Chapter 2

Disgust and Our Animal Bodies

The Professor of Gynaecology: He began his course of lectures as follows: Gentlemen, woman is an animal that micturates once a day, defecates once a week, menstruates once a month, parturates once a year and copulates whenever she has the opportunity.

I thought it a prettily-balanced sentence.

—W. Somerset Maugham, *A Writer's Notebook*

Was there any form of filth or profligacy, particularly in cultural life, without at least one Jew involved in it?

If you cut even cautiously into such an abscess, you found, like a maggot in a rotting body, often dazzled by the sudden light—a kike!

—Adolf Hitler, *Mein Kampf*[1]

If a man had been able to say to you when you were young and in love: "An' if tha shits an' if tha pisses, I'm glad, I shouldna want a woman who couldna shit nor piss . . ." surely it would have helped to keep your heart warm.

—D. H. Lawrence to Ottoline Morrell, quoting from *Lady Chatterley's Lover*

I. Disgust and Law

Disgust is a powerful emotion in the lives of most human beings.[2] It shapes our intimacies and provides much of the structure of our daily routine, as we wash our bodies, seek privacy for urination and defecation, cleanse ourselves of offending odors with toothbrush and mouthwash, sniff our armpits when nobody is looking, check in the mirror to make sure that no conspicuous snot is caught in our nose-hairs. In many ways our social relations, too, are structured by the disgusting and our multifarious attempts to ward it off. Ways of dealing with repulsive animal substances such as feces, corpses, and rotten meat are pervasive sources of social custom. And most societies teach the avoidance of certain groups of people as physically disgusting, bearers of a contamination that the healthy element of society must keep at bay.

Disgust also plays a powerful role in the law. It figures, first, as the primary or even the sole justification for making some acts illegal. Thus, sodomy laws have frequently been defended by a simple appeal to the disgust that right-thinking people allegedly feel at the thought of such acts. The judge at Oscar Wilde's second criminal trial said that he would prefer not to describe "the sentiments which must rise to the breast of every man of honour who has heard the details of these two terrible trials," but his virulent condemnation of the defendants made his disgust amply evident.[3] Lord Devlin famously argued that such social disgust was a strong reason to favor the prohibition of an act, even if it caused no harm to nonconsenting others; he applied his conclusion explicitly to the prohibition of consenting homosexual acts.[4] In his recent work on disgust, legal theorist William Miller, while not supporting Devlin's concrete policy recommendations, gives support to his general line by arguing that the degree of civilization in a society may properly be measured by the barriers it has managed to place between itself and the disgusting.[5] Legal barriers, in such a view, could easily be seen as agents of the civilizing process. Most recently, conservative bioethicist Leon Kass, who now heads a commission charged by President Bush with examining moral issues relating to stem-cell research, has argued

that in general society will do well to trust to "the wisdom of repugnance" when pondering new medical possibilities. In an essay supporting bans on human cloning, he suggests that disgust "may be the only voice left that speaks up to defend the central core of our humanity."[6]

One area of the law in which judgments of the disgusting are unequivocally central is the current law of obscenity: the disgust of an average member of society, applying contemporary community standards, has typically been taken to be a crucial element in the definition of the obscene. The Supreme Court has noted that the etymology of the word "obscene" contains the Latin word for filth, *caenum,* and that two prominent dictionaries include the term "disgusting" in their definition of the term.[7]

The disgust of society also figures in legal arguments about categories of acts that are already considered illegal on other grounds. The disgust of a criminal for a homosexual victim may be seen as a mitigating factor in homicide.[8] The disgust of judge or jury has frequently been regarded as relevant to the assessment of a homicide where potentially aggravating factors are under consideration.

On one view of these matters, the emotion of disgust is highly relevant to law and a valuable part of the legal process. For Devlin, society cannot defend itself without making law in response to its members' responses of disgust, and every society has the right to preserve itself.[9] Every society, therefore, is entitled to translate the disgust-reactions of its members into law. For Kass, disgust embodies a deep wisdom that "warn[s] us not to transgress what is unspeakably profound."[10] If we do not heed that wisdom, we are in danger of losing our humanity. For Miller, a society's hatred of vice and impropriety necessarily involves disgust, and cannot be sustained without disgust. Disgust "marks out moral matters for which we can have no compromise."[11] It should follow that for Miller disgust plays a legitimate role in the criminal law, and perhaps in other areas of law as well, although Miller does not discuss these further implications.

All of these arguments favoring disgust are conservative. But Dan M. Kahan has recently argued that disgust is of importance to progressive legal thought, as well, and ought to be permitted to play a larger

role in the criminal law than most legal theorists currently want it to play. Disgust is "brazenly and uncompromisingly judgmental,"[12] indeed "essential to perceiving and condemning cruelty."[13]

These are plausible theses, which should not be easily dismissed. Nor, as I have argued in chapter 1, should they be dismissed by a blanket condemnation of all appeals to emotion in law, or by the strong and misleading contrast between emotion and reason that we all too frequently hear when legal theorists discuss appeals to sympathy, or indignation, or overwhelming fear. If, as seems plausible, all these emotions involve complex evaluative cognitions, then they cannot be called "irrational" as a class. Instead, we must evaluate the cognitions they embody, as we would any class of beliefs, asking how reliable they are likely to be given their specific subject matter and their typical process of formation. There seem to be no reasons to think that the cognitions involved in emotion are generally and ubiquitously unreliable.

Usually, I have argued, the appraisal of emotion must focus on concrete cases, asking questions about the person's assessment of the situation and the values contained in it. Anger as a whole is neither reliable nor unreliable, reasonable or unreasonable; it is only the specific anger of a specific person at a specific object that can coherently be deemed unreasonable. I have also argued, however, that we may sometimes judge that a particular emotion-type is always suspect or problematic, in need of special scrutiny, given its likely aetiology, its specific cognitive content, and its general role in the economy of human life. In chapter 1 I suggested that we might raise such questions about jealousy. This is the type of argument I shall be making about disgust in this chapter. I shall argue that the specific cognitive content of disgust makes it of dubious reliability in social life, but especially in the life of the law. Because disgust embodies a shrinking from contamination that is associated with the human desire to be nonanimal, it is frequently hooked up with various forms of shady social practice, in which the discomfort people feel over the fact of having an animal body is projected outwards onto vulnerable people and groups. These reactions are irrational, in the normative sense, both because they embody an aspiration to be a kind of being

that one is not, and because, in the process of pursuing that aspiration, they target others for gross harms.

Where law is concerned, it is especially important that a pluralistic democratic society protect itself against such projection-reactions, which have been at the root of gross evils throughout history, prominently including misogyny, anti-Semitism, and loathing of homosexuals. Thus while the law may rightly admit the relevance of indignation, as a moral response appropriate to good citizens and based upon reasons that can be publicly shared, it will do well to cast disgust onto the garbage heap where it would like to cast so many of us.

Specifically, I shall argue (in chapter 3) that the disgust of a defendant for his alleged victim is never relevant evidence in a criminal trial; that disgust is an utter red herring in the law of pornography, occluding the salient issues of harm and even colluding in the perpetuation of harms; that disgust is never a good reason to make a practice (for example sodomy) illegal; that even where one homicide seems worse than another because it is unusually disgusting, this disgust-reaction should itself be distrusted, as a device we employ to deny our own capacities for evil.

II. Pro-Disgust Arguments: Devlin, Kass, Miller, Kahan

We must begin by understanding the pro-disgust position in greater detail. Since in actuality it is not a single position, but a family of positions, we need to scrutinize one by one the main arguments that have been advanced in favor of allowing disgust an ample legal role.

The most influential pro-disgust argument has been Lord Devlin's, in his famous lecture "The Enforcement of Morals" (1959). Devlin, a judge, took as his occasion the Wolfenden Report released in 1957, which had recommended the decriminalization of homosexual relations between consenting adults and had opposed the criminalization of prostitution, which was not then illegal. In support of its recommendations, the commission made a more general case against the legal regulation of "private immorality." Basically, they took Mill's line:

society has no right to use the law to regulate personal conduct that does no harm to others. Devlin's counterargument is complex. He agrees with the commission that in general personal liberty should be extensive: "There must be toleration of the maximum individual freedom that is consistent with the integrity of society."[14] He then goes on to argue, however, that societies cannot last if they cease to have an "established morality" that is broadly shared. Although Devlin does not hold that this morality can never change,[15] he does hold that "[t]here is disintegration when no common morality is observed and history shows that the loosening of moral bonds is often the first stage of disintegration, so that society is justified in taking the same steps to preserve its moral code as it does to preserve its government and other essential institutions."[16]

Now at this point it would obviously be open to the supporter of Mill's principle (and the authors of the Wolfenden Report) to reply that of course society needs a shared morality, but this shared morality may be found in the core set of political values that define citizens' basic constitutional rights and entitlements, and in whatever other principles are required to protect citizens from harm in respect of those "constituted rights," to use Mill's term.[17] Thus liberals need not and should not hold that society can do without a shared morality; they need only say that the shared morality should be a political-liberal morality, one that makes a distinction between shared political and constitutional values and other aspects of people's comprehensive conception of the good life. These other aspects would include matters of religion and, harm to the nonconsenting aside, matters of sexual conduct and desire. Liberals may add that the protection of liberty in areas of deep personal significance is itself a moral norm and a shared value, one of the most cherished values in many societies. Thus Devlin sets things up in a misleading way at the start, suggesting that we have only two alternatives: either use law to enforce personal sexual morality and other areas of personal moral conduct, or forgo the whole project of using law to enforce moral norms. We obviously have a further alternative: we may use law to enforce all and only the core values of a liberal society, which prominently include the protection of areas of personal liberty.

Devlin thus needs to show the liberal that the core liberal values are insufficient to hold society together, that society will fall apart unless it protects values going beyond—and in some ways directly against—these core liberal values. And indeed Devlin does use a very specific picture of social disintegration to support his case. Throughout this essay and related essays, Devlin focuses on specific types of private immorality: nonstandard sexual conduct, drunkenness, and the use of drugs. Using these examples, he paints a very particular picture of the danger that might be caused to society by the spread of "vice": namely, one in which important activities cannot be carried out because people are too distracted by their "vices" to perform them. Nonstandard sexual conduct figures in his argument as a type of addiction (homosexuals, he writes, are in fact "addicts"), which makes the personality incapable of carrying out its ordinary business. Thus he writes that "men who are constantly drunk, drugged or debauched are not likely to be useful members of the community."[18] Even more vividly, he argues that "[a] nation of debauchees would not in 1940 have responded satisfactorily to Winston Churchill's call to blood and toil and sweat and tears."[19] Thus he attempts to convince the Millian that immorality does grave social harm, eroding the type of self-control and purposiveness that we need to expect from the average citizen if major activities of the society are to be carried out.

There is at least a case to be argued on this basis, if we think about alcohol abuse and drug abuse, though whether the legality of these substances is a social danger of the sort Devlin contemplates (causing widespread social decay through the "contagion" of their abuse) is most unclear. Where homosexuality is concerned, however, his argument seems to partake of a type of "moral panic" that we shall have occasion to investigate in chapter 5.[20] The idea that public toleration of homosexuality will in some vague and unspecified way erode the social fabric is hardly new. Nor is it old. Shortly after September 11, 2001, the Reverend Jerry Falwell issued a national statement ascribing responsibility for the bombing of the World Trade Center to "gays and lesbians"—presumably thinking in Devlin's way that their presence somehow weakens America.[21] Such claims, though

we still hear them, are both outrageous and completely implausible. We should bear this feature of Devlin's argument in mind, for much that he says appears to rest on false factual premises concerning same-sex conduct and its effect on the personality. He certainly does not portray heterosexuals as "addicts," or depict their sexual preference as an addiction that saps society's vital force.[22]

Not all threats to a society's moral code are sufficiently serious to warrant legal intervention, according to Devlin, given the importance of personal liberty. Devlin therefore proposes a test to determine when the point is reached beyond which society should not be asked to tolerate immoral conduct. To find an appropriate standard, Devlin turns to the well-known legal fiction of the "reasonable man," whom he also describes as "the man on the Clapham omnibus."[23] When this person reacts to the self-regarding conduct of others with a very intense form of disapproval, the conduct in question may be prohibited by law. Devlin terms the intense emotion "intolerance, indignation, and disgust." These, he says, "are the forces behind the moral law"; without them society has no right to deprive individuals of freedom of choice.[24] Although Devlin thus lists three very different sentiments, the content of his argument would appear to focus on disgust, as I shall define it. Indignation, as I shall argue, is typically understood to be a response to a harm or a damage that has been wrongfully inflicted; but Devlin does not insist that any such harm be present, and indeed his entire argument is directed against Mill's contention that only such a harm justifies legal regulation. Later in his argument he alludes only to disgust, saying that the question to be asked about homosexuality is "whether, looking at it calmly and dispassionately, we regard it as a vice so abominable that its mere presence is an offence."[25] He thus suggests, albeit unclearly, a two-stage inquiry: first, the "reasonable man" feels disgust at homosexual conduct; next, he steps back and asks himself calmly whether he is really right to feel that way.

Why does Devlin think disgust a reliable basis for lawmaking? Even if we grant him that there are some vices that, sufficiently disseminated, would erode society's capacity to function, why should we suppose that disgust is a reliable index of which activities have that property? Miscegenation has been the object of widespread dis-

gust—and yet even Devlin, who seems happy with any form of heterosexual marriage, would not presume to argue that this disgust tracks social danger in a reliable way. The very presence of the mentally handicapped and the physically disabled in our communities, functioning in the public eye, has often occasioned disgust; and yet it would be difficult to maintain that they pose a danger to the social fabric. On the other side, there are forms of conduct that are clearly dangerous to the social fabric, but that do not tend to elicit disgust, because they are widespread and even popular. Racism and sexism have had that role in many societies; greed and sharp business practices can even elicit admiration. So at a crucial point in the argument we are left adrift; nor does Devlin offer us any further analysis of either the emotion's content or its likely objects that would assist us in assessing his position further. We must therefore leave Devlin at this point, turning to other authors who may have answers to some of these questions.

Leon Kass has a position very close to Devlin's, but one that offers a little more in the way of reflection about the emotion of disgust and its social role. Kass does not advance a general theory of legal regulation, but it is safe to say that he is no Millian. Society clearly may prohibit conduct without ascertaining that it is "other-regarding" in Mill's sense, affecting adversely the "constituted rights" of nonconsenting others. But Kass's view of the danger to society is different from Devlin's, as is his argument about why disgust is important. The danger that worries Kass is not the disintegration of society's capacity to act and plan that might be caused by widespread "debauchery." Instead, he worries that in a more subtle way core human values may be eroded by the increasing acceptance of practices that treat human beings as means to the ends of others. The world he fears is a world "in which everything is held to be permissible so long as it is freely done, in which our given human nature no longer commands respect."[26] So far, Kass seems to argue squarely within the liberal tradition: for surely a respect for human dignity must be among the core political values of any viable form of political liberalism. (The words "given human nature," however, go beyond the political idea of human dignity in suggesting a specific metaphysical or religious view of humanity.) And surely a liberal can easily grant that one of the

main dangers a liberal society must guard against is the danger that humanity will be used only as a means, and not as an end. If we could be convinced that disgust is reliably correlated with violations of human dignity, we would at least be on the way to viewing it as relevant to legal regulation.[27]

According to Kass, there is a "wisdom" in our sentiment of "repugnance," a wisdom that lies beneath all rational argument. When we contemplate certain prospects, we are disgusted "because we intuit and feel, immediately and without argument, the violation of things that we rightfully hold dear." Repugnance "revolts against the excesses of human willfulness, warning us not to transgress what is unspeakably profound."[28] Kass admits that "[r]evulsion is not argument," but he thinks that it gives us access to a level of the personality that is in some ways deeper and more reliable than argument. "In crucial cases . . . repugnance is the emotional expression of deep wisdom."[29]

Kass now lists six acts that we allegedly find revolting, arguing that any attempt to give an argument for our revulsion would itself be suspect, a superficial attempt to "rationalize away our horror."[30] His examples: father-daughter incest (even with consent), having sex with animals, mutilating a corpse, eating human flesh, rape, and murder. We are immediately in difficulty, for most of these acts are squarely within the purview of Mill's principle, causing harm to nonconsenting others. Rape and murder, obviously; father-daughter incest, because a minor child is rightly regarded as incapable of giving consent, especially when the seducer is her own father; sex with animals because it usually inflicts tremendous pain and indignity on animals, using them as instruments of human whim. (Mill, a great defender of the legal rights of animals, who left much of his fortune to the SPCA, would surely agree.) Eating human flesh doesn't take place unless the human being has been killed first. If we really do imagine a situation in which the person has died from natural causes, with no form of coercion involved, it becomes simply a gruesome variant of the corpse-mutilation case. Mutilating a corpse does indeed raise real moral questions, as to whether and on what grounds it ought to be prohibited. I shall return to those questions in chapter 3. But it is a complicated issue once we state clearly that the corpse is an inert heap of stuff and not the living person. Kass of-

fers no arguments on this issue—and yet this case is the only one in which he has even putatively gone beyond the bounds of Mill's principle. It seems to me that what we want to do with this case is to reflect and argue about it, not to assume that our repugnance contains a subrational wisdom.

