7

COMPASSION: THE PHILOSOPHICAL DEBATE

I. COMPASSION AND REASON

Compassion is controversial. For about twenty-five hundred years it has found both ardent defenders, who consider it to be the bedrock of the ethical life, and equally determined opponents, who denounce it as "irrational" and a bad guide to action. These opponents have strongly influenced the rhetoric of contemporary debates about the emotion. Contrasts between "emotion" and "reason" are ubiquitous in the law, and in public life generally – particularly where appeals to compassion are at issue. These contrasts are seldom drawn with clarity. We are rarely told whether "irrational," as applied to emotion, means "not involving thought" or "involving thought that is in some way substandard and bad." In the process, we frequently encounter traces of the historical debate – but in an unclear and degenerate form. For this reason it seems worthwhile to study the historical debate closely, assessing it in connection with our evolving theory of compassion. It will turn out, I believe, that most of the contemporary opponents of compassion do not share the philosophical position with which they appear to ally themselves.

To set the stage, let us consider the way in which the attack on compassion as "irrational" has figured in one recent legal debate. In a jury instruction case[1] (concerning the same rules for sentencing under which O. J. Simpson would have been sentenced, had he been convicted), Justice O'Connor argues that "the sentence imposed at the penalty stage should reflect a reasoned *moral* response to the defendant's background, character, and crime rather than mere sympathy or

1 *California v. Brown*, 479 US 542–3 (1987).

emotion." The assessment of penalty, she continues, is a "moral inquiry" and not "an emotional response" – assuming without argument that these are two utterly distinct categories. Justice Brennan, too, holds that "mere sympathy" must be left to one side.

Nor is this depreciation confined to the opponents of emotion. For Justice Blackmun, while urging that compassionate emotion has a valuable and ineliminable role to play in criminal sentencing,[2] still accepts the contrast between emotion and reason-based moral judgment, saying that although the reaction of the juror "at times might be a rational or moral one, it also may arise from sympathy or mercy, human qualities that are undeniably emotional in nature." This puts him in a weak and apologetic position, one that seems unlikely to persuade. More recently, Justice Thomas has assailed appeals to compassion that focus on the disadvantaged background of a criminal defendant, suggesting that such appeals are irrational because of their failure to give people sufficient credit for agency and responsibility (see Chapter 8, section II).

Much the same is true of quite a few legal and economic theorists who argue for some measure of reliance on emotion in public reasoning: again and again, one finds "empathy," "sympathy," and even "passion" in general contrasted with "reason" or "rationality," in a way that inevitably puts the advocates of emotion on the defensive from the start, given the normative connotations of the term "rational."[3] What they end up saying, it seems, is that there are certain elements of the personality that do not clarify or enrich the understanding,[4] that are in and of themselves pretty unreliable and substandard –

2 *Ibid.*, at pp. 561–3. A further problem with Blackmun's opinion, from the point of view of the tradition, is that it speaks of the juror's "sympathy or mercy," thus conflating the emotion with a nonemotional attribute of judgment of which the antiemotion tradition approves.

3 See Massaro (1989), Henderson (1987); Gewirtz (1988), one of the most eloquent defenses of the role of emotion in law, still speaks of "the nonrational emotions." A more careful defense of emotion in law, which does not fall into this trap, is Minow and Spelman (1988). On the side of economics, Frank (1988), though entitled *Passions within Reason*, does not in fact locate passion within reason, but consistently treats emotions as irrational forces that may nonetheless have valuable consequences.

