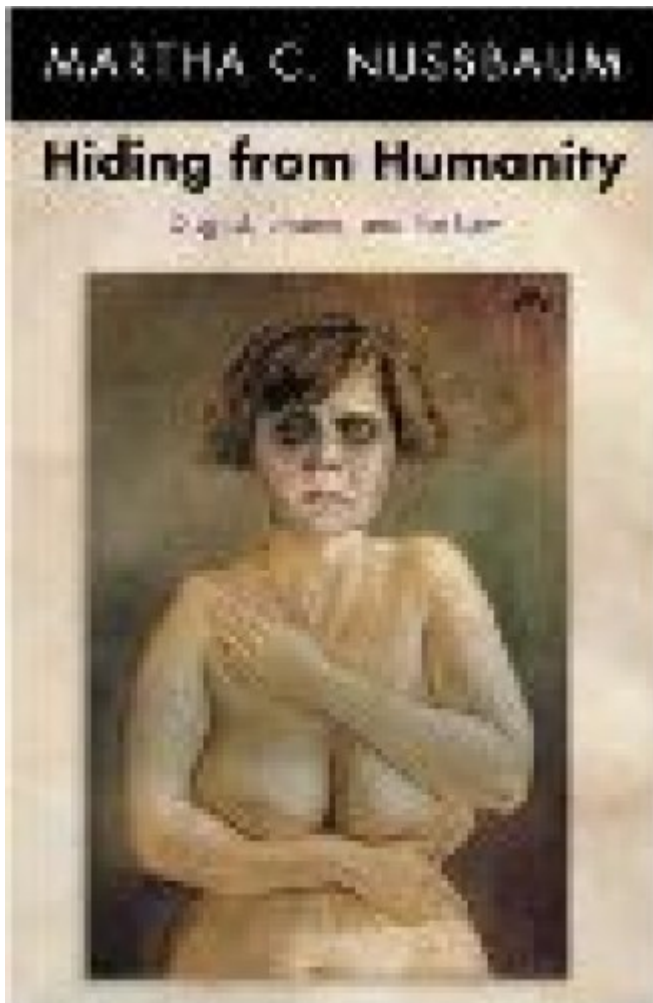


Hiding from Humanity: Disgust, Shame, and the Law

reviewed by [M. Christian Green](#) in the [May 18, 2004](#) issue

In Review



Hiding from Humanity: Disgust, Shame, and the Law

Martha C. Nussbaum
Princeton University Press

Janet Jackson's recent display of her bare breast at Super Bowl halftime, the trials of Michael Jackson and Martha Stewart, and the public debates over gay marriage and the sexual abuse of children by Catholic clergy—such events make a study of disgust and shame timely. Martha Nussbaum's book is an apt follow-up to her previous work on emotion and the moral life. *Upheavals of Thought: The Intelligence of Emotions* secured Nussbaum's place in a group of thinkers determined to rescue philosophy from an exclusive focus on rationality by pointing out the moral significance of emotions. Nussbaum's professed project in *Hiding from Humanity* is to make clear the "psychological foundations of liberalism," particularly the liberalism of John Stuart Mill, with particular attention to the "institutional and developmental conditions for the sustenance of a liberal respect for human equality."

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. Both, Nussbaum argues, are "ways in which we negotiate deep tensions involved in the very fact of being human," particularly in connection with our vulnerability and insecurity, but also with our sociability. Nevertheless, she concludes that their "cognitive content is problematic, and their social operations pose dangers to a just society."

While anger and fear appear to play an explicit role in law, Nussbaum argues that these emotions are distinguishable from (though related to) disgust and shame. She particularly distinguishes disgust from anger. Disgust may be a valid and necessary response to objects and practices that threaten "contamination to the self" or that serve as "reminders of mortality and animality, seen as pollutants to the human," but these determinations are highly subjective and easily distorted. Anger, by contrast, is directed toward real rather than perceived harms and "rests on reasoning that can be publicly articulated and publicly shaped."

Nussbaum surveys a number of "pro-disgust" arguments. These are motivated by concern about the dangers of social disintegration, debauchery and contamination from such putatively disgusting practices as homosexual sex, prostitution, incest and a variety of other acts involving bodies, fluids and sexuality. Notions of boundaries, borders and the ways in which we seek to separate ourselves from what we construe as alien or other pervade this discussion.