Moreover, Kass's example of argument that is nothing more than superficial rationalization is a most unfair one: it is the claim that incest is wrong only because of the "genetic risks of inbreeding." This argument might conceivably be advanced by someone concerned with the legal status of first-cousin incest, or even adult brother-sister incest; it is hardly the natural first argument to make about fathers and daughters, where the harm to the daughter is usually considered central. Moreover, adult incest between first cousins or even brother and sister typically does not inspire disgust. Indeed, some of our most cherished cultural paradigms of romantic love, such as Siegmund's love for Sieglinde in Wagner's *Die Walküre,* rest on the profound seductiveness of the brother-sister relation. The lovers are drawn to one another not in spite of the tie, but precisely because of it: they seem to see their own faces in one another, and to hear their own voices. So if we want to find reasons to make that sort of adult consensual incest illegal, disgust will not help us, and arguments about health issues are perhaps exactly what we need.

So far, then, Kass has not convinced us that disgust is reliably correlated with serious violations of human rights or human dignity. Nor does Kass at all consider cases where our sentiments of repugnance appear to give very poor guidance. He speaks of the way in which "some of yesterday's repugnances are today calmly accepted—though, one must add, not always for the better."[31] It seems safe to conjecture that he is thinking of homosexual relations, a topic on which he holds strong negative views. So, in his view, the sentiments about homosexuality to which Devlin also refers *were* good guides when we had them, and it is too bad that we have lost the guidance they proffer. Many readers will strongly disagree. But what about other former targets of widespread repugnance, such as Jews, or mixed-race couples, or the novels of James Joyce and D. H. Lawrence? Will Kass say that these earlier instances of disgust contained wisdom? What about the disgust many people feel even now when they see the mentally handicapped in public settings, or when they see people

who are physically deformed or obese? Kass now faces a dilemma. Either he will say that in all these cases disgust gave and gives good guidance, in which case he will strike most readers as making a preposterous and morally heinous assertion; or he will say that in some of them disgust actually gave bad guidance, in which case he will have acknowledged that he needs a criterion to distinguish good from bad cases of disgust. Kass never faces up to this dilemma: thus he gives us no information as to how we tell when and how far disgust is reliable. But his argument requires a strong claim that it is highly reliable: for its whole point is to persuade us to take our current alleged repugnance at the prospect of human cloning as good reason to ban the practice, without engaging in further reflection or argument.

What, in any case, does someone need to believe in order to believe that disgust gives good guidance in the realm of law, a guidance that is deeper and more reliable than that of rational argument? One way of defending such a claim would be Devlin's, namely that disgust is a cultural product and thus a good index of what we have come to care about socially. That cannot be Kass's view, however, for in Kass's view the culture itself is corrupt, and we turn to disgust precisely because we cannot trust the culture. His position credits disgust with an extracultural authority. But on what grounds? If the view is that disgust is a part of our evolutionary heritage, then it seems implausible to credit it with *moral* authority on those grounds. Nor is Kass likely to make this move, given his deeply religious orientation. It seems that Kass must think that disgust has a divine origin, or is in some way fortunately implanted by a wise teleology of nature, in order to curb the "willfulness" that the Judaeo-Christian tradition equates with original sin. If this is his view, it is a startling and novel theological position. But in a political-liberal state such a position can carry no weight, unless it can be translated into terms that would persuade someone who does not accept that particular religious teleology. We find no such translation in Kass's argument.

Miller's position on disgust is somewhat more complicated than those of Devlin and Kass. Unlike these two writers, Miller conducts an extensive analysis of disgust, to which I shall refer frequently in my own subsequent analysis. He believes that disgust has a definite cognitive content, and that it gives guidance through that content,

not by being a subterranean force beneath or apart from argument. Although he holds that disgust toward certain "primary objects"—bodily wastes, spoiled food, corpses—has an evolutionary origin and is very widespread, he also holds that societies have considerable latitude in shaping the extension of disgust from primary objects to other objects. The core idea involved in disgust, according to Miller (and I shall support this), is the idea of contamination: when one advances disgust as a reason for prohibiting a practice, one is trying to prevent oneself, or one's society, from being contaminated by the presence of that practice. This analysis is probably compatible with the positions of Devlin and Kass, but it is considerably more specific. Finally, Miller argues at some length that disgust is closely connected with traditions of social hierarchy: most if not all societies construct strata of human beings, deeming some to be tainted and disgusting. Often the ones at the bottom are Jews or women. Miller is inclined to hold that the establishment of hierarchies is intrinsic to disgust: disgust deems its object base and low, thus constructing levels of persons and object.[32]

Even this sketchy overview of Miller's argument shows that he is well aware that disgust can give problematic guidance. (For Miller is critical of the hierarchies that disgust constructs.) Why, nonetheless, does he give it qualified endorsement? The normative aspect of Miller's book is brief and thin, and there is almost nothing in the book about legal regulation, so any answer to this question must be rather speculative, but it would seem that he makes two key claims. First, he makes a general claim that disgust may be used as an index of progress as civilization advances: the more things a society finds disgusting, the more advanced it is. I shall examine this claim in detail later in this chapter. But it is not clear how it relates to legal regulation, so I now turn to the second thesis. This is what Kahan has appropriately called Miller's "moral indispensability thesis."[33] This is the claim that disgust is essential to motivating and reinforcing opposition to cruelty. We cannot "put cruelty first among vices" without attending to our reactions of disgust and allowing them to influence us in lawmaking.[34]

Now it would seem that this claim does little to support legal regulation of the sort that interests Devlin and Kass; that is, regulation of self-regarding conduct that lies outside of Mill's principle. Not

even Devlin and Kass believe that homosexuality is a form of cruelty—if they did, surely they would not spend so much time finding non-Millian ways to justify making homosexual acts illegal. Nor does Miller make such a claim; it is evident that he does not think that disgust always signals the presence of cruelty, and so should be trusted on that account. By his own account, disgust typically signals the presence of something deemed a contaminant, but there are many harmless and noncruel contaminants, as he himself insists. (He cites male semen and female bodily fluids as two major objects of disgust, and he stresses the historical evidence that disgust has been used to target vulnerable and innocent people and groups.) Nor does he offer any argument that cruelty always disgusts. Such argument would be difficult to produce in the light of the evidence he himself cites concerning the pleasure societies take in inflicting cruel forms of subordination on powerless people and groups. So his thesis cannot be that disgust reliably signals the presence of cruelty. It must be a more indirect thesis: for example, that disgust is a part of our moral equipment without which we could not respond well to cruelty. But that thesis, whether plausible or not, gives no support to the use of disgust as a basis for legal regulation. For we could always retain disgust in our personalities but base the case for legal regulation on other factors.

Miller's case for disgust is thus incomplete, and he seems to have little interest in the issues of legal regulation that concern us.[35] Dan M. Kahan, however, discussing Miller's book, has extended his argument to address legal questions.[36] Kahan begins by granting that the appeal to disgust is usually made by conservative legal theorists defending traditional values. But he points out, plausibly enough, that there is no necessity that this be so. Given Miller's thesis that the objects of disgust change over time, it is also possible that proponents of new social orderings might use the appeal to disgust to downgrade those that they think low or base, and to build up nontraditional people and values. So Kahan concludes that progressive legal thinkers have prematurely dismissed disgust: it is a pervasive moral sentiment, and progressives might as well use its power in their own cause.

But why the appeal to disgust in the first place, one might ask? Since by Kahan's own account (following Miller) disgust is con-

nected with hierarchy and the unequal ranking of persons as to their worth or value, why should we listen to it at all when we make law, rather than basing law on other or different sentiments? At this point Kahan's argument becomes somewhat unclear. For, unlike Devlin and Kass, he does not defend the use of disgust to render "self-regarding" acts illegal. He does not oppose such "morals laws" either, and for all we know he might support the use of disgust as a criterion supporting the regulation of some forms of "self-regarding" action, such as drug use, solicitation, and gambling. To judge from his examples, however, his focus is entirely on crimes that meet Mill's test easily. Throughout the article, indeed, he focuses on murder, and accepts Miller's view that cruelty is the worst form of evil. We do not need to appeal to disgust to tell us that murder and cruelty are bad.

Kahan's position seems to be, however, that certain murders are worse than others, and that trusting our sentiments of disgust is a good way to rank murders and, especially, murderers. We can rely on disgust to identify legally significant aggravating features, or to judge that certain murderers are especially base or vile. Disgust, then, plays a role in sentencing; in that way it reinforces our condemnation of and opposition to cruelty. (I shall examine this claim in detail in chapter 3.) Although I shall not accept it, it has a kind of limited plausibility, because Kahan has allowed disgust to operate, in this case, only within the context of acts that are defined as illegal on other, more Millian grounds.

Let us pull all this together. We now see that the pro-disgust position is actually many positions. For all these writers, however, disgust is at least sometimes a useful legal criterion, giving us information that is relevant to the legal regulation of certain types of acts. We may now insist on one important distinction. None of these four writers is thinking of disgust as simply a limited type of harm to persons, of the sort typically addressed by nuisance laws. Nuisance laws penalize those who inflict upon others a particularly painful sort of intrusion that often takes the form of disgust: for example, a disgusting smell that affects the neighbors of the person who creates it. That is one way in which disgust figures in the law (and I will discuss it in chapter 3). For all four of our authors, however, disgust has a much broader and more foundational significance. Disgust, for each, is

not itself a harm to be regulated: it is, rather, a criterion we use to identify the bad, indeed the very bad, and hence (they argue) the regulable. We use the idea of the disgust of the "reasonable man" to identify acts that may be (or should be) legally regulated, whether or not they actually occasion disgust as a painful nuisance in any person who is really present when the act itself is committed. Indeed, notice that most of the cases contemplated by Devlin and Kass will not occasion disgust of the sort covered by nuisance law, since they are performed in private. Those who don't like them are not around to be offended. Disgust, instead, is a moral thread or criterion we follow when we ask how immoral the act is; that judgment of immorality (also, for all four thinkers, a judgment of social danger) is itself what is relevant to the legal regulation of conduct.

Beyond this point, the four authors differ as to what the most pressing social dangers are, and as to how disgust helps us to cope with them. Since Miller has no clear normative position, I shall focus on the other three from now on. Kahan's view—at least for the purposes of these writings on disgust—appears to be a recognizable liberal view of the sort favored by Mill, in which legal regulation is based in the first instance upon harm to others. He uses the appeal to disgust only in connection with acts that are very harmful. Within that context, however, disgust is used to measure not the level of an act's harmfulness, but something different: how base and vile the criminal is. Kahan here departs from Mill, though far less so than do Devlin and Kass.

For Devlin and Kass, disgust sweeps much more broadly. Although most of Kass's examples of the disgusting do in fact involve harm to others, it is plain that he does not accept Mill's limiting principle, and that he is prepared, with Devlin, to regulate harmless conduct. The argument he uses to defend regulation is, however, a very different argument from Devlin's, using a very different picture of why disgust should be thought to be reliable. For Devlin, disgust is socially engendered, and is valuable because it informs us about deeply held social norms. For Kass, disgust is presocial or extrasocial, and is valuable because it warns us about dangers to our humanity that a corrupt society may have obscured from view. Both, however, conclude that disgust gives us information we would not have without it.

They also agree that it is pertinent to legal regulation whether or not its deliverances stand the scrutiny of rational argument.

As I have already shown, these positions have internal problems. They all contain gaps, and they do far too little to confront possible counterexamples. But they have been influential and persistent enough that the issue they raise seems worthy of further investigation. It seems obvious that such an investigation should begin with as good an account of disgust and its operations as we can produce, since only such an account can answer some of the questions we have raised about disgust's reliability and its social role.

III. The Cognitive Content of Disgust

Disgust appears to be an especially visceral emotion. It involves strong bodily reactions to stimuli that often have marked bodily characteristics. Its classic expression is vomiting; its classic stimulants are vile odors and other objects whose very appearance seems loathsome.[37] Nonetheless, important research by psychologist Paul Rozin has made it evident that disgust has a complex cognitive content, which focuses on the idea of incorporation of a contaminant.[38] His core definition of disgust is "[r]evulsion at the prospect of (oral) incorporation of an offensive object. The offensive objects are contaminants; that is, if they even briefly contact an acceptable food, they tend to render that food unacceptable." Similarly, Winfried Menninghaus speaks of disgust as a "crisis of self-assertion against unassimilable otherness," a repudiation of a "closeness that is not wanted," in which an object is "assessed as contamination and violently distanced from the self."[39] The objects of disgust must be seen as contaminants, not merely as inappropriate to ingest. Thus paper, marigolds, and sand are found inappropriate, but not disgusting.[40]

Rozin does not dispute that disgust may well have an underlying evolutionary basis; in fact he accepts Darwin's argument that disgust was originally a type of rejection, primarily of unwanted foods, closely connected to strong negative sensory experiences.[41] He shows, however, that it is distinct from both *distaste,* a negative reaction motivated by sensory factors, and (a sense of) *danger,* a rejection motivated

by anticipated harmful consequences. Disgust is not simple distaste, because the very same smell elicits different disgust-reactions depending on the subject's conception of the object.[42] His subjects sniff decay odor from two different vials, both of which in reality contain the same substance; they are told that one vial contains feces and the other contains cheese. (The real smells are confusable.) Those who think that they are sniffing cheese usually like the smell; those who think they are sniffing feces find it repellant and unpleasant. "It is the subject's conception of the object, rather than the sensory properties of the object, that primarily determines the hedonic value."[43] In general, disgust is motivated primarily by ideational factors: the nature or origin of the item and its social history (e.g., who touched it). Even if subjects are convinced that ground dried cockroach tastes like sugar, they still refuse to eat it, or say it tastes revolting if they do.

Nor is disgust the same as (perceived) danger. Dangerous items (e.g., poisonous mushrooms) are tolerated in the environment, so long as they will not be ingested; disgusting items are not so tolerated. When danger is removed, the dangerous item will be ingested: detoxified poisonous mushrooms are acceptable. Disgusting items remain disgusting, however, even when all danger is removed. People refuse to eat sterilized cockroaches; many object even to swallowing a cockroach inside an indigestible plastic capsule that would emerge undigested in the subjects' feces.

