

2001

Moral Courage and Civility

William I. Miller

University of Michigan Law School, wimiller@umich.edu

Available at: <https://repository.law.umich.edu/articles/738>

Follow this and additional works at: <https://repository.law.umich.edu/articles>



Part of the [Law and Psychology Commons](#)

Recommended Citation

Miller, William I. "Moral Courage and Civility." *Law Quad. Notes* 44, no. 3 (2001): 8-9. (Excerpted from his book *The Mystery of Courage*. Cambridge: Harvard Univ. Press, 2000.)

This Article is brought to you for free and open access by the Faculty Scholarship at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Articles by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

Continued, CATHARINE A. MacKINNON

Make prostitution wither away? Elect a woman president? What must change for sex equality to be achieved? In your answer, are some parts of the problem more central or harder to change than others? If so, why? Should some of these areas be left alone? Do you see a way to accomplish the changes you envision? Is there a role for law in your strategy?

Sex equality is often guaranteed by law, including where sex inequality is pervasive in society. More imagined than real in life, sex equality in law tends to be more formal or hypothetical than substantive and delivered. In legal applications, the meaningfulness of sex equality guarantees varies dramatically, its observance ranging from obvious to anathema. Around the world, and through history, in settings from the institutional to the intimate, sex equality remains more promise than fact.

In the words of philosopher Richard Rorty, to be a woman "is not yet the name of a way of being human." . . . His formulation at once recognizes that women's lives would not be "human" by the standards set by men, and that women's reality has not been reflected in the standard for what "human" is. It invites redefinition of the human standard in the image of women's realities and unrealized possibilities, as well as proposes change in women's situation to meet the existing standard of a "human" life. Can one challenge the validity of a standard and assert a right to the benefits of application at the same time? Are women "human"?

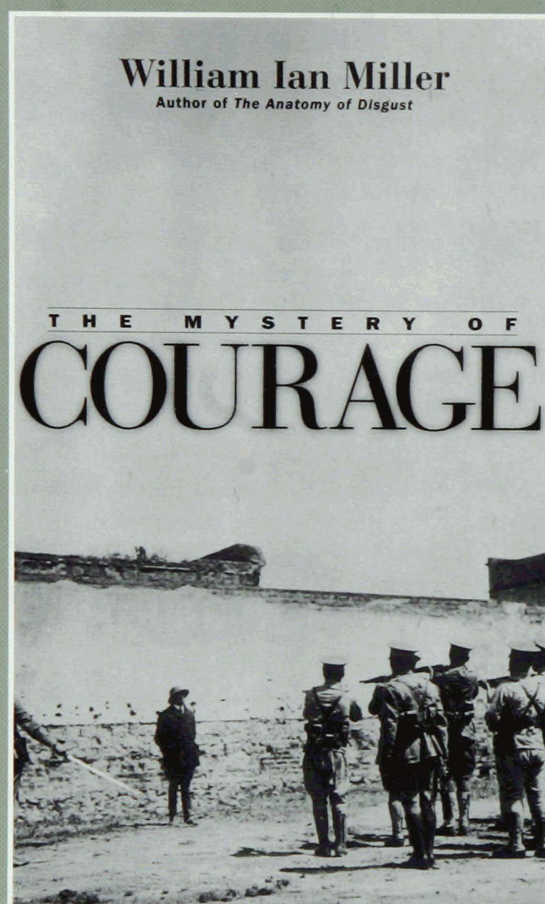
B O O K S

B O O K S

B O O K S

BY WILLIAM I. MILLER

THOMAS G. LONG PROFESSOR OF LAW



C

ourage.

Most of us would prefer being known to have it than any other virtue; for if you have it you secure for yourself and loved ones the peace and space to develop the other virtues.

I was moved to write this book for a whole mess of motives, only some of which I will avow:

- Because I wanted to understand why I always felt I came up short when it came to courage;
- Because I felt I owed an apology to the guys I looked down on who went and fought a war back in the '60s which I still feel was never explained or justified adequately to the public.

