

## Howard Richards' 2018 Comments on Dear Evelin's 2007 article "How the Human Rights Ideal of Equal Dignity Separates Humiliation from Shame"

black: Evelin Lindner's original text from 2007

blue: Howard Richards' comments in 2018

green: Evelin's reflections on Howard's comments in 2018

The central point of this article is that shame and humiliation are not a-historic emotional processes, but historical-cultural-social-emotional constructs that change over time. From the Abstract.

Howard: Amen, sister, amen !

The parent of humankind (Last Common Ancestor, LCA) was probably born in Africa 100,000 - 40,000 years ago. From page 3.

Howard 2018: It is a judgment call to estimate a date for the transition from pre-hominid to hominid. If the question is when the evolution of human emotions started, then following Paul McLean's account of the triune brain we would have to go back at least to the time of origin of the lineal ancestors of our cousins the lizards. My judgment call would be 200,000 years, going back before the LCA and making the evolution of humans prior to the last 10,000 years 95% instead of 90% of human time on the planet.

Evelin 2018: Yes, dear Howard, absolutely, indeed, I wrote this in 2007, and I speak of 95 percent since quite some years now.

The overall frame of the human condition transmuted from a rather benign win-win to something much more malign, namely a win-lose frame. From page 3.

Howard 2018: Darwin's remarks on the evolution of cooperation stress things that happened during the more malign win-lose period. Cooperating in cold weather to hunt mastodons and also warfare among tribes makes in-group cooperation adaptive. This fits with E's call to make in-group ethics into human rights. (I will not cite references unless somebody asks for them.)

Evelin 2018: Morton Deutsch taught that cooperation is superior to competition, and, as I observe it, this insight has been heeded not least by all those who promote in-group cooperation to make it competitive against out-groups, in other words, cooperation for the sake of competition. To my view, the true benefits of cooperation can only show when there is only one in-group, namely, all of humankind.

namely what political science calls the security dilemma.

Howard 2018: Although I agree with Morton Deutsch et al's concept of security community, I have always thought that political scientists using the security dilemma concept, and still more the work of Bruce Russett et al on democratic peace, have underestimated the economic (and consequently the basic cultural and social structure) issues. Such concepts make it safer to be an academic by talking about war and peace as if independent sovereign states were the main issue, and poverty and injustice were side issues. In an appendix to my book *Understanding the Global Economy* (now a Google E Books), I offer a sketch of economic changes needed to create security communities, elaborating on some ideas of the Finnish scholar Heikki Patomaki. However, this remark of mine is actually not very relevant to E's point,

which is about 10,000 recent years of tribes having to organize themselves to fight over scarce resources.

Evelin 2018: Thank you so much, dear Howard. In my work, I use the label “security dilemma” for the dilemma of “I have to amass weapons, because I am scared. When I amass weapons, you get scared. You amass weapons, I get more scared,” and the resulting motto “If you want peace, prepare for war.” Perhaps I have to make that clearer?

Then, a couple of hundred years ago, another transition began, as deep as the transition from hunting-gathering to agriculture ten thousand years ago. Humankind, at present, finds itself in the middle of this second profound historic transition. A progressively more interdependent world, increasingly using knowledge and not land as a resource for livelihood, is today pushing towards one single global village. From page 4.

Howard 2018: Anthony Giddens has remarked that how scholars view the present day is highly correlated with how they view the rise of modernity in western Europe in the 17<sup>th</sup> and 18<sup>th</sup> centuries. He had in mind Marxist, Durkheimian or Weberian sociology, but the same could be said about the thesis that then there were laid the foundations for contemporary ideas of human rights. Much less sanguine views about the genesis and spread of the European neo-Roman rule of law under the guise of rights can be found as I am sure everybody knows in books like Maria Mies, *Patriarchy and Accumulation on a World Scale*, Mahatma Gandhi, *Hind Swaraj* etc. etc. The French *Declaration des Droits de l'Homme et du Citoyen* like the slightly earlier American Constitution and Bill of Rights and the century older British Glorious Revolution, are profoundly ambiguous. The French declaration purports to be an educational document declaring the existence of rights that exist by nature and need to be taught rather than constituted, and when it lists the rights they turn out to be property, liberty and security; and then, inconsistently, it says the nation is the source of law, as if the people could by voting establish whatever rights they wanted – a claim hotly denied to this day by most jurists.

