not clear that he intends this statement to supersede his comments about humiliation and criminal punishment.

notes that 'humiliation might be viewed positively not only in the context of punishment and not only by masochists,' and provides anthropologists' views of humiliation in rites of passage as an example.[84] Parekh suggests that humiliation covers a spectrum from 'intentional or inadvertent put-down remarks and insensitive or arrogant treatment,' which 'are sometimes part of life, taken in one's stride, and generally leave no deep psychological and moral scars,' to 'forms of human relationships with humiliation built into their very structure.'[85] Parekh also notes that humiliation can occur 'when no one turns up at a pompous politician's meeting or when he receives a derisory vote in an election.'[86] In personal correspondence, Honneth has suggested that humiliation could be justified if it took the form of a more informal process designed to uphold legitimate standards, rather than a legal sanction.[87]

Particularly relevant to the concerns of this thesis is a quote from Mika LaVaque-Manty's review of Saurette's book:

> 'One of the book's great contributions is to the timely and much needed discussion of humiliation in ethics and politics…But there is another role for humiliation that Saurette doesn't explore…If we bring in straightforwardly political questions of real-world differentials of power, for example, it is less obvious that humiliation is always a bad thing. It can be a useful, even commendable political strategy, a "weapon of the weak," to borrow James Scott's phrase. As much as our democratic-egalitarian instincts make us cringe at the humiliation of the already humble, the very same political instincts allow us to cheer when pompous blowhards are taken down a few pegs by successful ridicule. Whether humiliation is a legitimate or useful political strategy, then, depends on social facts: Who has power? Who is humiliated? Who humiliates? And who worries about being humiliated? (George Orwell's "Shooting an Elephant" remains one of the most insightful political analyses of the relationship between dignity, power, and the fear of being laughed at.)'[88]

[84] Statman, 'Humiliation, Dignity, and Self-Respect,' 538.
[85] Parekh, 'Logic of Humiliation,' 30-31.
[86] Parekh, 'Logic of Humiliation,' 26.
[87] Honneth, personal correspondence, 5 January 2012.
[88] Mika LaVaque-Manty, 'The road to Abu Ghraib goes through Königsberg,' *Theory & Event* 10:2 (2007). <http://muse.jhu.edu/journals/theory_and_event/v010/10.2lavaque-manty.html>

Here, LaVaque-Manty recognises that normative judgments regarding humiliation depend to a certain extent on power differentials, and that certain forms of humiliation might actually be beneficial from a liberal democratic perspective.

The availability of these alternative understandings of humiliation suggests that the perspective presented in much of the current literature should not be taken for granted. The thesis builds on these alternatives and others in its examination of the relationship between humiliation and liberal democratic politics. The perspective outlined earlier remains, however, the dominant view in the literature on humiliation.

V. The Thesis's Response to the Current Perspective on Humiliation

I contend that the view of humiliation presented in much of the current literature is overly restrictive, as humiliation is a more complex and varied phenomenon than this view would suggest. As a consequence, judgments about the proper approach to humiliation on the part of those committed to liberal democratic politics ought to be more nuanced than the normative conclusions drawn in much of the current literature.

A. The Complexity and Variety of Humiliation

Much of the current literature on humiliation fails to recognise, I argue, the complexity of the concept of humiliation and the variety of forms that it may take. First, humiliation need not violate people's human dignity or equality, nor the condition or feelings of those who are subject to such a violation. The censure of McCarthy seems to have been a way of damaging his reputation and crippling his political efficacy, but not necessarily of undermining his human dignity or equality. Feelings of humiliation, moreover, could arise when people are 'lowered' from an unjustly high status due to the advent of greater social or political equality. The induction ritual of the white segregationist Knights of the White

Camelia, understood as reflecting an emotional and cognitive experience on the part of some white Southerners during Reconstruction, provides an example.[89]

Second, much of the current literature fails to take adequate account of the impact of social role and the images that people project on the possibility for humiliation, in the absence of violations of equality or human dignity. High-status actors can be humiliated in particular ways, for instance, due to the reputations that they are expected to cultivate or that they cultivate of their own accord. Later I discuss examples in which ridicule is used to puncture the images of relatively high-status actors, and in which labour or environmental activists seek to capitalise on corporations' concerns for their image to achieve their political aims.

Third, much of the current literature presents an insufficiently nuanced portrait of the ways in which humiliation comes about. This literature often (but not always) presents humiliation as constituting or resulting from a 'form of treatment.' But humiliating conditions can also come about through a complicated interplay between another person's action, the social role inhabited by the humiliated person, the image that the humiliated person projects, and the conduct of the humiliated person herself. Examples of the exposure of political misconduct – by President Nixon during the Watergate scandal, for instance – have this multifaceted structure.

The denunciations of humiliation found in much of the current literature are suitable if they are applied solely to cases of humiliation that fit the 'current view.' Forms of humiliation that involve the violation of human dignity or equality ought to be condemned from a liberal democratic perspective. This conclusion, however, is not necessarily

[89] Feelings of humiliation among some white Southerners during Reconstruction arose in response to a combination of intertwined factors, including Northern control of the South and the advent of greater black equality. This phenomenon is discussed in Part III of the thesis.

appropriate in other instances of humiliation. Whether it is appropriate, I argue, depends on a context-sensitive investigation of relevant factors.

B. Normative Conclusions Based on the Recognition of Humiliation's Complexity

The thesis contends that judgments about the responsibilities of those committed to liberal democratic principles (including both states and non-state actors in political culture) vis-à-vis humiliation ought to be more nuanced than the current literature suggests. The recognition of the variety and complexity of humiliation suggests that humiliation may be either a side-effect or an intended effect of action taken in support of liberal democratic principles. This does not necessarily mean that such action is legitimate, but it implies that those committed to liberal democratic principles ought to take a more subtle approach to action that constitutes and/or leads to humiliation. They should not always view abstention from humiliation as a requirement for those committed to liberal democratic principles. In some cases, the injunction not to engage in humiliation would actually set back liberal democratic goals such as upholding equality and ensuring government accountability.

There are, however, genuine concerns about action that constitutes and/or leads to humiliation. Sometimes, taking this kind of action would breach obligations to the humiliated, as when humiliation violates people's human dignity. In other cases, action that constitutes and/or leads to humiliation would breach obligations to parties other than the humiliated; for instance, certain forms of ridicule might contribute to a decline in the deliberative quality of public debate, thereby worsening conditions for the citizenry at large. Another concern is that those inflicting humiliation might evince or develop problematic attitudes, such as certain forms of *schadenfreude* and self-righteousness, which might have a negative impact on political culture or on people's moral sensibilities. Judgments about the likelihood and gravity of these outcomes must be made on the basis of contextual factors.

The point is that we should carry out an investigation of various considerations affecting the legitimacy of action that constitutes and/or leads to humiliation without assuming its conclusion in advance.

I now provide several clarifications of this view. First, the phrase 'constitutes and/or leads to humiliation' is meant to encompass a wide variety of causal relationships between the action in question and the emergence of humiliation. (The topic of 'humiliation and causation' is addressed in greater detail in Part II.) The action itself could be considered a form of humiliation, so that one would say that 'A humiliated B,' or the action could contribute to the creation of humiliating conditions and/or feelings of humiliation. In this case it might make more sense to say that these actions 'lead to' humiliating conditions and/or feelings of humiliation. My claim, then, is that those committed to liberal democratic principles may legitimately take action that either constitutes humiliation or leads to humiliating conditions and/or feelings of humiliation.

It may be argued that contributors to the literature do not all deny this position. For instance, some might think it is perfectly acceptable for the state to act in ways that lead to feelings of humiliation, as long as they are 'unjustified' feelings. Others might think that it is legitimate to contribute to humiliating conditions but not to take action that itself constitutes humiliation. In response, contributors to the current literature present several partially overlapping positions and are sometimes not very clear about the position they espouse. My intention is less to oppose any given writer's position as to counter an overall trend. To the extent that the thesis highlights the limitations of views about humiliation that are not explicitly made in the current literature, the thesis presents a different, but not directly opposed, analysis of the topic of humiliation and politics. I do, however, challenge explicit statements in the literature; I contend, for instance, that certain humiliating actions directed by A against B, including cases that can plausibly be portrayed as intentional humiliation, can

be legitimate. Furthermore, with regard to the distinction between taking action that constitutes humiliation and contributing to humiliating conditions, writers who believe that the state or society should protect citizens from humiliation if doing so falls within the bounds of the relevant authority do not limit their concern about humiliation to actions that constitute humiliation; they also seem to be concerned about the failure to eliminate humiliating conditions. More broadly, the thesis challenges the restrictiveness of the view of humiliation that animates much of the literature and casts doubt on the idea that the literature provides an adequate examination of the relationship between humiliation and liberal democratic politics. In these ways the thesis presents a perspective counter to that found in much current literature even if not all of its claims are explicitly denied in the literature.

A second point of clarification is as follows. The condemnations of humiliation found in the literature are extremely strong. Nevertheless, it is true that at least some writers (Statman, Margalit, and Saurette, perhaps) could conceivably hold that people could justifiably engage in humiliation when there is a sufficiently weighty reason to do so. It might therefore be argued that contributors to the current literature need not oppose my view that those committed to liberal democratic principles may legitimately take action that constitutes and/or leads to humiliation. Current writers do not, however, indicate circumstances in which taking such action would be acceptable, or discuss criteria they might use to identify such circumstances. Margalit briefly notes that the goal of eradicating physical cruelty might override the goal of eradicating humiliation, but he provides no cases in which humiliation would be legitimate as a result.[90] Even if one of these writers would permit humiliation on certain occasions, circumstances would have to be sufficiently dire to

[90] Margalit's most specific example involves passing judgment on a colonial regime that inflicts less physical cruelty but more humiliation than a local tyranny, relative to the local tyranny. But he states that this would be a choice between 'two evils,' and 'we find it hard to decide which is the lesser.' Margalit generally treats the lexical priority of eradicating physical cruelty not as an indication that engaging in humiliation might be legitimate under certain conditions, but simply as a statement about which kind of cruelty society should *first* eliminate. *The Decent Society*, 148-149.

justify overriding a reason not to engage in 'one of the worst evils,'[91] an instance of 'the ultimate evil,'[92] conduct 'premised on the denial and denigration of the very idea of one's dignity and autonomy,'[93] and so on (perhaps a regime that inflicts physical cruelty on its subjects would count). These are not the sort of circumstances that I describe in the thesis as being necessary to justify action that constitutes and/or leads to humiliation.

My view that people may legitimately take action that constitutes and/or leads to humiliation is technically an argument only against the position that there is always *decisive* reason not to take action that constitutes and/or leads to humiliation. To the extent that any given writer could agree with my view, my thesis should be taken to provide an alternative analysis that nevertheless presents a perspective clearly out of line with the thrust of the current literature. I believe my claims in the thesis would still be accurate, however, if they were taken to defend the position that 'there is not always a weighty *pro tanto* or decisive reason not to take action that constitutes and/or leads to humiliation.' My aim is simply to emphasise that current writers assign to individuals and institutions an extremely strong obligation not to engage in humiliation, which in my view does not apply across the board.

Third, the accuracy of my claims depends on the understanding of 'humiliation' in question. I indicate that many current contributors to the literature rely on a restrictive view of humiliation. I acknowledge, however, the possibility of using the word 'humiliation' in such a way that it refers only to phenomena that fit the restrictive view. It may be contended, then, that my thesis does not really present a critique of current literature; we are simply using the term 'humiliation' in different ways and drawing different normative conclusions accordingly. In response, the thesis presents a critique of much of the current literature in the sense that it points out the failure of many contributions to clarify the precise nature of the

[91] Statman, 'Humiliation, Dignity, and Self-Respect,' 536.
[92] Margalit, *The Decent Society*, 87.
[93] Saurette, *The Kantian Imperative*, 9.

conception of humiliation that they condemn, or to acknowledge the possibility of other conceptions of humiliation. Some writers do, however, make clear that they have chosen to use a restricted – or, as it will be termed later in the thesis, 'specialised' – sense of 'humiliation.' The quotes by Schick and Margalit at the beginning of this chapter provide an example of such a move (although Margalit's clarification is placed at the very end of his book). I argue in Part II, therefore, that the use of a 'specialised' sense of humiliation is not necessary, and that it carries with it certain drawbacks.

I close this preview of my conclusions by indicating two reasons why a more nuanced approach to normative issues regarding humiliation is valuable. First, adopting the perspective on humiliation found in much of the current literature could actually be counterproductive in the effort to instantiate liberal democratic political regimes animated by principles of respect for freedom, equality, and human dignity. Banning humiliation (in a normative, not legal sense) would undermine legitimate attempts by states and non-state actors to pursue significant liberal democratic aims.

Second, the thesis has implications for appeals to humiliation to explain or ground claims about human rights or human dignity – as well as for attempts to construct a political theory on the basis of the goal of non-humiliation, more broadly. The appeal of employing the concept of humiliation in these contexts seems to derive from the idea that humiliation is able to capture in a 'concrete' way certain painful cognitive and emotional experiences and can therefore enhance our understanding of the kind of phenomena that social and political structures ought to reject or eliminate. The thesis suggests, however, that key aspects of this visceral experience could be found in settings in which people have not encountered violations of their human dignity or human rights and, more generally, have not been treated in a way that those committed to liberal democratic principles would wish to denounce. This may limit the utility of the concept of humiliation in explaining or grounding claims about

human rights or human dignity, or in providing a sense of the phenomena that political actors should always condemn.

One way of responding to this point would be to create conditions for what counts as 'real' humiliation, such that people are not really humiliated simply because they have the cognitive and emotional experience of humiliation. The difficulty with this endeavour is that humiliation risks being made redundant, as the conditions for 'real' humiliation may include traditional wrongs of political theory, such as the violation of rights or inequality. This endeavour may even be circular, if humiliation is defined with reference to the violation of human dignity and human rights and then used to explain or ground claims about these concepts. It may still be possible to appeal to some conception of humiliation that could provide an intuitive and non-redundant grounding or explanation for claims about rights, dignity, or the proper structure of political life more broadly – but the thesis indicates that such efforts must proceed with care and with an acknowledgment of potential difficulties.

VI. The Structure of the Thesis

The thesis is divided into three parts. 'Part I: Introduction' contains the preface and Chapter 1, namely the current overview of the thesis. 'Part II,' titled 'The Complexity of the Concept of Humiliation,' is divided into Chapters 2 and 3. In these chapters I provide an initial indication of what could be involved in humiliation, and in doing so, indicate ways in which many current views of humiliation in the literature fail to recognise the complexity of the concept and the variety of forms it could take.

Part of the point made in the thesis is that normative judgments regarding humiliation ought to be carried out with sensitivity to contextual considerations. Part III therefore proceeds by way of an examination of several examples, divided into five chapters. In Chapter 4, I discuss feelings of humiliation on the part of some white residents of the

American South in response to federal Reconstruction after the Civil War and the civil rights era. I note that feelings of humiliation can be dependent on socially-specific understandings of relative status, which need not be in line with liberal democratic principles. I argue that a state committed to liberal democratic principles has a responsibility to promote the status equality of its citizens (in this case, black Southerners) even if doing so leads to feelings of humiliation.

Chapter 5 examines the practice of official censure by state institutions of one of their own members, which was used in the US against Senator Joseph McCarthy in 1954 and Representative Charles Rangel in 2010. I note that censure of a kind that constitutes and/or leads to humiliation can serve valuable purposes from a liberal democratic perspective, but it should not be carried out in a way that raises issues about undue severity and undue leniency. Chapter 6 takes up the issue of the exposure of political misconduct, first with reference to the Watergate scandal. I note that exposing political misconduct in a way that leads to humiliation can help to uphold liberal democratic principles such as equality before the law and government accountability. I then illustrate some of the difficulties involved in deciding whether to reveal information about politicians with reference to the tactic of 'outing' as a tool used by supporters of gay rights against closeted politicians who pursue political agendas opposed to gay rights. I argue that the extent to which, and the way in which, the politicians in question have made opposition to gay rights into part of their political activity is relevant to an assessment of the legitimacy of this kind of exposure.

Chapter 7 discusses the tactic of ridicule as a means of humiliating individuals or groups in order to achieve a political aim. Expanding on episodes regarding the humiliation of the KKK (quoted earlier), I indicate that political ridicule that humiliates its targets can be a valid tool to deflate the images of individuals opposed to liberal democratic aims, though there are genuine worries regarding the employment of this tactic, including worries about the

effects of ridicule on the deliberative quality of political debate. In Chapter 8 I examine a form of criminal punishment called 'shame sanctions,' which have been inflicted in several American jurisdictions. An example is sentencing convicted offenders to hold signs in public announcing their crimes. I consider the claim that the type of humiliation involved in shame sanctions violates human dignity, made in parts of the current literature on the topic, and argue that the accuracy of this claim depends on prevalent social meanings. I then evaluate selected concerns about shame sanctions – that they inflict an arbitrary degree of punishment, encourage the development of problematic attitudes among the public, and damage the possibility of reintegrating offenders into society.

In discussing examples in Part III, I consider various factors affecting appropriate normative judgments of action that constitutes and/or leads to humiliation. Sometimes I discuss the impact of the prospect of humiliation, or a consequence of humiliation, on the legitimacy of the action in question. At other times, I focus on the normative significance of other results of an action that constitutes and/or leads to humiliation. My discussion of other factors is not a distraction from the main aims of the thesis, but rather provides support for my point that the perspective on humiliation found in much of the current literature is insufficiently nuanced. The current literature tends to treat the prospect of humiliation, when it exists, as a crucial factor in determining normative judgments. I argue, by contrast, that humiliation should not necessarily be assigned this kind of normative significance, and that other factors are sometimes more appropriate sources of concern for those committed to liberal democratic aims.

More broadly, the purpose of Part III is not just to defend actions that constitute and/or lead to humiliation; although I do so on many occasions, I also point out several drawbacks to these actions. Rather, the purpose is to urge political theorists to acknowledge

the complexity of the concept of humiliation and to turn their attention to the 'hard cases' in which it is not simply obvious that humiliation ought to be eradicated.

VII. Methodological Considerations

Methodologically, the thesis consists of conceptual analysis probing the nature of humiliation and normative argument evaluating the proper approach to humiliation on the part of those committed to liberal democratic principles. One methodological issue involves the level of generality of the thesis. I do not investigate humiliation solely with regard to one political context, such as 'humiliation in French mental hospitals,' but rather draw on a number of assorted examples in Part II and focus on extended examples in Part III. This is because the thesis is responding to a general perspective found in current literature about the nature of humiliation and its normative consequences. I respond in part by pointing to the variety of forms that humiliation may assume, and the task of pointing out this variety need not be limited to a single milieu. Moreover, although I do not focus on a particular context, the clarifications and distinctions contained in the thesis can be useful to future investigations of humiliation in a particular context.

A second methodological issue involves the selection of examples. Part II appeals to cases of humiliation ranging beyond politics as traditionally conceived. Most of the current literature on humiliation in political theory and related disciplines also appeals to a wide range of examples, and for good reason: a consideration of the phenomenon of humiliation in general can greatly illuminate an investigation of its political manifestations. Of course, specific issues arise with regard to the involvement of states in processes that lead to humiliation or with regard to the presence of humiliation in a state's political culture. The discussion of the proper approach to humiliation among those committed to liberal

democratic principles in Part III focuses on examples that involve either the interaction between states and citizens, or the interaction among citizens in a state's political culture.

A third methodological issue relates to the use of historical examples. My aims are conceptual rather than historical; they are to point out certain features of the concept of humiliation rather than to make claims about historical developments. I sometimes use historical examples because they are often capable of conveying to people in a vivid and realistic way the genuine possibility of certain kinds of occurrences, in the sense that people can actually imagine these events happening. If these occurrences are genuine possibilities, then this has implications for our concept of humiliation. For instance, the recognition of humiliation directed against the powerful as a genuine possibility undermines the assumption that humiliation always involves the enforcement of inequality. Even if every historical statement I adduce is inaccurate, my points about the concept of humiliation stand as long as the scenarios they describe strike the reader as plausible. Put differently, detailed imaginary examples that seem to 'ring true' would serve the exact same purpose as my historical examples. That said, when I appeal to historical cases, I seek to rely on legitimate sources of historical information, and I believe that the historical examples I adduce can plausibly be considered accurate.

Moreover, I do not argue that the lens of humiliation is the most important one through which to analyse any of the historical periods in question. Many other factors played a role in the historical situations I mention, and I make no effort to engage in a comparative analysis of their historical weight. The goal is not to make an historical claim about the significance of humiliation, but to use historical examples as points of departure for reflection on the nature of humiliation and its relationship to liberal democratic principles.

Fourth, I often appeal to usages of 'humiliation' and its cognates ('to humiliate,' 'humiliating,' and so on) in order to bolster my points about humiliation. The appeal to the usage of 'humiliation' is not meant as an argument from authority or by stipulation, along the lines of 'people *do* use words in this way; therefore, this must be the correct way to use them.' After all, different people use words in different ways. The question of whether engaging in humiliation can be legitimate, for instance, cannot be decided by counting up the number of usages that suggest it can be legitimate, and pitting them against the number of usages that suggest it cannot. The relevant issue is ultimately whether a given usage of 'humiliation' resonates with the reader, who can draw on his or her own experience encountering, reading about, and thinking about humiliating situations.

The thesis does not, however, merely seek to reflect people's intuitions about the use of language. It suggests that some intuitions about what counts as humiliation emerge from contingent and potentially restrictive patterns of thought. For instance, the intuition that a person cannot accurately say 'Y was so humiliating for me' unless she has been treated unjustly may arise from the assumption that saying 'Y was so humiliating' implies 'X humiliated me,' which in turn may be taken to imply some version of 'X denied me the respect I deserve.' But the assumption that every humiliating situation consists of interaction between A humiliating B, and the further assumption that this interaction must involve the unjust denial of respect, is not a necessary one. The thesis attempts to explain part of the structure of people's intuitions, therefore, instead of simply mirroring them. Beyond the goal of broadening the range of intuitions that people consider when theorising about humiliation, this aspect of the project can be generally informative for those interested in the nature and structure of views about humiliation.

A fifth methodological point concerns the relationship of philosophical issues regarding reasons for action to the thesis. I have already mentioned *pro tanto*, decisive, and

prima facie reasons, and I discuss issues related to 'reasons for action' further in a section of Chapter 3. In general, however, this thesis does not delve deeply into ethical theory or views about 'reasons for action.' The aim of the thesis is not to present a comprehensive structure of ethical reasoning that can yield normative judgments on any instance of humiliation. Rather, my examination of normative issues regarding action that constitutes and/or leads to humiliation in Part III is simply meant to support the view that normative judgments about the proper approach to humiliation on the part of those committed to liberal democratic principles ought to be more nuanced than the judgments found in much of the current literature. Whether the thesis succeeds in supporting this view does not depend, I believe, on the degree to which it investigates the topic of humiliation through the lens of complex theories about reasons for action and their ethical implications. In Part III, therefore, I refer to the status of various reasons for action only when it helps to illuminate a particular issue.

A related and more general point is that the thesis is not intended to provide an exhaustive examination of the concept of humiliation or its relationship to liberal democratic politics. Rather, it is intended to pave the way for further investigations of the concept that are carried out with a greater degree of clarity and nuance than is found in much of the current literature.

PART II: THE COMPLEXITY OF THE CONCEPT OF HUMILIATION

Here are some examples of mentions of 'humiliation' and its cognates ('to humiliate,' 'humiliating,' and so on):

- Bankruptcy is 'perhaps the greatest and most humiliating calamity which can befal an innocent man' (Adam Smith, *The Wealth of Nations*, I.II.iii, 1776)

- '[Nonviolent activists] are all united in the quiet conviction that it is better to suffer in dignity than to accept segregation in humiliation.'[1]

- 'Phone Hacking Scandal: Humiliation for Media Mogul Rupert Murdoch as He Admits "We Were Caught with Dirty Hands."'[2]

- United States Navy Chief Petty Officer Creed: 'During the course of this day you have been caused to suffer indignities, to experience humiliation…There was no intent, and not desire, to demean you nor to insult you...You were subjected to humiliation to prove to you that humility is a good, a great, a necessary attribute which cannot mar you in fact, it strengthens you and, in your future as a Chief Petty Officer, you will be caused to suffer indignities, to experience humiliation far beyond those imposed upon you today. Bear them with the dignity, and with the same good grace…'[3]

[1] Martin Luther King, Jr., 'The Quest for Peace and Justice,' *Nobel Lecture*, 11 December 1964. <http://www.nobelprize.org/nobel_prizes/peace/laureates/1964/king-lecture.html>
[2] Torcuil Crichton, 'Phone Hacking Scandal: Humiliation for Media Mogul Rupert Murdoch as He Admits "We Were Caught with Dirty Hands,"' *Daily Record*, 20 July 2011. <http://www.dailyrecord.co.uk/news/uk-world-news/phone-hacking-scandal-humiliation-for-media-1108384>
[3] 'United States Chief Petty Officer Creed,' *US Army Central Standards Book*, 28 March 2012, 4. <http://www.arcent.army.mil/media/1288841/standards%20book%20revised%202012.pdf>

- ‘If in the hallway, stairwell, or your classroom – or some other school space – you witness a student being harassed and humiliated by another student, intervene – but get additional support if necessary.’[4]

- ‘Patients may be further humiliated by the physicians’ pursuit of historical data about the possibility of diseases such as acquired immunodeficiency syndrome and venereal diseases. Physicians...may become the messengers who carry the news of the humiliating event: that the patient has coronary insufficiency, heart failure, alcoholism, or syphilis.’[5]

- ‘The truly humble person cannot be humiliated.’[6]

These statements suggest very different understandings of what is involved in humiliation. Does humiliation consist in the loss of self-sufficiency? The system of segregation? The revelation of misconduct by oneself or one’s organisation? A ‘learning experience’ designed to teach humility and ‘good grace’? An action associated with bullying and harassment? The exposure of a disease that implies some kind of dissoluteness? A phenomenon that is somehow at odds with being truly humble? It is not easy to identify one or more features common to all these understandings of humiliation or to explain how and why various usages differ.

Part II aims to provide a more adequate characterisation of the concept of humiliation than is present in current literature in political theory and related disciplines. I indicate various features of humiliation and make distinctions that help to clarify the concept. In doing so, I highlight the complexity of the concept of humiliation and the variety of forms

[4] ‘6 Tips for Educators Dealing with Harassment of LGBT Students,’ *National Education Association*, 2012. <http://www.nea.org/home/6-Tips-for-Dealing-With-Bullying.html>
[5] Lazare, ‘Shame and Humiliation in the Medical Encounter,’ 1655.
[6] Leland Beaumont, ‘What is Authentic Humility?’ *Human Dignity and Humiliation Studies Network*, 21 March 2008. <http://www.humiliationstudies.org/news/?p=929>

that it can take; and I point out the restrictiveness of the 'current view' that humiliation constitutes or results from the violation of human dignity and/or equality. Part II elucidates several aspects of humiliation, but it does not provide an exhaustive analysis of the concept. Many of the features of humiliation to which I draw attention are explored in greater detail in Part III. In addition, decisions about how to understand the concept of humiliation have normative implications for the relationship between humiliation and liberal democratic politics, but these are taken up in detail in Part III of the thesis.

The methodological point made in Chapter 1 about appeals to intuitions regarding the usage of 'humiliation' and its cognates is particularly relevant to Part II. References to the usage of 'humiliation' can help to illuminate our concept of humiliation, but my claim is not that these references simply settle the question of how to understand humiliation. Ultimately, I can only offer or cite descriptions of certain actions, conditions, or feelings in terms of humiliation and see whether they resonate with readers. I do, however, seek to encourage readers to draw on a wide range of experiences when responding to particular examples of humiliation. Another methodological point is that the examples of humiliation adduced in Part II do not all involve political institutions and are not all drawn from political contexts, or at least not solely from those contexts that are generally considered overtly political. The political dimensions of humiliation can, I believe, be illuminated through an examination of the phenomenon of humiliation more generally. Conclusions about the relationship between humiliation and liberal democratic politics, however, should be drawn with reference to political examples, and this is the task of Part III.

Part II includes Chapter 2, 'Lowering, Exposure, and Damage to Self-Respect,' and Chapter 3, 'Additional Aspects of Humiliation.' Chapter 2 describes various features that are often involved in humiliation: lowering in the sense of 'status demotion,' exposure to the gaze of others, and damage to self-respect and/or self-esteem. I argue that contributors to the

current literature provide an inadequate account of the ways in which these features are involved in humiliation. Chapter 3 further clarifies various aspects of the concept of humiliation: the application of humiliation to collective entities, the nature of claims about 'causing humiliation' and 'intentional humiliation,' issues related to 'reasons for action,' and the creation of 'specialised' senses of 'humiliation.' The features I discuss in Chapter 3 might be viewed as more 'formal' in comparison with Chapter 2's focus on 'substantive' features of humiliation. I do not sharply distinguish between these two types of features, however; rather, I use both chapters to characterise various aspects of humiliation.

Before I move on to Chapters 2 and 3, I wish to discuss two issues relevant to the account of various features of humiliation presented in the rest of Part II: the use of 'humiliation' to refer to an action, condition, or feeling; and the potential distinction between 'objective' and 'subjective' humiliation.

Humiliation as Action, Condition, Feeling

'Humiliation' and its cognates could refer to (1) an action ('the teacher humiliated the student in front of the class'), (2) a condition in which a person is situated ('the situation of being unemployed was terribly humiliating for her'), or (3) a person's feelings ('the confrontation left him feeling humiliated'). It is not always clear whether 'humiliation' and its cognates refer to an action, a condition, or a feeling. One might say, for instance, 'it is humiliating for poor people to have to rely on charity.' This could be a description of an action that society takes when it forces poor people to rely on charity; the condition in which poor people have to rely on charity; the feelings of humiliation experienced by poor people when they have to rely on charity – or to a combination of these. The phrase 'to be humiliated' can be used to suggest that a person has been subject to a humiliating form of treatment, is situated in a humiliating condition, or feels humiliated. One might, however,

want to distinguish between 'being humiliated' and 'feeling humiliated' on the ground that a person can *feel* humiliated without being 'objectively' humiliated; this idea is considered below.

Contributors to the literature on humiliation use the term and its cognates in different ways. Some explicitly view it as an action or a condition;[7] many explicitly conceive of 'humiliation' as a feeling.[8] Most of these writers do not acknowledge the possibilities of usages that differ from the ones they adopt. Furthermore, many writers are not particularly explicit about how they are using the term 'humiliation' and its cognates, and some use them in different ways without indicating that they are doing so.[9] Some writers indicate in passing that different usages are possible but do not provide much explanation of their distinctions.[10] There are also certain terms that make it rather ambiguous whether an action, a feeling, or a condition is being referred to. The term 'experience' of humiliation, which appears in the work of several writers discussing humiliation,[11] is a notable example; it could refer to an action, a condition, a feeling, or some combination of those. References to humiliation as a 'dynamic' can have a similar effect.[12]

I do not think that 'humiliation' always needs to be used to refer to only one of an action, condition, or feeling. These concepts cannot necessarily be separated from one

[7] Margalit, *The Decent Society*, 9. Neuhäuser views humiliation as an 'attitude or treatment.' 'Humiliation: The Collective Dimension,' 22.
[8] Lazare, *On Apology* (USA: Oxford University Press, 2004), 45; and 'Shame and Humiliation in the Medical Encounter,' 1653; Taylor, *Pride, Shame, and Guilt*, 67; Saurette, 'You Dissin Me?' 497.
[9] Saurette, *The Kantian Imperative*, 3-15; this example is discussed below. Nussbaum writes that 'To humiliate someone is to expose them to shame' (*Hiding from Humanity*, 203) which suggests a reference to an action; she later indicates that 'to be forced by others, whether through economic impoverishment or some sort of punishment, to walk around in clothing that contains holes is humiliating' (206), which suggests a reference to a condition, albeit one brought about as a result of the actions of others. Nussbaum does not disentangle these usages.
[10] Silver et al briefly distinguish between humiliation as 'emotion' and 'social fact,' where 'social fact' is used to describe something like a condition that would be considered humiliating according to socially recognised standards. 'Humiliation,' 273. Miller also distinguishes between humiliation as 'internal feeling' and as 'social fact.' *Humiliation*, 136.
[11] Silver et al, 'Humiliation,' 279; Klein, 'The Humiliation Dynamic,' 94; Saurette, *The Kantian Imperative*, 10; Lindner, *Making Enemies*, 21; Honneth on 'the experience of humiliation or disrespect,' *Disrespect*, xii.
[12] Klein, 'The Humiliation Dynamic'; Lindner, *Making Enemies*, 3.

another in a neat way; a person's 'condition,' for instance, might be taken to incorporate her feelings. It would, however, be beneficial for writers to adopt a greater degree of self-consciousness towards their usage of 'humiliation' and its implications. A lack of clarity about the usage of 'humiliation' can have misleading consequences.

Saurette, for instance, begins *The Kantian Imperative* as follows: 'Humiliation. A sick feeling in the pit of the stomach or heart.'[13] His most direct explanation of his understanding of humiliation begins with 'what do we mean when we say that we feel humiliated – as opposed to feeling ashamed, guilty, or self-loathing?'[14] These statements suggest that Saurette takes humiliation to be a feeling. But in the introductory pages he also refers to humiliation as 'a complex experience and emotion,'[15] to 'tactics of humiliation,'[16] and to humiliation as 'a disciplinary force.'[17] Saurette goes on to suggest that humiliation is cruel, unpredictable in effect, and premised on the denial of dignity and autonomy.[18] He has ambiguously referred to humiliation, however, as a feeling, an 'experience,' and as some kind of 'tactic' or 'disciplinary force.' It is not clear, then, what Saurette takes to be the target of his objection to humiliation: the presence of the feeling of humiliation? Actions that make people feel humiliated (or are designed to make people feel humiliated)? Conditions that are plausibly considered 'humiliating experiences' even if they do not involve the direct action of another? A lack of clarity about the usage of 'humiliation' has implications for the nature of the normative claims that Saurette makes, and for the reader's ability to evaluate these claims.

To take another example, Lindner writes that 'the word *humiliation* refers to three different elements of the experience – the perpetrator's act, the victim's feeling, and the social process. The listener (in this case, the reader) must infer which element or

[13] Saurette, *The Kantian Imperative*, 3.
[14] Saurette, *The Kantian Imperative*, 12.
[15] Saurette, *The Kantian Imperative*, 3.
[16] Saurette, *The Kantian Imperative*, 7.
[17] Saurette, *The Kantian Imperative*, 13.
[18] Saurette, *The Kantian Imperative*, 9.

combination of elements is being described, and what is understood may often be different from what is intended.'[19] While Lindner recognises the multifaceted usage of 'humiliation,' she does not actually use these distinctions to clarify the usage of 'humiliation' in the rest of her book (as suggested by her instruction to the reader to 'infer' what is meant). When she calls for a 'moratorium on humiliation,'[20] it is by no means evident which kinds of phenomena – actions, feelings, 'processes' – ought to be stopped. Paying attention to the referent of 'humiliation,' then, can help to clarify substantive claims about humiliation. Moreover, recognising that 'humiliation' and its cognates can refer to multiple types of phenomena furthers the acknowledgment of variety in the forms that humiliation can take.

The Objective/Subjective Distinction

One way of approaching the subject of humiliation is to draw a distinction between 'objective' and 'subjective' humiliation. This distinction can help to explain some of the variation in different usages of 'humiliation,' but the distinction could – I argue – be understood in multiple ways, and it is not necessarily clear-cut. In the thesis I do not generally employ these terms, due to the potential for confusion. Explaining the issues relevant to the objective/subjective distinction, however, can help to clarify divergences among different accounts of humiliation.

The objective/subjective distinction might be seen simply as another way of stating the difference between humiliation as an action or condition, on the one hand, and humiliation as a feeling, on the other. 'Objective' humiliation, that is, could be viewed as a feature of a person's social environment (whether or not it involves being subject to some form of action at the hands of others), whereas 'subjective' humiliation refers to an occurrence in an individual's personal cognitive and emotional sphere. This would parallel a

[19] Lindner, *Making Enemies*, xiv.
[20] Lindner, *Making Enemies*, 187.

distinction made by Miller and Silver between humiliation as a 'social fact,' on the one hand, and as an 'internal feeling' or 'emotion,'[21] on the other.

Another way to characterise the objective/subjective distinction is in terms of the distinction between 'normative' and 'psychological' humiliation employed by Margalit and, following him, Statman and Neuhäuser.[22] On this account, 'normative' humiliation is an action or condition that makes it 'justified' or 'reasonable' for people to feel humiliated.[23] It seems possible to apply the term 'normative' to people's feelings of humiliation as well, so long as they are 'justified.' 'Psychological' humiliation, by contrast, refers to an action or condition that does actually cause people to feel humiliated, but not necessarily for good reason. It also seems possible to apply the term 'psychological' to people's feelings of humiliation when they are not necessarily 'justified.'

It is not always clear whether a 'normative' or 'psychological' understanding of 'humiliation' is intended by any given usage. Let's take the statement 'it is humiliating for poor people to have to rely on charity' as a description of the condition in which poor people have to rely on charity. One could be saying that the condition in which poor people must rely on charity is one in which poor people do feel humiliated (a 'psychological' understanding of 'humiliation'). Alternatively, one could be saying that the condition in which poor people have to rely on charity is one in which poor people are justified in feeling this way, regardless of whether they actually do (a 'normative' understanding).

The normative/psychological distinction could itself be interpreted in multiple ways, depending on which actions and conditions are thought to justify people in feeling

[21] Miller, *Humiliation*, 136; Silver, 'Humiliation,' 273.
[22] Margalit, *The Decent Society*, 9-11; Statman, 'Humiliation, Dignity, and Self-Respect,' 529; Neuhäuser, 'Humiliation: The Collective Dimension,' 22.
[23] The terms 'justified' and 'reasonable' come from Statman, 'Humiliation, Dignity, and Self-Respect,' 529. Margalit's formulation is that people who are humiliated in his 'normative' sense must have a 'sound reason' to feel humiliated. *The Decent Society*, 9-11.

humiliated.[24] One way of distinguishing 'justified' from 'unjustified' feelings of humiliation would be to differentiate 'non-idiosyncratic' and 'idiosyncratic' feelings of humiliation, where 'idiosyncratic' feelings are due to the peculiar constitution of individual psychology, and 'non-idiosyncratic' feelings of humiliation arise due to norms and expectations embedded in a given social milieu. Of course, there can be disagreement about what the 'norms and expectations embedded in a given social milieu' actually are, especially when people inhabit multiple social milieus, but the 'idiosyncratic/non-idiosyncratic' distinction can still be made. For instance, feeling humiliated when one puts up a hand in a classroom along with ten other people and one is not chosen first is more idiosyncratic in 21st-century North American or British society than feeling humiliated when one's children swear at one in public. People might be considered unjustified in feeling humiliated when their feelings are idiosyncratic, and justified when their feelings are not idiosyncratic.

For some, however, this interpretation of the normative/psychological distinction might not seem appropriate. If the norms on the basis of which people experience 'non-idiosyncratic' feelings of humiliation are themselves problematic, then some might not want to say that those people are justified in feeling humiliated. Take, for example, a caste-based society in which a member of the upper castes refuses to socialise with members of a lower caste on the grounds that it would be humiliating. This individual's feelings are not idiosyncratic, but those committed to liberal democratic principles might be reluctant to say that these feelings are justified. At the same time, the upper-caste individual's feelings of humiliation seem to be justified *relative* to a set of social norms and expectations.

Perhaps the term 'inter-subjective humiliation' could be applied to such a phenomenon. A person with 'inter-subjective' feelings of humiliation is justified in feeling

[24] Statman gestures towards a recognition of this point by providing a 'multi-layer model' of the rationality of emotions; 'Humiliation, Dignity, and Self-Respect,' 529-532.

humiliated relative to a set of social norms and expectations, but these norms and expectations might themselves be 'unjustified.' Some might see 'inter-subjective' humiliation as a middle ground between 'wholly justified' and 'wholly unjustified' feelings of humiliation, in which case the normative/psychological distinction is not a strict dichotomy.

To elaborate briefly on the category of 'inter-subjective' humiliation: variation in inter-subjectively shared norms for what is considered a humiliating action or condition can be explained, to a certain extent, as the particular instantiation of universalistic norms. It may be humiliating for teachers to be addressed in class by their first names in some societies and not in others; but the norm of showing respect for teachers stays the same. In other cases, there may be broader divergence in the social background that determines whether some action or condition is humiliating. For instance, it may be humiliating not to have any paid work in some societies, but a mark of great honour in another. One might still contend that there is agreement on broader principles, such as the humiliating nature of dependence (the working person is thought to be self-sufficient, while the gentleman is thought to be independent from the need to work).

At a sufficiently high level of abstraction, a great many cases of apparent variation can be explained as particular offshoots of an underlying agreement. For example, in some societies and not others, it is humiliating for a man not to be able to support his wife on a single income. This case too might be described in terms of a shared principle according to which it is humiliating for individuals not to be able to take care of individuals who are socially expected to be their dependents. At a high level of abstraction, however, it is not clear whether the underlying agreement is genuinely deeper than the disagreement on specifics. Eventually the search for a common norm may simply devolve into the assertion that (say) humiliation is thought to take place when people are either treated in a way that

does not conform to prevailing social norms or are exposed as being unable to live up to prevailing social norms – which simply glosses over disagreement on the content of these norms. There is a complicated question, then, about when divergence on social norms regarding humiliation indicates a genuine rift.

I turn back to the question of how to interpret the normative/psychological distinction. Another possible way to interpret this distinction, other than turning to the idiosyncratic/non-idiosyncratic distinction, is that people are not justified in feeling humiliated unless they have been treated in an unjustified way. The idea of a 'normative' understanding of humiliation might be understood – although those who employ it do not make this explicit – to indicate that 'normative' humiliation refers to the kind of humiliation that ought to be considered unjustified.

This view of what would justify people in feeling humiliated should not, however, be taken for granted. It could be challenged on the grounds that certain forms of public exposure, particularly those that result in severe damage to one's reputation, can justify people in feeling humiliated even if those people are not treated in an unjustified way. Richard Nixon, for instance, may have been justified in feeling humiliated when he became the first President to be forced to resign, even if he was not treated in an unjustified way. The idea that feelings of humiliation are only justified when they result from unjustified treatment may result from taking 'justified in feeling humiliated' to mean 'justified in feeling *that one has been humiliated*,' where 'being humiliated' connotes being subject to an unjustified form of treatment. Later in Part II, I question the existence of a necessary link between 'feeling humiliated' and 'feeling that one has been treated in an unjustified way,' and between 'being humiliated' and 'being treated in an unjustified way.' If these linkages are not necessary, then certain kinds of exposure to the gaze of others in a compromising way might justify people in feeling humiliated, even in the absence of unjustified treatment.

In the thesis, I do not take a position on the correct interpretation of the 'objective/subjective' distinction or the 'normative/psychological' distinction. I do not make much use of these categories of analysis. I do, however, wish to point out that these distinctions should not be employed without recognition of the fact that they can be interpreted in multiple ways, and that they may not give rise to a clear-cut dichotomy; for instance, 'inter-subjective' humiliation might be viewed as an option in addition to 'objective' and 'subjective' humiliation. Most importantly, my discussion in the thesis suggests that there are possibilities beyond the two options of (1) a wholly 'subjective' understanding of humiliation, such that a situation is humiliating just because an individual feels humiliated, and (2) the position – which some might consider the 'objective' position – that a situation cannot be humiliating unless someone has been treated in certain unjustified ways, such as being denied equality or human dignity. This stark dichotomy obscures the existence of cases in which certain legitimate actions or conditions predictably give rise to feelings of humiliation that are justified relative to standards embedded in a social milieu. Sometimes these norms and expectations may themselves be judged illegitimate, as in the caste example. But sometimes they cannot be indicted as such – say, with Nixon. It may not be so problematic to consider the condition of falling from the highest office in the land with the whole country watching (or the whole world watching) to be humiliating.

Having presented two initial considerations regarding different possible ways to interpret 'humiliation' and its cognates, I move on to Chapter 2, which describes various features that are often part of humiliation and indicates difficulties with their presentation in the current literature on humiliation.

Chapter 2

Lowering, Exposure, and Damage to Self-Respect

I. Lowering, Status, and Humiliation
    A. Lowering and Equality
    B. Lowering and Dignity
II. The Significance of Exposure
    A. Exposure and Audience
    B. Humiliation, the Loss of Face, and Reputational Damage
    C. Exposure and the Complexity of the Emergence of Humiliation
        1. Exposure and Humiliating Conditions
        2. Exposure and Feelings of Humiliation
III. Humiliation, Self-Respect, and Self-Esteem
    A. Distinctions among Forms of Self-Respect and Self-Esteem
        1. Recognition Self-Respect and Self-Esteem
        2. Objective and Subjective Self-Respect
    B. Humiliation and Damage to Self-Respect or Self-Esteem
        1. Humiliation and the Varieties of Self-Respect and Self-Esteem
        2. Must Humiliation Damage Self-Respect or Self-Esteem?
IV. Humiliation beyond Misrecognition
    A. Humiliation in the Recognition Literature
    B. Beyond the Recognition Literature
        1. Misrecognition and Inequality
        2. Feelings of Humiliation and Injustice
        3. Misrecognition and Self-Conception

In this chapter, I discuss three features that are often part of humiliation: lowering, exposure, and damage to self-respect or self-esteem. I use these features to provide a sense of the kinds of phenomena that are frequently involved in humiliation, and I point out that current contributors to the literature on humiliation frequently present a restrictive or insufficiently nuanced understanding of the ways in which these factors are involved in humiliation. In particular, current writers often conceive of the aspect of 'lowering' in humiliation solely as demotion from the status of equality or human dignity; they sometimes fail to recognise the importance of exposure to the gaze of others to the occurrence of humiliation; and they sometimes oversimplify the relationship between humiliation and damage to self-respect. I close this chapter by using the discussion of these features of humiliation to situate the thesis relative to the literature on the 'politics of recognition,' which

represents a prime locus for the consideration of themes related to humiliation in political theory.

I. Lowering, Status, and Humiliation

The association of humiliation with 'lowering' is a significant feature of the concept of humiliation. The word 'humiliation' derives etymologically from the Latin word *humus* (earth), and it is related to *humilis* (low) and *humiliare* (to make low), which are the sources of the English *humble*, *humility*, and *humiliate*.[1] The idea of being reduced in size or brought closer to the ground provides a great deal of the visual imagery of humiliation. Often the element of 'lowering' present in humiliation can be described in terms of a demotion in status.[2] Many descriptions used to characterise humiliating actions and conditions – such as a loss of power, control, freedom, or independence,[3] or exclusion or rejection from some group[4] – can be understood as contributors to, or signs of, status demotion. The view that humiliation is closely connected to the ideas of 'status' and 'lowering' leaves open, however, issues about the nature of the status from which people are demoted. The current literature exhibits, I argue, a restrictive focus on cases in which the relevant status is that of equality or human dignity.

A. Lowering and Equality

Much of the current literature focuses on examples in which the humiliated are 'lowered' to an unequal status, and some writers explicitly state that humiliation involves the denial of equality. Lindner, for instance, indicates that humiliation occurs when people are

[1] Miller, *Humiliation*, 147; Lindner, *Making Enemies*, xiv.
[2] For a discussion of the meaning of 'status' and its complexities, see Jeremy Waldron, 'Dignity, Rank, and Rights,' 50-53.
[3] Silver et al, 'Humiliation,' 271-72; Margalit, *The Decent Society*, 115-119.
[4] Statman portrays the 'message of rejection and exclusion' as the distinguishing feature of humiliation. 'Humiliation, Dignity, and Self-Respect,' 532-535.

lowered beneath a baseline of 'equal dignity.'[5] Nussbaum writes that 'Humiliation typically makes the statement that the person in question is low, not on a par with others in terms of human dignity'[6] and contends that the liberal state may not engage in public humiliation 'without deeply compromising its role as guardian of equality.'[7] Neuhäuser presents various humiliating forms of treatment and conditions, such as discrimination against women and poverty, as instances of the absence of equality.[8]

The view that humiliation necessarily involves the denial of equality is, however, overly restrictive. Humiliation can also take place when people are 'lowered' from statuses other than equality. As Margalit notes, 'humiliation' can denote the 'lowering of persons from their social status to a "humbler" one.'[9] For instance, the rapid 'fall from grace' of a relatively high-status politician as a result of political scandal or institutional censure is often considered humiliating. The potential for relatively high-status actors to be 'taken down' through humiliation may even be used to the advantage of low-status actors, as when environmental activists wage a campaign to damage the reputation of corporations (including, potentially, particular corporate officers) in order to achieve their political aims.

Furthermore, the humiliation of high-status actors can also occur when they are 'shown up' by low-status ones. To take a relatively trivial example, a top-rated sports team beaten by a terrible team can plausibly be said to suffer a humiliating loss, although the result would not have been humiliating if the lower-rated team had lost. To take an example from international relations: the 1979-81 Iran hostage crisis, including the failed American rescue

[5] Lindner, *Making Enemies*, 6.
[6] Nussbaum, *Hiding from Humanity*, 204.
[7] Nussbaum, *Hiding from Humanity*, 232.
[8] Neuhäuser, 'Humiliation: The Collective Dimension,' 33-35.
[9] Margalit, *The Decent Society*, 288. Later I consider (and argue against) the claim that the term 'humbling' can successfully replace the term 'humiliating' in examples of either high-status humiliation or 'legitimate' humiliation.

attempt, was considered by many to be humiliating for the United States because a less powerful rebel regime was able to defy a global superpower.[10]

In fact, those occupying relatively high statuses may be required to project images, or may be held to standards, that leave them especially vulnerable to certain kinds of humiliation when these images are punctured or they are unable to meet the standards in question. The discovery that such an individual is actually 'as bad as the rest of us,' for example, can discredit such a person in a way that it would not discredit an 'ordinary' person.[11] A newspaper editorial about the disclosure of US President Richard Nixon's tax returns by the *Fort Scott Tribune* in 1973 claimed that the publication of these tax returns was 'a profoundly personal humiliation' for Nixon. 'It makes no difference,' the editorial argued, 'to point out that the President, by taking advantage of every benefit and deduction, was only using a sharp razor the same as every other sensible person. The President of the United States is just not supposed to do what "everybody does." Or at least not do it so monumentally well.'[12] Of course, if the public becomes sufficiently cynical about politics that it no longer holds politicians to a 'higher standard,' then the discovery of a seeming impropriety may not cause humiliation. The standards that people occupying certain roles are expected to meet can vary in different historical periods and social milieus.

Some might argue that high-status actors may *feel* humiliated in circumstances such as the ones mentioned above, but that 'humiliation' in some other sense does not occur. The creation of senses of 'humiliation' according to which the kinds of situations described above

[10] For discussion of the Iranian hostage crisis with regard to the concepts of shame and humiliation, see Scheff, *Bloody Revenge*, 118-120.
[11] This seems to be part of Philip Roth's point in a comment in *The Human Stain* by the narrator on the Clinton-Lewinsky affair: 'I myself dreamed of a mammoth banner, draped dadaistically like a Christo wrapping from one end of the White House to the other and bearing the legend A HUMAN BEING LIVES HERE.' *The Human Stain* (UK: Vintage, 2005), 3.
[12] Don Oakley, 'Nixon's Humiliation, America's Shame.' *Frederick Daily Leader*, 26 December 1973. <http://news.google.com/newspapers?id=qUdDAAAAIBAJ&sjid=X60MAAAAIBAJ&pg=5490,5647258&dq=nixon%27s-humiliation-america%27s-shame&hl=en>

do not count as 'really humiliating' is explored more thoroughly in the section on 'specialised' usages of humiliation. For now, I simply note that we do seem to speak of (1) people being humiliated when they are lowered from a distinctively high status, (2) people feeling humiliated when they are lowered from a distinctively high status, and (3) people feeling humiliated without being humiliated when they are lowered from a distinctively high status. The third case arises, for instance, when people's feelings of humiliation are based on values that those committed to liberal democratic principles would want to reject – for instance, if a man with patriarchal ideas feels humiliated when societal change occurs and he is required to work under a female employer.

Further elaboration of the idea of high-status humiliation is provided in Part III. The point here is that the element of 'lowering' often involved in humiliation should not be viewed exclusively in terms of demotion from the status of equality.

B. Lowering and Dignity

Another option found in the literature for the nature of the status with regard to which the humiliated are lowered is 'human dignity.' Margalit writes that 'an injury to human dignity is humiliation,'[13] and his other descriptions of humiliation suggest a similar conclusion, notably his view that 'humiliation is the rejection of a human being from the "Family of Man" – that is, treating humans as nonhuman…treating them as if they were objects or animals.'[14] Saurette contends that humiliation is 'premised on the denial and denigration of the very idea of one's dignity and autonomy,'[15] and includes 'tactics of humiliation' in the category of 'abuse of human rights.'[16] Nussbaum writes, quoting Margalit, that 'It is natural for writers on social norms to speak of a good society as one that

[13] Margalit, *The Decent Society*, 262.
[14] Margalit, *The Decent Society*, 108.
[15] Saurette, *The Kantian Imperative*, 9.
[16] Saurette, *The Kantian Imperative*, 239.

protects its members from humiliation, where humiliation is understood as a particularly damaging insult to the person's human dignity.'[17] Neuhäuser (as quoted earlier) cites Margalit in adopting an understanding of humiliation as 'the attempt to lower someone below the status of a human being as a person with dignity through an improper attitude or treatment.'[18] Lindner's 'contemporary definition' of humiliation indicates that '"Humiliation" is the enforced lowering of any person or group by a process of subjugation that damages their dignity.'[19] Note that some of these writers – Neuhäuser, Lindner, plausibly Margalit, and potentially Nussbaum – incorporate the idea of the violation of human dignity into their actual definitions of humiliation.