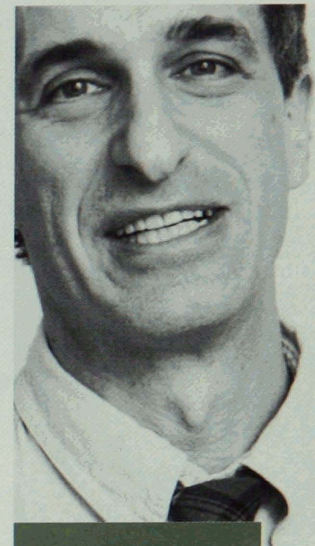
So here follow some words from the book which, given our lost sense of security and innocence in light of Pearl Harbor II of Sept. 11, 2001, turns out to have a more pressing relevance than it had when I wrote it a couple of years ago.

FROM

the chapter "Moral Courage and Civility." Reprinted by permission of the publisher from *The Mystery of Courage* by William Ian Miller, Cambridge, Massachusetts: Harvard University Press ©2000 by the President and Fellows of Harvard College.

WHY DID IT TAKE UNTIL THE NINETEENTH CENTURY for English speakers to name a distinction between physical and moral courage? The answer though complex in the particulars is fairly easy to summarize in a rough way. There is little need to carve out a notion of moral courage in an age in which it was so clearly understood that courage of whatever sort meant that your body was ultimately at risk. The solitary woman who opposed those denouncing a witch stood a good chance of being burned as one herself. It is only when people can rely on not being killed or beaten for voicing unpopular opinions that physical fears can be separated from fears of rejection, ridicule, and disgrace. No need to call Socrates physically courageous during the retreat at Delium and morally courageous while in prison resisting temptations to connive with what he considered to be ignoble and unjust opportunities to escape. Plain courage would do in both cases, for in both instances he exposed himself to physical extinction. But by the nineteenth century in western Europe the upper and middle classes had become secure enough in their persons that people could undertake to support unpopular causes, to stand up against injustice and not die or be imprisoned. The price they paid was loss of social standing, being despised by "decent" people. This often entailed serious economic costs — loss of job, relocation — and the psychological costs of knowing oneself so despised; but they were spared the scourge, which at times may have seemed preferable.

Moral courage owes its distinguishability from the larger domain of courage to several converging influences. The civilizing process, commercial culture, and more effective government and law all combined to pacify the public order. Civility and public order are good things. But some worried that courage would get rarer when noncontention, tolerance, and polite accommodation replaced a most punctiliously sensitive and aggressive honor. In the older cultures of honor, courage was always testing itself. The ethic of revenge meant one had to posture fearlessly even if actual lethal encounters were often nipped in the bud by friends or by other intervenors who negotiated peace. To be too ready to accommodate and forgive was cowardly; people were not so willing to praise your sweetness of spirit if they suspected it was a mask for pusillanimity. In the commercial world, however, people had better things to do than avenging past slights. Men's interest became strongly biased toward future opportunity rather than toward past offense, and not just the short-term future either, but a future long enough for thirty-year bonds to mature. Peaceful public order did not prevent men from importing the diction of battle into finance or from trying to convince themselves that it took courage to make money, but some gestures were obviously and embarrassingly compensatory efforts, fantasies of manliness to make up for the unmaning that people feared luxury and peace had effected.



WILLIAM I. MILLER

holds a Ph.D. (in English) and a J.D. from Yale University. Professor Miller has written extensively on the bloodfeud, especially as it is manifested in saga Iceland. In the last few years he has turned his attention to the emotions of social and moral stratification and most recently to at least one virtue — courage, which provides the theme of his latest book: *The Mystery of Courage* (2000). Other books include *The Anatomy of Disgust* (1997) (chosen best book in anthropology/sociology by the Association of American Publishers); *Humiliation* (1993, paperback 1995); and *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland* (1990). Professor Miller is the Thomas G. Long Professor of Law.