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Title

Shame, Guilt and Martha Nussbaum's Immaturing Process: Alethic Truth and Human Flourishing

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Abstract

In this paper, I argue that it is possible to have an account of shame and guilt as mature concepts in moral psychology that sit alongside immature ones. In arguing for this, I adopt the critical realist method of immanent critique, taking as my focus Martha Nussbaum's accounts of shame and guilt in two key texts. Starting from a nuanced psychoanalytic foundation in *Hiding from Humanity*, Nussbaum undoes this grounding in favour of an elementary position (the 'Transition') in *Anger and Forgiveness*. In tracing what I call an 'immaturing process' in Nussbaum, I show how mature concepts can be identified by contrasting them with immature concepts, and how the mature concepts represent a deeper understanding of shame and guilt—their alethic truth—which is critical to human flourishing. I conclude by considering what can be rescued from Nussbaum's immaturing process and its broader implications for criminal law and justice.

Keywords

shame; guilt; Martha Nussbaum; moral psychology; alethic truth; human flourishing

Author bio

Amanda Wilson has been empirically researching and writing about alternative justice mechanisms for over a decade. Her longstanding interest in applying a critical realist lens to criminal justice thinking and practices has most recently taken her to the fertile depths of moral psychology and psychoanalysis. This work will culminate in a book on the ethics of restorative justice.

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Shame, Guilt and Martha Nussbaum's Immaturing Process: Alethic Truth and Human Flourishing

Introduction

The 'peculiar' morality of the criminal law paints a picture of ethical life centred on guilt, blame and responsibility which is inconsistent with reality (Williams 2011). Bernard Williams suggests that 'our view of moral capacities should be consistent with, even perhaps in the spirit of, our understanding of human beings as part of nature' (Williams 1995, 67). This has led some to argue for the construction of a different moral grammar; one that does not simply repeat the existing experience of law's 'peculiar' morality (Norrie 2018a; Reeves, Norrie and Carvalho 2019; Lacey and Pickard 2015; Pavlich 2005; Wilson, forthcoming). A 'naturalistic' moral psychology (Williams 1995, 67), with its emphasis on morals and their relation to psychology, provides a fertile ground from which to approach such a task. It invites us to consider alternative conceptions of guilt and related concepts that link the moral not to legal normative framing but to psychological framing. Psychoanalytic thinking is a helpful standpoint from which to inform this psychological framing, for it views the psyche as being important to ethical flourishing. As a practice, psychoanalysis 'aims to change the structure of the psyche, by facilitating communication between the non-rational and rational parts of the soul' to promote human flourishing (Lear 2014, 92). This suggests a productive synergy between the pursuit of moral psychology via psychoanalysis and the eudaimonic ethics of critical realism (Bhaskar 2008).

What does psychoanalytic thinking have to offer in terms of a deeper understanding of guilt and shame? Psychoanalysis tells us that there are actually two forms of both guilt and shame: an early or primitive form and a mature form. The relationship in both cases is

complex, but what follows is a simplified account of the definitions of the early and mature concepts that I will be working with. Following Sigmund Freud, primitive guilt is about anger and fear of the angry father which becomes internalised into a harsh super-ego (Norrie 2019). In Melanie Klein, persecutory (primitive) guilt is about splitting and blaming of the other (Reeves 2019). Following Nussbaum, primitive shame is ‘a painful emotion grounded in the recognition of our own non-omnipotence and lack of control’ (Nussbaum 2004, 183). It is the affect one feels upon the realisation that they are incomplete and thus needy and vulnerable. Nussbaum compares this to an infant’s ‘fully egocentric’ conception of itself and its caretakers symbolised in Freud’s phrase “His Majesty the baby” (Nussbaum 2004, 181). Primitive shame arises out of a conflict between the ego and an inchoate ego-ideal that contains a ‘*core of narcissistic omnipotence*’ (Piers and Singer 2015, 13-14, emphasis in original).

While primitive guilt involves a tension between the ego and the harsh, punishing super-ego, in the case of mature guilt, the psychic conflict shifts to a tension between a loving super-ego and a person’s developed ego-ideal (constitutive of internalised ideals that a person aspires to). Following Jonathan Lear and Hans Loewald, there is a mature form of guilt in Freud that is about atonement or a stable atonement structure—the idea of making good again with your parents that you split from in super-ego formation (Norrie 2019). This links with Klein’s reparative guilt in the “depressive position” which is about reparation—one feels anxiety about what one has done and wants to make things better for others (Reeves 2019). With mature shame, the source of the psychic conflict shifts from a tension between the ego and inchoate ego-ideal (primitive shame), to a tension between the super-ego and a more developed ego-ideal that reflects the accomplishments of differentiation and integration. As a person’s psyche develops and they overcome primary narcissism, their ego-ideal comes to contain the products of maturation: from psychic growth, individuation and early

identifications ('primitive organizational functions') through to 'those highly complex functions that strive for...self-realization' of one's potentialities (Piers and Singer 2015, 15). This mature ego-ideal is connected to one's sense of self—one's identity and character. Mature shame involves 'introspection and self-reflection' from a 'stable self-state' (Frølund 1997, 37). Drawing on the concept of quantum guilt (Wilson, forthcoming), we can begin to see how these mature concepts are related. Quantum guilt is mature form of guilt. It describes the state of reflecting on persistent guilt and what this can give rise to—a situation where one not only feels bad for repeatedly violating another, they also feel bad for being the sort of person that repeatedly violates another. In psychoanalytic terms, repetitive breaking of the super-ego (through repeated wrongdoing) and the subsequent super-ego reflection on ego-ideals gives rise to mature guilt. At the same time, this reflection on consistent inconsistencies between one's (loving) super-ego and their ego-ideal takes one into the territory of mature shame, for one is also reflecting on the sort of person one is and their identity and/or character. This can prompt a desire to fundamentally change who one is. Psychoanalysis offers richer and more complex understandings of guilt and shame. The alethic truth of both concepts lies in their mature foundations. While they are different, there are also similarities, for once you get to mature guilt, you begin to move into a territory where, *feeling guilt about what you have done would also mean that you feel shame about who you are*. It will be noted that I am using concepts in part developed from Nussbaum, however, my argument will be that she identifies such concepts but her arguments operate to denigrate them.

