

Humiliation, Crime and Justice

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I teach in an international, graduate peacebuilding program that each year brings practitioners from some 50 countries to our university to study conflict transformation, trauma healing and restorative justice. Shame and humiliation – and their converse, respect and honor – play important roles in each of these fields, but my own area of work is primarily within the justice arena, and especially so-called “criminal” justice. I resonate with one of my graduate students who announced after somewhat unsuccessfully trying to introduce restorative justice to a university setting, “I just like crime.” (Today she does restorative justice programming in prisons for the Pennsylvania Prison Society.)

As James Gilligan has suggested, the attempt to avoid or remove shame and humiliation and to replace them with a sense of honor help explain why many offenders commit their offenses. The dynamics of humiliation and honor, respect and disrespect, also go far to explain why justice is so ineffective and counterproductive, often encouraging more violence. Conversely, the removal or transformation of shame and humiliation is central to offender habilitation. Gilligan has argued, in fact, that “crime and punishment are reciprocal systems for the symbolic exchange of honor and shame.” (*Violence: Reflections of National Epidemic*,

After interviewing and working with many crime victims, I have no doubt that similar dynamics contribute to their trauma as a result of the offense, but also their traumatic experiences with the “justice” process. And the dynamics of shame help explain the cycle by which victims can become offenders. As with offenders, the journey to transcend that trauma involves a journey from humiliation to honor.

For both victims and offenders, then, the journey toward wholeness requires them to replace humiliation with honor, and this often involves processes such as “re-storying” their experiences, finding new metaphors, and experiencing rituals that mark the termination of their shame and their entry into new life.

Since the publication of John Braithwaite's *Crime, Shame and Re-integration*, shame has become a highly controversial and even divisive topic in justice discussions. Braithwaite argued that shame is highly counterproductive when it is stigmatizing, but that it can be positive and “re-integrative” if properly used. For shame to be positive, however, it must be terminated; there must be ways for it to be removed or even better, transformed into honor. But can we impose shame in such a way that it is truly re-integrative? Too often, it seems, the wrong lesson has been learned from this approach; instead of focusing on how to remove or transform shame, the emphasis has been on imposing shame in response to wrongdoing.

My own take on this is that shame is indeed a basic human experience, and that under the right conditions shame – or the fear of it – can indeed be positive. It is, however, a highly volatile phenomenon, hard to predict and control. We should not, therefore, deliberately impose shame. In fact, unless criminal sanctions are redefined in order to save face (prison has become a rite of passage, a mark of honor, for many African American youth), they inherently generate shame. This is true for restorative as well as retributive responses. To paraphrase a popular phrase, “Shame happens.” Our efforts should not be directed at imposing more shame but rather at finding ways to

remove or transform shame, for both offenders and victims.

This has important implications for public policy as well as best practice in the justice arena. Social welfare as well as justice policies should emphasize respect for individuals, minimizing sources of shame and assisting people to find self-respect and honor by legitimate means. Justice policies should avoid shame, provide respectful processes, and offer opportunities for victims and offenders to remove or transform their humiliation into honor and self-respect. The principles that guide practice should alert practitioners to the dynamics of shame, seeking to not only limit and manage it but also to provide ways to move beyond.

I am an advocate for restorative approaches and policies. In my view, restorative justice is fundamentally about respectful processes for all those involved – victims, communities and also offenders.. In that framework, there is no place for the intentional humiliation of anyone.