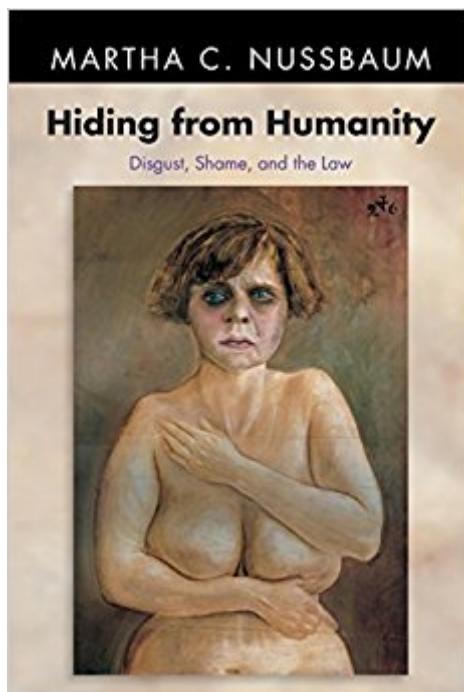


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Hiding From Humanity: Disgust, Shame, And The Law (Princeton Paperbacks)



Synopsis

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 Drawing on an extraordinarily rich variety of philosophical, psychological, and historical references--from Aristotle and Freud to Nazi ideas about purity--and on legal examples as diverse as the trials of Oscar Wilde and the Martha Stewart insider trading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

The thesis presented in this book is relatively simple. Human beings are deeply troubled about

being human--being highly intelligent and resourceful, on the one hand, but weak and vulnerable, helpless against death, on the other. We are ashamed of this awkward condition and, in many ways, we try to hide from it. In the process, we develop sentiments such as shame at human frailty and disgust at the signs of our animality and mortality. In addition, we use these two emotions to project our fears on marginalized groups or people who come to embody the dominant group's fear and loathing of its own human frailty. Disgust and shame are therefore two potent human emotions, but they are also problematic and should not be used as a reference in law formulation or legal punishment. On the contrary, law should protect citizens from insults to their dignity such as shaming and scapegoating. Martha Nussbaum describes her book as "an essay about the psychological foundations of liberalism" and she makes great use of experimental data, including materials from child psychology and psychoanalysis, in her analysis of shame and disgust. On the other hand, apart from a few references to Erving Goffman's psycho-sociology of stigma, she doesn't mobilize insights from anthropology and the social sciences, and doesn't attempt to compare the variations encountered by human emotions across cultures. She dismisses Mary Douglass' analysis of purity and pollution as irrelevant to her subject, and makes no reference to Rene Girard's theory of violence and the sacred. Likewise, the conclusions she draws from her analysis of emotions and the law are mostly confined to the American context, and she makes no reference to other legal traditions.

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