ABSTRACT. Would a just society or government absolutely refrain from shaming or humiliating any of its members? “No,” says this essay. It describes morally acceptable uses of shame, stigma and disgust as tools of social control in a decent (just) society. These uses involve criminal law, tort law, and informal social norms. The standard of moral acceptability proposed for determining the line is a version of perfectionistic prioritarian consequentialism. From this standpoint, criticism is developed against Martha Nussbaum’s view that to respect the dignity of each person, society absolutely must refrain from certain ways of shaming and humiliating its members and rendering them objects of communal disgust.

KEY WORDS: absolutism, consequentialism, disgust, John Stuart Mill, Martha Nussbaum, priority, John Rawls, shame, stigma

Among the obvious injustices perpetrated by morally indecent societies, the deliberate humiliation of disfavored groups looms large.¹ Those treated unjustly are not merely denied advantages to which they are entitled under ideal moral principles; they are often treated with contempt and their noses are rubbed in the dirt. Institutions and practices are arranged to reinforce the belief in higher caste and lower caste people alike that the members of the lower caste are lower quality beings, not fully human, and thus appropriate objects of the bad treatment imposed on them. Being placed on the low rung of a social hierarchy in many actual human societies, one finds oneself regarded as a disgusting and contemptible being by those perched on higher rungs, by others at one’s social level, and perhaps, as a final indignity, by oneself.

These grim stylized social facts stimulate the ideal of a decent society in which all persons are treated with respect and dignity and no one suffers humiliation. A scaled-down version of this ideal

¹ I thank an anonymous referee for The Journal of Ethics for comments on a first draft of this essay.
requires that at least in public life, all of us acting collectively through
the government or some similar agent of society refrain from
inflicting shame and humiliation on anyone for any reason.²

For anyone who has ever suffered shame, humiliation, and
marginal social status, the attraction of a society that refrains from
shaming and humiliating will be palpable. Nonetheless, like most
high-minded ideals, this one merits rejection. Shame, humiliation,
and disgust are negative states of mind that can be deployed as tools
to induce desired behavior. Tools can be used for good or bad
purposes. A society that is oriented toward inducing genuinely
desirable behavior in its members faces a difficult task, since we
humans are disposed to exhibit all sorts of behavior, good, bad, and
ugly. Shame, humiliation, and disgust are powerful motivators, and
can be harnessed to good purposes. A society that strives to be just
cannot afford to dispense with powerful tools that can help get the
job done. In this essay the phrase the decent society denotes a society
that is at least minimally or tolerably just, and it is an open question,
not settled by definition, whether or not the institutions of the decent
society humiliate anyone.

To focus on the concerns of this essay, I shall help myself to a
particular substantive account of justice. The account is a cousin of
John Stuart Mill's perfectionist utilitarianism.³ This doctrine is a
version of maximizing consequentialism. Institutions and practices
should be set, and individual actions chosen, to maximize moral
value. Moral value is constituted entirely by benefits to individual
human persons (and other animals, for simplicity I leave aside
complications that arise in balancing the interests of humans and
other animals). The moral value of obtaining a benefit (avoiding a
loss) for as person is (1) greater, the larger the well-being gain that
accrues to the person, (2) greater, the worse in absolute terms the
person's lifetime well-being would be, absent this benefit, and (3)
greater, the less the person is responsible in virtue of her morally
innocent exercise of voluntary choice for being in the predicament of
facing low lifetime well-being (or greater, the more the person is
responsible in virtue of her morally innocent exercise of voluntary
choice for being in the desirable position of facing high lifetime

² See Avishai Margalit, The Decent Society (Cambridge: Harvard University
Press, 1996). I disagree with the author's normative conclusions but am indebted to
his excellent analyses.

³ John Stuart Mill, Utilitarianism, in Collected Works, Volume 10, J. M. Robson