

from  
**DISGUST**  
to  
**HUMANITY**

*Sexual Orientation &  
Constitutional Law*

*MARTHA C. NUSSBAUM*

# **From Disgust To Humanity Sexual Orientation And Constitutional Law Martha C Nussbaum**

**Jicheng Xie**



# From Disgust To Humanity Sexual Orientation And Constitutional Law

## Martha C Nussbaum

From Disgust to Humanity Martha C. Nussbaum, 2010-02-18 A distinguished professor of law and philosophy at the University of Chicago a prolific writer and award winning thinker Martha Nussbaum stands as one of our foremost authorities on law justice freedom morality and emotion In *From Disgust to Humanity* Nussbaum aims her considerable intellectual firepower at the bulwark of opposition to gay equality the politics of disgust Nussbaum argues that disgust has long been among the fundamental motivations of those who are fighting for legal discrimination against lesbian and gay citizens When confronted with same sex acts and relationships she writes they experience a deep aversion akin to that inspired by bodily wastes slimy insects and spoiled food and then cite that very reaction to justify a range of legal restrictions from sodomy laws to bans on same sex marriage Leon Kass former head of President Bush's Council on Bioethics even argues that this repugnance has an inherent wisdom steering us away from destructive choices Nussbaum believes that the politics of disgust must be confronted directly for it contradicts the basic principle of the equality of all citizens under the law It says that the mere fact that you happen to make me want to vomit is reason enough for me to treat you as a social pariah denying you some of your most basic entitlements as a citizen In its place she offers a politics of humanity based not merely on respect but something akin to love an uplifting imaginative engagement with others an active effort to see the world from their perspectives as fellow human beings Combining rigorous analysis of the leading constitutional cases with philosophical reflection about underlying concepts of privacy respect discrimination and liberty Nussbaum discusses issues ranging from non discrimination and same sex marriage to public sex Recent landmark decisions suggest that the views of state and federal courts are shifting toward a humanity centered vision and Nussbaum's powerful arguments will undoubtedly advance that cause Incisive rigorous and deeply humane *From Disgust to Humanity* is a stunning contribution to Oxford's distinguished Inalienable Rights series *Frontiers of Justice* Martha C. NUSSBAUM, 2009-06-30 Theories of social justice addressing the world and its problems must respond to the real and changing dilemmas of the day A brilliant work of practical philosophy *Frontiers of Justice* is dedicated to this proposition Taking up three urgent problems of social justice those with physical and mental disabilities all citizens of the world and nonhuman animals neglected by current theories and thus harder to tackle in practical terms and everyday life Martha Nussbaum seeks a theory of social justice that can guide us to a richer more responsive approach to social cooperation Capabilities, Gender, Equality Flavio Comim, Martha C. Nussbaum, 2014-04-17 Provides unique reflections on the capability approach and its relevance to new human development policies and political liberalism **Sexual Orientation and Gender Identity Discrimination** Holning Lau, 2018-09-24 In

Sexual Orientation and Gender Identity Discrimination Holning Lau offers an incisive review of the conceptual questions that arise as legal systems around the world grapple with whether and how to protect people against sexual orientation and gender identity discrimination

**Philosophical Interventions** Martha C. Nussbaum, 2012-01-24 This volume collects the notable published book reviews of Martha C Nussbaum an acclaimed philosopher who is also a professor of law and a public intellectual Her academic work focuses on questions of moral and political philosophy and on the nature of the emotions But over the past 25 years she has also written many book reviews for a general public in periodicals such as The New Republic and The New York Review of Books Dating from 1986 to the present these essays engage constructively and also critically with authors like Roger Scruton Allan Bloom Charles Taylor Judith Butler Richard Posner Catharine MacKinnon Susan Moller Okin and other prominent intellectuals of our time Throughout her views defy ideological predictability heralding valuable work from little known sources deftly criticizing where criticism is due and generally providing a compelling picture of how philosophy in the Socratic tradition can engage with broad social concerns For this volume Nussbaum provides an intriguing introduction that explains her selection and provides her view of the role of the public philosopher