The question of what counts as a violation of human dignity is not a simple issue. Interpreted one way, respect for human dignity involves the same requirements as respect for equality; for respecting people's status as human beings requires respect for the core human feature of equality. Interpreted another way, respect for human dignity is a more basic and more minimal standard than respect for equality, for it is meant simply to rule out actions and conditions that display flagrant lack of recognition of an individual's humanity, such as concentration-camps, torture, and so on. These actions and conditions treat people as if they had the status of beings that are usually considered 'lower' than humans, such as animals or objects.[20] Some of the examples of humiliation found in the literature – for instance, the treatment of the Jews by Nazis and the treatment of prisoners at Abu Ghraib by the American military – suggest an understanding of the status relative to which people are lowered as something more akin to a violation of the minimal standard.

[17] Nussbaum, *Hiding from Humanity*, 204.
[18] Neuhäuser, 'Humiliation: The Collective Dimension,' 22.
[19] Lindner, *Making Enemies*, xiv.
[20] Waldron, 'Cruel, Inhuman, and Degrading Treatment,' 37-38.

Humiliation that involves the demotion of status may take the form of the violation of human dignity in either the maximal or minimal sense – but it need not.[21] The examples of status demotions that do not involve the violation of equality in the previous section can serve to make this point, as can 'lighter' forms of humiliation, such as mockery of a student who does badly on an exam by his peers; these forms of humiliation may be illegitimate even if they do not violate human dignity.

The conclusion that humiliation need not violate human dignity may seem counterintuitive, because humiliation is often conceived as the 'opposite' of dignity. This claim could take several forms: to humiliate is to violate someone's dignity; to be humiliated is to lose one's dignity; humiliating conditions are undignified. It is plausible to posit a close relationship between humiliation and dignity, but the meaning of this statement and the nature of the relationship depends on the conceptions of humiliation and dignity in question.

Contributors to the literature tend to understand humiliation as an action that violates an individual's dignity or strips him of his dignity, with dignity understood in the specific sense of *human* dignity, or a status that attaches intrinsically to human beings simply by virtue of their humanity. The tendency to take this position may be due to the fact that the interest in elucidating and grounding the concept of human dignity seems to be partly responsible for the growth in theoretical concern with humiliation in recent years. This interest, in turn, is partially due to the fact that human dignity is invoked to ground human rights, often in quite a foundational sense.[22] The difficulty is that the concept of humiliation

[21] It seems that the violation of human dignity does not necessarily involve humiliation; murder may always violate human dignity but might not always involve humiliation. Regardless of whether the violation of human dignity necessarily involves humiliation, my topic here is whether humiliation necessarily involves the violation of human dignity.

[22] See McCrudden, 'Human Dignity and Judicial Interpretation of Human Rights,' 656. The phrase 'Recognizing that these rights derive from the inherent dignity of the human person...' appears in the International Covenant on Civil and Political Rights, 16 December 1966, <http://www2.ohchr.org/english/law/ccpr.htm>, and the International Covenant on Economic, Social, and Cultural Rights, 16 December 1966. <http://www2.ohchr.org/english/law/cescr.htm>

may be reduced to those forms of humiliation that can be presented as violations of human dignity in the specific sense of the kind of basic human worth which is thought to ground human rights. It is not clear that this move even helps to explain the nature of human dignity or human rights, or to justify our concern with them. There is a risk that the sense of 'humiliation' cited by these writers in order to present humiliation as a violation of human dignity will itself be defined with reference to the breach of human dignity or human rights (as Neuhäuser, Lindner, and potentially Margalit and Nussbaum do[23]). The effort to use this sense of 'humiliation' to explain or justify human dignity or human rights would therefore be circular.

Regardless of the success of explaining or justifying a conception of human dignity on the basis of humiliation, the view that humiliation is associated with an absence or violation of dignity should not be assumed to imply that humiliation connotes 'an action that violates human dignity.' Many of the examples of humiliation that have been considered thus far suggest that humiliation does not necessarily involve a violation of human dignity, in the sense of a failure to respect people's humanity. It may still, however, be related to dignity in other ways – for dignity, along with humiliation, is a complex and multifaceted concept. As Rosen notes, not all forms of dignity should be thought to consist in the 'dignity of the human person' in the sense of 'the essential kernel of what is valuable about human beings.'[24]

Dignity can, for instance, be understood as a virtue exhibited by people who behave in certain ways, rather than an inherent feature of the human personality. The failure to behave in these ways could be considered humiliating. A teacher who comes to class drunk, for instance, could be thought to behave in an 'undignified' way and to 'humiliate himself.' 'Dignity' could also refer to a quality that attaches differentially to different social roles;

[23] Neuhäuser, 'Humiliation: The Collective Dimension,' 22; Lindner, *Making Enemies*, 4; Margalit, *The Decent Society*, 43; Nussbaum, *Hiding from Humanity*, 204.
[24] Rosen, *Dignity*, 74-76.

people might consider it both 'beneath their dignity' and 'humiliating' to have to take a job whose required skills are much lower than their own. Sometimes 'dignity' denotes a quality that attaches specifically to high-ranking offices. Thus a person could be stripped of her dignity when she is reduced from a high-ranking social office or treated in a way that is incompatible with the high stature of her office, and this could be considered a form of humiliation. George Orwell wrote, for instance, that 'Whatever destroys dignity, and brings down the mighty from their seats, preferably with a bump, is funny,' later followed by an admiring description of humorists of an earlier age, who depicted people 'caught out in every conceivable humiliating situation.'[25] The general point is that the relationship between humiliation and dignity is more complicated than the statement 'humiliation consists of the violation of human dignity' would suggest, in part because of the complexity of the concept of dignity.

Some of the forms of dignity just discussed might be viewed as forms of *honour*. According to Charles Taylor and Peter Berger (among others), honour, which is linked to a person's position within a hierarchical social order, has been eclipsed by the modern notion of dignity, which applies equally to everyone as an intrinsic quality of personhood.[26] Forms of dignity attaching to high-ranked offices might therefore be viewed as forms of honour. Moreover, the idea that people must behave a certain way in order to maintain their dignity has some kinship with the notion of honour as a feature that people can lose if they behave in 'dishonourable' ways. In my view, the idea that dignity is necessarily unranked and unconditional, while honour is ranked and conditional, oversimplifies the complex relationship between these two concepts, and although the idea of the 'eclipse' of ranked,

[25] George Orwell, 'Funny, but not Vulgar.' *Leader* 28 July 1945. <http://orwell.ru/library/articles/funny/english/e_funny>

[26] Taylor, 'The Politics of Recognition,' 27; Peter Berger, 'On the Obsolescence of the Concept of Honor,' in Stanley Hauerwas and Alasdair MacIntyre (eds.), *Revisions: Changing Perspectives in Moral Philosophy* (Notre Dame, Ind.: University of Notre Dame Press, 1983), 172-81.

conditional forms of status in the modern era has some truth to it, especially with relation to spheres such as legal citizenship, it should not over-extended.[27] I do not, however, make this argument here.[28]

Whether one labels certain status-related concepts 'dignity' or 'honour,' the point is that humiliation does not necessarily consist of an action that undermines or violates people's *human dignity*. There is no valid inference from the statement 'many cases of the violation of human dignity involve humiliation' to the statement that 'humiliation necessarily involves the violation of human dignity.' In other words, one should not take the fact that certain instances of a phenomenon fit a description to imply that all of them must. In indicating that 'dignity' can be understood in multiple ways, I do not mean to suggest that theorists and practitioners should abandon this concept. The idea is simply that it is important to be careful about how one is using the word and about what kinds of inferences one makes on the basis of this usage regarding the nature of humiliation.

Overall, then, lowering in the sense of status demotion is often an important part of humiliation, but we should not view the status in question as necessarily that of equality or human dignity.

II. The Significance of Exposure

This section indicates that exposure to the gaze of an audience is another phenomenon that often features in humiliation. A consideration of the ways in which people can be exposed provides additional evidence for the view that humiliation need not consist in, or

[27] This is the argument of my M.Sc. thesis, made specifically with regard to Kant's views on dignity and honour. 'The Complexity of the Concepts of *Dignity* and *Honour* in Kant' (unpublished), University of Oxford; also 'The Concepts of Dignity and Honour in Kant,' talk at Political Studies graduate conference, Oxford, 6 December 2010.

[28] It is worth noting, however, that some contributors to the literature on humiliation describe humiliation as a breach of people's honour and take honour to mean something like human dignity. Margalit presents 'human dignity' alternately as a species of 'honor' (43) and as the 'behavior that sets the boundaries of human honor.' *The Decent Society* (53). See also Pettit, 'Freedom with Honor,' 52.

result from, the violation of human dignity or equality. Moreover, some contributions to the current literature fail to acknowledge the importance of exposure in giving rise to humiliation in many cases, resulting in an oversimplified understanding of the processes by which humiliation comes about.

A. Exposure and Audience

In addition to 'lowering,' a feature that often plays a role in humiliation as action, condition, and feeling, and that figures prominently in the visual imagery of humiliation, is the idea of 'exposure' to the gaze of others. The importance of an audience in many cases of humiliation testifies to the close relation between humiliation and exposure. The expression 'X was publicly humiliated' is common, as is the use of the phrase 'X happened in front of Y' as a description of humiliation.[29]

Humiliation does not, it seems, *necessarily* involve an audience. One example is of a female diplomat who is ignored at a state dinner by everyone around her because they assume that she is accompanying someone, such that no one notices that she is being ignored. But even when there is no actual audience or in which the relevant 'others' are not watching, the thought of being exposed to the gaze of others can be an important feature of feelings of humiliation. This gaze might be conceived in a variety of ways, ranging from thoughts about the likely views of specific 'others,' to a more diffuse sense of being observed or judged, to projections of an alternate self, which may shade into a generalised sense that the self is being revealed as inadequate. At the latter end, it is not clear how much work the notion of an observing other is doing, over and above the individual's personal standards. Bernard Williams notes in a discussion of shame, however, that even an 'internalised other' which is 'abstracted and generalised and idealised' can 'provide the focus of real social expectations'

[29] Saurette seems to view the presence of an audience as a prerequisite for people to *feel humiliated*; see *The Kantian Imperative*, 12-13.

and remind a person of his or her place in a social world.[30] A similar dynamic – whereby the individual's personal standards take into account the social context of her actions, without ceasing to be her personal standards – seems also to be at work in some feelings of humiliation.

Although exposure to an actual audience is not necessary, it is a crucial feature of many instances of humiliation. One form of humiliation in which exposure to an audience plays an important role involves intrusion into what individuals consider to be their private sphere. Examples of humiliating conditions in which intrusion plays a role range from intimate searches by government officials[31] to the humiliating aspects of certain medical procedures and inquiries.[32] Such intrusion often involves sexual exposure – with an extreme example being the humiliation of prisoners forced to simulate sex in front of the camera at Abu Ghraib. The idea is that humiliating actions and conditions can involve stripping away the protective layers surrounding the parts of a person's body and life that he or she generally keeps hidden. One reason why this kind of intrusion often humiliates – which Margalit mentions – is that the private sphere is the minimal area over which people generally have control, and the penetration of this sphere indicates that they have lost a basic sense of control.[33] Another reason has to do with people's senses of honour and shame. People often have the sense that certain features of their lives and particularly their bodies should not be shown to a wider audience. This sense generally emerges from social expectations, but it is frequently internalised, and exposure can be humiliating because it involves the transgression of this kind of internalised social boundary.

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[30] Williams, *Shame and Necessity*, 84-85.

[31] For instance, some of the policies implemented by the American Transportation Security Administration, such as full-body scans and certain kinds of pat-downs, have been called humiliating. See Amy Goodman, 'TSA Scanners and the Real Risk of Flying,' *The Guardian*, 29 March 2012. <http://www.guardian.co.uk/commentisfree/cifamerica/2012/mar/29/tsa-scanners-risk-flying>

[32] As quoted earlier, Lazare writes that 'Patients may be further humiliated by the physicians' pursuit of historical data about the possibility of diseases such as acquired immunodeficiency syndrome and venereal diseases.' 'Shame and Humiliation in the Medical Encounter,' 1655.

[33] Margalit, *The Decent Society*, 204.

B. Humiliation, the Loss of Face, and Reputational Damage

Another possible aspect of humiliation in which exposure plays an important role, though in a different sense to the loss of privacy, is the 'loss of face.' The idea that people project certain images of themselves to the world or various segments thereof – which might be defined, along lines that Erving Goffman proposes, as their 'face' – is familiar from basic social interaction.[34] 'Image' or 'face,' in the sense in which it is used here, is not necessarily identical to 'esteem.' People may be concerned with aspects of their image that do not inspire admiration so much as caution or even fear. Possessing a certain image can smooth social interaction, win others' trust, and facilitate access to consumption goods.[35] It can also ground people's own assessment of their qualities, which in turn supports their self-esteem.[36] Furthermore, people's images and self-images give them a place in a social world, which can provide a basis for a person's desires and ideals in a way that promotes the integrity – in the sense of wholeness and solidity – of a person's character. Access to these features of image depends on some degree of continuity through time, so people usually wish to preserve a certain image in the eyes of others. They may also wish to increase their estimation in the eyes of others; but it is often particularly important to people to maintain their image – that is, to avoid 'losing face.'

When individuals lose face, they are shown to some audience not to be able to live up to a view of themselves that others possess, and on the basis of which interactions with others have been conducted. Their image in front of some audience has been exposed as a façade, and they have therefore been, to some extent, discredited. People can recover from the loss

[34] Goffman defines 'face' as 'the positive social value a person effectively claims for himself by the line others assume he has taken during a particular contact. Face is an image of self delineated in terms of approved social attributes…' *Interaction Ritual: Essays on Face-to-Face Behavior* (New York: Pantheon Books, 1967), 5. I do not adopt Goffman's exact definition of 'face'; in particular, I do not claim that face must involve *approved* social attributes, though it often does.
[35] Brennan and Pettit, *The Economy of Esteem*, 26.
[36] Brennan and Pettit, *The Economy of Esteem*, 26.

of face; they can rebuild their images, on either a similar or different footing as before, and they may even be given credit in the eyes of others for having made the 'comeback.' Depending on the circumstances, however, the loss of face can be highly damaging. Sometimes, though not always, the loss of face can give rise to sharp emotional reactions, among them feelings of humiliation. The loss of face can be considered 'humiliating' in two senses: first, the fact of being discredited in the eyes of others can itself be considered a form of humiliation, and second, the fact of being discredited may lead to feelings of humiliation. The first connection between humiliation and the loss of face takes humiliation to be a social process (either an action or a condition) observable from the outside, while the second takes humiliation to be the emotional product of such a process.

Whether humiliation occurs in either sense depends on a variety of factors, among them the nature of the feature whose revelation results in the loss of face and its relationship to the image that a person has projected. Most likely to cause humiliation, in the sense of an action or condition observable from the outside, is the exposure of features that are commonly thought to be particularly compromising – such as sexual matters – as well as features that undermine prominent aspects of the image that a person has projected. The exposure of features that are central to an individual's sense of personal identity seems particularly likely to cause feelings of humiliation.

A closely related way of characterising the connection between social exposure and humiliation is in terms of reputational damage. People who lose face may sustain 'reputational damage,' which suggests injury to a relatively long-lasting quality of a person's social identity. Humiliating actions may consist in or cause reputational damage; humiliating conditions could be ones in which people sustain reputational damage, and people who sustain reputational damage could feel humiliated.

The ways in which people can lose face and/or suffer damage to their reputations depend partially on a person's social role. Various social roles bring with them a distinctive set of standards and expectations, and the failure to meet these standards and expectations in front of an audience can result in humiliating conditions and/or feelings of humiliation. A fire-fighter is expected to be particularly brave, for instance, and may lose face or suffer damage to his reputation as a result of not taking risky action that would be readily excused in other people. In addition, humiliation can sometimes result from the inability to respond to a certain action in the way that one's 'face' requires. A hockey player who is punched and slinks away may be described as having been humiliated, even though this would not have been the description if he had fought back.[37]

The possibility of humiliation due to the loss of face does not, of course, depend entirely on people's social roles. Individuals make personal decisions about the 'face' that they project to various audiences, and their projection of certain kinds of images can result in humiliation (in the sense of both a condition and a feeling) when they are unable to live up to those projections. The description of humiliation as the unmasking of pretension by Miller and Saurette suggests such an understanding of the phenomenon.[38] A politician who paints herself as a defender of the working classes, for instance, can be humiliated due to the disclosure that she takes advantage of people who work for her and her family. The images that people choose to project, although individualised, can be related to their social roles, in the sense that they can represent particular interpretations of these roles. For instance, a sheriff who projects an image of being tougher on crime than previous sheriffs is more likely

[37] As Silver and his co-authors note, insults can play a role in humiliating treatment by being 'challenges.' If the victim cannot answer the challenge (for instance, by insulting the humiliator in return, or making it clear to an audience that the victim is really the 'mature one'), then the victim may be thought weak or cowardly. Silver et al, 'Humiliation,' 272-273. The idea that a person stands to be humiliated if he does not respond to a challenge is a key part of the mechanism of duelling.

[38] The understanding of humiliation as the 'deflation' or 'unmasking' of pretension is found in Miller (*Humiliation*, 157) and also used by Saurette ('You Dissin Me?' 507), although it does not fit Saurette's model particularly well; Saurette has to clarify that he uses 'pretension' in 'a non-pejorative sense' (507).

to be humiliated when it emerges that crime rates have significantly increased. By interpreting his role in a certain way, the sheriff becomes vulnerable to humiliation when he falls short of the standards to which he publicly commits himself.

Humiliation can occur, then, when people publicly fail to meet expectations that are indexed to specific social roles and/or that they create of their own accord. These forms of humiliation need not result from unequal treatment or the violation of human dignity, as suggested by the examples of the politician and the sheriff (among others). More broadly, humiliation can involve the loss of social reputation without the loss of equal status or human dignity. This point by no means suggests, however, that issues related to social reputation are irrelevant to respect for fundamental features of the human personality. Certain kinds of attacks on people's social reputations can violate those people's human dignity or equality.

As Waldron notes, people's dignity can be understood in terms of 'basic social standing,' or 'the fundamentals of basic reputation that entitle them to be treated as equals in the ordinary operations of society.'[39] 'Basic social standing' refers to a kind of recognition granted by society rather than an inherent measure of human worth, but upholding basic social standing could plausibly be associated with the protection of human dignity.[40] A person who lacks basic social standing – say, because society demonises members of his racial or ethnic group – may be excluded from the reach of society's moral concern and may therefore be treated as if he did not have equal moral worth.[41] Failure to treat people with respect for their equal moral worth could be viewed as a form of disrespect for human dignity

[39] Waldron, *The Harm in Hate Speech* (USA: Harvard University Press, 2012), 5.
[40] Waldron notes that 'Philosophically, we may say that dignity is inherent in the human person – and so it is. But as a social and legal status, it has to be established, upheld, maintained, and vindicated by society and the law…' *The Harm in Hate Speech*, 60.
[41] Waldron notes that 'demonization,' or treating people as 'simply a vile embodiment of evil,' could be a form of the violation of human dignity. 'Cruel, Inhuman, and Degrading Treatment,' 38-39; Margalit, *The Decent Society*, 89-90.

or at least equality. Damage to people's 'basic social standing' is therefore not a form of humiliation in which those committed to liberal democratic principles should engage.

Reputational damage can cut deep, then, and should not be written off as a matter of social positioning with no impact on more fundamental qualities of personhood. Not all humiliation involving reputational damage, however, damages people's basic social standing. People may have their reputations for possessing certain skills or character traits in addition to 'basic social standing,' and the loss of the former does not necessarily entail the loss of the latter. The firefighter who fails to take a risk that he is expected to take may lose his reputation for being a good firefighter without losing his basic social standing. A prominent state official who resigns in humiliation due to the exposure of her ineptitude may lose her reputation for competence but retain her basic social standing. Reputational damage may also be partial rather than total; the firefighter may take a blow to his reputation that can be remedied when he displays particular bravery the next time around. This contrasts with forms of damage to 'the fundamentals of basic reputation' that involve ascribing *immutable* negative traits to certain individuals or groups.

The line between damage to reputation that undermines basic social standing, and damage to reputation that does not, may be blurry, particularly when the exposure of negative character traits is involved. A sex offender's loss of reputation upon conviction, for instance, could result in damage to his basic social standing if he is sufficiently excluded from social interaction in the public sphere. But it seems that there are some social sanctions which might be levelled against him – the inability to work in schools for some period after conviction, for instance, which reflects damage to his reputation as a person who can be trusted with children – without damaging his basic social standing. The line is certainly difficult to draw, especially since members of the public may not make a clear distinction between a loss of reputation in one area and a loss of entitlement to the 'fundamentals of

basic reputation.' The blurriness of this line suggests that people ought to be vigilant about the ways in which loss of reputation can morph into a threat to basic social standing. The point remains, however, that not all forms of humiliation involving damage to reputation undermine social standing in a way that threatens human dignity or equality.

C. Exposure and the Complexity of the Emergence of Humiliation

Acknowledging that exposure plays an important role in giving rise to humiliating conditions and feelings of humiliation can, I argue, help to expand one's understanding of the ways in which humiliation may come about, beyond the perspective presented in much of the current literature. In particular, the significance of exposure to the occurrence of humiliation undermines the view or assumption that humiliating conditions and feelings of humiliation must arise due to a form of treatment directed by one party against another.

1. Exposure and Humiliating Conditions

Contributors to the current literature often present humiliation as an action performed by another individual or institution, in which the humiliated party is simply 'acted upon' or subject to a certain form of treatment, or as the conditions that result from such an action. Palshikar, for instance, writes that 'to be humiliated is to be rendered inferior or deficient in some respect by others in a deliberate and destructive way.'[42] Klein states that 'As it is defined for this paper, humiliation involves the experience of some form of ridicule, scorn, contempt, or other degrading treatment at the hands of others.'[43] Margalit writes that conditions can be humiliating (in the 'normative' sense of humiliation, according to which people must have a 'sound reason' for feeling humiliated) 'only if they are the result of actions or omissions by human beings' – though these actions or omissions, according to

[42] Palshikar, 'Understanding Humiliation,' 79.
[43] Klein, 'The Humiliation Dynamic,' 94.

Margalit, need not be intentional.[44] Margalit notes that people sometimes 'see the very conditions of human existence, such as old age, handicaps, or ugliness, as reasons for feeling humiliated,' but that this sense of 'humiliation' is 'secondary' and 'metaphorical.' Margalit attributes other people's use of this 'secondary' sense of humiliation to a view of nature as being 'guided by God...who can use the conditions of nature to humiliate or exalt people,'[45] but he does not provide any reasons to justify this view.

Margalit is led to this unfounded hypothesis, it seems, by the failure to recognise the importance of *exposure* to the emergence of humiliating conditions. Even if some physical feature or medical condition (a cleft lip or incontinence, for instance) is not humiliating *in and of itself*, the condition of living in society with this feature and being subject to the gaze of others can be humiliating. This kind of humiliating condition can be presented as a product of human action in the sense that the development of social attitudes towards the feature in question can ultimately be traced to the ideas and interactions of human beings. But it is difficult to describe this kind of humiliating condition straightforwardly as a result of 'actions or omissions by human beings' in Margalit's sense. Some humiliating conditions – such as segregation in the American South – can be straightforwardly traced to an action directed by A against B, but not all of them can. People fear that humiliation would result from making a mistake while speaking in public, for instance, even if no one else can be held directly responsible for their humiliating situation.

Humiliating conditions may come about as a result of a combination of another person's action, the images that individuals project (which may be partially due to the role they occupy), and the responses of an audience. Many of the examples considered in the discussion of the 'loss of face' fall into this category. A politician who prominently supports

[44] Margalit, *The Decent Society*, 9-10.
[45] Margalit, *The Decent Society*, 10.

'traditional family values' and then encounters humiliation when he is revealed to be having an affair may have reached this point as a result of multiple factors: his social role, the image he has projected, the actions of journalists, and the gaze of an audience. The question of whether journalists who reveal his affair can be said to have 'humiliated' him or 'caused his humiliation' is taken up below in Chapter 3. In some circumstances, such a politician may be said to have 'humiliated himself.'[46] The point for now is to highlight the fact that multiple factors – including but not limited to the action of another individual or institution – may play a role in giving rise to humiliating conditions.

2. Exposure and Feelings of Humiliation

Acknowledging the significance of a sense of exposure in giving rise to *feelings of humiliation* can help to expand one's understanding of the nature of these feelings. Some descriptions of the feeling of humiliation in the current literature emphasise the idea that people who feel humiliated have the sense that something has been *done to* them.[47] Some writers hold, in particular, that those who feel humiliated have the sense that something *unjust* has been done to them.[48] This view may result in the tendency to view feelings of humiliation as similar to, or interchangeable with, feelings of having been treated unjustly, especially through being shown disrespect.[49] But the importance of exposure in producing many (though not all) feelings of humiliation suggests that the feeling of humiliation is a broader and more complicated phenomenon.

The phrase 'feeling humiliated' could be used either to describe a person who has the emotional experience of humiliation, or to describe a person who feels *that* he has been

[46] Miller often discusses instances in which people humiliate themselves, such as *Humiliation*, 144.
[47] Nussbaum, *Hiding from Humanity*, 204. See also Hartling and Luchetta, 'Humiliation,' 262.
[48] Hartling and Luchetta, for example, define 'the internal experience of humiliation' as 'the deep dysphoric feeling associated with being, or perceiving oneself as being, unjustly degraded, ridiculed, or put down—in particular, one's identity has been demeaned or devalued.' 'Humiliation,' 264.
[49] Honneth, for instance, refers to 'feelings of humiliation and disrespect' and tries to use these as starting-points for an understanding of injustice. *Redistribution or Recognition?* 245.

humiliated. On the latter usage, a person could believe that he has been subject to an action, or finds himself in a condition, that constitutes humiliation from some point of view (for instance, perhaps members of a society would widely describe it as humiliating). But he does not necessarily *feel humiliated*, in the sense of having the emotional experience of humiliation. The rest of this section will focus on the *feeling of humiliation*, rather than the *feeling of being humiliated*.

The following are some descriptions of people's affective experiences of humiliation. These should not be taken to provide a definitive understanding of the feeling of humiliation. People's affective experiences of the feeling of humiliation differ, and the character of emotional experience is in general a complicated topic. As Miller notes, 'it is not easy to separate out the pure feeling of a single emotion from the emotions that help cause it or are felt simultaneously with it or are felt very quickly after the onset of it.'[50] Some tentative statements about the nature of feelings of humiliation may, however, be made.

Miller indicates:

> 'With humiliation [as with embarrassment], the feeling may also lead to blushing and rising temperature, but the center of the 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. If embarrassment lingers at the surface of the body, humiliation is located at its deepest center. We may even pale in humiliation rather than blush.'[51]

Saurette writes:

> 'Humiliation. A sick feeling in the pit of the stomach or heart. A rush of blood to – or away from – the face. Confusion.'[52]

Lazare states:

> 'A list of over 150 words and phrases related to these affective experiences [of shame and humiliation] can be put together. They include expressions that emphasize visual exposure (blemished, exposed, naked, red-faced, scarred, shamefaced, stigmatized); the subjective experience of being reduced in size (belittled, diminished, humbled, put

[50] Miller, *Humiliation*, 159-60.
[51] Miller, *Humiliation*, 160-1.
[52] Saurette, *The Kantian Imperative*, 3.

> down, slighted, taken down a peg); overall deficiencies (degraded, dehumanized, devalued, dishonored, and insignificant); the perception of being attacked (insulted, mocked, ridiculed, scorned, vilified); and avoidance responses (disappearing from the face of the earth, hiding one's face in shame, hiding under the rug, sinking into the ground).'[53]

These descriptions suggest that although feelings of humiliation may vary in terms of their intensity and duration, they often involve serious and painful emotional disturbance. These descriptions also reflect the features of 'lowering' and 'exposure' mentioned earlier; Lazare's idea that those who feel humiliated want to respond by 'sinking into the ground' captures both features. Often, as the quote from Lazare suggests, people who feel humiliated have the sense that other people have denied them the respect that they are due (belittled them, ridiculed them, and so on). In some cases, feelings of humiliation can come about precisely as a result of people's rising expectations about the kind of respect that they are due. Women who have long been treated as inferiors may begin to feel humiliated when they start to feel that societal assumptions about their proper role are incommensurate with their actual capabilities. But it should not be assumed that the feeling of humiliation *must* consist in, or incorporate, the feeling of having been shown disrespect or treated unjustly.

This assumption is misplaced even in cases in which people do not have the sense of being exposed to the gaze of others. People can feel humiliated when they feel they have failed in some way regardless of whether they hold another person responsible for this failure. This kind of feeling of humiliation can arise (though it need not) from comparative assessments of one's status or performance vis-à-vis others. That is, a person can feel humiliated when she realises that someone else has performed better than she has, even if she does not blame the other person for treating her unjustly or disrespectfully. These kinds of feelings of humiliation need not involve the sense that one's failures (comparative or

[53] Lazare, 'Shame and Humiliation in the Medical Encounter,' 1653.

otherwise) have been exposed to an audience, but they may well be exacerbated if they do involve such a sense.

Moreover, there are cases in which the sense of being exposed to others in certain ways is a crucial factor in giving rise to feelings of humiliation, in the absence of a feeling of disrespect or injustice. Gabriele Taylor provides an account of the feeling of humiliation as the realisation that one is regarded as presumptuous because one has allotted to oneself a higher position than others believe one should possess.[54] According to Taylor, it does not matter whether a person accepts others' judgments of her as deserved or not; she feels humiliated because she feels that she appears contemptible or ludicrous for having aspired to the higher position.[55] Miller writes that 'humiliation is the emotional experience of being caught inappropriately crossing group boundaries into territory one has no business being in...humiliation is the consequence of trying to live up to what we have no right to.'[56] For Miller, the person 'caught out' in this way *might* feel that he has been treated illegitimately, but need not. Miller even writes that 'The humiliation in which we can feel indignant at our humiliator is not as painful as the humiliation in which we have no basis for indignation.'[57]

One need not believe that the feeling of humiliation is *more* painful when it is not accompanied by a feeling of injustice in order to recognise that feelings of humiliation can involve the sense that one has lost face – particularly through the exposure of inadequacy – even in the absence of a feeling of injustice or disrespect. Moreover, there is no neat dividing line between feelings of humiliation that involve a sense of injustice, and those that do not. Take a case in which a person feels humiliated when he visits a government office to discuss welfare payments. He may have the sense that he is being forced into this condition by some

[54] Taylor, *Pride, Shame, and Guilt*, 67-68.
[55] Taylor, *Pride, Shame, and Guilt*, 67.
[56] Miller, *Humiliation*, 145.
[57] Miller, *Humiliation*, 238.

kind of societal injustice, and he may have the sense that the bureaucrats are making his life more miserable than they need to do. But he may also feel humiliated because he risks being viewed as someone who has failed to support himself– and he may even take this view of himself. These feelings of being treated unjustly may combine with the feeling of being exposed as inadequate and/or of being inadequate, and the two feelings may become difficult to separate.

Overall, then, it is important to recognise the role of exposure in giving rise to humiliating conditions, and of a sense of exposure in giving rise to feelings of humiliation. This recognition can help to undermine the view that humiliating conditions must result from a form of treatment inflicted by one party on another, and that feelings of humiliation must consist in or incorporate feelings of disrespect or injustice.

III. Humiliation, Self-Respect, and Self-Esteem

In addition to lowering and exposure, one of the distinctive features of humiliating actions and conditions (for the remainder of this section, simply called 'humiliation,' as distinct from 'feelings of humiliation') is that they can prompt reflection by individuals on their own worth, status, or social competence – and, often, a negative judgment of themselves. This aspect of negative self-reflection has led many writers to suggest that humiliation centrally involves some kind of damage to the self-respect or self-esteem of the humiliated, and some writers have even defined humiliation in terms of its negative effects on self-respect or self-esteem.[58] The accuracy of this claim depends on one's understanding of

[58] Parekh, 'Logic of Humiliation,' 25; Margalit, *The Decent Society*, 9; Statman, 'Humiliation, Dignity, and Self-Respect,' 523 (though Statman disagrees with Margalit's understanding of self-respect); Saurette, 'You Dissin Me?' 509; Neuhäuser, 'Humiliation: The Collective Dimension,' 22. See also the Oxford English Dictionary under 'humiliate': 'to lower or depress the dignity or self-respect of.' 'Humilation, n.,' *OED Online*, Oxford University Press, September 2012. <http://ezproxy.ouls.ox.ac.uk:2277/view/Entry/89368?redirectedFrom=humiliation&> Other writers are more sceptical of the link between humiliation and self-respect; Quinton sees the view that humiliation involves injury to self-respect as a mistake based on a conflation of 'the respect that people are due' with 'people's self-respect,'

the complex concepts of self-respect and self-esteem, as well as on one's understanding of humiliation. I begin by noting some distinctions that have been made among different forms of self-respect and self-esteem.

A. Distinctions among Forms of Self-Respect and Self-Esteem

1. Recognition Self-Respect and Self-Esteem

According to Stephen Darwall, *recognition respect* is 'a disposition to weigh appropriately in one's deliberations some feature of the thing in question and to act accordingly.'[59] Applied to persons, recognition respect consists in acknowledging that X is a person and taking this fact into account when interacting with X – regardless of one's assessment of X's character or conduct. Appraisal respect, on the other hand, involves a positive assessment of some trait connected to a person's character, which need not come along with any particular behaviour.[60] Darwall understands *appraisal respect* as a special case of *esteem*, which in general 'concerns what we admire, look up to, envy, or wish to acquire or emulate.'[61] Appraisal respect is directed specifically at features of people's characters.[62]

In Darwall's account, *recognition self-respect for oneself as a person* refers to recognition of 'the rights and responsibilities of being a person.'[63] Such a person will neither submit to indignities nor shirk his responsibilities. *Self-esteem* involves a positive regard for certain features that one possesses, and *appraisal self-respect for oneself as a person* covers

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'Humiliation,' 81-82. Schick doubts that the 'murky' idea of self-respect can be used to illuminate the concept of humiliation and writes that given Margalit's conception of self-respect, Margalit's 'analysis of humiliation in terms of self-respect seems to wash out his thesis.' 'On Humiliation,' 132.

[59] Darwall, 'Two Kinds of Respect,' 38.

[60] Darwall, 'Two Kinds of Respect,' 45.

[61] Darwall, *The Second-Person Standpoint: Morality, Respect, and Accountability* (USA: Harvard University Press, 2006), 122.

[62] Darwall, 'Two Kinds of Respect,' 42-43.

[63] Darwall, 'Two Kinds of Respect,' 47.

those forms of self-esteem which are directed towards one's character traits.[64] Darwall's scheme thus implies that one could have recognition self-respect for oneself as a person without self-esteem or appraisal self-respect; for instance, a person could both hold himself to high standards of behaviour and refuse to allow others to trample on him, but take a low view of his accomplishments in life and his character traits. One could also have self-esteem or appraisal self-respect without 'recognition self-respect'; for instance, a person could believe herself to be exceedingly talented but be willing to compromise her integrity in order to get ahead.

2. Objective and Subjective Self-Respect

According to Massey and Statman, an individual with *subjective self-respect* is said to value herself on the basis of 'standards for worthiness and excellence' that she endorses – regardless of whether these standards meet independent criteria of worthiness.[65] In order for an individual to have *objective self-respect*, however, her standards for self-valuation must meet independent criteria of worthiness. For instance, an Uncle Tom-like character who values himself for obedience to people he considers to be his superiors could be said to have subjective but not objective self-respect.[66] The concept of subjective self-respect is sometimes equated with self-esteem.[67]

As in the discussion of 'objective' and 'subjective' humiliation earlier in the chapter, it seems possible to break down a rigid dichotomy between 'objective' and 'subjective' self-respect. One might appeal to *inter-subjective* standards for self-respect, to capture the fact

[64] Darwall, 'Two Kinds of Respect,' 48.
[65] This formulation is Statman's, 'Humiliation, Dignity, and Self-Respect,' 526-527. Massey writes that 'according to the subjective account, a person who respects himself believes that he acts in accord with his conception of worthy behavior and has confidence that he will continue to do so.' 'Is Self-Respect a Moral or a Psychological Concept?' 248.
[66] Statman, 'Humiliation, Dignity, and Self-Respect,' 527.
[67] Statman refers to 'subjective-psychological self-respect, or self-esteem (to use the common psychological term).' 'Humiliation, Dignity, and Self-Respect,' 533.

that some characteristics count as a good basis for self-respect in certain societies, even if these bases for self-respect ought to be criticised from a more universal point of view. These inter-subjective standards could be differentiated from 'idiosyncratic' bases for self-respect, such as a person's view in 21st-century England that he will lose his self-respect if he is seen wearing a hat in public.

With these distinctions between various forms of self-respect and self-esteem in mind, I turn to the question of how humiliation relates to self-respect and self-esteem.

B. Humiliation and Damage to Self-Respect or Self-Esteem

In this section I argue, first, that humiliation may damage self-respect or self-esteem in a variety of senses, contrary to Margalit's narrow understanding of the sort of self-regard that is injured through humiliation; and second, that humiliation *need* not damage self-respect or self-esteem, contrary to the statements of some contributors to the current literature.

1. Humiliation and the Varieties of Self-Respect and Self-Esteem

According to Margalit, humiliation should be understood as damage to self-respect,[68] which he understands in a sense similar to Darwall's 'recognition self-respect for oneself as a person.' Margalit conceives of self-respect as 'the honor a person grants herself solely on the basis of the awareness that she is human,'[69] whereas 'self-esteem' is a form of positive self-regard based on one's achievements, which can be granted differentially to different people.[70] Margalit writes that '"humiliation" denotes injury to one's self-respect' and 'injures one's

[68] Margalit, *The Decent Society*, 9.
[69] Margalit, *The Decent Society*, 24.
[70] Margalit, *the Decent Society*, 44.

sense of intrinsic value,' while '"insult" denotes injury to one's social honor' and 'may injure the offended person's self-esteem.'[71]

Margalit's view of the relationship between humiliation and self-respect reflects his conception of humiliation as the rejection of human beings from the 'family of man.'[72] Humiliation, by rejecting a person from the 'family of man,' damages that person's sense of herself as a member of humanity – or, as Margalit puts it, 'the awareness that she is human.' It is overly restrictive, however, to contend that humiliating actions and conditions cannot involve damage to forms of self-respect or self-esteem other than respect for oneself as a human being. One's scholarly prowess seems to be a differential 'achievement' trait which, in Margalit's scheme, provides a basis for self-esteem rather than self-respect. Let's say that a well-respected professor responds to a young scholar's job talk by criticising her work in front of all the members of the department, causing her to lower her opinion of her scholarly prowess. Could this event not be humiliating, even though it injures her self-esteem in Margalit's terms? One might try to fit this event into the category of 'rejecting a person as a human being' and hence as a blow to self-respect, but it seems that certain kinds of criticism, even though they are direct and forceful, would not qualify as rejecting the scholar as a human being. Margalit acknowledges, in fact, that his sharp distinction between humiliation as injury to self-respect and humiliation as injury to self-esteem is somewhat artificial. He writes that 'The words "insult" and "humiliation" are on a continuum. Humiliation is an extreme case of insult, while both of them denote injury to one's honor. This book, however, makes a qualitative distinction between the two.'[73]

If we take a broader view of humiliation than that provided by Margalit's framework, then it seems plausible to recognise damage to self-respect or self-esteem in multiple senses

[71] Margalit, *The Decent Society*, 120.
[72] Margalit, *The Decent Society*, 288.
[73] Margalit, *The Decent Society*, 119.

as a result of many cases of humiliation. Being treated like the family dog by one's parents may lead to an absence of recognition self-respect for oneself as a person. Seeing one's younger and less experienced rival at work be promoted first can lower one's self-esteem in Darwall's sense of a positive regard for certain features that one possesses (the feature in question being one's work-related or social abilities). The exposure of a child's personal finances to his parents, resulting in their criticising him for being irresponsible, can result in a diminishment of appraisal self-respect regarding the 'responsibility' feature of one's character. Damage to self-respect and self-esteem in a variety of senses is therefore a possible result of humiliation, contrary to Margalit's view that humiliation must diminish 'the honor a person grants herself solely on the basis of the awareness that she is human.'[74]

2. Must Humiliation Damage Self-Respect or Self-Esteem?

Some accounts of humiliation, such as those of Parekh, Saurette, Statman, and Margalit, indicate that humiliation must, either analytically or as a matter of empirical fact, damage self-respect – although they understand the concepts of 'humiliation' and 'self-respect' differently.[75] (For the remainder of this section, I focus on the relationship between humiliation and self-respect, referring to self-esteem and to possible distinctions between different understandings of 'self-respect' where relevant.) This view, however, fails to capture certain ideas about the nature and sources of self-respect that might seem compelling. Take, for instance, the statement that 'despite the humiliation of the prison camp, he maintained his self-respect,' or 'she had too much self-respect to crumble under the pressure

[74] Margalit, *The Decent Society*, 24.
[75] Parekh seems to view damage to both objective and subjective self-respect as a necessary condition for humiliation, although he does not use these terms. 'Logic of Humiliation,' 29. Saurette indicates that humiliation lowers people's self-respect, with self-respect seemingly understood inter-subjectively, although it is not entirely clear. 'You Dissin Me?' 507. Statman's claim is more empirical than analytical; he seems to suggest that humiliation *always* damages self-respect – understood as a 'subjective-psychological notion,' which he also associates with 'self-esteem.' The idea is that humiliation sends a message of rejection and exclusion to the humiliated, who cannot but feel 'unworthy, diminished in stature, devalued.' 'Humiliation, Dignity, and Self-Respect,' 534. Margalit's views are cited above; see *The Decent Society*, 9.

of public humiliation.' If these usages make sense, then they suggest the existence of conceptions of humiliation and self-respect different from those presented by the writers cited above.

According to these conceptions, people's self-respect can emerge intact from humiliating actions and conditions and can even provide a bulwark against being affected by them. People who are subject to humiliation need not revise their own opinions of their accomplishments or character (if the concepts of 'self-esteem' or 'appraisal self-respect' in Darwall's sense are at stake), and they may be no less likely to lower their standards for the way they believe they should be treated, and the way they believe they should behave (if the concept of 'recognition self-respect' in Darwall's sense is at stake).

Why would one hold the just-mentioned view of the relationship between humiliation and self-respect, rather than the view that humiliation necessarily damages self-respect? The former view avoids shutting down questions about the relationship between humiliation and self-respect, and permits a more nuanced understanding of the workings of self-respect. First, the idea that humiliation necessarily damages self-respect implies that the ways in which others view a person must affect that person's assessment of her own worth. Even if this is true to a great extent, the opinions of some people affect individual self-assessment more than the opinions of others. People may be especially invested, for example, in the opinions of members of certain groups (united by, say, a shared profession, ethnicity, or organisational membership). When the 'others' in question are not in these groups, people may be relatively resilient and not change their views of themselves in ways that would count as a diminution of self-respect.

Second, the question of whether humiliation damages self-respect might be thought to depend on the pervasiveness of a given humiliating action or condition. It could be argued

that people who grow up in situations in which they are systematically subject to humiliation from all sides are highly likely to suffer an injury to their self-respect, understood either as a positive appraisal of one's qualities (self-esteem or appraisal self-respect) or as a commitment to one's rights and responsibilities (recognition self-respect).[76] The same might not be true of humiliation that is less pervasive, less intensive, or shorter in duration. One might be able to view certain forms of humiliation, then, as temporary or localised in a way that does not affect one's self-respect.

Third, the issue of whether a person's self-respect is damaged in a given humiliating situation depends on the particular characteristics that ground a person's self-respect. This point can be illustrated using a 'subjective' conception of self-respect and then extended to 'objective' self-respect by stipulating that the qualities for which a person values herself are independently worthy.

If a person bases her ('subjective') self-respect at least in part on her ability to project strength, then being humiliated by being publicly shown to be powerless can damage her self-respect. The same is true of people who derive part of their self-respect from being members in good standing of certain groups and who are humiliated by being excluded from these groups. In these cases, humiliation directly undermines people's ability to meet standards for which they value themselves. Many cases, however, do not have such an effect. People who are humiliated are often still capable of conducting themselves in a manner that they view as worthy. Take the case of Captain Alfred Dreyfus, falsely convicted of treason in 1895 and stripped in a military ceremony of his military rank.[77] If Dreyfus based his self-respect on his ability to stand up for the truth regardless of how he was treated, instead of on his reputation

[76] Parekh uses the term 'organized or institutionalized humiliation' to cover situations that occur when 'social institutions and practices embody disrespect for, and systematically violate the self-respect of, groups of individuals.' 'Logic of Humiliation,' 31.
[77] Schick, 'On Humiliation,' 134-135.

or his position in the French army, then he may have retained his self-respect despite humiliating treatment at the hands of the army. The issue of whether humiliation damages self-respect depends on the fit between people's sources of self-respect and the particular dynamics of humiliation.

Another reason why one might want to adopt conceptions of humiliation and self-respect that do not necessarily connect the two is that one might want to acknowledge the role of personal resilience in preserving self-respect in the face of humiliation. This is especially true if one views self-respect, along the lines of Darwall's description of 'recognition self-respect,' as a disposition to take one's rights and responsibilities seriously. One might want to say that people can preserve such a disposition *despite* being subject to humiliating actions or conditions, and might even exhibit such a disposition precisely due to their behaviour in such circumstances. An example could be a person who tries to keep himself looking clean and neat even when he is locked in a filthy prison. There may even seem to be something patronising about saying that people who are humiliated cannot maintain their self-respect.

Perhaps a better formulation is that humiliation 'threatens' self-respect even if it does not necessarily damage self-respect.[78] It is possible for people to be sufficiently resilient for their self-respect not to be damaged, but it requires a special effort for them to do so, and people who cannot or will not make this effort (which may be most people) will suffer some injury to their self-respect. Another response is to contend that humiliation represents an *attempt* to lower people's self-respect, even if this attempt is not successful.[79] But the latter response seems to require a view of humiliation as an intentional action, which is not necessarily accurate across the board (the issue of intentions and humiliation is taken up later

[78] Parekh uses the term 'assault on self-respect,' which could suggest a similar meaning to 'threat to self-respect' ('Logic of Humiliation,' 25), but he also treats 'damaging their self-respect' as a necessary condition for humiliation (29).
[79] Saurette, 'You Dissin Me?' 507.

in this chapter). The former response, that humiliation presents a threat to self-respect, seems plausible to a certain extent – especially when humiliation is viewed as a 'challenge,' such that one will lose self-respect *if* one does not respond in the appropriate way to humiliation. Even if humiliation is often a threat to self-respect, however, it is not always a serious or likely threat to self-respect; and so the statement 'humiliation threatens self-respect' will apply to different circumstances to varying degrees.

Some might, however, hold that humiliation necessarily damages self-respect or self-esteem for the following reason. One might believe – as Parekh does[80] – that actions and conditions are not humiliating unless they lead people to feel humiliated. One might then hold that humiliating actions and conditions necessarily damage self-respect or self-esteem, because feelings of humiliation consist at least in part of, or necessarily lead to, damage to self-respect or self-esteem. This understanding of feelings of humiliation is plausible in many situations. People who feel humiliated because they feel that others now see them as somehow inadequate may view this inadequacy as a genuine one, or come to view it this way. This may lower their self-esteem or appraisal self-respect in Darwall's sense, depending on whether the inadequacy in question is a feature of their character. A student who generally prides himself on excellence may feel humiliated when his name appears last on a public posting of exam results. His feelings of humiliation can plausibly be thought to consist, at least partially, of a loss of self-esteem, and also a loss of appraisal self-respect if he views his performance as an indication of some character flaw. Feeling humiliated in a consistent way can lead over time to a loss of 'recognition self-respect' in the form of a reduced willingness to stand up for one's rights, or to the sense that one has sunk so low that there is no great shame in conduct that one would previously have considered dishonourable.

[80] Parekh, 'Logic of Humiliation,' 29.

Damage to self-respect or self-esteem, then, could be part of, or result from, feelings of humiliation. But this connection does not always hold, at least on certain understandings of the concepts involved. For instance, someone who believes he has been arrested unfairly may feel humiliated when he is handcuffed, but think no worse of his own achievements or character, and lose none of his commitment to preserving his rights and fulfilling his responsibilities. Indeed, he may resolve to show that he has maintained his self-respect or self-esteem by carrying himself in a dignified manner. It might be objected that such a person does not really 'feel humiliated'; he merely 'feels that he has been humiliated.' But it is still possible for him to have the affective or emotional experience of humiliation without incurring damage to his self-respect or self-esteem. Perhaps in this case it would be plausible to say that his self-respect or self-esteem has been threatened, but not damaged.

Humiliating actions and conditions, then, could damage people's self-respect and self-esteem in a variety of ways, but *need* not damage self-respect or self-esteem. In addition, feelings of humiliation often, but not always, include a component of lowered self-respect or self-esteem. This section suggests that the impact of humiliation and feelings of humiliation on self-respect or self-esteem must be evaluated relative to particular contexts, as it involves a complex interplay between individuals' self-conceptions and their social situations.

IV. Humiliation beyond Misrecognition

In this section I use my discussion thus far in the chapter to situate the thesis relative to the literature on the 'politics of recognition,' which is an area of political theory that has focused on issues that are relevant to humiliation. I argue that the recognition literature does not provide an adequate framework for the investigation of the concept of humiliation.[81]

[81] This discussion is based on my presentation of a paper titled 'Humiliation beyond Misrecognition' at the Nuffield Political Theory Workshop, 28 November 2011.

A. Humiliation in the Recognition Literature

The contemporary literature on the 'politics of recognition' traces its roots back to Hegel's philosophy, particularly the Hegelian understanding of the self as formed through interaction with others instead of in isolation from others.[82] Today's analyses of recognition have also been formed against the background of certain political developments, notably the rise of multiculturalism, feminism, and gay rights.[83] Due to its linkage with these movements, the topic of recognition has become associated with the concept of 'identity politics,' but theorists of recognition, especially Honneth, have sought to widen the issue of recognition beyond group identity claims.

The term 'recognition' seems in part to connote an experience that is the opposite of being ignored. The idea is that others *notice* the person who is recognised and respond to him as part of their social universe. Honneth, for instance, seeks to elucidate the experience of recognition by examining the kind of acknowledgement missing in a form of 'racist humiliation' in which a black person is treated as invisible.[84] More than not being ignored, however, being recognised also seems to involve not being acknowledged in the wrong way – not, say, having one's identity (as a woman or a racial minority, for instance) denigrated by society.[85] Taylor and Honneth – though not Fraser – bolster their analyses by indicating that individual identity is shaped by the recognition of others, and can therefore be 'distorted' or 'damaged' by the absence of recognition or 'misrecognition.'[86] Taylor contends, for

[82] Taylor, 'The Politics of Recognition,' 32.
[83] Fraser, *Redistribution or Recognition?* 7, 89; Taylor, 'The Politics of Recognition,' 25-26; Lukes, 'Humiliation and the Politics of Identity,' 36-37.
[84] Honneth and Margalit, 'Recognition,' *Proceedings of the Aristotelian Society, Supplementary Volumes* 75 (2001), 111.
[85] Taylor, 'The Politics of Recognition,' 25-27; Fraser, *Redistribution or Recognition?* 17-19.
[86] Taylor, 'The Politics of Recognition,' 25; Honneth, *The Struggle for Recognition*, 131; Honneth, 'Grounding Recognition: A Rejoinder to Critical Questions,' *Inquiry* 45:4 (2002), 501.

instance, that individuals and groups can acquire a crippling sense of inferiority if they are seen as inferior by the society around them.[87]

As Stephen Lukes notes, humiliation could be understood as a phenomenon in the category of 'misrecognition,' 'cultural injustice,' and 'social exclusion.'[88] Taylor's essay does not directly mention humiliation, but he describes misrecognition in terms reminiscent of humiliation. He refers, for instance, to the way in which misrecognition can involve the presentation of a 'demeaning or contemptible picture'[89] or an 'interior or demeaning image'[90] of groups in society, which can result in 'low self-esteem' and 'self-depreciation' on the part of the misrecognised.[91] Fraser does not discuss humiliation, perhaps because she considers the term to be overly psychological, and she aims to present an account of misrecognition that does not rely on claims about harm to individual psychology.[92] Fraser's descriptions of misrecognition or 'status harm,' however, are cast in terms similar to descriptions of conditions that are often considered humiliating: she discusses, for instance, people being rendered invisible, marginalized, and demeaned.[93]

The most prominent references to humiliation in the recognition literature are found in the work of Honneth. Honneth's theory of recognition attempts to further an aim that he sees as central to the tradition of Critical Theory: to identify and bolster vehicles for emancipatory social change.[94] According to Honneth, a theory can further this aim only if it grounds its normative critique of society in actual social experience, in a way that reflects the

[87] Taylor, 'The Politics of Recognition,' 25-26.
[88] Lukes, 'Humiliation and the Politics of Identity,' 37.
[89] Taylor, 'The Politics of Recognition,' 25.
[90] Taylor, 'The Politics of Recognition,' 36.
[91] Taylor, 'The Politics of Recognition,' 25-26.
[92] Fraser, *Redistribution or Recognition?* 32.
[93] Fraser, *Redistribution or Recognition?* 13.
[94] Axel Honneth, 'The Social Dynamics of Disrespect: On the Location of Critical Theory Today,' in *Disrespect: The Normative Foundations of Critical Theory* (Cambridge: Polity Press, 2007), 64-66.

perspectives of individuals who suffer the consequences of injustice.[95] Such a theory, Honneth believes, can give shape to an existing interest in emancipation – 'the emancipatory potential of everyday social reality'[96] – and thus spur relevant and accurate social critique. The aspect of social experience in which Honneth's critical theory is anchored is people's 'feelings of humiliation and disrespect.'[97] These feelings indicate that people experience injustice not as a roadblock to some objectively defined (usually, material) interest, but as the absence of a fundamental quality of social relationships called 'recognition.'[98]

For Honneth, individuals can attain a positive understanding of themselves only if it is backed up by social interaction, in particular by mutual recognition.[99] In the modern world, individual identity depends on three specific forms of recognition: love, which enables people to develop 'basic self-confidence,' understood as the assurance that 'one can autonomously coordinate one's own body'[100]; equal rights in a legal order (or 'respect'), which enables people to develop self-respect, understood as the awareness that they can make claims on society as full-fledged members[101]; and solidarity (or 'esteem'), which enables people to acquire self-esteem, understood as the awareness that their particular traits and abilities can be esteemed by their community.[102] When people are denied these forms of recognition, they feel disrespected and humiliated, which motivates 'struggles for recognition' in the form of social protest.[103]

[95] Honneth, 'The Social Dynamics of Disrespect,' 69-71.
[96] Honneth, 'The Social Dynamics of Disrespect,' 65. See also *Redistribution or Recognition?* 245.
[97] Honneth, *Redistribution or Recognition?* 245.
[98] Honneth, 'The Social Dynamics of Disrespect,' 70-71.
[99] Honneth, *The Struggle for Recognition*, 131, Honneth, 'Grounding Recognition,' 501.
[100] Honneth, *The Struggle for Recognition*, 129.
[101] Honneth, *The Struggle for Recognition*, 133.
[102] Honneth, *The Struggle for Recognition*, 134.
[103] Honneth, *The Struggle for Recognition*, 160-70; *Redistribution or Recognition?* 135-6.