Disgust concerns the borders of the body: it focuses on the prospect that a problematic substance may be incorporated into the self. For many items and many people, the mouth is an especially charged border.[44] The disgusting has to be seen as alien: one's own bodily products are not viewed as disgusting so long as they are inside one's own body, although they become disgusting after they leave it. Most people are disgusted by drinking from a glass into which they themselves have spat, although they are not sensitive to saliva in their own mouths. The ideational content of disgust is that the self will become base or contaminated by ingestion of the substance that is viewed as offensive. Several experiments done by Rozin and colleagues indicate that the idea involved is that "you are what you eat": if you ingest what is base, this debases you.[45]

The objects of disgust range widely, but the focus is on animals and animal products. Angyal argued more specifically that the center of disgust is animal (including human) waste products, which we see as debasing.[46] Rozin has confirmed experimentally our preoccupation with animal matter, but he adds that disgust may be transferred to objects that have had contact with animals or animal products—a major source being contact with "people who are disliked or viewed as unsavory." We shall discuss these extensions shortly. Rozin also insists, along with Miller, that disgust focuses on decay as well as waste: thus corpses are as much at the core of the disgusting as feces.[47] It is difficult to explain why plant products (apart from decayed and moldy specimens) are typically not found disgusting, but Angyal, Rozin, and Miller all conclude that the motivating idea has to do with our interest in policing the boundary between ourselves and nonhuman animals, or our own animality.[48] Hence tears are the one human bodily secretion that is not found disgusting, presumably because they are thought to be uniquely human, and hence do not remind us of what we have in common with animals.[49] Feces, snot, semen, and other animal bodily secretions, by contrast, are found contaminating: we do not want to ingest them, and we view as contaminated those who have regular contact with them. (Thus those formerly called "untouchables," in the Indian caste system, were those whose daily function was to clean latrines; oral or anal reception of semen, in many cultures, is held to be a contamination and a mark of low or base status.) Insofar as we eat meat without finding it disgusting, we disguise its animal origin, cutting off skin and head, cutting the meat into small pieces.[50]

Angyal, Rozin, and Miller all conclude that disgust pertains to our problematic relationship with our own animality. Its core idea is the belief that if we take in the animalness of animal secretions we will ourselves be reduced to the status of animals. Similarly, if we absorb or are mingled with the decaying, we will ourselves be mortal and decaying. Disgust thus wards off both animality in general and the mortality that is so prominent in our loathing of our animality. Indeed, we need to add this restriction in order to explain why some aspects of our animality—for example, strength, agility—are not found disgusting. The products that are disgusting are those that we connect

with our vulnerability to decay and to becoming waste products ourselves. As Miller puts it: "[U]ltimately the basis for all disgust is *us*—that we live and die and that the process is a messy one emitting substances and odors that make us doubt ourselves and fear our neighbors."[51]

In light of this analysis, it should not surprise us that in all known cultures an essential mark of human dignity is the ability to wash and to dispose of wastes. Rozin points to analyses of conditions in prisons and concentration camps that show that people who are forbidden to clean themselves or use the toilet are soon perceived as subhuman by others, thus as easier to torture or kill.[52] They have become animals. And this same recognition led a Massachusetts District Court, in 1995, to find that conditions in the Bridgewater State Prison violated the prisoners' Eighth Amendment right to be free from "cruel and unusual" punishments. The primary condition complained of by the prisoners was the disgusting condition of the chemical toilets, which regularly overflowed and generated disgusting sights and smells that they could not escape.[53]

This analysis of disgust is the result of contemporary psychological research, but it coheres well with earlier reflections, prominently including Freud's classic analyses in *Civilization and Its Discontents,* and a variety of other passages and letters.[54] For Freud, the history of disgust must be understood together with the history of upright walking. Whereas for many animals smell is an especially keen sense, and one closely connected to sexual interaction with other animals, the human being has broken away from this animalistic world of excretion, smell, and sexuality, and has raised its nose on high. From this point on, the human animal has a problematic relationship to the smells of the genital area: it retains attraction to them, but must repress them for the sake of civilization. Thus, children must learn disgust toward them. I shall later return to this developmental history. It is enough here to show that there is a substantial measure of convergence between Freud's psychoanalytic account and more recent accounts developed in cognitive psychology.

Freud's account of disgust focuses less on mortality and decay than on our bodily commonality with the "lower" animals. Psychoanalyst Ernest Becker, however, argues convincingly that, at least

after a certain age, human disgust reactions are typically mediated very powerfully by the awareness of death and decay. In developing a disgust toward bodily wastes, a young human is reacting against "the fate as well of all that is physical: decay and death."[55] In a revealing discussion of Jonathan Swift's poetry of disgust, Becker concludes that "[e]xcreting is the curse that threatens madness because it shows man his abject finitude, his physicalness, the likely unreality of his hopes and dreams."[56] Thus, here again, psychoanalytic accounts of disgust converge with the more recent findings of experimental psychology.[57]

Rozin's research, then, has broad support both from other experimental research and from other experientially attuned theories. His theory of disgust seems clearly preferable to its most famous theoretical alternative, Mary Douglas's theory of purity and danger.[58] For Douglas, disgust and impurity are socially contextual notions, and the guiding idea is that of an anomaly. An object may be pure in one context, impure in another: what makes it impure-disgusting is its violation of socially imposed boundaries. Douglas's theory does important work in making us aware of social factors surrounding disgust, on which we shall shortly comment further. And no doubt surprise is one factor that governs our sense of the disgusting. Nonetheless, the theory has a number of defects that make it problematic as an account of *disgust,* however insightful it may be about the operation of taboos and prohibitions.[59] First of all, it runs together the idea of purity and the idea of disgust, two very different concepts. It is obvious that an item may be impure without being disgusting. Second, Douglas tends to assimilate disgust and danger: thus sorcery, along with disgusting foods and fluids, is classified as a violation of social boundaries. Third, the account is *too* contextual: wastes, corpses, and most bodily fluids are ubiquitously objects of disgust. Societies have great latitude to determine how ideas of contamination extend to other objects, but they seem not to have latitude to make these primary objects nondisgusting. Fourth, the idea of anomaly is too weak to explain why we find some things disgusting. Feces and corpses are disgusting but in no way anomalous. On the other hand, a creature like a dolphin is an anomaly in nature, being a sea-dwelling mammal, but nobody finds dolphins disgusting. There

seems to be more going on in disgust than merely the idea of surprise or departure from social norms. That something is plausibly captured in Rozin's idea of anxiety about animality.

Rozin's theory, however, has its own problems, which must now be examined. I believe that they can be remedied in a way that is fully consistent with the general spirit of his account. First of all, his focus on the mouth as boundary seems much too narrow: disgust-relevant contamination may occur through the nose, the skin, the genitals. That is why I have downplayed from the beginning that part of Rozin's theory. Much more plausible, and consistent with the general spirit of Rozin's account, is David Kim's suggestion, in his important and very well-argued study, that the key idea is that of crossing a boundary from the world into the self; disgust would thus be closely connected to all three of the senses that the philosophical tradition regards as "tactile" senses rather than mediated or distance senses: i.e., touch, smell, and taste, rather than sight or hearing. As Kim says, all three of the contact senses are touch-like, in the sense that smells become disgusting through the idea that the disgusting stench has made its way into the nose, is sitting there in contact with it.

The "animal-reminder" idea also needs work. We are not repulsed by all animals, or all reminders of our own animality. As I have said, strength, speed, and animals who exemplify those traits are far from disgusting. So we need to add what Rozin at times, but not consistently, does add: that what we are anxious about is a type of vulnerability that we share with other animals, the propensity to decay and to become waste products ourselves. As we see, Becker was already on to that point, and his insights need to be brought in to give shape to Rozin's vaguer account of the basis for disgust. Once we hold firmly to this point, we may also answer two other questions that David Kim poses to Rozin's theory. Kim asks why insects are so frequently disgusting, and feels that the "animal-reminder" theory does not fully account for that focus. Insects are, however, especially likely to be linked with the disgust-properties that signal decay—stickiness, sliminess and other signs of our animal mortality and vulnerability.

A second, and more difficult question is why people often feel disgust or aversion toward people with disabilities. To a great extent,

this disgust is socially constructed, and thus our discussion of it belongs in our subsequent treatment of the social extension of disgust. But it may be (though we really do not know) that there is some primary disgust attaching to the sight of a person with a stump instead of a limb, or a person whose face and bearing show signs of developmental delay. These disabilities are, of course, reminders of our own vulnerability. Rather than having a rational soul that is invulnerable, we have mental faculties that can encounter arrest; even before we die, we can lose bodily parts.[60] I conclude that the spirit of Rozin's theory survives, although more work was needed to give it good answers to some plausible questions.

Disgust, then, begins with a group of core objects, which are seen as contaminants because they are seen as reminders of our mortality and animal vulnerability. Disgust at these objects is mediated by concepts and to that extent it is learned, but it appears to be ubiquitous in all human societies. Disgust, however, soon gets extended to other objects, through a complicated set of connections. A prominent feature of these extensions, as studied by Rozin, is the notion of "psychological contamination." The basic idea is that past contact between an innocuous substance and a disgust substance causes rejection of the acceptable substance. This contamination is mediated by what Rozin, plausibly enough, calls laws of "sympathetic magic." One such law is that of *contagion:* things that have been in contact continue ever afterwards to act on one another.[61] Thus, after a dead cockroach is dropped into a glass of juice, people refuse to drink that type of juice afterwards. Well-washed clothing that has been worn by someone with an infectious disease is rejected, and many people shrink from all secondhand clothing.[62] As Rozin and his coauthors remark, "The law of contagion as applied to disgust is potentially crippling; everything we might eat or touch is potentially contaminated." We deal with this problem, they conclude, by adopting complex sets of ritual prohibitions defining the relevant zones within which contamination will be recognized.[63]

In this way it is possible to connect to Rozin's core analysis the more helpful aspects of Douglas's social analysis. Douglas, we recall, argues that our idea of the contaminating typically involves the idea of a boundary violation, violation of accepted categories, or "matter

out of place." Her theory proves inadequate as an account of the core notions involved in disgust.[64] The core or primary objects of disgust are reminders of animal vulnerability and mortality. But through the law of contagion all kinds of other objects become potential contaminants. The extension of contamination is mediated by social boundary-drawing, with the result that the disgusting is only what transgresses these boundaries.[65]

A second law by which disgust is extended is the law of "similarity": if two things are alike, action taken on one (e.g., contaminating it) is taken to have affected the other. Thus, a piece of chocolate fudge made into a dog-feces shape is rejected, even though subjects know its real origin; subjects also refuse to eat soup served in a (sterile) bedpan, to eat soup stirred with a (sterile) flyswatter, to drink a favorite beverage stirred by a brand-new comb.[66] Because similarity is a very elastic notion, this law is also highly mediated by social rules and boundaries.

Disgust appears not to be present in infants during the first three years of life. Infants reject bitter tastes from birth, making the gaping facial expression that is later characteristic of disgust. But at this point disgust has not broken off from mere distaste; nor has danger even appeared on the scene. The danger category seems to emerge in the first few years of life, and full-blown disgust is present only from around four years of age onward. Children do not show rejection of feces or vomit in early life; if anything, children are fascinated and attracted by their feces, and disgust, learned later, is a powerful social force that turns attraction to aversion.[67] Nor before the age of three or four is there any evidence for the rejection of smells, other than those that are actually irritants. Disgust, then, is taught by parents and society. This does not show that it does not have an evolutionary origin; many traits based on innate equipment take time to mature. Yet it does show that with disgust, as with language, social teaching plays a large role in shaping the form that the innate equipment takes.

Usually this teaching begins during toilet training; and despite all the interest psychoanalysts have taken in this process, we still need more close empirical studies of its workings.[68] Cross-cultural studies would be of particular interest. It is obvious that parents in most if

not all societies communicate to children powerful messages of both distaste and disgust in regard to their feces, and that these messages convert attraction into aversion, or at least cause the very strong repression, behind aversion, of whatever attraction persists. There is, however, a lack of clarity about the stages through which children typically pass on their way to full adult disgust. Rozin holds, tentatively, that children do not immediately develop full-blown disgust toward their feces; instead, reacting to parental cues, they first develop distaste only. After repeated displays of disgust by parents and others, however, they eventually come to share that full-blown disgust.[69] The disgust levels of children correlate strongly with those of their parents, and, as Rozin's empirical surveys show, there is considerable individual variation in levels of disgust toward primary objects.[70]

Would it be possible to raise children who did not have disgust toward their bodily wastes? Clearly there are evolutionary tendencies at work that might make this a difficult task. Nor would it necessarily be wise to attempt it. Disgust provides an additional emphasis to the sense of danger, motivating the avoidance of many items that are really dangerous. Even though the disgusting does not map precisely onto the dangerous, the mapping is a good enough heuristic for many daily purposes, and even today we do not have the option of testing our environment in each case for germs and bacteria. Beyond these evolutionary links, disgust toward primary objects embodies, and does so more and more as a person's understanding of death and decay matures, an avoidance of issues that really are difficult to live with. It seems unlikely that we could ever be at ease with our own death and the decay that surrounds it; insofar as disgust grows out of our uneasy relationship with decay and mortality, it seems likely to surface sooner or later, and it may be necessary in order to live.

One question that remains unanswered is to what extent disgust toward primary objects is accompanied by attraction to the same objects. Freud plausibly argues that a child is attached to its feces, and retains this attraction behind the disgust that represses it. The strength of this retained attachment, however, may well differ greatly across individuals and, indeed, societies. It is likely to be influenced by toilet training, during which parents often praise a child for producing

a bowel movement, and the child comes to view the product as a gift that he has given his parent. We still need to know much more about these phenomena. Where disgust toward other primary objects is concerned, it is less clear whether we should posit any initial attraction. Vomit, snot, slimy animals, decaying substances, corpses: do these allure us, or do they simply disgust us? And, insofar as they are objects of allure or fascination, is this simply because they are forbidden, or is the attraction prior to the prohibition?

These questions probably have no simple or single answer. Children certainly enjoy slimy things even while finding them disgusting. But sometimes, too, they enjoy them precisely to the extent that parents indicate that they are disgusting. And although most of us feel no attraction to corpses, they have sometimes been objects of attraction. Thus, Plato expects his readers to recognize as a central example of appetitive attraction that of Leontius, who desires to stare at the exposed corpses of dead soldiers, although he knows that he should not do it.[71] Most modern American readers find the passage puzzling: why didn't Plato choose an appetite with which we're all familiar if he wanted to illustrate the conflict between appetite and moral indignation? Yet Plato must have been able to rely on an audience for whom the desire to look at the decaying corpse was keen—perhaps because Greek traditions held that an exposed corpse was so profoundly disgraceful. Thus, in this case and in others, it seems likely that there is considerable individual and societal variation in the degree to which the disgusting exercises allure, and especially in the degree to which this allure is itself a construct of social prohibitions.

Whatever the full story is about the development of disgust toward primary objects, it is clear that the ideas of indirect and psychological contamination that are so prominent in the adult's experience of disgust develop much later, when children become capable of the more complicated types of causal thinking involved: thought, for example, about contagion and similarity. Both parental and social teaching are involved in these developments. Disgust, as Rozin says, is therefore an especially powerful vehicle of social teaching. Through teaching regarding disgust and its objects, societies potently convey attitudes toward animality, mortality, and related aspects of gender and sexuality. Although the cognitive content and aetiology of dis-

gust suggest that in all societies the primary objects—feces, other bodily fluids, and corpses—are likely to be relatively constant, societies have considerable latitude in how they extend disgust-reactions to other objects, which they deem to be relevantly similar to the primary objects. Thus, although it seems right in a sense to say that there are some "natural" objects of disgust, in the sense that some broadly shared and deeply rooted forms of human thinking are involved in the experience of disgust toward primary objects, many objects become objects of disgust as a result of highly variable forms of social teaching and tradition. In all societies, however, disgust expresses a refusal to ingest and thus be contaminated by a potent reminder of one's own mortality and decay-prone animality.

This refusal, as we shall see in section V, has about it an urgency that leads to the anxious extension of disgust to other objects in an effort to insulate the self yet further from contamination by the primary objects. From the time (perhaps around age seven or eight) when children somehow learn to play with those ubiquitous paper devices known as "cootie-catchers," pretending to catch foul bugs from the skin of children who are disliked or viewed as an out-group, children practice a form of disgust-based social subordination known to all societies, creating groups of humans who allegedly bear the disgust-properties of foulness, smelliness, contamination. These subordinate humans create, so to speak, a "buffer zone" between the dominant humans and the aspects of their animality that trouble them.

Before we can say more about the social extension of disgust, however, we must confront the relationship between disgust and anger or indignation: only then will we be in a position to ponder the use of disgust in apparently moralizing contexts, and to dissect the relationship between this moralism and the creation of human buffer zones.

So far I have treated disgust as a cultural universal—and psychological research indicates that there are robust commonalities in disgust across cultural boundaries—but the general account of emotions I have developed in *Upheavals of Thought* indicates that societies vary not only in what objects they deem appropriate for a given emotion, but also, to some extent, in their more precise understanding of the emotion itself and its relation to other emotions. Since disgust has a

cognitive content, it is no exception to this rule. One example must suffice to show the degree to which disgust is not a single thing, but an overlapping family. In an important study of the emotion of *fastidium* in ancient Rome, Robert Kaster argues that it overlaps considerably with English "disgust," and fits closely, up to a point, the Rozin analysis.[72] Thus people express *fastidium* toward a similar range of "primary objects," and then extend this emotion to people who are viewed as relevantly similar to the primary objects. There is a significant difference, however: for the same term, *fastidium,* also denotes an experience that is recognized (by Romans themselves) as somewhat different from the disgust-like *fastidium*; it involves looking down on a person with a kind of delicate hauteur, maintaining one's distance above something perceived as low. This sort of *fastidium* has close links to contempt, and also to an aristocratic sense of proper rank and hierarchy.