Why is a deeper psychoanalytic understanding of guilt and shame important? My starting point will be to suggest that it is possible to have an account of guilt and shame as mature concepts in moral psychology *alongside* primitive or immature ones and that you can identify the mature concepts by contrasting them with the immature concepts. The mature

forms represent a deeper understanding of guilt and shame. In critical realist terms, they represent their alethic truth (Bhaskar 2008; Norrie 2010). Mature guilt and shame are also important to human flourishing. As I will go on to demonstrate, there is an alethia within these concepts that is relevant to the eudiamonistic tendency. In this paper, I pursue the alethic through an immanent critique¹ of Martha Nussbaum's accounts of shame and guilt in two key texts: *Hiding from Humanity* (2004) and *Anger and Forgiveness* (2016). The paper proceeds as follows. The immanent critique is divided into two main sections. Part I discusses the first book and Part II discusses the second, more recent book. In tracing the development of Nussbaum's arguments across these texts, unfortunately, what I find is that she is moving away from mature concepts, getting less mature as she goes along to the extent that we are only left with an immature concept of guilt in *Anger and Forgiveness*. I call this unfolding position Nussbaum's 'immaturing process'. The third section critically examines the terminus of Nussbaum's immaturing process and the place of psychoanalysis in Nussbaum's accounts revealed by the immanent critique in Parts I and II. The fourth and final section considers both what we might be able to rescue from the immaturing process and the broader implications of this for criminal law and justice.

Part I: Mature guilt and primitive shame in 'Hiding from Humanity'

In this section, I begin to track the immaturing process starting with Nussbaum's critique of shame in *Hiding from Humanity*. As we shall shortly see, the book plays off a mature concept of guilt against an immature concept of primitive shame. In so doing, Nussbaum discounts a mature concept of shame that would be linked to mature guilt. At the same time, she acknowledges, without deploying, a deeper sense of shame.

Shame's developmental roots: a cautionary account

In her book *Hiding from Humanity*, Nussbaum introduces shame as 'the painful emotion that responds to' being exposed for 'our "abnormal" weaknesses' (Nussbaum 2004, 173). If weaknesses are abnormal and shame is the response to their exposure, then shame is always 'a permanent possibility in our lives' because 'we all have weaknesses' (Nussbaum 2004, 173). So why does this matter? For Nussbaum, the fact that shame is always lurking behind the scenes is a concern because of its roots in an 'infantile demand for omnipotence' (Nussbaum 2004, 173). Nussbaum claims that this makes shame a 'highly volatile way in which human beings negotiate some tensions inherent in their humanness' (Nussbaum 2004, 173-174). Drawing on psychoanalysis, in particular the object-relations tradition, Nussbaum advances a developmental account of shame:

When an infant realizes that it is dependent on others, and is by this time aware of itself as a definite being who is and ought to be the centre of the world, we can therefore expect a primitive and rudimentary emotion of shame to ensue. For shame involves the realization that one is weak and inadequate in some way in which one expects oneself to be adequate. Its reflex is to hide from the eyes of those who will see one's deficiency, to cover it. (Nussbaum 2004, 183)

Shame, then, becomes a 'full-fledged emotion' (as distinct from an inchoate one) only when a person has accomplished separation or autonomy (Nussbaum 2004, 184). Nussbaum goes on to state that 'self-regard' is an 'essential backdrop' to shame because, in order to cover or hide from 'evidence of one's non-worth or imperfection', one must first *expect* oneself to have that worth or perfection (Nussbaum 2004, 184). In keeping with this line of thought, Nussbaum proceeds to introduce the idea of an 'ideal state' and states that shame is 'a painful emotion responding to a sense of failure to attain' that state (Nussbaum 2004, 184). This

requires judgement about oneself but instead of being about ‘a specific act of the self’ (as in the case of guilt), shame ‘pertains the whole self’² (Nussbaum 2004, 184). She goes on to say that ‘[t]here are many types of shame in human life, as people come to value and aspire to many different types of ideal traits’ which psychoanalysis connects to the ‘Ego-Ideal’ (Nussbaum 2004, 184). At this juncture, Nussbaum’s account of shame appears to be moving in a different direction from before. In discussing the roots of shame in infancy, there was a sense that shame was basically about a sort of primary narcissistic omnipotence. At the end of that account Nussbaum gestured towards a developmental transition towards an acceptance of separateness and mortality, however, the implications of this for shame were not discussed. Now, shame is being connected to ideal traits or ego-ideals which is arguably at odds with the infantile shame that was built up previously.

In a move suggesting that she is aware of this incongruity, Nussbaum quickly draws our attention back to narcissism and ‘inevitable narcissistic defeats’ (Nussbaum 2004, 184). The sudden shift from types of shame connected to ideals back to primitive shame is instructive for it suggests that: (1) there is another kind of shame that is not primitive; and (2) that Nussbaum wants to marginalise this other type of shame as evidenced by the fact that she does not develop it. Instead, she proceeds to make the case for why primitive shame is concerning by drawing on Andrew Morrison’s observations about shame being the emotion that follows from a failure to meet our yearning for what Freud called ‘primary narcissism’. Primitive shame linked to ‘infantile omnipotence and (inevitable) narcissistic failure lurks around in our lives, only partially overcome by the later development of the child’s own separateness and autonomy’ (Nussbaum 2004, 185). But Nussbaum does not go on to explain what constitutes a *partial* overcoming of primary narcissism or how overcoming primary narcissism (even partially) might change the nature of shame.³ In the absence of a more nuanced account of how shame might be differentially experienced depending on one’s

development, Nussbaum simply states that as one matures, shame ‘will become inflected with social learning’ (Nussbaum 2004, 185).

Instead of developing this point further, she brings the discussion back to developmental processes. Drawing on the work of W.R.D. Fairbairn and Melanie Klein, Nussbaum states that as a child becomes capable of distinguishing between ‘the self and its deeds’ it is able to ‘understand that doing bad, and even wanting bad, are not the same thing as being bad through and through’ (Nussbaum 2004, 188). She also draws attention to how atonement and morality are an aid in this developmental process. Renouncing demands for control of one’s caretaker will be met by ‘grief’ but also ‘by creativity, as the child learns it can atone for bad wishes and deeds with good wishes and deeds...[and] showing that it recognizes that other people too have a right to live and have their own plans’ (Nussbaum 2004, 188). Though they are important, the merits of these developmental stepping stones appear to be more relevant to guilt than shame (though she does not explicitly refer to either emotion here). Nussbaum rounds off the good development discussion by returning to primary narcissism:

[I]ove is increasingly understood in terms of interchange and reciprocity, rather than in terms of narcissistic fusion and the rage for control; the self is increasingly understood, and accepted as human, incomplete, and partial, rather than as grandiose and demanding completeness. (Nussbaum 2004, 188)

Given this, one might reasonably conclude that if a child’s development progresses as it should then the perils of primitive shame *can* be overcome. But Nussbaum does not go so far as to conclude this. Instead she stresses that this is but an ‘ideal story’: while sometimes the plot progresses as we would want it, ‘the mark of early narcissism on human life is deep’ (Nussbaum 2004, 188). Although she does not subscribe to Marcel Proust’s view that it is

never possible to overcome primitive narcissism, Nussbaum nonetheless contends that ‘the idea that reciprocity is the stable human norm and that most people come to accept their incompleteness, lack of control, and mortality is much too optimistic’ (Nussbaum 2004, 188).