The New Religious Intolerance Martha C. Nussbaum, 2012-04-24 What impulse prompted some newspapers to attribute the murder of 77 Norwegians to Islamic extremists until it became evident that a right wing Norwegian terrorist was the perpetrator Why did Switzerland a country of four minarets vote to ban those structures How did a proposed Muslim cultural center in lower Manhattan ignite a fevered political debate across the United States In The New Religious Intolerance Martha C Nussbaum surveys such developments and identifies the fear behind these reactions Drawing inspiration from philosophy history and literature she suggests a route past this limiting response and toward a more equitable imaginative and free society Fear Nussbaum writes is more narcissistic than other emotions Legitimate anxieties become distorted and displaced driving laws and policies biased against those different from us Overcoming intolerance requires consistent application of universal principles of respect for conscience Just as important it requires greater understanding Nussbaum challenges us to embrace freedom of religious observance for all extending to others what we demand for ourselves She encourages us to expand our capacity for empathetic imagination by cultivating our curiosity seeking friendship across religious lines and establishing a consistent ethic of decency and civility With this greater understanding and respect Nussbaum argues we can rise above the politics of fear and toward a more open and inclusive future

**Hiding from Humanity** Martha C. Nussbaum, 2009-01-10 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

**Not for Profit** Martha C. Nussbaum, 2016-11-08 In this short and powerful book celebrated philosopher Martha Nussbaum makes a passionate case for the importance of the liberal arts at all levels of education Historically the humanities have been central to education because they have been seen as essential for creating competent democratic citizens But recently Nussbaum argues thinking about the aims of education has gone disturbingly awry in the United States and abroad We increasingly treat education as though its primary goal were to teach students to be economically productive rather than to think critically and become knowledgeable productive and empathetic individuals This shortsighted focus on profitable skills has eroded our ability to criticize authority reduced our sympathy with the marginalized and different and damaged our competence to deal with complex global problems And the loss of these basic capacities jeopardizes the health of democracies and the hope of a decent world In response to this dire situation Nussbaum argues that we must resist efforts to reduce education to a tool of the gross national product Rather we must work to reconnect education to the humanities in order to give students the capacity to be true democratic citizens of their countries and the world In a new preface Nussbaum explores the current state of humanistic education globally and shows why the crisis of the humanities has far from abated Translated into over twenty languages Not for Profit draws on the stories of troubling and hopeful global educational developments Nussbaum offers a manifesto that should be a rallying cry for anyone who cares about the deepest purposes of education

**Liberty of Conscience** Martha Craven Nussbaum, 2008-02-05 An analysis of America's commitment to religious liberty uses political history philosophical ideas and key constitutional cases to discuss its basis in six principles equality respect for conscience liberty accommodation of minorities nonestablishment and separation of church and state

Keeping Faith with the Constitution Goodwin Liu, Pamela S. Karlan, Christopher H. Schroeder, 2010-08-05 Chief Justice John Marshall argued that a constitution requires that only its great outlines should be marked and its important objects designated Ours is intended to endure for ages to come and consequently to be adapted to the various crises of human affairs In recent years Marshall's great truths have been challenged by proponents of originalism and strict construction Such legal thinkers as Supreme Court Justice Antonin Scalia argue that the Constitution must be construed and applied as it was when the Framers wrote it In Keeping Faith with the Constitution three legal authorities

make the case for Marshall's vision. They describe their approach as constitutional fidelity not to how the Framers would have applied the Constitution but to the text and principles of the Constitution itself. The original understanding of the text is one source of interpretation but not the only one to preserve the meaning and authority of the document to keep it vital. Applications of the Constitution must be shaped by precedent, historical experience, practical consequence, and societal change. The authors range across the history of constitutional interpretation to show how this approach has been the source of our greatest advances from *Brown v Board of Education* to the New Deal from the *Miranda* decision to the expansion of women's rights. They delve into the complexities of voting rights, the malapportionment of legislative districts, speech freedoms, civil liberties, and the War on Terror and the evolution of checks and balances. The Constitution's framers could never have imagined DNA, global warming, or even women's equality. Yet these and many more realities shape our lives and outlook. Our Constitution will remain vital into our changing future, the authors write, if judges remain true to this rich tradition of adaptation and fidelity.