One can read this early history as establishing the germ of human rights, which was at first barely visible amid all the slavery, imperialism, capitalism, exclusion, patriarchy, colonialism, extinction of whole cultures and civilizations, warfare etc. but nonetheless present as a seed, which then gradually evolved to become the full panoply of seeds of human rights recognized today. But maybe we exaggerate the role of the 18th century because the key seed was earlier with Martin Luther's concept of the priesthood of all believers, or even earlier with conversion to Christianity leading to the freeing of slaves in the Roman Empire, or even earlier.... (See the extensive history of human rights in Costas Douzinas *The End of Human Rights*.)

My view is that the birth of human rights properly so called is better dated from 1948, while recognizing important gains earlier at some times and places. I am not confident that this view of mine is the best view. My motivation for it is twofold: First, in a market society whoever fails to find enough buyers to sell enough to make a living is structurally humiliated unless there are human rights that promote life as life: the right to health care, the right to a pension, the right to employment at a decent wage and decent working conditions and so on. Second, one way or another, the first generation rights to property (and in the case of the USA to bear arms) and the related principle of limited government, have to be taken off their pedestals and not regarded as the indispensable and inalterable foundation on which all the others rest.

This is especially apparent in what is often considered the world's best constitution: the one Nelson Mandela and his colleagues wrote for South Africa. There are wonderful promises called "rights," but the promises cannot be kept because of constitutional guarantees of other "rights" which the SA courts – like courts elsewhere – enforce as fundamental, while the social rights are only aspirations to be achieved when and if possible. *Unbounded Organization* is a method for making the impossible possible. For example, the SA Constitutional Court declined to order a dwelling for a homeless person who brought a test case through volunteer lawyers to enforce her right to housing. The ground of the ruling was that it was impossible to provide housing for the homeless because the government had no funds to pay for it and was already deeply in debt. *Unbounded Organization* moves the boundary between the impossible and the possible.

It is true that there is a great shift of consciousness today. People in general are more aware of their rights. They are, unfortunately, generally unaware that making human rights real will require changes in common sense.

Evelin 2018: I simply love everything you write, dear Howard, and resonate with every word. For me, the year 1757 is the most relevant marker that I use, because it marks the change of the meaning of *to humiliate*. "The earliest recorded use of *to humiliate* meaning to mortify or to lower or to depress the dignity or self-respect of someone does not occur until 1757," this was a sentence that startled me when I first read it in 1997 in William Ian Miller's book on humiliation and honour. Miller is a legal scholar who shows how ancient codes of honour still function in contemporary American life. In his book, he mainly writes about the Sagas of Icelanders, but also includes the Middle English poem *Sir Gawain and the Green Knight*, and touches upon the works of Shakespeare and Dostoyevsky.

The present transition from the traditional paradigm of ranked honor to a novel paradigm of equal dignity is no exception. It plays out in an incoherent and messy one-step-forward-and-two-steps-back fashion. Page 4

**Howard: RIGHT ON !!**

The significant trend, for this article, is that a globally connected knowledge society opens space for affect, feelings, emotions, and scripts to be liberated from being instrumentalized in the service of the security dilemma. Page 4.

Howard 2018: We do have a globally connected knowledge society that opens space in the sense that more people have more education. Lifelong learning and learning for its own sake, along with other intrinsic goods, are gaining ground and hopefully will prevail.

We do not have a knowledge society in the sense that everyone is finding employment because they are educated. We will not as a species become one hundred per cent well paid knowledge workers. The trend is for the exponential growth of advanced technology to make human labour redundant as a factor of production. In a better future there will be livelihoods with dignity for everyone that do not depend on sales in markets. Let me quote from my recent paper on how to save South Africa:

"In an old church in the part of Joburg called Alex (Alexandria), you can see young CWP participants practicing their song and dance routines. They must audition to qualify. They must work hard work to succeed. They get recognition doing performances in local schools. The message for the schoolchildren is: Here on the stage are healthy happy young people who do not do drugs! In the future – which is

already arriving with the mechanization of the mines and the loss of most of the jobs in the jewellery industry to 3D printers – advanced technology will make most labour redundant and most conventional economics irrelevant, but humans will still need meaningful lives and self-discipline.<sup>1</sup> That is why what is happening at the old church in Alex is cutting edge.”

Evelin 2018: Yes, yes, dear Howard, you are so right! I wrote this in 2007, and today, I would not write about “knowledge society” in the same unqualified way anymore! This was the term used by William Ury (*Getting to Peace: Transforming Conflict at Home, at Work, and in the World*. New York: Viking, 1999).

I have learned a lot since 2007, not least from YOU! Yes, yes: “In a better future there will be livelihoods with dignity for everyone that do not depend on sales in markets”!

