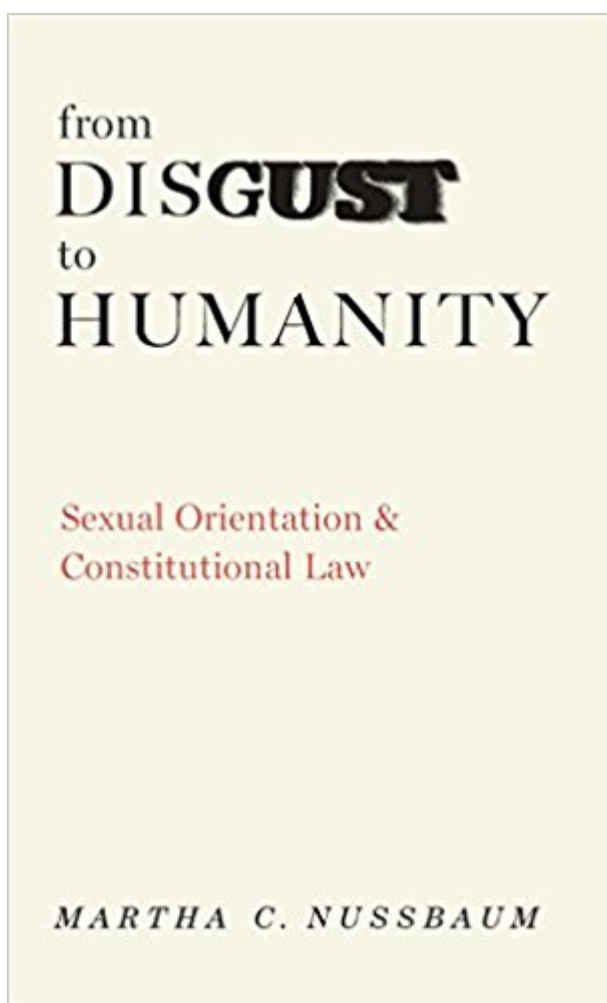


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# From Disgust To Humanity: Sexual Orientation And Constitutional Law (Inalienable Rights Series)



## Synopsis

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 President'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.

## Book Information

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## Customer Reviews

A meticulous consideration of the legal issues surrounding same-sex relations grounded in a far-reaching investigation of how the notion of disgust has determined both civil legislation and public opinion. Identifying a politics of disgust that centers on irrational fears of contamination, penetrability, and loss of social solidarity, Nussbaum (*Hiding from Humanity*) opposes such problematic foundations for legislation with her own notion of a politics of humanity, based on the need for imaginative engagement with others. Linking imagination with America's founding principles of equality and respect, the author vindicates sexual orientation rights as instrumental to the pursuit of happiness, before engaging with contentious rulings on same-sex marriage, sodomy, and discrimination. An elegant and eloquent defender of sexual freedom, the author is at her best describing the insidious role of disgust in law. However, her frequent recourse to John Stuart Mill would seem to demand a more detailed defense of his ideas on harm, and her reflections on marriage add little to the debate. Nonetheless, as the recent public discourse about empathy among Supreme Court judges indicates, Nussbaum's passionate advocacy of the power of imagination is profound and timely. (Feb.) Copyright © Reed Business Information, a division of Reed Elsevier Inc. All rights reserved.

"A meticulous consideration of the legal issues surrounding same-sex relations grounded in a far-reaching investigation of how the notion of disgust has determined both civil legislation and public opinion...as the recent public discourse about empathy among Supreme Court judges indicates, Nussbaum's passionate advocacy of the power of imagination is profound and timely." -- Publishers Weekly  
"Pity the enemies of gay equality who find themselves at intellectual odds with America's most prominent, and most prolific, philosopher of public life, Martha C. Nussbaum...Nussbaum presents a cogent and politically charged case against the unconstitutional legal arguments that have inhibited the privacy, marriage and full civil rights of gays and lesbians in the United States." -- San Francisco Chronicle  
"Groundbreaking...Her book makes the most hard-and-fast case for the legalization of same-sex marriage..." -- MS Magazine Blog  
"In all, From

Disgust to Humanity is a must-read for anyone who is interested in the same-sex marriage debate and for those who want to better understand the Constitution's role in our everyday lives." -- Trial Magazine "A refreshingly candid and insightful stance on the perpetuation of the discrimination against homosexual men and women in the United States, From Disgust to Humanity makes a convincing case for the role of disgust in the formation of both public opinion and law...While [this book] would certainly provide a valuable read to students of constitutional law, this reviewer recommends it also to anyone who has observed with interest and would like to better understand the ebb and flow of progress apropos recent sexual orientation legislation in the United States."--Contemporary Sociology "Disgust is all around us, but the book presents fresh arguments worth considering...Summing Up: Recommended."--CHOICE