Kaster now shows in convincing detail that the fact that a single term names two admittedly different experiences is not irrelevant to the history of each: the two categories of experience begin to overlap and crisscross, so that people perceived as low in the hierarchical sense of *fastidium* can then easily have disgust-properties imputed to them; and people who are associated with a disgust-property will be ranked low and looked down on. All of this is not exactly strange to the English-language term, since disgust pervasively constructs social hierarchies, but the peculiar blend of aristocratic disdain with disgust, and the movement back and forth between the two, seems to be a distinctively Roman construct, giving rise to some experiences and judgments that are subtly different from those in other societies.

Good work of this sort, precise in its cultural analysis, shows us that with disgust as with other emotions, analysis and criticism ought to begin with the specifics of the culture in question, delving deeply into its specific understandings of what is human and what foul. Nonetheless, disgust appears to be an emotion with great transcultural overlap; it also has had an influential Western cultural formation that has itself ensured considerable similarity across both time and place. Therefore, with awareness that all such generalizations are incomplete, we may continue to treat it as a single phenomenon.

IV. Disgust and Indignation

Disgust, as we can see by now, is distinct not only from fear of danger, but also from anger and indignation. The core idea of disgust is that of contamination to the self; the emotion expresses a rejection of a possible contaminant. The core objects of disgust are reminders of mortality and animality, seen as pollutants to the human. Indignation, by contrast, centrally involves the idea of a wrong or a harm. Philosophical definitions of anger standardly involve the idea of a wrong done, whether to the person angered or to someone or something to whom that person ascribes importance. Thus, the standard ancient Greek definitions reported and discussed in Seneca's *On Anger* are "desire to avenge a wrong," "desire to punish one by whom one believes oneself to have been wronged," and "desire for retaliation against someone by whom one believes oneself to have been wronged beyond what is appropriate."[73] (Aristotle's earlier account is very similar.)[74] Notice that the idea of a (believed) wrong is so important that the last Stoic definition includes it twice-over, by adding "beyond what is appropriate" to the word "wronged." Most subsequent definitions of anger and indignation in the Western philosophical tradition follow these leads,[75] and psychology has taken a similar line.[76]

Because the notion of harm or damage lies at the core of anger's cognitive content, it is clear that it rests on reasoning that can be publicly articulated and publicly shaped. Damages and harms are a central part of what any public culture, and any system of law, must deal with; they are therefore a staple of public persuasion and public argument. This has been frequently observed in the history of philosophy. Thus, as I mentioned in chapter 1, Aristotle's *Rhetoric* gives the aspiring orator elaborate recipes for provoking indignation in an audience through the presentation of reasons they can share with regard to a putative wrong. He also gives the orator recipes for taking indignation away that involve convincing the audience that they had not in fact been wronged in the way they thought.[77]

As chapter 1 has argued, the reasons underlying a person's anger (or nonanger) can be false or groundless, and this in several distinct

ways. Perhaps the damage did not occur at all. Perhaps it did occur, but it was done by someone other than the current target of the person's indignation. Perhaps it did occur, and that person did it, but it was not the wrongful act the person believes it to be. (It might, for example, have been an act of self-defense.) More subtly, perhaps the item damaged or slighted was not as important as the person believes it to be. Thus, Aristotle notes that many people get upset if someone forgets their name, though this is not as important as they think it is. As we saw, Seneca notes that he himself gets angry if a host has given him a place at a dinner table that he considers insufficiently honorable; again, he criticizes himself for overvaluing these superficial signs of honor. More deeply, most of the Greek and Roman philosophers think that people standardly overvalue certain types of "external goods," such as honor and money. Many of their angry reactions are based upon these overvaluations, and to that extent their anger will be unreliable as a source of public reasons. They might also undervalue something that is important: Aristotle mentions people who do not get angry when their relatives are subjected to indignity, although they ought to get angry. We might add that we often fail to get angry at wrongs done to people who live at a distance, or who are different from ourselves. Sometimes we don't even see a wrong as a wrong. Thus slavery didn't seem wrong to most of the people who practiced it; the rape of women within marriage was for many centuries considered just a man's exercise of his property rights.

In all of these ways, then, anger (and nonanger) may be misguided, but if all the relevant thoughts stand up to scrutiny, we can expect our friends and fellow citizens to share them and to share our anger. In that way, as Adam Smith remarked, indignation is very different from romantic love: "If our friend has been injured, we readily sympathize with his resentment, and grow angry with the very person with whom he is angry. . . . But if he is in love, though we may think his passion just as reasonable as any of the kind, yet we never think ourselves bound to conceive a passion of the same kind, and for the same person for whom he has conceived it."[78] Because love is based upon idiosyncratic reactions that usually cannot be put into words at all, much less shared by another, we cannot expect our

friends to share our love—though, as Smith goes on to note, they may of course share lovers' anxieties and hopes about the future.[79] By arguing that the judicious spectator will experience anger on another's behalf, but not love, Smith suggests that anger, unlike erotic love, is well suited to ground public action in a society that aims to base its judgments on the public exchange of reasons.

Disgust is very different from anger, and in crucial ways more like erotic love. Although some disgust reactions may have an evolutionary basis and thus may be broadly shared across societies, and although the more mediated types of disgust may be broadly shared within a society, that does not mean that disgust provides the disgusted person with a set of reasons that can be used for purposes of public persuasion. You can teach a young child to feel disgust at a substance—by strong parental reactions and by other forms of psychological influence. Imagine, however, trying to convince someone who is not disgusted by a bat that bats are in fact disgusting. There are no publicly articulable reasons to be given that would make the dialogue a real piece of persuasion. All you could do would be to depict at some length the alleged properties of bats, trying to bring out some connection, some echo with what the interlocutor already finds disgusting: the wet greedy mouth, the rodentlike body. But if the person didn't find those things disgusting, that's that.[80]

Again, imagine trying to convince someone who didn't find gay men disgusting that they are in fact disgusting. What do you do? As the campaign in favor of Amendment 2 in Colorado showed, you can do two things.[81] On the one hand, you can try shifting from the ground of disgust to the ground of more reason-based sentiments such as fear (they will take your children away from you) or indignation (they are being given "special rights"). On the other hand, if you remain on the ground of disgust, you will have to focus on alleged properties of gay men that inspire disgust. And, in fact, the proponents of the referendum circulated pamphlets in which it was stated that gay men eat feces and drink human blood.[82] But such appeals to revulsion are not public reasons on which differential treatment under law can reasonably be based. The proponents of Amendment 2 seemed well aware of this, and thus were reluctant to admit to the tactics they had used. Their direct testimony focused on

"special rights" and dangers to society; it was the plaintiffs, on cross-examination, who introduced evidence of the campaign's appeal to disgust.

Disgust is problematic in a way that indignation is not, and for more than one reason. First of all, indignation concerns harm or damage, a basis for legal regulation that is generally accepted by all. Disgust concerns contamination, which is far more controversial as a source of law. Indignation, again, is typically based on ordinary causal thinking about who caused the harm that occurred, and ordinary evaluation, about how serious a harm this is. Disgust, by contrast, is usually based on magical thinking rather than on real danger. As Rozin has shown, it is insensitive to information about risk, and not well correlated with real sources of harm. Finally, indignation, in its general nature, responds to the fact that we are vulnerable to damage, and that even things we care about most can be harmed by another's wrongful act. This is a salient fact about human life, and few would deny that it is true.[83] Disgust, by contrast, revolves around a wish to be a type of being that one is not, namely nonanimal and immortal. Its thoughts about contamination serve the ambition of making ourselves nonhuman, and this ambition, however ubiquitous, is problematic and irrational, involving self-deception and vain aspiration.

It may well be that all known societies police the borders of human animality with this strong emotion; it may even be that in our evolutionary history such policing proved valuable insofar as it succeeded in bounding off a group against its neighbors and promoting clannish solidarity. Perhaps even today societies need this policing in order to flourish, because people cannot endure the daily confrontation with their own decaying bodies. But it cannot be denied that the policing itself, in its social extension, works in ways that cannot stand the scrutiny of public reason. There is something wrong with disgust as a basis for law in principle, not just in practice.

At this point, it is important to remember the distinction between disgust as criterion and disgust as a putative harm. Sometimes being forced to be in the presence of a deeply offensive substance may inflict something that looks very much like a harm or a damage: offensive odors and substances are typically regarded as creating a

"public nuisance," and, as I have mentioned, prisoners have argued, successfully, that being forced to live with overflowing chemical toilets was "cruel and unusual punishment."[84] These cases of disgust are important, and in chapter 3 I shall support some legal regulation in this area.

What we are dealing with for the most part in this argument, however, is another type of appeal to disgust: a use of disgust as a criterion for behavior that might be legally regulated, whether or not it inflicts anything at all on nonconsenting parties, and whether or not they are even aware of its presence. It is what Mill called a "merely constructive" injury: the injury a person imagines he would feel if he were present at such acts.[85] This is the type of appeal to disgust we have found in the arguments of Devlin and Kass. Of course the very imagining of such acts may indeed cause genuine distress, but this case must be carefully distinguished from the case in which a person is unwillingly subjected to the presence of an object he or she finds disgusting. Not all such cases give good grounds for legal regulation, as I shall argue. But the "merely constructive" type of case is problematic across the board and probably should never provide the basis for legal regulation.

The boundary between disgust and indignation is sometimes obscured by the fact that disgust can come packaged in a moralized form. As we shall see later, the judge at Oscar Wilde's trial represents himself as expressing a moral sentiment about the badness of sodomy; to that extent he took himself to be offering a type of public reason. Rozin and other psychologists have found that the term "disgusting" is very often applied to moral phenomena in a way that seems interchangeable with words indicative of damage, such as "horrible" and "outrageous." At first, writes Rozin, his tendency was to think this an accident of English usage, simply careless locution of some type.[86] Further study revealed, however, that speakers of other languages, too, made the same sort of extension. How, then, to understand the phenomenon? Is there still a distinction to be drawn between indignation and disgust in these moralized cases?

Here we should say, I think, that several different things are going on. Some cases are probably best explained as loose or careless usage, explained, to at least some extent, by the fact that English has

no affectively strong adjective with which to express anger. ("That's outrageous!" seems pretty prissy and bland, so "that's *disgusting*!" sometimes substitutes.) In other cases, such as the Wilde case, the moralism seems to be a cloak for a quite familiar type of disgust, expressing contamination from the presence of an allegedly vile creature, an inhabitant of the human buffer zones that we shall discuss in section V. In other cases, a genuine moral judgment is linked to a disgust-judgment: thus a grisly murder will be found both very bad in the damage sense, and disgusting because of the gore and blood. (I shall discuss this sort of case in chapter 3.) In still other cases, there probably is a genuine extension, but the idea of distancing oneself from a contaminant is still central. Thus, people who say that crooked politicians are "disgusting" are saying something different from what they say when they express anger or outrage against these same people.[87] They are saying not that the politicians have done harm, but that they are contaminants to the community, rather like slimy slugs whom we would like simply to banish. Similar sentiments might be expressed about racists, sexists, and the like.

This last type of disgust raises some interesting questions, which we need to investigate sympathetically. Because I am so critical of disgust in this chapter, for the sake of fairness let me illustrate this point with an example of disgust that deeply moves me, and with which I identify, namely the famous "cry of disgust" in the third movement of Mahler's Second Symphony. Words cannot fully capture this musical experience, but, to cite Mahler's own program, the idea is that of looking at "the bustle of existence," the shallowness and herdlike selfishness of society, until it "becomes horrible to you, like the swaying of dancing figures in a brightly-lit ballroom, into which you look from the dark night outside. . . . Life strikes you as meaningless, a frightful ghost, from which you perhaps start away with a cry of disgust."[88] This disgust, we might think, is a valuable moral response to the deadness of social interactions, very close to an emotion of indignation at the wrongs done to people by hypocrisy, stifling ossified customs, and the absence of genuine compassion. Mahler's response to it, in the next movement, is to focus on pure compassion for human suffering, embodied in a text from folk po-

etry and music that alludes centrally to Bach.[89] Doesn't this mean that there is a type of disgust that offers some very good public reasons to criticize some social forms and institutions?

I believe not. However close the "cry of disgust" lies to indignation, its content is antisocial. Its content is, "I repudiate this ugly world as not a part of me. I vomit at those stultifying institutions, and I refuse to let them become a part of my (pure) being." Indignation has a constructive function: it says, "these people have been wronged, and they should not have been wronged." In itself, it provides incentives to right the wrong; indeed it is typically defined as involving a desire to right the wrong. By contrast, the artist who runs away from the world in disgust is at that moment not a political being at all, but a romantic antisocial being.

Thus Mahler's turning to compassion in the ensuing movement of the symphony does not grow directly out of his disgust; in fact, it requires him to overcome disgust, as he dramatizes by depicting the compassionate sentiments as embodied in the mind of a young child, who simply lacks that emotion. "O small red rose, humanity lies in the greatest need," begins the lyric: and the figure of the delicate flower is its own antidote to the disgust that has preceded. We are now viewing humanity as delicate, vulnerable, flowerlike: we have overcome the momentary temptation to vomit at its imperfections. Thus I would argue, with Mahler, that even the moralized form of disgust is an emotion that is highly problematic. It must be contained and perhaps even surmounted, on the way to a genuine and constructive social sympathy.

My own experience of moralized disgust takes the following form. When politics proves too gross and vile, I imagine, and sometimes seriously entertain, the thought of moving to Finland, a nation in which I have spent eight summers working at a United Nations institute—a nation, therefore, that I know pretty well, but not too well. I imagine it, not altogether falsely, as a land of clear, pale blue lakes and unsullied forests, and, at the same time, as a land of social democratic virtue, unsullied by greed, aggression, and corruption. In short, my fantasy is an escape fantasy, having more to do with back-formation from current discontents than with constructive engagement with

Finnish society. Anger at U.S. politicians tends in the direction of protest and constructive engagement. Disgust at U.S. politicians leads to escape and disengagement.

Might there be a type of disgust, directed at oneself and one's current society, that is productively connected with moral improvement?[90] Prophetic rhetoric does sometimes evoke disgust with current bad ways, as well as anger at them. And it is at least possible that using disgust-imagery about one's current self might be connected with a helpful move away from that defiled self. But I am skeptical: for if the imagery is that of disgust, then the statement that is made is that the self is filthy. Is that ever a helpful attitude to have toward oneself? Doesn't it suggest that the self just has to be discarded as hopeless, rather than the constructive idea that it should atone for its bad deeds and develop its potentiality for good? I suspect that all too many religious and political uses of such ideas are too much connected to ideas of self-loathing and self-abasement, rather than to the constructive amelioration of the self. Moreover, the fantasy of self-transcendence that may accompany such thoughts is all too likely to be a fantasy of impossible strength or purity, in which crucial elements of the human are lacking.[91]

But, Dan M. Kahan will now argue, why not use disgust's undeniable power for good?[92] If all societies contain disgust, and in all societies it is a potent moral sentiment, then why not harness it, teaching people to feel disgust at racism, sexism, and other genuinely bad things? One initial problem with this proposal is that disgust does not remain focused on an act. Anger at a bad act is compatible with the desire to rehabilitate the offender and with respect for the offender's human dignity. Disgust, because of its core idea of contamination, basically wants to get the person out of sight. And it seems to me that we should not have that attitude toward racists and sexists. We should distinguish carefully between persons and their acts, blame people for any bad or harmful acts they commit, but retain a respect for them as persons, capable of growth and change. So I think that the response that says, "Let's get those disgusting rats out of here" is not a helpful one for a liberal society, even when directed at people who may have bad motives and intentions.

Nor, as my Finland story illustrates, is there anything constructive about this fantasy of purity. What we should ask of racists and corrupt politicians is good behavior, and, even better, reform. When they do something bad they should be punished. What helpful course is even suggested, however, by the idea that they are like vomit or feces? Obviously we aren't going to send them into exile, and should not even if we could. So disgust both hooks us on an unrealizable romantic fantasy of social purity and turns our thoughts away from the real measures we can take to improve race relations and the conduct of politicians. Nothing is gained by treating any group of citizens like dirt, even if they are immoral. And of course, as the ensuing section argues, such treatment can also all too easily lead to the victimization of groups and harmless persons, through the magical thoughts of contagion and similarity. Is it good that Americans should feel disgust against terrorists? No, I would argue, not least because it can so easily spread outward, making us think that we must toss all Muslims and Arab-Americans into internment camps, or banish them from our borders. Anger and determination to rectify the situation—these are appropriate sentiments. Disgust is more problematic. Next door to the fantasy of a pure state is a highly dangerous and aggressive xenophobia.