Beyond primitive shame?

In setting up a distinction between shame and other relative emotions, such as disgust, Nussbaum’s account begins to take a more mature turn. For instance, she says that shame ‘goads us onward with regard to many different types of goal and ideals, some of them valuable’; informing us when we have fallen short of them (Nussbaum 2004, 206). She also says that shame ‘often expresses a desire to be a type of being that one can be: a good human being doing fine things’ (Nussbaum 2004, 207). In the light of the connection between shame and normative ideals, Nussbaum more or less agrees with Bernard Williams that shame is a moral concept. But instead of developing what a deeper, moral conception of shame might look like, Nussbaum once again relies on the primitive concept of shame to make her argument. Accordingly, she argues that even a ‘rightly motivated shame’ is shadowed by primary narcissism and its discontents and that ‘it will be a wise person and society that can always keep the two distinct’ (Nussbaum 2004, 207). Curiously, in saying this Nussbaum effectively concedes both that there are in fact two kinds of shame and that a rightly motivated or appropriate shame could exist alongside primitive shame (with its associated aggression(s)). However, she does not want to pursue this further because it does not fit her overall argument. She wants to be able to claim that shame (of any kind) is an unstable and untrustworthy ‘tool’. Hence Nussbaum once again reaches out to mature guilt: ‘[i]n and of itself, guilt recognizes the rights of others...[and that its] aggression is more mature, more potentially creative, than the aggression involved in shaming’ (Nussbaum 2004, 207). The aggression involved in guilt is geared towards ‘a restoration of the wholeness of the separate

object or person’ whereas aggression involved in shame is aimed ‘at a narcissistic restoration of the world of omnipotence’ (Nussbaum 2004, 207). She then harks back to her previous points on good development that were drawn from Fairbairn and Klein concerning morality and atonement/reparative activity (respectively). Following Fairbairn, ‘guilt is thus connected to the acceptance of moral demands, and to the limiting of one’s own demands in favor of the rights of others’, and following Klein, guilt is ‘for that reason, linked to projects of reparation, in which the child tries to atone for the wrong it has either done or wished’ (Nussbaum 2004, 207-208).⁴ Nussbaum concludes that ‘guilt is potentially creative, connected with reparation, forgiveness, and the acceptance of limits to aggression’ while ‘[s]hame of the primitive type is a threat to all possibility of morality and community, and indeed to a creative inner life’ (Nussbaum 2004, 208). Thus law should run with guilt, not shame, because the latter is a ‘more slippery and unreliable tool’ (Nussbaum 2004, 209). The qualifying words ‘of the primitive sort’ is revealing. As is the footnote where the relationship between shame and guilt is acknowledged, albeit in a limited way. There, she describes a scenario where a person feels guilt about their aggression so they inhibit it, but in inhibiting it they feel ‘passive and useless, and this sense of...inadequacy...triggers shame’ which in turn ‘may lead to overcompensatory aggression...which in turn leads back to guilt’ (Nussbaum 2004, 376-377). What Nussbaum is describing is the interplay between mature guilt and primitive shame, not mature guilt and mature shame. A footnote that acknowledges the latter might instead read: a person feels guilt about their aggression, they dwell on this guilt which leads them to feel shame for being the sort of person who is aggressive towards others, and a desire to fundamentally change who they are (their conduct and character). Mature shame would operate on the same plane as mature guilt. This relation between the mature concepts is captured in the concept of quantum guilt (see Introduction).

Nussbaum's hidden shame

After concluding that law should run with guilt and not shame, Nussbaum finally relaxes the reins on primitive shame, allowing the reader get a better sense of both how shame could be valuable morally-speaking and how it might play 'a constructive role in development and moral change' (Nussbaum 2004, 211). To answer when and why shame might be a valuable emotion to run with, Nussbaum goes outside of legal justice to Barbra Ehrenreich's book *Nickel and Dimed* which is about poverty and the working poor in America. Ehrenreich states that 'guilt doesn't go anywhere near far enough; the appropriate emotion is shame' (Ehrenreich 2001, 221). In saying this, Ehrenreich is implying that shame runs deeper than guilt in important ways. Nussbaum appears happier to concede this in a social justice context. For instance, she says that 'we' (Americans) need to move beyond 'simply apologizing for this or that harmful action' because that is not enough; instead "we" need to 'search into ourselves and re-examine our habits and our national character': saying "'Let's not do A again'" is 'too easy', what 'we need to say' is "'Let's not be that way any longer'" (Nussbaum 2004, 212). Shame is regarded as productive and valuable because it forces one to examine 'one's life' and to feel 'shame at individual complicity or collaboration with a bad communal norm' which demonstrates a connection 'to valuable moral and public norms' that seem 'good for all human beings and societies to aspire' (Nussbaum 2004, 212). In this example, what prompts shame is a recognition that one has lost touch with a sense of social solidarity. One feels 'shame because of a perceived discrepancy between their current character and ideals that are broadly shared' (Nussbaum 2004, 212). So feeling shame can be good morally-speaking.

At this juncture, Nussbaum appears to be differentiating between the primitive shame that she has been intent to labour throughout her account and something different. Indeed, Nussbaum herself confirms this when she states that accepting 'ideals and feeling shame at

their non-realization in oneself does not reinforce primitive shame; it actively works against it' because the person who feels rightly motivated shame 'is moving out of a comfortable narcissistic conviction that all is well with her world, and is acknowledging the rightful claims of others' (Nussbaum 2004, 212-213). Feeling shame at the non-realisation of accepted ideals in oneself and acknowledging others also means that one 'is acknowledging a common vulnerability that all human beings share' which, in turn, cultivates a sense of 'interdependence and mutual responsibility' (Nussbaum 2004, 213). These positive aspects of shame are then connected to projects of reintegration and reparation. However, this would seem to undermine her earlier claim that only guilt can be creative and reparative; shame, on the other hand, remains a 'threat to all possibility of morality and community, and...to a creative inner life' (Nussbaum 2004, 208).

