



# Hiding from Humanity: Disgust, Shame, and the Law

*Martha C. Nussbaum*

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

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Drawing on an extraordinarily rich variety of philosophical, psychological, and historical references--from Aristotle and Freud to Nazi ideas about purity--and on legal examples as diverse as the trials of Oscar Wilde and the Martha Stewart insider trading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

## **Hiding from Humanity: Disgust, Shame, and the Law Details**

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# From Reader Review Hiding from Humanity: Disgust, Shame, and the Law for online ebook

## Q says

Nussbaum's accounts of disgust (ch. 2) and shame (ch. 4) are the most interesting parts of this book and worth reviewing. However, I didn't get much out of her socio-legal arguments. Nussbaum is forthcoming about the fact that this book is written by a liberal for a liberal audience (p. 16), and I kept this in mind, but I was still disappointed by how little she seemed to say, even if I buy the premise that emotions like disgust and shame are important to the substantive rights or the dignity of the citizen. And I'm not sure I do, because I don't really follow how she moves from the terrain of psychology to what happens at the level of laws and institutions.

Nussbaum's prose is crisp and lucid and generally bears the hallmarks of good philosophy writing. However, when she is writing about social issues, the same style comes off poorly. It sounds mechanical and detached (even when it seems she is attempting to convey sympathy) and like a law student's idea of "applied ethics" in a fixed form: a) she states some social ill and then b) states that it offends the principles of a just society that one's dignity should be demeaned. Maybe this was sufficient given the established scope of her argument (against Kahan), but I feel like I didn't learn as much about the way disgust and shame function in the law as I'd hoped to.

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## Josephine Ensign says

This is a fascinating book that covers a lot of territory in an intelligent and engaging way. I especially liked Nussbaum's exploration of shame and stigma related to poverty, specifically to the different ways in which we (Americans) have historically viewed (and dealt with) people who are living in poverty. For instance, she sees Ehrenreich's book *Nickel and Dimed* as a good example of constructive shame and of an effective call to policy changes--of "the connection between human dignity and some degree of public support for basic needs."

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## Amy says

I could have picked a better book for a leisure read.

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## Jack Zhu says

Accessible

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## Joan Lieberman says

Strong arguments for moving still further away from American Puritanism. Provides a better understanding of why Martha Stewart was drawn into illegal insider trading.

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### **laura says**

the only time i ever think martha nussbaum is anything special is every moment that i'm actually reading something she's written. gorgeous.

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### **DoctorM says**

An excellent discussion of the ways in which shame and disgust are used as instruments of social control. Nussbaum argues that laws based on individual or social disgust, without evidence of some concrete harm, undermine both equality and democracy. She further argues that social controls based on shame or disgust (usually relative to the body) create categories of people who are seen (and who come to see themselves) as flawed and defective over and above any acts they may have committed. Moreover, Nussbaum argues, social controls based on public shaming--- on the kinds of non-state social pressures any conservative moralists and social thinkers admire ---become tools of majoritarian tyranny and often impose grossly excessive sanctions. Very much worth reading by anyone interested in how social pressure is used to create hierarchies of virtuous and 'shameful' citizens and how controls on 'deviant' behaviour are imposed.

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### **Ignacio Fernandez says**

I found an excellent reading for those who dig in social sciences. It's an acute sense of deep social control entangled with social construction.

How societies build up their own aesthetic scales based on our own politics of the body.

The author brings a narrative that any academic reader enjoys.

Iggy

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### **Kevin Clune says**

I hate this book so much it's hard to articulate into words. Unfortunately, that's just what I had to do for a class in law school.

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### **Kony says**

This is a humanely critical look at disgust and shame -- their psychological roots, and their dark influence on civic/political life. Nussbaum suggests these emotions stem from obsessive fantasies of unattainable perfection/purity. Clinging to these false ideals, we create social hierarchies and stigmatize people on the bottom, projecting onto them our discomfort/denial regarding our own shortfalls. These groups serve, in our

minds, as buffers against the vulnerable, animal nature we wish to deny. To bolster this argument, Nussbaum draws on psychoanalytic theory, classical philosophy, legal scholarship, and political theory, weaving these together in a perceptive, enlightening manner. She works from liberal premises, but is up-front about her bias; an open-minded conservative could find it a worthwhile read as well.

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**Scott Neigh says**

Reviewed [here](#).

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