V. Projective Disgust and Group Subordination

If disgust is problematic in principle, we have all the more reason to regard it with suspicion when we observe that it has throughout history been used as a powerful weapon in social efforts to exclude certain groups and persons. So powerful is the desire to cordon ourselves off from our animality that we often don't stop at feces, cockroaches, and slimy animals. We need a group of humans to bound ourselves against, who will come to exemplify the boundary line between the truly human and the basely animal. If those quasi-animals stand between us and our own animality, then we are one step further away from being animal and mortal ourselves. Thus

throughout history, certain disgust properties—sliminess, bad smell, stickiness, decay, foulness—have repeatedly and monotonously been associated with, indeed projected onto, groups by reference to whom privileged groups seek to define their superior human status. Jews, women, homosexuals, untouchables, lower-class people—all these are imagined as tainted by the dirt of the body.

Let us look at some of these remarkable constructions more closely. The stock image of the Jew, in anti-Semitic propaganda from the Middle Ages on, was that of a being disgustingly soft and porous, receptive of fluid and sticky, womanlike in its oozy sliminess. In the nineteenth and twentieth centuries, such images were widespread and were further elaborated, as the Jew came to be seen as a foul parasite inside the clean body of the German male self. Particularly influential was the book *Sex and Character* by Otto Weininger, a self-hating homosexual and Jew, who died by suicide in 1903. Weininger argues that the Jew is in essence a woman: "[S]ome reflection will lead to the surprising result that Judaism is saturated with femininity, with precisely those qualities the essence of which I have shown to be in the strongest opposition to the male nature." Among the Jewish-feminine traits he explores is the failure to understand the national state as the aim of manly endeavor: thus Jews and women, he argues, have an affinity for the ideas of Marxism. They also fail to comprehend class distinctions: they are "at the opposite pole from aristocrats, with whom the preservation of the limits between individuals is the leading idea."[93]

Such ideas, already influential in the late nineteenth century, became extremely influential in the wake of the devastation of World War I. No doubt propelled by a fear of death and disintegration that could not help making itself powerfully felt at that time, many Germans projected onto Jews, as well as women, misogynistic disgust-properties that they both feared and loathed. The clean safe hardness of the true German man (often praised in images of metal and machinery) was standardly contrasted with female-Jewish-communistic fluid, stench, and muck.[94] As Klaus Theweleit argues in his impressive study of the letters and memoirs of a group of the Freikorps, a group of elite German officers of this period, "The most urgent task of the man of steel is to pursue, to dam in, and to subdue any force

that threatens to transform him back into the horribly disorganized jumble of flesh, hair, skin, bones, intestines, and feelings that calls itself human—the human being of old." The aspiration to get away from messy, sticky humanity is well described in a novel of Ernst Jünger, *Kampf als inneres Erlebnis* (Battle as Inner Experience):

> These are the figures of steel whose eagle eyes dart between whirling propellers to pierce the cloud; who dare the hellish crossing through fields of roaring craters, gripped in the chaos of tank engines . . . men relentlessly saturated with the spirit of battle, men whose urgent wanting discharges itself in a single concentrated and determined release of energy.
>
> As I watch them noiselessly slicing alleyways into barbed wire, digging steps to storm outward, synchronizing luminous watches, finding the North by the stars, the recognition flashes: this is the new man. The pioneers of storm, the elect of central Europe. A whole new race, intelligent, strong men of will . . . supple predators straining with energy. They will be architects building on the ruined foundations of the world.[95]

In this fascinating passage, Jünger combines images of machinery with images of animal life to express the thought that the new man must be in some sense both powerful beast and god, both predatory and invulnerable. The one thing he must never be is human. His masculinity is characterized not by need and receptivity, but by a "concentrated and determined release of energy." He knows no fear, no sadness. Why must the new man have these properties? Because the world's foundations have been ruined. Jünger suggests that the only choices, for males living amid death and destruction, are either to yield to an immense and ineluctable sadness or to throw off the humanity that inconveniently inflicts pain. Disgust for both Jews and women became for such men a way of asserting their own difference from mere mortal beings.

As we can see, disgust is thus closely linked to experiences of vulnerability and shame. Underlying this obsessive focus on images of steel and metal is the sense that our mere mortality is something shameful, something we need to hide or, better yet, to transcend altogether. It is no surprise that such complex emotions were unleashed

by the devastation of World War I—but of course they might arise in many different circumstances, given that human beings so often aspire to an invulnerability that they cannot achieve. Disgust therefore points backwards, in the human life cycle, to earlier experiences of helplessness, and of shame concerning helplessness. As I shall argue in chapter 4, both primitive shame and aggressive responses to it are deep and archaic features of most human histories, although some cultural and familial histories cause them to take a milder and more harmonious form than do others. Theweleit's and other related work establishes that the social and familial construction of the German male self at this time was closely linked to a type of pathological and narcissistic shame that bodes ill, as I shall argue, for relations with others.[96]

It is in this antithesis between the disgusting fluid and sticky, feminized Jew and the clean healthy German male body that we find the origins of Hitler's claim, in the epigraph to this chapter, that the Jew is a maggot in a festering abscess, hidden away inside the apparently clean and healthy body of the nation. Related images of Jews as slimy and disgusting are ubiquitous in the period, and even make their way into fairy tales for children, where Jews are standardly represented as disgusting animals who have the stock disgust-properties.[97] In a related development, medical discourse of the time standardly dehumanized Jews (and communists) by depicting them as cancer cells, tumors, bacilli, "fungoid growths." And in a remarkable inversion, cancer itself was described as a socially subversive group within the healthy body—even, more precisely, as "Bolshevists" and "spongers" (a stock description for Jews).[98]

The case of the Jews shows us that disgust toward groups frequently relies on elaborate social engineering. This engineering need not even rely on broadly shared human responses. Although disgust toward Jews seems to have had deep roots in experiences of shame, fear, and devastation, the fact that it was directed toward Jews in particular is an artifact of the social success of Jews, combined with elaborate ideological campaigning aimed at putting them down. One sure way of putting a group down is to cause it to occupy a status between the fully human and the merely animal. It is not because

in some intrinsic way Jews were actually or "originally" or "primarily" found disgusting that they came to be associated with stereotypes of the disgusting. The causality is more the other way round: it was because there was a need to associate Jews (or at any rate *some* group, and for various reasons Jews came readily to mind) with stereotypes of the animal, thus distancing them from the dominant group, that they were represented and talked about in such a way that they came to be found disgusting.

However these causal chains worked, it came to be widely believed that Jews' bodies were actually different, in crucial ways, from the bodies of "normal people."[99] From the nineteenth century onward, a corpus of pseudoscientific literature described the allegedly unique properties of the Jewish foot, the Jewish nose, allegedly diseased Jewish skin, and allegedly Jewish diseases (such as hereditary syphilis).[100] The Jewish nose was widely linked to animality (the sense of smell being allegedly the most animal of the senses), to female odors and sexuality, even to menstruation; and Jews were widely believed to give off a distinctive and repulsive odor, often compared to the alleged smell of a woman during her menstrual period.[101]

And, indeed, the locus classicus of group-directed projective disgust is the female body. Misogynistic disgust has some empirical starting points that help to explain why this form of projection turns up with such monotonous regularity in more or less all societies. Women give birth, and are thus closely linked to the continuity of animal life and the mortality of the body. Women also receive semen: thus, if (as research suggests) semen disgusts males only after it leaves the male body, males will very likely come to view women as contaminated by this (to them) disgusting substance, while the male will view himself as uncontaminated, except insofar as he is in contact with her. In connection with these facts, women have often been imagined as soft, sticky, fluid, smelly, their bodies as filthy zones of pollution. Miller argues that misogyny lies very close to the ideational core of disgust. While it might have been some minority other than the Jews who could have been viewed as slimy and smelly, it is no accident that women are so viewed more or less ubiquitously, because males are disturbed by birth and especially by their own sexuality

and bodily fluids. Miller argues that men find semen both distressing and deeply disgusting: thus, any being who receives it is contaminated. Following Freud, he then argues that men will always have great difficulty seeing their sex object as anything but debased, and will tend to seek already-debased objects, so that they can indulge their desires—understood as entailing the debasement of the object who receives those fluids—without guilt at inflicting debasement on one not debased. Miller does hold that love causes the relaxation of disgust, but only briefly, and to a limited extent.[102] In general, because the woman receives the man's semen, she "is what she eats" (whether in the sense of oral or vaginal incorporation); she becomes the sticky mortal part of him from which he needs to distance himself.[103]

One may wonder whether Miller has uncovered a universal phenomenon; and certainly the idea that semen is paradigmatic of the disgusting is one that does not find universal assent. But in its general outlines, his account of male disgust tracks a long-lasting and widespread type of misogyny. In very many cultures and times, women have been portrayed as dirt and pollution, as sources of a contamination that allures and must somehow, therefore, be both kept at bay and punished.[104] In Tolstoy's *Kreutzer Sonata,* closely linked to Tolstoy's own struggles with sexuality, the killer-husband describes sex as inevitably linked to revulsion with the woman who has inspired desire, and thence with rage and hatred for the subjection to desire that is intrinsic to any sexual relationship. He represents his murder of his wife as the natural consequence of the sex act, renunciation of sex as the only hope for relations between men and women not marred by hatred and disgust. For Schopenhauer, whose views are very similar, woman embodies the force of animal nature, striving to preserve itself; her allure is a primary obstacle to male projects of contemplation and detachment, and revulsion at her animality is thus closely linked to rage and hatred. Weininger developed such ideas in elaborate detail, arguing that woman, unlike man, is entirely sex and sexual, and that she is in effect the man's animality, from which he unevenly tries to distance himself, with reactions of both disgust and guilt: "Woman alone, then, is guilt; and is so through man's fault. . . . She is only a part of man, his other, ineradicable, his lower part."[105] Because the Jew is a woman, and disgusting

in the way that women are disgusting, Jewish women, according to Weininger, are doubly disgusting, hyperanimal beings who exercise a fascinating allure but who must be warded off.[106]

One may find variants on these themes in more or less all societies, as women become vehicles for the expression of male loathing of the physical and the potentially decaying. Taboos surrounding sex, birth, menstruation—all these express the desire to ward off something that is too physical, that partakes too much of the secretions of the body. Consider the professor of gynecology, quoted by Maugham in my epigraph: for him woman is emblematic of all the bodily functions; she is, in effect, the male's body, and her receptive sexual eagerness is the culmination of her many disgusting traits. Anne Hollander's witty account of the history of the tailored suit gives a trenchant narrative of the way in which women's skirts were widely thought to hide a disgusting zone of filth and pollution, from which it was good to be safely distanced by wide voluminous skirts made of yards of fabric. Only recently have women been permitted to show their legs, revealing that they have human anatomy similar to that of males, not a foul cesspit of fluids.[107]

Consider, finally, the central locus of disgust in today's United States: male loathing of the male homosexual. Female homosexuals may be objects of fear, or moral indignation, or generalized anxiety, but they are less often objects of disgust. Similarly, heterosexual females may feel negative emotions toward the male homosexual—fear, moral indignation, anxiety—but again, they rarely feel emotions of disgust. What inspires disgust is typically the male thought of the male homosexual, imagined as anally penetrable. The idea of semen and feces mixing together inside the body of a male is one of the most disgusting ideas imaginable—to males, for whom the idea of nonpenetrability is a sacred boundary against stickiness, ooze, and death. The presence of a homosexual male in the neighborhood inspires the thought that one might oneself lose one's clean safeness, become the receptacle for those animal products. Thus disgust is ultimately disgust at one's own imagined penetrability and ooziness, and this is why the male homosexual is both regarded with disgust and viewed with fear as a predator who might make everyone else disgusting. The very look of such a male is itself contaminating—as

we see in the extraordinary debates about showers in the military. The gaze of a homosexual male is seen as contaminating because it says, "You can be penetrated." And this means that you can be made of feces and semen and blood, not clean plastic flesh.[108] (And this means: you will soon be dead.)

Both misogynistic and homophobic disgust have deep roots in (especially male) ambivalence about bodily products and their connection with vulnerability and death. These reactions certainly involve learning and social formation, but they are likely to be broadly shared across cultures in a way that disgust at Jews is not. We do not have the sense in these cases, as we do in the case of anti-Semitic disgust, that the actual physical properties of the group were more or less totally irrelevant to their choice as disgust object: a broadly shared anxiety about bodily fluids finds expression in the targeting of those who receive those fluids. On the other hand, disgust in these cases is surely compounded by the element of deliberate construction that characterizes anti-Semitic disgust. The interest in having a subordinate group whose quasi-animal status distances the dominant group further from its own animality leads, here too, to a constructing of the woman, or the gay man, as disgusting by the imputation of further properties found disgusting. Bad smell, sliminess, eating feces—these are projected onto the group in ways that serve a political goal.

One recent example of the political role of disgust, which brings together all these areas, combining them with an anxious image of national purity, is the use of disgust to motivate violence by Hindus against Muslims in Gujarat, India, in March 2002.[109] Hindu nationalist rhetoric typically uses ideas of purity and contamination, with Muslims often portrayed as outsiders who sully the body of the nation. This general idea of purity takes an insistently bodily form, as Muslim men and women are portrayed as hypersexual animal beings, whose bodily fertility threatens the control of the pure Hindu male.[110] Pamphlets circulated during the rioting obsessively develop this sexual imagery, and imagine retaliation against the bodies of Muslim men and women in terms of a violation of their sexual parts (anus and vagina) by fire and metal objects. These tortures were enacted on the bodies of women, who were gang-raped, tortured with

large metal objects inserted into their vaginas, and then burned alive.[111] This example, like so many others, clearly shows the connection between disgust and a type of aggression whose animating fantasy is that of ridding the nation of a contaminant.

VI. Disgust, Exclusion, Civilization

William Miller, following sociologist Norbert Elias, argues that the more things a society recognizes as disgusting, the more advanced it is in civilization.[112] He holds this thesis even though he grants Rozin his distinction between disgust and genuine danger, and even though he grants everything I have just said about the connection between disgust and the hatred of Jews, women, homosexuals, and other groups who become emblematic of the animal. Nor does he confine his claim to cases of moralized disgust like my Mahler example; it is at least arguable that we might measure social progress by the degree to which people learn to be disgusted by racism and other forms of social injustice. Miller's focus, however, is simply on the bodily. His claim is that the more we focus on cleanliness and the more intolerant we become of slime, filth, and our own bodily products, the more civilized we are.

This claim is utterly unconvincing, both descriptively and historically. The claim is descriptively unconvincing because it posits a unilinear progress in the area of disgust, ignoring the great vicissitudes of societies across the ages in the toleration they exhibit for bodily wastes and other disgust-substances. Focusing on a narrow period in European history, Elias and Miller fail to note that ancient Roman sanitary practices were in many respects well in advance of those that obtained in Great Britain until very close to the present day, if not now as well. The common Roman soldier stationed in Northumberland, in the north of England, among the most remote outposts of the empire, had a toilet seat to sit on below which flowed running water in which he might immerse his wiping sponge. Romans in major cities all had copious running water carried by aquifers whose engineering was remarkable, and the system separated water used for cooking and drinking from water used for toilet-flushing.[113] Both

at home and abroad, baths of many kinds were widely available, and the average level of bodily cleanliness, to judge from documentary and archaeological evidence, was very likely high. By contrast, courtiers in Elizabethan England urinated and defecated in corners of palaces, until the stench made it necessary to change residences for a time. And the weekly bath was the most English people of all classes typically knew until extremely recent times.

In general, customs of cleanliness vary greatly in today's world. Americans are shocked by the English custom of rinsing dishes in the same soapy dirty water the dishes have been washed in, and also by English contentment with rinsing the body in the same tub water in which one has washed oneself. Indians of all classes wash with soap and water after defecating and find the institution of toilet paper in America and Europe substandard. (Similarly, the average toilet stall in Finland has a sink with a spray nozzle inside the stall, to promote such washing.) So we don't seem to find a uniform advance in the direction of greater sensitivity to the bodily fluids.