But the law should not merely give voice to our fear of danger or anomaly or, more perniciously, inspire spurious distinctions between people. The law and our zeal to enforce it should be guided not by disgust at supposed contaminants, Nussbaum says, but by righteous anger at actual harms inflicted on those who, even in a liberal democracy, may be perceived as objects of disgust—homosexuals, the disabled, the dependent. One's right to be disgusted at certain practices must stop short of responses that would inflict actual harm on the objects of one's disgust.

In our individualistic and confessional culture, shame is alternately stigmatized as toxic or solicited as the first step toward healing. Nussbaum offers a psychological account in which shame is our most primal emotion, one that emerges from the narcissism of our infantile sense of helplessness and dependency. She challenges this "primitive shame" that leads us to stigmatize individuals and groups, but not before reclaiming shame, rather than disgust, as a distinctly moral emotion connected to self-regard and our human striving for completeness and perfection.

Disgust often operates as a deceptive emotion, serving "to conceal from us, on a daily basis, facts about ourselves." Shame, by contrast, "tells the truth" that "certain goods are valuable and we have failed to live up to them." It can serve as a "morally valuable emotion, playing a constructive role in development and social change" for both individuals and societies.

Here Nussbaum agrees with James W. Fowler's more religiously informed account of shame in *Faithful Change: The Personal and Public Challenges of Postmodern Life*. Fowler defends "healthy shame" as "essential for protecting our relations with people and groups whom we love and upon whom we are dependent" and as a "guardian of our desire to be a worthy person."

Both Nussbaum's and Fowler's positive accounts of certain forms of shame may seem jarring in a culture in which shamelessness—whether on the part of terrorist bombers, serial snipers or Enron and Tyco executives—seems to rule the day. But careful attention to the absence and abuse of shame is certainly a timely and worthwhile exercise in an era of commodified sexuality, globalized culture and increasing disparities in health, wealth and the quality of life. Nussbaum singles out Barbara Ehrenreich's studies of the travails of the working poor as an example of appropriate shame directed at society as a whole.

The only flaw in this immensely rich and valuable account is Nussbaum's retrenchment from the progress she had made toward incorporating religion into political liberalism in her earlier writings on religion as a human capability. She here offers us a public square in which religion remains distinctly marginal. In one perplexing discussion, religious objections to eating pork are deemed less deserving of recognition in the public square than vegetarian objections to meat. Nussbaum sees the vegetarian objection to animal cruelty as more consistent with the core principles of liberal society than is religious exercise.

This suspicion of religion tends to compromise her analogy between the harm of necrophilia and the desecration of religious artifacts, and weaken her acknowledgment that "many people of religious conviction sincerely hold that homosexual acts are immoral." Such appeals to religion come off as somewhat gratuitous. They also ignore the important contributions of religion to the sort of righteous quest for social justice that Nussbaum endorses.

Despite its minimal engagement with religion, Nussbaum's account is a valuable contribution to public discourse on a variety of issues of law and life. By making shame, coupled with righteous anger at harm to the dignity, freedom and equality to others, the morally and legally relevant emotion, Nussbaum lays the foundation for society to ask itself some important questions. What is finally so troubling about the quest of gays and lesbians for the freedom to marry in a society in which half of all marriages go the way of the blessed heterosexual unions of Dennis Rodman or Britney Spears? Why does our *Schadenfreude* at the fall of Martha Stewart receive daily news coverage while we pay little attention to the way Enron and Arthur Andersen dissipated the life savings of thousands? Why are we shocked by Janet Jackson's exposure of her breast, presumably for commercial gain, but not at the plight of women and girls around the world who are being sold into sexual slavery?

Indeed, why was the jury assessing the fate of Tyco executive Dennis Kozlowski permitted to view videotapes of the lavish corporate expenditure on his wife's *Gladiator*-themed birthday party in Sardinia only after certain details—such as the ice-hewn version of Michelangelo's *David* with the vodka-spewing genitalia—were expunged? Was the nude ice sculpture really the most obscene aspect of that accounting fraud trial? 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.