The concept of humiliation thus appears in Honneth's scheme both as a form of treatment or a condition that constitutes a form of misrecognition,[104] and as a description of the psychological reaction to misrecognition.[105] As a form of treatment or a condition, humiliation undermines people's ability to have a positive 'relation-to-self' and has 'damaging consequences for the individual's identity-formation.'[106] As a feeling, humiliation is a crucial element of the experience of injustice and is capable of driving social struggle against injustice.[107]

B. Beyond the Recognition Literature

I argue that the recognition literature does not provide an adequate framework for the investigation of the concept of humiliation. First, misrecognition is cast as a phenomenon encountered by the subordinated, and often by those who are denied equality – but, as indicated earlier, humiliation can be encountered by high-status actors and need not involve the denial of equality. Second, discussions of humiliation in the recognition literature – notably in Honneth – present feelings of humiliation as responses to an unjust denial of recognition, but this is not necessarily the case. Third, misrecognition in the accounts of Taylor and Honneth is thought to injure people's self-conceptions. My discussion earlier in the chapter, however, indicated that the relationship between humiliation, self-respect, and self-esteem is less straightforward. These points suggest that the concept of humiliation should not be subsumed under the category of misrecognition and, more broadly, that

[104] For instance, Honneth, *The Struggle for Recognition*, 134; Honneth, 'Recognition as Ideology' in Bert van der Brink and David Owen (eds.), *Recognition and Power: Axel Honneth and the Tradition of Critical Social Theory* (Cambridge: Cambridge University Press, 2007), 325. Honneth does not generally use the term 'misrecognition,' but he uses the terms 'withdrawal,' 'absence,' or 'denial' of recognition in much the same way as 'misrecognition' has been used in subsequent accounts of recognition, where it has become a common term.
[105] For instance, Honneth, *Redistribution or Recognition?* 245.
[106] Honneth, *Redistribution or Recognition?* 173. In *The Struggle for Recognition*, Honneth states that 'the experience of being socially denigrated or humiliated endangers the identity of human beings' (135).
[107] Honneth, *Redistribution or Recognition?* 245.

pursuing an adequate understanding of humiliation requires moving beyond the recognition literature.

1. Misrecognition and Inequality

Misrecognition in the recognition literature is portrayed as a phenomenon encountered by those of low status. As Barbara Hobson writes, 'in academic discourse the terms misrecognition or nonrecognition are applied when members of excluded or marginalized groups find their way of life or status as persons denigrated and devalued.'[108] This focus on the misrecognition of the subordinated makes sense given that the recognition paradigm has been developed partly to make sense of claims made by marginalised individuals and groups to the effect that dominant societal culture has excluded them. Moreover, Fraser and Honneth use the category of misrecognition to identify social experiences that can reveal the need for, and fuel, struggles for emancipation.[109] The experiences in question, therefore, are suffered by those who are not emancipated.

In addition to being presented as a phenomenon encountered by those of low status, misrecognition is frequently held to involve a denial of equality. For Taylor, *equal* recognition has become a modern human need, and misrecognition occurs when it is denied.[110] According to Fraser, misrecognition occurs when people are denied 'participatory parity,' which involves 'the condition of...standing on an equal footing.'[111] In Honneth's work, of the three modern forms of recognition – love, legal rights, and solidarity – only legal rights are presented directly as a matter of ensuring equality.[112] But Honneth also presents

[108] Barbara Hobson, 'Introduction' in Barbara Hobson (ed.), *Recognition Struggles and Social Movements* (Cambridge: Cambridge University Press, 2003), 1.
[109] Honneth, *Redistribution or Recognition?* 174; Fraser, 'Prioritizing Justice as Participatory Parity' in Kevin Olson (ed.), *Adding Insult to Injury: Nancy Fraser Debates her Critics* (London: Verso, 2008), 328-329.
[110] Taylor, 'The Politics of Recognition,' 25.
[111] Fraser, *Redistribution or Recognition?* 101. But she leaves open the precise degree of equality that is required for people to be peers.
[112] Honneth, *Redistribution or Recognition?* 144.

the entire modern recognition order as one 'shaped by the equality principle,'[113] which suggests that equality functions as an overall governing principle of Honneth's account of recognition, even if recognition takes the form of equal *rights* in the realm of law. Moreover, Honneth views 'cultural degradation, disrespect, and humiliation' as forms of misrecognition that deny equality to certain groups.[114]

As noted earlier, however, humiliation need not involve the failure to treat people as equals, and humiliated individuals and groups do not necessarily occupy a relatively low status. Humiliation should not, therefore, be subsumed under the category of misrecognition.

2. Feelings of Humiliation and Injustice

Discussions of humiliation in the recognition literature – notably in Honneth – focus on 'feelings of humiliation and disrespect' that respond to an unjust denial of recognition. Honneth does so because he is focused on describing the experience of injustice, in terms that express the points of view of those who suffer injustice. Feelings of humiliation do not, however, necessarily arise in response to the unjust denial of recognition.

As noted earlier, feelings of humiliation need not involve a sense that something has been *done to* a person, nor that something unjust has been done to a person. Even if a person does have the latter sense, nothing unjust need actually have been done to a person. Klein, for instance, describes feelings of humiliation on the part of husbands who resent the fact that their wives have better jobs and a higher income; such a situation could come about in the absence of injustice.[115] In the section on lowering, I noted that feelings of humiliation could arise due to the advent of greater social equality.[116] Certain people may have unjustifiably

[113] Honneth, *Redistribution or Recognition?* 260.
[114] Honneth, *Redistribution or Recognition?* 166.
[115] Klein, 'The Humiliation Dynamic,' 110.
[116] I discuss this phenomenon with reference to feelings of humiliation on the part of some white Southerners during Reconstruction and the civil rights era in Part III of the thesis.

heightened conceptions of their status and may not want to be lowered to the level of their underlings, especially if they now stand a chance to be 'shown up' by their former inferiors as a result of more open social competition.

Fraser charges that Honneth takes 'subjective experiences' at face value and fails to distinguish adequately between 'what really *merits* the title of injustice' and 'what is merely *experienced* as injustice.'[117] My view, which I cannot defend at length here, is that Honneth does not simply accept feelings of humiliation as authoritative evidence of injustice, but that he does not have sufficient theoretical resources to offer a normative critique of feelings of humiliation independently of the political directions in which they may be channelled. The point for now is that the model of feelings of humiliation that appears in Honneth's work is one in which these feelings respond to the unjust denial of recognition; and this is not the only possible model of feelings of humiliation.

3. Misrecognition and Self-Conception

A claim that is central to the work of Taylor and Honneth, and that is criticised by Fraser,[118] is that misrecognition injures people's self-conceptions. According to Taylor, the 'politics of recognition' is animated by the claim that people who are misrecognised in society will internalise images of themselves as inferior and suffer a blow to their self-esteem.[119] Honneth writes that:

> 'every human subject depends essentially on a context of forms of social interaction governed by normative principles of mutual recognition; and the disappearance of such relations of recognition results in experiences of humiliation and disrespect that cannot fail to have damaging consequences for the individual's identity-formation.'[120]

[117] Fraser, *Redistribution or Recognition?* 205; emphasis in the original. See also *Redistribution or Recognition?* 227.
[118] Fraser, *Redistribution or Recognition?* 31-32.
[119] Taylor, 'The Politics of Recognition,' 25-26.
[120] Honneth, *Redistribution or Recognition?* 173.

Honneth suggests that different forms of misrecognition affect different aspects of what he calls people's 'relation-to-self.'[121] Disrespect of physical integrity damages people's 'basic self-confidence'[122]; the denial of equal rights 'typically brings with it a loss of self-respect'[123]; and 'the denigration of individual or collective ways of life...typically brings with it a loss of personal self-esteem, of the opportunity to regard themselves as beings whose traits and abilities are esteemed.'[124]

If humiliation is viewed as a form of misrecognition, then the perspective of Taylor and Honneth would suggest that humiliation necessarily damages people's self-respect. As indicated above, however, this need not be the case. Even if people depend for their self-conception on their relationships with others, the nature of the 'others' in question is a crucial issue, as is the nature of the qualities that people consider important to their self-conception. This provides another reason not to treat humiliation as a form of misrecognition as it is presented in the recognition literature. Part of the thesis's task, then, is to provide an investigation of humiliation beyond the framework laid out in the recognition literature.

To conclude, Chapter 2 has indicated phenomena that are often involved in humiliation – lowering, exposure, and damage to self-respect or self-esteem – and challenged overly restrictive views about these features that appear in current literature.

[121] Honneth, *The Struggle for Recognition*, 132.
[122] Honneth, *The Struggle for Recognition*, 129.
[123] Honneth, *The Struggle for Recognition*, 134.
[124] Honneth, *The Struggle for Recognition*, 134.

Chapter 3

Additional Aspects of Humiliation

I. Collective Humiliation
    A. Understanding Collective Humiliation
    B. Mechanisms of Collective Humiliation
II. Humiliation and Causation
III. Humiliation and Intentionality
    A. Humiliation and Intentionality in Current Literature
    B. Intended Effects and Side-Effects
    C. Intentional and Unintentional Humiliation
IV. Humiliation and Reasons for Action
V. Specialised Senses of 'Humiliation'
    A. The Creation of Specialised Senses
    B. Drawbacks to Adopting Humiliation_S
        1. Failure to Diagnose Humiliation
        2. Assimilation
        3. Redundancy
        4. Difficulty Grappling with Complex Cases
        5. Confusion
        6. Lack of Attention
    C. Humiliation_S and Related Concepts
        1. Humiliation, Humility, and Humbling
        2. Humiliation and Shame

This chapter discusses several aspects of humiliation in addition to the phenomena described in Chapter 2 (lowering, exposure, and injury to self-respect or self-esteem). Chapter 3 considers the following topics: (I) the application of humiliation to collective entities; (II) the nature of statements about 'causing humiliation'; (III) the intentionality of humiliation, (IV) humiliation and 'reasons for action'; and (V) the creation of 'specialised' senses of humiliation. The subject matter and aims of Chapter 3 are not greatly different from those of Chapter 2. The basic goal is to provide an indication of what could be involved in humiliation while emphasising the complexity of the concept and the variety of the forms that it could take, in contrast to certain elements of the current literature on humiliation. The aspects of humiliation that I discuss in Chapter 3 might be presented as more 'formal' or 'structural' than those in Chapter 2, which might be considered more 'substantive' or focused

on the 'content' of humiliation. I do not, however, wish to posit a sharp distinction between two types of aspects of humiliation. Rather, I use Chapters 2 and 3 together to illuminate various features of humiliation.

I. Collective Humiliation

The current literature on humiliation sometimes focuses on the humiliation of people on the basis of membership in an established social group[1] or examines humiliation at the level of interactions among collective bodies such as states and nations.[2] But it generally does not take a step back and consider the issues involved in describing collectives as humiliated.[3] In the political sphere, statements are sometimes made about the humiliation of collectives such as states, cultural groups, and institutions.[4] The statement about the photograph of the Lumbee Indians becoming 'kind of an icon of absolute humiliation to the Klan,' quoted earlier, provides one example. Here are a couple of others:

- In response to the arrest of then-head of the International Monetary Fund, Dominique Strauss-Kahn, French lawmaker Bernard Debré said on 15 May 2011: 'it's humiliating for the IMF and humiliating for our country.'[5]

- Historians Kenneth Milton Stampp and Leon F. Litwack wrote of the Reconstruction period following the Civil War that 'the South refused to forget or forgive those years of humiliation when Negroes came close to winning equality.'[6]

[1] See Margalit, *The Decent Society*, 137; Lukes, 'Humiliation and The Politics of Identity,' *Social Research* 64:1 (1997), 47.
[2] For instance, Wolf, 'Respect and Disrespect in International Politics,' 128.
[3] An exception is Neuhäuser, 'Humiliation: The Collective Dimension,' which is helpful but contains certain aspects of confusion, some of which appear later in this chapter.
[4] This section includes states and nations in its discussion, even though these entities are actors on the international stage, because claims about these entities can help to illuminate the application of humiliation to collectives in general.
[5] Gavin Hewitt, 'Strauss-Kahn affair turns French politics upside down,' *BBC.co.uk*, 15 May 2011. <http://www.bbc.co.uk/news/13407908>

In these statements, collectives as diverse as the KKK, the IMF, France, and the South are said to be humiliated. Some might see the application of humiliation to collectives as unproblematic, but others might see this move as puzzling, or even as a step that threatens the proper sort of regard for the moral worth of the individual. In order to address the latter group's concerns, I first provide an indication of what it could mean to apply humiliation to collectives.

A. Understanding Collective Humiliation

Discussion of collective humiliation need not revolve around ontological questions about whether collectives 'really exist.' Even if one denies that collectives exist 'in some deep sense,' one can still understand and make claims about the KKK, the IMF, France, the South, and so on, and the issue is how to make sense of the political phenomena embodied in these claims. Moreover, the view that collectives can be humiliated need not imply that collectives have moral value independent of the value of their individual members, let alone that the interests of the collective can override the interests of individual members; for one might hold that any moral injuries done by humiliation are reducible to injuries to individual members of the collective. Collectives could, therefore, be humiliated without having dignity if by 'dignity' is meant some kind of moral value independent of the value of individual members.[7]

A plausible way of explaining the idea of collective humiliation is to refer to a collective 'perspective.' This is not to posit the existence of a mysterious 'group mind.' Even if thoughts and feelings stem ultimately from the consciousness of individuals, these

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[6] Kenneth Milton Stampp and Leon F. Litwack, *Reconstruction: An Anthology of Revisionist Writings* (USA: Louisiana State University Press, 1969), 13.

[7] For an investigation of the topic of group dignity, see Waldron, 'The Dignity of Groups,' *Acta Juridica* (2008). Here, I neither endorse nor deny the view that collectives have independent moral value. I also do not rule out the possibility that collectives could have dignity understood in some sense other than 'independent moral value.'

individuals can think and feel in a way that expresses broader social patterns. In particular, they can think and feel in terms of what Raimo Tuomela calls the 'we-mode,'[8] or what Christian List and Philip Pettit call the corporate 'we.'[9] This is the kind of 'we' referred to, for instance, when a British person says 'we should not have joined the war in Iraq' or when a corporate analyst says 'we are down 7% in sales for the month of August.' Such a first-person collective perspective could be present in collectives like governments, organisations, and corporations with clear decision procedures for the formation of a collective view, but also in less structured collectives, such as cultural groups, whose members possess a sense of shared experience, albeit one with multiple, often conflicting strands. In these groups, the degree to which each individual is inclined to think and feel in terms of the collective 'we' may vary,[10] but individuals may well face the *question*, at least, of how they should relate to the collective perspective.

From such a collective perspective, individual members of a collective can say 'this is humiliating for us,' 'we were humiliated,' or 'we feel humiliated.' The idea of collective humiliation, then, can be explained in terms of the ability of individual members to describe the collective as situated in humiliating conditions or subject to humiliating actions from the first-person collective perspective. It may be particularly likely for members of certain types of collectives to say 'we *feel* humiliated' – to have an emotional experience that they would describe as humiliation. These collectives seem to be those in which there is relatively high emotional investment on the part of individuals, such as nations and cultural groups.

[8] Raimo Tuomela, *The Philosophy of Sociality: The Shared Point of View* (USA: Oxford University Press, 2007), 46-64.
[9] Christian List and Philip Pettit, *Group Agency: The Possibility, Design, and Status of Corporate Agents* (USA: Oxford University Press, 2011), 193-194.
[10] Goffman, *Stigma*, 137-150; Lukes,'Humiliation and the Politics of Identity,' 50.

B. Mechanisms of Collective Humiliation

Many of the aspects of humiliation discussed in Chapter 2 – such as lowering and exposure – apply to collectives as well. Collectives can occupy certain statuses, and being lowered from them can constitute humiliation. Collectives can also have images in the eyes of others; a family can be considered dysfunctional, and a company can be considered environmentally-friendly. Being exposed to the eyes of an audience in a way that undermines these images – that causes the collective to 'lose face' or to suffer damage to its reputation – can be humiliating, especially when the exposure in question is of some kind of inadequacy, such as an abysmal record of environmental pollution. Like individuals, collectives may be humiliated as a result of the failure to compete adequately with their rivals. The launch of the Soviet satellite Sputnik in 1957, for instance, was seen by many Americans as a national humiliation.[11]

Humiliation arising from the exposure of inadequacy can occur in distinctive ways in the case of collectives. First, the behaviour of some members can humiliate the collective, if members act in a way that reflects badly on the collective. Athletes, for instance, can humiliate their teams and their countries,[12] and political leaders can humiliate their states, in this way.[13] The humiliation of a collective as a result of the behaviour of individual members can take the form of internal betrayal, possibly by especially powerful or representative members of the collective. This theme figures in Chinese discourse on a 'Century of

[11] Von Hardesty, *Epic Rivalry: The Inside Story of the Soviet and American Space Race* (National Geographic Books, 2007), 80.
[12] Sportswriter James Startt writes that French football player Zinedine Zidane, who was expelled from the 2006 final after head butting the Italian goalie, 'humiliated himself, his team and his country while wearing the national colors.' 'Vive la France!' *Bicycling.com*, 18 June 2010. <http://www.bicycling.com/news/2010-tour-de-france/vive-le-france>
[13] Robert Kagan and William Kristol, writing about the American response to Chinese demands for an apology for the 2001 plane crash, criticise President Bush for his weakness in the face of Chinese demands by lamenting 'the profound national humiliation that President Bush has brought upon the United States.' 'A National Humiliation,' *The Weekly Standard*, 16 April 2001. <http://www.weeklystandard.com/Content/Protected/Articles/000/000/011/457elzif.asp>

National Humiliation,' in the form of descriptions of 'domestic corruption' and the weakness of Chinese leadership in addition to the actions of Western powers.[14] The allusion to internal betrayal as a cause of humiliation, even as it highlights divisions and weaknesses within the group, may be a way for a group to grant itself a measure of control over its circumstances, as the group does not have to perceive itself as fully at the mercy of outsiders. Second, humiliation can result from a collective failure to protect individual members from being treated in a certain way, or to respond adequately to this kind of treatment. An example of this type of humiliation is the use of rape as a weapon of war to humiliate collectives that are ordinarily held responsible for protecting their members – from husbands and families to nations and states.[15]

The perception that a collective is humiliated can develop among members of a collective as a result of social processes, including the dynamics of collective life. One way in which this can occur is that the humiliation of certain individuals on the basis of a shared trait, coupled with mobilisation on the part of activists, may contribute to a rise in 'group consciousness.'[16] People who share this characteristic may develop organised structures to represent their interests.[17] They may also develop richer forms of collective life to provide support and potentially to re-evaluate the shared trait so that it can be 'coded' more positively. As a result of these processes, it may become possible to speak of the perspective of 'labour,' 'the gay community,' and so on. What was once understood as individualised humiliation may then be reinterpreted as the humiliation of a collective. This process of reinterpretation can be influenced by the activities of specific political leaders.

[14] Callahan, 'National Insecurities,' 207.
[15] Lindner, *Making Enemies*, 117-118. See also Parekh, 'Logic of Humiliation,' 27.
[16] List and Pettit, *Group Agency*, 193; see also Goffman, *Stigma*, 137-139.
[17] Goffman, *Stigma*, 35-36; see also Wolf,'Respect and Disrespect in International Politics,' 110.

The development of a collective sense of humiliation can have positive effects, in providing succour to individuals who face humiliation and in fuelling collective responses to humiliating actions or conditions. It can also have negative effects; it can, for instance, exacerbate what List and Pettit call 'collective *amour propre*,' with all the dangers of vicious rivalry that attend *amour-propre* as it applies to individuals, only now on a larger scale.[18] Normative judgments about collective senses of humiliation must be made in light of each particular case. The overall point is that the phenomenon of collective humiliation should not be viewed as static or spontaneous. Rather it is an outcome of, in addition to an influence on, the social and political dynamics of collective life.

There is certainly room for further inquiry into the ways in which members of particular collectives conceive of their humiliation and about factors that contribute to the development of a collective sense of humiliation. This section has, however, indicated how humiliation can be applied to collectives and provided an initial sense of what could be involved in collective humiliation.

II. Humiliation and Causation

Part III addresses the legitimacy of actions taken by state and non-state actors committed to liberal democratic principles that constitute and/or lead to humiliation. These actions could themselves be humiliating, or they could lead to humiliating conditions. This formulation is meant to be broad, so that it can capture examples in which it is plausible to say 'A humiliated B' and/or 'A caused B's humiliation' in addition to examples in which it is more plausible to say that 'A contributed to a situation that was humiliating for B.' It is worth clarifying, however, the causal relations that could be thought to hold between the agent's action and humiliation.

[18] List and Pettit, *Group Agency*, 195.

Humiliating conditions, as noted earlier, can be traced to the action of another party to varying degrees. Some humiliating conditions straightforwardly occur as the result of the action of another party, such as segregation. In these cases it seems relatively straightforward to say that 'state institutions and members of the white public humiliated African-Americans.' Other humiliating conditions, such as a public episode of incontinence, do not occur as the result of the action of another party, although they could be attributed to diffuse social norms. In this case it does not seem plausible to say that any particular party 'humiliated' the incontinent person. But one could say that the person felt humiliated, and that his situation was humiliating.

Humiliating conditions that fall into a third category involve the actions of another party to some degree, but it is not so straightforward to trace the emergence of humiliating conditions to the agency of another party. When the misconduct of a government official is exposed by the media, she finds herself in humiliating conditions. In this case, a variety of factors could be viewed as causally responsible, to some degree, for the emergence of these conditions: the actions of journalists, the official's misconduct, and the gaze of an audience. To what extent could it be said that journalists have 'humiliated' the official? Different people may have different reactions, and it depends at least partially on one's understanding of humiliation.

One can imagine a dialogue between the journalist and the politician right before the journalist releases the information. The politician pleads: 'don't release this information! You'll humiliate me. Please don't humiliate me!' The journalist responds: 'I won't be humiliating you. If you're humiliated, you'll have humiliated yourself.' Here, the politician's plea 'don't humiliate me!' suggests 'if you do this, I'll be humiliated' or 'don't enter into the causal chain that will lead to my humiliation.' The journalist's response seems to be primarily about disavowing *moral fault* for humiliation; the journalist is claiming that

the politician has only herself to blame for her humiliation. These usages of 'humiliation' suggest different understandings of what it means to state that 'A humiliated B': the attribution of some degree of causal responsibility, on the one hand, and the attribution of moral fault, on the other. I do not argue that either of these is the *correct* interpretation of 'A humiliated B,' but simply that both are possible.

Even if one does not want to say that the journalist has humiliated the politician, there is an issue about whether one could view the journalist's action as a *cause* of the politician's humiliation. There is an extensive philosophical and legal literature on the nature of causation, with which I cannot engage here. It is worth noting, however, that the journalist's action would count as a cause of the politician's humiliation on J.L. Mackie's account of a cause as an '*insufficient* but *non-redundant* part of an *unnecessary* but *sufficient* condition' (INUS).[19] That is, the conjunction of the journalist's action and other factors (the politician's misconduct, the public's disapproval) is one sufficient factor in causing humiliation, though it is not necessary (the information could have come to light in some other way). Mackie notes that 'what is typically called a cause is an inus condition or an individual instance of an inus condition,'[20] even though none of the individual inus conditions is sufficient to bring about the effect. The journalist's action, on this account, would be called a 'cause' of the politician's humiliation.

Some may not, however, wish to call the journalist's action a cause of the politician's humiliation, on the grounds that doing so would attribute moral fault to the journalist. I do not think it is necessary to disavow causal responsibility in order to disavow moral fault; one can acknowledge that a pilot fighting a just war in a just way caused the death of civilians, for instance, even if one attributes moral fault to the state that wrongly started the war.

[19] J.L. Mackie, *The Cement of the Universe: A Study of Causation* (USA: Oxford University Press, 1980), 62; emphasis in the original.
[20] Mackie, *The Cement of the Universe*, 65.

Nevertheless, one way of blocking the attribution of moral fault is to deny causal responsibility, and this may be part of what motivates those who wish to deny causal responsibility.

In general, the appropriateness of attributing causal responsibility depends on the purposes at hand. One might wish to know whether X counts as a cause of Y for the purposes of explaining how Y came about, or for the purposes of attributing moral fault, or for the purposes of imputing legal liability. If one's interest is in the latter two categories, then one will be more reluctant to attribute causal responsibility in certain cases. In the thesis, the primary reason to attribute causal responsibility is to guide action: to say 'if you do this, Y will result, and hence – or despite this – you should act as follows.' This purpose does not require the attribution of moral fault to the person carrying out the action; in fact, part of my point is that people can act in ways that are humiliating or that lead to humiliation without bearing moral fault. I do not claim, however, that this is the only purpose for which causal attributions regarding humiliation should be made. Rather, my aim here is to indicate various interpretations of statements to the effect that 'A caused (or did not cause) B's humiliation' and to provide possible reasons for divergences on these questions.

An alternative to discussing 'actions that cause humiliation' is to discuss 'actions that lead to humiliation,' 'actions that give rise to humiliation,' or 'actions that bring about humiliation.' The latter set of formulations may be less likely to be viewed as attributions of moral fault and more likely to be viewed as explanatory statements describing a chain of events. In the thesis I often use the latter set of formulations in order to avoid the impression that I am attributing moral fault.

Formulations such as 'actions that lead to humiliation' and 'actions that give rise to humiliation' might also be viewed as ways to attenuate the degree of causal responsibility

that any given actor has for humiliation. My discussion in the thesis covers interactions with a variety of causal connections between the agent's action and humiliation, strong and weak. If these formulations are able to capture a range of causal connections, then, they are suitable for the purposes of the thesis. It may be objected that I am weakening my claims to the extent that anyone would agree with it; for (it may be argued) the weaker the causal connection between the agent's action and humiliation, the more likely people are to consider humiliation to be legitimate.

First, however, I do not restrict attention to cases in which the causal connections are weak. Second, I believe that 'causing humiliation' could actually replace most of my usages of 'lead to humiliation' and the like. Third, it is not clear that contributors to the current literature would accept the legitimacy of actions that lead to humiliation even if these actions cannot be said to have 'caused humiliation.' Some writers (as discussed in Part I) urge the state or society to protect people from humiliating conditions such as poverty as long as doing so would lie within the bounds of their authority. It is not clear that any given party can be said to have 'caused humiliation' for those in poverty, but these writers would seem likely to criticise actions that contribute in some way to humiliation for those in poverty. Fourth, and perhaps most fundamentally, contributors to the literature do not indicate that they would attenuate their condemnation of humiliation as a response to a weaker causal connection; they do not generally make this distinction at all. My analysis therefore provides a corrective to the tendency not to distinguish various types of actions to which the condemnation of humiliation could apply. If writers adopt these distinctions and use them to clarify their conclusions, then the thesis will achieve one of its core aims.

III. Humiliation and Intentionality

A. Humiliation and Intentionality in Current Literature

Contributors to the current literature present a variety of views about the intentionality of humiliation, some of which are not internally consistent. Statman and Parekh come closest to the explicit view that 'humiliation' must describe an intentional action. Statman writes that 'the pure cases of humiliation are those in which the humiliator explicitly seeks by his actions to reject the victim, to humble and degrade him, to exclude him from a specific group or from the family of man altogether. The weaker these evil intentions are, the weaker the justification is for feeling humiliated. When no such intention exists, humiliation is often out of place.'[21] Statman seems to believe that one cannot be justified in feeling humiliated unless there exists a humiliator who intends to humiliate. His use of the terms 'pure cases' and 'often' might seem to qualify his claim, but he provides no indication of circumstances under which humiliation could take place without being intentional. Palshikar writes that 'to be humiliated is to be rendered inferior or deficient in some respect by others in a *deliberate* and destructive way'[22] (emphasis mine).

Other theorists do not require humiliation to be intentional. Margalit explicitly states that humiliation need not be intentional.[23] Saurette sometimes but not always ascribes an intention to humiliate to actors in the cases he describes.[24] Neuhäuser indicates that humiliation 'normally' need not be intentional,[25] although his original characterisation of humiliation in the 'normative' sense as the '*attempt* to lower someone below the status of a human being' might suggest a different view.[26] Parekh, too, is not entirely consistent; he

[21] Statman, 'Humiliation, Dignity, and Self-Respect,' 531.
[22] Palshikar, 'Understanding Humiliation,' 79.
[23] Margalit, *The Decent Society*, 10, 128.
[24] Saurette, *The Kantian Imperative*, 6-7.
[25] Neuhäuser, 'Humiliation: The Collective Dimension,' 24.
[26] Neuhäuser, 'Humiliation: The Collective Dimension,' 22; emphasis added.

writes that humiliation could involve 'intentional or inadvertent' behaviour (at least at the 'light' end), but he differentiates monastic practices from humiliation on the grounds that 'they aimed not to humiliate but to cultivate deep humility.'[27] Nussbaum writes that embarrassment differs from humiliation partially in that it is 'rarely deliberately inflicted,' and that 'If we imagine the deliberate infliction of embarrassment, we are moving towards the universe of humiliation.'[28] This might suggest that Nussbaum sees humiliation as deliberately inflicted. But she then writes that it is humiliating to be forced through economic impoverishment to walk around in clothing with holes,[29] and it is not clear that this condition can be aptly described as being 'deliberately inflicted.'

None of these writers provides much explanation about what they mean by 'intentional' or 'deliberate.' For instance, they do not distinguish between an intention to humiliate as an end in itself, or an intention to humiliate as a means to a further end. These writers also do not give an indication of how to determine whether humiliation is intentional, or of the difficulties involved in making such a determination. In the rest of this section I raise issues that arise in understanding the idea of 'intentional humiliation,' with an emphasis on the complexities of interpreting a given act as intentional humiliation. Of course, the topic of intentionality is extremely complicated from a philosophical perspective. Here I only present a few issues that are relevant to the concept of intentional humiliation.

B. Intended Effects and Side-Effects

A distinction is sometimes drawn between the 'intended effects' and 'side-effects' of an action. An intended effect, in turn, can be conceived either as a means to an end of the agent, or as the end itself.[30] The distinction between intended effects and side-effects plays a

[27] Parekh, 'Logic of Humiliation,' 30.
[28] Nussbaum, *Hiding from Humanity*, 205-206.
[29] Nussbaum, *Hiding from Humanity*, 206.
[30] Kagan, *Normative Ethics* (USA: Westview Press, 1998), 102.

role in some ethical views, notably deontological ones, that posit an ethical difference between taking action that is intended to cause harm (or a 'bad'), on the one hand, and taking action that causes harm as a foreseeable side-effect.[31] These theories are not necessarily applicable to the case of humiliation; it depends whether humiliation in various forms is to be considered harm or a 'bad' (which is related to issues involving 'reasons for action' that are taken up below). A consideration of these ethical views, however, can help to clarify the distinction between intended effects and side-effects.

The traditional 'doctrine of double effect' holds, according to Kagan, that 'it may be permissible to perform an act with both a good effect and a bad effect, provided that the bad effect is a mere side effect; if it is either your goal or a means to your goal, the act is forbidden.'[32] Supporters of the doctrine of double effect might claim, for instance, that there is a moral difference between these cases: (1) A pilot drops a bomb on an enemy munitions factory knowing that it will kill innocent civilians; his intention is not to kill civilians, but to disable the enemy's war machine. (2) A pilot drops a bomb on a city, killing the same number of civilians as in the first case; now, however, his intention is to kill civilians in order to destroy enemy morale. In case (1), the death of civilians is a foreseeable side-effect; in case (2), the death of civilians is intended by the pilot as a means to the pilot's end.[33]

The doctrine of double effect is controversial, both in terms of how it should be interpreted and whether it should be accepted. One issue is whether there is a genuine ethical distinction between intending an action and bringing it about as a foreseeable side-effect. Some consequentialists, for instance, may hold that 'it is morally unimportant how a given harm comes about, since all that matters is reducing the overall amount of harm so far as this

[31] Kagan, *Normative Ethics*, 101-102; Nancy Davis, 'Contemporary Deontology,' in Peter Singer (ed.), *A Companion to Ethics* (UK: Blackwell Publishers, 1991), 209-210.
[32] Kagan, *Normative Ethics*, 103.
[33] Kagan, *Normative Ethics*, 104.

is possible.'[34] Even if one is not a strict consequentialist, one might hold that the willingness to go ahead with an action, despite knowing that it will cause a certain side-effect, cannot (at least not straightforwardly) be ethically differentiated from the intention to cause this side-effect. Even if one accepts *some* ethical difference, one might hold that the difference is not especially significant. In fact, one could make such an argument with regard to the sphere of politics in particular. Perhaps political responsibility requires states and other actors interacting in the political sphere to consider multiple potential results of their actions, and so the statement 'we didn't *intend* to do X' is not a particularly good defence in politics.

A second issue involves the clarity of the distinction between foreseeable side-effects and intended effects regardless of whether these effects should be assigned a different ethical valence. As Kagan notes, we sometimes say in ordinary parlance that 'someone "intended" a given harm whenever she realized that her act would result in the harm and she deliberately performed the act anyway.'[35] The notion of a distinction between foreseeable side-effects and intended effects does seem to capture certain structures of ethical reasoning – as does the tendency to attribute a more negative ethical valence to intended effects when they are bad, at least in many cases – but these distinctions should not be viewed as clear-cut and universal. This complication applies to the distinction between intentional and unintentional humiliation, which is considered next.

C. Intentional and Unintentional Humiliation

An action or condition can, it seems, be humiliating without being intentionally humiliating. This is clear for humiliating conditions (such as a public episode of incontinence) that are not directly traceable to the intentional action of any agent, whether other individuals or institutions, or the person who is situated in these conditions. Even

[34] Kagan, *Normative Ethics*, 100.
[35] Kagan, *Normative Ethics*, 102.

humiliating actions, however, need not be intentionally so. The diplomats who ignore a female delegate to a conference because they assume she is accompanying someone could be said to humiliate her without intentionally doing so. Actions carried out by institutions could be humiliating without the existence of an intention to humiliate on the part of specific individuals applying an institutional policy in a given case – though it may be possible to ascribe collective intentionality to institutions.[36]

Decisions about whether to apply the label of 'intentional humiliation' to an action are not necessarily straightforward. First, it is not always easy to tell from statements about humiliation whether humiliation is considered intentional. An example comes from an article by journalist and academic Tim Luckhurst in 2011 responding to calls by members of the House of Lords for more stringent regulation of journalism in the UK following the 'News of the World' scandal, in which journalists hacked into the phone of murder victim Milly Dowler. Luckhurst wrote: 'British democracy grew to maturity in partnership with a free press. It cannot thrive by muzzling journalists who must always be free to offend and humiliate the powerful.'[37] Luckhurst could be suggesting that journalists ought to be free to write stories that that *do* humiliate the powerful, where this humiliation is a side-effect and the aim is (say) to keep the public informed. If this is the case, then it is worth noting that the verb form 'to humiliate' can denote an action that gives rise to humiliation as a side-effect. Alternatively, Luckhurst could be suggesting that journalists ought to be free to intentionally humiliate the powerful, perhaps (say) because the powerful sometimes deserve to be 'taken down a notch.'

[36] List and Pettit, *Group Agency*, 33-42. Margalit writes that since he is focused on institutional humiliation, he can 'ignore the subjective intentions of the humiliators in examining whether their actions are degrading.' *The Decent Society*, 128.
[37] Tim Luckhurst, 'Journalists Must Be Free to Humiliate the Powerful,' *The Independent*, 11 July 2011. <http://www.independent.co.uk/opinion/commentators/tim-luckhurst-journalists-must-be-free-to-humiliate-the-powerful-2311677.html>

Even if humiliation is presented as intentional, it may be interpreted either as an end in itself or as a means to a further end. An example comes from *US v. Gementera* (2004), an American appellate court case about a supervised release condition that, in the words of the appellate court, 'requires a convicted mail thief to spend a day standing outside a post office wearing a signboard stating, "I stole mail. This is my punishment."'[38] The majority opinion in the appellate court notes that Gementera, based on a reading of the lower district court's decision, 'urges that the condition was imposed for an impermissible purpose of humiliation' and that Gementera claims 'the district court viewed humiliation as an end in itself and the condition's purpose.' But the appellate court states, quoting at certain points from the district court:

> 'the [district] court explained:…although criminal punishment "is or at least should be humiliating…[h]umiliation is not the point." The [district] court's written order similarly stresses that the court's goal was not "to subject defendant to humiliation for humiliation's sake, but rather to create a situation in which the public exposure of defendant's crime and the public exposure of defendant to the victims of his crime" will serve the purposes of "the rehabilitation of the defendant and the protection of the public."'[39]

The appellate court concluded that the supervised release condition had a purpose in line with the lawful objectives of deterrence and rehabilitation.

Here, it seems that the district court would not entirely disavow an intention to humiliate, given its view that criminal punishment 'should be humiliating.' The interpretation made by the appellate court, however, suggests that the district court's intention to humiliate was an intention to humiliate as a means to the further ends of rehabilitation and the protection of the public. By 'humiliation is not the point,' that is, the district court was indicating that 'humiliation is not an end in itself.' I do not take a position on whether this interpretation, or the legal consequences drawn by either court, was correct. The point is that

[38] *US v. Gementera*, 379 F.3d 596 (9th Cir. 2004).
[39] *US v. Gementera*, 379 F.3d 596 (9th Cir. 2004).

the distinction between intentional humiliation as an end in itself, and intentional humiliation as a means to a further end, is an issue with which those interpreting statements about humiliation must contend.

Even if a statement clearly indicates that humiliation should or should not be *considered* intentional (either as an end in itself, or as a means to a further end), there are issues about who has the authority to make this decision. If a judge sentencing Gementera had argued based on sincere belief that humiliation was merely a *side-effect* of the supervised release condition, not an intended effect, then should this categorisation of humiliation have been accepted? Some might argue that the connection between an agent's end and humiliation can at times be too close for the agent to be able to categorise humiliation as a side-effect. Along similar lines, it might be claimed that the 'social meaning' of certain actions is humiliation, and so an intention to carry out this action qualifies as an intention to engage in humiliation. The mechanism of official censure in the US Congress (used against Representative Charles Rangel in 2010, for instance) is often thought to *constitute* a form of public humiliation; and so the intention to censure might be viewed as an intention to humiliate, given the social meaning of censure. The question of ascribing a 'social meaning' to certain actions, of course, may be a contested matter.

Perhaps most fundamentally, in determining whether 'intentional humiliation' ought to be applied to a particular action or state of affairs, we must grapple with the fact that the meaning of 'humiliation' is itself far from fixed. It is sometimes not clear whether 'humiliation' refers to an action, a condition, a feeling, or some combination of these – and, therefore, whether 'intentional humiliation' refers to 'A intentionally humiliating B,' 'A causing or at least contributing to conditions that are humiliating for B,' or 'A making B feel humiliated.' Even if this issue is clarified, divergent understandings of what counts as humiliation create divergences in what people are willing to count as intentional humiliation.

If A intentionally damages B's reputation but does not intentionally violate B's human dignity, could A be said to have intentionally humiliated B? Those who believe that humiliation must involve the violation of human dignity would say no, while others might (in some circumstances) say yes.

Finally, if the distinction between side-effects and intended effects is itself blurry or questionable (which was earlier raised as a possibility), then the issue of whether a given action constitutes a form of intentional humiliation does not necessarily have one correct answer. Overall, then, the decision about whether a given action constitutes intentional humiliation is not a straightforward one.

IV. Humiliation and Reasons for Action

As I noted in Part I, this thesis does not aim to present a comprehensive structure of ethical reasoning of humiliation that can yield normative judgments on any given instance of the phenomenon. Rather, it emphasises the dependence of such judgments on the understanding of 'humiliation' in question and on features of the particular political context. I do not, therefore, present a uniform set of rules to govern the permissibility of taking action that constitutes and/or leads to humiliation. Furthermore, the normative conclusion reached in the thesis – that those committed to liberal democratic principles may legitimately take action that constitutes and/or leads to humiliation – does not depend on the precise degree of ethical significance that I do or do not assign to the abstention from humiliation. The recognition that the prospect of humiliation does not always give rise to a decisive (or, one could add, weighty *pro tanto*) reason not to take a given action would suffice for my purposes. In the thesis I make certain distinctions regarding reasons for action, however, and this section provides some background on the positions I take. Of course, some of the

concepts discussed here are the subject of an extended philosophical literature, with which I cannot engage in detail here.

In Part I, I distinguished between decisive, *pro tanto*, and *prima facie* reasons for action on the basis that a *pro tanto* reason has actual weight, but may not be *decisive*, as it may be outweighed. A *prima facie* reason appears to be a reason, but upon further investigation may not turn out to be an actual reason.[40] I recognise that this is not the only possible understanding of these terms – in particular, some have used '*prima facie*' to refer to the kind of reason I am calling '*pro tanto*' – but this scheme suffices for my purposes. It is also worth noting that one possible consequence of the existence of a *pro tanto* reason is that this reason, even when outweighed, leaves some 'residue' and in certain cases could give rise to an obligation to express moral regret or even compensation. An outweighed *pro tanto* reason, however, *need* not give rise to residue, moral regret, or the need for compensation.[41]

In the thesis, I accept that there is always a *prima facie* reason not to take actions that constitute and/or lead to humiliation, in the following sense. 'Humiliation' is not a neutral term, like 'practice' or 'exercise.' Taking action that constitutes and/or leads to humiliation imposes a certain cost on people. Those contemplating the imposition of this cost have an obligation to take this result into account in their practical deliberations and to consider the issue of whether it provides reason not to perform a certain action. The question, however, is whether such a consideration must yield the conclusion that there is at least a *pro tanto* reason not to take action that constitutes and/or leads to humiliation – or whether the reason not to take such action could be 'merely' *prima facie.*

In many cases, the fact that an action constitutes and/or leads to humiliation does provide at least a *pro tanto* reason not to perform it. This is clear for forms of humiliation

[40] Kagan, *The Limits of Morality*, 17.
[41] See Raz, *Practical Reason and Norms*, 27.

that involve (say) the violation of human dignity or equality, in which case the *pro tanto* reason is weighty and potentially decisive. But there are other kinds of situations in which there is a *pro tanto* reason not to take action that constitutes and/or leads to humiliation. For instance, let's say the government should not keep secret the identities of those charged with crimes, as this would undermine the transparency and accountability of the criminal justice process. Making this information available to the public, however, might lead to humiliation for those charged with crimes. One could plausibly argue that there is a *pro tanto* reason not to make this information available to the public, based on the prospect of humiliation for those charged with crimes, but a reason that is outweighed by the importance of transparency and accountability in the criminal justice system. (Of course, there would still be issues about the *extent to which* and the *ways in which* this information is released to the public, which I do not take up here.[42])

Is there *always* a *pro tanto* reason, then, not to take action that constitutes and/or leads to humiliation? Some might say 'no,' on at least some understandings of 'humiliation' and in at least some contexts. Let's say 'humiliation' refers to a form of reputational damage, and a well-respected and prominent person encounters reputational damage when he is justifiably fired from his job. Does the fact that the person stands to encounter humiliation in the sense of reputational damage provide a *pro tanto* reason not to fire him? It could plausibly be argued that there is no *pro tanto* reason to preserve an unjustified reputation even if losing this reputation is humiliating.

Some might hold, however, that there is always a *pro tanto* reason not to take action that would lead people to *feel humiliated*. Such an understanding of the ethical status of feelings of humiliation comports well with certain kinds of utilitarian outlooks, according to which the prospect of causing pain – including emotional pain – always counts as a *pro tanto*

[42] See Whitman, *Harsh Justice*, 91-92.

reason not to perform an action. Accordingly, if damage to a person's reputation would lead to *feelings* of humiliation, then there is a *pro tanto* reason not to take action that would damage the person's reputation, regardless of whether the reputation is justified or not. Note that this outlook would still not support a *pro tanto* reason not to take action that constitutes and/or leads to humiliation in cases in which people do not *feel* humiliated as a result.

The view that there is always a *pro tanto* reason not to take action that leads to emotional pain, including feelings of humiliation, is subject to certain objections. This view might have difficulty dealing with cases in which there seems to be something ethically suspect about a person's emotional response, such it should not be weighed in an ethical calculus. It seems questionable to weigh an attempted murderer's feelings of sadness at not being able to kill his victim on some ethical 'balance,' even if the attempted murderer's emotional pain is far outweighed by the benefits for the potential victim. Feelings of humiliation that are based on values that are problematic from a liberal democratic perspective might raise a similar issue. Does the fact that a man with patriarchal ideas would feel humiliated because he has to work together with a woman on an equal footing count as a *pro tanto* reason not to put the two individuals on the same team? It might be argued that accepting such a *pro tanto* reason would convey an inappropriate degree of deference to illiberal views, or would be improper for some other reason. One might contend, for instance, that emotional pain is sometimes a constitutive element of valuable processes that challenge people's long-held assumptions – say, about the proper place of men and women in society – and, in these cases, should not be assigned a negative moral valence. Of course, one might still argue that the component of *emotional pain* still carries a negative moral valence even if the process of which it is a part is valuable.

The idea that there is always a *pro tanto* reason not to take action that leads to feelings of humiliation might be challenged even when these feelings of humiliation do not seem to be

ethically suspect. Does an up-and-coming runner have a *pro tanto* reason to avoid beating the world champion on the grounds that doing so will lead the world champion to feel humiliated? It seems at least plausible to say that the up-and-coming runner need not accept such a reason.

I take the considerations above to cast doubt on the view that there is *always* a *pro tanto* reason not to take action that constitutes and/or leads to humiliation, even when feelings of humiliation result. But I do not wish to exclude entirely the possibility that there is such a reason, for my normative conclusions do not depend on doing so. It is consistent with my argument that there is always a *pro tanto* reason not to take action that constitutes and/or leads to humiliation, as long as this kind of reason can be overridden by considerations such as respect for liberal democratic principles. There is a risk involved in affixing the '*pro tanto*' label to several different kinds of reasons, namely that this might legitimise an inappropriate kind of even-handedness or balance between different *pro tanto* reasons. For instance, if one holds that there is a *pro tanto* reason to support gender equality and also a *pro tanto* reason not to make sexist people feel humiliated, one might be led to the conclusion that some kind of equivalence should be drawn between the ethical significance of the two goals. This conclusion is not, of course, necessary; one could be clear about the fact that *pro tanto* reasons can range in weight from extremely slight to extremely significant, and that the weight of one *pro tanto* reason need not be even roughly equivalent to the weight of another. So my conclusions do not exclude the possibility that there is always a *pro tanto* reason not to take action that constitutes and/or leads to humiliation, as long as the extensive range of weight among *pro tanto* reasons is acknowledged.

That said, the most natural way to interpret my claims is as follows: there is always a *prima facie* reason not to take action that constitutes and/or leads to humiliation, but there is not always an actual reason to do so (whether *pro tanto* or decisive). If one is told 'if you do

X, Y will be humiliated,' one should consider the question of whether there is a reason not to do X. One need not conclude, however, that there is an actual reason not to do X. Of course, there will still be many cases in which there is a *pro tanto* reason not to take action that constitutes and/or leads to humiliation, and cases in which this reason is weighty and potentially decisive. The basic point is that there are a *range* of cases, and this range is insufficiently acknowledged in current literature.

V. Specialised Senses of 'Humiliation'

A possible response to all of the complexities of the concept of humiliation that I have pointed out so far in Chapters 2 and 3 would be to say: 'it's all very well that the concept of humiliation is so complex, but I will simply define "humiliation" as X (say, "a violation of human dignity or equality, or a consequence of such a violation") and proceed from there.' I do not deny that such an approach could be coherent. In this section I argue, however, (1) that it is not necessary to adopt a definition of humiliation that fits the 'current view' of humiliation as constituting or responding to the violation of human dignity or equality, and (2) that there are significant drawbacks involved in defining humiliation in this way.

A. The Creation of Specialised Senses

The definition of 'humiliation' based on the 'current view' of humiliation – according to which humiliation involves the violation of human dignity or equality, or the results of such a violation – reflects some ordinary-language usages of 'humiliation.' More generally, it is common to use 'humiliation' to describe actions or conditions to which one wishes to object, or to the feelings of those who have been treated in ways to which one wishes to object. In drawing conclusions about the concept of humiliation on the basis of ordinary-language considerations, however, it is important to keep in mind differences between varieties of the term. The terms 'to humiliate' or 'to be humiliated,' for instance, may be

more likely to suggest the occurrence of unjustified treatment than 'X was so humiliating.' Even this is not necessarily the case, as suggested (for instance) a statement by gay activists discussing the 'outing' of a US military official: 'Those who make common cause with obscurantist clergy, the military establishment, and right-wing groups that exploit homophobia to trick the electorate into voting against its economic interests should be publicly exposed and humiliated.'[43] Another example comes from a description of an incident in which US General Patton in 1943 slapped a soldier in a hospital unit whom Patton considered to be cowardly, and Patton's superior General Eisenhower forced Patton to apologise to the soldier. Lazare writes concerning this incident: 'Eisenhower's stroke of genius was to ask Patton to apologise. It was a punishment that would teach Patton a lesson; quiet the reporters; and give the soldiers, medical corps, and reporters the satisfaction of seeing Patton humiliated.'[44] Numerous other examples mentioned thus far in the thesis provide additional indications that the view of humiliation as the violation of human dignity or equality, or as unjustified treatment more generally, fits some but by no means all of the ordinary-language usage of 'humiliation.'

The ordinary-language usage of 'humiliation' does not, therefore, make it necessary to define humiliation in accordance with the 'current view.' Rather, if humiliation is to be defined in order to fit the 'current view,' it has to be used in a way that circumscribes the range of phenomena that can be called 'humiliation' more narrowly than ordinary language, thereby simplifying our concept of humiliation. Such a usage will be called a 'specialised' sense of 'humiliation.' The term 'specialised' is intended to emphasise that such a usage is appropriate in particular discussion forums and often is adopted in order to further specific theoretical tasks.

[43] Warren Johanssen and William A. Percy, *Outing: Shattering the Conspiracy of Silence* (New York: The Haworth Press, 1994), 198.
[44] Lazare, *On Apology*, 224.

Two examples of the creation of specialised senses of 'humiliation' come from the statements by Schick and Margalit quoted in Part I. These writers recognise that 'humiliation' can be defined in many ways, but they deliberately circumscribe their conception of humiliation. Schick defines 'humiliation' as disempowerment combined with gloating specifically in order to vindicate Margalit's view that 'it is always *wrong* to humiliate,'[45] and Margalit understands humiliation as the rejection of human beings from the family of man although he indicates that the 'most prevalent use' of 'humiliation' describes forms of social demotion that do not constitute rejection from humanity.[46] Another indication that Margalit creates a specialised sense of 'humiliation' comes from his statement that:

> 'The words "insult" and "humiliation" are on a continuum. Humiliation is an extreme case of insult, while both of them denote injury to one's honor. This book, however, makes a qualitative distinction between the two. "Insult" denotes injury to one's social honor; "humiliation" describes injury to one's self-respect. Insults may injure the offended person's self-esteem. Humiliation injures one's sense of intrinsic value.'[47]

Here, Margalit consciously creates a specialised usage of 'humiliation' on the basis of a specialised sense of 'self-respect,' which he understands as 'one's sense of intrinsic value' or, elsewhere, 'the honor a person grants herself solely on the basis of the awareness that she is human.'[48]

Another example of the creation of a specialised sense of 'humiliation' – which does not seem to be as self-aware as those carried out by Schick and Margalit – comes from Palshikar, who defines humiliation as follows: 'to be humiliated is to be rendered inferior or deficient in some respect by others in a deliberate and destructive way.'[49] Palshikar then excludes from consideration as forms of humiliation 'a number of closely related interactions,' including judgments (external or internal) that lead to moral development, on

[45] Schick, 'On Humiliation,' 139.
[46] Margalit, *The Decent Society*, 288-289.
[47] Margalit, *The Decent Society*, 119.
[48] Margalit, *The Decent Society*, 24.
[49] Palshikar, 'Understanding Humiliation,' 79.

the basis that 'in none of these instances is distress seen as caused by the unjustified actions of other human beings, and hence something that can be or ought to be rejected.'[50] Here, as with Schick, the normative conclusion that the writer wishes to reach about humiliation informs his choice of definition for the term.

