

Book Notes: Hiding From Humanity: Disgust, Shame, and the Law, by Martha C. Nussbaum

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HIDING FROM HUMANITY: DISGUST, SHAME, AND THE LAW, BY MARTHA C. NUSSBAUM. PRINCETON: PRINCETON UNIVERSITY PRESS, 2004. Pp. xv + 349. USD \$29.95 hardcover.

BY NAOMI HORROX

In *Hiding from Humanity*, Martha Nussbaum considers the roles that disgust and shame play and ought to play in our personal and social lives, as well as in the formulation and administration of the law. Nussbaum suggests that some emotions, such as anger and compassion, serve important functions in the liberal state; they are intelligent responses that are attuned both to events in the world and to the person's values and goals. Shame and disgust are different: they are especially likely to be normatively distorted and are thus unreliable as guides to public practice.

Disgust, Nussbaum contends, is typically unreasonable as it embodies "magical ideas of contamination, and impossible aspirations to purity, immortality, and nonanimality." Although it may be useful from an evolutionary standpoint as it steers us away from danger and decay, and may serve a function in nuisance law, disgust has been employed to target vulnerable groups. It should therefore never be the primary basis for rendering an act criminal, nor should it play an aggravating or a mitigating role in criminal law.

Shame can be a valuable moral sentiment in people's personal lives as in some instances it encourages ethical actions. While it has often also been viewed as an appropriate vehicle for meting out punishment and reinforcing societal values, Nussbaum asserts that these uses cannot be reconciled with equal regard for the dignity of all citizens. Shaming penalties are inappropriate as they humiliate; they invoke mob justice; they are unreliable; they cause individuals to become more alienated and troubled; and they represent a dangerous attempt to impose social control. Inevitably, Nussbaum concludes, disgust and shame will remain a part of individuals' personal and social lives. The role these emotions play in the legal sphere, however, particularly with respect to punishment, must be limited.
