



Hiding from Humanity: Disgust, Shame, and the Law

By Martha C. Nussbaum

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Should laws about sex and pornography be based on social conventions about what is disgusting? Should felons be required to display bumper stickers or wear T-shirts that announce their crimes? This powerful and elegantly written book, by one of America's most influential philosophers, presents a critique of the role that shame and disgust play in our individual and social lives and, in particular, in the law.

Martha Nussbaum argues that we should be wary of these emotions because they are associated in troubling ways with a desire to hide from our humanity, embodying an unrealistic and sometimes pathological wish to be invulnerable. Nussbaum argues that the thought-content of disgust embodies "magical ideas of contamination, and impossible aspirations to purity that are just not in line with human life as we know it." She argues that disgust should never be the basis for criminalizing an act, or play either the aggravating or the mitigating role in criminal law it currently does. She writes that we should be similarly suspicious of what she calls "primitive shame," a shame "at the very fact of human imperfection," and she is harshly critical of the role that such shame plays in certain punishments.

Drawing on an extraordinarily rich variety of philosophical, psychological, and historical references--from Aristotle and Freud to Nazi ideas about purity--and on legal examples as diverse as the trials of Oscar Wilde and the Martha Stewart insider trading case, this is a major work of legal and moral philosophy.

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Hiding from Humanity: Disgust, Shame, and the Law By Martha C. Nussbaum **Bibliography**

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Editorial Review

From Publishers Weekly

Often, contentious social issues like gay marriage, pornography and stem cell research are framed in terms of religion, morality and the public good. This erudite and engaging treatise contends that these debates are frequently really about the primal emotions of disgust and shame. Philosophy professor Nussbaum, author of *Upheavals of Thought: The Intelligence of Emotions*, challenges a number of fashionable intellectual currents, including Leon Kass's notion of a bioethics based on "the wisdom of repugnance" and communitarian Amitai Etzioni's championing of public humiliation of drunk drivers and other criminals. In response to advocates of populist reflexes of disgust and shame as a cure for social degeneracy, she mounts a critical defense of the classical liberal philosophy of John Stuart Mill, one refounded on a psychoanalytic theory of the emotions. She argues that while disgust and shame are inescapable psychological reactions against human animality, weakness and decay, injecting them into law and politics ends up projecting these troubling aspects of ourselves onto stigmatized groups like homosexuals, women, Jews and the disabled, and is therefore incompatible with a liberal and humane society. Writing in an academically sophisticated but accessible style, Nussbaum is equally at home discussing Aristotle and Freud, Whitman's poetry and Supreme Court case law. The result is an exceptionally smart, stimulating and intellectually rigorous analysis that adds an illuminating psychological dimension to our understanding of law and public policy.

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From Booklist

A citizen filled with grief or anger may advance the cause of liberal equity, but a citizen filled with disgust never will. So argues an acclaimed legal theorist in this sophisticated exploration of how emotions enlarge or contract the nation's commitment to equal dignity for all. Nussbaum insists that no strictly intellectual approach to law will ever illuminate the true reasons humans join in self-governing unions. Because they reflect humans' true vulnerability, the emotions of fear, compassion, and indignation provide guides to sound legal philosophy, but disgust, Nussbaum argues, should never form an emotional basis for law because it springs--in her view--from fantasies of superhuman purity and omnipotence. Too scholarly for most casual readers, Nussbaum's analysis nonetheless treats topics (such as same-sex marriage and nudity) sure to interest nonspecialists--many of whom will find her theories about disgust and shame too psychoanalytic to justify her support for judges who have frustrated electorates motivated by such passions. Populists and communitarians will lock horns with legal theorists in the debates this book will provoke. *Bryce Christensen*

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Review

Winner of the 2004 Award for Best Professional/Scholarly Book in Law, Association of American Publishers

"[A] lucid and carefully argued new book."--**Brigitte Frase, *Ruminator Review***

"A remarkably wide ranging and nuanced treatise on the interplay between emotions and law. . . . A short book review cannot do justice to Nussbaum's exceptionally thorough evaluation of shame, disgust and the law."--**Stefanie A. Lindquist, *Law and Politics Book Review***

"Disgust and shame are problematic emotions that often appear to want to repudiate our basic, body-based humanity, Martha Nussbaum claims in this ambitious and timely book. . . . Nussbaum is by no means in

favor of purging the law of all reference to emotion: she in fact makes an eloquent case for why this cannot and should not be done. . . . But there are some emotions--Nussbaum mentions jealousy as well as shame and disgust--that appear to offer an unreliable guide to human behavior, to risk calling up mere prejudice and social stigma instead of valid distinctions."--**Peter Brooks, *Green Bag***

"Nussbaum is America's most prominent philosopher of public life, and a new book by her is always a force to be reckoned with. The argument of *Hiding from Humanity*, characteristically lucid, is carried on at two levels. First, she wants to put disgust on trial. . . . At a deeper level, however, Nussbaum's argument is not simply about the law, but about a whole conception of human society and what it means to be human."--**John Wilson, *The Boston Globe***

"What part should disgust play in determining which acts society punishes, and how severely? And to what extent, if at all, should disgust's cousin, shame, be harnessed to play a role in punishment? As a liberal, Nussbaum comes to a liberal answer. But this does no credit to the painstakingly fair way in which she sets out and explores the arguments in both directions, and any reader who approaches her book with views firmly set is likely to leave it with solid certainties somewhat shake. . . . She traverses some difficult territory, from necrophilia and bestiality to Martha Stewart, to reach as close to a civilized conclusion as the subject may admit."--**David Honigmann, *Financial Times***

"This study, written in an engaging style that reflects Nussbaum's concern to make philosophy accessible, contains a keen and erudite examination of the emotions of disgust and shame. . . . Getting to the root of what causes us disgust, shame and righteous anger forces us to clarify what we value. This is the task to which Nussbaum's study should inspire us."--**Christian Century**

"Writing in an academically sophisticated but accessible style, Nussbaum is equally at home discussing Aristotle and Freud, Whitman's poetry and Supreme Court case law. The result is an exceptionally smart, stimulating and intellectually rigorous analysis that adds an illuminating psychological dimension to our understanding of law and public policy."--**Publishers Weekly**

"[A] sophisticated exploration of how emotions enlarge or contract the nation's commitment to equal dignity for all. . . . Populists and communitarians will lock horns with legal theorists in the debates this book will provoke."--**Booklist**

"Nussbaum's work is rich and readable. To construct her argument she uses thick case studies and extensive research from a wide variety of literary, experimental, and sociological sources. She gives a fair hearing and fair treatment not only to her own liberal position and its accompanying conclusions but to those whose conclusions mark out strong disagreement with her."--**Dolores L. Christie, *Magill's Literary Annual 2005***

"*Hiding from Humanity* is a noteworthy addition to recent scholarship on emotions and a valuable counterweight to the growing--and at times unexamined--endorsement of disgust and shame."--**Justin Reinheimer, *Law, Culture, and the Humanities***

Users Review

From reader reviews:

Lenore Ryan:

Book will be written, printed, or illustrated for everything. You can learn everything you want by a guide. Book has a different type. To be sure that book is important factor to bring us around the world. Next to that

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Michael Kelly:

The particular book Hiding from Humanity: Disgust, Shame, and the Law has a lot of knowledge on it. So when you make sure to read this book you can get a lot of advantage. The book was authored by the very famous author. This articles author makes some research just before write this book. This particular book very easy to read you can find the point easily after looking over this book.

William Stewart:

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