There is a tension here that Nussbaum does not work through. In the very next paragraph, she reverts back to the old and familiar tune about the dangers of shame. Once again guilt is seen as preferable even in instances where shame might be more morally appropriate. For Nussbaum, a focus on acts (and therefore guilt) is more constructive and loving. This points us towards a conclusion that we should avoid all invitations for shame. Confusingly, however, Nussbaum says that this is not what we should think. We *should* be receptive to shame. In fact, being "shameless" is not a good way to be morally-speaking because '[p]art of being a mature person is to accept one's own *moral* imperfection, and to recognize that one's efforts towards valuable personal ideals (including moral ideals) can always be improved by the insights of others' (Nussbaum 2004, 215-216). Put another way, it is only through interacting with others that we 'stand to gain morally', and so in relationships based on trust and love we learn to have regard for other people's opinion of ourselves and our character (Nussbaum 2004, 216).

Nussbaum sets up a zero-sum game for shame. While she acknowledges that shame can be productive, constructive, potentially creative and rightly motivated—that is, not motivated by primary narcissism—she also claims that it is rarely the case that we can overcome the demands of primary narcissism. This allows her to argue that shame (of any kind) is a ‘slippery and unreliable tool’ for law to harness. But how is it that shame can be constructive and valuable on the one hand, yet, dangerous on the other? And how might we characterise this incongruity? I argue that there are actually two kinds of shame operating in Nussbaum’s account: primitive shame and a hidden, mature shame. Nussbaum labours on the primitive kind which is based on an infantile stage of development. The mature kind, on the other hand, involves a developed sense of self in relation to others which is accomplished at a later stage of our development. Mature shame is marginalised in Nussbaum’s account, overshadowed by primitive shame. She cannot escape the truth of there being a mature shame. But at the same time, because it does not fit what she wants to conclude about shame, she is not prepared to do anything more than acknowledge it. This means that a mature concept of shame is there but not really there, or at least not to the same extent that she develops primitive shame. It is an absent presence.

Throughout *Hiding from Humanity*, Nussbaum is intent on keeping shame and guilt separate because she wants to draw attention to the dangerous and unpredictable qualities of *all* shame and promote guilt as the more constructive and reliable concept for law to work with. Yet the sort of shame that Nussbaum is *not* prepared to pursue (mature shame) appears to have something equally important to offer from a moral point of view. At the core of both mature guilt and mature shame lies a tension between the super-ego and ego-ideal. This involves a person reflecting on their sense of self in relationship to others (ego-ideal). The mature forms of shame and guilt are kindred, but Nussbaum wants to mainline primitive shame and contrast it with (mature) guilt. This contrast only holds because her account

ignores another kind of guilt (primitive) and another kind of shame (mature). In other words, the distinction is only maintained because she is comparing fundamentally different states. As noted in the Introduction, a more complete account of both shame and guilt would reveal that their mature forms have a mutual psychoanalytic basis that grounds their connection. Mature guilt and shame are *both* about a post-Oedipal conflict involving the super-ego of a person that has developed a self-conception in relation to others. While the false distinction that Nussbaum promotes serves her arguments for (mature) guilt and against shame (of both kinds), there is a deeper, moral psychological truth that is being suppressed.

Part II: Regressing further: primitive guilt in ‘Anger and Forgiveness’

In the following section, I continue to track Nussbaum’s unfolding position, taking as my focus her later book, *Anger and Forgiveness*. In this book, Nussbaum mainlines primitive guilt and suppresses mature guilt (and other kinds of deep moral accounting) in support of what she calls the ‘Transition’. Not only does she abandon the concept of mature guilt that she relied on in *Hiding from Humanity*, she also unmoors herself from the psychoanalytic thinking that informed her arguments against shame in favour of (mature) guilt. Whereas she previously saw value in the pursuit of a moral psychology and drew heavily on the psychoanalytic work of Donald Winnicott, W.R.D. Fairbairn, Melanie Klein and others to advance her arguments, now she wants to throw the baby out with the bathwater. I say that she wants to do this and not that she does do this because, as we will shortly see, many of the arguments sustaining her proposal for what she calls the ‘Transition’ remain imbued with psychoanalytic understandings. Before I proceed with analysing the text, I want to clarify that I read much of Nussbaum’s discussion of anger to be analogous to primitive guilt for two reasons: (1) like primitive guilt, anger is connected to an act or what someone has done; and

(2) payback-informed anger reflects psychoanalytic understandings of primitive or early guilt (the harsh, punishing super-ego (Freud) and the persecutory urge (Klein)). When Nussbaum turns to the issue of self-anger, my position will become more clear, as there she uses the term guilt.

A reversal on mature guilt and deep moral accounting

In *Anger and Forgiveness* Nussbaum advances a position that views moral emotions like anger, guilt, blame and forgiveness as unstable and unproductive because of their ties to ‘moral transactions’ (Norrie 2018b) grounded in law that are dominated by retributivist ethics. Because the ethics of retributivism involves defective or ‘magical thinking’ about the prospects of retaliation or payback, Nussbaum claims that these emotions are misleading. Hence she suggests that we need to quickly transition beyond them. Instead, we should turn our attention to forward-looking approaches that serve eudaimonic ends. In order to get to this end game, all we need is grief and compassion (qua compassionate hope), for these emotions ‘do not contain the idea of wrongfulness’ (Nussbaum 2016, 37). Engaging with inward emotions of judgement detracts from future-oriented thoughts and actions that extend outward and attend to the greater good. Thus a person who has committed a wrongful act should bypass reflecting on their guilty feelings. They should instead acknowledge that what they have done is wrong and proactively pursue ways to make the world a better place for others, including the person that they wronged. This all sounds suspiciously straightforward, but this is Nussbaum’s point. She claims that we have given too much thought to inner struggles and too much credit to these being ‘necessary and valuable’ (Nussbaum 2016, 136).