4 This is not true of Gewirtz, who writes the interesting sentence, "But while the nonrational emotions can distort, delude, or blaze uncontrollably, they have worth in themselves and can also open, clarify, and enrich understanding" (Gewirtz [1988], p. 1050). It is hard to see why Gewirtz should call an element that can "open, clarify, and enrich understanding" "nonrational," unless he is using the language of rationality in a purely

but that we should rely on them anyway in certain legal contexts. It is no wonder that critics of compassion such as Richard Posner find this a weak position, an invitation to let into the law whatever brutish and undiscriminating forces happen to be around.[5]

Both sides in this debate fall short because they fail to examine this strong opposition between compassion and reason. The claim that compassion is "irrational" might mean one of two things. It might mean that compassion is a noncognitive force that has little to do with thought or reasoning of any kind. This position, as Chapter 6 has argued, cannot bear serious scrutiny. On the other hand, it might mean that the thought on which compassion is based is in some normative sense bad or false thought; this is in fact what the serious anticompassion tradition holds. But to hold this, as we shall see, one must defend a substantive and highly controversial ethical position, one that has been defended by Plato, the Stoics, Spinoza, and, in some respects, Kant, but one that very few of the contemporary opponents of the emotion would actually be prepared to endorse (though I think Justice Thomas might). In this way, a more precise analysis of the emotion and the historical debate about its normative role can clear the ground for a more adequate contemporary approach.

II. THREE CLASSIC OBJECTIONS

The pro-compassion tradition has assumed that many of life's misfortunes do serious harm to "undeserving" people. But for Socrates, a good person cannot be harmed.[6] And Socratic thinking about virtue and self-sufficiency inaugurated a tradition of thought that opposes compassion, as a moral sentiment unworthy of the dignity of both giver and recipient, and based on false beliefs about the value of external goods. According to this tradition, whose most influential exponents are the Greek and Roman Stoics, the most important thing in life is one's own reason and will – what the Roman Stoic Epictetus calls

descriptive and non-normative sense, meaning by it something like, "not concerned with the maximizing of individual satisfactions."

5 See also the treatment of emotion in Posner (1992): here, emotions seem to be treated as completely impervious to reasoning and argument.

6 Plato, *Apology* 41D, cf. 30DC; on this see Vlastos (1991), and my review in Nussbaum (1991).

one's "moral purpose" (*prohairesis*). This faculty of moral choice is the possession of all humans, and its virtuous use is always within our power, no matter what the world does. Moral purpose is a source of human equality: it is the possession of male and female, slave and free. Its dignity outshines all circumstantial differences and renders them trivial. Vastly superior in dignity and worth to any other good thing, it suffices all by itself, well used, for a flourishing life. Thus the only way to be damaged by life with respect to one's flourishing is to make bad choices or become unjust; the appropriate response to such deliberate badness is blame, not compassion. Blame, unlike compassion, respects the primacy of moral purpose in each person, treating people not as victims and subordinates but as dignified agents. As for the events of life that most people take to be occasions for compassion – losses of loved ones, loss of freedom, ill health, and so on – they do, of course, occur, but they are of only minor importance.[7]

Thus compassion has a *false* cognitive/evaluative structure, and is objectionable for that reason alone. It acknowledges as important what has no true importance. Furthermore, in the process compassion insults the dignity of the person who suffers, implying that this is a person who really needs the things of this world, whereas no virtuous person has such needs.[8] (Kant calls this an "insulting kind of beneficence, expressing the sort of benevolence one has for an unworthy person.")[9] If one respects the faculty of moral purpose in a human being, one will not feel compassion, for one will see that faculty as a source of equal human worth, undiminished by any catastrophe. If we include the judgment of similar possibilities, compassion also frequently insults the dignity of the person who gives it: it is an acknowledgment that her

7 It appears that for Socrates they can affect the *degree* of one's flourishing, though not flourishing itself: see Vlastos (1991). The Stoics refuse to admit even this much.

8 See the extensive development of this line of argument in Nietzsche: especially *Dawn* 135 ("To offer pity is as good as to offer contempt"); *Zarathustra*, "On the Pitying." Nietzsche actually makes three related points here: (1) pity denigrates the person's own efforts by implying that they are insufficient for flourishing; (2) pity inappropriately inflates the importance of worldly goods; (3) pity has bad consequences, undermining self-command and practical reason.