Sometimes, the creation of a specialised usage of 'humiliation' occurs through the division of ordinary-language usages of 'humiliation' into the 'good kind' of humiliation, which is then labelled with an alternative term, such as 'humbling' or 'shaming'; and the 'bad kind' of humiliation, for which the term 'humiliation' is exclusively reserved. Lindner writes:

> 'Earlier we said that it seems that humiliation can work for both good and evil. Now we see that it might be feasible to apply the words "humbling" and "humility" to the good manifestation of lowering or being lowered and reserve the term humiliation for its evil expression.'[51]

Here, Lindner explicitly divides the range of phenomena that she herself has previously called 'humiliation' so that the term 'humiliation' will apply only to the 'evil expression' of humiliation. Parekh makes a related move when he calls certain cases 'humbling' instead of 'humiliation' on the grounds that they do not 'display disrespect/contempt' or seek to undermine self-respect.[52] These cases include the deflation of a person's ego – 'one might dent a talented but arrogant student's ego by setting her an impossibly demanding task or taking an excessively critical view of her work' – and religious exercises such as monastic practices requiring novices to confess their base thoughts and report expressions of pride in others.[53] Parekh's view seems to be that because these kinds of

[50] Palshikar, 'Understanding Humiliation,' 79-80.
[51] Lindner, *Making Enemies*, 5.
[52] Parekh, 'Logic of Humiliation,' 30.
[53] Parekh, 'Logic of Humiliation,' 30.

educational and religious practices do not *aim* to humiliate in the sense of seeking to undermine self-respect, they do not count as humiliation, but rather as humbling.[54]

A similar observation applies to 'insult' in Margalit's scheme and 'degrading' in that of Neuhäuser, who writes: 'There are probably many cases where degrading someone can be justified; there are no cases where it is justified to humiliate someone, or, at least, I can think of none.'[55] Note that the concept that each writer uses to 'take care' of cases of humiliation that do not reflect the 'current view' might themselves be considered illegitimate even more often than humiliation. Is it more obvious that humiliation is always illegitimate than 'degradation' or 'insult'? The use of terms like 'humbling' or 'shaming' to cover forms of humiliation that do not match the 'current view' of humiliation has some grounding in, but also departs from, ordinary language. I tackle this issue in greater detail below. For now, the point is only to indicate the function of related concepts in the creation of specialised senses of 'humiliation.'

Not all specialised usages of 'humiliation' reflect the view of humiliation present in much of the current literature. Miller writes:

> 'Humiliation is the emotion we feel when our pretensions are discovered. By taking this view of humiliation, I reject masochism or torture as providing the paradigm for humiliation, as some have done. Humiliation inheres in every nook and cranny of the normal. We know it in the myriad of little humiliations we frequently suffer or risk suffering in every face-to-face interaction... I claim that humiliation's genre is the comic...'[56]

Miller acknowledges that 'humiliation' is sometimes used to describe situations that are decidedly not comic, such as torture and death camps, but he views the latter usage of humiliation ('Humiliation with a big **H**') as 'parasitical' on the 'usual and familiar' usage.[57] In particular, Miller believes that 'Humiliation with a big **H**' is 'part of the concept of

[54] Parekh, 'Logic of Humiliation,' 30.
[55] Neuhäuser, 'Humiliation: The Collective Dimension,' 28.
[56] Miller, *Humiliation*, 10.
[57] Miller, *Humiliation*, 10, 167; emphasis in the original.

humiliation only by imaginative extension of the normal experiential domain of the discomfort of self-assessment and self-attention.'[58] The view that the 'comic' understanding of humiliation is somehow more fundamental than 'Humiliation with a big **H**,' however, seems unfounded. It is more plausible to acknowledge that there are *different* conceptions of humiliation, which are related to one another but which cannot be reduced to one simple understanding.

There is nothing incoherent about using 'humiliation' in a 'specialised sense that reflects the "current view" of humiliation' (the phrase in quotation marks will be called 'humiliation$_S$') and drawing conclusions about humiliation on this basis. I argue, however, that it is not necessary to adopt such a usage, and that there are drawbacks in doing so. The foregoing comments have indicated that adopting a view of humiliation as the violation of human dignity or equality is not necessitated by the ordinary-language usage of humiliation. I now address and counter two additional (related) perspectives from which the adoption of humiliation$_S$ might be considered to be a necessary step.

One reason to adopt humiliation$_S$ is to devise a political theory on the basis of the goal of non-humiliation. This is essentially Margalit's aim in *The Decent Society*, although he wants to avoid calling his account of a decent society a 'theory,'[59] and Schick's definition of humiliation is adopted in order to validate Margalit's interest in devising such a political view. Such a project encounters the challenge of explaining how a political theory based on the importance of non-humiliation differs (if at all) from a political theory based on the importance of equality or freedom.[60] Even if this challenge is successfully met, however, this kind of project is *not* the only possible task for an examination of the concept of humiliation

[58] Miller, *Humiliation*, 167.
[59] Margalit, *The Decent Society*, 284.
[60] Honneth notes that it is not clear what distinguishes Margalit's conception of the decent society from 'the received conception of a just society.' 'A Society without Humiliation?' *European Journal of Philosophy* 5:3 (1997), 313.

in political theory, and it is not the task of this thesis. One can engage in normative argument about political phenomena related to humiliation, and clarify the concept of humiliation, without the aim of constructing a political theory based on non-humiliation.

Second, and relatedly, one might come to adopt humiliation$_S$ because one is initially interested in humiliation's involvement in some of the worst things that can be done to people, such as concentration-camps, rape, and torture.[61] One might seek to use the observation that humiliation is involved in these events in order to draw conclusions about the appropriate organisation of social and political life. The observation that humiliation is involved in these events cannot, as I have argued, ground the conclusion that humiliation must *always* take the form of a violation of human dignity or equality. More broadly, however, the concern with these kinds of developments is *not* the only possible starting-point for an interest in humiliation. One might be interested in the social and political effects (both positive and negative) of an aversion to humiliation among ordinary citizens or state officials; with the proper approach to culturally-ratified senses of honour and ideas about humiliation that seem problematic from a liberal democratic perspective; with the potential to use humiliation as a tool against powerful actors in support of liberal democratic aims; or with people's assessments of their social status, especially their self-positioning vis-à-vis others (as Miller seems partially to be). Each of these possibilities raises issues about the nature of humiliation and appropriate responses to humiliation. But they do not stem from a consideration of the involvement of humiliation in the worst that can be done to people.

In the next section I argue that the adoption of humiliation$_S$, in addition to not being a necessary step, carries with it certain drawbacks.

[61] See the discussion of humiliation in the context of the Holocaust by Margalit and Motzkin, 'The Uniqueness of the Holocaust,' 72-76. Honneth presents Margalit's interest in humiliation as an outgrowth of his interest in the role of humiliation in the Holocaust; 'A Society without Humiliation?' 307-309. Margalit does, however, reject the idea that 'the only way to illustrate this notion of humiliation is by appeal to extreme cases of societies with concentration camps...' *The Decent Society*, 136.

B. Drawbacks to Adopting Humiliation$_S$

In this section I list several potential drawbacks to adopting humiliation$_S$. With the possible exception of the first one on the list, they are not inevitable consequences of adopting humiliation$_S$, but potential results that should be taken into account.

1. Failure to Diagnose Humiliation

The use of humiliation$_S$ can result in a failure to diagnose as humiliation, situations that would intuitively seem to many people to constitute humiliation. For instance, Schick explicitly creates a specialised sense of 'humiliation' that requires gloating on the part of a person responsible for humiliation. He writes, in a discussion of rape, that:

> 'we might speak of the rapist's gloating (it needn't have shown on his face), his satisfaction with himself for having pushed the woman down, for being, as he saw it, *above* her. The gloat is essential to the humiliation imposed on a woman in a rape. Without the gloating, it would be an outrage but not a humiliation.'[62]

Actual or imagined gloating, however, does not seem to be a sufficient characterisation of the reasons why rape could be humiliating for women, and Schick's conclusion that 'without the gloating, it would be an outrage but not a humiliation' seems very out of place.

To take another (less serious) case, Margalit takes up the topic of the violation of the privacy of celebrities through gossip. For Margalit, the question of whether celebrities are humiliated depends on 'whether gossip puts famous people in their place as basically ordinary people – insulting them, perhaps, but not humiliating them – or whether it actually makes them seem nonhuman. Does gossip affect only the celebrities' public image, or does it affect their self-image as well?'[63] These questions are based on Margalit's definition of

[62] Schick, 'On Humiliation,' 137.
[63] Margalit, *The Decent Society*, 206-207. The question of whether gossip affects celebrities' self-image actually seems to be inconsistent with Margalit's insistence on a 'normative' sense of humiliation – that is, his insistence

humiliation in terms of rejection from humanity and injury to self-respect. But they will seem to many people to be the wrong ones to ask in order to find out whether celebrities are humiliated. Cannot the revelation of a history of drug abuse be humiliating for a celebrity even if it does not make the celebrity seem 'nonhuman'?

Those who use humiliation$_S$ might not see their failure to diagnose situations that might intuitively seem humiliating as a drawback of their accounts. If one believes that something meaningful is conveyed by calling the more 'intuitive' situations humiliating, however, then one is likely to feel that something has been lost in adopting the specialised sense of 'humiliation.'

2. Assimilation

If 'humiliation' is used in a specialised sense, then there is a risk of misjudging situations that are ordinarily considered humiliating by assimilating them, in terms of the normative level of concern that they warrant, to the specialised sense of 'humiliation.' This may not be the fault of those who use 'humiliation' in the specialised sense, though they should be clear about how they use the term; but it is a risk nonetheless. In particular, the view that humiliation constitutes a violation of human dignity can lead people to especially 'absolutist' conclusions about the importance of abstaining from all forms of humiliation.

For instance, Saurette begins his book by noting that it would seem extremely counterintuitive to associate Kant's philosophy (and modern philosophy more generally) with humiliation:

> 'For humiliation seems to destroy the autonomy of the modern subject. Humiliation, moreover, by definition would seem to vitiate the essential dignity and respect that the modern subject is due....There are, of course, very good reasons to share the ethical disavowal of humiliation and hope that it is a practice we are working to overcome.

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that people who are humiliated must have sound reason to reduce their respect for themselves, not merely undergo an alteration in the way they think about themselves.

> For, as anyone who has ever felt humiliation knows, it is an incredibly potent and painful emotion. It is thus not surprising that many contemporary theorists view humiliation as one of the most cruel informal punitive systems of society – and that some go so far as to name humiliation as the central vice of late-modern society.'[64]

Saurette's main piece of evidence for this last claim is Margalit's *The Decent Society.* Saurette then provides a range of examples of humiliation: the type of social discipline that Miller describes in *Humiliation* (which Saurette cites); the public dressing-down of a relatively junior academic giving a paper; shaming penalties applied by an American sheriff, the humiliation of Germany in the Treaty of Versailles, and the tactics of the US military in Iraq (including Abu Ghraib). Saurette then suggests that humiliation is (1) cruel; (2) ineffective in enforcing discipline and frequently counter-productive; and (3) premised on the denial and denigration of the very idea of people's dignity and autonomy.[65]

Saurette's identification of very different types of humiliation as violations of people's essential dignity and autonomy is misleading, because some of the cases of humiliation that Saurette cites do not fit this model. As noted earlier, Miller investigates humiliation in the context of 'darkly comic' social situations, which he conceives as the core of the concept, rather than the serious infringements of humanity that he calls 'Humiliation with a big **H**.' In fact, Miller specifically rejects a view of 'Humiliation with a big **H**' as the fundamental type of humiliation.[66] It seems somewhat extreme to say that the academic whose humiliating dressing-down Saurette describes has his or her 'essential dignity' or autonomy violated. Regarding the Versailles Treaty, Saurette suggests that Germans felt humiliated only because they had a prior claim to great power status,[67] and it seems possible to imagine that the treaty deflated this claim without attacking 'the very idea' of German

[64] Saurette, *The Kantian Imperative*, 4-5. Although Saurette's usage of 'seem' might appear to introduce an element of doubt into his statement, he provides no reason to support the existence of such a doubt.
[65] Saurette, *The Kantian Imperative*, 9.
[66] Miller, *Humiliation*, 167.
[67] Saurette, *The Kantian Imperative*, 12. I do not take a position on the accuracy of this historical view.

dignity and autonomy (where the latter is understood, as Saurette understands it, as a great vice identified by modern moral philosophy).

Although all of the cases that Saurette cites could plausibly be called 'humiliating' according to ordinary usage, they are not all 'premised on the denial and denigration of the very idea of one's dignity and autonomy.' Saurette's work provides an example of assimilation because he appeals to a 'specialised' sense of humiliation as the violation of essential dignity (citing Margalit, for instance); he then lumps together cases that fit the specialised sense and those that do not, and condemns the whole category. The end result is to assimilate cases that would ordinarily be considered humiliating to the category of humiliation understood in a specialised sense. Of course, it is not the fault of a writer like Margalit if other people assume that all kinds of humiliation fit the model that he describes. The point is that the assimilation of all cases of humiliation to one specific model is a potential risk of using 'humiliation' in a specialised sense.

3. Redundancy

The use of humiliation$_S$ risks rendering the term 'humiliation' redundant. This is because the concept is being reduced to one possible form it may take, leaving out some of the rich connotations that the term 'humiliation' generally possesses. For instance, if 'humiliation' is used to describe the practice of treating human beings as non-human, then there is a question about why the term 'dehumanisation' is not used instead. Moreover, the concept of humiliation may become redundant in a normative sense – say, if humiliation is thought necessarily to lower people from an equal status. If humiliation is understood in this way, then an issue arises about whether there is anything problematic from a liberal democratic perspective about humiliating people, over and above the problem with treating people unequally. As Honneth observes, Margalit's definition of non-humiliation in terms of

the maintenance of self-respect, understood as respect for oneself as a person, does not substantially differ from traditional understandings of justice, which Margalit sometimes seems to take himself to be challenging.[68] One could still come up with an account of humiliation that does not render it redundant, but there is a risk that defining humiliation in a way that makes it necessarily incompatible with liberal democratic principles reduces the concept to a practice that is already incompatible with liberal democratic principles regardless of whether it is humiliating.

The risk of redundancy is particularly acute among those, such as Margalit and Neuhäuser, who wish to create a 'normative' conception of humiliation that justifies people in feeling humiliated. These writers want to avoid the conclusion that people *are* humiliated simply because they *feel* humiliated, and so they create conditions for what counts as 'normative' humiliation. These conditions, however, might themselves yield a normative condemnation independent of their relationship to humiliation. In this case it is not clear what has been gained by turning to humiliation as a concept to be used in normative theorising.

4. Difficulty Grappling with Complex Cases

The use of humiliation$_S$ can result in difficulty grappling with complex cases of humiliation, in which intuitions about whether something is humiliating are less clear, but which are not so extreme as to prompt the judgment that a given action ought not to be taken. Schick, for instance, raises the issue of whether means tests for welfare recipients humiliate. He contends that means tests do erode self-respect, but they can humiliate 'only where the person doing the testing enjoys his being intrusive, where he is pleased to see himself free to

[68] Honneth, 'A Society without Humiliation?' 313.

ask the others what they can't ask him.'[69] Schick believes, plausibly, that the people doing the testing may, but need not, gloat – and so he promptly judges that means tests need not humiliate.

I do not take a position on whether Schick's conclusion is correct; the point is that his restrictive definition of humiliation limits the depth of the analysis of this situation that he can provide. Being subject to a test designed to weed out people who are viewed as freeloaders and to create a category of people who are judged to require government assistance – especially if it is coupled with intrusive government surveillance – raises concerns about humiliation that cannot be put to rest simply by stating that the official conducting the test is not gloating. The issue of whether means tests are humiliating depends on a variety of factors: social perceptions of the tests, the social background of the recipients, and the manner of carrying out the tests. But Schick's use of humiliation$_S$ limits his ability to examine various relevant factors in a penetrating way.

5. Confusion

The use of humiliation$_S$ creates the potential for confusion among writers some of whom are using humiliation$_S$ while others are using 'humiliation' in a different sense. An example comes from a footnote in Neuhäuser's work:

> 'Samuel Kerstein suggested that the humiliation of a group member might be welcomed, even when it is directed against a shared part of identity that is constitutive for the self-respect of the members of the group. This could be the case when one member of a group is just taking it much too far in being proud of having this identity. Likewise Marcus Düwell suggested that it might be called for to humiliate those who are themselves very humiliating in their attitude. I think a group can rightfully want one of its members to be insulted, but not to be humiliated. And it might be that there are cases where humiliation is the only response to prevent humiliation and, therefore, some kind of self-defence. But I have no clue how such cases would look and how it can be made certain that those members of the group who do not humiliate are also not humiliated. Moreover, I think both have something similar in mind that is

[69] Schick, 'On Humiliation,' 140.

> degrading but not humiliating. There are probably many cases where degrading someone can be justified; there are no cases where it is justified to humiliate someone, or, at least, I can think of none.'[70]

The interlocutors here appear to be talking past one another. Kerstein and Düwell do not seem to be using 'humiliation' in Neuhäuser's sense of 'an attempt to lower someone below the status of a human being as a person with dignity through an improper attitude or treatment.'[71] Otherwise, they would likely not defend humiliation in these cases. Neuhäuser's response does not go very far to clear up the confusion. His statement that Kerstein and Düwell are really thinking of degradation and not humiliation suggests that Kerstein and Düwell have made a mistake in identifying those situations as humiliating. But their mistake, if they have made one at all, is simply not to recognise that Neuhäuser is using 'humiliation' in a specialised sense that renders their questions moot to begin with. Their initial failure to recognise that Neuhäuser is using 'humiliation' in a specialised sense may not be Neuhäuser's fault. But Neuhäuser does not explain the divergence in usages and its impact on the disagreement. Such confusions can certainly be cleared up, but they remain a possibility when one writer uses a specialised sense of 'humiliation' to draw conclusions that seem implausible given another sense of 'humiliation.'

6. Lack of Attention

The use of humiliation$_S$ can lead to a lack of attention to situations that raise issues about humiliation but do not count as humiliating according to the specialised sense. This is problematic because such situations can be politically influential, and they can demand normative thinking about the appropriate response. For instance, Margalit's 'objective' or 'normative' conception of humiliation leads him to spend very little time examining senses of humiliation on the part of those who have not been rejected from humanity, but who have

[70] Neuhäuser, 'Humiliation: The Collective Dimension,' 28.
[71] Neuhäuser, 'Humiliation: The Collective Dimension,' 22.

been demoted in terms of what Margalit would categorise as their 'social honor.' Processes of social demotion and the feelings of humiliation that may surround them, however, play a significant role in a variety of societal arenas, such as political decision-making and economic competition. They raise normative questions about, for instance, the appropriateness of mechanisms to expose and penalise people in certain roles for misconduct or incompetence. Someone who adopts humiliation$_S$ may always leave it to another person to pursue such topics. In general, however, the adoption of humiliation$_S$ risks contributing to a general tendency to ignore other conceptions of humiliation with social and political import.

With the possible exception of 'failure to diagnose,' these drawbacks are risks rather than necessary consequences of using humiliation$_S$. The existence of these drawbacks does not imply that an analysis of humiliation using humiliation$_S$ is an incoherent project. It does, however, suggest that an analysis of humiliation using humiliation$_S$ is not the only plausible kind, and that such an endeavour needs to be supplemented by a different type of account. The thesis is particularly concerned to avoid the drawbacks of 'assimilation' and 'lack of attention.' With regard to 'assimilation,' I aim to discourage misleading conclusions about the degree to which those committed to liberal democratic principles are required not to take action that constitutes and/or leads to humiliation, where 'humiliation' is not understood in the specialised sense. With regard to 'lack of attention,' the thesis suggests that it is important to examine political situations that are considered humiliating but not in the sense of humiliation$_S$, because these situations are politically influential and demand normative thinking about appropriate responses. The general point is that the existing literature on humiliation has tended to investigate a rather narrow segment of the field of humiliation in politics, and that the conclusions drawn from such investigations risk distorting our understanding of the proper approach to humiliation in general.

C. Humiliation$_S$ and Related Concepts

As noted earlier, some writers seek to 'take care' of usages of 'humiliation' that do not fit the current picture by applying the terms 'shame' or 'humbling' to them. In this section I point out difficulties with making this move, and in doing so, explore the connections between humiliation and the related concepts of shame and humility.

1. Humiliation, Humility, and Humbling

The terms 'humiliation,' 'humbling,' and 'humility' stem from the Latin word *humus* (earth), which is connected to *humilis* (low) and *humiliare* (to make low).[72] In an earlier era, the terms 'humiliation' and 'humbling' were often used interchangeably, to denote a form of treatment or conditions that aimed at, or succeeded in, producing humility – often as an alternative to sinful pride.[73]

According to Miller, the term 'humiliation' first came apart from the terms 'humbling' and 'humility' in the mid-18th century.[74] Lindner makes a substantive point about the nature of humiliation on the basis of an historical differentiation of 'humiliation' and 'humility.' She contends that 'humiliation' emerged in the modern era when the idea of 'being made low' came to be viewed as an illegitimate affront to equal dignity.[75] Before modernity, it was considered acceptable for high-status individuals to put inferiors in their place. In the modern era, when it became apparent that everyone would have to be treated with equal dignity, the term 'humiliation' came to be assigned to the illegitimate denial of

[72] Miller, *Humiliation*, 147; Lindner, *Making Enemies*, xiv.
[73] In 1656, for example, T. Blount's *Glossographia* defined 'Humiliate' as 'to make low or humble.' 'Humilate, v.,' *OED Online*, Oxford University Press, September 2012. <http://ezproxy.ouls.ox.ac.uk:2277/view/Entry/89366?rskey=wyzl16&result=2&isAdvanced=false#eid > A 1613 usage of 'humiliation' in S. Purchas' *Pilgrimage* states, on the topic of 'receiving penitents': 'having first before this washing testified their humiliation by fasting and prayer.' 'Humiliation., n.,' *OED Online*, Oxford University Press, September 2012. <http://ezproxy.ouls.ox.ac.uk:2277/view/Entry/89368?redirectedFrom=humiliation&> See also Saurette, *The Kantian Imperative*, 3-4.
[74] Miller, *Humiliation*, 175.
[75] Lindner, *Making Enemies*, 22-26.

equal dignity.[76] As a descriptive thesis about the current usage of 'humiliation,' Lindner's view is not entirely accurate; several current usages of 'humiliation' adduced thus far in the thesis have suggested that this term is not used solely to refer to an illegitimate phenomenon. Lindner seems to acknowledge this when she notes, as quoted above, that 'earlier we said that humiliation can work for both good and evil. Now we see that it might be feasible to apply the words "humbling" and "humility" to the good manifestation of lowering or being lowered and reserve the term humiliation for its evil expression.'[77] This statement suggests that Lindner is making a conscious choice about how to use the term 'humiliation,' not merely using the term in a way that reflects its historical development.

Nevertheless, the fact that 'humiliation' often is used to refer to some kind of injustice does seem to be a feature of the more recent usage of the term that differentiates it from the older usage. Moreover, the earlier usages of 'humiliation' seem more likely than contemporary usages to connote some process that – beyond being justified – is salutary in and of itself.[78] One reason may be that these earlier usages sometimes connoted 'lowering *oneself*' in a way that represented an admirable personal admission of imperfection, rather than a process of being 'forced down.' Not all forms of salutary humiliation, however, involved 'self-humiliation.' The 'forcing down' of another person could also be considered an appropriate way to induce greater humility in the other person. The point that 'humiliation' has taken on more negative connotations over time does, therefore, seem to capture some element of the term's historical development.

'Humbling' seems to have gone out of fashion, though people still speak of humility and being humble, and usually with approbation. There is perhaps an historical story to tell

[76] Lindner, *Making Enemies*, 22-26.
[77] Lindner, *Making Enemies*, 5.
[78] Humiliation could also be justified as a side-effect of a legitimate aim or as a means to the end of a legitimate aim; see the section on humiliation and intentionality, below.

about an increasing aversion to bringing people down in order to impress them with their lowliness, in the name of 'modern values' of freedom and the worth of the individual, and about the decline of the redemptive value of humbling/humiliation in 'a secular age.' Each of these stories would range outside the bounds of the thesis, though they would be interesting areas to explore. Despite the fact that 'humbling' is not a very common term nowadays – certainly much less common than 'humiliation' – it still seems to connote some kind of salutary process of putting in their place those who are 'too big for their boots.'

Those who wish to adopt humiliation$_S$, therefore, might wish to follow Lindner's lead and apply 'humbling' to certain forms of humiliation that do not merit the same negative judgment as those reflected in the 'current view' of humiliation.[79] Like the idea that 'humiliation' must describe actions that lower people beneath the level of human dignity or equality, the distinction between 'humiliation' and humbling' on the basis that 'humiliation' is 'bad' and 'humbling' is 'good' has some basis in ordinary language, but departs from ordinary language in significant ways. As noted above, 'humiliation' is used in ways that do not fit the 'current view,' including situations that could be thought of as classically humbling, such as the mention of humiliation in connection with the Murdoch phone-hacking scandal. A sharp ethical distinction between 'humiliation' and 'humbling' is not actually observed in parts of the academic literature; Statman, for instance, who considers humiliation to be 'one of the worst evils,'[80] states that 'The pure cases of humiliation are those in which the humiliator explicitly seeks by his actions to reject the victim, to humble and degrade him, to exclude him from a specific group or from the family of man altogether.'[81]

[79] Parekh effectively makes the same distinction, but without any recognition that his distinction between the two terms is not inevitable. 'Logic of Humiliation,' 30.
[80] Statman, 'Humiliation, Dignity, and Self-Respect,' 536.
[81] Statman, 'Humiliation, Dignity, and Self-Respect,' 531.

Nevertheless, one could still decide to use 'humbling' to cover certain cases of what is sometimes called 'humiliation.' As with the use of humiliation$_S$, there is nothing incoherent about such a suggestion, but there are potential drawbacks associated with it. To begin with, it is not exactly clear which cases of humiliation the term 'humbling' should be revived in order to cover. One possibility is that 'humbling' should be applied to cases in which the powerful are brought down. If 'humbling' is meant to connote a salutary or even legitimate process, however, then it cannot be applied to all cases in this category – take the malicious employee who, for no good reason, arranges a situation in which the employer looks like a fool. If 'humbling' need not connote a legitimate process, then we still face the question of differentiating between legitimate and illegitimate forms of humbling, and it is not clear why this is better than asking the same question about humiliation.

Another possible suggestion (which seems to be Lindner's) is that 'humbling' should be used to take over the domain of cases that might be considered humiliating but are actually legitimate. 'Humbling,' however, seems best suited to capture cases in which people are 'brought down' to their 'proper place.' This term would not capture cases in which it is legitimate for an actor to cause humiliation as a side-effect of a worthy goal. For instance, one could hold that it is legitimate to strip-search people who are arrested and genuinely suspected of concealing immediately dangerous items even though such searches are humiliating, without saying that the search was 'humbling.'[82] One might, therefore, use 'humbling' to cover only cases of humiliation in which the powerful are legitimately brought down to their proper place. Even so, this term does not seem capable of capturing all the resonances of 'humiliation.' The term 'humiliation' is often closely associated with exposure to the gaze of others, whereas 'humbling' does not carry the same connotations. It is not obvious, for instance, that 'public humiliation' could be replaced by 'public humbling.' More

[82] I do not take a position on whether these kinds of searches are, in fact, legitimate; the point is that those who hold they are legitimate are not committed to saying that the searches are humbling.

broadly, ‘humbling’ and ‘humiliation’ are different concepts, with a different (though overlapping) set of complicated resonances attached to them. Reviving ‘humbling’ to take over part of the domain covered by ‘humiliation’ could result in failure to attend to certain aspects of humiliation.

The effort to portray humbling as ‘legitimate humiliation’ is further complicated by the fact that it is difficult to categorise certain phenomena as *either* humbling or humiliating, due to the overlap between the concepts. For instance, a person might say ‘I want to show everyone that the horribly arrogant man was a complete fool.’ The person acts in a certain way, and as a result, the horribly arrogant man is shown to be a complete fool. This prevents him from lording it over others, as he used to do. Should this action be considered ‘humiliating’ or ‘humbling’? One plausible answer is ‘both.’ This suggests that some cases of humiliation may be able to be described as humbling, but they do not by that token cease to be humiliating.

Finally, reviving the term ‘humbling’ to cover some cases of what might otherwise be called ‘humiliation’ leaves untouched any questions that might arise with regard to feelings of humiliation. Those who are ‘humbled’ in the sense of being subjected to ‘humbling’ treatment may feel ‘humbled,’ but they may and often do also feel humiliated. Questions may arise about how to respond to these feelings, and it is not clear that any light is shed on them by calling these situations ‘humbling’ instead of ‘humiliating.’ While there are significant connections between humbling and humiliation, then, there are drawbacks to the effort to bolster humiliation$_S$ by transferring any connotations of ‘humiliation’ that suggest it could be legitimate to ‘humbling.’

2. Humiliation and Shame

The concept of shame is a much more common object of scholarly investigation than humiliation, and sometimes discussions of humiliation are simply annexed to discussions of shame,[83] or 'shame' and 'humiliation' are used interchangeably.[84] Shame and humiliation are linked to a significant extent through the aspect of 'exposure' to the gaze of others. As Bernard Williams notes, 'the most primitive experiences of shame are connected with sight and being seen…the expression of shame...[is] the desire to disappear, not to be there.'[85] Feelings of both humiliation and shame often arise as a response to the exposure of some real or perceived inadequacy. Moreover, shaming and humiliating people as actions often consist at least partially of exposing, unmasking, or uncovering others.

Despite the extensive overlap between shame and humiliation, certain distinctions can be drawn between the two concepts. People who feel shame seem more consistently to judge themselves adversely from an internal point of view.[86] Feelings of shame generally arise in response to a personal judgment that one has fallen short of certain standards.[87] These standards may have originated in the expectations of others, but they are internalised, even if only in the sense that the person feeling shame is concerned with living up to the expectations of others. Feelings of humiliation may take a very similar form, but they may also involve greater emphasis on some feature of one's condition which one identifies as the source of humiliation. This feature of one's condition could be the perpetrator of an unjust action, but – as noted earlier – people not feel that an unjust action has been done to them in order to feel

[83] For instance, Taylor, *Pride, Shame, and Guilt*, 67-68.
[84] For instance, Whitman, 'What is Wrong with Inflicting Shame Sanctions?' 1059.
[85] Williams, *Shame and Necessity*, 89.
[86] Klein, 'The Humiliation Dynamic,' 118, and Schick, 'On Humiliation,' 134, hold this view, albeit too categorically.
[87] A distinction is sometimes made between shame and guilt on (*inter alia*) the basis that shame 'pertains to a trait or feature of the person, whereas guilt pertains to an act.' Nussbaum, *Hiding from Humanity*, 229. This may be true in some cases, but the distinctions between feeling ashamed /feeling guilty, and feeling bad about an act/feeling bad about the self, do not seem to be clear-cut in themselves, and do not seem to map neatly onto each other. See Whitman, 'What is Wrong with Inflicting Shame Sanctions?' 1081.

humiliated. The feature of their condition could also be, for example, exposure to the gaze of others in a compromising way. The point here is that feelings of humiliation focusing on some feature of one's condition need not involve an adverse judgment of the self. For instance, one might steal from a co-worker, regret it, and feel shame; but one might feel humiliated if fellow workers find out. The feeling of humiliation may incorporate a sense of having failed to meet personal standards, but it still seems to be focused to a greater degree – compared to the feeling of shame – on the fact of exposure than on the fact of one's lapse. This is by no means a strict dichotomy, but it may speak to a difference in emphasis between the two concepts in some of their instantiations.

The concept of embarrassment is related to both humiliation and shame, again through the idea of exposure to the gaze of others. Sometimes 'embarrassment' is used simply to denote a lighter version of shame or humiliation. Embarrassment seems to involve an adverse judgment of a person – either by herself or others – for failing to react properly or appearing inadequate in certain social situations, rather than a deeper and more extensive judgment of the person.[88] In a related vein, feeling embarrassed generally seems to be more closely tied to the actual presence and judgments of an audience than shame and humiliation. One might feel embarrassed on one's own, but usually because one is putting oneself mentally in front of a specific audience.[89]

The fact that feelings of shame more consistently involve an internal adverse judgment of the self than humiliation might suggest that shame is morally productive in a way that humiliation is not. The idea is that feelings of shame can act as a positive moral restraint on people's conduct, whereas feelings of humiliation are not as likely to inspire an internal desire to change. Similarly, the motivations of people who shame others might be

[88] Taylor, *Pride, Shame, and Guilt*, 73-74.
[89] See Nussbaum, *Hiding from Humanity*, 204-206, though I do not follow many aspects of her account of the distinctions among embarrassment, shame, and humiliation.

thought to be morally superior to the motivations of people who humiliate others; 'shamers' focus on inspiring some change in behaviour, while 'humiliators' are more interested in bringing people down in a malicious way.

Accordingly, some writers who are opposed to both shame and humiliation are *more* opposed to humiliation than to shame,[90] and some writers who are opposed to humiliation consider shame to be morally legitimate, even salutary. Lindner, for instance, writes that 'Shame seems to be lowering accepted by the receiver and interpreted as due humbling...shaming may thus work for the good of the larger society.'[91] Margalit believes that humiliation is a subset of shame, so that 'someone who is humiliated is also shamed, but not necessarily the other way round...shame involves humiliation only when one is ashamed of a feature of her self-definition connected with her belonging to a group.'[92] The idea is that making people feel ashamed of some feature of their identity is humiliating, and it is wrong as long as this feature is 'legitimate' (not, for instance, membership in the Nazi party).[93] On the other hand, making someone feel ashamed of an 'achievement trait' such as her skill as a writer 'may be an insult, but does not constitute humiliation,' because it injures only 'social honor,' not 'human dignity.'[94] Shaming that injures 'social honor' may be wrong, but need not be; Margalit endorses criminal punishment intended to 'shame and dishonor' prisoners.[95]

Not all writers who criticise humiliation differentiate between humiliation and shame. Markel, for instance, provides a characterisation of shaming, which (he notes) he conflates with humiliation,[96] as follows: 'When one shames another person, the goal is to degrade the

[90] Nussbaum, who is generally critical of shame, writes that shame, unlike humiliation, potentially includes 'some instances of justified moral critique.' *Hiding from Humanity*, 204.
[91] Lindner, *Making Enemies*, 21.
[92] Margalit, *The Decent Society*, 132.
[93] Margalit, *The Decent Society*, 133.
[94] Margalit, *The Decent Society*, 133.
[95] Margalit, *The Decent Society*, 267.
[96] Markel, 'Are Shaming Punishments Beautifully Retributive?' 2162.

object of shame, to place him lower in the chain of being, to dehumanize him.'[97] Nevertheless, some might want to follow the example of the proposed usage of 'humbling' considered above and to replace cases of 'legitimate humiliation' with 'shaming.' As with 'humbling,' however, 'shaming' would seem to cover only certain cases of 'legitimate humiliation' – in the case of 'shaming,' the most 'moralised' cases, in which people are brought to realise that they really have transgressed a valuable standard. But it seems that certain instances of humiliation in politics, such as the censure of a politician who has engaged in egregious misconduct, may be legitimate even if they do not give rise to moral self-evaluation.

One could, therefore, seek to replace only 'moralised' forms of legitimate humiliation with 'shaming.' Shaming, however, is not necessarily morally productive. After all, there is no guarantee that the internal judgment of the self involved in feeling shame will be formed in response to truly moral standards. Soldiers in a bloodthirsty society can be made to feel shame for not killing enough innocents. Moreover, people can feel shame as a response to judgments that have little to do with 'morality' in the broad sense of a domain involving right or wrong, such as their appearance or control over bodily functions, their athletic prowess, or their intellectual capacities.[98] If one replaced 'legitimate humiliation' with 'shaming,' then, one would still face the question of how to differentiate the 'legitimate' kind of shaming with the 'illegitimate' kind.

It could still be argued that shame has moral *potential*, while humiliation does not. But it is not clear that humiliation has no moral potential. People *may* judge themselves adversely according to appropriate moral standards as a result of humiliation. In addition, the aversion to humiliation may motivate adherence to appropriate moral standards – and, though

[97] Markel, 'Are Shaming Punishments Beautifully Retributive?' 2179.
[98] In fact, this is one of the distinctions sometimes drawn between shame and guilt, which is thought to apply specifically to moral lapses. Williams, *Shame and Necessity*, 91-92.

this kind of adherence may not be 'pure,' the adherence to moral standards as a result of being shamed by others may not be 'pure' either.

More broadly, the fact that shame and humiliation are so intertwined with one another makes it difficult to create a sharp distinction between them. People can be subject to actions that both shame and humiliate; they can feel ashamed and humiliated at the same time; they can feel shame in response to humiliating treatment and feel humiliation in response to shaming treatment. Even some writers who object to humiliation use the two terms to describe the same phenomena.[99] It is not clear that these actions and feelings can be disentangled in a way that would render humiliation morally illegitimate in a way that shame is not. Despite the plausibility of distinguishing between certain manifestations of humiliation and shame, then, 'shame' should not be taken as a substitute for 'legitimate humiliation.'

To conclude, Part II has presented several aspects of the concept of humiliation and drawn distinctions between different understandings of humiliation. The descriptions of features of humiliation that it has presented can help to inform future discussions of the concept. In particular, Part II has highlighted the complexity of the concept of humiliation and the variety of forms that it can take, many of which do not fit the view of humiliation as the violation of human dignity or equality or as the conditions or feelings that result from such a violation. The next step is to draw out the implications of this perspective for normative judgments regarding the engagement of states and other actors committed to liberal democratic principles in actions that constitute and/or lead to humiliation.

[99] Statman, 'Humiliation, Dignity, and Self-Respect,' 534; Honneth, *Redistribution or Recognition?* 259.

PART III: LIBERAL DEMOCRATIC APPROACHES TO HUMILIATION

In Part III I argue that the approach to humiliation by those committed to liberal democratic principles ought to be more nuanced than it is presented in much of the current literature. In particular, the recognition of forms of humiliation that do not involve the violation of human dignity or equality suggests that those committed to liberal democratic principles may legitimately engage in action that constitutes and/or leads to humiliation. At the same time, there are genuine concerns about certain actions that fall into this category. It is therefore necessary to make normative judgments on the basis of contextually-specific factors, and some of these judgments are not simple to make. In addition to its normative conclusions, Part III provides additional illustrations and elaborations of some of the aspects of humiliation discussed in Part II, and it further supports the view that humiliation should not necessarily be cast in the mould of a violation of human dignity or equality, or of the conditions or feelings that result from such a violation.

Part III is divided into five chapters. Chapter 4 focuses on feelings of humiliation encountered by some white Southerners during the Reconstruction and civil rights eras. Chapter 5 concerns the practice of public censure by state institutions of their own members. Chapter 6 examines cases in which the exposure of certain features of public officials and politicians results in humiliation. Chapter 7 investigates the topic of political ridicule that leads to humiliation for its targets, and Chapter 8 takes up the issue of 'shame sanctions' as a form of criminal punishment. These chapters are followed by a conclusion to the thesis. Some of the considerations that I discuss in various chapters overlap, but the discussion in each chapter focuses on issues that are particularly relevant to a certain set of political practices. The examples I consider are of different length, depending on the nature of the points that I make on the basis of their consideration. Chapters 4, 5, and 8 focus on the conduct of states that aspire to instantiate liberal democratic principles. Chapter 7

concentrates on the conduct of non-state actors interacting in a state's political culture, such as political activists and journalists, and Chapter 6 discusses the actions of both state and non-state actors. Before moving on to these chapters, I now take up some methodological considerations.

First, the chapters of Part III do not aim to present a comprehensive analysis of action that constitutes and/or leads to humiliation. Rather, they provide an initial indication of the kind of investigation that could be carried out by those interested in examining the proper approach to humiliation from a perspective that is broader than the one that predominates in the current literature.

Second, as noted in Part I, sometimes I identify the prospect of humiliation, or a consequence of humiliation, as a factor relevant to normative judgments about a given action that constitutes and/or leads to humiliation. At other points I focus on other factors that ought to influence the judgment about whether to engage in an action that constitutes and/or leads to humiliation. Other relevant factors to which I appeal include equality under the law, democratic accountability, and the fair pursuit of criminal justice. The identification of other factors as normatively significant is pertinent to an inquiry into the proper approach to humiliation because it provides a counterweight to the tendency of current writers to treat the prospect of humiliation as a crucial factor in determining normative judgments about a given course of action. That is, my discussion in Part III reflects and supports the view that other factors besides humiliation may at times be more appropriate sources of normative concern for those committed to liberal democratic principles.

Third, my main aim in Part III is not to pass judgment on any particular political practice, but to provide an indication of the need for greater nuance in evaluating actions that constitute and/or lead to humiliation. The chapters do not, therefore, examine in detail the

appropriate course of action with regard to each of the practices I consider, but they raise several issues that ought to be taken into account. I do not always provide a final judgment about whether or not a given practice is acceptable, sometimes because an appropriate judgment would be heavily dependent on certain contextual factors.

Fourth, in examining various considerations, I will sometimes have to provide brief discussions of topics that have received sustained analysis in political science or political theory. Further analysis of these topics by others would be a welcome addition to my discussion, and in many cases it would bolster my view about the complexity of political decision-making with regard to the proper approach to humiliation.

Fifth, I refer at certain junctures to various reasons for action discussed in Part II, but I do not aim to provide a complete analysis of the application of philosophical distinctions regarding reasons for action to the topic of humiliation. Rather, I refer to reasons for action only when doing so would help to illuminate a specific substantive issue.

The basic point is that beyond the details of any particular stance I take, I wish to convey the broader view that those committed to liberal democratic principles should come to more nuanced conclusions about the legitimacy of actions that constitute and/or lead to humiliation than is present in the current literature. Even those who disagree with specific points I make about particular political practices, or with the precise normative status I assign to various courses of action, will ideally be able to accept this more general conclusion.

Chapter 4

Equality, Feelings of Humiliation, and White Southerners

I. Introduction
II. The Promotion of Equality and the Rise of Feelings of Humiliation
    A. Inegalitarian Feelings of Humiliation
    B. The Complexity of Feelings of Humiliation
III. The Liberal Democratic Obligation to Secure Equality
IV. Potential Limits on State Action in Pursuing Equality
    A. Respect for Human Dignity
    B. Consideration of Other Forms of Inequality
    C. Feelings of Humiliation and Negative Responses
V. Concern for All Citizens' Self-Esteem

I. Introduction

During the USA Democratic Party's 1936 convention, black Congressman Arthur Mitchell delivered a speech seconding the nomination of Franklin Roosevelt for president. It was the first time that a black person had spoken from the floor of a Democratic convention. Senator Ed Smith of South Carolina walked out, declaring that the convention's 'acceptance of the Negro on terms of political equality' had 'humiliated the South.'[1] Historians Kenneth Stampp and Litwack (quoted earlier) wrote in 1969 of the Reconstruction period following the Civil War that 'the South refused to forget or forgive those years of humiliation when Negroes came close to winning equality.'[2]

These descriptions, as well as many others contained in this chapter, suggest that people can feel humiliated – as individuals or on behalf of a collective – not only when they are denied political equality, but also when they are placed on a footing of greater equality with those whom they consider to be social inferiors. Moreover, when people view the

[1] Nancy Joan Weiss, *Farewell to the Party of Lincoln: Black Politics in the Age of FDR* (Princeton: Princeton University Press, 1983), 185-186.
[2] Stampp and Litwack, *Reconstruction*, 13. Stampp and Litwack were by no means opponents of Reconstruction; they were members of the 'Revisionist' school of historical writing on Reconstruction, which sought to combat the view that Reconstruction represented a vindictive Northern imposition on the South.

maintenance of a hierarchical system as integral to the identity of their region or culture, they can see attempts by outsiders to intervene in a way that secures equality for all citizens as humiliating. The aim of preventing or reducing feelings of humiliation may therefore stand in tension with the goal of securing equality.

In this section I draw attention to the possibility that such a tension may emerge, with reference to events in the history of race relations in the United States, especially during the Reconstruction era following the Civil War and during the civil rights movement of the 1950s and 1960s. I argue that a state with liberal democratic aspirations does not have an obligation to those whose feelings of humiliation are based on inegalitarian views to weaken its commitment to securing equality simply in order to alleviate these feelings of humiliation. The state should, however, recognise limits on its conduct when promoting equality in a way that leads to feelings of humiliation. Moreover, the state or at least society should be concerned about the self-esteem of all citizens, including those whose self-esteem is dependent on a sense of superiority relative to a subordinate group. But this provides reason for encouraging the development of sources of self-esteem that do not depend on the maintenance of inequality – not for weakening the state's commitment to securing equality.

I first clarify the terminology I employ in this chapter and provide some brief historical background. I use the phrase 'feelings of humiliation' to refer to the cognitive and emotional responses of some (by no means all) white Southerners in the period from the end of the Civil War through the civil rights era. I use this phrase broadly, to cover the perception that one has been humiliated or is situated in humiliating conditions, accompanied by an emotional experience to greater or lesser degrees. I quote examples of statements either by historians[3] or Southern whites suggesting that some Southern whites felt humiliated. I

[3] On the topic of the statements quoted above, for instance, prominent historian Dan T. Carter writes that future Alabama Governor George Wallace encountered a situation similar to that of Ed Smith at the 1948 Democratic

believe these statements provide evidence for the existence of feelings of humiliation. As I noted in Part I, however, my aims in this thesis are conceptual, not historical. If readers recognise the examples I cite as genuine possibilities, or are able to imagine similar scenarios as genuine possibilities, then this will be sufficient to support my conceptual claims about humiliation regardless of the examples' historical accuracy.

I refer in this chapter to *feelings of humiliation* experienced by white Southerners rather than to humiliating actions or conditions. This is because I wish to focus on the internal cognitive and emotional responses of some white Southerners rather than to make claims about features of white Southerners' social environment. Many of the feelings of humiliation discussed in this section fit into the 'inter-subjective' category discussed in Part II, in the sense that they arise from standards that are embedded in a given social milieu, but which people in other social milieus might well reject. Of course, there is no uniform social milieu called the 'white South' with a clear set of standards and norms.[4] At the same time, feelings of humiliation associated with being lowered to the level of one's black 'inferiors' were rooted in social understandings that had considerable traction among white Southerners during the periods under discussion.

White Southerners' feelings of humiliation during the periods in question cannot all be traced to aversion to racial equality. They coexisted with aversion to being under the control of another party (notably the federal government), and these types of feelings were combined in complex way; I take up this issue later. But to the extent that white Southern

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Convention. Carter recounts that 'Humiliation began on opening night,' when a black woman sang the national anthem, and culminated 'with the adoption of the strongest civil rights plank by a major political party since the Reconstruction era.' *The Politics of Rage: George Wallace, the New Conservatism, and the Transformation of American Politics* (USA: Louisiana State University Press, 2000), 87-88.

[4] Sokol indicates, for instance, that not all white Southerners during the civil rights era opposed integration; some welcomed integration or were indifferent to it, and some supported federal policies to further this goal Sokol, *There Goes My Everything:White Southerners in the Age of Civil Rights, 1945-1975* (USA: Random House, Inc., 2006), 14-16. Opposition to integration also came in multiple varieties, not all of which included feelings of humiliation.

feelings of humiliation were rooted in racially hierarchical social understandings, some of those who object to these social understandings might resist a description of the conditions of white Southerners as humiliating *simpliciter*. They might see such a description as inappropriately validating some white Southerners' assessments of their social environment. These conditions were, however, humiliating *according to* certain standards of social valuation. Some people might therefore be willing to say that, for instance, actions taken by the federal government that promoted greater racial equality 'inflicted humiliation' on white Southerners. I neither reject nor endorse these descriptions. My concern is not to stipulate a proper usage of the term 'humiliation,' but to consider certain substantive issues regarding the impact of action that promotes equality on those who stand to be displaced from an unjustly high position. One possible element of this impact is emotional and cognitive responses that can be captured using the term 'feelings of humiliation,' and so this is the term I employ.

Furthermore, I refer in this section to actions that 'lead to,' 'give rise to,' or 'bring about' feelings of humiliation. This formulation is meant to indicate that the action in question played a causal role in bringing about feelings of humiliation, without giving the impression that I am attributing moral fault to those who performed it. Some might be willing to use the language of causation directly; they might say that, for instance, desegregation caused white Southerners to feel humiliated. On Mackie's INUS account of 'cause,' desegregation would count as a cause of white Southern feelings of humiliation. Those who take the employment of the language of causation to indicate an attribution of moral fault, however, may not want to say that desegregation caused white Southerners to feel humiliated; they might say, instead, 'it was their own prejudices that caused them to feel humiliated.' I do not argue that the latter understanding of the implications of attributing cause is necessarily illegitimate. My topic, however, is how political actors should behave

when they know that, if they take X action, feelings of humiliation are likely to arise. The formulation 'action leading to feelings of humiliation' and similar statements suffice for these purposes.

On a different point, I want to emphasise that in discussing feelings of humiliation among some white Southerners, I am not creating a moral equivalence between humiliation suffered by black Southerners,[5] on the one hand, and by white Southerners, on the other. My point is certainly not to say that some white Southerners also felt humiliated, and were therefore treated as badly as African-Americans. On the contrary, the recognition of feelings of humiliation on the part of some white Southerners is meant to prompt more nuanced normative judgments of actions that lead to feelings of humiliation.

I now provide some brief historical background on the events I discuss. Two prominent examples of attempts (successful or unsuccessful) by the federal government and others to undermine aspects of racial subordination in the South occurred during the period of Reconstruction after the Civil War and the civil rights era of the 1950s and 1960s.

While the Civil War was still raging, in January 1863, the Republican President Lincoln issued the Emancipation Proclamation. In December 1863, Lincoln issued a Proclamation of Amnesty and Reconstruction that offered pardon to citizens of Confederate states who took a loyalty oath and accepted the abolition of slavery.[6] A faction of 'Radical Republicans' in the U.S. Congress demanded more stringent conditions on the re-admittance of former Confederate states to the Union. Lincoln was assassinated in April 1865, and

[5] There are many descriptions of segregation and other forms of discrimination against African-Americans as humiliating. One example comes from civil rights activist and teacher Jo Ann Gibson Robinson, who said of an incident in which a driver assailed her for sitting (mistakenly) in a seat reserved for whites: 'I leaped to my feet, afraid he would hit me, and ran to the front door to get off the bus…Tears blinded my vision; waves of humiliation inundated me; and I thanked God that none of my students was on that bus…In all these years I have never forgotten the shame, the hurt, of that experience.' Randall Kennedy, 'Martin Luther King's Constitution: a Legal History of the Montgomery Bus Boycott,' *Yale Law Journal* 98 (1989), 1019.
[6] Eric Foner, *A Short History of Reconstruction, 1863-1877* (USA: Louisiana State University Press, 1990), 16.

Southern Unionist Andrew Johnson became President. During 'Presidential Reconstruction' (1865-7), President Johnson permitted the re-establishment of Southern state governments on relatively lenient terms, and some of these governments passed 'Black Codes' that severely restricted the lives of freed slaves. Radical Republicans in Congress, infuriated with Johnson, began passing laws to protect black equality under the law over the President's veto, including the Fourteenth Amendment to the U.S. Constitution in 1866.[7]

The period of 'Radical Reconstruction' began in 1867. The South was placed under the control of the U.S. army and divided into five military districts. Nearly all former Confederate states came under the control of the Republican Party, which was heavily supported by black voters, and some black politicians ascended to positions of state and federal leadership.[8] These developments elicited resentment and violent opposition in the South, especially among members of the Ku Klux Klan, which began to organise politically to defeat Republicans and to disenfranchise freed black people in 1867-8, after the onset of military reconstruction.[9] As the years went on, Northern support for Reconstruction began to wane, as a result of several factors, including perceived corruption in Republican-controlled governments in the South, and a focus on economic issues after the financial Panic of 1873.[10] A compromise reached after the disputed presidential election of 1876 resulted in the return of federal troops to their barracks in the South and an agreement by the Republicans to end Reconstruction. Over the next couple of decades, a system based on rigid racial segregation and the wide disenfranchisement of black voters was put in place in the South.[11]

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[7] Steven Mintz, 'Rights and Power: The Politics of Reconstruction,' *Digital History*, 2012. <http://www.digitalhistory.uh.edu/reconstruction/resources.html>
[8] 'Reconstruction.' *Encyclopaedia Britannica Online*, Encyclopaedia Britannica,Inc., 2012. <http://www.britannica.com/EBchecked/topic/493722/Reconstruction>
[9] Jonathan M. Bryant, 'Ku Klux Klan in the Reconstruction Era,' *New Georgia Encyclopedia*, 2002. <http://www.georgiaencyclopedia.org/nge/Article.jsp?id=h-694>
[10] 'Reconstruction,' *Encyclopaedia Britannica Online*.
[11] 'Reconstruction,' *Encyclopaedia Britannica Online*.

Moving on to the civil rights era, a push towards greater equality for African-Americans grew in strength in the 1950s. In 1954 the Supreme Court declared school segregation unconstitutional in *Brown v. Board of Education of Topeka*. In 1955 Rosa Parks refused to give up her seat on a Montgomery bus, igniting the Montgomery bus boycott, in which Martin Luther King, Jr. emerged as a leader of the civil rights movement. School integration crises took place in several Southern states in the 1950s and 1960s. In one of the best-known cases, the governor of Arkansas forcibly blocked the integration of Little Rock Central High School in 1957, and President Eisenhower responded by sending federal troops to protect the new black students. Resistance to desegregation included calls for 'Massive Resistance'; the formation of Citizens' Councils (beginning in 1954) to protest racial integration; and the violent activities of a revived Ku Klux Klan. Civil rights activism and opposition to it continued, with sit-ins at a lunch counter in North Carolina in 1960, the beginning of 'Freedom Rides' into Southern states in 1961, and a civil rights march from Selma to Montgomery, Alabama in 1965. Federal legislation to protect the civil rights of African-Americans was passed in the mid-1960s, notably the Civil Rights Act of 1964 and the Voting Rights Act in 1965.[12]

The events just recounted involved some actions in support of black equality that were carried out by non-state actors such as civil rights activists. This chapter focuses, however, on interventions carried out by the federal government, such as the enfranchisement of black Southerners during Reconstruction, and federal support (legal, political, and military) for school integration during the civil rights era. This is because the chapter concentrates on the responsibilities of states vis-à-vis the promotion of status equality and the avoidance of feelings of humiliation.