In justifying why payback is a hindrance to moving forward for victims, Nussbaum claims that it keeps another person ‘at the centre of your thoughts’ (Nussbaum 2016, 124). She also argues that ‘the payback wish’ is irrational ‘if one remains focused on the genuine

goods of love and trust' because payback cannot replace these (Nussbaum 2016, 127). From this we get the sense that relations with others play a key role in Nussbaum's arguments against payback. But there is a contradiction here. On the one hand, the relational nature of payback is bad because it stifles 'self-creation' (Nussbaum 2016, 124). This suggests that a forward-looking person should not be concerned with others, or more specifically, their self *in relation* to others and that the connection should thus be severed. But on the other hand, anger of the payback variety is claimed not to have any problem-solving possibilities because it 'impedes useful introspection' and invariably makes the relationship we have with the person who wronged us worse (Nussbaum 2016, 125). These justifications are contradictory. One is concerned with separating oneself from another who has wronged them, while the other looks to salvage the relationship with that person or, at the very least, not make it 'worse'.⁵ In place of anger, Nussbaum proposes that it is reasonable for a person who has been wronged to demand that 'the wrongdoer acknowledge the truth: a wrong has been done', provided the acknowledgement is not extracted in a way that humiliates the person or reinforces payback fantasies (Nussbaum 2016, 125). But what does it mean to acknowledge that a wrong? And, more importantly, what is really being acknowledged? Nussbaum does not provide sufficient answers to these questions, but as we shall shortly see, there still appears to be some room for acknowledgement to involve an affective response (albeit a momentary one).

A key concessionary concept in Nussbaum's proposal is 'Transition-Anger' which she defines as a 'borderline case of genuinely rational and appropriate anger' (Nussbaum 2016, 37). Transition-Anger is given space in her proposal but only for instrumental reasons; it remains firmly forward-looking, inviting us to acknowledge a wrong and do something about it. While anger without a payback element is possible, she does not develop this more fully into an account of mature anger/guilt. Curiously, however, she does concede that

Transition-Anger can perform a valuable moral function, noting that it is a ‘very important force for moral improvement’ because it involves ‘[n]oticing some substandard act (whether moral or nonmoral)’ and thinking “‘How outrageous! I’d better make sure not to do that again’” (Nussbaum 2016, 128). This brief foray into moral territory, prompts Nussbaum to quickly differentiate Transition-Anger from guilt:

[s]ince the act is judged outrageous against the background of ongoing aspirations and goals, the anger is basically forward-looking...and constructive. Rather than inflict pain on oneself as if it balanced, somehow the damage done by one’s act (whether to others or simply to cherished ideals), one simply resolves, going forward, to be watchful and do better.

(Nussbaum 2016, 128)

Guilt is thus distinguished from Transition-Anger on the basis that it is about ‘self-inflicted pain which is a type of payback’ (Nussbaum 2016, 128), which makes it backward-looking and unconstructive. But the guilt concept that Nussbaum draws on to make this distinction is primitive, not the mature one that she left us with in *Hiding from Humanity*. This is her new crutch: an *immature concept of guilt*.

Nussbaum generally sees engagement with inward feelings of the self as derailing the Transition, but her project appears to depend on this more than she is prepared to acknowledge. For instance, there are a number of references to introspection/self-examination in Nussbaum’s account that imply that our capacity for self-reflection and reflexivity is important. She also holds that there is something ‘ethically significant’ or positive about our self-relationship (Nussbaum 2016, 128). Self-control, for instance is, by and large, a good thing compared to control of another.⁶ Likewise holding ourselves to standards can be a good thing while holding others to them is not. This begs the question whether self-anger could be a good thing, even if anger at others is not. It is at this juncture that Nussbaum turns to a

discussion of guilt that begins with a contrasting of guilt and shame. Reiterating some of the merits of guilt over shame that were traversed in *Hiding from Humanity*, Nussbaum says that a focus on acts, not the self (as with shame), is beneficial because separating the person who did the act from the act itself is ‘a constructive aspect of moral (or nonmoral) change’ (Nussbaum 2016, 128). Moreover, she notes that guilt enables a focus on damaged relationships which is important because this is ‘a remediable aspect of our conduct’ as opposed to ‘more or less permanent traits’ which are less easily remedied (Nussbaum 2016, 128). This gestures towards reparative activity. The concept of guilt being employed here is thus arguably more mature than that which she has relied upon until this point. I suggest this is because she cannot contrast primitive shame with primitive guilt. She *needs* mature guilt in order to reinforce her arguments against shame. After succeeding in this, however, Nussbaum swiftly reverts back to the primitive guilt register. She says that self-anger ‘always contains a wish for the suffering of the wrongdoer’ (Nussbaum 2016, 129). This is both faulty and futile thinking. Thus guilt is bad because it is conceptually connected to suffering and pain. In keeping with this line of thought, Nussbaum draws on the work of Herbert Morris (1976). She proceeds to claim that ‘[g]uilt involves inflicting pain on oneself, with the idea that this pain is owed’ (Nussbaum 2016, 130) and that suffering is ‘intrinsic to the idea of a world in which we all need to learn moral rules in order to live together in community’ (Nussbaum 2016, 130).⁷ As we might expect, Nussbaum disagrees with these sentiments.

Accordingly, Nussbaum no longer sees the moral worth of guilt, nor its creative and reparative possibilities. Whereas guilt in *Hiding from Humanity* was creative and other-oriented, now guilt is ‘stifling and narcissistic’ (Nussbaum 2016, 131). She goes on to say that her previous views on guilt are problematic because ‘[w]e don’t need self-inflicted pain to correct ourselves and help others. And we don’t need the fear of the torments our own conscience will inflict, as a motive to pursue our ideals’ (Nussbaum 2016, 130-131). She also

claims that she was ‘too influenced by the strongly Kantian views of certain psychoanalysts’ (Nussbaum 2016, 130). Instead, she contends that all that is needed for a ‘sufficient motive for moral conduct’ is ‘positive love of others, combined with compassion at their predicaments’ (Nussbaum 2016, 131). While one might be inclined to agree with Nussbaum’s claim that self-punishing guilt is not a good motivator for moral conduct, it is important to note that Nussbaum ignores another, mature kind of guilt. In *Hiding from Humanity*, there was little emphasis on pain and suffering with respect to guilt. Instead, it was promoted as other-oriented, creative, and morally promising. Now, guilt is reduced to pain and suffering and thus easily rendered irrational and futile. This move allows her to claim that guilt is ‘stifling’ of creativity and ‘incompatible with the generosity and spontaneity of love’ (Nussbaum 2016, 130). This serves to bolster her proposal. In place of guilt, Nussbaum suggests that we should adopt the Transition because this ‘takes the highly reasonable form of redoubling one’s attentions to the rights and needs of others and figuring out what actions of one’s own will make their lives better’ (Nussbaum 2016, 131).