Normatively, it seems difficult to connect the kind of disgust-sensitivity on which Miller focuses with any kind of genuine social advance. It seems plausible enough that as society advances it will identify more things as physically dangerous, and so protect itself better against germs and bacteria, although one should note that such a policy is not always wise, excessive disinfecting being tentatively associated with a rise in asthma and other diseases with an immune-deficiency component. (Thus a child's resistance to finding dirty things disgusting might confer a health advantage.) Miller's normative claim is not a claim about danger, however. His claim is that the magical thinking characteristic of disgust is itself a sign of social progress.

If any such sweeping thesis can be entertained, surely the more plausible thesis is that the moral progress of society can be measured by the degree to which it *separates* disgust from danger and indignation, basing laws and social rules on substantive risk and harm, rather than on the symbolic relationship an object bears to anxieties about animality and mortality. Thus the Indian caste system was less civilized than the behavior of Mahatma Gandhi, who cleaned latrines in order to indicate that we share a human dignity that is not polluted by these menial functions.[114] Similarly, the behavior of D. H.

Lawrence's character Mellors to Lady Chatterley is much more civilized than the behavior of all the upper-class men around her. They evince disgust at her body and its secretions; Mellors tells her that he would never like a woman who did not shit and piss. Lawrence remarks to Ottoline Morrell that such attitudes help to "keep [the] heart warm": they help constitute the relationship between male and female as deeply reciprocal and civilized, rather than based on self-loathing and consequent denigration of the female.

We might, with Walt Whitman, go still farther: the really civilized nation must make a strenuous effort to counter the power of disgust, as a barrier to the full equality and mutual respect of all citizens.[115] This will require a re-creation of our entire relationship to the bodily. Disgust at the body and its products has collaborated with the maintenance of injurious social hierarchies. The health of democracy therefore depends on criticizing and undoing that social formation. The job of the poet of democracy therefore becomes that of singing "the body electric," establishing that the locus of common human need and aspiration is fundamentally acceptable and pleasing—still more, that it is the soul, the locus of personal uniqueness and personal dignity. Slave's body, woman's body, man's body, all are equal in dignity and beauty:

> The male is not less the soul nor more, he too is in his place,
> . . . . . .
> The man's body is sacred and the woman's body is sacred.
>
> No matter who it is, it is sacred—is it the meanest one in the laborer's gang?
> . . . . . .
> Each belongs here or anywhere just as much as the well-off, just as much as you,
>
> Each has his or her place in the procession.
>
> ("I Sing the Body Electric," 6.75, 83–84, 87–88)

Whitman sees that the realization of this idea requires an elaborate undoing of disgust at the parts of bodies that we typically find problematic: hence the remarkable long conclusion of the poem, in which he enumerates the parts of the body from top to bottom, outside to in, depicting them all as parts of the soul, as clean and beautiful, to

be encountered with "the curious sympathy one feels when feeling with the hand the naked meat of the body." Curious sympathy takes the place of disgust, and the traversal of the body triumphantly ends:

> O I say these are not the parts and poems of the body only, but of the soul,
> O I say now these are the soul!
>
> ("I Sing the Body Electric," 9. 164–65)

Whitman makes it clear that this recuperation of the body is closely linked to women's political equality. Because misogyny has typically seen the female as the site of the disgusting, a decontamination of the body, especially in its sexual aspects, is an essential part of undoing sex-based inequality (and the closely related inequality of the homosexual male). Responses to Whitman's poetry on its publication show us the depth of the problem. In a fashion typical of the American puritanism of the time, reviewers could not describe the poetry's focus on the sexual without describing it as disgusting. Thus the defenders against the charge of filth proceeded by denying the poems' sexual content: "I extract no poison from these leaves," wrote one Fanny Fern, contrasting Whitman's poems with popular romances in which "the asp of sensuality lies coiled amid rhetorical flowers." Edward Everett Hale, praising the book's "freshness and simplicity," insisted that "there is not a word in it meant to attract readers by its grossness."[116] What is striking about these reviews is their total lack of any way to talk about sexual longing other than in the language of disgust.

Whitman's response, throughout his career, was to represent the receptive and "female" aspects of sexuality as joyful and beautiful, indicating at the same time that in present-day America this joy can be realized only in fantasy. Thus in section 11 of *Song of Myself* he offers what he calls a "parable." By placing it immediately after an account of a slave's body, he invites us to ponder its connection to the theme of political equality:

> Twenty-eight young men bathe by the shore,
> Twenty-eight young men and all so friendly;
> Twenty-eight years of womanly life and all so lonesome.

She owns the fine house by the rise of the bank,
She hides handsome and richly drest aft the blinds of the window.

Which of the young men does she like the best?
Ah the homeliest of them is beautiful to her.

Where are you off to, lady? for I see you,
You splash in the water there, yet stay stock still in your room.

Dancing and laughing along the beach came the twenty-ninth bather,
The rest did not see her, but she saw them and loved them.

The beards of the young men glisten'd with wet, it ran from their long hair,
Little streams pass'd all over their bodies.

An unseen hand also pass'd over their bodies,
It descended tremblingly from their temples and ribs.

The young men float on their backs, their white bellies bulge to the sun, they do not ask who seizes fast to them,
They do not know who puffs and declines with pendant and bending arch,
They do not think whom they souse with spray.

(*Song of Myself,* 11. 199–216)

These lines depict female sexual longing, and the exclusion of the female, by morality and custom, from full sexual fulfillment, and from public recognition as a sexual being. Their placement invite us to see the woman as a figure for the excluded black man, who must also hide his desire from the white world and who also runs the risk of being seen as a metaphor for the feared intrusion of the sexual. But there is another excluded party who also hides behind the curtains. In the depiction of the woman's imagined sexual act, linked, as it is, to other oral-receptive imagery in other poems about the allure of the male body, Whitman also refers to the exclusion of the male homosexual, whose desire for the bodies of young men must be concealed even more than must female desire. The easy joy of these young men depends on their not knowing who is watching them

with sexual longing; and this is true of the situation of the homosexual male in society, at least as much as it is of the black man gazing erotically at the white woman, or the female gazing erotically at the male. As he says in "Here the Frailest Leaves of Me," from *Calamus:* "Here I shade and hide my thoughts, I myself do not expose them, / And yet they expose me . . ." (2–3). The woman, then, is also the poet, caressing in fancy bodies that in real life shun his gaze.

The woman's gaze, like the gaze of the poet's imagination in the earlier section, is tenderly erotic, caressing the bodies in ways that expose their naked vulnerability, their soft bellies turned upward to the sun. And she caresses something more at the same time. The number twenty-eight signifies the days of the lunar month and also of the female menstrual cycle. The female body, in whose rhythms Whitman sees the rhythms of nature itself, is immersed in finitude and temporality in a manner from which the male body and mind at times recoils. (Havelock Ellis, writing eloquently about this passage, cites the elder Pliny's remark that "nothing in nature is more monstrous and disgusting than a woman's menstrual fluid.")[117] In caressing the twenty-eight men, the woman caresses her own temporality and mortality, and at the same time sees it in them, approaches and makes love to it in them, rather than turning from it and them in disgust.

Whitman suggests that the willingness to be seen by desire entails a willingness to agree to one's own mortality and temporality, to be part of the self-renewing and onward-flowing currents of nature. It is because it touches us in our mortality that sex is deep and a source of great beauty. In the final poem of *Leaves of Grass,* he imagines embracing a male comrade, and says, "Decease called me forth." The deep flaw in Whitman's America, then, the flaw that for him lies at the head of hatreds and exclusions, is disgust at one's own softness and mortality, of the belly exposed to the sun; the gaze of desire touches that softness, and must for that reason be repudiated as a source of contamination. Over against this flawed America Whitman sets the America of the poet's imagination, healed of disgust's self-avoidance and therefore truly able to pursue liberty and equality.

Whitman's America is a fiction. No real society has triumphed over disgust in the way depicted here. Nor should we hastily con-

clude that such a society is even an ideal norm we should endorse. Should human beings really try to rid themselves of disgust insofar as they possibly can, in every aspect of the fabric of our lives? Several considerations suggest that this may not be such a good idea.

First of all, as we have mentioned, disgust very likely played a valuable role in our evolutionary heritage, steering us away from real danger. Even if it does not track real danger perfectly, it does give an added emphasis to the sense of danger, and thus we might well want to rely on it in parts of our lives where ascertaining danger is likely to be difficult and uncertain. Thus it would very likely be a mistake to try to eat all foods, even those that initially disgust us. Disgust toward feces and corpses is probably a good thing to teach children, as a device to steer them away from genuine danger at an age when they cannot be expected to calculate the dangers. Nor are adults always very good at washing their hands, for instance, because it is the prudent thing to do, so doing it because feces are disgusting may be a good backup motive on which to rely.

Second, we have reason to believe that in at least many cultures at many times, or at least for many people within cultures, the disgusting and the attractive are interwoven in a complex manner. Would a sexuality free of all sense of the disgusting be feasible and imaginable? And even if it is so for many people, it might not be for all. Whitman's hygienic picture of the body does not seem very sexy: so we need to ask whether the disgust-free attitude does not remove too much.

This brings us to the third and most significant point. What Whitman asks of us is, in the end, a simple relationship to our own mortality and its bodily realization. We are to embrace with neither fear nor loathing the decay and brevity of our lives. But to ask of humans that they not have any shrinking from decay or any loathing of death is to ask them to be other than, possibly even less than, human. Human life is a strange mystery, a combination of aspiration with limitation, of strength with terrible frailty. To become a being who didn't find that mysterious or weird or terrifying would be to become some kind of subhuman or inhuman being, and it would also be to forfeit, very likely, some of the value and beauty of human life. At least we don't see clearly that it would not have this effect. If, however, the complex

struggle we currently wage with mortality has disgust as its corollary, we should not expect to dismiss disgust utterly from our lives.

For all these reasons, it seems that we should think hard before endorsing Whitman's comprehensive program of disgust-extirpation. Nonetheless, to say that a certain motive should probably remain embedded in the fabric of human life is not to say that this motive gives good guidance for political and legal purposes. I have argued that disgust gives bad guidance for several reasons: because it does not well track genuine danger; because it is bound up with irrational forms of magical thinking; and, above all, because it is highly malleable socially, and has very often been used to target vulnerable people and groups.

Notice that these arguments do not give us strong reasons not to base laws on disgust where there is an actual bodily offense to a nonconsenting party that we can examine, asking how it was produced and how bad it is. In other words, the use of disgust in the area of nuisance law may still withstand the type of critique I have advanced, and in chapter 3 we shall see to what extent this is so. What the critique does call into question is the more nebulous and global argument made by Devlin and Kass—that disgust is an emotional criterion rooted in our personalities (or, in the case of Devlin, in our social order) that gives us reliable guidance by identifying types of acts that are beyond the pale and that should be prohibited, despite the fact that they cause no harm to nonconsenting parties. Disgust looks not at all reliable because of the way that it constructs groups of surrogate animals who represent to the dominant members of the community things about themselves that they do not wish to confront.

Now of course, as I argued in chapter 1, no emotion is reliable per se as a basis for law. Anger embodies judgments about harm that may well be misguided: for example, it once informed the cuckolded husband that infidelity is a harm justifying homicide. But at least anger makes a claim that is a pertinent one: this is a very serious harm, wrongfully inflicted. This is obviously a pertinent sort of claim to make in a context where we are contemplating legal regulation of conduct. If it stands up to scrutiny, we can expect the law to take it very seriously.

What claim is made by disgust? In the case we are envisaging, where disgust is used as a criterion to support the prohibition of

harmless acts, the claim appears to be: "This act (or, more often and usually inseparably, this person) is a contaminant; it (he or she) pollutes our community. We would be better off if this contamination were kept far away from us." But that, as we have seen, is a very vague claim. If it is meant literally—for example, if the claim is that someone has actually polluted a neighbor's water supply with harmful material—then we have moved onto the terrain of harm, as I shall argue in the following chapter. If, however, we just say, "These men having sex in their bedrooms are a pollution in our community, even though I don't see them or encounter their act," or, "These Jews going around our city streets are a verminous pollution, even though they don't take harmful action against us," in such cases the idea of contamination and pollution is extremely vague and nebulous—what Mill called "merely constructive."

What exactly are we saying? That the presence of such people and their acts in our community will cause its downfall? Why should we think this? Because we don't like them? That is hardly a sufficient reason for legal regulation. And if we were to uncover and state what really seems to be in the background, namely, "We have chosen these people as surrogate animals in order to distance ourselves from aspects of animality and mortality that appall us," then that reason, once brought out into the light, would provide absolutely no ground for legal regulation. Instead, it would prompt the further question, "Why don't we criticize ourselves for treating a group of people in such a blatantly discriminatory manner?" The real content, in short, would prompt criticism of the disgusted rather than of the constructed cause of their disgust.

Let us now turn to specific legal issues to see whether we can uncover there the signs of the problems we have found, and to see whether our critical attitude will offer useful legal guidance.

12

Emotions as Judgments of Value and Importance

MARTHA NUSSBAUM

Nun will die Sonn' so hell aufgeh'n

Als sei kein Unglück die Nacht gescheh'n.

Das Unglück geschah nur mir allein.

Die Sonne, sie scheinet allgemein.

Du musst nicht die Nacht in dir verschränken,

Musst sie ins ew'ge Licht versenken.

Ein Lämplein verlosch in meinem Zelt,

Heil sie dem Freudenlicht der Welt.

[Now the sun is going to rise, as bright

as if no misfortune had happened during the night.

The misfortune happened only to me.

The sun sends light our neutrally.

You must not fold the night into yourself.

You must drown in eternal light.

In my tent a small lamp went out.

Greetings to the joyful light of the world.]

Friedrick Rückert
(text of the first of Mahler's *Kindertotenlieder*)

It is almost impossible to understand the extent to which this disturbance agitated, and by that very fact had temporarily enriched, the mind of M. de Charlus. Love in this way produces real geological upheavals of thought. In the mind of M. de Charlus, which only several days before resembled a plane so flat that even from a good vantage point one could not have discerned an idea sticking up above the ground, a mountain range had abruptly thrust itself into view, hard as rock—but mountains scul[p]ted as if an artist, instead of taking the marble away, had worked it on the spot, and where there twisted about the another, in giant and swollen groupings, Rage, Jealousy,
Curiosity, Envy, Hate, Suffering, Pride, Astonishment, and Love.

Marcel Proust, *A la recherche du temps perdu*

The story of an emotion, I shall argue, is the story of judgments about important things, judgments in which we acknowledge our neediness and incompleteness before those elements that we do not fully control. I therefore begin with

such a story, a story of fear, and hope, and grief, and anger, and love.

I.

Last April I was lecturing at Trinity College, Dublin. As my mother was in the hospital convalescing after a serious but routine operation, I phoned at regular intervals to get reports on her progress. One of these phone calls brought the news that she had had a serious complication during the night, a rupture of the surgical incision between her esophagus and her stomach. She had developed a massive internal infection and fever, and, though she was receiving the best care in a fine hospital, her life was in jeopardy. This news felt like a nail suddenly driven into my stomach. With the help of my hosts I arranged to return on the next flight, which was not until the following day. That evening I delivered my scheduled lecture, on the subject of emotions. I was not then the same exuberant self-sufficient philosopher delivering a lecture, but rather a person barely able to restrain tears. That night in my room in Trinity College, I had a dream in which my mother appeared emaciated and curled into a fetal position in her hospital bed. I looked at her with a surge of tremendous love and said, "Beautiful Mommy." Suddenly she stood up, looking as young and beautiful as in the photographs of the time when I was two or three years old. She smiled at me with her characteristic wit and said that others might call her wonderful, but she preferred to be called beautiful. I woke up and wept, knowing that things were not so.

During the transatlantic flight the next day, I saw, with hope, that image of health before me. But I also saw, and more frequently, the image of her death, and my body wanted to interpose itself before that image, to negate it. My blood wanted to move faster than the plane. With shaking hands I typed out paragraphs of a lecture on mercy, and the narrative understanding of criminal offenders. And I felt, all the while, a vague and powerful anger—at the doctors, for allowing this crisis to occur, at the flight attendants, for smiling as if everything were normal, and above all, at myself for not having been able to stop this event from happening, or for not having been there with her when it did. On arriving in Philadelphia I called
the hospital's intensive care unit and was told by the nurse that my mother had died twenty minutes before. My sister, who lived there, had been with her and had told her that I was on my way. The nurse asked me to come and see her laid out. I ran through the littered downtown streets as if something could be done. At the end of a maze of corridors, beyond the cafeteria where hospital workers were laughing and talking. I found the surgical intensive care unit. There, behind a curtain, I saw my mother in bed, lying on her back, as I had so often seen her lying asleep at home. She was dressed in her best robe, the one with the lace collar. Her make up was impeccable. (The nurses, who had been very fond of her, told me that they knew how important it had been to her to always have her lipstick on right.) A barely visible tube went into her nose, but it was no longer hooked up to anything. Her hands were yellow. She was looking intensely beautiful. My body felt as if pierced by so many slivers of glass, fragmented, as if it had exploded and scattered in pieces round the room. I wept uncontrollably. An hour later I was on my way to my hotel, carrying my mother's red overnight bag with her clothes and

the books I had given her to read in the hospital—strange relics that seemed to me not to belong to this world any more, as if they should have vanished with her life.

