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Book Review: Sex and Social Justice

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Book Review Essay

Nussbaum, M. *Sex and Social Justice*

New York: Oxford University Press (1999)
(476 PAGES)
by Kay Mathiesen

Sex and Social Justice is a book of essays by Martha Nussbaum, the renowned classicist and philosopher. Nussbaum is well known for her discussions of the place of homosexuality in Ancient Greece. She famously testified about the views of the Ancient Greeks on homosexuality before the Supreme Court when it was deliberating on whether to strike down a Colorado law, which forbids cities to pass ordinances granting civil rights to gays. She has more recently turned her attention to feminist theory and the status of women in the politics of international development. *Sex and Social Justice* is a compilation of her work on these issues. While it is simple to list the diverse topics that Nussbaum deals with in these essays, it is more difficult to pin down her sweeping intellectual treatment of the issues. Nussbaum is an unusually good writer for a serious academic. Her approach combines biography, literary analysis, classical scholarship, philosophical analysis, interviews, and statistics. Nussbaum's philosophical and literary sensibilities and her attention to the concrete details of people's lives inform and enliven her discussion of feminism, human rights, and sexual orientation.

The overarching theme of the book is Nussbaum's defense of a feminism that "is internationalist, humanist, liberal, concerned with the social shaping of preference and desire, and, finally, concerned with sympathetic understanding" (pg. 6). Nussbaum gives a compelling defense of liberalism as a human, rather than merely Western, value. She argues that all persons have a dignity that deserves respect. This dignity is expressed in the idea of equal worth, which in turn is connected to the idea of liberty: "to respect the equal worth of persons is...to promote their ability to fashion a life in accordance with their own view of what is deepest and most important" (pg. 5). Throughout the book Nussbaum tries to reconcile two seemingly opposed positions--social constructivism and liberalism. The social constructivist holds that cultures shape the values, beliefs, desires, emotions, etc., of individuals in a variety of ways. Thus, we must be suspicious of claims that certain beliefs, desires, or ways of life are "natural." The liberal holds that, "Human beings have a dignity that deserves respect from laws and social institutions" (pg. 5). Thus, there are certain human rights that every culture should respect and cultures may be legitimately criticized if and when they fail to do so. The apparent contradiction between these two views is that if there is no "natural" feature of human beings which can be separated from the socially constructed features, then how can we determine what "human" rights are and what respecting them requires?

The book is divided into two sections: "Justice" and "Sex." The first section on justice concerns issues of equality, liberty, and social and economic justice for women and gays. The first four chapters discuss the application of the concepts of equality and liberty to non-Western cultures. It may be easiest to summarize Nussbaum's position on

this topic by looking closer at her treatment of a particularly controversial issue in international feminism. In “Judging other Cultures: The Case of Genital Mutilation,” Nussbaum discusses female genital mutilation (FGM). She tells the story of Fauziya Kassindja, who applied for political asylum in the United States in order to escape enforced genital mutilation in her home country of Togo (pg. 118). Nussbaum then asks whether we (Westerners) ought to try to stop this practice. She considers a number of arguments that Westerners ought not to criticize the traditional practices of other cultures. Nussbaum argues that claims that we ought not to criticize other cultures are based on a monolithic notion of “culture” that fails to recognize the multiple and contentious nature of all cultures. She points out, for instance, that there is significant resistance to FGM even within those cultures that have traditionally practiced it. Furthermore, the inviolable “culture” which we are supposed to avoid criticizing is often merely a codification of male interests, solemnly intoned in a masculine voice. Nussbaum also responds to the arguments of philosopher Yael Tamir who has claimed that objections to FGM are based on a Western over-emphasis on sexuality and sexual pleasure. Nussbaum replies that in objecting to FGM, she is not imposing any particular conception of the proper place of sexuality in the lives of women. Rather, she is merely arguing that women in all cultures should be able to freely express their conception of the proper place of sexuality through freely chosen behavior (instead of having their bodies changed so as to force cultural conformity).