9 Kant, *Doctrine of Virtue*, 35, Akad. p. 457, trans. Ellington. Kant's entire argument in this passage is very close to, is indeed appropriated as a whole by, Nietzsche, a fact that ought to give pause to those who think Nietzsche's view cruel or proto-Fascist. The two add a further argument: that pity adds to the suffering that there is in the world, by making two people suffer rather than only one (Kant, ibid.; Nietzsche, *Dawn* 134).

own most central prospects may be brought low by fortune.[10] As Kant puts it, adopting some aspects of the Platonic/Stoic position, "Such benevolence is called softheartedness and should not occur at all among human beings."[11]

This position on compassion becomes the basis for Plato's assault on tragedy in the *Republic*.[12] The good person, he argues, will be "most of all sufficient to himself for flourishing living, and exceptionally more than others he has least need of another . . . Least of all, then, is it a terrible thing to him to be deprived of a son or brother or money or anything of that sort" (387DE). Accordingly, speeches of lamentation and requests for compassion, if retained at all, must be assigned to characters whom the audience will perceive as weak and error-ridden, so that these judgments will be repudiated by the spectator.[13] The Stoics take this line of thought further, insisting that the true hero for the young should be Socrates, with his calm, self-sufficient demeanor in misfortune, his low evaluation of worldly goods. Tragic heroes, by contrast, should be regarded with scorn, as people whose errors in evaluative judgment have brought them low. (Epictetus defines tragedy as "what happens when chance events befall fools.") This Stoic position on compassion and value is taken over with little change by Spinoza, and seriously influences the accounts in Descartes, Smith, and Kant.[14] It is given an especially complex and vivid development in the thought of Nietzsche, whose connection to Stoicism has not, I think, been sufficently understood.[15]

10 See Nietzsche, *Dawn* 251 (called "Stoical"), 133; *Zarathustra* IV, "The Sign."

11 Kant, *Doctrine of Virtue*, 34, Akad. p. 122.

12 See Nussbaum (1992) for a detailed analysis.

13 Thus they are to be ascribed to "women, and not very good women at that, and to the inferior among men." See Nussbaum (1992) for subtle differences between Books II–III and Book X on this point; and for Stoic developments, see Nussbaum (1993a). See also Halliwell (1984, 1989).

14 Descartes tries to bind a middle ground, granting that any noncallous person will feel compassion for the suffering of others, but claiming that the strong and magnanimous person will feel it in a way that does not so prominently involve the judgment of similarity: the sadness of such compassion is not bitter, and is rather like the experience, he says, of the tragic spectator (*Les Passions de l'âme*, Art. 187). Smith approves of compassion up to a point, but thinks that all emotions must be strictly kept in bounds by a rather Stoic sort of "self-command." For Kant's complex position, see the following discussion.

15 I analyze the Stoic roots of Nietzsche's position on pity, and draw some new interpretive consequences, in Nussbaum (1993b). An important new development in Nietz-

It is important to see that the motivation underlying the repudiation of compassion is at its root a strongly egalitarian and cosmopolitan one. Although the pro-compassion tradition, in its Rousseauian incarnation, can claim to be a champion of egalitarian-democratic ideas, using compassion to motivate a more equal distribution of basic resources, the opponents claim that their own stance is the one that more appropriately respects human equality, and the infinite worth of human dignity that is its source. To the pro-compassion tradition, differences in class and rank create differences in the worth or success of lives. To grant this much, the anti-compassion position holds, is to grant that the world and its morally irrelevant happenings can in effect forge different ranks and conditions of humanity. The believer in equal human worth should not acknowledge this: she should take her bearings from that basic human endowment that is not unequally distributed, and she should honor that equal basic endowment by treating that, and that only, as the measure of a life. To suggest that there is anything we could add to a human being's moral faculties that would either augment or diminish their value is to suggest that people are not truly equal in value. The Stoic repudiation of compassion can easily look like mere hard-heartedness or repressiveness; but it expresses, at its core, this idea of the dignity of humanity.