**In Defense of Plural Marriage** Ronald C. Den Otter, 2015-05-28. With over half of Americans now in favor of marriage equality, it is clear that societal norms of marriage are being quickly redefined. The growing belief that the state may not discriminate against gays and lesbians calls into question whether the state may limit other types of marital unions, including plural marriage. While much has been written about same-sex marriage, as of yet there has been no book-length legal treatment of unions among three or more individuals. The first major study on plural marriage and the law, *In Defense of Plural Marriage*, begins to fill this lacuna in the scholarly literature. Ronald C. Den Otter shows how the constitutional arguments that support the option of plural marriage are stronger than those against. Ultimately, he proposes a new semi-contractual marital model that would provide legal recognition for a wide range of intimate relationships.

**Cultural Politics of Emotion** Sara Ahmed, 2014-06-11. Emotions work to define who we are, as well as shape what we do, and this is no more powerfully at play than in the world of politics. Ahmed considers how emotions keep us invested in relationships of power and also shows how this use of emotion could be crucial to areas such as feminist and queer politics. Debates on international terrorism, asylum, and migration, as well as reconciliation and reparation, are explored through topical case studies. In this book, the difficult issues are confronted head-on. *The Cultural Politics of Emotion* is in dialogue with recent literature on emotions within gender studies, cultural studies, sociology, psychology, and philosophy. Throughout the book, Ahmed develops a theory of how emotions work and the effects they have on our day-to-day lives. New for this edition: a substantial 15,000-word Afterword on Emotions and Their Objects, which provides an original contribution to the burgeoning field of affect studies; a revised Bibliography updated throughout.

**The Religion Clauses** Erwin Chemerinsky, Howard Gillman, 2020. The relationship between the government and religion is deeply divisive. With the recent changes in the composition of the Supreme Court, the First Amendment law concerning religion is likely to change dramatically in the years ahead. The Court can be expected to reject the idea of a wall separating church and state and permit

much more religious involvement in government and government support for religion The Court is also likely to expand the rights of religious people to ignore legal obligations that others have to follow such laws that require the provision of health care benefits to employees and prohibit businesses from discriminating against people because of their sexual orientation This book argues for the opposite and the need for separating church and state After carefully explaining all the major approaches to the meaning of the Constitution's religion clauses the book argues that the best approaches are for the government to be strictly secular and for there to be no special exemptions for religious people from neutral and general laws that others must obey The book argues that this separationist approach is most consistent with the concerns of the founders who drafted the Constitution and with the needs of a religiously pluralistic society in the 21st century *WikiLeaks* David Leigh, Luke Harding, 2011-02 It was the biggest leak in history WikiLeaks infuriated the world's greatest superpower embarrassed the British royal family and helped cause a revolution in Africa The man behind it was Julian Assange one of the strangest figures ever to become a worldwide celebrity Was he an internet messiah or a cyber terrorist Information freedom fighter or sex criminal The debate would echo around the globe as US politicians called for his assassination Award winning Guardian journalists David Leigh and Luke Harding have been at the centre of a unique publishing drama that involved the release of some 250 000 secret diplomatic cables and classified files from the Afghan and Iraq wars At one point the platinum haired hacker was hiding from the CIA in David Leigh's London house Now together with the paper's investigative reporting team Leigh and Harding reveal the startling inside story of the man and the leak [Research Handbook on Law and Emotion](#) Susan A. Bandes, Jody L. Madeira, Kathryn D. Temple, Emily Kidd White, 2021-04-30 This illuminating Research Handbook analyses the role that emotions play and ought to play in legal reasoning and practice rejecting the simplistic distinction between reason and emotion **From Sacrament to Contract** John Witte, 2012-01-01 This newly revised and enlarged edition of John Witte's authoritative historical study explores the interplay of law theology and marriage in the Western tradition Witte uncovers the core beliefs that formed the theological genetic code of Western marriage and family law He explores the systematic models of marriage developed by Catholics Lutherans Calvinists Anglicans and Enlightenment thinkers and the transformative influence of each model on Western marriage law In addition he traces the millennium long reduction of marriage from a complex spiritual social contractual and natural institution into a simple private contract with freedom of entrance exercise and exit for husband and wife alike This second edition updates and expands each chapter and the bibliography It also includes three new chapters on classical biblical and patristic sources *Anger, Mercy, Revenge* Lucius Annaeus Seneca, 2010-07-15 Lucius Annaeus Seneca 4 BCE 65 CE was a Roman Stoic philosopher dramatist statesman and adviser to the emperor Nero all during the Silver Age of Latin literature The Complete Works of Lucius Annaeus Seneca is a fresh and compelling series of new English language translations of his works in eight accessible volumes Edited by world renowned classicists Elizabeth Asmis Shadi Bartsch and Martha C Nussbaum this