[12] Clayborne Carson, 'Civil Rights Movement,' *History.com*, 1991. <http://www.history.com/topics/civil-rights-movement>

In Section II, I provide examples to illustrate the point that people can derive self-esteem from their unjustly high position in an inegalitarian system and can feel humiliated when this position is challenged. I note that these kinds of feelings of humiliation can also include a component of aversion to being forced to change the structure of one's society, which is often intertwined in complex ways with resentment of greater equality for those who are considered one's inferiors. In Section III, I contend that a state committed to liberal democratic principles does not have an obligation to those whose feelings of humiliation are based on inegalitarian views to weaken its pursuit of equality in order to prevent or reduce these feelings. In Section IV, I discuss potential limitations on the state's actions in such situations as Reconstruction and the civil rights era. In Section V, I indicate that the state or at least society should seek to provide opportunities for all citizens to develop sources of self-esteem that are not inegalitarian.

II. The Promotion of Equality and the Rise of Feelings of Humiliation

A. Inegalitarian Feelings of Humiliation

In this section I provide examples that are meant to encourage readers to recognise the genuine possibility of situations in which people accustomed to occupying an unjustly high social position in a hierarchical regime can feel humiliated when their status is challenged by the advent of greater equality. I aim to spur an acknowledgment, that is, that feelings of humiliation may be based on systems of valuation that are incompatible with liberal democratic principles.

During the Civil War, the Freedman's Bureau was set up to aid former slaves and was granted increased powers by Radical Republicans in 1866. Historian Eric Foner writes that some Southern planters took advantage of Bureau policies 'aimed at compelling blacks to

work' and called upon local Bureau agents to settle disputes when they thought those agents were sympathetic, but the planters still resented the Bureau's presence. Foner explains:

> 'Most Southern whites resented the Bureau as a symbol of Confederate defeat and a barrier to the authority reminiscent of slavery that planters hoped to impose upon the freedmen. Even if, in individual cases, the Bureau's intervention enhanced the power of the employer, the very act of calling upon a third and ostensibly disinterested party served to undermine his standing, by making evident to the freedmen that the planter's authority was not absolute. John F. Couts, member of a prominent Middle Tennessee planter family, confirmed that for many whites the Bureau's presence was a humiliation.'[13]

Foner then quotes the planter:

> 'The Agent of the Bureau…*requires* citizens (former owners) to make and enter into *written contracts* for the hire of their *own* negroes… When a negro is not *properly* paid or fairly dealt with and *reports* the facts, then a squad of Negro soldiers is sent after the *offender*, who is *escorted* to town to be dealt with as per the negro testimony. In the name of God how long is such things to last?'

Foner continues: 'Again and again the Bureau's critics repeated this theme – that by treating blacks with a semblance of equality, the Bureau "demoralized" plantation labor.'[14]

The 'humiliation' of subjection to the authority of the Bureau, in the planters' eyes, seems to have consisted in being forced to adjust to the new status of former slaves: a status that permitted them to raise valid legal claims against planters, which could then be enforced by the state. Even if a Bureau decision favoured the planter – and, in doing so, benefitted the planter's economic interests – the mere fact of being required to turn to the Bureau to adjudicate the dispute appears to struck planters as humiliating, for it 'served to undermine [the planter's] standing.' This point accords with Honneth's view about the importance of perceptions of humiliation or disrespect in giving rise to a feeling of injustice, in addition to concerns about material interests. In the case of the Freedmen's Bureau, however, the perception of humiliation does not arise as a result of the denial of equality. Rather, it arises

[13] Foner, *Reconstruction: America's Unfinished Revolution* (New York: Harper & Row, 1988), 168.
[14] Foner, *Reconstruction*, 168.

from resentment about being forced to deal with people who were formerly one's property on a footing of greater equality – or, at least, 'a semblance of equality,' in Foner's words.

Another development that prompted statements about the humiliation of white Southerners is the advent of voting rights for black people during Reconstruction. A Mississippian named Frank A. Montgomery, who served with the Confederacy in the Civil War and held a seat in the Mississippi legislature from 1880 to 1896, described the aftermath of Congress's 1867 Reconstruction Act in his 1901 autobiography. He wrote that this bill, with its extension of the right to vote and hold office to blacks and the withdrawal of these rights from former supporters of the Confederacy,

> 'filled to overflowing the cup of bitterness the south was called upon to drink, for it is impossible to conceive that the ingenuity of hate could have devised anything which would have so humiliated the white people of the state as this cruel and unnecessary act by which the former slave was placed upon a political equality with his master, in many cases superior to his master, for often the slave could vote while the master could not. The people of the north did not understand the character of the negro; to them, or the vast majority, he was a white man with a black skin, while we of the south knew him to be not only an alien race, but so vastly inferior that no fit comparison now occurs to me.'[15]

The 'humiliation' of 'the white people of the state' to which Montgomery refers apparently stems from the 'cruel and unnecessary act by which the former slave was placed upon a political equality with his master, in many cases superior to his master.' Montgomery's objection is partially to what he sees as the raising of black people above the level of white people, as many former Confederates were during this time not permitted to vote. But he makes it fairly clear that he objects as well to political equality, given the purportedly vast inferiority of black people. Montgomery seems to see the positions of white and black people in zero-sum terms: if black people go up, white people go down, and are therefore humiliated. A version of this perspective was echoed decades later in Alabama in

[15] Frank A. Montgomery, *Reminiscences of a Mississippian in Peace and War* (Cincinnati: The Robert Clarke Company Press, 1901), 269.

1968, when the enfranchisement of black people led to blacks' winning key political positions. Some whites feared this development would lead to 'complete black power,' and the mayor of one Alabama city characterised the white community as 'hurt,' 'stunned,' and 'humiliated.'[16]

These examples suggest that feelings of humiliation can be socially contingent, in the sense that they can be grounded in particular worldviews and standards of evaluation. These include conceptions of the appropriate way to structure society, which need not be compatible with liberal democratic principles. This feature of feelings of humiliation is mirrored in people's conceptions of self-esteem (or 'subjective' self-respect), understood as people's assessments of their own worth regardless of whether it is based on independently valid grounds. Psychiatrist Robert Coles, in his study of Southerners during the desegregation era, quoted an unnamed white Southerner who had been a member of the KKK and the Citizens' Council, speaking in 1968:

> 'The South isn't being looked down on anymore. Today everyone's from the South, you could say; that's because everything we've been fighting for all along, the plain white people from down here, is what everything the people like us in other sections of the country are fighting for. And it's self-respect… A man needs self-respect. He needs to know he's as important as the next guy. The people who want to destroy the South, they've wanted to make a man like me think he's no one; think he's just like the nigger or anyone else; think he's got nothing he can fall back on and say that he was born with it, and by God, he'll die with it, and he's never going to have it taken away. If you haven't got your race, you haven't got what God made you to be.'[17]

Here, white self-respect is seen as threatened by those who want to 'destroy the South' and make 'the plain white people' think they are 'no one' or – put another way, just like black people. Self-respect and the loss thereof, in other words, are viewed in comparative terms. A white person's self-respect depends on his ability to maintain a status distinction from black people.

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[16] Sokol, *There Goes My Everything*, 263.
[17] Robert Coles, *Farewell to the South* (Boston: Little, Brown, and Company, 1972), 358.

In addition, the reference in the quote from Coles to 'ordinary white people' fits in with the common view that working-class whites in the South received a psychological 'payoff' from their social status relative to blacks.[18] Sokol notes that 'Some of this was groundless stereotyping, but some of it was truth.'[19] Karen Anderson explains that in Little Rock, the school board decided to open a new all-white school in a wealthy section of the city at the same time as the battles over the integration of Central High School.[20] She writes that 'Many white working-class people interpreted this as a form of social leveling that would cost them prestige and opportunity, while threatening a sense of morality and worth constructed on the basis of whiteness.' She quotes Citizens' Council leader Amis Guthridge's remark that 'the rich and well-to-do were going to see to it that the "only" race mixing that is going to be done is in the districts where the so-called rednecks live.'[21] For some working-class whites, it seems, equality with black people presented the prospect of losing a source of status that bolstered their self-esteem.

The quote from Coles' interview also suggests that the individual being interviewed viewed self-respect as something to be struggled for and won, presumably by fighting racial integration. The 'flip side' of this view is that one's own inadequacy or failure can contribute to one's humiliation. For instance, Anderson describes a political cartoon sent to Virgil Blossom, the superintendent of Little Rock schools during the 1957 integration crisis, picturing '"The White Man of Today" standing hat in hand under a tree, defying a bird to

[18] For instance, Steve Estes writes that 'Segregation supported a system that gave elite white men control over southern society, while it guaranteed the allegiance of working-class white men by offering them a sense of psychological superiority over their black neighbors and coworkers.' 'A Question of Honor: Manhood, Honor, and Massive Resistance,' in Trent Watts (ed.), *White Masculinity in the Recent South*, 99-120 (Baton Rouge, LA: Louisiana State University Press, 2008), 101.The KKK member quoted by Coles said, 'there's a type of rich white people – well, the well-off if not rich – who look down on their own kind, and want to hold hands with the niggers.' *Farewell to the South*, 371.
[19] Sokol, *There Goes My Everything*, 140.
[20] Karen S. Anderson, 'Massive Resistance, Violence, and Southern Social Relations: The Little Rock, Arkansas, School Integration Crisis, 1954–1960,' in Clive Webb (ed.) *Massive Resistance: Southern Opposition to the Second Reconstruction*, 203-220 (USA: Oxford University Press, 2005), 207.
[21] Anderson, 'Massive Resistance,' 207.

drop a load on him, with the words "Go ahead, I've let everyone else."' Anderson notes that 'The message was obvious enough – white men facing racial and political challenges from African Americans could choose either supremacy or a humiliating capitulation.'[22] Racial equality had to be defeated, or else white people would fail to stand up for themselves and maintain their rightful societal place.

These statements are meant to encourage readers to acknowledge the genuine possibility that people can be invested in the maintenance of a hierarchical system in a way that leads to feelings of humiliation when this system is disrupted. In particular, people can derive self-esteem from inegalitarian sources and can feel humiliated when their sense of supremacy is threatened. Feelings of humiliation need not arise as a result of the denial of equal status or of human dignity, and the aspect of 'lowering' involved in feelings of humiliation could involve being lowered from an unjustly high status. These examples of statements about humiliation also suggest that we should be wary of the idea that the phenomenon of humiliation is intuitively recognisable and/or that it can provide a basis of shared agreement among people with different backgrounds and ideas. An example of this idea is Ignatieff's claim that in cross-cultural discussions of human rights, despite significant disagreement, 'the ground we share' involves 'the basic intuition that what is pain and humiliation for you is bound to be pain and humiliation for me.'[23] This common ground, Ignatieff seems to be suggesting, can function as the starting-point for deliberation about human rights. If Ignatieff means to say that everyone can have a particular emotional and cognitive experience called humiliation, then this is likely the case. But the circumstances that would give rise to such an experience may differ on the basis of divergent social and cultural assumptions, and a discussion of what people consider to be humiliating may well be highly divisive.

[22] Anderson, 'Massive Resistance,' 207-208.
[23] Ignatieff, *Human Rights as Politics and Idolatry*, 95.

This section has suggested that feelings of humiliation may emerge from ideas about comparative status that are incompatible with liberal democratic principles. But as the next section indicates, feelings of humiliation are complex, and the ones that emerged in the periods under consideration cannot all be traced to opposition to greater black equality.

B. The Complexity of Feelings of Humiliation

Feelings of humiliation among some white Southerners during Reconstruction and the civil rights era were fuelled by multiple interrelated sources. The Freedmen's Bureau, for instance, seems to have been resented 'as a symbol of Confederate defeat,' in Foner's terms, in addition to a blow to the standing of Southern planters relative to that of their former slaves. Southern defeat in the Civil War has often been considered humiliating,[24] and the federal government's political reorganisation and military control of the South during Radical Reconstruction also contributed to a sense of humiliation among white Southerners.[25] White Southern feelings of humiliation during Reconstruction, then, could plausibly be traced to several sources: defeat in battle, submission to Northern military control, and the prospect of greater equality with black people.

These sources of their senses of humiliation should not be conceived as discrete phenomena, but as interrelated. An example of feelings of humiliation arising from a combination of racial prejudice and military defeat comes from Foner's statement that in 1865, President Johnson 'acquiesced in pleas for the removal of black troops, whose presence, "besides being a painful humiliation," was said to destroy plantation discipline. Within two years nearly all had been mustered out of the service.'[26] Black troops, for

[24] For instance, historian W. Scott Poole writes that 'White South Carolina had watched almost a third of its men killed in a war that ended in humiliating defeat.' *Never Surrender: Confederate Memory and Conservatism in the South Carolina Upcountry* (Athens, Georgia: University of Georgia Press, 2004), 203.
[25] Frank McGlynn, *The Meaning of Freedom: Economics, Politics, and Culture after Slavery* (Pittsburgh: University of Pittsburgh Press, 1992), 291.
[26] Foner, *Reconstruction*, 190. Foner seems to attribute the statement about humiliation to a Southern planter.

Southern planters, represented both Northern victory and an egregious reversal of the proper racial order. More generally, the components grounding white Southern feelings of humiliation during Reconstruction seem to have included both aversion to increased equality for people who were considered inferior, and an aversion to being *forced* to alter long-standing social configurations – which, in turn, condemned certain people to the level of inferiors.

Similarly, the sense of humiliation among some Southern whites about federal court-ordered school integration seems to have arisen in response to both the imposition of federal laws on the South and the prospect of greater social equality with people who had long been subordinated. The Australian newspaper *The Age* noted in 1957 that 'In his guarded, patient approach to school desegregation as ruled by the Supreme Court in 1954 and in his Civil Rights Bill recently approved by Congress in a modified form, Mr Eisenhower had shown how painfully aware he was of the bitterness and humiliation which would follow the enforcement of racial equality by force of arms.'[27] According to this newspaper, the sense of humiliation responds to 'the enforcement of racial equality by force of arms' – which involves both a component of aversion both to racial equality and of aversion to forceful federal intervention.

Another example involves the Mothers' League of Central High School, an organisation that sought to stop the school's integration. They wrote to Arkansas Governor Faubus after President Eisenhower intervened with federal troops to integrate the school in September 1957, supporting Faubus's firm stance against integration and stating: 'We are here today Governor Faubus to beg of you to lift from the parents, and children of Little Rock this humiliation, this unspeakable reproach, this atrocity that has been visited upon us, our

[27] 'In the Steps of Lincoln,' *The Age*, 27 September 1957. <http://news.google.com/newspapers?nid=1300&dat=19570927&id=EVIRAAAAIBAJ&sjid=UZUDAAAAIBAJ&pg=6982,3633315>

children and the name of our State.'[28] The term 'humiliation' seems to refer to the forced integration of the school, but there are multiple aspects of this action: the deployment of the National Guard, the overriding of the authority of the Governor of Arkansas, and the support for the common education of white and black children. It is not clear which aspect is being pointed out as humiliating, but the answer is likely 'a combination.' Triggers for feelings of humiliation may have been mixed in people's minds; in particular, there may not have been much distinction between the thought 'I don't want to be forced to integrate' and the thought 'I don't want to integrate.'

The 'political' aspect of statements about humiliation adds to the difficulty of identifying the precise phenomenon that some white Southerners considered humiliating. It might have been to the political advantage of those who opposed integration in the civil rights era, for instance, to claim that they felt humiliated due to the federal use of military force rather than due to the prospect of social and political gains for black Southerners per se. It is not necessary to consider *all* claims about humiliation that expressed a resentment of federal power merely as veils for racist sentiments. Feelings of humiliation may have responded to genuine worries – whether warranted or not – about federal encroachment. Moreover, the concern about federal intervention may simply be mixed with racist sentiments to such an extent that it is not possible to disentangle the two. But it is worth keeping in mind the political context within which claims about humiliation are made.

A distinction could be drawn between elements of feelings of humiliation that arise from defeat, military control of one's government and territory, or forcible intervention in one's societal institutions, on the one hand, from those that arise from resentment of greater equality for people one considers to be inferior, on the other. The first type of feeling, in

[28] Graeme Cope, '"A Thorn in the Side?" The Mothers' League of Central High School and the Little Rock Desegregation Crisis of 1957,' *The Arkansas Historical Quarterly* 57:2 (1998), 168.

general, seems less incompatible with liberal democratic principles, while the second one appears to rely on an understanding of people's relative status that those committed to liberal democratic principles would reject. Someone committed to liberal democratic principles could also feel humiliated about losing a war, but not about sharing equal standing with black people. Put another way, feeling humiliated at the prospect of black equality seems to be morally suspect from a liberal democratic point of view, while feeling humiliated at losing a war does not.

The statements quoted above, however, speak to the interrelatedness of the phenomena to which feelings of humiliation often respond, and hence to the difficulty of distinguishing feelings that are incompatible with liberal democratic principles from feelings that are not. For instance, opposition to federal intervention in Southern society during Reconstruction seems to have been motivated at least partly by the desire to maintain a hierarchical racial order, and so feelings of humiliation experienced in response to federal control of the South were based at least partly on values opposed to liberal democratic principles. In the next section, I consider the proper stance of the state towards feelings of humiliation *insofar* as they are grounded in social understandings incompatible with liberal democratic principles.

III. The Liberal Democratic Obligation to Secure Equality

The sense of equality to which I refer in this section is 'status equality,' where the relevant status is that of a citizen. The idea behind 'status equality' is that each citizen of a liberal democratic state should be granted a public standing as an equal participant in a common social and political project. There are many possible views about why people ought to be status equals and about the kind of treatment entailed by people's status as equals (particularly in the socio-economic realm). It is not necessary to present a highly developed

conception of status equality, however, in order to make the case that the forms of racial subordination described in this chapter fall short.[29]

A state aspiring to instantiate liberal democratic principles endorses a view of citizens as status equals. There is a case to be made that the US counted as an 'aspirationally' liberal democratic regime during Reconstruction and the civil rights era, in the sense that its founding documents contained a commitment to liberal democratic principles even if these principles were far from fully instantiated. Some might disagree on the grounds that (say) the acceptance of slavery in the Constitution suggested a lack of genuine commitment to equality. The issue here, however, is not the degree to which any historical regime was committed to liberal democratic principles, but the nature of the obligations of a state that is committed to the instantiation of these principles. The relevant question, in other words, is how the US government *should have* conducted itself during Reconstruction and the civil rights era *if* it aspired to instantiate liberal democratic principles.

More specifically, the issue is how an aspirationally liberal democratic state should approach the views and sensibilities of citizens who do not accept the equality of certain groups,[30] and who are invested in the preservation of their position in a hierarchical regime in such a way that they would lose self-esteem and/or feel humiliated when this regime is undermined. As noted earlier, feelings of humiliation respond to multiple intertwined phenomena, and those arising in these periods cannot uniformly be traced to opposition to greater black equality. I am therefore considering the appropriate course of action on the part

[29] Of course, the relationship between segregation and inequality was at one point the subject of considerable dispute. *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954) famously held that 'separate educational facilities are inherently unequal': that the institution of segregation itself functioned as a sign of black inferiority and resulted in damage to the development and educational prospects of black students. I do not defend these claims here, but I think it is plausible to hold that the social meaning of segregation rendered the practice incompatible with status equality.

[30] Not all denials of status equality are baldly stated, or easy to identify; there are beliefs along the lines that certain types of people are 'different' in ways that dictate different roles or social spheres. The question of whether these views contravene status equality must be determined with regard to the plausibility of the differences that are thought to exist and the implications that are supposed to follow from them.

of aspirationally liberal democratic states *insofar as* ideas and sentiments contradicting the equality principle are involved in feelings of humiliation.

It could plausibly be argued that individuals with sensibilities likely to prompt such feelings of humiliation would not exist in a fully realised liberal democratic regime, at least not in substantial numbers. For, if a significant chunk of the citizenry rejects the principle of equality, then state institutions protecting equality might simply be the outcome of an interest-based arrangement that is preserved merely because, and as long as, it is too costly for many people to defect.[31] Such an arrangement may be preferable to certain alternatives – such as anarchy, civil war, or dictatorship – but it does not reflect the character of a settled and stable liberal democratic state. In a fully realised liberal democratic state, people might continue to disagree about the justification and interpretation of status equality, and such a state should respect a degree of pluralism in this realm. But citizens would not disagree about the basic value of status equality for all, nor would they feel humiliated as a result of the requirement to recognise others as status equals.

Whether or not a fully realised liberal democratic state would incorporate citizens who would respond negatively to the equality of all citizens, a state that does not count as a fully realised liberal democratic regime may well incorporate such individuals. The United States falls into the latter category during both the Reconstruction and civil rights eras, although it could reasonably be argued that the US instantiated liberal democratic principles to a lesser degree during Reconstruction, a period in which women could not vote and, for the beginning of which, African-Americans could not either.

[31] An arrangement of this type is sometimes labelled a 'modus vivendi,' inspired by Rawls, but I am not committing to any particular definition of this concept or interpretation of Rawls. See Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 147.

An aspirationally liberal democratic state, I argue, is not obliged to weaken its commitment to secure equality for its citizens in order to alleviate feelings of humiliation based on inegalitarian views and sensibilities. This view does not imply that there are no limits on the state's pursuit of equality. The state may even have obligations to seek to reduce feelings of humiliation grounded in inegalitarian sensibilities out of a concern for possible negative repercussions that would affect people other than those who would feel humiliated, such as the victims of segregationist violence. In addition, the state or at least society should not simply ignore the self-esteem of citizens with inegalitarian views; it should seek to provide opportunities for all citizens to develop sources of self-esteem that are not based on inegalitarian views. All of these issues are explored below. The point for now is that the state does not have an obligation *to individuals whose feelings of humiliation have inegalitarian sources* to lessen its promotion of equality *simply because* doing so would lead to these feelings of humiliation. Put differently, the state is not obliged to protect these individuals from feeling humiliated when doing so would come at the expense of the state's pursuit of equality.

This view is plausibly interpreted to suggest that there is no *pro tanto* reason not to take action that would lead to feelings of humiliation insofar as these feelings are based on inegalitarian views. This case is comparable to that of the 'patriarchal employee' considered in Part II. The idea would be that the *prima facie* reason to avoid giving rise to feelings of humiliation turns out not to be an actual reason given the nature of these particular feelings; these feelings are judged to be unsuitable to count in a moral 'balance.' The views expressed in this chapter do not, however, *depend* on denying that there is a *pro tanto* reason not to take action that would give rise to these feelings of humiliation as a matter of obligation to white Southerners. In fact, my view is compatible with the claim that there is always a *pro tanto* reason not to take action that would lead to feelings of humiliation, as long as this *pro tanto*

reason is outweighed in such a way that it does not weaken the force of the state's obligation to pursue equality. But my view is not compatible with the claim that the state should weaken to some extent the pursuit of equality in order to reduce feelings of humiliation grounded in inegalitarian sources.

Here are some examples that can help to explain and support the view expressed here. The American federal government was obliged to institute the Freedmen's Bureau (or some similar institution) to protect the rights of former slaves. The fact that the workings of this institution led some white Southerners to feel humiliated – to the extent that these feelings of humiliation were based on opposition to an expansion of rights for black Southerners – should not have induced the federal government to weaken the Bureau's powers. The American government was also obliged to integrate Southern schools. If forcibly resisted by individual states, then a failure by the federal government to use force to proceed with integration would have indicated either an inability to govern all of US territory in accordance with core principles of the state, or an unwillingness to apply the same standard – of status equality – across all of US territory. This is not to say that the doctrine of 'states' rights' has no application, only that it should not be used to override the principle of status equality. A federal government committed to liberal democratic principles and capable of exerting state authority, then, should have taken such measures as deploying the National Guard in the Little Rock case. The fact that some white Southerners felt humiliated, to the extent that these feelings were grounded in opposition to racial integration, did not ground an obligation to these individuals that ought to have diminished the state's obligation to promote equality through integration. The basic idea is that an aspirationally liberal democratic state should not allow the views and sensibilities of those invested in the maintenance of a social system that contradicts its core principles to weaken the force of its obligation to further these principles.

The view expressed here – that a liberal democratic state does not have an obligation to those whose feelings of humiliation have inegalitarian sources to weaken its commitment to securing equality in order to alleviate these feelings – is plausibly seen as a side-effect justification for taking action that leads to feelings of humiliation. The idea is that the state should pursue equality even though doing so foreseeably leads to feelings of humiliation as a side-effect. But if lowering people from their social status is thought to *constitute* a form of humiliation, then actions taken by the federal government that promoted racial equality might be said to constitute humiliation – and, if the government intended to carry out these actions, then the government might be said to have engaged in intentional humiliation. Moreover, if the intentional/side-effect distinction is not clear-cut, then some might want to say that the state intentionally caused feelings of humiliation. I do not take a position on which interpretation is best. I note, however, that even if my position constitutes a defence of intentional humiliation on some interpretations of 'intentional' and 'humiliation,' it constitutes a defence of intentional humiliation as a means to the further end of securing equality, rather than as an end in itself.

It may be objected that my view disregards inappropriately the self-esteem (or psychological well-being more generally) of those whose feelings of humiliation have inegalitarian sources. In response, below I indicate that the state or at least society should be concerned about opportunities for all citizens to gain self-esteem. But this concern provides reason to encourage the development of sources of self-esteem that do not depend on the subordination of other citizens – not to lessen the state's pursuit of status equality. I expand on this view in Section V, after a consideration in Section IV of potential limits on state action in circumstances such as Reconstruction and the civil rights era.

IV. Potential Limits on State Action in Pursuing Equality

This section considers and evaluates potential limits on state action in such contexts as Reconstruction and the civil rights era. This section is not meant to account for every potential limit, but to indicate a few relevant considerations. In addition, these limits are not all of the same kind. Some of these limits would restrict the state's pursuit of equality, while others would not. Some of these limits derive from a concern about certain types of humiliation or their consequences, while others derive from a concern about issues other than humiliation, such as the possibility of bolstering other forms of equality while pursuing racial equality. The point is that an aspirationally liberal democratic state engaged in securing equality in circumstances in which doing so gives rise to feelings of humiliation should take into account at least these limits on its conduct, and should abide by some of them.

A. Respect for Human Dignity

As noted in Part I, those committed to liberal democratic principles, including states that aspire to instantiate liberal democratic principles, have at least a weighty *pro tanto* reason not to violate human dignity. In promoting equality, therefore, the state should accept at least a weighty *pro tanto* reason – and, quite possibly, a decisive reason – not to engage in forms of humiliation that violated human dignity. An example would be an order to federalised National Guard troops to engage in humiliating forms of torture vis-à-vis segregationist opponents. The state also has at least a weighty *pro tanto* reason – and quite possibly a decisive reason – not to engage in conduct that violates human dignity even if this conduct itself does not constitute humiliation. An example would be an order to federalised National Guard troops to kill suspected opponents of integration arbitrarily, even if such killing was not itself humiliating. The latter case provides an example of a situation in which

factors other than humiliation play a role in determining the appropriate normative conclusion about an action that gives rise to feelings of humiliation.

In my discussion of liberal democratic principles in Part I, I noted that those committed to liberal democratic principles have at least a weighty *pro tanto* reason to secure equality. One might ask, then, why it is appropriate to privilege the obligation to respect human dignity over the obligation to respect citizens' equality in the 'torture' and 'arbitrary killing' cases, if I accept that both obligations could constitute weighty *pro tanto* reasons. In response, my discussion here is not meant to set down far-reaching moral principles, but to indicate particular factors that ought to play a role in normative judgments about specific political practices. If one holds (as I do) that the National Guard should not have tortured or arbitrarily killed segregationist opponents, at least in this particular case, then one could justify this position in several ways. One could 'specify' the state's obligation to secure equality such that it does not possess overriding force when securing equality would involve violating human dignity, or hold the protection of human dignity to be more 'basic' than the promotion of equality (either in this case, or in general), or state that the weighty *pro tanto* reason in favour of securing equality is outweighed in this particular case by the weighty *pro tanto* reason to respect human dignity. I take no position on which of these approaches (or another one entirely) would be best. My aim is simply to note that there are normative limits on the state's pursuit of equality, based both on the prospect of certain kinds of humiliation and on other results – even though the obligation to those who feel humiliated to alleviate feelings of humiliation grounded in inegalitarian sources does not set such a limit.

B. Consideration of Other Forms of Inequality

In pursuing equality, the state should avoid bolstering forms of inequality other than the form it is directly attempting to combat. One example comes from the battle over

integration in New Orleans, where the school board selected for desegregation white schools in which students' median test scores were the same as those in black schools. This meant that poor whites in the Ninth Ward would be the first to have their schools desegregated, which they strongly resented.[32] Sokol notes that 'affluent whites sneered at the [working-class] Ninth Ward, and acted as though its violent reaction to school desegregation was expected. Many Ninth Ward whites felt picked on by city leaders, threatened by the blacks in their neighborhood, on their docks – and now in their schools.'[33] Wayne Parent, quoting Robert Crain's *The Politics of School Desegregation* (1968), writes of Ninth Ward whites: 'Many of them had been defeated in the competition for material success and were least equipped psychologically to handle the added humiliation they believed racial desegregation of their children's schools would impose.'[34]

Feelings of humiliation on the part of white residents of the Ninth Ward seem to have been based to an extent on inegalitarian sentiments. As noted earlier, working-class Southern whites sometimes derived a sense of self-esteem from their 'superiority' over black people, and Parent notes of the residents of the Ninth Ward that 'to many of these whites, desegregation would deny them the one token that bolstered their sense of social worth.'[35] Nevertheless, there is a legitimate concern about the message sent by targeting working-class areas for integration – namely, that working-class whites were 'looked down upon' by more affluent citizens.

It may be argued that there were meritorious educational reasons to integrate working-class areas first, and in fact, reasons that supported black equality: placing relatively unprepared black students in better schools would have caused black students to do badly and

[32] Sokol, *There Goes My Everything*, 128.
[33] Sokol, *There Goes My Everything*, 128.
[34] Wayne Parent, *Inside the Carnival: Unmasking Louisiana Politics* (USA: Louisiana State University Press, 2004), 108-109.
[35] Parent, *Inside the Carnival*, 108-109.

thereby perpetuated the idea that black students were inferior. Even if this theory is true to some extent (and I do not endorse it here), surely there were some black students who could have done well in better white schools. The failure to start with at least some integration of non-working-class schools – even if this would have required the city to devote more resources – suggested at minimum an insufficient degree of concern with the inegalitarian connotations of the decision to target working-class areas for integration. This decision would have been especially troubling if it reflected a desire to isolate integration to relatively poor areas of the city (in this connection, it may be relevant that the selection of New Orleans's Ninth Ward for the initial round of school desegregation was carried out by local officials, not the federal government).

The duty not to bolster other forms of inequality does not, as I have cast it here, set a limit on the state's obligation to pursue racial equality. Rather, it simply enjoins states to pursue racial equality in ways that do not exacerbate other forms of inequality. Situations *could* arise, however, in which the pursuit of racial equality in the most effective way cannot help but harden other forms of inequality, such as socioeconomic inequality. In this case the question arises whether the prospect of exacerbating socioeconomic inequality should limit the pursuit of racial equality. The proper response to this question would depend on contextual factors, such as which forms of inequality are more pervasive and deep-rooted; the precise effects of a given action on each form of inequality; and the issue of whether these types of inequality are related in such a way that, say, the pursuit of one form of equality is likely to alleviate the other form of inequality in the long run. In the case of segregation, there is a case to be made that racial inequality was such a basic form of unequal treatment as to take priority. I do not, however, delve into these issues in detail. The point here is simply that the state, *while* promoting racial equality, should be conscious of the impact on other forms of inequality and avoid exacerbating them.

C. Feelings of Humiliation and Negative Responses

Those who feel humiliated may respond in ways that have negative consequences, including increased hostility to equality and increased political instability, potentially violence.[36] The prospect of these consequences might be thought to provide reason for the state not to take action that leads to feelings of humiliation. In this section I discuss and evaluate this view.

To take an example, Reconstruction engendered resentment among white Southerners, at least partly in response to the advent of greater equality for black Southerners. Historians Stampp and Litwack, quoted earlier, contend that the 'South refused to forget or forgive those years of humiliation when Negroes came close to winning equality.'[37] When the federal government withdrew from the South, the Jim Crow system of racial segregation was introduced, and the South elected Democratic politicians who upheld white supremacy for decades. Feelings of humiliation seem to have helped fuel some of the most disturbing attempts to keep black people subservient during this period. *West's Encyclopedia of American Law* notes:

> 'Southern whites had been humiliated by their loss to the North, and many resented the thought that their former slaves were now on an equal footing to them (relatively speaking). Groups such as the Ku Klux Klan and the Knights of the White Camelia attracted white Southerners who had been left destitute by the war… Whites believed that lynchings would terrorize blacks into remaining subservient while allowing whites to regain their sense of status.'[38]

Earlier I quoted references to humiliation in the induction ritual of the Knights of the White Camelia, including the statement that the organisation 'is destined to regenerate our unfortunate country and to relieve the White Race from the humiliating condition to which it

[36] In a different context, Klein notes that feelings of humiliation are implicated in certain forms of anti-social behaviour, including domestic abuse (by husbands humiliated by their wives' comparative success) and other forms of violence. 'The Humiliation Dynamic,' 110-111.
[37] Stampp and Litwack, *Reconstruction*, 13.
[38] 'Lynching,' *West's Encyclopedia of American Law, Edition 2*. The Gale Group, Inc. (2008). <http://legal-dictionary.thefreedictionary.com/Lynching>

has lately been reduced in this Republic.'[39] These statements suggest that white Southern feelings of humiliation during Reconstruction may have contributed to the disenfranchisement of black people and to the growth of violent movements designed to terrorise blacks and ensure their subservience.

Another example of a negative response from those who feel humiliated comes from an article by Northern reporter and pollster Samuel Lubell, who interviewed people in Alabama who had voted for segregationist George Wallace's wife in 1966. Lubell comments that Wallace's victory showed that 'voters who suffer a humiliating defeat will seek political revenge' and traces the desire for revenge to the 1965 civil rights march from Selma to Montgomery, which he said was 'humiliating and embittering' to the Southern whites that he interviewed.[40] Lubell concludes the article as follows:

> 'Must the winning of Negro rights be accompanied by stiffened white hostility?...My own interviewing through the South during recent years has left me feeling that a speedier rather than slower pace of desegregation is needed to reunify the nation racially. But I have often wondered whether racial advances cannot be pushed in ways that leave behind less desire for political revenge.'[41]

The prospect of negative responses from people who feel humiliated could provide at least two reasons for the state not to take action that gives rise to feelings of humiliation, even if these feelings derive partially from inegalitarian sentiments. First, these responses could help to fuel opposition to racial equality – and so a state concerned about promoting racial equality should seek to avoid these responses. This reason not to take action that gives rise to feelings of humiliation would not *limit* the state's efforts to secure equality in order to reduce feelings of humiliation. Rather, it would provide grounds for the state to reduce feelings of humiliation *in order* to further the goal of securing equality. Second, the possibility of violence and other forms of political instability resulting in part from feelings of humiliation

[39] Fleming, *Constitution and the Ritual of the Knights of the White Camelia*, 25-27.
[40] Lubell, 'Reprisal Mars Alabama Vote.'
[41] Lubell, 'Reprisal Mars Alabama Vote.'

could be viewed as an outcome that the state has independent reason to avoid. This reason, if accepted, could actually weaken the force of the state's obligation to secure equality when doing so would lead to violence or instability.

Note that neither of these reasons to reduce feelings of humiliation is based on an obligation towards those who feel humiliated simply because they felt humiliated. Rather, they are based on obligations towards other parties, notably black Southerners or other victims of inequality, violence, and instability. Although these reasons might be thought to be 'pragmatic' or 'prudential,' they may also be cast as moral, in the sense that the state is morally obliged not to take action that would thwart steps towards equality or that would result in violence directed at black people or others.

To what degree, then, are these reasons for the state not to take action that would give rise to feelings of humiliation convincing? It seems plausible to think that the state should try to reduce feelings of humiliation when doing so can help to achieve gains in racial equality. If an action undertaken in order to secure equality would actually have the opposite effect because of a negative response among those who feel humiliated, then it seems that a state concerned about promoting equality should not pursue this strategy.

As to the possibility of violence or instability, it seems that the state has a weighty reason to be concerned about the safety of its citizens. The safety concern might be cast as a precondition of the state's respect for citizens' freedom or human dignity, or as an independent obligation on the part of the state. The question, however, is whether this concern could provide reason for the state to weaken, at least to some extent, its pursuit of equality, which also provides at least a weighty *pro tanto* reason for the state to act. As noted earlier, there are multiple ways of trying to deal with potential conflicts among significant state obligations, including a denial of the existence of such conflicts and a statement to the

effect that one obligation outweighs another in particular circumstances. I do not resolve the issue of which approach is best, and I do not provide a final answer as to whether the state's concern about the safety of citizens could overrule at least to some extent the state's attempts to secure equality. I note, however, that if the safety concern can overrule the promotion of equality, then the issue of how to proceed in any given case will be a complex and highly contextual decision.

The prospect of a negative response among those who feel humiliated *could*, therefore, provide a basis for the state not to take action that gives rise to feelings of humiliation. It would be misleading to conclude, however, that the state has reason not to take action that leads to feelings of humiliation whenever negative responses will result. First, in some cases, the avoidance of actions likely to lead to feelings of humiliation might not actually help to achieve the goals of greater equality or reduced violence. In the Reconstruction example, for instance, it may be true that black Southerners would have been better off if Reconstruction had not resulted in feelings of humiliation among some white Southerners. But it is not clear that black Southerners would have been generally better off in the absence of Radical Reconstruction. If the system of Black Codes instituted by several Southern states after the Civil War had been allowed to stand, for instance, it may well have led to greater subordination of black people, including violence, than the segregationist system that was eventually instituted. The outcome of an action that gives rise to feelings of humiliation should not be judged in the abstract, but in the context of its likely alternatives.

Second, negative responses on the part of those who feel humiliated may not have wholly negative effects. During the civil rights era, for instance, violent responses to civil rights activists from white Southerners often ended up benefitting the civil rights movement. When segregationist violence was broadcasted in the national media, it helped to create sympathy for the civil rights movement and pressure for government action to secure equality

for black Southerners.[42] In particular, federal support for integration may have been bolstered by the publicity given to white Southern violence, especially in the international media. The Eisenhower administration did not want images of black Southerners forcefully denied equality being broadcast internationally in the middle of the Cold War, when the US was engaged in a propaganda war against the USSR and competing for the allegiance of countries with a majority of non-white citizens.[43]

In addition to increasing pressure from the outside to promote civil rights, negative responses to integration from white Southerners may have facilitated 'internal' feelings of shame and humiliation among Southern whites themselves, which may have contributed to efforts to secure equality. During a civil rights protest against segregation in Birmingham, Alabama in 1963, police chief Bull Connor used fire hoses and dogs against the protestors. Historian Mark Grimsley writes that 'News photographers and television cameras captured the scenes in images that shocked the world. Humiliated, Birmingham's public officials and businessmen quickly cut a deal on May 8 with civil rights activists and began dismantling the system of segregation.'[44] During the integration of the University of Georgia in 1961, a mob threw bricks and rocks at the room of one of two black students, Charlayne Hunter and Hamilton Holmes, who had enrolled at the university. Sokol writes that 'Atlanta resident Peggy Dunbar's letter reflected the humiliated tone of many published in the *Constitution* [newspaper]. "The white students would have been a credit to their race if they had conducted themselves as well as Charlayne Hunter and Hamilton Holmes."'[45]

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[42] David Garrow, *Protest at Selma: Martin Luther King, Jr., and the Voting Rights Act of 1965* (New Haven: Yale University Press, 1978), 226-229. Garrow contends that this was a deliberate protest strategy on the part of civil rights leaders, but my claims do not rely on this view.
[43] Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton University Press, 2011), 130-135 (on the Little Rock crisis).
[44] Mark Grimsley, 'Why the Civil Rights Movement was an Insurgency,' *Historynet.com*, 24 February 2010. <http://www.historynet.com/why-the-civil-rights-movement-was-an-insurgency.htm>
[45] Sokol, *There Goes My Everything*, 152.

This is not to say, of course, that negative responses from white Southerners were justified simply because they sometimes had positive consequences for the promotion of equality. Moreover, positive consequences for the pursuit of equality deriving from outside pressure or internal feelings of humiliation might have been outweighed by negative consequences such as increased opposition to equality or violence. The normative significance of positive results must be determined with regard to contextual considerations. The point here is simply that if the state ought to take into account potential negative consequences of engaging in action that leads to feelings of humiliation, then it also ought to take into account potential positive consequences. In fact, the state might seek to channel feelings of humiliation in a direction conducive to the achievement of liberal democratic principles.[46] There may, for instance, be a role for state institutions in publicising incidents that are humiliating in terms of their effects on the external or internal image of a populace whose social structure they want to change. State attempts to publicise negative responses (such as violent segregationist activity) might simply encourage solidarity with those being shamed; so the actual effects of such a policy would have to be weighed carefully. Moreover, there are limits to the effect that this kind of exposure can have, independently of the moral introspection of citizens themselves – which is not necessarily something that a liberal democratic state has the capacity or the authority to promote.

The possibility of negative responses among those who feel humiliated, then, does not always provide reason for the state not to take action that leads to these feelings. Nevertheless, it will often be appropriate for the state to try to find ways to reduce feelings of humiliation in order to forestall such negative responses. The limits on state action mentioned above – not violating human dignity and not bolstering other forms of inequality –

[46] This point reflects Appiah's view that reshaping people's conceptions of honour can help spur moral change. He writes regarding the 'emancipation of women from honor murder in Pakistan,' for instance, that 'Shame, and sometimes even carefully calibrated ridicule, may be the tools we need.' *The Honor Code*, 171-172.

are valuable independently of their 'pragmatic' consequences. But they are also valuable because they preclude actions that may be especially likely to cause a negative response. People may be especially likely both to feel humiliated and to respond negatively as a result when their human dignity is violated and when they are not treated as equals. These statements are not iron rules; people may respond to different forms of treatment in different ways. Moreover, people may respond negatively when they *feel* that their human dignity is violated or that they are treated as unequals regardless of whether this is actually the case. Nevertheless, the state should avoid providing genuine reasons for people to feel this way, both as a valuable end in itself and in order to prevent negative responses resulting from these feelings.

Another possible way to mitigate the risk of a strong negative response among those who feel humiliated is to encourage the development of different sources of self-esteem to replace inegalitarian ones. This idea is considered in the next section, where it is presented as an element of an appropriate state or societal concern with the provision of opportunities for citizens to develop legitimate sources of self-esteem. Here I note that the development of alternative sources of self-esteem may also be useful in reducing the likelihood and force of a negative response among those who feel humiliated. Efforts to encourage the development of alternative sources of self-esteem may, however, require a long-term investment and do not come with any guarantees of success.

V. Concern for All Citizens' Self-Esteem

I have argued that a liberal democratic state does not have an obligation to those whose feelings of humiliation are based on inegalitarian views and sensibilities to weaken its commitment to secure status equality for its citizens, simply because promoting equality would give rise to these feelings of humiliation. This does not mean, however, that such a

state should have no concern for the self-esteem of citizens with inegalitarian views and sensibilities. Rather, a liberal democratic state should have some concern with opportunities for all citizens to develop forms of self-esteem that are not incompatible with its core principles. This is particularly true when the sources of self-esteem in question are specifically egalitarian – that is, when they are based on the recognition of the individual's equality with other citizens.

There are two potential grounds for this concern. First, a liberal democratic state should aim to some degree to secure a more settled and stable liberal democratic regime, especially when sources of this kind of stability are fragile. This goal would benefit from the presence of types of self-esteem that at minimum do not require the subordination of others and that, more maximally, involve the acknowledgment of their status equality of others. Second, a liberal democratic state should plausibly recognise the inherent benefits of opportunities for citizens to value themselves, their abilities and their activities. It should, that is, seek to avoid the spectre of a society filled with people lacking a sense of their own worth. People should at least be able to value their engagement in some worthwhile pursuits, even if they know they do not always succeed at these pursuits.[47] A liberal democratic state should be especially concerned with opportunities for citizens to value themselves as free, equal, and in possession of human dignity, since these qualities are central to the principles that regulate the ways in which citizens should interact with one another and with the state in a liberal democratic regime. Both of these considerations suggest that the federal government should have sought to provide opportunities for white Southerners – together with all citizens

[47] This claim is based on Rawls' discussion of the primary good of self-respect (which he uses interchangeably with 'self-esteem') in *A Theory of Justice*, though I am not committed to applying this argument in the way that Rawls does. Rawls sees self-respect as valuable on the grounds that 'Without it nothing may seem worth doing, or if some things have value for us, we lack the will to strive for them…Therefore the parties in the original position would wish to avoid at almost any cost the social conditions that undermine self-respect.' *A Theory of Justice*, 386.

– to develop sources of self-esteem that at least did not depend on superiority to others and, more maximally, involved an acknowledgment of the equal status of African-Americans.

It might be objected that a liberal democratic state would overreach its authority if it were to concern itself with its citizens' self-esteem. Note that the focus here is on the state's provision of 'opportunities' for the development of certain forms of self-esteem,[48] not the actual presence of self-esteem in citizens. If the view is still considered overly intrusive, then society might be a more appropriate actor to be assigned this function. I am less interested in providing a clear-cut position on the limits of liberal democratic state authority than in noting that the self-esteem of some white Southerners could have been a legitimate concern even if their feelings of humiliation did not provide grounds for weakening the commitment to status equality.

Sources of self-esteem that provided an alternative to investment in racial hierarchy were present during the civil rights era. During desegregation, for instance, some white Southerners invoked forms of honour that emphasised orderly conduct instead of segregationist violence.[49] Estes describes the statement by moderate white Southerners that the Virginia Governor's agreement to token integration in Virginia schools was honourable, even though proponents of 'massive resistance' viewed it as capitulation and betrayal. Estes notes that 'Moderate southern whites in border states had begun to redefine the "honourable" position in the integration crisis.'[50] While forms of honour emphasising order might still have coexisted with racist views, they suggested the possibility of an alternative basis for white Southern self-esteem, and in some cases the state could help cultivate such bases. The state could also make efforts to promote more specifically egalitarian forms of self-esteem,

[48] Nussbaum similarly discusses 'opportunities' or 'capabilities' for the development of self-respect (among other things), *Hiding from Humanity*, 283.
[49] Sokol, *There Goes My Everything*, 159-160.
[50] Estes, 'A Question of Honor,' 114.

such as having teachers encourage their students to take pride in their region's newly egalitarian outlook. This point reflects Appiah's view that social reformers, rather than seeking to eliminate people's problematic senses of honour, should seek to channel them in better directions.[51]

Such a process may be difficult and sometimes unsuccessful. The point here is that the state or at least society should be concerned with the self-esteem of those whose feelings of humiliation have inegalitarian sources even if the prospect of giving rise to these feelings of humiliation should not induce the state to weaken its pursuit of status equality.

To conclude, in this chapter I have argued that actions taken by an aspirationally liberal democratic state to secure status equality for all citizens may lead to feelings of humiliation among individuals invested in a hierarchical order. Such a state does not have an obligation to these individuals to weaken its commitment to securing equality simply because doing so would give rise to these feelings of humiliation. The state should, however, respect certain limits on its action in these circumstances. It is also plausible to think that the state or at least society should concern itself with the development of sources of self-esteem among all citizens that are not inegalitarian. The broader point is that feelings of humiliation may arise in response to the pursuit of core liberal democratic aims, not only their violation. In these cases, the abstention from action that leads to feelings of humiliation could actually hamper, rather than further, the effort to achieve liberal democratic aims.

[51] Appiah, *The Honor Code*, 171-172.

Chapter 5

Censure by State Institutions

I. Introduction
II. Valuable Functions of Censure
    A. Reducing Political Power
    B. Distancing the Institution from Misconduct
    C. Deterrence
III. Censure and Fairness
    A. Undue Harshness
    B. Undue Leniency
IV. Dishonourable Discharge

I. Introduction

This chapter focuses on the mechanism of official censure directed at public officials by state institutions. A range of state institutions have the power to censure state representatives, including their own members: legislatures, such as the United States Senate and House of Representatives, which can censure their own members or the President[1]; regulatory bodies within legislatures, such as the UK's Parliamentary Commissioner for Standards, that can censure individual legislators; government commissions with the power to censure judges; and local councils and school boards that can censure their own members. Censure in these contexts involves the condemnation of a public official for failing to meet a set of standards incumbent upon occupants of her office and, frequently, for disgracing the institution in doing so.

I note in this chapter that censure is often considered a form of humiliation, and that it may well lead to feelings of humiliation. The practice of censure illustrates various aspects of high-status humiliation discussed in Part II. I indicate that censure of a kind that constitutes and/or leads to humiliation can serve purposes that are valuable from a liberal

[1] Censure in the context of the UK Parliament can refer to a no-confidence motion expressing a lack of confidence in the government and its policies; this is not the kind of censure referred to in the present context.

democratic perspective, but that state institutions should employ censure in a way that avoids both undue harshness and undue leniency. My discussion is not meant to provide a complete analysis of considerations influencing the normative status of censure, but to indicate some factors that state institutions ought to take into account. Overall, however, the example of censure suggests that state institutions aspiring to instantiate liberal democratic principles may legitimately take action that constitutes and/or leads to humiliation. I close by noting that the example of official censure is not the only case in which state institutions disgrace individual members in a way that constitutes and/or leads to humiliation; I mention, in particular, the example of dishonourable discharge.

Unlike in the discussion of white Southerners, I indicate that censure can be a humiliating action and can give rise to humiliating conditions, in addition to feelings of humiliation. I therefore refer to censure in particular cases as 'an action that constitutes and/or leads to humiliation.' I do so in order to reflect widespread descriptions of censure (either in general, or with regard to specific censures) as a humiliating action or as an action that leads to humiliation, some of which I quote below. As noted earlier, my appeals to actual usages of 'humiliation' are designed not to provide authoritative statements to the effect that these are 'correct' usages of the word, but to prompt and inform the reader's intuitions about the kinds of actions or conditions that are plausibly labelled as humiliation. I think it is more likely than in the case of white Southerners for people to consider censure to be an action that can constitute and/or lead to humiliation instead of simply 'an action that can give rise to feelings of humiliation.' This is at least partly because the description of censure in these terms does not seem to stem from assessments of the censured individual's situation that are problematic from a liberal democratic perspective, such as inegalitarian conceptions of the individual's rightful status relative to others.

Those who reject the idea that censure constitutes and/or leads to humiliation (because, say, censure does not necessarily violate human dignity) can see this section as a discussion of a procedure that is often described as humiliation or that gives rise to feelings of humiliation, regardless of whether it 'actually' constitutes and/or leads to humiliation. I do believe, however, that it is plausible to view censure as an action that constitutes and/or leads to humiliation in many cases. At the same time, I am not committed to the idea that censure *always* constitutes or leads to humiliation. Some might hold that censure is by its nature a tool of public humiliation, so that it makes no sense to say that censure does not constitute humiliation. But others might hold that censure does not constitute humiliation when it does not damage the reputation of its target or make its target feel humiliated. In these cases, censure might still be viewed as a form of *attempted* humiliation. The point is that censure, under certain circumstances, *can* be described as an action that constitutes and/or leads to humiliation; and so I use this description with regard to cases in which it seems plausible.

Censure may also be considered a form of intentional humiliation. If the tool of censure in general, or a particular censure, is thought to constitute a form of humiliation, and members of government institutions intend to censure, then they might also be thought to intend to humiliate. Individuals supporting censure might, however, disavow an intention to humiliate, perhaps because they interpret an 'intention to humiliate' to suggest 'an intention to humiliate as an end in itself.' I do not take a position on the appropriate understanding of 'intention to humiliate'; but I note that an intention to humiliate *can* connote an intention to humiliate as a means to a further end and need not be interpreted as an intention to humiliate as an end in itself. Censure might sometimes be viewed as *attempted* humiliation, if the intention to censure suggests an intention to humiliate, but censure does not actually lead to reputational damage or feelings of humiliation.

Next, I clarify an aspect of the relationship between the current literature on humiliation and the claim in this chapter that state institutions may legitimately engage in action that constitutes and/or leads to humiliation. Official censure involves action directed by state institutions at their own members. But contributors to the current literature generally focus on action directed by state institutions at private citizens, or on action that state or societal institutions ought to take in order to protect private citizens from humiliation. Examples include the cases of criminal punishment and poverty – although Margalit also discusses the humiliation (or lack thereof) of army recruits, who might be considered members of state institutions.[2] It may be argued, therefore, that contributors to the current literature condemn only the humiliation of private citizens by state institutions and not the humiliation by state institutions of their own members, and so my contentions do not actually challenge other theorists' claims. Current theorists do not, however, clearly make a distinction between the humiliation of private citizens and of members of state institutions. Rather, they largely ignore the possibility that state institutions could engage in humiliation vis-à-vis their own members. If the acknowledgment of this possibility prompts a different judgment on the part of these theorists than they would apply to the humiliation of private citizens, then I will have succeeded in prompting more nuanced judgments about the relationship between humiliation and liberal democratic politics. My aim is partially to prompt the recognition of distinctions between different contexts in which humiliation occurs; such recognition is a goal of, not a threat to, my argument.

Section II notes that censure of a kind that constitutes and/or leads to humiliation *can* fulfil functions that are valuable from a liberal democratic perspective. Section III argues that a liberal democratic state's permission to censure should be limited by the requirement to

[2] Margalit, *The Decent Society*, 88, 266-270.

treat all citizens non-arbitrarily. Section IV briefly describes another context in which state institutions disgrace their own members, namely, dishonourable discharge.