And – and this is the main point of this article – it separates humiliation from shame in crucial ways. Still on page 4.

Howard 2018: I believe that the pronoun “it” refers to knowledge liberating humans from scarcity, and thus from the security dilemma. This could only happen if the in-group ethic applies to what Martin Luther King Jr. called the human family in the world house (*Where do we go from here: Community or Chaos?*). The surplus generated by advanced technology would have to be recycled through ethics of redistribution and reciprocity, while creating dignity through, for example, the song and dance routines at Alex (see Karl Polanyi). Dignity through healthy activities that fill in for the absence of identity through employment, would be the flip side of shame that inhibits nastiness in the absence of hierarchy.

Evelin 2018: Thank you so much, you formulate everything so much better than I ever could, dear Howard! I would love hearing more about the last part: “Dignity through healthy activities that fill in for the absence of identity through employment, would be the flip side of shame that inhibits nastiness in the absence of hierarchy.”

Conflict resolution, reconciliation, harmony, peace, love, or humility, shame, and humiliation can be understood in the frame of the docile subservience of underlings, or of successful calibration of mutuality between equals. P 5

Howard 2018: Which of the two it will be depends to a large extent on whether there is food for the baby and money to pay the bills before the lights and water are turned off. These questions have to do with how one interprets descents into fascism such as Hitler’s rise to power, the military coup in Chile and now Trump in the USA. Concerning the first, my case for economic solidarity and consequently for rewriting first generation human rights, can be supported by considering the economic collapse under Weimar as *a* or *the* key cause. For example, my mother’s third husband was a Nazi who until the day he died praised Hitler and lamented Germany’s defeat in World War II. He spoke often of people committing suicide because of desperate poverty and unemployment in Germany, and of how Hitler brought back prosperity and joy. He kept a collection of old Nazi books in the garage. I remember one of them which featured a picture of a land flowing with milk and honey somewhat like the pictures of a happy world found on Jehovah’s Witness tracts, and under the picture the slogan: *die Herrschaft wieder hergestellt*. Similarly, before the coup in Chile there were empty shelves in the markets and long lines to buy bread and diapers, and then in the days after the coup the local radio stations now under military

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<sup>1</sup> Jeremy Rifkin, *The Zero Marginal Cost Society*. New York: Saint Martin’s Press, 2016.

control in Valparaiso regularly began their broadcasts saying the day of the month and then the motto *1973, año de la restauracion de la jerarquia.*

Evelin 2018: I so deeply resonate with every single word you write, dear Howard! As you know, I grew up in Germany, and I have witnessed many incidents that speak to your points! *Die Herrschaft wieder hergestellt!*

The issue of shame is part of this trend. Today, scholars such as Thomas J. Scheff rediscover what has evolved in the comparably benign context of the first ninety percent of human history, namely shame as part of “a whole universe of cognates for shame, such as those that are used to name reactions to rejection or feelings of failure or inadequacy. What unites all these cognates is that they involve the feeling of a threat to the social bond” (Scheff, personal email message December 7, 2006) page 7

Howard 2018: Could we define mental health as living in a way that suits human nature as it evolved during the first 90 or 95% percent of the time humans have been present on earth? The Chilean child psychologist Jorge Barudy says that the optimal environment for raising mentally healthy children is a community similar to a tribe.

Evelin 2018: Yes, this is indeed my position: “mental health” defined “as living in a way that suits human nature as it evolved during the first 95 percent of the time humans have been present on earth”!

Indeed, with the emergence of the reality and imagery of one single ingroup, of one family of humankind, ingroup/outgroup delineations become increasingly blurred and even irrelevant. In the face of the single emerging ingroup of an interdependent and intertwined global village, the reality and imagery of outgroups vanishes. Page 15

Howard 2018: It makes a difference whether the global village is imagined as an extended family or as an extended market. The family can be thought of as living in the market, with breadwinners going outside to bring home the bacon as hunters used to go out in the jungle to hunt. Or markets can be thought of as institutions set up to serve the extended family, subject to being complemented and regulated to better serve their fraternal-maternal purposes.

Evelin 2018: This is so well said, dear Howard! I often use Alan Page Fiske’s work, who speaks of *communal sharing* as one model of four possible models of social interaction. Communal sharing would be the suitable script for a larger dignity frame, within which cooperation can thrive without destroying humankind’s common goods and prospects for a sustainable future. Fiske calls the frame we actually live in at present *market pricing*. This frame is one of systemic humiliation, it is a market society, where “whoever fails to find enough buyers to sell enough to make a living is structurally humiliated,” as you so poignantly wrote above.