engaging collection restores Seneca whose works have been highly praised by modern authors from Desiderius Erasmus to Ralph Waldo Emerson to his rightful place among the classical writers most widely studied in the humanities Anger Mercy Revenge comprises three key writings the moral essays On Anger and On Clemency which were penned as advice for the then young emperor Nero and the Apocolocyntosis a brilliant satire lampooning the end of the reign of Claudius Friend and tutor as well as philosopher Seneca welcomed the age of Nero in tones alternately serious poetic and comic making Anger Mercy Revenge a work just as complicated astute and ambitious as its author Anger and Forgiveness Martha C. Nussbaum,2016-04-01 Anger is not just ubiquitous it is also popular Many people think it is impossible to care sufficiently for justice without anger at injustice Many believe that it is impossible for individuals to vindicate their own self respect or to move beyond an injury without anger To not feel anger in those cases would be considered suspect Is this how we should think about anger or is anger above all a disease deforming both the personal and the political In this wide ranging book Martha C Nussbaum one of our leading public intellectuals argues that anger is conceptually confused and normatively pernicious It assumes that the suffering of the wrongdoer restores the thing that was damaged and it betrays an all too lively interest in relative status and humiliation Studying anger in intimate relationships casual daily interactions the workplace the criminal justice system and movements for social transformation Nussbaum shows that anger's core ideas are both infantile and harmful Is forgiveness the best way of transcending anger Nussbaum examines different conceptions of this much sentimentalized notion both in the Jewish and Christian traditions and in secular morality Some forms of forgiveness are ethically promising she claims but others are subtle allies of retribution those that exact a performance of contrition and abasement as a condition of waiving angry feelings In general she argues a spirit of generosity combined in some cases with a reliance on impartial welfare oriented legal institutions is the best way to respond to injury Applied to the personal and the political realms Nussbaum's profoundly insightful and erudite view of anger and forgiveness puts both in a startling new light

*The Cambridge Handbook of the Capability Approach* Enrica Chiappero-Martinetti,Siddiqur Osmani,Mozaffar Qizilbash,2020-11-19 This landmark handbook collects in a single volume the current state of cutting edge research on the capability approach It includes a comprehensive introduction to the approach as well as new research from leading scholars in this increasingly influential multi disciplinary field including the pioneers of capability research Martha C Nussbaum and Amartya Sen Incorporating both approachable introductory chapters and more in depth analysis relating to the central philosophical conceptual and theoretical issues of capability research this handbook also includes analytical and measurement tools as well as policy approaches which have emerged in the recent literature The handbook will be an invaluable resource for students approaching the capability approach for the first time as well as for researchers engaged in advanced research in a wide range of disciplines including development studies economics gender studies political science and political philosophy Social Difference and Constitutionalism in Pan-Asia Susan H. Williams,2014-02-10 In many



countries social differences such as religion or race and ethnicity threaten the stability of the social and legal order This book addresses the role of constitutions and constitutionalism in dealing with the challenge of difference The book brings together lawyers political scientists historians religious studies scholars and area studies experts to consider how constitutions address issues of difference across Pan Asia a wide swath of the world that runs from the Middle East through Asia and into Oceania The book s multidisciplinary and comparative approach makes it unique The book is organized into five sections each devoted to constitutional approaches to a particular type of difference religion ethnicity race urban rural divisions language and gender and sexual orientation in two or more countries in Pan Asia The introduction offers a framework for thinking comprehensively about the many ways constitutionalism interacts with difference

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