

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

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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

The author identifies the fear behind intolerant reactions and drawing inspiration from philosophy, history, and literature, she suggests a route toward a more equitable, imaginative and free society.

Queer (In)Justice - Joey L. Mogul 2011-02-15

The first comprehensive work to turn a "queer eye" on the criminal justice system, providing an eye-opening study of LGBTQ+ rights and equality. Drawing on years of research, activism, and legal advocacy, *Queer (In)Justice* is a searing examination of queer experiences as "suspects," defendants, prisoners, and survivors of crime. The authors unpack queer criminal archetypes—from "gleeful gay killers" and "lethal lesbians" to "disease spreaders" and "deceptive gender benders"—to illustrate the punishment of queer expression, regardless of whether a crime was ever committed. Tracing stories from the streets to the bench to behind prison bars, the authors prove that the policing of sex and gender both bolsters and reinforces racial and gender inequalities. An eye-opening study of LGBTQ rights and equality, *Queer (In)Justice* illuminates and challenges the many ways in which queer lives are criminalized, policed, and punished.

The Monarchy of Fear - Martha C. Nussbaum 2018-07-03

From one of the world's most celebrated moral philosophers comes a thorough examination of the current political crisis and recommendations for how to mend our divided country. For decades Martha C. Nussbaum has been an acclaimed scholar and humanist, earning dozens of honors for her books and essays. In *The Monarchy of Fear* she turns her attention to the current political crisis that has polarized America since the 2016 election. Although today's atmosphere is marked by partisanship, divisive rhetoric, and the inability of two halves of the country to communicate with one another, Nussbaum focuses on what so many pollsters and pundits have overlooked. She sees a simple truth at the heart of the problem: the political is always emotional. Globalization has produced feelings of powerlessness in millions of people in the West. That sense of powerlessness bubbles into resentment and blame. Blame of immigrants. Blame of Muslims. Blame of other races. Blame of cultural elites. While this politics of blame is exemplified by the election of Donald Trump and the vote for Brexit, Nussbaum argues it can be found on all sides of the political spectrum, left or right. Drawing on a mix of historical and contemporary examples, from classical Athens to the musical *Hamilton*, *The Monarchy of Fear* untangles this web of feelings and provides a roadmap of where to go next.

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.

Capabilities, Gender, Equality - Flavio Comim 2014-04-17

Provides unique reflections on the capability approach and its relevance to new human development policies and political liberalism.

Not for Profit - Martha C. Nussbaum 2016-10-25

A passionate defense of the humanities from one of today's foremost public intellectuals 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.

The Religion Clauses - Erwin Chemerinsky 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"--

Keeping Faith with the Constitution - Goodwin Liu 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.

Cognitive Disability and Its Challenge to Moral Philosophy - Eva Feder Kittay 2010-05-18

Through a series of essays contributed by clinicians, medical historians, and prominent moral philosophers, *Cognitive Disability and Its Challenge to Moral Philosophy* addresses the ethical, bio-ethical, epistemological, historical, and meta-philosophical questions raised by cognitive disability. Features essays by a prominent clinician and medical historian of cognitive disability, and prominent contemporary philosophers such as Ian Hacking, Martha Nussbaum, and Peter Singer. Represents the first collection that brings together philosophical discussions of Alzheimer's disease, intellectual/developmental disabilities, and autism under the rubric of cognitive disability. Offers insights into categories like Alzheimer's, mental retardation, and autism, as well as issues such as care, personhood, justice, agency, and responsibility.

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.

Cultivating Humanity - Martha C. Nussbaum 1998-10-01

How can higher education today create a community of critical thinkers and searchers for truth that transcends the boundaries of class, gender, and nation? Martha C. Nussbaum, philosopher and classicist, argues that contemporary curricular reform is already producing such "citizens of the world" in its advocacy of diverse forms of cross-cultural studies. Her vigorous defense of "the new education" is rooted in Seneca's ideal of the citizen who scrutinizes tradition critically and who respects the ability to reason wherever it is found--in rich or poor, native or foreigner, female or male. Drawing on Socrates and the Stoics, Nussbaum establishes three core values of liberal education: critical self-examination, the ideal of the world citizen, and the development of the narrative imagination. Then, taking us into classrooms and campuses across the nation, including prominent research universities, small independent colleges, and religious institutions, she shows how these values are (and in some instances are not) being embodied in particular courses. She defends such burgeoning subject areas as gender, minority, and gay studies against charges of moral relativism and low standards, and underscores their dynamic and fundamental contribution to critical reasoning and world citizenship. For Nussbaum, liberal education is alive and well on American campuses in the late twentieth century. It is not only viable, promising, and constructive, but it is essential to a democratic society. Taking up the challenge of conservative critics of academe, she argues persuasively that sustained reform in the aim and content of liberal education is the most vital and invigorating force in higher education today.

In Defense of Plural Marriage - Ronald C. Den Otter 2015-05-28

This book outlines the constitutional argument in favor of plural marriage in the United States.

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.

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.

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 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.

Feminist Judgments: Rewritten Tax Opinions - Bridget J. Crawford 2017-12-28

Feminist scholars rewrite major tax decisions in order to illustrate the key role of viewpoint in statutory interpretation.

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.

The Empire of Disgust - Zoya Hasan 2018-08-16

All known societies exclude one or more minority groups, frequently employing a rhetoric of disgust to justify stigmatization. For instance, in European anti-Semitism, Jews were considered hyper-physical and crafty; some upper-caste Hindus find the lower castes dirty and

untouchable; and people with physical disabilities have been considered subhuman and repulsive. Exclusions vary in their scope and also in the specific disgust-ideologies underlying them. In *The Empire of Disgust*, scholars present an interdisciplinary and comparative study of varieties of stigma and prejudice in India and USA—along the axes of caste, race, gender identity, age, sexual orientation, disability, ethnicity, religion, and economic class—pervading contemporary social and political life. In examining these forms of stigma and their intersections, the contributors present theoretically pluralistic and empirically sensitive accounts that

explain group-based stigma and suggest forward-looking remedies, including group resistance to subordination as well as institutional and legal change, equipped to eliminate stigma in its multifaceted forms.

Mere Civility - Teresa M. Bejan 2017-01-02

In liberal democracies committed to tolerating diversity as well as disagreement, the loss of civility in the public sphere seems critical. But is civility really a virtue, or a demand for conformity that silences dissent? Teresa Bejan looks at early modern debates about religious toleration for answers about what a civil society should look like.

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