II. Valuable Functions of Censure

In this section I argue that censure of a kind that constitutes and/or leads to humiliation *can* fulfil functions that are valuable from a liberal democratic point of view. This section does not suggest that censure of a kind that constitutes and/or leads to humiliation is *always* valuable from a liberal democratic perspective, or that these functions of censure are valuable *uniquely* from a liberal democratic perspective. There may also be other valuable functions of censure which I do not discuss. Furthermore, my discussion of the valuable functions of censure is independent of the actual aims of the historical actors involved. It is possible to show that some of those supporting censure in the cases below were acting for reasons other than the promotion of liberal democratic goals, some of which might have been unsavoury. My topic, however, is the purposes that censure *could* serve, regardless of whether they were adopted by any given historical actor. As in the previous chapter, the historical examples will serve their purpose as long as they prompt the recognition that the scenarios I describe are genuine possibilities.

A. Reducing Political Power

One valuable function of censure of a kind that constitutes and/or leads to humiliation is to help reduce the political power of a state official whose conduct is antithetical to liberal democratic principles. This mechanism can be illustrated by the censure by the US Senate of Senator Joseph McCarthy in December 1954. For years, McCarthy had carried out a vociferous campaign against what he saw as the infiltration of Communist sympathisers and

agents into the ranks of the US government.[3] This campaign was opposed by some Senators and others, at least partly on grounds expressed in a speech by Senator Margaret Chase Smith in 1950:

> 'Those of us who shout the loudest about Americanism in making character assassinations are all too frequently those who, by our own words and acts, ignore some of the basic principles of Americanism – The right to criticize; The right to hold unpopular beliefs; The right to protest; The right of independent thought.'[4]

After the 'Army-McCarthy' hearings, which exposed McCarthy's 'crude personal attacks' to a wide audience and reduced his popular support,[5] a resolution was introduced in the Senate to censure McCarthy. The eventual resolution, passed in December 1954, condemned McCarthy for conduct 'contrary to senatorial traditions'[6] – in particular, for contempt of a committee that had been investigating his conduct, and for his attacks on the Watkins committee, which had been charged with determining whether to censure McCarthy (these attacks included characterising this committee as the 'unwitting handmaiden,' 'involuntary agent,' and 'attorneys in fact' of the Communist party).[7]

The tool of censure, when carried out by fellow senators, has been described as 'the ultimate humiliation for any politician,'[8] and McCarthy's censure seems to have been a paradigm case. Senator Robert Byrd, who was serving in the US House of Representatives during McCarthy's censure, stated in 1985 that McCarthy's 'reign ended in 1954 with a

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[3] 'Joseph R. McCarthy,' *Encyclopaedia Britannica Online*. Encycloaedia Britannica Inc., 2012. <http://www.britannica.com/EBchecked/topic/353904/Joseph-R-McCarthy>

[4] Margaret Chase Smith, 'Declaration of Conscience,' *Margaret Chase Smith Library*, 1 June 1950. <http://www.mcslibrary.org/program/library/declaration.htm>

[5] Oshinsky, *A Conspiracy So Immense*, 464; Arthur Herman, *Joseph McCarthy* (New York: The Free Press, 2000), 258-278.

[6] 'Censure of Senator Joseph McCarthy.' *US Department of State Education*. Although the resolution did not contain the word 'censure,' the resolution was widely treated as such both at the time and by historians. See Oshinsky, *A Conspiracy So Immense*, 492. The resistance of McCarthy supporters to the acknowledgment that McCarthy had been censured, however, speaks to the power of the gesture in this case.

[7] Oshinsky, *A Conspiracy So Immense*, 491.

[8] Wayne MacDonald, 'Probers Call for Censure of Swinging US Senator,' *The Sun*, 27 April 1967. <http://news.google.com/newspapers?id=h5ZlAAAAIBAJ&sjid=q4oNAAAAIBAJ&pg=3210,4472956&dq=the-ultimate-humiliation-for-any-politician&hl=en> The article discusses the censure of Senator Thomas Dodd in 1967 and notes that McCarthy was the most recent senator to be censured.

humiliating censure by his fellow senators.'[9] The lead column in *The New Republic* wrote: 'From now on Joe is the man with the Scarlet Letter. He has "C" written on his coat, put there by men who know him best.'[10] Historian David Oshinsky notes that the censure 'obviously humiliated McCarthy.'[11]

The effects of censure on McCarthy suggest that he felt the humiliation keenly. Byrd writes that 'I think it must be hard for anyone who has not served in the Senate of the United States to comprehend how devastating censure can be for a senator…from all accounts, Senator McCarthy suffered mightily as a result.'[12] Former Senate Parliamentarian Floyd M. Riddick – who had the position of advising the Senate on parliamentary rules and procedure – stated that after McCarthy's censure, '[McCarthy] became very inactive; he really, it seemed to me, became almost ashamed to come on the Senate floor, because he didn't show up regularly...'[13] Censure by the Senate was followed by shunning at the hands of colleagues and others, which appears to have heightened McCarthy's sense of humiliation.[14] Censure in McCarthy's case, then, appears to have been a humiliating action, to have led to humiliating conditions, and to have caused McCarthy to feel humiliated.

The censure of McCarthy illustrates certain aspects of high-status humiliation, described in Part II. First, McCarthy's humiliation seems to have been particularly harsh since he fell from a position of influence. His disgrace was literally a 'fall from grace.' This suggests that, at times, falling from a high position can exacerbate one's humiliation – far from the view that humiliation is uniquely the preserve of low-status actors. Second,

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[9] Robert C. Byrd, *The Senate 1789-1989: Addresses on the History of the United States Senate, Volume 1* (USA: United States Government Printing Office, 1988), 567.
[10] Quoted in Herman, *Joseph McCarthy*, 295.
[11] Oshinsky, *A Conspiracy So Immense*, 495.
[12] Byrd, *The Senate*, 581.
[13] Donald A. Ritchie, 'Interview with Floyd M. Riddick,' *United States Senate Historical Office Oral History Project*, 18 October 1978, 367-368.
<http://www.senate.gov/artandhistory/history/resources/pdf/Riddick_compiled.pdf>
[14] Oshinsky describes the shunning of McCarthy at the hands of fellow Senators and President Eisenhower: *A Conspiracy So Immense*, 495-496, 502-505.

occupants of an elevated position, especially one with a high public profile, may be expected to meet high standards and may be humiliated by others as a consequence of their failure to do so. The report of the Watkins committee that decided to censure McCarthy stated, 'When persons in high places fail to set and meet high standards, the people lose faith. If our people lose faith, our form of government cannot long endure.'[15] The idea seems to be that McCarthy's elevated position in government institutions came along with certain standards that he was expected to meet, and the failure to meet these standards provided, in the eyes of his fellow Senators, grounds for public condemnation of a kind that is often viewed as humiliating.

The Senate's censure was not the sole factor involved in McCarthy's fall. Censure had been enabled in part by the weakening of McCarthy's power due to the Army-McCarthy hearings, and McCarthy had lost his committee chairmanship due to a Democratic victory in 1954.[16] Nevertheless, censure seems to have played an important role in reducing McCarthy's influence.[17] The Senate web site states that 'McCarthy tried to appear unaffected by the censure, but it became apparent that the Senate vote had robbed him of his power and status.'[18] A reporter wrote on the occasion of McCarthy's death in 1957, of inflammation of the liver caused by alcoholism: 'McCarthy, the political force and symbol as distinct from McCarthy the human being, died three years ago when his fellow Senators formally passed their adverse judgment on his conduct.'[19] Censure seems to have helped to puncture the

[15] Oshinsky, *A Conspiracy So Immense*, 473.
[16] Oshinsky, *A Conspiracy So Immense*, 495.
[17] William T. Walker, *McCarthy and the Red Scare: A Reference Guide* (USA: ABC-CLIO, 2011), 167. James C. Kirby writes that 'The practical effect of censure was the ruin of McCarthy. He was totally discredited and was never again effective in the Senate.' 'The Role of the Electorate in Congressional Ethics,' in Bruce Jennings and Daniel Callahan (eds.), *Representation and Responsibility: Exploring Legislative Ethics* (New York: The Hastings Center, 1985), 32. The quotes from Senator Robert Byrd and *The New Republic* above also suggest that censure played a significant role in diminishing McCarthy's power.
[18] 'The Censure Case of Joseph McCarthy of Wisconsin (1954),' *Senate.gov*. <http://www.senate.gov/artandhistory/history/common/censure_cases/133Joseph_McCarthy.htm> See also
[19] Eric Sevareid, 'Joseph R. McCarthy,' *The Reporter*, 16 May 1957, quoted in Oshinsky, *A Conspiracy So Immense*, 505.

image that McCarthy had acquired, of a Senator with the capacity to damage people's reputations with accusations of sympathy for Communism. McCarthy's possession of this image was not an appendage to his political efficacy; it was part of what made him politically efficacious. In this case, humiliation – either in the sense of an action that undermined McCarthy's image, or as the damage to McCarthy's image itself – helped to reduce McCarthy's political efficacy. The censure also seems to have affected the fortunes of efforts to expose Communists more generally; historian Richard Fried notes that the censure was 'both a sign of and force for change' in checking the momentum of 'extremist anti-Communism.'[20]

Censure of a kind that constitutes and/or leads to humiliation, then, can help to further liberal democratic aims by deflating the power of those engaged in practices at odds with liberal democratic principles. One statement of the anti-liberal democratic tendencies of McCarthy's aims and tactics comes from the speech by Senator Margaret Chase Smith in 1950 quoted earlier, which condemned McCarthy for ignoring 'some of the basic principles of Americanism – The right to criticize; The right to hold unpopular beliefs; The right to protest; The right of independent thought.'[21] To the extent that this statement is accurate, the humiliation encountered by McCarthy played a role in reducing the influence of practices that threatened significant liberal democratic principles.

This is not to say that Senators were motivated solely by a desire to bolster these liberal democratic principles. In particular, Senators seemed to have been concerned with the reputation of the Senate and the degree to which McCarthy met standards incumbent upon occupants of a dignified office (thus the censure of McCarthy for behaviour 'contrary to senatorial traditions'). The censure committee criticised the effects of McCarthy's behaviour

[20] Richard M. Fried, *Nightmare in Red: The McCarthy Era in Perspective* (USA: Oxford University Press, 1991), 171.
[21] Smith, 'Declaration of Conscience.'

on 'the dignity, honor, authority, and powers of the Senate.'[22] As the statement by the Watkins committee connecting the failure to meet high standards with the endurance of 'our form of government' suggests, however, the dignity of the Senate seems to have been linked in some Senators' minds with the preservation of the American form of government, which likely included liberal democratic components. More broadly, as I noted earlier, the issue here involves the liberal democratic aims that censure *could* further, regardless of the aims adopted by any given historical actor.

B. Distancing the Institution from Misconduct

A second valuable function that censure of a kind that constitutes and/or leads to humiliation can serve is to distance a state institution from the behaviour of one of its members or representatives, when this behaviour is contrary to the standards that members of liberal democratic institutions ought to meet. In censuring McCarthy, the Senate indicated that as a body it did not endorse his tactics. In the context of criminal punishment, Arthur Ripstein suggests that if the state does not punish crime, it acquiesces in crime and allows the injury to the crime victim to become 'official,'[23] whereas, drawing on Joel Feinberg's views, 'punishment serves authoritatively to distance society from the crime.'[24] Feinberg draws the following analogy: if nation A's airplane fires on nation B's airplane over international waters, then nation B will likely demand of nation A that the pilot of nation A's airplane be punished, and 'Failure to punish the pilot tells the world that government A does not consider him to have been personally at fault. That in turn is to claim responsibility for the act…'[25] Regardless of whether this is an appropriate theory of criminal punishment, a comparison can be made to censure. The Senate's censure of McCarthy signalled its official rejection of

[22] Oshinsky, *A Conspiracy So Immense*, 473.
[23] Ripstein, 'Responses to Humiliation,' 94.
[24] Ripstein, 'Responses to Humiliation,' 102.
[25] Feinberg, 'The Expressive Function of Punishment,' in Michael Tonry (ed.), *Why Punish? How Much? A Reader on Punishment* (USA: Oxford University Press, 2011), 115.

McCarthy's tactics and its unwillingness to acquiesce in them. Defining McCarthy's actions as out of line and disavowing them therefore provided a way for the Senate to uphold the liberal democratic principles that McCarthy had violated.

Significantly, the Senate upheld these principles in front of the public. Borrowing (loosely) an argument inspired by Rawls's views on 'assurance' and the value of a 'publicly recognized conception of justice,' it is important for citizens to *know* that their government is committed to liberal democratic principles. A public statement disavowing the behaviour of an individual who has violated these principles can help to stabilise people's adherence to these principles and provide them with a sense of security regarding the protections they are offered by a liberal democratic regime.[26]

The distancing function of censure has added importance in cases in which the larger institution's support of an individual member's behaviour has aided the individual in his problematic activities. In such cases, there is an aspect of rectification involved in distancing. An argument could be made that the Senate helped to rectify its own behaviour by distancing McCarthy, if it is true that Senators' support for, or capitulation to, McCarthy had helped McCarthy succeed.

Another reason to approve of the 'distancing' function of censure concerns the value of public trust in government in a liberal democracy. I explore reasons to value public trust in democratic institutions in the next chapter. For now I note that censure, by distancing the institution from the behaviour of one of its members, can help the institution to regain the public's trust. The statement by the Watkins report about the people's loss of faith in democracy when persons in high places fail to set and meet high standards, and the negative

[26] Rawls discusses assurance, among other places, in *Political Liberalism*, 35. My formulation is not intended to capture the sense of Rawls's claims. For another argument broadly inspired by Rawls's idea of 'assurance,' see Waldron, *The Harm in Hate Speech*, especially 81-89.

repercussions for 'our form of government,'[27] suggests that the damage done by McCarthy to the public's trust in government was a concern of his fellow Senators, and censuring McCarthy may have served as a way to try to rebuild this trust.

Distancing can, of course, be motivated by the institution's self-interested desire to maintain or regain its own reputation. This motivation seems to have been at work in the McCarthy case (in which a primary charge against McCarthy was that he 'tended to bring the Senate into dishonour and disrepute…and to impair its dignity'[28]). The desire to protect a state institution from humiliation is not incompatible with genuine rejection of the form of behaviour that brings the institution into disrepute. Self-interested motivations for distancing may, however, drive unfair censures – an issue considered below.

C. Deterrence

A third valuable function that censure of a kind that constitutes and/or leads to humiliation can serve is to deter other people (or, perhaps, the same individual) from engaging in the relevant form of conduct. A statement expressing this hope (albeit without vindication) appears in a description of a Colorado district attorney who was previously censured for using her office to help an acquaintance and then, a few months later, charged with seeking to intimidate a judge in May 2007: 'After a humiliating public censure by a disciplinary panel last December, we had hoped that suburban District Attorney Carol Chambers would fly a straight and narrow course. So it's disquieting, to say the least, to find her at the center of another ethical controversy.'[29]

The deterrence motive was cited in the case of Representative Charles Rangel, who was censured in 2010 by the US House of Representatives for ethics violations. The censure,

[27] Oshinsky, *A Conspiracy So Immense*, 473.
[28] 'Censure of Senator Joseph McCarthy,' *US Department of State Education*.
[29] 'DA Out of Order Again with Memo on Judges,' *The Denver Post*, 8 May 2007. <http://www.denverpost.com/opinion/ci_5839421#ixzz1vnDTmJti>

which required Rangel to stand in front of the House and listen to a brief scolding by the Speaker, was widely described as a form of public humiliation.[30] Various different rationales were provided for censuring Rangel, and I take no position on their accuracy; one rationale, however, was to provide 'a warning shot at other ethically-challenged lawmakers.'[31] The idea is that censuring Rangel would deter future ethics violations. Censure could serve as a deterrent both because other lawmakers would want to avoid humiliation, and because censure could signal the House's willingness to take ethics violations seriously, which might suggest a readiness to levy other sanctions on lawmakers. Whether censure actually deters misconduct is an open question. One relevant factor is whether censure actually leads to humiliation, either in the sense of a damaged image or in the sense of a blow to self-esteem. But if censure is capable of deterring misconduct on the part of democratically-elected representatives, then it could help to further the liberal democratic aims of government transparency and accountability.

Censure of a kind that constitutes and/or leads to humiliation, then, *can* serve functions that are valuable from a liberal democratic perspective. This suggests that liberal democratic state institutions have at least *pro tanto* reason to censure when doing so would fulfil these functions – that is, when censure helps to deflate the power of a politician whose conduct violates liberal democratic principles, to deter misconduct on the part of government representatives, and to distance the institution from the behaviour of one of its members in a way that serves the purposes discussed above (allowing the institution to avoid acquiescing in conduct that violates liberal democratic principles; providing assurance to the public about the institution's commitment to liberal democratic principles; rectifying previous behaviour

[30] John Whitesides, 'House Votes to Censure Rangel on Ethics Charges,' *Reuters.com*, 2 December 2010. <http://www.reuters.com/article/2010/12/03/us-usa-congress-rangel-idUSTRE6B200S20101203>
[31] Michael McAuliff, 'Rangel Censure Would Raise Bar on House Ethical Standards, Set New Precedent for Misbehaving Members,' *New York Daily News*, 19 November 2010. <http://articles.nydailynews.com/2010-11-19/news/27081725_1_rangel-ethics-panel-censure>

enabling the violation of liberal democratic principles; and bolstering public trust in government). The strength of this *pro tanto* reason to censure depends on the urgency with which these functions need to be fulfilled in order to ensure that liberal democratic principles are upheld.

Even when this reason in favour of censure is fairly weighty, however, state institutions must consider the fairness of censure in terms of its impact on the censured individual. This issue is discussed in the next section.

III. Censure and Fairness

As discussed in Part I, a liberal democratic state has at least weighty *pro tanto* reason not to subject its citizens to the arbitrary exercise of power. State institutions should meet this obligation with regard to individual members of these institutions, both because government officials are also citizens, and because the ways in which state institutions treat their members may reflect or influence a wider set of dispositions towards non-arbitrary government. The requirement not to govern arbitrarily suggests that the state should apply censure fairly – in other words, that the state should avoid both undue harshness and undue leniency. I do not rule out, or endorse, the possibility that unfair censures could be justified if the liberal democratic aims that the state is attempting to promote are sufficiently urgent. My aim here is simply to draw attention to the fairness issue and the ways in which it could limit the legitimacy of censure. Of course, there may be other limits to censure that I do not consider here.

A. Undue Harshness

One way in which censure can be unfair is that it could result in consequences that are harsher for the individual than those warranted by his conduct. One such consequence is a

degree of humiliation that is not line with the individual's conduct. Undue harshness may occur as a result of scapegoating, in which censure deflects attention from the responsibility of a wider body and concentrates it on one individual. This practice is unfair also because other members of the institution are exonerated more than they should be. For instance, it might be argued that the Senate, in censuring McCarthy, portrayed McCarthy as the sole force behind McCarthyism, whereas in actuality other members were also to blame. If this is so, then an institution could take advantage of the 'distancing' function of censure in order to avoid taking responsibility for its actions, which could result in an unfairly harsh outcome for the censured individual.

Determining whether censure is overly harsh – regardless of whether it also unfairly deflects blame from a larger body – is not an easy proposition. This is especially true when a person is subjected to censure for conduct that falls short of the relevant standard, but that has not been penalised in the same way on previous occasions, or when censure in a certain context has previously been used mainly to penalise more egregious types of conduct. One Representative who opposed Rangel's censure, for instance, said that 'Far more serious ethical lapses than Mr. Rangel's have not met with censure.'[32]

It is difficult to gauge the fairness of censure by considering whether the penalty is applied consistently, because the nature of the offence for which the penalty should be applied is a moving target. What it takes to damage public trust in an institution, for instance, is context-sensitive; it can change based on the position of the individual in question and the wider political climate. If a person occupies a position with elevated public responsibility – Rangel, for instance, had served as chairman of the powerful Ways and Means Committee – then his actions may have a greater capacity to damage the reputation of the institution as a

[32] Dana Milbank, 'Rangel's Censure, House's Disgrace,' *Washington Post*, 4 December 2010. <http://www.washingtonpost.com/wp-dyn/content/article/2010/12/03/AR2010120301911.html?sid=ST2010120201655>

whole and/or to betray the public's trust. Those who occupy a public office in a political climate in which the public has been exposed to a spate of ethics violations may also have special responsibility not to behave in a way that will undermine what is left of public trust. The seriousness of a 'fair penalty' for failing to fulfil the responsibilities of public office, then, can vary according to context.

Despite the difficulty of determining whether censure is a fair penalty, state institutions, when engaging in censure, should make an effort to censure conduct that has clearly fallen short of the standards that individuals in public office are expected to meet. In addition, censure should form part of a more wide-ranging investigation into the nature of the practices that permitted a particular type of misconduct to take place.

B. Undue Leniency

Censure can also be unfair when it is unduly lenient. One example of such a claim comes from a public censure in 1992 by the Michigan Supreme Court of Judge Francis K. Bourisseau for telling a newspaper that although he was 'no fan' of an abortion rights law, he would allow abortion in the case of a minor raped by a family member or a white girl raped by a black man.[33] The chairman of the Michigan Legislature's African-American Caucus, Rep. Floyd Clack, said that the penalty of censure was insufficiently harsh and should have been replaced by suspension or removal from office.[34] Regardless of whether Clack was correct, there is a valid objection to censure on the grounds of undue leniency when a person's behaviour does warrant a harsher penalty, such as removal from office. In general, there is a risk that censure can serve as a way for state institutions to satisfy the public's

[33] 'Bourisseau Censured by State's High Court,' *Ludington Daily News*, 3 March 1992. <http://news.google.com/newspapers?nid=110&dat=19920303&id=AfdPAAAAIBAJ&sjid=TlUDAAAAIBAJ&pg=3844,4134290>

[34] 'Some Say Bourisseau Should Have Received Harsher Punishment,' *Ludington Daily News (AP)*, 4 March 1992. <http://news.google.com/newspapers?nid=110&dat=19920304&id=AvdPAAAAIBAJ&sjid=TlUDAAAAIBAJ&pg=5192,4200915>

demand for a harsh response – to appear, say, 'tough on corruption' or intolerant of racism – without meting out a punishment that, while more fitting from a normative perspective, would be politically costly.

Moving beyond the specific case of Bourisseau, the concern about leniency may take the form of a concern that censure does not succeed in humiliating those subject to it. This may be a valid issue in certain cases. If a censured individual is simply able to 'laugh it off,' suffers no damage to her image in the eyes of either the public or her fellow public figures, and does not feel humiliated, then it would be appropriate to say that censure in this case is overly lenient at least partially because it has failed to be humiliating.

The worry about leniency could also take the form of a concern that censure *is* humiliating, but humiliation is an insufficient penalty. In some cases, the latter concern may also be valid. This would be the case, for instance, if a state representative who commits a truly heinous deed, which by law warrants removal from office, is censured in a way that damages her image and makes her feel humiliated, but is allowed to keep her position. Although humiliation may sometimes be an insufficient penalty, however, it is not always an insufficient penalty. In particular, I wish to deny the idea that censure of a kind that constitutes and/or leads to humiliation is a 'merely symbolic' penalty. Conservative columnist Robert Stacy McCain, for instance, called Rangel's censure 'a meaningless verbal scolding. He gets to keep his job, his pension, etc.'[35] McCain may be referring specifically to Rangel's censure, but if his view is taken as a statement about censure more generally, then it is not accurate. Censure of a kind that constitutes and/or leads to humiliation is both 'verbal' and 'symbolic' – but these features do not render it 'meaningless.'

[35] Robert Stacy McCain, 'Remember When Nancy Pelosi Promised Democrats Were Going to Clean Up the "Culture of Corruption" in Washington?' *TheOtherMcCain.com*, 18 November 2010. <http://theothermccain.com/2010/11/18/remember-when-nancy-pelosi-promised-democrats-were-going-to-clean-up-the-culture-of-corruption-in-washington/>

First, political power depends in part on symbolic factors, including the image that a politician is able to project to society. The humiliation that often results from censure, by constituting or causing a blow to a person's image, can reduce that person's ability to pursue concrete political aims. Second, this humiliation can have real consequences even if they are not material. People often value their reputation highly, sometimes independently of any material goods they hope to secure with its assistance,[36] and politicians who stand to be censured may be especially concerned about their 'legacy' – which was an issue in the censure of Rangel.[37] The feelings of humiliation that people can experience when they are censured can be personally influential, as they seem to have been in McCarthy's case. The potency of the penalties conveyed by censure is also suggested, for instance, by the effort that Rangel and his supporters expended to downgrade the censure to a reprimand.[38] Although censure is symbolic, then, it is not necessarily ineffectual as a means of penalising individuals for misconduct. When censure is too lenient, it is not because it is symbolic, but because of what it symbolises in a particular context: that an institution does not judge the censured individual particularly harshly, and therefore does not take the offence sufficiently seriously. The question of whether censure sends a message connoting excessive lenience depends on the particular context within which censure is framed, reported, and received by the public. As with the issue of whether censure is overly harsh, the appropriate response to this question depends on contextual considerations and may not be easy to resolve.

There are other aspects of normative decision-making regarding censure that I have not covered – for instance, whether it encourages state representatives or the public to develop problematic attitudes such as malicious pleasure in another person's humiliation. I

[36] See Brennan and Pettit, *The Economy of Esteem*, 29-30.
[37] Susan Crabtree, 'House Censures Rangel for Ethics Violations on 333-79 Vote,' *The Hill*, 2 December 2010. <http://thehill.com/homenews/house/131779-house-censures-rangel-for-ethics-violations-on-xx-vote>
[38] See for instance Devlin Barrett, 'Rangel Pleads for Mercy,' *The Wall Street Journal*, 19 November 2010. <http://online.wsj.com/article/SB10001424052748704104104575622511610792080.html>

discuss these kinds of attitudes in the chapters on ridicule and criminal punishment. Overall, however, the considerations mentioned thus far suggest that liberal democratic state institutions may legitimately engage in censure of a kind that constitutes and/or leads to humiliation.

IV. Dishonourable Discharge

I close this chapter by noting that official censure is not the only case in which state institutions disgrace their individual members in a way that constitutes and/or leads to humiliation. Another example is the military practice of 'dishonourable discharge,'[39] which signals that a service member has breached serious military standards. In the US, this penalty is inflicted for offenses like murder, rape, and robbery,[40] as well as conduct such as the notorious prison abuse at Abu Ghraib.[41] By issuing a dishonourable discharge, the military conveys the message that an individual has fallen short of the conduct expected from a service member. This conduct may also, of course, fall short of standards expected from everyone *qua* citizen or *qua* human being. But one specific message sent by dishonourable discharge is that service members have failed to fulfil duties inherent in their role as members of the military. These duties include willingness to bear responsibility for the preservation of military honour, and not to engage in conduct that would disgrace the military as an institution. Those who fail to meet these standards can be subjected to humiliation in the form of a dishonourable discharge. Dishonourable discharges are often considered

[39] Discharges are not necessarily binary between 'honourable' and 'dishonourable'; in the US, for instance, there are gradations within the category of 'other-than-honourable' discharges, and dishonourable discharges are applied to very serious infractions. See Matthew B. Tully, 'Less-Than-Honorable Discharge Does Not Have to be Permanent,' *Army Times*, 22 September 2008. <http://www.armytimes.com/community/ask_lawyer/military_askthelawyer_092208w/>

[40] Jonathan P. Tomes et al, *Servicemember's Legal Guide: Everything You and Your Family Need to Know About the Law* (USA: Stackpole Press, 2005), 45.

[41] Three of the American military personnel convicted as a result of the abuse at Abu Ghraib were given dishonourable discharges; six were given 'bad conduct discharges,' and one was given an 'other than honourable' discharge. 'Hard Labour for Abu Ghraib Abuser,' *BBC.co.uk*, 2 June 2006. <http://news.bbc.co.uk/1/hi/5041946.stm>

humiliating both because their social meaning is such that they convey humiliation independently of their consequences,[42] and because they lead to humiliating consequences in civilian life such as the loss of veterans' benefits, disadvantages in obtaining employment and entry to educational institutions, and general stigma.[43]

Like censure, dishonourable discharge involves the condemnation of an individual member of a state institution for failing to live up to the standards associated with his position, although this position need not be particularly high-ranked. Also like censure, dishonourable discharge is often thought to be warranted by conduct on the part of an individual that brings the institution into disrepute. The standards to which the disgraced individual is expected to adhere, and the kind of behaviour that would bring the institution into disrepute, may differ in the case of censure as compared to dishonourable discharge. In addition, dishonourable discharge involves the expulsion of a member of an institution, while censure is compatible with the target's continued membership, and in fact often serves as an alternative to expulsion. Despite these differences between the two practices, many of the positive and negative aspects of censure are also present in the example of dishonourable discharge. In particular, dishonourable discharge may be a way for the military to distance itself from certain forms of behaviour and to deter these forms of behaviour. There are also serious issues about the fairness of the processes by which dishonourable discharge takes place, such as the concern that this procedure will lead to the 'scapegoating' of individuals for systemic government failures.[44]

[42] For instance, a decision of the US Court of Appeals for the Armed Forces in 1999 stated of a member of the Air Force: 'Appellant specifically stated at trial that he did not want to suffer the humiliation of a punitive discharge.' *U.S. v. Lee*, 52 M.J. 51 (1999). <http://www.armfor.uscourts.gov/newcaaf/opinions/1999Term/98-0952.htm>

[43] Tomes et al, *Servicemember's Legal Guide*, 45.

[44] One might argue, for instance, that the punishment of relatively low-ranking soldiers for the Abu Ghraib scandal allowed more senior officials to 'get off the hook.' In this case, it is worth thinking about whether those senior officials should have been themselves subject to humiliation. Moreover, the punishment of big fish and that of small fry are not mutually exclusive possibilities.

One concern that is especially relevant to the case of dishonourable discharge is that the standards to which a member of the military is expected to adhere may be problematic. Certain ideas about military honour may conflict with liberal democratic principles. For instance, 'not-honourable' discharge was the punishment for homosexual conduct in the American military until recently.[45] Dishonourable discharge can also, however, target behaviour that those committed to liberal democratic principles would consider unworthy of their appointed defenders, an extreme case being the dishonourable discharge of some members of the American military involved in the Abu Ghraib events. This is not to say that members of the military were motivated only by adherence to liberal democratic aims in administering dishonourable discharges in this situation, but that dishonourable discharge *could* serve as a way for the military to discipline forms of conduct that are egregious from a liberal democratic perspective.

Multiple factors may play a role in guiding an appropriate decision about whether to inflict dishonourable discharge in any given circumstance. The point is simply that this procedure provides another example of a form of disgrace by state institutions of their members, and one that plausibly seems to constitute and/or lead to humiliation. Here, too, the view that the state should always abstain from action that constitutes and/or leads to humiliation does not seem to be adequately supported. More broadly, the chapter as a whole suggests the need for contextually-sensitive evaluations of the proper approach to humiliation in particular cases, instead of sweeping condemnations of humiliation.

[45] Tomes et al, *Servicemember's Legal Guide*, 44-45.

Chapter 6

The Exposure of Political Figures

I. Introduction
II. Humiliation, Role, and Image in the Watergate Affair
III. Humiliation, the Exposure of Misconduct, and Liberal Democratic Principles
    A. Humiliation and Lèse-Majesté
    B. The Legitimacy of Exposure Leading to Humiliation
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    A. The Fair Pursuit of Criminal Justice
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V. Outing Closeted Politicians Who Support Anti-Gay Policies
    A. Humiliation and Outing
    B. The Legitimacy of Outing

I. Introduction

The exposure of features of politicians and public officials that they would rather not have had revealed is a regular feature of political life in many aspirationally liberal democratic states. Given that this kind of exposure can often lead to humiliation, what are the responsibilities of those considering engaging in this kind of exposure? In this chapter I provide illustrations of, and elaboration on, aspects of humiliation discussed in Part II with regard to the topic of exposing politicians and public figures. I argue that those committed to liberal democratic principles may legitimately engage in forms of exposure that lead to humiliating conditions and/or feelings of humiliation. But I indicate that the decision to expose misconduct on the part of politicians may be a difficult one to make, and I discuss some appropriate limits on this kind of exposure. Some of the limits I discuss in this chapter derive from principles other than the significance of avoiding certain types of humiliation, which reinforces the point that the prospect of humiliation need not be a determinative factor in political decision-making.

This chapter concentrates on the exposure of Nixon during the Watergate affair and on the practice of 'outing' closeted gay politicians who promote anti-gay policies. As in other chapters, I do not aim to provide a comprehensive evaluation of any given political practice, but to indicate some considerations that suggest the need for more nuanced judgments of actions that lead to humiliating conditions than those found in much of the current literature. Chapters 4 and 5 focused on actions by state actors; by contrast, some of the actions that I evaluate in Chapter 6 (though not all) are taken by non-state actors interacting in a state's political culture, such as journalists and activists. I noted in Part I that I take these actors to be obliged to respect fellow citizens' human dignity, equality, and freedom, even though the specific implications of this obligation may diverge from those of the obligation on the part of state actors.

In this chapter I discuss exposure of a kind that leads to 'humiliation' in the sense of 'humiliating conditions,' as well as to feelings of humiliation. I refer to 'humiliating conditions' instead of solely to 'feelings of humiliation' in order to reflect widespread descriptions of situations in which politicians are exposed in a compromising way as humiliating. As with censure, I believe that one reason why people may be more likely to consider these situations to be humiliating than, say, in the case of white Southerners is that such a description is not based on problematic values such as racial supremacy.

I also refer to exposure that 'leads to' humiliating conditions. For many cases of exposure, some might not want to say that a journalist (for example) 'humiliated' the politician or even that the journalist 'caused the politician's humiliation,' as this might seem either to suggest an overly active role for the journalist in producing humiliation, or the attribution of moral fault to the journalist. Some might want to say, for instance, that the journalist's action merely exposed the sensitive feature to the public, and humiliation resulted from the response of the public; or that humiliation resulted from the politician's own actions.

The term ‘leads to’ is meant to indicate that the journalist’s action played some role in giving rise to humiliating conditions, if only in the sense that in deciding whether to engage in a certain kind of exposure, the prospect of humiliation is one possible result for the journalist to take into account. This chapter illustrates the point that humiliating conditions can come about as a result of a variety of factors, including another person’s action, the images that individuals project (which may be partially due to the roles they occupy), and the responses of an audience.

Section II of this chapter illustrates certain aspects of humiliation considered in Part II with reference to the Watergate affair. Section III provides reasons why those committed to liberal democratic principles need not abstain from forms of exposure of political authorities that lead to humiliation. Section IV discusses potential limits on the actions of individuals engaged in this kind of exposure. Section V illustrates the complexity of decision-making regarding actions that constitute and/or lead to humiliation with reference to the phenomenon of ‘outing’ closeted gay politicians who support anti-gay policies.

II. Humiliation, Role, and Image in the Watergate Affair

On June 17, 1972, five men were arrested for breaking and entering into the Democratic Party’s headquarters at the Watergate office complex in Washington, DC. Officials in Nixon’s administration and re-election campaign were linked to the break-in, and Nixon came under suspicion for participating in a cover-up. When testimony at a Senate investigative committee revealed that Nixon’s conversations with aides had been taped at the White House, the committee along with Special Prosecutor Archibald Cox issued a subpoena for the tapes. After a Supreme Court decision rejected Nixon’s appeal to ‘executive privilege’ and national security, Nixon was forced to release tapes that implicated him in the cover-up. Meanwhile, the Judiciary Committee of the House of Representatives had voted

articles of impeachment against Nixon. Facing impeachment, Nixon resigned in August 1974.[1]

The Watergate affair, particularly Nixon's resignation, is often considered a classically humiliating event for a political figure,[2] and it illustrates several features of humiliation that were discussed in Part II. In addition to providing a further example of high-status humiliation, the Watergate affair suggests that the nature of the role that a person occupies can have an important influence on the image that the person is expected to project, and therefore on the possibility of humiliation through the 'loss of face.' The President was expected to project an image of dignified, assertive leadership. The investigations of Watergate, however, resulted in the portrayal of Nixon as a volatile, even vindictive individual who appeared at times to be no better than a common crook. For instance, journalist Barry Sussman, who was the *Washington Post*'s editor in charge of the Watergate coverage, writes that one of the tapes 'proved humiliating for Nixon. On it, Dean [White House counsel to Nixon, John Dean] is heard discouraging Nixon from approving the payment of hush money for Howard Hunt, one of the Watergate conspirators. Nixon's response was, "God damn it, get the money!"'[3] Furthermore, the President, as the occupant of the highest office in the country, was expected to project an image of generally being in control. This image was undermined by the fact that Nixon became the first President to be forced to resign. The special prosecutor who replaced Cox when Nixon ordered Cox fired,

[1] This account is drawn largely from 'Watergate Scandal,' *Encyclopaedia Britannica Online*, Encyclopaedia Britannica Inc., 2012. <http://www.britannica.com/EBchecked/topic/637431/Watergate-Scandal>

[2] To give just a couple of examples of statements to this effect, the *New York Times* obituary of Nixon's wife referred to Nixon's 'humiliating resignation as President of the United States.' 'Pat Nixon, Former First Lady, Dies at 81,' *New York Times*, 23 June 1993. <http://www.nytimes.com/1993/06/23/obituaries/pat-nixon-former-first-lady-dies-at-81.html?pagewanted=all&src=pm> Nixon's daughter Julie said in an interview to Larry King in 2001 that Nixon 'was humiliated and humbled' due to the Watergate affair. 'Encore Presentation: Julie Nixon Eisenhower Discusses Her Father's Legacy,' *CNN.com*, 11 August 2001. <http://transcripts.cnn.com/TRANSCRIPTS/0108/11/lklw.00.html>

[3] Barry Sussman, 'Watergate: 25 Years Later: Myths and Collusion,' *Watergate.info*, 17 June 1997. <http://www.watergate.info/sussman/25th.shtml>

Leon Jaworski, said about Nixon in October 1975, 'He suffered humiliation and a disgrace, a shame no other president of the United States has ever suffered.'[4]

The Nixon example also illustrates the point that the image an individual seeks to project, which may stem in part from a person's interpretation of his role in front of the public, influences the possibility of humiliation. Through his claim about executive privilege and other moves, Nixon signalled his elevated understanding of the stature of the Presidency and its immunity from certain kinds of exposure. When this claim was publicly undercut, Nixon's public assertion of a particular status was denied, thereby heightening his humiliation.

The Watergate affair, then, illustrates the idea that humiliating conditions can result from multiple factors. One is the actions of those engaged in exposing misconduct. The exposure of Nixon and other members of his administration during the Watergate investigation was carried out by a conglomerate of state and non-state actors. (Among non-state actors, the investigative reporting of *The Washington Post*, notably by Bob Woodward and Carl Bernstein, was especially prominent.) Other factors that could play a role in bringing about humiliating conditions include the image an individual projects, which may result partially from the role that the individual occupies and the individual's interpretation of this role; and the responses of an audience, in this case the American public and even international observers. Humiliating conditions need not arise, that is, solely in response to events that can be straightforwardly presented as an action directed by A against B. The next section focuses on the legitimacy of actions taken to expose misconduct when those actions play a role in bringing about humiliating conditions, even if they do so in conjunction with other factors.

[4] 'Cites Nixon Humiliation,' *St. Joseph Gazette (UPI)*, 24 October 1975. <http://news.google.com/newspapers?id=HBZdAAAAIBAJ&sjid=cVoNAAAAIBAJ&pg=975,4992703&dq=cites-nixon-humiliation&hl=en>

III. Humiliation, the Exposure of Misconduct, and Liberal Democratic Principles

A. Humiliation and Lèse-Majesté

I begin with the claim that a state committed to liberal democratic principles should not punish with legal sanctions the exposure of political authorities in a way that leads to humiliation. Although this may seem obvious, it is worth noting that not all states have adhered to this position. Some have taken measures to ban actions that are considered to humiliate the authorities, and I provide examples below. Not all of the measures I describe here are targeted directly at exposure; some are targeted at actions that may be more appropriately categorised as ridicule, the topic of Chapter 7. But the reasons I provide in this section to support the view that these measures are incompatible with liberal democratic principles apply to measures targeted at both exposure and ridicule.

In 2001, a Chinese man was charged with 'humiliating the government' for 'writing about a dispute in a Beijing church.'[5] Article 301 of Turkey's penal code, which penalises 'humiliating Turkish identity, the republic, and the organs and institutions of the state,' has been criticised by the EU and by Reporters without Borders, who claimed that 'Article 301 allows the law to be used to control the activity of the media. The proof is in the fact that 65 people, including many journalists and writers, have been prosecuted in Turkey since it took effect on 1 June 2005.'[6] In 1981, the Soviet-backed rulers of Poland indicted six regional leaders of the independent trade union Solidarity for disseminating posters which 'insulted,

[5] Frank Langfitt, 'Brutal Vestige of China's Past Persists,' *The Baltimore Sun*, 6 March 2001. <http://articles.baltimoresun.com/2001-03-26/news/0103260046_1_liu-xiaobo-beijing-china/2>
[6] 'EU Criticises Turkish Penal Code Article Under Which 65 People Have Been Prosecuted,' *Reporters without Borders*, 9 November 2006. <http://en.rsf.org/article.php3?id_article=19666>

derided and humiliated the government and the political system of the Polish People's Republic.'[7]

These kinds of legal provisions against statements by citizens and especially reporters that are deemed to humiliate the government echoes a provision of some legal systems called 'lèse-majesté': an injunction against offending against the dignity of a sovereign or a state.[8] This provision, while it was much more likely to be enforced in earlier periods, is still on the books in some European countries and occasionally gives rise to legal cases, as when a Dutch man was fined 400 euro in 2007 for 'calling Queen Beatrix a whore and making other sexual comments.'[9] In some countries, lèse-majesté is still taken very seriously; Thailand's law prohibiting any word or act which 'defames, insults, or threatens the King, the Queen, the Heir-apparent, or the Regent' resulted in the conviction of a man in 2011 to a 20-year prison sentence for sending four text messages to an aide to the Prime Minister in 2010.[10]

Legal punishment for lèse-majesté conflicts with significant principles of liberal democracy. One is status equality: certain people may be authorised to govern their fellow citizens, but they should not be set above their fellow citizens to such an extent as to be insulated from criticism in a way that is enforced by the state, even if the criticism leads to humiliation. This is not to say that public figures should never be protected from slander and libel, or that specific groups of people – such as racial, religious, and sexual minorities – ought not to be given specific protection against slander and libel.[11] The point is only that the

[7] 'Poland: Current status of Solidarity (2001-May 2002); reports of members who were punished for participating in anti-government activities (1980-1990); treatment of their current and former members (2001-May 2002).' *Immigration and Refugee Board of Canada*, POL38937.E,13 May 2002. <http://www.unhcr.org/refworld/docid/3df4be9720.html>
[8] See Rosen, *Dignity*, 74.
[9] 'Insulting the Queen is No Crime,' *DutchNews.nl*, 3 August 2007. <http://www.dutchnews.nl/news/archives/mobile/insulting_the_queen_is_no_crim.php>
[10] 'Thailand gives "repressive" 20-year sentence for text messages,' *Amnesty International*, 23 November 2011. <http://www.amnesty.org/en/news/thailand-%E2%80%98repressive%E2%80%99-20-year-sentence-text-message2011-11-23>
[11] For a discussion of these issues, see Waldron, *The Harm in Hate Speech*.

mere fact of occupying a position of societal authority should not provide people with legal immunity from humiliation. Another important liberal democratic principle undermined by legal strictures of this kind is the freedom of the press. There are many significant questions about the appropriate limits of the freedom of the press, and the suggestion here is not that this freedom ought to be absolute. But prosecution for what is viewed as the humiliation of the authorities would severely restrict the capacity of the press to provide a check against the abuse of power and to strengthen democratic accountability.

From a liberal democratic perspective, then, people should not be subject to legal sanction on the grounds that they have taken action leading to the humiliation of the authorities. The fact that people should not be subject to legal sanction for a given activity does not, of course, imply that the activity is necessarily compatible with liberal democratic principles. One can hold that the expression of racist attitudes to a friend is incompatible with liberal democratic principles even though it should not be outlawed in a liberal democracy. This thesis is devoted to a consideration of the compatibility of various actions with liberal democratic principles, not to a consideration of appropriate legal sanctions for these actions. Nevertheless, some of the factors that militate against legal sanctions for actions that result in humiliation for the authorities are relevant to the question of whether people should abstain from these actions on the grounds that they are incompatible with liberal democratic principles, even if these people should not be legally punished. In the next section I expand on two factors that suggest a negative answer to this question: the fair pursuit of criminal justice and democratic accountability.

B. The Legitimacy of Exposure Leading to Humiliation

There are at least two considerations suggesting that those committed to liberal democratic principles may legitimately engage in actions that lead to humiliating conditions

for politicians and public officials. One is the idea that criminal justice should be pursued fairly even when applied to individuals occupying an elevated status. This principle could be derived either from the value of non-arbitrary government or of equality before the law. The information exposed in the Watergate investigation, for instance, included evidence of criminal activity and efforts by the President and his aides to cover up this evidence so that it would not damage their image or expose them to prosecution. It seems that state officials had a responsibility to pursue the investigation even if it would lead to humiliation for the President. Non-state actors such as journalists may not have the same obligation to prosecute a criminal investigation. Given that their exposure of information contributed to the enactment of justice, however, it seems inappropriate to suggest that they should have abstained from exposure on the grounds that it would lead to humiliation for the President.

Another consideration supporting the legitimacy of forms of exposure that lead to humiliation is the idea of democratic accountability. Citizens in a democracy should be able to make informed decisions about whom to vote for, to detect abuses of power on the part of governing authorities, and to put pressure on the authorities to end these abuses. This requires a reasonable degree of access to information about politicians' conduct, even if (or perhaps especially if) those politicians would find the exposure of their activities humiliating. In fact, the humiliation that sometimes results from the exposure of misconduct can benefit democratic accountability by attaching a disincentive to engaging in this kind of behaviour.[12] In addition, the exposure of misconduct on one occasion can enhance public scrutiny of state institutions in ways that benefit democratic accountability. In the Nixon case, a lawyer who represented *The Washington Post* during the Watergate affair has argued that press inquiries into a 2004 terror warning issued by President Bush, which helped to reveal that the alert was

[12] See Brennan and Pettit, *The Economy of Esteem*, 180.

based on old information, resulted from a kind of scepticism about public officials' statements that 'would have been unthinkable before Watergate.'[13]

These considerations suggest that those committed to liberal democratic principles need not abstain from forms of exposure that lead to humiliation for political authorities. For the most part, my claim is plausibly interpreted to permit humiliation as a side-effect of exposure; the idea is that exposure can be legitimate even if it leads to humiliation. My claim could also be interpreted as permitting intentional humiliation that is undertaken in order to promote liberal democratic aims such as equality before the law or government accountability. This would be the case, for instance, if an intention to expose misconduct were considered to incorporate or imply an intention to damage the person's reputation, and the intention to damage someone's reputation were considered an intention to humiliate. Alternatively, if a given form of exposure is thought to *constitute* humiliation, then an intention to engage in this type of exposure might be viewed as an intention to humiliate. Some might see the specific idea that humiliation can deter misconduct as a reason supporting intentional humiliation as a means to the end of incentivising good behaviour, as opposed to other reasons to support the legitimacy of exposure, such as the importance of pursuing criminal justice, which treat the possibility of humiliation as an acceptable side-effect. If exposure that leads to humiliation is taken to constitute intentional humiliation for any of these reasons, then this form of intentional humiliation may be legitimate from a liberal democratic perspective; note, however, that it would be legitimate as a means to a further end rather than as an end in itself.

[13] Richard Allen Greene, 'Watergate: Watershed or Water Under the Bridge?' *BBC.co.uk*, 8 August 2004. <http://news.bbc.co.uk/1/hi/world/americas/3542650.stm>

IV. Potential Limits on Exposure

In this section I consider two potential limits on exposure of a kind that leads to humiliating conditions for public officials, one based on the fair pursuit of criminal justice and the other based on the negative results of a decline in public trust in government. I do not argue that these are the only relevant limits; in particular, I consider privacy issues below in the section on outing.

A. The Fair Pursuit of Criminal Justice

The opposite side of the coin from the idea that criminal justice proceedings should be carried out even if they lead to humiliation for political authorities is that every citizen, including political authorities, should be granted a fair trial. Certain kinds of exposure on the part of journalists may make it more difficult for these individuals to receive a fair trial. During the Watergate affair, *The Times* (of London) editorialised that 'The American press, and particularly the Washington Post, deserve their full credit for forcing the Watergate affair into the open. They are, however, now publishing vast quantities of prejudicial material, that would be contempt under British law, which again must tend to prejudice the fair trial of any accused, or, if it came to that, the President.'[14] If this accusation was true – and I take no position on this question – then this provides a *pro tanto* reason to limit the exposure of some information in the Watergate case, and potentially a weighty *pro tanto* reason if the resulting bias in a trial would be significant. There may be difficult questions about how to reconcile democratic accountability with non-exposure of prejudicial material, and there are a variety of potential responses to this issue (from both a legal and a moral perspective). The point here is that the possibility of denying a fair trial to the targets of exposure ought to be a

[14] 'British Legal View of Ervin Hearings,' *The Spartanburg Herald*, 23 July 1973. <http://news.google.com/newspapers?nid=1876&dat=19730723&id=PZoeAAAAIBAJ&sjid=Qs0EAAAAIBAJ&pg=6576,4671043>

genuine concern of those contemplating exposure. This concern is not, however, based on a worry about humiliation; as noted earlier, multiple considerations play a role in determining normative conclusions about actions that lead to humiliation, and my discussion is meant partially to dispel the view that humiliation should always be identified as the crucial factor.

B. Damage to Public Trust in Government

Exposure of a kind that leads to humiliating conditions for government officials may damage the public's trust in government. This has often been viewed as a consequence of the Watergate affair, although mistrust of government in America certainly existed beforehand.[15] This possibility was also raised in an article on the UK parliamentary expenses scandal in 2009 by the Archbishop of Canterbury, Rowan Williams. During this scandal, the parliamentary expenses claims of British MPs were leaked to the public, notably by *The Telegraph*. The result was a public outcry and negative consequences for many MPs, including resignations, apologies, some convictions – and feelings of humiliation.[16] Williams wrote of this episode:

> 'Many will now be wondering whether the point has not been adequately made; the continuing systematic humiliation of politicians itself threatens to carry a heavy price in terms of our ability to salvage some confidence in our democracy... It would be a tragedy if our present troubles spelled the end of any confidence that politics and public service could and should truly be a calling worthy of the most generous instincts.'[17]

[15] Bill Schneider, 'Cynicism Didn't Start With Watergate,' *CNN.com*, 17 June 1997. <http://www.cnn.com/ALLPOLITICS/1997/gen/resources/watergate/trust.schneider/>

[16] For instance, the judge presiding over the sentencing of former Labour MP David Chaytor in January 2011 over a false expenses claim stated, according to the Guardian, that 'humiliation' was an 'inevitable consequence' for people with influence who then 'defraud the public who elected them.' Caroline Davies, 'David Chaytor Jailed for Eighteen Months over False Expenses Claim,' *The Guardian*, 7 January 2011. <http://www.guardian.co.uk/politics/2011/jan/07/mps-expenses-david-chaytor-jailed>. Sometimes the content of the disclosure made the scandal particularly humiliating. Conservative MP David Viggers, who tried to claim £1645 for a duck hut that shielded ducks from predators, resigned and stated, 'I have made a ridiculous and grave error of judgment…I am ashamed and humiliated and I apologize.' Gregory Katz, 'UK Expense Scandal Widens With Disclosure Of $2,600 Duck Hut,' *The Huffington Post*, 23 May 2009. <http://www.huffingtonpost.com/2009/05/23/uk-expense-scandal-widens_n_207082.html>

[17] Rowan Williams, 'Ethics and Expenses: Times Article.'*ArchbishopOfCanterbury.org*, 23 May 2009. <http://www.archbishopofcanterbury.org/articles.php/597/ethics-and-expenses-times-article>

My aim here is not to discuss the details of the parliamentary expenses scandal or the propriety of various decisions made by journalists about when and how to publish information in this case. The idea that exposure of politicians of a kind that results in humiliation may diminish trust in government can, however, be generalised more widely. Williams's point seems to be that this exposure runs the risk of damaging the image of politics to such an extent that citizens will regard the activity as generally worthless, fit only for the corrupt and greedy. The concern in this case is directed at a consequence of humiliation, where humiliation is understood either in the sense of an action that damages politicians' images, or in the sense of politicians' damaged image itself. One reason why damage to the image of politicians would be a bad outcome, suggested by the rest of Williams's article, is that those who enter politics would then be those least likely to have 'generous instincts.'

A second possible reason is that the image of politics as a worthless realm could have the effect of lowering standards for honest behaviour in politics, because the reputation of politicians would be so low that officials would have even less of an incentive to uphold it. If humiliation can 'bring people down,' then public figures may start to think that they have nowhere lower to go. Consequently, the prospect of humiliation will not be much of a disincentive to dishonesty. As Brennan and Pettit note, citizens may therefore have an interest in preserving the *appearance* of relative honesty, even if this is not the reality.[18] Furthermore, citizens who see politics as fit only for the corrupt may also view politics as irredeemable. They may therefore become so disheartened that they will not try to improve it. The alienation of the citizenry from its political leadership due to any or all of these developments could limit democratic institutions' ability to represent the genuine concerns of

[18] Brennan and Pettit, *The Economy of Esteem*, 170-171.

citizens and weaken the legitimacy of these institutions' authority over citizens, which would be a negative development for the democratic system.