The height of immaturity: closing the door on mutuality

Nussbaum’s reversal on mature guilt in favour of the Transition is the hallmark of her immaturing process. Oddly, however, many of the claims made about the Transition relate to mature guilt. For instance, she suggests that constructive ‘motives for behaving well’ can and should be cultivated if they help us move towards the Transition, and that this could ‘include a kind of pain, the pain of not having been the sort of person one was aspiring to be, or having done something that was not really up to one’s own standard’ (Nussbaum 2016, 133). This sort of pain—which Nussbaum says we could call ‘moral disappointment or moral loss’—is precisely the sort of moral psychological pain involved in feeling mature guilt, but she must give this feeling a different frame of reference (grief) because the concept of guilt

she now relies on is primitive and can therefore only be about ‘self-inflicted punishment’ (Nussbaum 2016, 133). For Nussbaum, constructive pain is akin to grief, not guilt, because it has an outward focus ‘towards replacement: I redouble my efforts to do the good thing, to be the sort of person I really aspire to be’ (Nussbaum 2016, 133). There are noticeable similarities between this and the phenomenology of quantum guilt discussed in the Introduction, but having turned away from the mature concepts that would help to ground what Nussbaum is suggesting, instead she is left with gaping holes that require new concepts to fill them. This pattern persists throughout the remainder of the book.

Suggesting that ‘positive love and compassion’ (Nussbaum 2016, 131) could act as motives for moral conduct is certainly a commendable aspiration worth holding onto, but there is a catch that Nussbaum downplays. In order for this aspiration to be realised, one would have to have accomplished the necessary developmental maturation to conduct oneself and think in this way. Redoubling one’s attention to the rights and needs of others and discovering what actions one can take to make the lives of others better requires a mature psyche that is relationally oriented and stably anchored in mutuality (love). Following her arguments in *Hiding from Humanity*, a mature, relational understanding of love is achieved when one recognises one’s separateness from one’s object of love, but also wishes ‘that this separateness be protected’ (Nussbaum 2004, 224). While Nussbaum retrospectively challenges certain aspects of her account in *Hiding from Humanity* in relation to guilt, she does not undermine the conclusions she makes about the overcoming of primary narcissism in favour of mutuality. In fact, she continues to draw on those conclusions as the basis for her arguments against anger and guilt which she conceptually ties to narcissism. If Nussbaum’s earlier account of primary narcissism remains correct, then the Transition is arguably beyond the capabilities of the many, for she previously claimed: (1) guilt is an aid in overcoming the demands of primary narcissism; (2) it is difficult to ever completely renounce the demands of

primary narcissism. If there is no longer any place for mature guilt and if primary narcissism remains an ongoing threat, then how can we arrive at ‘positive love and compassion’?

Nussbaum used to think that mutuality and love could be nourished through environments and moral transactions that facilitate subtle interplay. The case of B discussed in *Hiding from Humanity* is a good example. B was a patient of Winnicott’s who came to him with no capacity for mutuality. Yet through the psychoanalytic process, he learnt to give and receive love. Nussbaum quotes a letter written by B to Winnicott and says that a mark of his progress was his newfound ‘understanding of human love by admitting that love itself (the “subtle interplay” he had enjoyed in his exchanges with Winnicott) is a relation between imperfect and moral beings’ (Nussbaum 2004, 349). Compassion, as Nussbaum defines it, is ‘an emotional reaction to the plight of the other person’ (Nussbaum 2016, 206) and as we have seen from B’s example, mutuality requires moral transactions. But here is the rub. Nussbaum has said that we need to move away from all moral transactions, even those that would serve to sustain a mature psyche that is stably grounded in love and, therefore, capable of compassion. Even her concept of Transition-Anger, which allows for an affective response to be felt (albeit only momentarily), does not allow for moral transactions in the pursuit of the sort of moral transitions she seeks. While some of Nussbaum’s reasons for moving away from payback-informed anger, guilt and forgiveness might be compelling, especially if we look at the narrow way in which primitive guilt is operationalised in the legal context, does it necessarily follow that moral transactions should (or indeed can) be abandoned altogether? It is said that the Transition is arrived at when one sees a desire to problem solve, not punish as a way of overcoming their problems and that this results in a constructive, future-oriented disposition (Nussbaum 2016, 118). But could moral transactions that *are* divorced from payback not also be integral to problem-solving, future-oriented activity? What Nussbaum has lost is the sense that people may actually feel guilt and shame, and that the moral content

of the mature forms of these emotions is something that we should take seriously. In the next section, I critically examine the terminus of Nussbaum's immaturing process and the place of psychoanalysis revealed by the immanent critique of her respective accounts.

Child's play: piggybacking on psychoanalysis

Ultimately Nussbaum's conclusion in *Anger and Forgiveness* is right: we should be concerned with the welfare of others and our institutions should embrace this ethos, not a flawed, irrational retributivist spirit (Nussbaum 2016, 249). Nussbaum advocates for unity through compassion that is always future-oriented, directed towards servicing eudaimonic ends. While this may be a valuable ideal, I argue that the concepts Nussbaum employs to articulate it and the proposal she offers to realise it are *child's play*. There is an easiness to the primitive guilt concept that she relies on to forge her arguments against guilt. Unlike mature guilt, it eschews complexity and thrives on associations that most of us would agree are negative (blame, payback, pain, suffering). Her concept of grief is also simplistic and barren: 'working through grief is something that simply happens as life goes on: new ties replace the old, the world revolves less around the departed person' (Nussbaum 2016, 126). A more mature conception of grief is offered in the psychoanalytic concept of mourning which recognises the complexity of loss and considers how 'mourning offers the occasion for psychic integration and development' (Lear 2014, 472). But her account stonewalls this deeper insight, not only because she has abandoned psychoanalysis but also because embracing this would invite 'moral transactions' on the path to 'moral transitions' (Norrie 2018b, 31). Nussbaum's concept of compassion is also elementary and thin. It lacks a sufficient moral psychological grounding in mature concepts (like love and identification) that could make it viable. At one juncture Nussbaum even suggests that the 'difference