Similarly, the most shocking aspect of Stoic "indifference" – the injunction not to be upset at the deaths of loved ones, including even one's own children – should be seen as closely linked to the Stoics' egalitarian cosmopolitanism. All human beings are equal in worth, and we are fundamentally not members of families or cities, but *kosmopolitai*, members of the "city-state of the universe." This means that we should have equal concern for all; and that equal concern is incompatible with special attachments to kin. We may appropriately give our own family members or fellow citizens a disproportionate measure of our concern and energy, because that is the post where life has placed us, and it would be ineffectual to attempt to do good in all places. But we should recognize that this organizational issue, not some special

sche's line of attack is that, following (in different ways) both ancient Cynicism and contemporary Romanticism, he holds that most of the standard occasions for pity are not only not really bad for people, but are actually good: loneliness, hardship, poverty, chastity, are all favorable conditions for philosophical creation. See especially *Genealogy of Morals* III.8, and *Will to Power* 910 (1968).

value in one's own family, or ration, is what justifies the disproportionate investment.[16] The Greek Stoics went further, holding that the very existence of the family jeopardizes proper concern, breeding jealousies and hostilities; children should be raised communally.[17]

Notice that Stoic impartiality is independent of Stoic indifference. One might insist on equal concern for all human beings without denying that the world's damages are significant and important. Such a modified Stoic could make a place for compassion, provided that it was evenly distributed. Thus the Stoic attack needs to say more about why, given the nature of the emotion, this is an unlikely result.

In addition to charging compassion with falsity in judgment, then, the classic attacks make two further objections. The first concerns the partiality and narrowness of compassion; the second concerns its connection to anger and revenge. Compassion, the first argument goes, binds us to our own immediate sphere of life, to what has affected us, to what we see before us or can easily imagine. Because the imagination plays such an important role in it, it is subject to distortion through the unreliability of that faculty. But this means that it is very likely to present an unbalanced picture of the world, effacing the equal value and dignity of all human lives, their equal need for resources and for aid in time of suffering. This argument, first introduced by the ancient Stoics, is given an especially vivid form by Adam Smith, who argues that to rely on "pity" as a social motive will, on this account, produce very unbalanced and inconsistent results:[18]

> Let us suppose that the great empire of China, with all its myriads of inhabitants, was suddenly swallowed up by an earthquake, and let us consider how a man of humanity in Europe, who had no sort of connexion with that part of the world, would be affected upon receiving intelligence of this dreadful calamity. He would, I imagine, first of all, express very strongly his sorrow for the misfortune of that unhappy people, he would make many melancholy reflections upon the precariousness of human life, and the vanity of all the labours of man, which could thus be annihilated in a moment . . .

16 I present here a schematic version of the Stoic position, which does not fit all thinkers. This argument about the justification of particular ties is adopted by Smith (1976), "On Universal Benevolence."

17 See Schofield (1999); and, on the complex doctrine of *erôs* that goes with this view of family, see Nussbaum (1995b).

18 Smith (1976), p. 136; see the excellent account of these aspects of Smith's thought in Coase (1976). See also Posner (1990), pp. 411–13.

And when all this fine philosophy was over, when all these humane sentiments had been once fairly expressed, he would pursue his business or his pleasure, take his repose or his diversion, with the same ease and tranquillity, as if no such accident had happened. The most frivolous disaster which could befal himself would occasion a more real disturbance. If he was to lose his little finger to-morrow, he would not sleep to-night; but, provided he never saw them, he will snore with the more profound security over the ruin of a hundred millions of his brethren, and the destruction of that immense multitude seems plainly an object less interesting to him, than this paltry misfortune of his own.[19]

In short: broaden the emotion as we may through education, compassion remains narrow and unreliable. It takes in only what the person has been able to see or imagine, and its psychology is limited by the limitations of the sensory imagination. As we saw in Chapter 6, Smith believes that empathy is extremely important in generating compassion. If that is so, and if empathy for the similar and the near at hand – or for whatever report has managed to make "interesting" – is easier, then compassion will partake of that unevenness. But this means that it is an insufficient, and even a dangerous, moral and social motive.