Brennan and Pettit are correct to argue, then, that 'it may be important for the good workings of society that citizens have confidence in social institutions.'[19] Trust in representative institutions can be viewed as a desideratum of political culture in a liberal democratic state. If this is the case, then participants in such a state's political culture, such as journalists, ought to treat the prospect of damage to public trust as at least a *pro tanto* reason not to engage in exposure of a kind that leads to humiliating conditions. This concern about the results of humiliation is directed at parties other than those who would be in humiliating conditions as a result of exposure – namely, the democratic citizenry as a whole. The strength of this reason, however, depends on contextual factors. Are the consequences above actually likely to happen as a result of exposure that leads to humiliation, and how difficult would it be for trust to be regained? Could the misconduct be corrected in the absence of exposure that gives rise to humiliating conditions, and how likely is this to happen?

I do not provide a general response to the issue of how much significance should be attached to the concern about damaging public trust. I note, however, that the worry about damage to trust in democratic government should not obscure the importance of public officials' duties to those they are supposed to represent. If citizens' trust in their representatives is illusory, there is a sense in which it is tainted; and although I do not argue that it is necessarily inappropriate to preserve illusory trust, the moral hazards of such a situation ought to be recognised. Furthermore, the moral responsibility for undermining trust in public officials, when genuine misconduct is exposed, should fall on those public officials guilty of misconduct, rather than those carrying out the exposure. The prospect of

[19] Brennan and Pettit, *The Economy of Esteem*, 174.

contributing to a decline in public trust in democratic government should not, therefore, necessarily count as a decisive reason not to engage in exposure. But those who publicise misconduct on the part of political figures can and should take steps to avoid the kind of humiliating conditions that would result in thorough alienation of the public from democratic institutions or a decrease in governmental standards of conduct.

Political activists criticising corruption in government could, for instance, put forward proposals for its improvement. This might have the effect of discouraging the view that the political system is simply unsalvageable and not worth citizen engagement. At least some stories in the media could highlight the conduct of political figures who did not succumb to temptation. This would preserve the existence of political 'role models' with 'generous instincts,' using Williams' terms, and help to undermine the view that politics is never a noble calling. The effort to preserve confidence in the *potential* of the political system could actually improve the image of whistle-blowers or members of the media, who could thereby indicate that they are genuinely acting in the public interest instead of simply attempting to bring people down for malicious reasons or for the desire to sell newspapers. There are, of course, pressures on the media to emphasise negative stories; but the importance of preserving citizen trust in representative institutions should be a factor encouraging members of the media to resist these pressures.

These considerations do not amount to a complete evaluation of the conduct of state and non-state actors with regard to the exposure of government misconduct of a kind that leads to humiliation, but they suggest that those committed to liberal democratic principles may legitimately engage in exposure of a kind that leads to humiliation. The next section considers an example that highlights the complexities of deciding when this kind of exposure is acceptable.

V. Outing Closeted Politicians Who Support Anti-Gay Policies

This section is concerned with the phenomenon of 'outing' directed at politicians, in the sense of the public exposure of a 'closeted' politician's homosexuality without his or her consent. I focus on cases in which supporters of gay rights have outed or threatened to out political figures who back anti-gay policies. This case presents a vivid example of the ways in which exposure can lead to humiliation and raises difficult issues about the line between what should be publicly disclosed and what should not. This section does not provide a comprehensive discussion of the ethics of outing, but it raises considerations that those contemplating this tactic should take into account.

A. Humiliation and Outing

Outing can be the weapon of homophobic people, but it can also be directed at opponents of gay rights. One example is the case of the mayor of Spokane, Washington, Jim West, who backed such anti-gay policies as banning the employment of gay people in public agencies such as schools and day care centres, as well as mandating interviews on sexual preference for state jobs.[20] West was revealed to have been soliciting gay sex online by his hometown newspaper in 2005 and subsequently lost a recall election. West described the scandal as 'an embarrassing, humiliating and painful experience.'[21] To take another example, in 1989 the Republican National Committee released a memo implying that Democratic

[20] 'Impressions of Mayor Jim West,' *PBS Frontline*, 14 November 2006. <http://www.pbs.org/wgbh/pages/frontline/hiddenlife/spokane/jim.html>. See also Frank Rich, 'Just How Gay is the Right?' *New York Times*, 15 May 2005. <http://www.nytimes.com/2005/05/15/opinion/15rich.html?pagewanted=all>

[21] Barak Goodman, 'A Hidden Life,' *PBS Frontline*, 14 November 2006. <http://www.pbs.org/wgbh/pages/frontline/hiddenlife/etc/script.html>

Speaker of the House Tom Foley was gay, and Democratic Representative Barney Frank threatened to out gay Republicans if the rumours did not stop.[22]

Outing can give rise both to humiliating conditions and to feelings of humiliation. Sometimes, humiliation is described as the intention of outing. A reporter writing about UK Outrage! activist Peter Tatchell's campaigns to out various prominent people described Tatchell's 'consistent attempts at humiliating various members of the establishment.'[23] Outing might also be held to *constitute* a form of humiliation, in which case an intention to engage in outing might be considered an intention to humiliate. For instance, if outing is viewed as a way to inflict reputational damage on an opponent of gay rights, and this infliction of reputational damage is considered a form of humiliation, then those who intentionally inflict reputational damage in this way could be thought to engage in intentional humiliation.

Even if outing is not considered intentional humiliation, humiliating conditions and feelings of humiliation often seem likely to result. First, when a person is outed, a feature of his sexual life and/or desires is exposed against his will. Sex is often considered a particularly private matter, and the exposure of such an intimate feature against one's will is frequently considered humiliating. Second, the feature of a person's sexuality revealed in outing is viewed by many people, even in today's Western liberal democracies, as shameful. Third, if the person has pretended not to be gay, then there is an added dimension of humiliation – namely, the loss of face experienced by those who are revealed to be other than what they present themselves to be. Finally, if the outed person has supported an anti-gay political agenda, as is true of some public officials described in this section, then there is a

[22] David Tuller, 'Upror over Gays Booting Others Out of the Closet,' *San Francisco Chronicle* 12 March 1990. Quoted in Larry P. Gross, *Contested Closets: The Ethics and Politics of Outing* (USA: University of Minnesota Press, 1993), 220.
[23] Patrick Strudwick, 'Outrageous and Proud: Why Peter Tatchell Will Never Stop Fighting,' *The Independent*, 7 May 2010. <http://www.independent.co.uk/news/people/profiles/outrageous-and-proud-why-peter-tatchell-will-never-stop-fighting-1965596.html>

further aspect of humiliation involving the revelation of what is commonly referred to as 'hypocrisy' – though, as I note later, defining hypocrisy and explaining why it is problematic are not simple matters.

B. The Legitimacy of Outing

The fact that outing has historically been used to humiliate gay people simply for their sexual orientation should give potential 'outers' pause before engaging in the practice. Nevertheless, outing can benefit the aim of status equality for gay people, and at least part of this benefit can be traced to the fact that outing damages the image of anti-gay officials, which may be considered a form of humiliation. Outing may undermine the moral authority of gay rights opponents and cast doubt on their political positions. At the same time, there are concerns about outing from a liberal democratic point of view, one of which involves respect for privacy.

1. Outing and Privacy

The nature, basis, and appropriate limitations of respect for privacy are complicated topics, and I do not discuss them in depth here. I simply note some reasons why those committed to liberal democratic principles should, in general, respect the privacy of their fellow citizens. Among them is Dennis Thompson's view that privacy protects individual liberty, 'by ensuring that individuals can engage in certain activities free from observation, intrusion, or inhibiting threats,' and fairness, by ensuring that irrelevant private activities do not influence people's opportunities in public life.[24] Privacy also plays a crucial role in some valuable human relationships, such as love, friendship, and trust.[25] Furthermore, as

[24] Dennis F. Thompson, *Political Ethics and Public Office* (USA: Harvard University Press, 1987), 126.
[25] Thompson, *Political Ethics*, 126.

Thompson states, privacy is important to people's ability to 'sustain a conception of their own character that is at all independent of public reputation.'[26]

In terms of the earlier discussion of face, privacy permits people to maintain a distinction between the face that they present to the public and the image that they uphold in more intimate spheres. This is not to say that people entirely 'take off their masks' in private, or that there necessarily exists an 'essential self' lying underneath people's masks. But it is valuable for people to have some sphere within which they are not pressured to fulfil demands about behaviour and appearance that people who do not know one another very well make on one another. In terms employed by Thomas Nagel, privacy protects 'inner freedom from the stifling effect of the demands of face.'[27] Many of these considerations seem to apply with particular force to the exposure of information regarding sexual desires and behaviour, which is often viewed as an especially sensitive domain.

These reasons to respect privacy apply to non-state actors interacting in a state's political culture. First, these actors ought to respect the freedom of fellow citizens, and the preservation of citizens' freedom, as Thompson indicates, is one factor underlying the value of privacy. Second, and relatedly, respect for privacy – as Nagel suggests – is plausibly viewed as a valuable element of the 'public culture' of a liberal state[28]; and so it is a duty that activists and journalists considering engaging in outing should take seriously. These considerations suggest that there is at least a *pro tanto* reason for citizens to respect the privacy of fellow citizens, and potentially a weighty *pro tanto* reason, especially if the lack of respect for privacy severely threatens citizens' freedom.

[26] Thompson, *Political Ethics*, 126.
[27] Nagel, 'Concealment and Exposure,' *Philosophy and Public Affairs* 27:1 (1998), 26.
[28] Nagel, 'Concealment and Exposure,' 14. Part of Nagel's article involves criticising 'the invasiveness of a public culture that insists on settling too many questions' (28), notably through political correctness; I do not address these issues.

The failure to respect privacy can result in both humiliating conditions and feelings of humiliation. These conditions and feelings may consist in, or have the result of, inducing people to focus to a great extent on the gaze of others, which may reduce their ability to develop inner selves separate from their outward self-presentation. People whose privacy is not respected, perhaps especially about sexual matters, may also feel humiliation or shame about features of the self that are not inherently problematic, but that are less suited to being exposed in public. The fact that these particular kinds of humiliating conditions and feelings of humiliation may result from the failure to respect privacy counts as one reason to value privacy, but not the only one. It seems that there would be substantial reasons to value privacy (some of which are noted above) even if no humiliating conditions or feelings of humiliation would result.

The duty to respect privacy applies, in some form, to the personal lives of all citizens, including public figures. Considerations of democratic accountability, however, suggest that the public sometimes ought to have access to information about politicians that people should ordinarily be able to decide to keep private. Political figures, as Thompson notes, make decisions that powerfully affect citizens' lives, and they represent citizens in a democracy.[29] This means that citizens may legitimately be concerned about features of politicians' personal behaviour and opinions that have a bearing on politicians' fulfilment of their political role – for citizens should be reasonably informed about the willingness of political figures to represent them and reasonably capable of holding political figures accountable. Under certain circumstances, I argue, the concern for democratic accountability in the context of outing can override the concern about respect for privacy.

[29] Thompson, *Political Ethics*, 127. In America, courts have held that the rights of privacy of public figures are more limited than the rights of private individuals. Elwood, 'Outing, Privacy, and the First Amendment,' *Yale Law Journal* 102:3 (1992), 760. Whether this position is correct, the issue is not the *legality* of exposing a person's sexual orientation, but its compatibility with liberal democratic principles.

2. Outing and Democratic Accountability

My claim is that the nature of the views and policies that a politician supports in the public sphere is relevant to an assessment of the features of her personal life that others should be required not to reveal. By supporting certain views and policies, politicians render themselves vulnerable to questions about the degree to which their conduct is compatible with the norms according to which they believe the whole population ought to be governed.

A political figure who espouses views that do not match her personal behaviour is often called a 'hypocrite,' but the task of defining hypocrisy and deciding what to do about it are not simple.[30] It is not necessarily hypocritical to encourage other people to behave in a way that one does not behave oneself; one can recognise that one falls short of an ideal while encouraging others to strive for it. It might be contended that the specifically hypocritical element lies in presenting oneself as a person who *does* meet the ideal. But in this case, one might be self-deceived, or one might not be clear about the nature of one's own motives in all their psychological complexity.[31] Hypocrisy does exist – perhaps it is clearest in cases in which a person self-consciously and cynically misrepresents her own behaviour – but it is not a simple matter to apply this trait to someone. Moreover, hypocrisy seems to be endemic to liberal democratic politics, and not by accident; people often have high hopes for ideal liberal democratic regimes that cannot be met in practice but must still be paid lip-service, given the nature of democratic political campaigns.[32] The effort to expose hypocrisy might therefore produce an insistence on knowing everything about a politician's motives in order to

[30] See for instance Judith Shklar, *Ordinary Vices* (USA: Harvard University Press, 1984), 45-86; David Runciman, *Political Hypocrisy: The Mask of Power, from Hobbes to Orwell and Beyond* (Princeton: Princeton University Press, 2010); Waldron, 'What to Tell the Axe-Man,' *London Review of Books* 33:1 (2011), 13-14. Hannah Arendt warns of the dangers of seeking to extirpate hypocrisy with reference to Robespierre's Reign of Terror; *On Revolution* (England: Penguin, 1965), especially 98-103.
[31] Waldron makes this suggestion on the basis of Arendt's analysis: 'What to Tell the Axe-Man,' 13-14.
[32] See Shklar, *Ordinary Vices*, 69-70.

ascertain their purity (which, as Arendt notes, might be a tyrannical impulse[33]), or even more hypocrisy, as politicians face additional pressure for their motives to appear pure and consistent with their behaviour.

My claim is not, then, that individuals may engage in outing whenever politicians are hypocritical; I do not take a stance on the nature of hypocrisy or the advisability of seeking to expose hypocrisy. Certain kinds of mismatch between one's public commitments and private behaviour do, however, suggest a disturbing willingness to use the coercive force of the state to back policies to which one does not personally adhere – at least when one knowingly fails to adhere to these policies. For instance, Spokane Mayor Jim West's non-adherence to policies that he wanted to impose on the rest of the population, such as the effort to set rules demanding that would-be state officials be interviewed to find out whether they were gay, suggested a tendency to make an exception for himself from rules that he sought to impose on the rest of the population. This kind of approach casts doubt on a political figure's willingness to represent the public in a democratic fashion, which is a relevant feature in the public's deliberations about a democratically-elected official's fitness for his role. Considerations of democratic accountability, then, suggest that the public has a legitimate interest in being aware of this disjunction.

Not all situations in which people advocate for anti-gay policies while engaging in homosexual behaviour involve such a direct application of a double standard as in the case of Jim West. It might be argued that a broader double standard is involved in promoting policies that tend to undermine the acceptance of gay people while secretly engaging in homosexual activity. As US Representative Barney Frank noted in 2006, for instance, 'people who want to demonize other people shouldn't then be able to go home and close the

[33] Arendt, *On Revolution*, 99.

door and do it themselves.'[34] But the degree to which anti-gay rights policies coupled with homosexual behaviour constitute a threat to democratic accountability must be judged with reference to particular cases. Let's say we assume that gay marriage ought to be a right; it still seems possible for a closeted politician to oppose gay marriage without demonising gay people or attempting to make an exception for himself from rules he wishes to impose on the general population. Moreover, politicians may be personally involved in the formulation or promulgation of anti-gay policies to varying degrees. The case for outing officials is strongest when those officials have made opposition to gay rights or criticism of gay sexual behaviour into an important aspect of their public role.

In broad terms, then, I endorse the 'Frank Rule' proposed by Representative Barney Frank, according to which political figures can legitimately be outed if and only if they use their political power to support anti-gay causes.[35] I add to the Frank Rule that it is important to pay attention to the specific ways in which political figures use their political power to support anti-gay causes, and the degree to which they do so, as part of judging the legitimacy of outing. The same sorts of conclusions would apply to the 'outing' of political figures who criticise non-conventional family relationships while having affairs, and to political figures who demonise drug users while engaged in the same activities.

I have cast this conclusion in terms of the concern for democratic accountability overriding the *pro tanto* reason to respect privacy. But one could alternatively say that the *pro tanto* reason in favour of respecting privacy no longer exists when a public official behaves in ways that threaten democratic accountability. Some might alternatively claim that

[34] Richard J. Rosendall, 'Partisan Hero,' *Metro Weekly*, 9 October 2008. <http://www.metroweekly.com/news/opinion/?ak=3822>

[35] There are a couple of different formulations of the 'Frank Rule.' According to one, outing is acceptable only 'when a person uses their power or notoriety to hurt gay people.' Doug Ireland, 'The Outing: David Dreier and His Straight Hypocrisy,' *Los Angeles Times*, 23 September 2004. <http://www.laweekly.com/2004-09-23/news/the-outing/>. Another formulation is: 'outing is only justified to expose the gross hypocrisy of a public official who condemned gay people while being one himself.' Angus McLaren, *Sexual Blackmail: A Modern History* (USA: Harvard University Press, 2002), 273.

‘private’ features of a public official should no longer be considered ‘private’ when they become relevant information for the public, so outing does not actually involve a lack of respect for privacy. I do not take a position on which of these descriptions (or others) is correct. My point is simply that those committed to liberal democratic principles may, under certain circumstances, engage in outing of a kind that leads to humiliation even though doing so exposes features that people should ordinarily be able to keep private. The task of judging when this is the case, however, may be a difficult one. This highlights the fact that decisions about whether to take action leading to humiliation cannot always be resolved by pointing to an obligation not to give rise to humiliation. Rather, such decisions may require a consideration of several factors including but not limited to humiliation, and the application of these factors may well be heavily dependent on context.

Chapter 7

Humiliation and Political Ridicule

I. Introduction
II. Corporate Humiliation
III. Ridicule, Humiliation, and Liberal Democratic Aims
IV. Concerns Regarding the Employment of Ridicule
    A. Ridicule, Humiliation, and Respect
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I. Introduction

In 1945 George Orwell wrote a newspaper column criticising British humourists of his time for their failure to write with serious purpose and, in particular, to risk upsetting the 'established order' with their jokes. As quoted earlier, Orwell states: 'If you had to define humour in a single phrase, you might define it as dignity sitting on a tintack. Whatever destroys dignity, and brings down the mighty from their seats, preferably with a bump, is funny. And the bigger the fall, the bigger the joke. It would be better fun to throw a custard pie at a bishop than at a curate.'[1] Orwell goes on to describe admiringly humourists of 'an earlier age,' noting that in their work, 'People are tossed in blankets, they fall through cucumber frames, they are hidden in washing baskets, they rob, lie, swindle, and are caught out in every conceivable humiliating situation.'

Orwell's article suggests that ridicule may have a social and political function, and that part of it may consist in the humiliation of powerful individuals and institutions. In this chapter I expand on these points and draw out their implications for the proper approach towards humiliation by individuals committed to liberal democratic principles: namely, that these individuals may legitimately engage in ridicule of a kind that constitutes and/or leads to

[1] Orwell, 'Funny, but not Vulgar.' See Rosen, *Dignity*, 73.

humiliation. The individuals and organisations carrying out the forms of ridicule that I discuss in this chapter are non-state actors participating in a state's political culture, including activists and journalists. The targets of ridicule are politicians, public officials, and organisations.

I first clarify the relationship between this chapter and the previous chapter on exposure. The topics of ridicule and exposure overlap to a certain extent; one way of ridiculing a person is to expose something that the person would rather have kept hidden. But ridicule could also involve not so much bringing something to light, as presenting an already-known feature of a person in such a way that the person's image is damaged. Ridicule is also more likely to be considered a form of intentional humiliation than exposure, partially because those engaging in ridicule may intend to make the target look in some way silly or weak or contemptible – which might be viewed as an intention to humiliate. Moreover, if a given case of ridicule is thought to constitute a form of humiliation, and a person intended to engage in ridicule, then it might be said that a person intended to humiliate.

Another, related difference between ridicule and exposure is that the humiliation resulting from ridicule seems to be more consistently 'instrumental' to the achievement of a political end than the humiliation resulting from exposure. That is, inflicting humiliation is more likely to be viewed as a means by which to promote certain political aims in the case of ridicule than of exposure, in which context humiliation may be viewed as more of a side-effect. This is not a clear-cut distinction; it is possible to present outing, for instance, as an occurrence in which people inflict humiliation in order to achieve the aim of (say) reducing the power of an anti-gay politician. But the 'instrumental' description of humiliation seems to be more pervasive in the case of ridicule than in the case of exposure.

Ridicule can be considered a form of humiliation in the sense of an action that constitutes humiliation, and it can lead to both humiliating conditions and feelings of humiliation. I do not take a position on whether ridicule is a humiliating action or whether it simply leads to humiliating conditions, however, and so I refer to 'ridicule that constitutes and/or leads to humiliation.' Whether ridicule is a humiliating action might be thought to depend on whether it actually damages a person's reputation. That is, if X ridicules Y in order to damage Y's reputation, but Y emerges unscathed, then ridicule might not be considered a humiliating action. In this case, ridicule might be considered a form of 'attempted humiliation.' As with censure and exposure, I think it is more likely for people to consider ridicule to be a humiliating action or to give rise to humiliating conditions than to consider (say) racial integration to be humiliating, because the former judgment does not depend on problematic values.

The structure of this chapter is as follows. I note in Section II that damaging the reputation of an individual or another body, in a way that is plausibly considered humiliating, can serve as a tool to achieve certain political ends. In this section I focus on the phenomenon of 'corporate humiliation.' In Section III, I indicate that ridicule designed to puncture the reputation of political actors can serve valuable purposes from a liberal democratic point of view. In Section IV, I evaluate concerns about the employment of ridicule that constitutes and/or leads to humiliation: that this kind of ridicule may breach the respect due to each citizen, damage the deliberative quality of political debate, and inculcate problematic attitudes in those carrying out ridicule and/or observers. I endorse these concerns in certain cases and qualify them in others.

II. Corporate Humiliation

The thesis has emphasised that political power can depend on a person's projection of a certain image. The point that reputation is important to the power of an individual, institution, or organisation applies more broadly, and it is a crucial feature of the mechanism of ridicule. In this section I briefly point to another context in which damage to reputation of a kind that is often considered humiliating can further political aims: the corporate arena.

One example of this kind of damage to reputation comes from 'corporate campaigns' run by labour unions to gain public sympathy for their stances. Political scientist and media specialist Jarol Manheim, quoted earlier, refers in a book on corporate campaigns to 'public humiliation' as 'part of the campaign's communication strategy.'[2] These campaigns may target the corporation's labour practices, but also other aspects of the corporation's behaviour such as environmental practices and concern for the local community. For instance, the Oil, Chemical, and Auto Workers Union (OCAW) waged a corporate campaign against the West German chemical company BASF in the US in the 1980s, after BASF locked out its workers. OCAW began disseminating information about the environmental and safety practices of BASF. According to an account of the campaign, 'The union local's intimate knowledge of the company's environment practices humiliated the company. So, too, did the indispensable participation of environmental organizations.'[3] OCAW's tactics included protests outside a Louisiana plant and company headquarters in New Jersey, and billboards reading 'Is BASF Chemicals the Gateway to Cancer Alley' and 'BASF: Bhopal on the Bayou?'[4] (a reference to the Bhopal gas tragedy in India, which took place in 1984). OCAW's tactics drew Congressional attention to BASF health and safety violations. BASF eventually approached

[2] Manheim, *The Death of a Thousand Cuts*, 265.
[3] Eric Boime, 'Environmental History, the Environmental Movement, and the Politics of Power,' *History Compass* 6:1 (2008), 303.
[4] Richard Leonard and Zack Nauth, 'Beating BASF: OCAW Busts Union-Buster,' *Labor Research Review* 1:16 (1990), 38-40.

OCAW to end the dispute, and the lockout ended in 1990. A similar strategy of corporate humiliation has been deployed by environmental activists. An example is Greenpeace's work to publicise, and instigate a critical reaction to, Shell UK's plan to dispose of oil on board the Brent Spar into the Atlantic Ocean in 1995. This incident, which forced Shell to cancel its plans, has often been described as humiliation.[5]

The strategy behind such activism is premised on the idea that corporate officers are concerned with the public image of the corporation. Financial success can depend on reputation, and through advertising corporations attempt to create certain associations with their 'brand name' (modern, efficient, wholesome, and so on). The allegation that a corporation does not live up to this image can undermine its attractiveness to consumers, and activists can capitalise on this phenomenon. Damage to a corporation's image can also result in legal penalties or a stiffer regime of legal regulation. If activists unearth a record of health and safety violations at a plant, they can feed this information to the authorities or attempt to set off a public outcry for legal action and/or increased legal regulation.

Another reason for corporations to be concerned about their image applies especially in the case of labour-management relations: the success of union campaigns frequently depends on the sympathies of the public. This provides an added incentive for the union to portray the corporation in an unsympathetic light. Sometimes the negative feature of the corporation is connected to labour-management relations. For instance, the Service Employees International Union (SEIU) conducted a 'Justice for Janitors' campaign among immigrant workers in Los Angeles in 1990. During this campaign, sociologist Michael

[5] For instance, Mark Tran and Charles Orton-Jones write that 'Shell was Humiliated by Greenpeace Activists in the Brent Spar Crisis of 1995.' 'What is Going On at Shell?' *The Guardian*, 19 April 2004. <http://www.guardian.co.uk/business/2004/apr/19/oil.qanda>. They note that 'Even when it emerged that Greenpeace had miscalculated the environmental damage, Shell emerged tarnished.' For another example of environmental activism – in which the stated aim is 'to publicly humiliate Staples' – see 'The Staples Campaign,' *The Maine Woods* 5:2 (2001). <http://www.forestecologynetwork.org/TMW_LateFall2001/staples_campaign.html>

Burawoy writes, workers 'took on the owners of the buildings they cleaned by dramatizing the gap between corporate wealth and their own poverty wages. This was an effective strategy of public shaming that was taken up by the SEIU across the country.'[6] Burawoy indicates that immigrants started organizing, 'defending their rights to a living wage, building solidarity in their communities, working with SEIU to design strategies of corporate humiliation.'[7] In this example, workers highlighted the wage gap between themselves and corporate officers, presumably with the aim of directing public opprobrium at the corporation and strengthening their hand vis-à-vis management. In other examples, such as the OCAW campaign, labour activists portray the behaviour of corporations as damaging to public health and the environment in an effort to enlist the public on their side.

All these reasons for corporate officers to be concerned about the images of their corporations may ultimately be traced to the impact of damage to corporate reputation on financial success. But another potential reason for the concern about public image is that corporate officers may be personally invested in the reputation of the corporation. This phenomenon might be expected to be more common among high-ranking corporate officials, who are considered more directly responsible for the fortunes of the corporation and are often more associated by others with the corporation. Personal investment in the image of the corporation can lead to feelings of humiliation on the part of corporate officials when their corporation's public image is damaged.

Those involved in the humiliation of corporations, then, can capitalise on the importance of corporate reputation in order to achieve their aims. A successful result could come in the form of changed corporate behaviour regarding the environment, a more

[6] Michael Burawoy, 'The Turn to Public Sociology: The Case of U.S. Labor Studies,' *University of Berkeley Institute for Research on Labor and the Environment*, Working Paper No. 159-7 (2007), 7. <http://www.irle.berkeley.edu/workingpapers/160-07.pdf>
[7] Burawoy, 'The Turn to Public Sociology,' 7.

favourable labour contract, a more stringent regime of legal regulation, or a more sensitive 'social conscience' among the public regarding the issue in question.

The examples of corporate humiliation considered thus far were carried out by non-state actors, but there are also state efforts designed to publicise corporate wrongdoing. For instance, in 1997, the UK Economic Secretary to the Treasury, Helen Liddell, pointed to two companies, Legal and General and the Sedgwick Group, as the worst offenders in the 'pensions mis-selling scandal,' in which UK companies were accused of selling pensions in an improper manner and then failing to comply with government regulatory requirements to review people's cases and compensate victims.[8] BBC News described Liddell's move as the 'public humiliation by the Government of the insurance giants Legal & General and the Sedgwick Group…'[9] As Attorney General of New York State from 1999 to 2006, Eliot Spitzer conducted several high-profile investigations of top Wall Street firms for various forms of misconduct.[10] The *Financial Times* describes Spitzer's tactics as follows: 'Mr Spitzer's formula was simple: hang out Wall Street's dirty laundry for all to see. The humiliation normally had the desired effect, with big firms paying out lots of money in return for a quiet life.'[11] As with the humiliation of corporations at the hands of activist groups, the rationale behind the humiliation of corporations at the hands of state officials is that corporations' sensitivity to their images can be marshalled to promote adherence to certain standards.

Here, I do not evaluate these actions according to their compatibility with liberal democratic principles. A variety of considerations would play a role in such an evaluation,

[8] 'Minister Names Pension Laggards,' *BBC.co.uk*, 24 June 1997. <http://www.bbc.co.uk/news/special/politics97/news/06/0624/pensions.shtml >
[9] 'Government Continues Naming and Shaming Pension Companies,' *BBC.co.uk*, 9 July 1997. <http://www.bbc.co.uk/news/special/politics97/news/07/0709/pension.shtml>
[10] Adi Ignatius, 'Eliot Spitzer: Wall Street's Top Cop,' *Time*, 30 December 2002. <http://www.time.com/time/magazine/article/0,9171,1003960-1,00.html>
[11] Elizabeth Rigby, 'FSA Plan Sounds Like But Really Is Not a Spitzer Tactic,' *Financial Times*, 28 May 2008. <http://www.ft.com/cms/s/0/0a1a6476-2ceb-11dd-88c6-000077b07658.html#ixzz1uNOMok3Q>

including the accuracy of activists' and governments' statements about corporate behaviour, the potential impact on the accusatory and sometimes vituperative quality of political culture, and the availability of other options to change corporate behaviour. The point for now is to emphasise that power can depend on image, and so individuals can engage in humiliation as part of a political strategy. The targets of such a strategy may not be members of marginalised groups, but individuals and collectives with greater political and economic power. The fact that powerful individuals can be humiliated, of course, does not mean their humiliation would be in accordance with liberal democratic principles. The existence of alternative types of humiliation to those captured by the 'current view' in the literature, however, suggests that the appropriate course of action for individuals pursuing liberal democratic aims is more complex than would be implied by a general ban on humiliation. The next section evaluates in greater detail another practice by which individuals engage in humiliation as a political strategy: ridicule.

III. Ridicule, Humiliation, and Liberal Democratic Aims

I noted in Part II that humiliating conditions can come about as a consequence of the 'loss of face.' Ridicule is often intended to, and sometimes succeeds in, inducing its targets to lose face. In particular, ridicule can undermine the *gravitas* or poise that people in positions of authority or other high-profile actors are expected to project. Such people often stand to lose much by not being taken seriously, and ridicule resulting in humiliation can contribute to this outcome.

Ridicule of a form that constitutes and/or leads to humiliation can serve purposes that are valuable from a liberal democratic perspective, when it is targeted at an individual or institution engaging in political conduct that is antithetical to liberal democratic principles.

An example comes from a description of the treatment of the KKK by the Lumbee Indians during the civil rights era, quoted earlier:

> 'I really wish that the Lumbee Indians would get grand status. They stood up to the Klan. The one thing that the Klan could not stand was to be laughed at. So the Lumbee Indians picked up the Klan robes, and a bunch of them drove up to the Charlotte Observer and burst into the newsroom. It just about frightened everybody. But Morey Rosen…got the picture that ran in Life of the Indians dressed up in the Klan robes. He shot it from the back so you could see the cross and all that stuff. The Indians were just turning around and smiling at the camera. It became kind of an icon of absolute humiliation to the Klan. And that's what everybody wanted, and the Klan never really recovered from that affect [*sic*]. They got laughed out of Eastern North Carolina...The absolute ruination of the Klan was really what things when [*sic*] changed in the eastern part of the state.'[12]

Another example of the humiliation of the KKK comes from the Superman radio show in America, which in 1946 aired several episodes of a series titled 'Clan of the Fiery Cross' featuring Superman doing battle against the KKK. Historian Kevin Michael Kruse, in *White Flight: Atlanta and the Making of Modern Conservatism* (2005), describes the episode as follows: anti-Klan activist Stetson Kennedy infiltrated the Klan and passed information about the Klan to the Superman radio programme. Kruse writes that 'Klansmen soon found their own children imitating the episodes, fighting over who got to be Superman and who had to be the cowardly Klansmen. Humiliated in their own homes, they became obsessed with finding the informer.'[13] The extent of Kennedy's role in infiltrating the Klan has been disputed,[14] but the Superman radio programme was certainly broadcast, and was welcomed as an effort 'to crusade against the hooded order' and 'a campaign of tolerance and

[12] Van Scoyoc, 'Interview No. K-1052 of Bruce Roberts.'
[13] Kevin M. Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton: Princeton University Press, 2005), 53. See also Wyn Craig Wade, *The Fiery Cross* (London: Simon and Schuster, 1987), 284-285. For Stetson Kennedy's account, see *The Klan Unmasked* (Alabama: University of Alabama Press, 1990), 93-94.
[14] See Stephen Dubner and Steven Levitt, 'Hoodwinked?' *New York Times*, 8 January 2006. <http://www.nytimes.com/2006/01/08/magazine/08wwln_freakonomics.html>. Charlie Patton counters the claims by Dubner and Levitt in 'KKK Book Stands Up to Claim of Falsehood,' *Times-Union*, 29 January 2006. <http://jacksonville.com/tu-online/stories/012906/met_20943923.shtml>

Americanism.'[15] The relevant issue for current purposes is how those committed to liberal democratic principles should respond to events of the kind described above, regardless of the accuracy of the historical narrative and, in particular, the personal responsibility of Kennedy for infiltrating the Klan.

In the cases of the Lumbee Indians and the Superman programme, the KKK was the object of ridicule of a kind that seems to have constituted and/or led to humiliation. The KKK sought to project an image of an intimidating, awe-inspiring force that protected the rights of whites (native-born, Protestant, and so on). The Lumbee Indians, however, made fun of trademark KKK uniforms in front of the camera, turning a symbol that struck fear into people's hearts into a photo that inspired laughter. On the Superman show, the Klan was portrayed as the nefarious opponent of the brave hero Superman instead of the upright defenders of white Americans. Both techniques of ridicule seem to have been aimed at discrediting the Klan by undermining key aspects of the image it cultivated. The desired result of the humiliation of the KKK, that is, was a decrease in the KKK's effectiveness. This goal clearly fit into a liberal democratic programme, as it involved weakening a group that posed a violent obstacle to status equality for black people. Even if ridicule has a worthy goal, however, there are concerns about the employment of ridicule as a political tactic. I evaluate – and qualify – three such concerns in the next section.

[15] '"Superman" vs. KKK,' *The Billboard*, 22 June 1946, 5. <http://books.google.com/books?id=9hkEAAAAMBAJ&pg=PT4&lpg=PT4&dq=%22a+campaign+of+tolerance+and+Americanism%22&source=bl&ots=PlbUkIIqn7&sig=z6VWxjaQC9dxZePlvY-Q4AtDdA8&hl=en&sa=X&ei=_bhcUJHJGebq0gGC_oG4CA&ved=0CB0Q6AEwAA#v=onepage&q=%22a%20campaign%20of%20tolerance%20and%20Americanism%22&f=false>

IV. Concerns Regarding the Employment of Ridicule

A. Ridicule, Humiliation, and Respect

One concern about ridicule, when it constitutes and/or leads to humiliation, is that it may breach the respect due to each citizen in a liberal democratic state. After all, inflicting humiliation on people seems to be a form of disrespect; but – it may be argued – surely citizens who view one another as free, equal, and in possession of human dignity would not disrespect their fellow citizens in this way.

In order to evaluate this concern, it is necessary to disambiguate the concept of a 'duty of respect.' Because I am currently considering ridicule carried out by non-state actors, the relevant duty for current purposes is one that holds among citizens interacting in a liberal democratic state's political culture – although this duty may also be owed by the state to citizens. (In this section I write about a duty to 'fellow citizens' for brevity, but this duty could be restricted to fellow citizens interacting in political culture without loss to my statements.)

It seems that citizens ought to grant one another 'basic respect' in something like Darwall's sense of 'recognition respect for persons': they ought to recognise their fellow citizens as free and equal, and in possession of human dignity. This means that citizens ought to treat one another with basic respect even if their behaviour or views are reprehensible – even if, say, they are members of the KKK. Another sense of 'respect' is the one used to refer to a quality of interpersonal interaction, as when people call the tone of a meeting 'respectful,' or discuss 'respectful behaviour.' This sense of 'respect' broadly involves civility, courtesy, the absence of open displays of disdain or contempt, and a concern about facilitating productive social intercourse with another person. It is plausible to think that in the absence of a reason not to treat people in this way, citizens should behave respectfully.

The crucial term, however, is 'in the absence of a reason not to treat people in this way.' 'Respectful behaviour' is not the same as 'basic respect,' even if they are based on a common set of concerns. A young person who talks back to a parent or a teacher is not behaving particularly respectfully; but she does not necessarily fail to recognise appropriately the teacher or parent's freedom, equality, or human dignity, and it may sometimes be justified for the child to talk back. The requirement to behave respectfully should not, therefore, be elevated to the level of a requirement to treat people as free, equal, and in possession of human dignity. It can be compatible with liberal democratic principles, under certain conditions, to behave in an uncivil or discourteous way, or to express disdain or contempt. So when ridicule of a kind that constitutes and/or leads to humiliation takes the form of disrespectful behaviour instead of an absence of basic respect, it does not necessarily violate liberal democratic principles.

One way of expressing this idea would be to appeal to a third sense of 'respect,' which falls along the lines of Darwall's 'appraisal respect': esteem for features of people's characters. People have to earn appraisal respect, and they can also earn 'appraisal disrespect' (my term, not Darwall's); that is, they can earn a negative appraisal of their character. The idea here is that earning a serious kind of 'appraisal disrespect' can result in not being owed respectful behaviour. One could say either that there is no *pro tanto* reason not to behave respectfully towards those who have earned serious appraisal disrespect, or that there is always a *pro tanto* reason to treat people disrespectfully, but this reason is overridden when people have earned serious appraisal disrespect.

In the KKK example, the conduct of members of the KKK indicated an unwillingness to grant basic respect to black people and a host of other minorities. In doing so, members of the KKK earned appraisal disrespect of a form sufficiently serious as to render them legitimate targets of disrespectful behaviour on the part of those campaigning for status

equality. The mockery of the Lumbee Indians and the Superman radio programme – although they were not particularly respectful in the sense of 'respectful behaviour' – seem to have been justifiable responses to the brutality of the KKK and its pernicious effects on the equality of African-Americans. The basic point is that liberal democratic principles do not require citizens to avoid 'taking the gloves off' in certain ways in pursuit of liberal democratic aims. These ways may include humiliating forms of ridicule that breach standards of respectful behaviour, even if they do not violate basic respect.

It may be argued that ridicule of a kind that constitutes and/or leads to humiliation should be considered acceptable in the KKK cases only because it was directed at an institution, which need not be treated with either basic respect or respectful behaviour. First, however, it is not clear that humiliation in the KKK examples was inflicted only on the institution. In the case of the Lumbee Indians, the collective was humiliated through the direct humiliation of a few individual members, and in the Superman example, individual members of the KKK may have encountered personal humiliation due to the reaction of their families. Second, let us imagine that the Superman radio programme had named an especially violent and cruel Klan leader, and portrayed him as a cynical person who capitalises on the inferiority complexes of white men to aggrandise himself and line his pocketbooks.[16] Such a tactic, it seems, should not be described as a violation of basic respect, but as a response to actions on the part of a certain individual that made it acceptable not to treat him with respectful behaviour. The Klan leader's participation in the organisation and advocacy of certain policies rendered him a legitimate target of public condemnation in a liberal democratic political culture. Liberal democratic principles do not seem to prohibit mockery and ridicule, of a kind that constitutes and/or leads to humiliation, as manifestations of this condemnation.

[16] This example is based on a story line from one episode of the Superman radio programme.

There is, therefore, a difference between treatment that indicates an absence of basic respect and treatment that indicates an absence of respectful behaviour. This line can, however, be crossed. The previous paragraph suggested that this line is not necessarily crossed whenever ridicule is 'personalised' – when the object of mockery is not a policy or an institution, but those who advocate the policy or belong to the institution. The criticism of 'personalised' attacks is more apt, however, when ridicule is directed at a feature of an individual that is unconnected to his advocacy of an objectionable policy or his membership in an objectionable organisation. Moreover, such attacks are particularly problematic when the feature in question often serves as the basis for social stigma and discrimination.

One example is jokes about New Jersey Governor Chris Christie's weight, such as CBS host David Letterman's 'Top ten ways the country would be different if Chris Christie were president,' which included 'The cabinet will now have a Secretary of Cake' and 'New State: Fatassachusetts.'[17] Mocking Christie's weight seems to indicate a failure of respect that cuts deeper than a failure to exhibit respectful behaviour. It suggests a willingness to attach a stigma to overweight people, including Christie, which would hamper their equal participation in social life. One reason for differential judgments of ridicule directed at the KKK and at Christie is, of course, that Christie's policies (whatever one might think of them) are not comparable to the activism of the KKK. But even if they were, there is at least a risk of failing to accord basic respect to the target of ridicule when one focuses on a feature of the target that is often the source of societal stigmatisation and discrimination. Whether or not Letterman's ridicule of Christie constitutes a failure of 'basic respect,' it comes closer to the line than the KKK examples.

[17] 'Late Night: David Letterman Really Enjoys Chris Christie Fat Jokes,' *Los Angeles Times*, 28 September 2011. <http://latimesblogs.latimes.com/showtracker/2011/09/late-night-david-letterman-really-enjoys-chris-christie-fat-jokes.html>

The distinction between ridicule that crosses the line into a violation of basic respect, and ridicule that does not, is by no means clear-cut. Making this judgment in each case requires an understanding of the political environment and the societal context. The basic point, however, is that a failure to provide basic respect is not equivalent to a failure to behave respectfully.

B. Ridicule and Political Deliberation

A second concern about ridicule that constitutes and/or leads to humiliation is that it may damage the deliberative quality of political debate – thereby violating an obligation to the citizenry as a whole to uphold a valuable aspect of political culture. The principles of the 'consent of the governed' and non-arbitrary government suggest that collective decision-making in a liberal democracy ought to include a substantial deliberative element, in the sense that citizens have the opportunity to consider, offer, and discuss a variety of different points of view on political issues. Some theorists have proposed new forums dedicated to deliberation[18]; for current purposes, however, it is sufficient to think that existing forums for political debate ought to have some deliberative quality.

It is not clear that ridicule of a kind that constitutes and/or leads to humiliation must damage deliberation. In some cases, ridicule – and specifically its humiliating effects, if they result – could actually improve the deliberative quality of political debate. Among the factors influencing the amount of consideration given to various points of view is not only the soundness of the speakers' political arguments, but also the public image of speakers. Individuals and groups with elevated images or even a certain amount of mystique can

[18] For instance, Bruce Ackerman and James Fishkin, *Deliberation Day* (New Haven: Yale University Press, 2005). There is, of course, a substantial literature in political theory on various conceptions of deliberative democracy and criticisms of them; see for instance James Bohman and William Rehg, *Deliberative Democracy: Essays on Reason and Politics* (USA: MIT Press, 1997). My account of ways in which ridicule does and does not damage the quality of deliberation is not based on any particular model of deliberative democracy; in particular, it does not depend on the extent to which deliberation is considered to be necessary for democratic legitimacy.

therefore possess influence out of line with the soundness of their views. Ridicule that constitutes and/or leads to humiliation, by damaging the image of its targets, may succeed in dislodging this influence. This can result in greater opportunities for less well-known or well-regarded individuals and groups to advance their perspectives, with the potential outcome of improving the degree to which political debate can capture the concerns of a wide variety of citizens – an outcome that seems conducive to the deliberative quality of politics.

There are also, however, arguments to the effect that ridicule can have negative effects on deliberation. One is that ridicule lowers the seriousness of political deliberation and therefore weakens citizens' opportunities to debate significant political issues. The KKK examples suggest, however, that forms of political action that seem unserious can actually convey a serious political point. The means adopted by the Superman writers were, in a sense, childish; they made fun of an organisation in an entertainment forum and capitalised on this forum's appeal to children. It was precisely the treatment of the Klan's activities on a par with a children's game, however, that undermined the impression of the Klan as the appropriate object of awe. In ridiculing the Klan's activities, the Superman show highlighted the absurdity of the view that a bunch of grown men dressing up in white robes and terrorising non-whites were stalwart defenders of the rights of Americans. Ridicule can, by virtue of its ostensibly 'unserious' nature, make a serious political contribution.

Another argument to the effect that ridicule damages the deliberative quality of political debate – which I endorse, to an extent – is that ridicule of a kind that constitutes and/or leads to humiliation could corrode the atmosphere of political discussion by increasing the level of vituperation in politics. This concern is more specifically related to the humiliation that may result from ridicule than the previous concern about seriousness. The use of ridicule of a kind that constitutes and/or leads to humiliation on one occasion may encourage its increasing use on other occasions. If inflicting humiliation on one's opponents

becomes a common *modus operandi*, then the level of vituperation in the political arena may rise, which may undermine productive exchange in the public sphere among those who disagree. The deliberative quality of political debate could be expected to suffer.

It seems plausible to consider the prospect of such an outcome to be a *pro tanto* reason for those committed to liberal democratic principles not to ridicule their opponents in a way that constitutes and/or leads to humiliation. This reason, however, does not seem always to be decisive. On certain occasions, the aim pursued by those engaged in ridicule can be more important from a liberal democratic perspective than the goal of avoiding a negative impact on the deliberative quality of political debate. This can plausibly be said of the anti-KKK activism described above, which aimed to limit the effectiveness of a brutal organisation that sought to undermine the status equality of African-Americans. Of course, the question of when an aim is sufficiently significant to override the *pro tanto* reason not to contribute to damage to deliberation may be difficult to resolve.

The assessment that the value of avoiding a negative effect on political debate may be outweighed is especially likely to be appropriate when the individual or organisation engaged in ridicule is not introducing vituperation into the political arena *de novo*. If the deliberative quality of political debate is already compromised, then each particular humiliating outcome is less likely to be responsible for causing the damage. The deliberative quality of political debate may be compromised by the tone of political discussion (if it is uncivil, mocking, and so on) but also by its content – say, statements denying equality to people of a particular race. Both of these damaging factors were present in the periods in which anti-KKK activism took place. The prospect of creating further damage through ridicule of the KKK was possible, but it may not be the case that inflicting humiliation on the KKK would have undermined the deliberative quality of political debate beneath the status quo to a significant degree.

Overall, then, ridicule of a kind that constitutes and/or leads to humiliation should not always be ruled out on the grounds that it damages deliberation – for this tactic may not damage deliberation, and when it does, it may be legitimate nevertheless.

C. Humiliation and the Development of Problematic Attitudes

LaVaque-Manty, quoted earlier, writes that 'As much as our democratic-egalitarian instincts make us cringe at the humiliation of the already humble, the very same political instincts allow us to cheer when pompous blowhards are taken down a few pegs by successful ridicule.'[19] It is not clear, however, that this kind of cheering – or attitudes that are related to it – are necessarily positive developments. In fact, one concern about humiliation involves the attitudes that those carrying out or observing actions that constitute and/or lead to humiliation may adopt. This concern applies to ridicule that constitutes and/or leads to humiliation. In particular, those engaging in or observing ridicule may come to exhibit *schadenfreude* (taking pleasure in another's pain), maliciousness, or vindictiveness.

The development of these attitudes could be problematic for a few reasons. First, they may push ridicule over the line into a violation of basic respect. Second, they may damage the deliberative quality of political debate by making it more difficult for citizens to disagree without demonising one another. Even if these attitudes are initially fairly localised, they may spread to other areas of liberal democratic politics in a way that undermines important features of political culture. Third, these attitudes may be problematic simply because they have negative effects on the moral sensibilities of those carrying out and/or observing ridicule.[20]

[19] LaVaque-Manty, 'The Road to Abu Ghraib Goes Through Königsberg.'
[20] Whitman suggests in the context of criminal punishment that punishment can have an effect on the individual and the society doing the punishing, which must be taken into account in addition to the effects on the person punished. I consider and endorse this suggestion in Chapter 8 on shame sanctions, but it applies here as well. *Harsh Justice*, 24.

It may not necessarily be inappropriate for those engaged in ridicule or observers to derive some sense of satisfaction from the humiliation of the target, particularly when these individuals have been harmed by the target's activities. This sense of satisfaction can bleed into *schadenfreude*, maliciousness, and vindictiveness, and it is not always easy to differentiate these attitudes. Nevertheless, the potential for these attitudes to metastasise in ways that pose a danger to basic respect or the deliberative process should be taken into account. The concern with the moral sensibilities of those carrying out and/or observing ridicule is also relevant. The likelihood of these results should, however, be gauged relative to the particular context. If the development of these attitudes is likely to undermine basic respect, then this provides a weighty *pro tanto* reason not to engage in ridicule. If these attitudes are likely to undermine deliberation, then there is a *pro tanto* reason not to engage in ridicule, but this reason could be outweighed as described in the previous section; and a similar conclusion seems appropriate regarding the prospect of corrosion to people's moral sensibilities.[21]

The decision about whether to abstain from ridicule of a kind that gives rise to *schadenfreude*, maliciousness, and vindictiveness, therefore, depends on the probable results of these attitudes, as well as the significance of the aims that those engaged in ridicule are trying to achieve. On some occasions, it will be legitimate to engage in ridicule that constitutes and/or leads to humiliation despite the fact that these attitudes will be inculcated as a result. Those engaging in ridicule should, however, seek to limit the possibilities that problematic attitudes will arise in a severe form and that they will have the outcomes

[21] One might think that the possession of attitudes such as *schadenfreude*, maliciousness, and vindictiveness *necessarily* involves corrosion of one's moral sensibilities, so there is no question about the likelihood that these attitudes will lead to corrosion. There may, however, be circumstances in which these attitudes do not corrode people's moral sensibilities – for instance, in people's responses to drama and other art forms (although of course these *could* be problematic).

described above. People carrying out ridicule could, for instance, avoid extravagant displays of glee once their opponents are 'brought down.'

D. Ridicule in Fully-Realised Liberal Democratic Regimes

Much of the above discussion of ridicule of a kind that constitutes and/or leads to humiliation was based on conditions that hold in regimes that are far from fully instantiating liberal democratic principles. Under these conditions, certain political actors can conduct themselves in a way that undermines the need to treat them respectfully in the sense of 'respectful behaviour'; humiliation can help to dislodge the distorting influence of powerful groups on political debate; the goal of promoting significant liberal democratic aims may take precedence over the concern about damaging the deliberative quality of political debate; and this deliberative quality may already be corroded by the presence of vituperation and perspectives opposed to equality or other liberal democratic principles.

The question may arise, therefore, whether ridicule that constitutes and/or leads to humiliation could still be appropriate in regimes in which liberal democratic ideals are better instantiated. In response, first, it is not easy to identify contemporary political societies in which none of the factors mentioned in the previous paragraph is present. Significant injustice exists in current liberal democracies, even if groups that deny status equality as blatantly as the KKK are not so prominent. Examples include significant disparities between the opportunities available to members of different income and racial groups in contemporary liberal democracies, as well as significant social and sometimes institutional discrimination against gay people. There are many arguments to be had about the precise requirements of liberal democratic principles; the point is that regimes that imperfectly realise these principles exist in circumstances other than those in which racist vigilante groups operate.

To the extent that the factors cited above are not present in any given liberal democratic regime, however, the justification for ridicule becomes less compelling. Whether ridicule would remain a legitimate tool even in a 'fully realised liberal democratic regime' depends on the nature of such a regime. The question is whether those engaged in political debate in a fully realised liberal democratic regime ever present 'faces' that need to be undermined in order for valuable political aims to be achieved. If the answer is 'yes,' then the further question is whether these 'face claims' can be undermined through the use of tactics more along the lines of civil discussion than ridicule. In societies incorporating vigorous and robust political debate, populated by human beings prone to various forms of pride and prejudice, it seems unlikely that civil discussion could do all the work. But further conditions might be placed on the nature of fully realised liberal democratic regimes, such as an assumption that each citizen would be disposed to engage in civil discourse and would be interested in achieving a fair outcome. It is possible that in these circumstances, ridicule would no longer be necessary to undermine the face claims of political actors, and – given the concerns about ridicule discussed above – its legitimacy as a political tool would be limited accordingly. In societies in which these conditions do not hold, however, citizens may sometimes legitimately engage in ridicule of a kind that constitutes and/or leads to humiliation. The view that they should not do so would close off a legitimate avenue through which liberal democratic aims may be promoted.

To conclude, this chapter has noted that ridicule of a kind that constitutes and/or leads to humiliation may be used as a tool in order to achieve political ends – some of which may involve the promotion of liberal democratic principles. Those engaged in ridicule should not violate the requirement to treat each citizen with basic respect and should take into account the possibility that their actions may damage the deliberative process and lead to the development of problematic attitudes. Nevertheless, this chapter suggests that those

committed to liberal democratic principles may legitimately engage in ridicule of a kind that constitutes and/or leads to humiliation.

Chapter 8

Shame Sanctions as Criminal Punishment

I. Introduction
II. Shame Sanctions and the Violation of Human Dignity
    A. Nussbaum's 'Dignity Argument'
    B. What Shame Sanctions Express
III. Concerns Regarding Shame Sanctions
    A. The Development of Problematic Attitudes
    B. Arbitrariness
    C. Blocking Reintegration

I. Introduction

One of the areas of political theory and jurisprudence in which issues related to humiliation have received attention in recent years is the topic of 'shame sanctions,' which are regularly described – by supporters, opponents, and members of the media – as 'humiliation sanctions' or as 'public humiliation.'[1] For instance, a city in New Jersey in the early 1990s ordered Manhattan businessmen convicted of public urination to scrub the city streets,[2] and sent news releases announcing convictions to newspapers in defendants' hometowns.[3] Some municipalities publish the names of offenders (such as people convicted of soliciting prostitutes or driving under the influence) in newspapers or billboards; order offenders to wear t-shirts, bracelets, or signs announcing 'DUI Convict,' 'I Write Bad Checks,' or 'I am a convicted child molester'; mandate special license plates or bumper stickers for people convicted of drunk driving; require people convicted of sexual offences or

[1] For references to shame sanctions as humiliation by a supporter, Kahan, 'What Do Alternative Sanctions Mean?' 651, and some of the judges inflicting shame sanctions that Kahan quotes; for instance, a judge stating that 'humiliation as punishment is valid,' 636. For references by opponents, see Whitman, 'What is Wrong with Inflicting Shame Sanctions?' 1058; Nussbaum, *Hiding from Humanity*, 230; Markel, 'Are Shaming Punishments Beautifully Retributive?' 2216.