between the self and other' is largely illusionary (Nussbaum 2016, 128). This comes perilously close to promoting a sort of inverted primary narcissism—what I would call primitive love because, unlike mature love, the loving relationship (unconditional mutuality) is not sustained. For example, a person would have licence to say: “Yes, I did an outrageous act but there is no point dwelling on that. Look at all of these things I am doing now to make it better!” Such a person may embody the Transition mentality but could we say that they were acting out of unconditional mutuality? As noted earlier, it is important to understand love as a developmental process, something which Nussbaum herself recognised in *Hiding from Humanity*. There she noted that, in the process of development, ‘[I]ove is increasingly understood in terms of interchange and reciprocity, rather than in terms of narcissistic fusion and the rage for control; the self is increasingly understood, and accepted as human, incomplete, and partial, rather than as grandiose and demanding completeness’ (Nussbaum 2004, 188). Ignoring the developmental groundwork that provides the capacity for mature love is perilous. This is why even if one could, we should not bypass emotions like anger, guilt and shame, for these emotions express important moral content that enables us to accomplish mature love. This important absence serves to undermine her entire project.

In *Hiding from Humanity*, Nussbaum was able to arrive at a mature concept of shame, even though she did not develop it. The reason she was able to arrive at it at all is because she was working in a psychoanalytic key, drawing on psychoanalysis to inform her account of primitive shame and contrast it with mature guilt. But in *Anger and Forgiveness*, she loses this capacity for more nuanced understanding because she wants to unmoor herself from psychoanalysis. Thus, Nussbaum fails to recognise that seemingly ‘negative’ emotions (like guilt) can, on a mature understanding, be positive. She does not see this because she favours simple, sterile concepts over more complex, psychoanalytically-grounded ones. While she acknowledges that people can and do feel anger and guilt, there is little room for these states

in her proposal, save for the perfunctory role they are permitted in Transition-Anger. But even the concession of Transition-Anger does not allow for the sorts of moral transactions that are essential to a flourishing ethical-relational life. We should love and respect others, but when there is a rupture of that love through violation, do we really want people not to reflect on that and engage with it? And further, if an emotive response such as guilt arises out of such reflection, should a person not be permitted to feel bad? If such a feeling did surface, would forcing oneself not to engage with this feeling not evade our humanity, thus thwarting any attempt to pursue authentic human flourishing? Nussbaum's claim that we should bypass feeling moral emotions such as guilt because they are unproductive and do nothing for the wellbeing of others borders on ethical hedonism and all of its trappings. It does not allow for a person to think about what they feel and work through it.

This brings me to the place of psychoanalysis in Nussbaum's immaturing process. Starting from the possibility of mature concepts and a psychoanalytic grounding in *Hiding from Humanity*, in *Anger and Forgiveness* Nussbaum lets go of this complexity in favour of a primitive concept of guilt and a thin concept of compassion, both of which snub the alethic moral and emotional truth of ethical life. But as the immanent critique has brought out, Nussbaum still depends on psychoanalytic thinking even in the more elementary account. Not only are there numerous references to psychoanalytic terms (magical thinking, narcissism, vulnerability, fantasies), but as noted above, the psychic content of primitive guilt grounds many of her arguments. So while Nussbaum claims that she was led astray by the Kantian views of some psychoanalysts in *Hiding from Humanity*, we see that in *Anger and Forgiveness* she is actually *more* influenced by primitive (Kantian) guilt (mirroring early guilt in Freud and persecutory guilt in Klein) to the extent that mature guilt, and indeed all kinds of deep moral accounting, are suppressed. What is lacking in both accounts is an alethic foundation in what is suppressed: deep shame (in *Hiding from Humanity*) and deep guilt (in

Anger and Forgiveness). As noted in the introduction, deep shame and deep guilt are actually quite closely related but because Nussbaum's arguments depend on keeping them apart, the alethic truth of their relation remains hidden. In the next and final section, I give consideration to what we can rescue from Nussbaum's immaturing process and the implications of this criminal law and justice more broadly.

Light at the end of the slippery slide: alethic truth and human flourishing

In tracking Nussbaum's immaturing process, I have shown that the mature concepts she suppresses in both accounts—mature shame in the first book and mature guilt (and shame) in the second—coexist alongside immature forms. I have also shown how these mature concepts can be brought out through the immature concepts in and of themselves. For instance, while Nussbaum mainlines primitive shame in *Hiding from Humanity*, because she uses mature guilt to make her arguments against shame, a mature concept of shame comes to light even though she chooses not to develop it. This highlights the critical role psychoanalysis plays in moral psychology and why we should embrace its complexity, not shy away from it.

Psychoanalytic theory establishes the immature concepts in the first instance, but it also forces their deeper, more complex truth to surface. It is only when we get to the alethic truth of moral emotions like guilt and shame that we are able to promote authentic human flourishing. The sort of flourishing that Nussbaum leaves us with in *Anger and Forgiveness* is of a limited, rational kind. Psychoanalysis aims to integrate the rational (reason) with the non-rational (ethical virtue) for when both 'speak with the same voice', one can achieve true ethical flourishing (Lear 2014, 92).

I shall now return to the point made at the start of this paper about the 'peculiar' morality of the criminal law. I want to suggest that the alethic truth of mature guilt and

mature shame brought out in Nussbaum's immaturing process reaffirms that superficial understandings of guilt (and shame) dominate the criminal justice field. Primitive guilt parallels how law (by which I mean formal law) typically responds to wrongdoing: law ascribes blame and responsibility to a person for a wrong and deems them guilty. This, in turn, justifies retributive punishment. In part, the starkness of the parallel explains why it is that primitive guilt has such a grip on legal responses to wrongdoing. But this superficial understanding of guilt is illusionary. Following Williams, the illusion persists only because our distorted conception of ethics 'is supported by models of human behaviour that are more realistic than it acknowledges' (Williams 2008, 11). The tools of naturalistic moral psychology, in particular psychoanalytic thinking, helpfully show us the ways in which this picture is both inaccurate and inadequate. In a way, law concedes to this. It reaches out to other approaches that offer a more rounded understanding of and response to relational dynamics of ethical life. A key player in this broader criminal justice field is restorative justice which aims to heal or repair the harm caused by crime through moral, dialogic exchange with victims, perpetrators and the community.