II.

This story embodies several features of the emotions which it is my endeavor to explain here: their urgency and heat; their tendency to take over the personality and move one to action with overwhelming force; their connection with important attachments, in terms of which one defines one's life; one's sense of passivity before them; their apparently adversarial relation to "rationality" in terms of cool calculation or cost-benefit analysis, or their occasionally adversarial relation to reasoning of any sort; their close connections with one another, as hope alternates uneasily with fear, as a single event transforms hope into grief, as grief, looking for a cause, expresses itself as anger, as all of these can be the vehicles of an underlying love.

In the light of all these features, it might seem very strange to suggest that emotions are forms of judgment. And yet it is this thesis that I shall defend. I shall argue that all these features are not only not incompatible with, but are actually best explained by, a version of the ancient Greek Stoic view, according to which emotions are forms of evaluative judgment that ascribe great importance to things and persons outside one's control. Emotions are thus, in effect, acknowledgements of neediness and lack of self-sufficiency.[1] The aim is to examine this view and the arguments that support it, showing how the original Stoic picture needs to be

modified in order to be philosophically adequate. In this way I hope to restore to the
philosophical and political discussion of emotion a dimension that has too frequently been overlooked in debates about whether emotions are "rational" or "irrational."[2]

My focus will be on developing an adequate philosophical account. But since any adequate account in this area must respond not only to the data of one's own experience and to stories of the experience of others, but also to the work done to systematize and account for emotional experience in the disciplines of psychology and anthropology, I draw on those disciplines as well. Neo-Stoic views have recently been gaining ascendancy in cognitive psychology, in work on helplessness and control,[3] and on emotion as "appraisal" of that which pertains to a creature's "thriving";[4] and in anthropology, in work on emotion as an evaluative "social construction."[5] Since the Stoic view needs to be connected to a plausible developmental account of the genesis of emotion in infancy, I also draw on pertinent material from the object-relations school of psychoanalysis,[6] which converges with the findings of cognitive psychology and enriches the account of the complexity of human history.[7]

Throughout, the explananda will be the genus of which grief, fear, love, joy, hope, anger, gratitude, hatred, envy, jealousy, pity, guilt, and other relatives are the species. The members of this family are distinct, both from bodily appetites such as hunger and thirst as well as from objectless moods such as irritation or endogenous depression. Through there are numerous internal distinctions among the members of the family, they have enough in common to be analyzed together;

and a long tradition in philosophy, beginning from Aristotle, has so grouped them.[8]

III.

The Stoic view of emotion has an adversary: the view that emotions are "nonreasoning movements," unthinking energies that simply push the person around and do not relate to conscious perceptions. Like gusts of wind or the currents of the sea, they move, and move the person, but obtusely, without vision of an object or beliefs about it. In this sense they are "pushes" rather than "pulls." This view is connected with the idea that emotions derive from the "animal" part of our nature, rather than from a specifically human part—usually by thinkers who do not have a high regard for animal intelligence. Sometimes, too, the adversary's view is connected with the idea that emotions are "bodily" rather than "mental," as if this were sufficient to make them unintelligent rather than intelligent.[9]

The adversary's view is grossly inadequate and, in that sense, it might seem to be a waste of time to consider it. The fact, however, that it has until recently been very influential, both in empiricist-derived philosophy and in cognitive psychology,[10] and through both of these in fields such as law and public policy,[11] gives reason to reflect on it.[12] A stronger reason for
reflecting upon this view lies in the fact that the view, though inadequate, does capture some important aspects of emotional experience, aspects that need to figure in any adequate account. If we first understand why this view has the power that it undeniably does, and then see why and how further

reflection moves us away from it, it will lead to an understanding of what we must not ignore or efface in so moving away.

Turning back to my account of my mother's death, we now find that the "unthinking movements" view does appear to capture at least some of what went on: my feeling of a terrible tumultuousness, of being at the mercy of currents that swept over me without my consent or complete understanding; the feeling of being buffered between hope and fear, as if between two warring winds; the feeling that very powerful forces were pulling my self apart, or tearing it limb from limb; in short, the terrible power or urgency of the emotions, their problematic relationship with one's sense of self, the sense of one's passivity and powerlessness before them. It comes as no surprise that even philosophers who argue for a cognitive view of emotion should speak of them this way: Seneca, for example, is fond of comparing emotions to fire, to the currents of the sea, to fierce gales, to intruding forces that hurl the self about, cause it to explode, cut it up, tear it limb from limb.[13] It seems easy for the adversary's view to explain these phenomenal for if emotions are just unthinking forces that have no connection with our thoughts, evaluations, or plans, then they really are just like the invading currents of some ocean. And they really are, in a sense, non-self; and we really are passive before them. It seems easy, furthermore, for the adversary to explain their urgency for once we imagine these forces as extremely strong.

By contrast, the neo-Stoic view appears to be in trouble in all these points. For if emotions are a kind of judgment or thought, it would be difficult to account for their urgency and heat; thoughts are usually imagined as detached and calm.

Also, it is difficult to find in them the passivity that we undoubtedly experience: for judgments are actively made, not just suffered. Their ability to dismember the self is also overlooked: for thoughts are paradigmatic, as it were, of what we control, and of the most securely managed parts of our identity. Let us now see what would cause us to move away from the adversary's view and how the neo-Stoic view responds to our worries.

What, then, makes the emotions in my example unlike the thoughtless natural energies I have described? First of all, they are *about* something; they have an object. My fear, my hope, my ultimate grief, all are about my mother and directed at her and her life. A wind may hit against something, a current may pound against something, but these are not *about* the things they strike in their way. My fear's very identity as fear depends on its having an object: take that away and it becomes a mere trembling or heart-leaping. In the same way, the identity of the wind as wind does not depend on the particular object against which it may pound.

Second, the object is an *intentional* object: that is, it figures in the emotion as it is seen or interpreted by the person whose emotion it is. Emotions are not *about* their objects merely in the sense of being pointed at them and let go, the way an arrow is let go against its target. Their aboutness is more internal and embodies a way of seeing. My fear perceived my mother both as tremendously important and as threatened; my grief saw her as valuable and as irrevocably cut off from me. (Both, we might add—beginning to approach the adversary's point about the self—contain a corresponding perception of myself and my life, as threatened in the one case, as bereft in the other.) This aboutness comes from my active way of

seeing and interpreting: it is not like being given a snapshot of the object, but requires looking at it, so to speak, through one's own window. This perception might contain an accurate view of the object or it might not. (And, indeed, it might take as its target a real and present object, or be directed at an object that is no longer in existence, or that never existed at all. In this way too, intentionality is distinct from a more mechanical directedness.) It is to be stressed that this aboutness is part of the identity of the emotions. What distinguishes fear from hope, fear from grief, love from hate—is not so much the identity of the object, which might not change, but the way the object is perceived: in fear, as a threat, but with some chance for escape; in hope, as in some uncertainty, but with a chance for a good outcome;[14] in grief as lost; in love as invested with a special sort of radiance. Again, the adversary's view is unable to account for the ways in which we actually identify and individuate emotions, and for a prominent feature of our experience of them.

Third, these emotions embody not simply ways of seeing an object, but beliefs—often very complex—about the object.[15] It is not always easy, or even desirable, to distinguish between an instance of *seeing x as y*, such as I have described above, from the belief that *x* is *y*. In order to have fear—as Aristotle already saw it[16]—I must believe that bad events are impending; that they are not trivially, but seriously bad; that I am not in a position to ward them off; that, on the other hand, my doom is not sealed, but there is still some uncertainty about what may befall.[17] In order to have anger, I must have an even more complex set of beliefs: that there has been some damage to me or to something or someone close to me;[18] that the damage is not trivial but significant; that it was done by someone; that it was done willingly; that it would be right for

the perpetrator of the damage to be punished.[19] It is plausible to assume that each element of this set of beliefs is necessary in order for anger to be present: if I should discover that not *x* but *y* had done the damage, or that it was not done willingly, or that it was not serious, we could expect my anger to modify itself accordingly or recede.[20] My anger at the smiling flight attendants was quickly dissipated by the thought that they had done so without any thought of disturbing me or giving me offense.[21] Similarly, my fear would have turned to relief—as
fear so often does—had the medical news changed, or proven to be mistaken. Again, these beliefs are essential to the identity of the emotion: the feeling of agitation by itself will not reveal to me whether what I am feeling is fear or grief or pity. Only an inspection of the thoughts will help discriminate. Here again, then, the adversary's view is too simplistic: severing emotion from belief, it severs emotion from what is not only a necessary condition of itself, but a part of its very identity.

Finally, there is something marked in the intentional perceptions and the beliefs characteristic of the emotions: they are all concerned with *value*, they see their object as invested with value. Suppose that I did not love my mother or consider her a person of great importance; suppose I consider her about as important as the branch on a tree near my house. Then (unless I had invested the branch itself with an unusual degree of value) I would not fear her death, or hope so passionately for her recovery. My experience records this in many ways—not least in my dream, in which I saw her as beautiful and wonderful and, seeing her that way, wished her restored to health and wit. And of course in the grief itself there was the same perception—of enormous significance,

permanently lost. This indeed is why the sight of the dead body of someone one loves is so painful: because the same sight that is a reminder of value is also an evidence of irrevocable loss.

The value perceived in an object appears to be of a particular sort—although here I must be more tentative since I am approaching an issue that is my central preoccupation. The object of the emotion is seen as *important* for some role it plays in the person's own life. I do not fear just any and every catastrophe anywhere in the world, nor (so it seems) any and every catastrophe that I know to be bad in important ways. What inspires fear is the thought of the impending damage that threatens my cherished relationships and projects. What inspires grief is the death of a beloved, someone who has been an important part of one's life. This does not mean that the emotions view these objects simply as tools or instruments of the agent's own satisfactions: they may be invested with intrinsic worth or value, as indeed my mother had been. They may be loved for their own sake, and their good sought for its own sake. But what makes the emotion center around her, from among all the many wonderful people and mothers in the world, is that she is *my* mother, a part of my life. The emotions are in this sense localized: as in the Rückert poem in the epigraph, they take up their stand "in my tent," and focus on the "small lamp" that goes out there, rather than on the general distribution of light and darkness in the universe as a whole.

Another way of putting this point is that the emotions appear to be eudaimonistic—that is, concerned with the agent's flourishing. And thinking about ancient Greek eudaimonistic moral theories will help us to start thinking about the

geography of the emotional life. In a eudaimonistic ethical theory, the central question asked by a person is "How should I
live?" The answer lies in the person's conception of *eudaimonia*, or human flourishing. The conception of *eudaimonia* includes all that to which the agent ascribes intrinsic value; for instance, if one can show that there is something missing without which one's life would not be complete, then that is sufficient argument for its inclusion.[22] The important point is this: in a eudaimonistic theory, the actions, relations, and persons that are included in the conception are not all valued simply on account of some instrumental relation they bear to the agent's satisfaction. This is a mistake commonly made about such theories under the influence of utilitarianism and the misleading use of "happiness" as a translation for *eudaimonia*.[23] Not just actions but also mutual relations of civic or personal *philia*, in which the object is loved and benefited for his or her own sake, can qualify as constituent parts of *eudaimonia*.[24] On the other hand, they are valued as constituents of a life that is my life and not someone else's, as my actions, as people who have some relation with me.[25] This, it seems, is what emotions are like, and this is why, in negative cases, they are felt as tearing the self apart: because they have to do with[26] damage to me and to my own, to my plans and goals, to what is most urgent in my conception of what it is for me to live well.

We have now gone a long way toward answering the adversary, for it has been established that his view, while picking out certain features of emotional life that are real and important, has omitted others of equal and greater importance, central to the identity of an emotion and to discriminating

between one emotion and another: their aboutness, their intentionality, their basis in beliefs, their connection with evaluation. All this makes them look very much like thoughts after all, and we have even begun to see how a cognitive view might itself explain some of the phenomena the adversary claimed on his side—the intimate relationship to self-hood, the urgency. But this is far removed from the neo-Stoic view, according to which emotions are just a certain type of evaluative judgment. For the considerations we have brought forward might be satisfied by a weaker or more hybrid view, according to which beliefs and perceptions play a large role in emotions, but are not identical with them.

We can imagine, in fact, three such weaker views, each with its historical antecedents:[27]

1. The relevant beliefs and perceptions are *necessary conditions* for the emotion.

2. They are *constituent parts of* the emotion (which has non-belief parts as well).

3. They are *sufficient conditions* for the emotion, which are not identical with it.

The logical relations among these options are complex and need scrutiny. (1) does not imply but is compatible with (3). (3) does not imply but is
compatible with (1). (1) is compatible with (2)—the beliefs may be necessary as constituent elements in the emotion; but we might also hold (1) in an external-cause form, in which the beliefs are necessary conditions for a very different sort of thing that is not itself a belief. The same can be said for (3): a

sufficient cause may be external or internal. (2) is compatible with (3), since even if the belief is just a part of the emotion, and not the whole, it may be a part whose presence guarantees the presence of the other parts.

We have gone far enough, I think, to rule out the external-cause form of (1) and of (3), for we have argued that the cognitive elements are an essential part of the emotion's identity, and of what differentiates it from other emotions. So we are left, it appears, with (2)—whether in a form in which the belief part suffices for the presence of the other parts, or in a form in which it is merely necessary for their presence. What are those other parts? The adversary is ready with a fall-back answer: non-thinking movements of some sort, or perhaps (shifting over to the point of view of experience) objectless feelings of pain and/or pleasure. A number of questions immediately come to mind about these feelings: What are they like if they are not *about* anything? What is the pleasure *in*, or the pain *at*? How are they connected with the beliefs, if they do not themselves contain any thought or cognition?[28] These questions will shortly be reviewed.

IV

I must begin a fuller elaboration and defense of the neo-Stoic view by saying something about judgment. To understand the case for the view that emotions are judgments, one needs to understand exactly what a Stoic means when he or she says that; I think we will find the picture intuitively appealing, and a valuable basis (ultimately) for a critique of the familiar beliefdesire framework for explaining action.[29] According to the Stoics, then, a judgment is an assent to an appearance.[30]

In other words, it is a process that has two stages. First, it occurs to me or strikes me that such and such is the case. (Stoic appearances are usually propositional, although I shall later argue that this aspect of their view needs some modification.) It looks to me that way, I see things that way[31]—but so far I haven't really accepted it. Now there are three possibilities. I can accept or embrace the appearance, take it into me as the way things are: in this case it has become my judgment, and that act of acceptance is what judging is. I can repudiate it as not the way things are: in that case I am judging the contradictory. Or I can let it be there without committing myself to it one way or another. In that case I have no belief or judgment about the matter one way or the other.[32] Consider a simple perceptual case introduced by Aristotle.[33] The sun strikes me as being about a foot wide. (That's the way it looks to me, that is what I see it *as*.) Now I might embrace this appearance and talk and act accordingly; most children do so. If I am confused about astronomy,

I may refuse to make any cognitive commitment on the matter. But if I hold a confident belief that the sun is in fact tremendously large, and that its appearance is deceptive, I will repudiate the appearance and embrace a contradictory appearance. There seems nothing odd here about saying both that the way of seeing the world is the work of my cognitive faculties and that its acceptance or rejection is the activity of those faculties. Assenting to or embracing a way of seeing the world, acknowledging it as true, *requires* the discriminating power of cognition. Cognition need not be imagined as inert. In this case, it is reason itself that reaches out and accepts that appearance, saying, so to speak, "Yes, that's the one I'll have. That's the way things are." We might even say that this is a good way of thinking about what reason *is*: an ability by

virtue of which we commit ourselves to viewing things the way they are.