The “Kantian culture” of collective security page 15

Howard 2018: Kant very clearly sided with Karl Popper and Friedrich von Hayek in seeing the morality of an extended order, of the world market, as based on transactions between free property owning individuals, and not on family or tribal ties. The tendency of humans to revert to tribal instincts Popper saw as a threat (typified by Hitler) and he called that threat the strain of civilization, the strain of living in a way unnatural for humans but necessary to the functioning of modern institutions. Von Hayek attributes altruism and mutual affection to archaic societies, only to say that they have no place in the

extended order of a free society. For Kant the cosmopolitan (*weltbürgerliche*) standpoint is the standpoint of commercial exchange.

Kant like Plato has been interpreted and used in many ways by many different people, so the phrase “Kantian culture” has different meanings depending on who is speaking.

Evelin 2018: Thank you so much! I would love having your help in making a clearer formulation on this in the future!

Human rights could be conceptualized, at least partly, as “inside ethics,” or how groups typically organize their internal dealings, only that human rights no longer address one in-group among surrounding out-groups, but the one single ingroup that is left, all of humanity inhabiting one single global village page 15

Howard 2018: Inside ethics, as I understand the phrase, refers to the ethics what Durkheim called archaic societies, clans or tribes that had values we would call communitarian today, and which are ethics typical of post 1948 human rights documents that turn needs into rights. (Eva Peron is famous for saying “where there is a need there is a right.”) The first generation human rights established the constitutive rules of markets (what Marx famously called freedom, equality, property and Bentham) and the rule of law, limiting the powers of government and protecting people against the arbitrary abuses of power by royalty and nobility that had gone on in the centuries preceding the 18<sup>th</sup>. Ultra-liberal thinkers like Robert Nozick write polemics against any notion that needs justify rights, and against the concept of social justice. The Rawlsian idea of fairness and similar European ideas land in the middle; they derive a sort of fraternity from the premises of the liberal tradition.

Evelin 2018: Dear Howard, I use the term “inside ethics” to connote what Fiske would call *communal sharing*, and, more precisely, what I have experienced, for instance, in families in collective societies such as Egypt (where I worked as a clinical psychologist 1984 - 1991), where everybody contributes with what they can, and everybody gets what they need. In that context, needs would not justify rights, just as the need of free-riders to exploit the commons would not give them a right to do so. Or, I imagine a life raft where all need to survive together because all have knowledge that is required for survival, and the life raft would eventually sink if some felt the “need” to be idle and let others work for them or throw half of them overboard (indigenous peoples, for instance, have knowledge that might save humankind, and exterminating them is suicidal for all of humankind).

The lack of egalization is thus the element that is heating up feelings among so called “globalization-critics.” Their disquiet stems from lack of egalization and not from an overdose of globalization. What they call for is that globalization ought to marry egalization page 18

Howard 2018: Among the impediments to egalization associated with globalization are the race to the bottom where nations compete with each other to lower taxes and wages and repeal environmental regulations in order to attract investment, tax havens, transfer pricing, fictitious flags for ships and fictitious locations for corporations and other legal entities, secret trusts and bank accounts at unknown locations, the locational revolution that allows businesses to choose what laws they will obey by deciding where to locate, the World Trade Organization which imposes neoliberal economic and legal principles everywhere, and the tendency of large global business to control the profitable niches at the expense of small local business.

Evelin 2018: So right, so right! At the moment, the globalization that we have is suicidal for humankind.

People who have internalized the human rights ideal of equality in dignity (who are embedded into what I call the normative universe of unranked worthiness, or equal dignity) use a profoundly different conceptualization. Page 42

Howard 2018: Here in Chile people who want decent wages demand a *sueldo digno*; decent pensions are *jubilacion digna*.

Evelin 2018: Wow!

European Union (EU), the Asia-Pacific Economic Cooperation (ASEAN), the Asia-Pacific Economic Cooperation (APEC), the Latin American common market MERCOSUR, or the North American Free Trade Agreement (NAFTA), these are all examples of processes in which certain elements of sovereignty are placed at a higher level than the local one and are slowly and carefully transferred to commonly accepted super-ordinate structures. Page 46

Howard 2018: On the flip side, they can also be read as bad news for egalization; making markets bigger than governments and beyond democratic control; making it harder for politics to change the undignified outcomes produced by markets.

Evelin 2018: Absolutely! I wrote this in 2007, and would no longer formulate it in this way! I would add your caveat! YES!