[2] Kahan and Posner, 'Shaming White-Collar Criminals: A Proposal for Reform of the Federal Sentencing Guidelines,' *Journal of Law and Economics* 41:2 (1999), 365-366.

[3] Clifford J. Levy, 'Cracking Down in a Drinking Town; Hoboken Battles Public Urination,' *New York Times*, 9 July 1994. <http://www.nytimes.com/1994/07/09/nyregion/cracking-down-in-a-drinking-town-hoboken-battles-public-urination.html?pagewanted=all&src=pm>

other crimes to post signs outside their homes warning people to stay away; or require people to stand outside courthouses with signs describing their offences.[4]

In this section I consider several factors related to the legitimacy of these kinds of 'shame sanctions' from a liberal democratic perspective. My aim is not to pass final judgment on these sanctions, but to highlight ways in which closer attention to the variety of meanings of 'humiliation' helps to clarify the debate, and to examine a selected set of considerations affecting the legitimacy of these sanctions. My discussion points out certain concerns regarding shame sanctions, but I emphasise that the applicability and gravity of these concerns is a contextual matter.

In this chapter, I do not endorse a particular theory about the purposes or justifications of criminal punishment. I also do not cover all forms of criminal punishments that involve shame; instead, I focus on the types of penalties described above, which are the topic of the 'shame sanctions' literature. There are other examples of criminal punishment involving shame, for instance in the work of John Braithwaite, who defends forms of 'reintegrative shaming' as opposed to 'stigmatization,' which he associates with 'humiliation' and 'degradation.'[5] Braithwaite has used this distinction to support certain models of restorative justice, including conferences with participation from the offender, the victim, and family and friends of both. Braithwaite does not endorse shame sanctions of the kind described in the first paragraph of this chapter, as he associates these sanctions with stigmatization and humiliation.[6] This chapter, however, concentrates on the kinds of shame sanctions that are described above and featured in the 'shame sanctions' literature, and takes these as the intended referents of 'shame sanctions.'

[4] Kahan, 'What Do Alternative Sanctions Mean?' 632-634.
[5] See Braithwaite, *Crime, Shame, and Reintegration* (USA: Cambridge University Press, 1989), 55; Braithwaite, 'Shame and Criminal Justice,' *Canadian Journal of Criminology* 42:3 (2000), 282.
[6] Braithwaite, 'Setting Standards for Restorative Justice,' *British Journal of Criminology* 42:3 (2002), 567.

Shame sanctions may well be considered a form of intentional humiliation.[7] If shame sanctions are thought to constitute a form of humiliation – which is suggested by references to these sanctions as public humiliation – and state officials intend to inflict shame sanctions, then state officials might also be thought to intend to humiliate. Shame sanctions might not be considered to constitute a form of humiliation in cases in which shame sanctions fail to damage the reputation of their targets among some salient group. This could happen, for instance, when those who are shamed are members of a sub-culture in which falling foul of the authorities is not considered to be disgraceful and may even be considered a badge of honour.[8] Even in this case, shame sanctions could be described as forms of 'attempted humiliation.'

Supporters of shame sanctions might not wish to describe their actions as intentional (or attempted) humiliation, perhaps because they interpret an 'intention to humiliate' as 'an intention to humiliate as an end in itself.' The *Gementera* case described in Part II, in which a person convicted of mail theft was sentenced to stand outside a post office with a sign for eight hours as a supervised release condition, provided an example of divergence over whether an intention to humiliate connoted an intention to humiliate as an end in itself, or as a means to a further end that could count as an acceptable aim of supervised release conditions (in particular, rehabilitation). I do not stipulate one understanding of 'intention to humiliate,' but I note that this phrase may be used to indicate an intention to humiliate as a means to a further end and need not be interpreted to indicate an intention to humiliate as an end in itself.

One might argue that shame sanctions do not constitute a form of either actual or attempted humiliation because shame sanctions seek to change an offender's internal

[7] See Nussbaum, *Hiding from Humanity*, 230; Markel, 'Are Shaming Punishments Beautifully Retributive?' 2162.
[8] Eric Posner discusses the potentially counterproductive nature of shame sanctions carried out against members of 'a subcommunity that has hostile relations with the government.' Posner, *Law and Social Norms* (USA: Harvard University Press, 2000), 99.

behaviour, which is characteristic of *shame* rather than *humiliation*. First, however, it is by no means clear that the purposes of shame sanctions are restricted to changing internal behaviour; as I note below, these sanctions have also been justified on the grounds that they can deter crime and express society's moral condemnation of crime. Second, the discussion of shame and humiliation in Part II noted that it is difficult to draw a clear-cut distinction between these two concepts on the grounds that shame but not humiliation has to do with internal moral judgment and could be morally productive. Shame sanctions provide an example of a case in which an attempt to categorise a practice exclusively in terms of either shame or humiliation seems less helpful than an acknowledgment of the joint and potentially intertwined contributions of both concepts to a certain phenomenon. At any rate, the view that shame sanctions of the form listed above constitute attempted or actual humiliation is not generally denied in both academic and popular descriptions of shame sanctions. In this section I refer to shame sanctions as actions that 'constitute and/or lead to humiliation,' but I note that a view of shame sanctions as constituting humiliation or at least attempted humiliation is fairly widely accepted.

I now provide a brief overview of possible arguments for and against shame sanctions. One is that shame sanctions serve as a good alternative to imprisonment; this view has been presented by Dan Kahan (who has retracted his support for shame sanctions, though not for the reasons offered by several of his critics[9]). According to Kahan, prison is 'harsh and degrading for offenders and extraordinarily expensive for society,'[10] and shame sanctions present a politically feasible alternative because, unlike fines or community service, they convey the moral condemnation that the public expects from criminal punishment.[11] Kahan

[9] Kahan retracts his support in 'What's Really Wrong with Shaming Sanctions.'
[10] Kahan, 'What Do Alternative Sanctions Mean?' 592.
[11] Kahan, 'What Do Alternative Sanctions Mean?' 635-637. See also Amitai Etzioni, *The Monochrome Society* (Princeton: Princeton University Press, 2001), 46-47.

also indicates that 'offenders typically opt for shame rather than prison when given the choice.'[12]

A second reason cited in favour of shame sanctions is that they can deter criminality.[13] Third, if one holds an 'expressivist' view according to which criminal punishment should serve to express moral condemnation of an act,[14] then shame sanctions could be supported on the basis that they allow society to express, in a clear way, moral condemnation of the crime.

Fourth, the idea that shame sanctions serve the purpose of rehabilitation has been propounded. In the *Gementera* case, the district court expressed concern that mail theft is an anonymous crime, and therefore:

> 'The humiliation or shame [Gementera] experiences should serve the salutary purpose of bringing defendant in close touch with the real significance of the crime he has acknowledged committing. Such an experience should have a specific rehabilitative effect on defendant that could not be accomplished by other means, certainly not by a more extended term of imprisonment.'[15]

The idea here seems to be that humiliation has a rehabilitative effect because it forces the offender to recognise the gravity of his crime, which is presumably meant to induce him not to display a similar lack of concern with other people's interests in the future.

Fifth, Massaro suggests that a retributivist could defend shame sanctions, although she herself criticises retributivist reasoning and is opposed to shame sanctions:

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[12] Kahan, 'What Do Alternative Sanctions Mean?' 641.
[13] Kahan, 'What Do Alternative Sanctions Mean?'638-41. Kahan notes, however, that whether shame sanctions deter is ultimately an empirical question subject to future research. See also Kahan and Posner, 'Shaming White-Collar Criminals.'
[14] Feinberg, 'The Expressive Function of Punishment,' 113; Kahan, 'What do Alternative Sanctions Mean?' 594-605. Nussbaum writes that 'If the primary function of shame penalties were to express certain valuable, concrete social norms and to give people…very strong incentives to live up to those norms, then there would be a strong expressivist case to be made for them.' *Hiding from Humanity*, 228.
[15] *US v. Gementera*, 379 F.3d 596 (9th Cir. 2004). See also the justifications for shame sanctions that Massaro offers on behalf of a rehabilitationist, though she is herself a critic of shame sanctions, 'Shame, Culture, and American Criminal Law,' 1893-1895.

> 'Pure retributivist principles can justify the new shaming practices. If, for example, a driver kills a young child in the course of operating a motor vehicle while intoxicated, forcing the driver to wear a sign in public does promote retribution ends in a simple sense. The penalty need not, under retribution theory, deter others or convince the defendant not to drive while drunk again. Its justification lies in the fact that the defendant broke the law, and so "deserves" to be punished regardless of any future effects of the punishment.'[16]

Shame sanctions have been vigorously opposed by certain contributors to the academic literature, such as Nussbaum, Toni Massaro, James Whitman, and Dan Markel. Several arguments have been presented against shame sanctions: that their effects (including their deterrent effects) are unreliable[17]; that they represent a kind of mob justice[18]; that they are not genuinely retributive, but are actually more similar to opportunities for popular revenge[19]; that they may end up being used against whatever group happens to be unpopular[20]; and that they violate human dignity.[21] I go on to discuss some of these arguments at length.

The rest of the chapter is structured as follows. In Section II, I consider the idea that shame sanctions violate human dignity and criticise the tendency not to offer a full argument for this claim due to the assumption that humiliation necessarily violates human dignity. I note that shame sanctions can be held to violate human dignity or at least status equality if they express certain messages, but whether they express these messages must be gauged with reference to a particular context. In Section III, I discuss three concerns regarding the employment of shame sanctions: that they may inflict an arbitrary degree of punishment; that they have the potential for inculcating problematic attitudes in the public or state officials; and that they may damage the possibility of the reintegration of offenders into society.

[16] Massaro, 'Shame, Culture, and American Criminal Law,' 1892-1893.
[17] Nussbaum, *Hiding from Humanity*, 235-236.
[18] Whitman, 'What is Wrong with Inflicting Shame Sanctions?' 1087-1092.
[19] Markel, 'Are Shaming Punishments Beautifully Retributive?' 2220.
[20] Nussbaum, *Hiding from Humanity*, 234-235.
[21] Nussbaum, *Hiding from Humanity*, 230-233; Markel, 'Are Shaming Punishments Beautifully Retributive?' 2237.

II. Shame Sanctions and the Violation of Human Dignity

Nussbaum's first argument against shame sanctions is that 'shame penalties humiliate, and thus constitute an offense against human dignity.'[22] Markel writes that even if his concern with the uncontrollability of shame sanctions were alleviated, he could still not support them 'since the shaming punishments are penalties of humiliation,' which according to Markel is incompatible with (*inter alia*) the view that 'the state should treat prisoners as dignity-bearing individuals capable of moral agency.'[23]

Do shame sanctions, then, violate human dignity? This question highlights the difficulties of determining when a violation of human dignity has occurred. A tendency in some of the literature on shame sanctions that hampers the effort to provide a satisfying response to this question is the assumption (whether explicit or not) that since shame sanctions are a form of humiliation – as is acknowledged even by defenders of shame sanctions such as Kahan – shame sanctions *necessarily* violate human dignity. But those who support shame sanctions seem to mean something different by 'humiliation' than injury to human dignity, more along the lines of injury to reputation. In what follows I present an example of this tendency from Nussbaum's work. Although I cannot argue the point here, I believe that a similar tendency is found in Markel's arguments against shame sanctions[24] and, to a certain extent, in Massaro's.[25]

[22] Nussbaum, *Hiding from Humanity*, 230.
[23] Markel, 'Are Shaming Punishments Beautifully Retributive?' 2237.
[24] Notably Markel's failure to take account of possible distinctions between the destruction of reputation and the destruction of human dignity, and his presentation of humiliation interchangeably in terms of both. See 'Are Shaming Punishments Beautifully Retributive?' 2237, 2219.
[25] Notably Massaro's appeal to Margalit's work as evidence that humiliation 'rejects human beings as human,' overlooking the fact that this is how Margalit defines the term. 'Meanings of Shame,' 700.

A. Nussbaum's 'Dignity Argument'

Nussbaum's 'dignity argument,' as noted above, is that 'shame penalties humiliate, and thus constitute an offense against human dignity.'[26] She explains why shaming is 'supposed to be an offense against human dignity in a way that fines and imprisonment are not,' namely that 'those punishments are meted out for acts; they do not constitute a humiliation or degradation of the whole person.'[27] She goes on to discuss the ways in which stigmas such as 'tattoos, brands, signs' have historically been used to mark people with a 'deviant identity,' and continues:

> 'one thing that shaming of subgroups typically expresses is a denigration of the very humanity of the people being shamed. They are somehow, in Goffman's terms, subhuman, not distinct human beings with individuality and dignity. More generally, in shaming people as deviant, the shamers set themselves up as a "normal" class above the shamed, and thus divide society into ranks and hierarchies.'[28]

According to Nussbaum, a liberal state 'built upon ideas of human dignity and equality' should not legitimise such hierarchies '*through its public system of law*.'[29]

Nussbaum applies these views to the arguments supporting shame sanctions made by Kahan and Amitai Etzioni, who, she writes:

> 'never deny that humiliation is a goal of the sort of shaming they favor. The dignity argument seems powerful against their view. Public humiliation by the state does appear profoundly at odds with norms inherent in liberalism. The basic attitude animating Kahan's policy is one that divides people into two groups, the frail and the above-it-all, and that scoffs at those disgraceful wretches down below us.'[30]

[26] Nussbaum, *Hiding from Humanity*, 230.
[27] Nussbaum, *Hiding from Humanity*, 230.
[28] Nussbaum, *Hiding from Humanity*, 231-232.
[29] Nussbaum, *Hiding from Humanity*, 230-232.
[30] Nussbaum, *Hiding from Humanity*, 232.

Nussbaum states that she has now 'said enough to make the dignity argument a powerful one,' but she bolsters this argument with a view about shame as a way for people to hide from 'their own human weakness.'[31]

Nussbaum uses the recognition by Kahan (and Etzioni) that shame sanctions humiliate in order to argue that their proposals are defeated by the 'dignity argument.'[32] She writes that 'Kahan does not seek to remove humiliation from shame penalties; indeed he seems strongly to favor it. So his proposal is vulnerable to the dignity objection directly.'[33] Kahan's recognition that shame sanctions humiliate, however, does not necessarily render him vulnerable to the 'dignity objection'; it depends on how he understands humiliation, and how it relates to Nussbaum's understanding.

Nussbaum, as noted earlier in the thesis, appeals to a conception of humiliation as something like a violation of human dignity.[34] Kahan does not explicitly define the term 'humiliation.' He describes 'stigmatizing publicity' as an attempt 'to magnify the humiliation inherent in conviction by communicating the offender's status to a wider audience.'[35] Kahan seems to view humiliation, therefore, as some kind of 'lowering' of an offender's status – an interpretation corroborated by Kahan's reference to shaming penalties as '*degradation* penalties' that 'lower the offender's social status within that community.'[36] As this thesis has emphasised, however, not all status degradation involves demotion from the status of 'equal humanity,' and there is little evidence that Kahan understands shaming sanctions in terms of an attempt to degrade people below the status of human beings. Kahan writes: 'I don't think shaming penalties should be rejected either because offenders are "shameless," and thus unlikely to be deterred by the threat of humiliation, or because

[31] Nussbaum, *Hiding from Humanity*, 232.
[32] This section focuses on the effectiveness of the 'dignity argument' vis-à-vis Kahan, not Etzioni.
[33] Nussbaum, *Hiding from Humanity*, 233.
[34] Nussbaum, *Hiding from Humanity*, 204.
[35] Kahan, 'What Do Alternative Sanctions Mean?' 631-632.
[36] Kahan, 'What Do Alternative Sanctions Mean?' 636-637.

shaming penalties are horrifically stigmatizing, and thus inconsistent with individual dignity' (citing Nussbaum as an author who makes the latter claim).[37] Here, Kahan seems to want to distance himself from a perspective that would endorse violations of 'individual dignity.' He also refers to 'horrific stigmatisation,' not humiliation, as the 'opposite' of individual dignity, and to humiliation as a threat that would be of little use against people who are 'shameless,' that is, who do not much care what others think of them. Humiliation, for Kahan, seems to connote some kind of injury to a person's social status or reputation – but not to the person's basic status as a fellow human being.

This suggests that Kahan is not, simply by virtue of recognising that shame sanctions humiliate, 'vulnerable' to the 'dignity objection,' unless unwarranted assumptions are made about the meaning of 'humiliation.' Nussbaum might want to argue that any form of humiliation that damages a person's social status or reputation *necessarily* damages their equal human status, and so an acceptance of the former entails an acceptance of the latter. But she does not make this argument directly, and the discussion of damage to reputation in Part II provided reasons to doubt that this argument would be successful. One might conclude that Nussbaum's 'dignity argument' is not an argument at all; rather, it is simply a definitional statement about the meaning of 'humiliation' coupled with an appeal to the fact that Kahan uses the same word. This conclusion, however, may not be warranted. Nussbaum's key claim might be that 'The basic attitude animating Kahan's policy is one that divides people into two groups…and that scoffs at those disgraceful wretches down below us,'[38] and that such a form of hierarchy is one that a liberal state should never seek to promote. Her argument would be that Kahan's recommended shame sanctions connote a form of illegitimate hierarchy. In the next section, I draw on this kind of view about the connotations of shame sanctions to argue that these sanctions could violate human dignity.

[37] Kahan, 'What's Really Wrong with Shaming Sanctions,' 2075.
[38] Nussbaum, *Hiding from Humanity*, 232.

If this is Nussbaum's intention, however, then it is unclear what argumentative work the concept of humiliation does in Nussbaum's 'dignity argument,' and Nussbaum's statement 'the first argument…is that shame penalties humiliate, and thus constitute an offense against human dignity'[39] suggests that she wants humiliation to take on a more active role. This provides an example of the development – noted in Part II – by which efforts to define the concept of humiliation so that it can be cast as a phenomenon that is always to be condemned can result in making humiliation redundant in terms of its normative significance. There may still be a way to interpret Nussbaum's claims such that the concept of humiliation is an effective element of the 'dignity argument' against Kahan's version of shame sanctions. At the very least, however, Nussbaum's discussion of humiliation and dignity requires greater clarity about the meaning of 'humiliation' and the ways in which one conception can differ from others.

The broader point is that the issue of whether shame sanctions violate human dignity cannot be settled by pointing out that they are humiliating. One must present an argument to the effect that the type of humiliation involved in shame sanctions constitutes the violation of human dignity, or show that shame sanctions violate human dignity for other reasons.

B. What Shame Sanctions Express

One way in which shame sanctions could violate human dignity or at least status equality is that they may express social meanings incompatible with the recognition of the humanity and/or equality of those subject to them. This argument, as I note below, seems to resonate with claims made by writers opposing shame sanctions. I contend that shame sanctions do violate human dignity or status equality if they express certain meanings, but that whether they express these meanings depends on social context.

[39] Nussbaum, *Hiding from Humanity*, 230.

Kahan originally argued for shame sanctions partially on the basis of their expressive utility. According to this view, shame sanctions are capable of satisfying the public's desire for criminal punishment to express moral condemnation, and so they are politically feasible as an alternative to imprisonment in a way that fines and community service are not. This is because fines can be viewed as prices that people pay in order to commit crimes,[40] while community service is thought to be the activity of people who are ordinarily admired, not condemned.[41] Later, Kahan retracted his support for shame sanctions on the grounds that they are not 'expressively overdetermined': that is, they do not permit citizens with different sorts of worldviews (hierarchical, egalitarian, solidarist, individualist) to see in them an expression of values they endorse.[42] Rather, citizens with egalitarian and individualist worldviews tend to view shame sanctions as connoting 'objectionable forms of social stratification and potentially suffocating impositions of communal norms.'[43]

As Kahan notes, this perception of shame sanctions is in part due to the historical association of shame sanctions with tools of hierarchical societies, the scarlet-letter punishment of Hester Prynne in Nathaniel Hawthorne's novel being an example.[44] Indeed, the association of shame sanctions with hierarchical practices is present in various contributions to the literature objecting to shame sanctions. Whitman writes that 'the question that troubles us most' is: 'What is it about shame sanctions that made them appealing to Maoists, to the Taliban, to the Nazi SA? What is it that made them appealing to the very movements that define political illiberalism for us?'[45] He also calls shame sanctions 'a species of official lynch justice,'[46] thus creating an association between shame and lynching. Nussbaum writes that 'tattoos, brands, signs – these mark a person as having a

[40] Kahan, 'What Do Alternative Sanctions Mean?' 621.
[41] Kahan, 'What Do Alternative Sanctions Mean?' 627.
[42] Kahan, 'What's Really Wrong with Shaming Sanctions,' 2086-2090.
[43] Kahan, 'What's Really Wrong with Shaming Sanctions,' 2087.
[44] Kahan, 'What's Really Wrong with Shaming Sanctions,' 2087-2088.
[45] Whitman, 'What is Wrong with Inflicting Shame Sanctions?' 1091.
[46] Whitman, 'What is Wrong with Inflicting Shame Sanctions?' 1059.

deviant identity, and their role historically has been to announce that spoiled identity to the world…often in ways that persisted through life – the tattoo, the scarlet letter.'[47] Markel notes that 'Shaming punishments have been regularly referred to by its critics (including me) as being used in tyrannical governments. Think, for example, of homosexuals forced to wear pink triangles under the Nazi Reich and the Chinese government's use of shaming during and after the Cultural Revolution.'[48]

Kahan himself does not share the view that shame sanctions are inegalitarian; but because part of the population does, Kahan ultimately believes that shame sanctions do not serve as a politically viable alternative to imprisonment.[49] The expressive meaning of shame sanctions in the eyes of citizens may well have implications for their political viability, as Kahan suggests. But the expressive meaning of shame sanctions – I argue – also has implications for their legitimacy in a liberal democratic regime. If citizens tend to view shame sanctions as forms of punishment suited to illiberal and undemocratic regimes, then this suggests that the social meaning of these forms of punishment actually *is* illiberal or undemocratic. As Kahan notes, 'punishments mean not what a policy advocate would have them mean but what they do in fact mean to the public.'[50] An example of a practice that fairly clearly expresses a meaning that violates human dignity is making people drink out of troughs in a forced-labour camp. Unless some legitimate and credible reason can be found for this practice, it fairly unambiguously expresses the view that these human beings are no different from animals.[51] What, then, do shame sanctions express?

The expressive meaning of a practice is partly affected by associations that people draw between it and other practices. For instance, if Germany now started to use striped

[47] Nussbaum, *Hiding from Humanity*, 230.
[48] Markel, 'A Judge for Justice,' 7.
[49] Kahan, 'What's Really Wrong with Shaming Sanctions,' 2090.
[50] Kahan, 'What's Really Wrong with Shaming Sanctions,' 2087.
[51] Such a practice corresponds to 'bestialization' in Waldron's sense, 'Cruel, Inhuman, and Degrading Treatment: The Words Themselves,' 37-8.

uniforms for prisoners, it might cause an outcry because people would draw connections between these uniforms and concentration-camp clothing, and object to the message that was being sent about the prisoners.[52] In the case of shame sanctions, it is relevant that people may associate them with historical and contemporary regimes that denied the human dignity of certain individuals or groups. If people see shame sanctions as a practice adopted by such regimes to stigmatise those it deems subhuman, then there is a risk that adopting shame sanctions will actually send the message that those subject to them are subhuman. Such a message would, of course, be incompatible with liberal democratic principles.

On the other hand, some people, as Kahan's article indicates, likely do not associate contemporary shame sanctions with regimes that violate human dignity. They may, for instance, view it as a stretch to compare the practice of forcing an offender to hold up a sign announcing his crime with, say, the Nazi practice in the 1930s of publishing in the newspaper the names of gentile women who associated with Jewish men.[53] Even if shame sanctions are not associated with the denial of human dignity, however, they may still be associated with the denial of status equality. The fact that shame sanctions were employed in the hierarchical society of colonial America, for example, may be relevant to their social meaning. Some might see any denial of status equality as a denial of human dignity – because they understand human dignity as 'equal human dignity.' In this case, the association of shame sanctions with inegalitarian regimes raises concerns about the message they send regarding human dignity. On the other hand, if one distinguishes between human dignity and equal dignity, then one could associate shame sanctions with a violation of status equality and not human dignity.

[52] In fact, as Whitman notes, Germany requires prison uniforms to resemble ordinary clothing. *Harsh Justice*, 88.
[53] 'Nazis Demand Pillory for Associates of Jews,' *Jewish Telegraphic Agency*, 2 April 1935. <http://archive.jta.org/article/1935/04/02/2827004/nazis-demand-pillory-for-associates-of-jews>

Other people might not associate shame sanctions with the violation of either human dignity or status equality, despite the presence of shame sanctions in disturbing historical or contemporary regimes. Some of these people might place greater weight on the changed context within which shame sanctions are now being applied. Kahan notes, for instance, that shame sanctions in the contemporary United States have been applied to white-collar offenders, and so are not necessarily directed against people with a low status, and that 'shaming can very easily be appropriated by egalitarians to reinforce obligations – e.g., delinquent child support payments to poor, single mothers—that typically go underenforced...'[54] If shame sanctions are associated with punishing the powerful or securing justice for the weak, then they might not be linked in people's minds with the enforcement of inequality.[55] In addition, Whitman's article indicates that first-time and minor offenders are – along with sex offenders and commercial offenders – one of the three categories of offenders to which shame sanctions are typically applied.[56] Although Whitman himself does not make this point, first and minor offenders are not the types of people that are usually denied human dignity or status equality. Given the context in which shame sanctions are currently applied, then, some might not believe that shame sanctions send a message that undermines human dignity or equality. There may also be much variation in the perceived meanings of shame sanctions, depending on the offense and the nature of the sanction.

The views of supporters of shame sanctions – in addition to the historical associations of shame sanctions – could also provide evidence that shame sanctions express a meaning counter to respect for human dignity or status equality. This would be the case, for instance, if people typically expressed support for shame sanctions using such language as 'criminals

[54] Kahan, 'What's Really Wrong with Shaming Sanctions,' 2087.
[55] Of course, some might object to shame sanctions directed at the powerful on the grounds that they represent a form of dangerous populist fervour. See Whitman, 'What is Wrong with Inflicting Shame Sanctions?' 1089-1092.
[56] Whitman, 'What is Wrong with Inflicting Shame Sanctions?' 1064.

are no better than vermin. Of course they should be strung up for all to see.' But some supporters may not use this kind of language or evince these attitudes at all, and others to partial degrees. In investigating this issue, it would be useful to compare people's attitudes towards shame sanctions to their reactions to other forms of criminal punishment, to see whether shame sanctions are particularly objectionable in terms of their propensity to send messages that violate human dignity or equality.

All this suggests that the social meaning of shame sanctions is likely to be a difficult feature to ascertain, and that it may well be contested in a given society. I cannot, therefore, settle in the abstract the question of whether shame sanctions express an inadequate regard for human dignity or status equality. Perhaps one way to proceed would be to consider specific shame sanctions that might be applied and to investigate people's perceptions of these sanctions in various segments of society. The overall point is that the question of whether shame sanctions express a view of offenders that is inconsistent with respect for human dignity and/or status equality depends on contextual considerations.

III. Concerns Regarding Shame Sanctions

In this section I consider three concerns regarding the employment of shame sanctions that constitute and/or lead to humiliation (I do not claim that these concerns are the only possible ones). These concerns are that (A) shame sanctions may encourage the development of disturbing attitudes among the population; (B) shame sanctions may give rise to arbitrariness in the gravity of the punishment; and (C) shame sanctions may damage the possibility of the reintegration of offenders into society.

One relevant factor in evaluating these concerns about shame sanctions is the nature of prevailing alternatives to these sanctions. Kahan emphasises that shame sanctions should

be evaluated relative to available alternatives, notably imprisonment.[57] It may be objected that one can both condemn shame sanctions and encourage the improvement of prison conditions and/or the employment of alternative sanctions altogether, such as fines, community service, and restorative justice.[58] It is true that we should not see the only possible options as (a) shame sanctions, and (b) imprisonment in its current state. I cannot analyse all the relevant alternatives, but I think it is still worthwhile to consider the issue of how shame sanctions compare to imprisonment along certain dimensions. First, if shame sanctions represent an improvement over imprisonment in some respect, then this can inform our current practices even if, in the future, we might prefer an alternative model altogether. Second, it is relevant to an evaluation of shame sanctions if their potential negative consequences also result from forms of punishment, such as imprisonment, that we are generally willing to accept as legitimate. The comments I make about imprisonment apply to the practice in a fairly broad sense and are not contingent on the maintenance of imprisonment's current state.

A. The Development of Problematic Attitudes

I noted in Chapter 7 that actions that constitute and/or lead to humiliation may encourage the development of problematic attitudes in those engaged in ridicule or observing it. The same concern applies to the attitudes of both law enforcement officials and the public during the administration of shame sanctions. In addition to *schadenfreude*, maliciousness, and vindictiveness, mentioned in Chapter 7, the attitudes that might develop include (a) self-righteousness and sanctimony, and other attitudes associated with the conviction of one's own moral superiority over offenders; and (b) an absence of empathy, or a 'hardening of the heart' to the pain or fear of those who are humiliated. As with ridicule, some of these

[57] Kahan, 'What's Really Wrong with Shaming Sanctions,' 2078.
[58] Kahan endorses restorative justice as an alternative to shame sanctions in 'What's Really Wrong with Shaming Sanctions,' 2090-2094.

attitudes might not be inappropriate among crime victims. Those who have suffered greatly due to the agency of another might not be wrong to derive a sense of satisfaction from the other person's punishment, and this sense of satisfaction can mingle in complex ways with at least *schadenfreude* and a lack of empathy. Whether or not crime victims would be justified in taking on some of these attitudes, however, the adoption of these attitudes on the part of law enforcement officials or the public may have negative consequences.[59]

First, these attitudes could lead to the punishment of an offender in a way that is disproportionate to her actual offence (this relates to the risk of arbitrariness, considered below). As Whitman notes, 'putting people in their place' can be psychologically intoxicating[60]; and people may well go too far. This concern applies to all forms of criminal punishment, but it may apply with special force to shame sanctions – at least to those types of shame sanctions that involve a direct form of exposure to the public. As Whitman emphasises, members of the public are not trained to respond to offenders in a disciplined and professionalised manner.[61] In the extreme, offenders exposed to the public may become victims of vigilante justice. This is a serious concern about laws requiring the release of sex offenders' locations to the public, even if they are not justified on the grounds of shaming the offenders.[62]

Second, the development of these attitudes among state officials or the public could have negative implications for the state's interactions with citizens and for political culture

[59] See Whitman, 'What is Wrong with Inflicting Shame Sanctions?' 1090; Markel, 'Are Shaming Punishments Beautifully Retributive?' 2222, 2227-8.
[60] Whitman, *Harsh Justice*, 22.
[61] Whitman, 'What is Wrong with Inflicting Shame Sanctions?' 1091-2.
[62] A common justification for these provisions is that they allow parents to identify sex offenders and keep their children safe. 'A Vigilantes' Charter? The Bitter Legacy of Megan's Law,' *The Independent*, 24 June 2006. <http://www.independent.co.uk/news/world/americas/a-vigilantes-charter-the-bitter-legacy-of-megans-law-405254.html>

more generally.[63] These attitudes may be difficult to contain, and their widespread adoption could lead to growth in state practices that display a lack of empathy for citizens who are deemed to be worthy of negative judgment (either in the realm of law enforcement or in a different realm, such as the provision of welfare benefits). Third, these attitudes may corrode the moral sensibilities of the person administering and/or observing punishment. Whitman is correct to suggest that punishment can have an effect on the individual and the society doing the punishing, which must be taken into account in addition to the effects on the person punished.[64]

If shame sanctions would give rise to attitudes that have the consequences just described, then this provides at least a *pro tanto* reason not to employ shame sanctions. If these attitudes would result in the disproportionate punishment of an offender to such an extent that the amount of punishment becomes arbitrary, then this provides a weighty *pro tanto* reason for the state not to inflict this type of punishment, for doing so would conflict with the state's commitment to non-arbitrary government (as discussed below). The same is true of the growth of a lack of empathy that would undermine citizens' respect for their fellow citizens' freedom, equality, and human dignity. But it is not obvious that shame sanctions always give rise to attitudes with these negative consequences – and that shame sanctions are more likely to do so than imprisonment.

Imprisonment may also inculcate problematic attitudes towards offenders, in the public as well as in law enforcement officials. Kahan indicates that 'Imprisonment, every bit as much as shame, is a degradation ceremony...Just as clearly, at least to anyone who keeps an eye on media coverage of white collar crimes in particular, imprisonment excites a

[63]Along these lines, Whitman contends that displaying offenders to the public 'invites the public to rummage in some of the ugliest corners of the human heart. That cannot be good for healthy politics.' 'What is Wrong with Inflicting Shame Sanctions?' 1091. See also Massaro, 'Meanings of Shame,' 701.
[64] Whitman, *Harsh Justice*, 24.

conspicuous public appetite to demean those who engage in offenses for which prison is usually meted out.'[65] But perhaps some aspect of punishment that takes place in the eyes of the public is particularly conducive to the adoption of self-righteous, vindictive, and hard-hearted attitudes in the citizenry. The Geneva Convention prohibits the public display of prisoners of war,[66] and one of the reasons to support this provision may be to avoid fuelling dark passions arising from fervent hostility towards the enemy. The mere knowledge that POWs have been captured is somehow not equivalent to the experience of seeing prisoners led through the streets. The latter provides the public with a focal point for its rage and contempt in a collective setting, which can result in new levels of vehemence. The publication of offenders' names in newspapers may be less likely to stir up these attitudes than visual exposure to offenders, and this possibility should be considered in an assessment of the comparative legitimacy of various shame sanctions. The general point is that shame sanctions may well carry a risk of inculcating problematic attitudes in the public that is not borne to the same degree in the case of imprisonment.

The risk of the inculcation of these attitudes should be taken into consideration, but its likelihood and probable effects should be gauged with regard to context. We should not see an inexorable necessity running from the public display of offenders, to the growth of self-righteousness and vindictiveness, to cruelty, vigilante justice, and a general lack of empathy in politics. The public may be able to distinguish proper responses to different offences. The same attitudes should not necessarily be expected, for instance, in response to the humiliation of POWs – whom the public may see as terrible enemies – as of the humiliation of fellow citizens convicted of driving under the influence.

[65] Kahan, 'What's Really Wrong with Shaming Sanctions,' 2080.
[66] Waldron, 'Cruel, Inhuman, and Degrading Treatment,' 39.

More fundamentally, there is a possibility that shame sanctions could lead to attitudes that are very different from *schadenfreude*, vindictiveness, and so on. The visceral exposure to the suffering of offenders involved in shame sanctions may even increase sympathy for offenders. Margalit notes that the humiliating punishments of old – which often included torture – sometimes resulted in sympathy for the offender among the public and rage at the regime.[67] In a different context, Wayne Koestenbaum writes about his increase in sympathy for anti-gay-rights crusader Anita Bryant after she was humiliated during a televised news conference in 1977 by receiving a pie in her face.[68] Sympathy towards humiliated offenders could be beneficial because it suggests recognition of the other person's common susceptibility to pain, which may reflect or encourage acknowledgment of the person's common humanity. Sympathy provides a reminder that the offender's character is complex and not reducible to that of a rule-breaker, which might pave the way for reintegration of the offender (considered below). Of course, the sympathetic disposition can 'go too far' and excuse wrongdoing, which would be an inappropriate attitude to take towards the victims of crime. But the thought that a person has, in some sense, received her due is not incompatible with feelings of sympathy for the person, and shame sanctions can give rise to both.

Shame sanctions might even come out better than imprisonment in terms of the attitudes that they inculcate in the public. One might argue that imprisonment puts convicted offenders 'out of sight, out of mind,' which reduces the public's willingness to think about the pain that it is inflicting on fellow citizens.[69] A visceral reminder of this pain might be beneficial both as a matter of informing citizens' moral sensibilities and, potentially, increasing the public's interest in an informed debate about the methods of criminal

[67] Margalit, *The Decent Society*, 263.
[68] Evan R. Goldstein, 'The Embarrassed Artist,' *The Chronicle of Higher Education*, 10 July 2011. <http://chronicle.com/article/Wayne-Koestenbaum-Exposes/128143/>
[69] Margalit notes George Bernard Shaw's view that the 'old-fashioned kind' of punishment 'presented the victims' suffering publicly rather than concealing it. Modern punishment, in contrast, hides criminals from the public eye, thus preventing others from sharing their pain.' *The Decent Society*, 264.

punishment and the causes of crime. Hiding away criminals might also be conducive to the view of offenders as members of a lower category of human being. Moreover, the idea that only state officials should participate in the administration of criminal punishment, which Whitman views as crucial to the maintenance of restraint and decency in a liberal society, might actually encourage the public to see criminal justice as something that an anonymous state inflicts on offenders, rather than as a practice authorised, in a democracy, by citizens themselves. This might lead to public abdication of responsibility for the practice of criminal punishment.

The task of judging which types of attitudes are likely to be stirred up in the public as a result of shame sanctions, and whether they would have negative consequences, is a challenging one. Attitudes with disturbing results may be more common if the offense is something that members of the public are likely to see as thoroughly evil, such as a sex offense, and this could be used to inform decisions about which offenses to punish with shame sanctions. Given the variation in responses, the risk that shame sanctions will inculcate problematic attitudes in the public (to a greater extent than imprisonment does), and that the inculcation of these attitudes will result in highly negative consequences, should be taken seriously but not treated as a necessary result.

B. Arbitrariness

A second concern regarding shame sanctions is that they may inflict an arbitrary degree of punishment on an offender – which would fall foul of a liberal democratic state's commitment to non-arbitrary government. The fact that direct exposure to the public gaze is a constitutive element of shame sanctions introduces a possible source of unpredictability into shame sanctions, for the public could respond in several ways. A key unpredictable factor is the degree of humiliation to which the offender will be subject, though there are other

unpredictable results (for instance, the possibility that the offender will be subject to violence). This element of unpredictability may raise a concern that shame sanctions inflict an arbitrary degree of punishment. Whitman contends, in a related vein, that shame sanctions violate the 'transactional dignity' of offenders, which requires that persons have 'the right to know what kind of a deal one has struck, and on what terms.'[70]

The concern about unpredictability is particularly relevant given the nature of modern communities. One of the dis-analogies between current-day shame sanctions and the 'scarlet letter' punishments of old is that people in those communities could be more reliably expected to respond in predictable – even ritualised – ways to the humiliation of one in their midst. The current drive is to reinstitute shame sanctions without the patterns of thought and behaviour that had accustomed people to responding in specific ways to shame sanctions. If shame sanctions begin to become a more regular feature of criminal justice in the current day, their reception might settle into a more predictable pattern, and the concern about arbitrariness would carry less weight. But there may also be deeper determinants of predictability in shame sanctions – say, assumptions about the seriousness of various offenses and the proper way to respond to social deviants – that cannot easily be introduced into modern communities. The diversity of many modern communities means that their inhabitants may not share these assumptions, and the emphasis on autonomy in many modern communities means that individuals may be less likely to follow approved social scripts in responding to shame sanctions.

Perhaps, however, unpredictability is not necessarily a negative aspect of criminal punishment. If part of what makes a crime wrong is its infliction of uncertainty on the victim, then the notion of 'making the punishment fit the crime' might suggest it is appropriate to subject the offender to a similar kind of uncertainty. Waldron describes a

[70] Whitman, 'What is Wrong with Inflicting Shame Sanctions?' 1090.

possible punishment based on the principle of *lex talionis* in the case of fraud: 'An act of fraud has among its wrong-making features that it deprives a person of the information he needs to make a rational business decision, and that it contributes to general uncertainty...' Responding to such an act, therefore, might involve giving him 'a taste of economic uncertainty…for example, sentencing him to community service on days determined arbitrarily, unpredictably and at the last minute by a probation officer.'[71] Here, as with shame sanctions, a degree of unpredictability is incorporated into the punishment itself.

The possibility of these types of punishments suggests that unpredictability may respond to features of an offender's crime, rather than being arbitrary. But regardless of whether this kind of punishment ought to be instituted, the reasoning behind it may not apply to many crimes that could be punished by shame sanctions, for they may not have involved the infliction of uncertainty. More fundamentally, the 'uncertainty' kind of punishment differs from shame sanctions in that the level of unpredictability is controlled by the state. State officials calibrating the level of unpredictability could be subject to the oversight of other officials and the public, and required to meet standards of transparency and accountability. Members of the public do not have these official structures by which people can pull on their reins, and the risk of arbitrariness in the infliction of punishment is correspondingly greater.

The state could, however, take steps to make the effects of shame sanctions on offenders – including the degree of humiliation imposed on them – less unpredictable. For instance, the state could post police officers next to a person standing outside with a sign, to make sure that the crowd does not get out of control,[72] or seek to display people in front of audiences that can be expected to revise their opinions of the offender in more predictable

[71] Waldron, 'Lex Talionis,' *University of Arizona Law Review* 34:1 (1992), 44.
[72] This suggestion is from Markel, 'Are Shaming Punishments Beautifully Retributive?' 2218.

ways (say, inhabitants of a certain neighbourhood or members of a certain professional association). This strategy might not work for certain types of punishments, such as requiring DUI offenders to display special license plates.[73] But to the extent that state officials and citizens are capable of regulating public behaviour in accordance with transparent and regularised standards, the arbitrariness of shame sanctions in comparison to imprisonment becomes less of a concern. To the extent that this capacity is shaky, arbitrariness remains a risk. The likelihood that unpredictability of a kind that undermines the state's commitment to non-arbitrariness will occur, therefore, must be gauged relative to particular situations.

C. Blocking Reintegration

A third concern, which runs through many arguments against shame sanctions, is that shame sanctions may result in humiliation of a kind that eliminates the possibility of reintegrating offenders into society. The idea is that offenders with severely damaged images will be permanently sullied. Nussbaum, for instance, writes that people subject to shame sanctions acquire a 'spoiled identity'; someone convicted of drunk driving and forced to ride around with a 'DUI' sticker would be 'permanently marked.'[74] The claim made by Nussbaum (and Markel[75]) seems to be not only that shame sanctions *hinder* the process of reintegration, but that they actually undermine its possibility.

Responding to this suggestion requires, first, a consideration of the desirability of reintegration. Reintegration is valuable from the point of view of protecting the public, for offenders who are permanently stigmatised may conclude that they have nothing to lose from further criminal activity, and may turn to sub-groups in which breaking the law is not

[73] Kahan, 'What Do Alternative Sanctions Mean?' 632.
[74] Nussbaum, *Hiding from Humanity*, 231. For another version of this critique, see Markel, 'Are Shaming Punishments Beautifully Retributive?' 2174.
[75] Markel, 'Are Shaming Punishments Beautifully Retributive?' 2174.

considered shameful in order to derive various goods, including esteem.[76] But reintegration is also valuable from the point of view of the state's interaction with offenders. A liberal democratic state that takes seriously citizens' freedom – in terms of the ability to make decisions about their lives – should, it seems, recognise citizens' capacities to be remorseful and to change. Reintegration is thus desirable both because the thought that one can never redeem oneself to others can be highly demoralising, and because reintegration provides opportunities for people to exercise their changed moral understandings in society. It might be less desirable to reintegrate offenders who remain dangerous, or whose crimes suggest a particularly abhorrent orientation towards fellow citizens, but even people serving life sentences could be provided with opportunities for a degree of reintegration through some sort of contact with the outside world.

The same recognition of citizens' moral capacities that helps to ground concern for reintegration, however, suggests that people should be viewed as responsible for their bad actions, and that, at least for some crimes, their actions should not be written off as momentary lapses. We should acknowledge that people who commit a crime raise doubts as to whether they will be reliable cooperation partners (or, more concretely, friends, employees, or business partners). They can therefore forfeit, to a certain degree, the trust that they will be reliable cooperation partners – and the failure to be relied on in this way will amount or lead to some lasting stigma. There may be a tension between accepting the existence of this stigma and providing opportunities for people to alter their behaviour and to demonstrate that they have done so. But reintegration need not be an all-or-nothing process; and in many cases it seems that partial and gradual forms of reintegration are desirable. It is possible to treat people as though they are to some degree fellow participants in a common social and

[76] See Posner, *Law and Social Norms*, 100-103.

political enterprise while maintaining a certain degree of mistrust as a result of their previous misbehaviour and allowing this mistrust to dissipate gradually.

Shame sanctions should not, however, be considered in principle incompatible with reintegration. Braithwaite describes the ways in which close-knit, traditional societies could both shame and reintegrate offenders, who were considered to remain members of the community even if they had done wrong.[77] Modern societies, however, may be less capable of following this path. There is more of an incentive to reintegrate an offender when one expects future regular contact. In addition, there is more of a basis for reintegration when a person is widely known to community members beforehand, so that others do not simply recognise her as 'the lawbreaker' and can respond, in Braithwaite's terms, 'other than according to the appropriate deviant stereotype.'[78] The anonymity of many modern communities, however, makes these conditions less likely to obtain.

There are still a few reasons to think that shame sanctions need not block reintegration even in modern societies. First, if these sanctions result in humiliation of a kind that increases sympathy for offenders, then people may seek to 'soften the blow' by treating offenders without bitterness in future interactions, which can facilitate the offender's reintegration into the community. Second, shame sanctions may be applied in such a way that they serve, in Whitman's terms, as 'liminal rites' that, as quoted earlier, 'warn first and minor offenders that they are flirting with a deep, and deeply undesirable, status change.'[79] This kind of penalty – Whitman gives the examples of circulating a shoplifter's photograph or requiring someone to wear a pink bracelet reading 'DUI Convict' – might indicate to the public that the person in question is 'edging towards *true* disreputability,'[80] rather than being

[77] Braithwaite, *Crime, Shame, and Reintegration*, 87-89.
[78] Braithwaite, *Crime, Shame, and Reintegration*, 89.
[79] Whitman, 'What is Wrong with Inflicting Shame Sanctions?' 1067-1068.
[80] Whitman, 'What is Wrong with Inflicting Shame Sanctions?' 1067.

a criminal through-and-through. Neither of these possibilities, however, is guaranteed. Shame sanctions may increase rancour and bitterness towards offenders, and the public may not be sufficiently patient to distinguish people who are on the brink of criminality from those who are hardened offenders.

Even if the public does not react with sympathy or mitigate its judgment of an offender, shame sanctions could still assist the process of reintegration. They could do so by making it clear in a vivid way that the offender has undergone punishment and is now fit to be reintegrated. In order for shame sanctions to work in this way, the public must believe the shame sanction to be adequate punishment, and be willing to start anew with people once they are seen to have paid their due. Of course, even people who see offenders as having paid their due will not necessarily wish to interact with offenders in the same way as with others. One might not want to befriend a person who had to wear a t-shirt announcing a conviction for shoplifting; one might not want one's children to play at the home of the person who once had a sign in front announcing a conviction for assault. These stigmatic effects could be expected to linger long after the official punishment.

How do shame sanctions compare to other penalties in their propensity to create permanent stigma? Certain penalties seem more capable than shame sanctions of allowing individuals to control public knowledge of their punishment, such as the 'driving school' and 'license suspension' penalties that Nussbaum mentions as alternatives to DUI convictions.[81] A record of imprisonment is more difficult to keep under wraps, and in many communities (though not all) it stigmatises individuals after they are released. If an individual is better able to control public knowledge of her imprisonment than of her punishment by shame sanction, however, then shame sanctions would constitute a more lasting barrier to reintegration than imprisonment.

[81] Nussbaum, *Hiding from Humanity*, 231.

Overall, the issue of whether shame sanctions block the possibility of gradual reintegration – and whether they do so more than imprisonment – is not clear-cut. It depends, among other things, on the public response to shame sanctions and the degree to which an individual can conceal a prison record, each of which have multiple complex determinants arising from the nature of particular communities and offenses. One avenue to explore is whether the state could install public re-integrative mechanisms to note officially that a previously humiliated offender had abided by the law for a given period of time. Such a mechanism might also incentivise good conduct by offenders, who need not conclude that they have been made into permanent outcasts and have nothing more to lose. There is, of course, a question about whether the public would take as much interest in spectacles of reintegration as of disgrace; but such a mechanism might at least alleviate the risk of permanent disgrace.

To conclude, this chapter has illustrated several considerations that play a role in evaluating the legitimacy of shame sanctions of a kind that constitute and/or lead to humiliation. The decision about whether to institute shame sanctions depends on several issues, among them the meaning(s) that citizens take shame sanctions to express; the types of attitudes that people habitually evince towards publicly displayed offenders, and their consequences; the degree to which the potential arbitrariness of shame sanctions could be controlled; and the impact of shame sanctions on people's willingness to reintegrate offenders. The topic of shame sanctions, then, reflects the wider point that the task of determining the legitimacy of an action that constitutes and/or leads to humiliation may be a complex issue, and one that requires sensitivity to the particular context.

CONCLUSION

In this thesis I have examined the concept of humiliation and its relationship to liberal democratic politics. I have argued that the concept of humiliation is more complex than is reflected in current political-theory literature. In particular, I have highlighted the restrictiveness of a view of humiliation as the violation of human dignity or equality, or as the conditions or feelings resulting from such a violation. A wider understanding of the concept of humiliation has implications for the ways in which actors committed to liberal democratic principles ought to approach the issue of humiliation. They need not abstain from actions that constitute and/or lead to humiliation. Rather, the compatibility of these actions with liberal democratic principles is subject to a variety of contextually specific considerations. In some cases the universal injunction not to engage in humiliation would undermine, rather than further, the pursuit of liberal democratic aims.

One implication of the thesis is that theorists who wish to appeal to the concept of humiliation to explain or ground claims about human rights or human dignity should exercise care in doing so. Humiliation might seem to be an appealing concept to use in these contexts because of its ability to bring to mind a concrete, visceral phenomenon that most people usually wish to avoid. The examples provided in the thesis indicate, however, that people who have (among other things) been lowered from an unjustly high status, or who have been publicly condemned for genuine misconduct, could encounter this visceral phenomenon as well. One could attempt to preserve the idea that humiliation must always be condemned by building into the concept of humiliation such features as the violation of human dignity or equality. But then it is unclear whether the idea of humiliation can still ground claims about human dignity, or whether humiliation still plays a distinctive role in supporting normative judgments about political practices. This is not to say it is impossible to use humiliation to

ground or explain claims about human dignity or human rights in a non-redundant way, but such an endeavour faces challenges that those undertaking it should keep in mind.

A wider issue raised by the thesis involves the importance of paying attention to the complexity of concepts and the variety of meanings of terms. I noted that it is not incoherent to circumscribe the understanding of a concept such that it reflects a view of humiliation as the violation of human dignity or equality. In doing so, however, it is important to consider the implications of such a move. Does it strip away some of the resonances of the broader usage of the term, and if so, is this a problem? Does the use to which the specialised sense of the term is put, for instance, actually depend on some of these resonances? Does the usage of the term fluctuate in ways that suggest equivocation? If the specialised sense begins to be more widely adopted, does such a development encourage misleading conclusions about other usages of the term or close off alternative avenues of exploration? After a consideration of these issues, the specialised sense may still be judged the best way to proceed for a particular purpose. In this case, however, one should be clear about the way in which a word is being used and indicate that this usage is not necessary, in order to discourage misleading conclusions. Most importantly, those who employ specialised senses of terms ought to remain open to alternative forms of inquiry – to the possibility, that is, that these forms of inquiry could raise theoretically and politically significant issues.

A second broader matter raised by the thesis involves the complexity of political decision-making, both by states and non-state actors. My discussion of particular examples has by no means provided an exhaustive explanation and evaluation of factors that should affect decision-making in a given case. I hope to have made it clear, however, that decisions made by actors considering action that constitutes and/or leads to humiliation are far from simple. Sometimes there are political principles – such as respect for human dignity and equality – that fairly clearly take precedence over other considerations. But sometimes there

are several competing considerations, many of which involve outcomes of various likelihoods that are highly dependent on social context. This does not mean that political decision-making ought to be paralysed, but that it should proceed with an awareness of the complexity of the endeavour.

Part of the intended effect of indicating the complexity of the concept of humiliation is to open avenues for further inquiry into this concept. There are multiple aspects of humiliation that I have not covered, or have covered only in passing. It might be interesting, for instance, to investigate the phenomenon of humiliation with regard to particular social contexts such as the workplace, the academic sphere, or the sports arena. The specific form of variation in norms regarding humiliation across different cultural contexts and historical periods would be another topic to pursue in depth. I have not generally covered the workings of humiliation in inter-state contexts, and such an investigation could consider, among other things, the degree to which humiliation takes similar forms to the intra-state context. In addition, much of the thesis has been directed at showing that there are forms of humiliation that cannot be portrayed as violations of human dignity or equality. But the latter kinds of humiliation are still under-researched and politically significant. What are the effects of humiliation in these cases on its victims and on the societies around them? This thesis has addressed some of these issues, for instance in discussion of the attitudes of those inflicting humiliation, but it has not focused directly and at length on situations in which the humiliated are denied human dignity and equality, and these situations warrant further investigation – albeit one that remains aware of alternative views of humiliation.

There are, then, several additional avenues to pursue and much work to be done with regard to the topic of humiliation in political settings. The current thesis should be viewed as an initial inquiry into certain areas covered by this topic, which provides a reminder that the concept of humiliation is more complicated than it is presented in much of the current

literature. If further investigations of humiliation are carried out with the recognition of the multifaceted nature of this concept, then the thesis will have achieved its primary goal.

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