I highly recommend this book with only one caveat. Rather than repeating what the previous four reviews have already covered well, i will focus on the one nit i have about the book. This book clearly focusses very much on sex with very little mention of love. I raise this because i think the book misses one of the key elements of homophobic heterosexuality, these people believe that they believe that love is more important than sex, and, that LGBT people do not believe that love is more important than sex. The key point is not the truth of the belief, but that homophobic heterosexuals believe it is true. That homophobes frame everything in terms of sexuality as a way to deny the equality of LGBT people is made clear in this book. However, the book continues to focus on sexual behavior, attempting to justify how LGBT people have sex rather than focussing on how homophobes deny the ability of LGBT people to love, and from that commit to relationships in the same manner that they believe that they do. Love is only covered vaguely under the idea that it is one of the things that people should be allowed to do, rather than as a keystone of our development as individuals and as a society. I think that covering this issue in far more detail would have been a much stronger statement than focussing on sex. We all know the joke about the drunk who searches for his missing keys under the lamppost only because there is more light under the lamppost. I appreciate that it is easier to discuss sex than it is to discuss love and i'm sure that is one of the reasons that we tend to argue for sexual freedom rather than the freedom to love, however, my experience is that love is far more foundational than sex both to the individual and society. I think that everyone can gain from reading this book for the same reasons the preceding reviewers praised the book. My criticism is not meant to deter you from reading this book, but it is to make clear its limitation. By framing everything in terms of sex, rather than love, the author has allowed the homophobic community (sorry, couldn't think of a better word) to frame the discussion in

a manner that will only continue the debate and at best produce little more than tolerance, rather than respect as equals, for members of the LGBT community.

This is a much needed book. Matters of taste should not qualify the value of anything of a person therefore their rights nor objects. Long understood to me is that the history of aesthetics teaches this to us. Aesthetics was born in the 18th century as a philosophy of art that said that the beautiful or that of sublimity made art art thus it grouped objects and endowed them with value giving them special treatment. But then aesthetics move to, or grew to understand that many sensations are important the gross and the horrific and raised them as equal in the human psyche and thus ditched taste with no regard for disgust. Here is a argument that show us how human disqualification functions via a thoroughgoing examination of how we acquire and apply disgust to people(which is as I conceive, a matter of taste). Martha C. Nussbaum shows how matters of taste do but should not influence the courts and why this is. I think It could have more writing on disability, or I wish it had. She really only touches on other minorities to support the central discussion this also make the read easier so it is a trade off.. The design is lovely. The price is great for such a good resource. I got a deal on it, but the jacket price is still really good for what you will get and it is a quick-ish read.

Quite simply after one cuts away all the rationalizations, the largest source of legal animus against LGBT people is "Queers are icky to me." With powerful arguments contained in the book Martha obliterates the idea the disgust is or should ever be considered a valid guide for legislating. Furthermore, the politics of disgust goes farther than just being a crappy guide for making laws. With persuasive argument, Martha posits that in the past and present the politics of disgust has been used as a tool of persecution and oppression again a variety of groups such as Women, Jews and the Dalit's of India. By projection, a person/group can take all of the grosse uncomfortable ideas about their sex life/anatomy/body and project it onto another person/group (It would seem to explain the almost obsessive attention paid to anal sex by certain advocates against gay rights that taken at face value would indicate that heterosexuals never engage in anal sex!). Martha Nussbaum upholds John Stuarts Mill harm principle, which provides justified legal regulations on sexual behavior such as consent and the age of majority on identifiable harms to non-consenting parties as the only proper basis for legislating against personal liberties in a pluralistic democracy. Equality under the law. We have a bill of rights to protect it. If that bill of rights dissapears with the whiff of public discomfort as people feel uncomfortable imagining what people might/might not be getting up to in the bedroom, what is it worth?

The book is good although it reiterates some of the major themes in Nussbaum's previous work with religion and capabilities without further elaboration. I believe its major insight is certainly the role that disgust plays in homophobia and how it can be thought of as a political emotion. Nonetheless, neither the topic of emotions nor the historical review of some constitutional cases is particularly elaborated; indeed, regarding the last point, this book is not as good as the one recently written by Hirschman: "Victory: the triumphant gay revolution".

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