But even restorative justice is guilty of having a superficial understanding of guilt. It has run with shame as an alternative to law's (primitive) conception of guilt. This standpoint is given life through John Braithwaite's (1989) theory of reintegrative shaming which promotes condemning the act but not the person behind it. The wrongdoer is treated 'respectfully and emphatically as a good person who has done a bad act' and efforts are made 'to show the wrongdoer how valued they are after the wrongful act has been confronted' (Braithwaite et al. 2006, 397). By not condemning the person for what they did, reintegrative shaming is said to avoid stigmatic shaming (primitive shame), and instead focus on the more productive, forward-looking goal of reintegration (Braithwaite 1989). Nussbaum engages with restorative justice in both of her books. As she rightly points out in *Hiding from*

Humanity, restorative justice is actually about (mature) guilt, not shame (Nussbaum 2004, 241)—or at least not the sort of primitive shame she mainlines in that account; the other, mature kind of shame that is suppressed is, as I have shown, related to a mature concept of guilt. In *Anger and Forgiveness*, Nussbaum returns to discuss restorative justice. However, because she has intentionally moved away from guilt, she must now characterise it as being about something else. Thus she suggests that it is about regret or, to use Williams's term, 'agent regret' (Nussbaum 2016, 205). There are two points I want to make here. The first concerns Nussbaum's problematic use of the term agent regret. While it is understandable that, in keeping with the premise of the Transition, Nussbaum would want to marginalise or dilute guilt and replace it with a more neutral term, I suggest that the term agent regret is deployed out of context. William's 'agent regret' arose in the context of non-culpable harm, but this vital context is not relevant to restorative justice. Agent regret is designed for a non-guilt setting. Restorative justice, on the other hand, is a guilt-based setting. Therefore I suggest that Nussbaum's use of the term here is inappropriate.⁸ If we suspend the truth of this first point, a second point to be made is that regret (of any kind) must come about in relation to something that has happened. In the case of restorative justice, the thing that has come about is wrongdoing—hurting or harming another. In order to feel regret for the hurt I have caused it is not enough to simply know and live with the fact that I have done an act. There must first be an affective response to having done that act that triggers the regret. What triggers regret must, therefore, be a feeling of unease. In the case of wrongdoing—that is, hurting or harming another—I suggest that this unease arises from a mature state of guilt and a desire to make things better. As these examples show, one's relationship to the world extends beyond superficial, primitive concepts of guilt and shame. In its appropriate context, even agent regret represents a facet of a more rounded understanding of a person's relationship to the world.

To clarify, in saying that there is an easiness to primitive concepts, I am not suggesting that we should abandon their critique. On the contrary, it is a strength of *Hiding from Humanity* that it provides good reasons for why we would want to argue against law running with or relying upon shame of the primitive kind. Similarly, in drawing on primitive guilt in *Anger and Forgiveness* to justify her alternative proposal (the Transition), Nussbaum highlights important limitations of this primitive guilt concept and implicitly foregrounds the associated limits of primitive guilt as applied in a legal framework. Instead, my point has been to highlight that moral emotions related to wrongdoing and its repair have two forms and that the mature forms represent their alethic truth. It is a false truth to suggest that law should run with guilt and not shame, just as it is a false truth to suggest that we should avoid emotions like guilt and run with grief and compassion. These statements suppress other, deeper truths which we get to by contrasting mature concepts with immature ones. Mature shame and guilt are also both important to human flourishing. They disclose part of the alethic truth of what it means to be an ethical, relational being that thinks, feels and acts, and the moral psychological truth of how it is that one can pursue both one's own flourishing and the flourishing of others in the aftermath of violation. A eudaimonic future will not be achieved without holding onto and developing such truths.⁹

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Notes

¹ The critical realist method of immanent critique involves starting with the position or premise of your opponent/discussant and working out from under it. See Mervyn Hartwig (2007, 105-108) for a more expansive definition of immanent critique and how it relates to other forms.

² This point chimes with Helen Merrell Lynd's (1958, 49) account of shame as 'an experience that affects and is affected by the whole self'.

³ Given the previous allusion to ideals, I suggest that the partial overcoming of primitive shame might have something to do with the embodiment of ideals that comes at a later stage of development because in order to have ideals one must have a conception of themselves *in relation* to others. This seems to fit with what Nussbaum says later on about narcissism being 'overcome in the direction of a relationship of mutuality' (Nussbaum 2004, 187).

⁴ In a footnote, Nussbaum refers to Gabrielle Taylor's account of the difference between guilt and shame as offering a helpful distinction: 'If feelings of guilt concentrate on the deed or omission then the thought that some repayment is due is in place here as it is not in the case of shame. If I have done wrong then there is some way in which I can 'make up' for it, if only by suffering punishment. But how can I possibly make up for what I now see I am? There are no steps that suggest themselves here. There is nothing more to be done, and it is best to withdraw and not to be seen. This is the typical reaction when feeling shame. Neither punishment nor forgiveness here perform a function' (Taylor 1985, 90). Leaving aside Taylor's narrow conception of restoration, Taylor ignores the fact that there are primitive and mature forms of shame and guilt which, if acknowledged, would undermine this distinction. I also question Taylor's assertion that shame offers nothing in terms of forward-looking activity. On a mature understanding, shame may in fact prompt a person to substantially rethink who they are and who they want to be which could lead to transformative change and a betterment of the self (and others in return).

⁵ While these contradictory justifications are discussed in the context of intimate relationships, in particular, that of spouses, I see no reason why it should not also apply to that of strangers even though Nussbaum wants to force a separation between these relational realms.

⁶ There is a third kind of control which Nussbaum does not allow: control that can arise from moral transactions. For example, creating a space for a victim to regain control by confronting their perpetrator. This example is not about down-ranking the perpetrator, it is about communicating a rupture in love and opening up to a moral dialogue about it.

⁷ This is not a balanced reading of Morris. What he actually describes is what it means to *feel* guilty and where that feeling comes from. It is not an "ought" but a moral psychological account of the feeling of guilt in psychosomatic terms. While Nussbaum is right in saying that guilt furnishes pain, she is wrong to claim that this is *inflicted* on oneself. It is a psychosomatic reaction to feeling bad and the source of that pain is a lack of wholeness—not being at one with oneself and others. The pain is not *owed* and suffering is not intrinsic to what Morris calls 'atonement, being at one with' (Morris 1976, 100).

⁸ Earlier in the book, her use of the term, coined by Williams, is appropriate because it arises in the context of what she calls 'tragic choice' or non-culpable harm (Nussbaum 2016, 134-135).

⁹ In further work, it would be interesting to explore the relationship between mature psychological states, what an alethic sense of truth means, and how that relates to a conception of a person's ground state.