Let us now return to my central example. My mother has died. It strikes me, it appears to me, that a person of enormous value, who was central to my life, is no longer there. It feels as if a nail has entered my insides; as if life has suddenly a large rip or tear in it, a gaping hole. I see, as well, her wonderful face—both as tremendously loved and as forever lost to me. The appearance, in however many ways we picture it, is propositional: it combines the thought of importance with the thought of loss, its content is that this importance is lost. And, as I have said, it is evaluative: it does not just assert, "Betty Craven is dead." Central to the propositional content is my mother's enormous importance, both to herself as well as to me as an element in my life.

So far we are still at the stage of appearing—and notice that I was in this stage throughout the night before her death, throughout the long transatlantic plane ride, haunted by that value-laden picture, but powerless to accept or reject it, for it was sitting in the hands of the world. I might have had reason to reject it if, for example, I had awakened and found that the whole experience of getting the bad news and planning my return trip home had been just a nightmare. Or, I might have rejected it if the outcome had been good and she was no longer threatened. I did accept that she was endangered—so I did have fear. But whether or not she was or would be *lost*, I could not say. But now I am in the hospital room with her body before me. I embrace the appearance as the way things are. Can I assent to the idea that someone tremendously beloved is forever lost to me, and yet preserve emotional equanimity? The neo-Stoic claims that I cannot. Not if what I

am recognizing is that very set of propositions, with all their evaluative elements. Suppose I had said to the nurses, "Yes, I see that a person I love deeply is dead and that I'll never see her again. But I am fine: I am not disturbed at all." If we put aside considerations about reticence before strangers and take the utterance to be non-deceptive, we will have to say, I think, that this person is in a state of denial. She is not really assenting to *that* proposition. She may be saying those words, but there is
something that she is withholding. Or, if she is assenting, it is not to that same proposition but perhaps to the proposition "Betty Craven is dead." Or even (if we suppose that "my mother" could possibly lack eudaimonistic evaluative content) to the proposition "My mother is dead." What I could not be fully acknowledging or realizing is the thought "A person whom I deeply love, who is central to my life, had died," for to recognize this is to be deeply disturbed.

It is of crucial importance to be clear about what proposition or propositions we have in mind. For, if we were to make the salient proposition one with no evaluative content, say, "Betty Craven is dead,"[34] we would be right in thinking that the acceptance of that proposition could be at most a cause of grief, not identical with grief itself. The neo-Stoic claims that grief is identical with the acceptance of a proposition that is both evaluative and eudaimonistic, that is, concerned with one or more of the person's most important goals and ends. The case for equating this (or these) proposition(s) with emotion has not yet been fully made, but so far it appears far more plausible that such a judgment could in itself be an upheaval. Another element must now be added. The judgments that the neo-Stoic identifies with emotions all have a common subject matter: all are concerned with vulnerable externalities: those

that can be affected by events beyond one's control, those that are unexpected, those that can be destroyed or removed even when one does not wish it. This implies that the acceptance of such propositions reveals something about the person: that she allows herself and her good to depend upon things beyond her control, that she acknowledges a certain passivity before the world. This emerges in the complex combination of circumstantial and evaluative considerations that must be present in the relevant propositions.

At this point, it can be concluded not only that the judgments described are necessary constituent elements of the emotion, but that they are sufficient as well. It has been argued that if there is no upheaval the emotion itself is not fully or really present. The previous arguments suggest that this sufficiency should be viewed internally: as that of a constituent part itself causes whatever other parts there may be. I have spoken of the way in which the relevant judgments are a part of the identity conditions of the emotion; however, there is need for further analysis, since it may still appear counter intuitive to make the emotion itself a function of reason, rather than a nonrational, cognitive movement.

Well, what element in me *is* it that experiences the terrible shock of grief? I think of my mother; I embrace in my mind the fact that she will never be with me again—and I am shaken. But how and where? Does one imagine the thought as causing a trembling in my hands, or a fluttering in my stomach? And if so, does one really want to say that this fluttering or trembling *is* my grief about my mother's death? The movement seems to lack the aboutness and the capacity for recognition that must be part of

an emotion. Internal to the grief must be the perception of the beloved object and of her importance; the grief itself must quantify the richness of the love between us, its centrality to my life. It must contain the thought of her irrevocable deadness. Of course, one could now say that there is a separate emotional part of the soul that has all these abilities. But, having seemingly lost one's grip on the reason for housing grief in a separate non cognitive part, reason looks like just the place to house it.

The adversary might now object that this is not yet clear. Even if one concedes that the seat of emotion of must be capable of many cognitive operations, there also seems to be a kinetic and affective aspect to emotion that does not look like a judgment or any part of it. There are rapid movements, feelings of pain and tumult: are we really to equate these with some part of judging that such and such is the case? Why should we not make the judgment a cause of emotion, but identify emotion itself with these movements? Or, we might even grant that judgment is a constituent element in the emotion, and, as a constituent element, a sufficient cause of the other elements as well, and yet insist that there are other elements, feelings, and movements, that are not parts of the judgment. I have begun to respond to this point by stressing the fact that we are conceiving of judging as dynamic, not static. Reason here moves, embraces, refuses; it moves rapidly or slowly, surely or hesitantly. I have imagined it entertaining the appearance of my mother's death and then, so to speak, rushing toward it, opening itself to absorb it. So why would such a dynamic faculty be unable to house, as well, the disorderly motions of grief? And this is not just an illusion: I am not infusing into thought kinetic properties that properly belong to the arms and legs, or imagining reason as

accidentally colored by kinetic properties of the bloodstream. The movement toward my mother was a movement of my thought about what is most important in the world; that is all that needs to be said about it. If anything, the movement of my arms and legs, as I ran to University Hospital, was a vain mimesis of the movement of my thought toward her. It was my thought that was receiving, and being shaken by, the knowledge of her death. I think that if anything else is said it will sever the close connection between the recognition and the being-shaken of that experience. The recognizing and the upheaval belong to one and the same part of me, the part with which I make sense of the world.

Moreover, it appears that the adversary is wrong in thinking of the judgment as an event that temporally precedes the grieving—as some of the causal language suggests. When I grieve, I do not first of all coolly embrace the proposition "My wonderful mother is dead" and then set about grieving. No, the real, complete, recognition of that terrible event (as many times as I recognize it) *is* the upheaval. It is as I described it: like driving a nail into the stomach. The thought that she is dead sits there (as it sat before me during my plane ride) asking me what I am going to do about
it. Perhaps, if I am still uncertain, the image of her restored to health sits there too. If I embrace the death image, if I take it into myself as the way things are, it is at that very moment, in that cognitive act itself, that I am putting the world's nail into my own insides. That is not preparation for upheaval, that is upheaval itself. That very act of assent is itself a tearing of my self-sufficient condition. Knowing can be violent, given the truths that are there to be known.

Are there other constituent parts to the grief that are not themselves parts of the judgment? In any particular instance of grieving there is so much going on that it is very difficult to answer this question if one remains at the level of token identities between instances of grieving and instances of judging. We have a more powerful argument—and also a deeper understanding of the phenomena—if we inquire instead about the general identity conditions for grief, and whether there are elements necessary for grief in general that are not elements of judgment. In other words, would we withdraw our ascription of grief if these elements were missing? I believe that the answer is that there are no such elements. There usually will be bodily sensations and changes involved in grieving, but if we discovered that my blood pressure was quite low during this whole episode, or that my pulse rate never went above sixty, there would not, I think, be the slightest reason to conclude that I was not grieving. If my hands and feet were cold or warm, sweaty or dry, again this would be of no criterial value. Although psychologists have developed sophisticated measures based on brain activity, it is perhaps intuitively wrong to use these as definitive indicators of emotional states. We do not withdraw emotion-ascriptions otherwise grounded if we discover that the subject is not in a certain brainstate. (Indeed, the only way the brain-state assumed apparent importance was through a putative correlation with instances of emotion identified on other grounds.)

More plausible, perhaps, would be certain feelings characteristically associated with emotion. But here we should distinguish "feelings" of two sorts. On the one hand, there are feelings with a rich intentional content—feelings of the emptiness of one's life without a certain person, feelings

of unrequited love for that person, and so on. Such feelings may enter the identity conditions for some emotion; but the word *feeling* now does not contrast with the cognitive words *perception* and *judgment*, it is merely a terminological variant for them. As already mentioned, the judgment itself possesses many of the kinetic properties that the "feeling" is presumably intended to explain. On the other hand, there are feelings without rich intentionality or cognitive content—for instance, feelings of fatigue, of extra energy. As with bodily states, they may accompany emotion or they may not—but they are not necessary for it. (In my own case, feelings of crushing fatigue alternated in a bewildering way with periods when I felt preternaturally wide awake and active; but it seemed wrong to say that
either of these was a necessary condition of my grief.) So there appear to be type-identities between emotions and judgments; emotions can be defined in terms of judgment alone.

NOTES

This article is based on the first of my Gifford Lectures delivered at the University of Edinburgh, spring 1993. The subsequent lectures not only offer further arguments for the theory and extend it to the analysis of other emotions but also argue that the theory as stated here needs to be modified in certain ways in order to yield an adequate account of the development of emotion and of the emotions of non human animals. I address various normative questions about the place of emotions, so defined, in an account of public and private rationality. I cannot hope here to provide more than a sketch of those further developments, and, hope that the

reader will understand that some questions that may arise about this theory are questions that are addressed later. Despite these drawbacks, I did want to put forward this particular essay as my attempt to honor the memory of Bimal Matilal, not only for its subject matter, but because it is at the core of my work, rather than a peripheral addendum. Matilal was a scholar of profound insight and intellectual courage, whose contribution to philosophy is sui generis, a paradigm of cross-cultural historical and philosophical inquiry. I also knew him as a person possessing great warmth, grace, and wit, whose particularity these abstract terms do not go very far toward conveying.

1. I discuss the Stoic view historically in Nussbaum 1994, chap. 10. Some parts of the argument of this lecture, especially in sec. IV, are closely related to that argument; but I have added new distinctions and refinements at every point in the argument, and, in secs V and VII, have substantially modified my position. Further modifications occur subsequent to the material of this article.

2. Some elements of a related philosophical position are in Lyons 1980, Solomon 1993, Gordon 1987, and de Sousa MIT 1987. None the emotions' cognitive content.

3. See esp. Seligman 1975.

4. See esp. Lazarus 1991; Ortony, Clore, and Collins Press, 1988; and Oatley 1992. For a related view, with greater emphasis on the social aspects of emotion, see Averill 1982.

5. See, Lutz e.g., 1988. See also Briggs 1970.

6. Above all, see Fairbairn 1952, Bollas 1987, and Chodorow 1980; with much reservation and criticism, Klein 1984, and 1985. Experimental psychology, anthropology, and psychoanalysis are brought together in an illuminating way in Bowlby 1982, 1973, 1980.

7. Most of the detailed discussion of all this material is in parts of the project subsequent to this paper; I include the references to convey an idea of my larger design.

8. The word I shall use for the explananda is *emotions*. The Stoic view used the term *pathe*—previously a general word for "affect"—in order to demarcate this
class and to isolate it from the class of bodily appetites. For this reason, the philosophical tradition influenced by Stoicism has tended to use the word *passions* and its Latin and French cognates. To contemporary ears, this word denotes a particular intensity, especially erotic intensity, as the more inclusive Greek term *pathe* did not. I therefore use *emotion* as the best translation and the best generic term—although I shall comment both on the kinetic element that led to the original introduction of that word and also on the element of passivity that is stressed in the Greek term.

9. I believe, and argue subsequently, that emotions, like other mental processes, are bodily, but that this does not give us reason to reduce their intentional/cognitive components to non intentional bodily movements. For my general position on mind/body reduction, see Nussbaum and Putnam 1992.

10. See the illuminating criticisms of both in Kenny 1963, which shows that there is a close kinship between Humean philosophy and behaviorist psychology.

11. We see such views, for example, in the behaviorist psychology of Richard Posner (1990, 1992). Even many defenses of emotion in the law begin by conceding some such view of them—for documentation of this point, see Nussbaum 1993.

12. The Stoics had similar reasons: the adversary's view was represented, for them, by some parts of Plato, or at least some ancient interpretations of Plato.

13. See my Nussbaum 1994.

14. This difference of probabilities is not the whole story about the difference between fear and hope. In my case, where there was both a serious danger and a robust chance of escape, both were possible, and the shift from the one to the other depended on whether one focused on the possible good outcome or on the impending danger.

15. Subsequently, I argue that in the case of animal emotions, and in the case of some human emotions as well, the presence of a certain kind of *seeing* as, which will always involve some sort of a combination or predication, is sufficient for emotion.

16. Aristotle 1991, 11.5.

17. One might argue with this one, thinking of the way in which one fears death even when one knows not only that it will occur but when it will occur. There is much to be said here: does even the man on death row ever know for sure that he will not get a reprieve? Does anyone ever know for sure what death consists in?

18. Aristotle insists that the damage must take the form of a "slight" suggesting that what is wrong with wrongdoing is that it shows a lack of respect. This is a valuable and, I think, ultimately very plausible position, but I am not going to defend it here.

19. See *Rhesorid* IL. 2–3.

20. In my case, however, one can see that the very magnitude of accidental grief sometimes prompts a search for someone to blame, even in the absence of any compelling evidence that there is an agent involved. One reason for our society's focus on anger associated with medical malpractice may be that there is no way of proving that medical malpractice did not occur—so it becomes a useful target for those unwilling to blame hostile deities, or the cosmos.

21. Anger at self is a more intractable phenomenon, since it is rarely only about the events at hand; I discuss this elsewhere in my project.

22. On this, see Aristotle, *Nicomachean Ethics*, 1; and for a particular case, IX.9, on the value of *philia*.

23. For the misreading, and a brilliant correction, see Prichard 1935 and Austin, 1961.

24. For a good account of this, where *philia* is concerned, see Cooper 1980.

25. The contrast between such eudaimonistic and more impartialist views is brought out and distinguished from the contrast between egoism and altruism in Williams 1973.

26. As we shall see, "have to do with" should not be construed as implying that the emotions take the conception of *eudaimonia* as their *object*. If that were so, they would be in error only if they were wrong about what conception of value I actually hold. On the neo-Stoic view they are about the *world*, in both its evaluative and its circumstantial aspect. If I grieve because I falsely ascribe to a thing or person outside myself a value he or she does not really possess (Stoics think of all grief as such), I am still really grieving, and it is true to say of me that I am grieving, but the grief is false in the sense that it involves the acceptance of propositions that are false.

27. See Nussbaum 1994, chap. 10.

28. By "cognitive" processes I mean processes that deliver information (whether reliable or not) about the world; thus, I include not only thinking, but also perception and certain sorts of imagination.

29. I discuss this issue in a subsequent chapter of my project.

30. See Nussbaum 1994, chap. 10, with references to texts and literature.

31. It should be stressed that despite the usage of the terms *taking in* and *acknowledging*, this notion of appearing is not committed to internal representations, and it is fully compatible with a philosophy of mind that eschews appeal to internal representations. It seems that neither Aristotle nor the Stoics had an internal/representationalist picture of the mind; nor do I. What is at issue is *seeing x as y:* the world strikes the animal a certain way, it sees it *as* such-and-such. Thus the

object of the creature's activity is the world, not something in its head (or heart). In this essay I proceed as if all these ways of seeing can be formulated in linguistically expressible propositions. Subsequently I argue that this is too narrow a view to accommodate the emotional life of children and other animals, as well as many of the emotions of human adults. And it neglects the fact that other forms of symbolism—music, for example—are not simply reducible to language but have expressive power in their own right.

32. Aristotle points out that such an unaccepted "appearance" may still have some motivating power, but only in a limited way: as when a sudden sight causes one to be startled (but not yet really afraid), see *De Anima* III.9, *De Motu Animalium* II. Seneca makes a similar point concerning the so-called pre-emotions or *pro-patheiai:* see *De Ira* II.3; it is remarkable that Richard Lazarus reinvents, apparently independently, the very same term, *pre-emotions*, to describe the same phenomenon in the animals he observes (1991). The Greek sceptics suggest that one might live one's entire life motivated by appearances alone, without any beliefs—pointing to
the alleged fact that animals are so moved. But their case is dubious, since, for one thing, it seems to misdescribe the cognitive equipment of animals.

33. *De Anima* III.3.

34. Of course the moment we insert the name of a human being, there is some evaluative content and some moral theories would urge that this is all the value there should properly be, in any response to any death.