The second section of the book, “Sex,” primarily concerns the place of sexuality, desire, and emotion human life. Essays in this section range from a discussion of the sexual objectification, to homosexuality in Ancient Greece, to the possibility of really knowing another person. A number of the essays discuss the role of emotions and desires in our lives--issues not typically dealt with by mainstream Anglo-American philosophy. The tenth chapter, in particular, contains a subtle discussion of the ways that emotion and desire are socially constructed. While the fact that we have sexual desire is something natural, Nussbaum argues, the form that this desire takes is shaped by the meanings that our culture attaches to these desires and emotions. Chapters twelve through fourteen build on the foundation of this chapter, discussing what we can learn about the malleability of sexual desire from a contemplation of Ancient Greek attitudes toward homosexuality. The fact that others have had radically different attitudes toward sexual acts between persons of the same gender should make us doubt the naturalness of our attitudes toward these acts.

While Nussbaum is a skillful philosopher and writer, it is not clear, however, that she has been able to reconcile successfully social constructivism and liberalism. In particular, there is a tension between Nussbaum’s concern with the social shaping of preference and desire and her liberalism. This tension shows itself in her discussion of the social construction of sexuality and her arguments for liberal, internationalist feminism. She is surely right that our notions of homosexuality are socially constructed--in Ancient Greece there was no particular shame attached to sex acts between men. It is not clear, however, how Nussbaum can use this as evidence that prohibitions against homosexuality are wrong. If such prohibitions are part of our culture’s construction of homosexuality, then what makes the Greek construction superior to our own? A liberal, humanist political agenda must rely on some view of human nature that can place a limit on which social constructions are just or correct. For instance, a culture that constructs

“womanhood” as an inferior position is producing an unjust construction according to the liberal conception of humans as inherently equal. Thus, there must be an argument that the liberal conception of human nature is the correct one, and that traditional religious conceptions of human nature (and their view of what is “natural” and moral with regard to sex and women’s roles), are incorrect. Nussbaum tries to solve this problem by appealing to some non-socially-constructed important human capacities that all have and all deserve a chance to develop.

Nussbaum argues that, “We can hardly be charged with imposing a foreign set of values upon individuals or groups if what we are doing is providing support for basic capacities and opportunities that are involved in the selection of any flourishing life and then leaving people to choose for themselves how they will pursue flourishing” (pg. 9). This does not answer the question, however, of how one is to determine whether a person has been educated to exercise her capacities for flourishing or has simply changed capacities. The critic of Nussbaum’s approach will argue that her reforms will not produce persons with greater ability to exercise their natural capacities, but merely persons with capacities more in line with Western conceptions of the self. It is not clear how Nussbaum can defend her position from this criticism, except by giving arguments grounded in a particular view of human nature and based on the claim that liberalism best respects these fundamental features of human nature. Thus, any such argument will have to posit the superiority of the liberal conception of human nature over others. While this may be the correct (and only) way to go, many will have serious objections to it and Nussbaum appears to think (I believe wrongly) that by emphasizing free choice she can avoid these objections.

I have only touched a few of the topics that Nussbaum discusses in this rich and multifaceted volume. She also discusses the nature of prostitution, the value of mercy and forgiveness, the accomplishments of American feminism, etc. In addition, she engages with the arguments of Andrea Dworkin, Catherine MacKinnon, and Christina Hoff Summers (to name just a few). Unfortunately, the origin of the chapters as separate essays, while providing an interesting range of topics, produces a book with numerous repetitions, which interfere with the enjoyment of Nussbaum’s excellent prose style. Rather than building on what has gone before, each article re-establishes the basic points that underpin Nussbaum’s perspective. By the third or fourth time one has read the same quote from John Stuart Mill or the same description of Ancient Athenian sexual practices one gets a bit impatient. This is more than simply off-putting to the reader; it signals that the book’s breadth is not balanced by the depth that one would expect in a book of over four hundred pages. Taken singly, however, the articles are always enjoyable to read and provide a cogently argued defense of Nussbaum’s liberal, internationalist feminism.

In conclusion, whether or not one agrees with her, Nussbaum presents a compelling argument for a liberal humanist approach to feminist ethics and politics. Her writing is grounded in a scholarly appreciation for the history of ethical and political theory and the writings of contemporary feminists. Her work enlivened by direct experience with the lives of women and gays, in addition to her classical scholarship and love of literature. An encounter with Nussbaum’s thought in any these essays will enrich and deepen one’s understanding of the importance of desire and choice in human life.