Finally, the classic attack examines the connection between compassion and the roots of other more objectionable emotions. The person who feels compassion accepts certain controversial evaluative judgments concerning the place of "external goods" in human flourishing. She accepts the idea that tragic predicaments can strike people through no fault of their own, and that the losses people thus suffer matter deeply. But a person who accepts those judgments accepts that children, spouse, citizenship, and other externals all really matter for human flourishing. This means that she allows her own good to rest in the hands of fortune. And to admit one's own vulnerability to fortune is to have all the raw material not only for compassion, but also for fear and anxiety and grief; and not only for these, but for anger and the retributive disposition as well. What Stoic analyses bring out again and again is that the repudiation of compassion is not in the least connected with callousness, brutality, or the behavior of the boot-in-the-face tyrant. In fact, in this picture it is compassion itself that is

19 As Smith's editors note, this passage may recall Hume . . . *Treatise,* II.iii.13: " 'Tis not contrary to reason to prefer the destruction of the whole world to the scratching of my finger."

closely connected with cruelty. The person who has compassion for another acknowledges the importance of certain worldly goods and persons, which can in principle be damaged by another's agency. The response to such damages will be compassion if the damaged person is someone else; but if the damaged person is oneself, and the damage is deliberate, the response will be anger – and anger that will be proportional to the intensity of the initial evaluative attachment.

In short, this tradition claims that the soft soul of the compassionate can be invaded by the serpents of resentment and hatred. When Seneca writes to Nero reproving compassion,[20] he hardly aims to encourage Nero in his tendencies toward brutality. On the contrary: his project is to get Nero to care less about insults to his reputation, about wealth and power generally. This, Seneca argues, will make him a more gentle and humane ruler. But not only is this project not hindered by the removal of compassion, it demands it, because it demands the removal of attachments to external goods. So long as Nero, that budding actor who loved to sing the role of Agave in Euripides' *Bacchae*, indulges in tragic weeping over the vicissitudes of life, so long is he not to be trusted with the fate of his people. Cruelty, according to Seneca, is not the opposite of compassion. It is an excessive form of retributive anger, which, in turn, is simply a circumstantial inflection or modality of the same evaluative judgments that have, in other circumstances, compassion as their inflection.[21] So compassion is cruelty's first cousin; the difference between them is made by fortune.

This line of argument is developed vividly by Nietzsche, who argues, with the Stoics, that a certain sort of "hardness" toward the vicissitudes of fortune is the only way to get rid of the desire for revenge. The "veiled glance of pity," which looks inward on one's own possibilities with "a profound sadness," acknowledging one's own weakness and inadequacy – this glance of the compassionate is, he argues, the basis of much hatred directed against a world that makes human beings suffer, and against all those, in that world, who are not brought low, who are self-respecting and self-commanding: "It is on such soil, on swampy ground, that every weed, every poisonous plant grows . . .

20 Seneca, *On Mercy*; the term is *misericordia*.

21 See *On Anger* and *On Mercy*; the argument is discussed in Nussbaum (1994), Chapter 11.

Here the worms of vengefulness and rancor swarm."[22] Or, as Zarathustra puts it, "The spirit of revenge, my friends, has so far been the subject of man's best reflection: and where there was suffering, one always wanted punishment also."[23]

This Stoic insight is now developed further in an account of the original motives for punishment, itself indebted to Stoic antecedents.[24] Nietzsche argues that punishment is a form of exchange, in which the injured party is paid back for his pain and suffering by the pleasure of inflicting suffering on the original wrongdoer, and by the additional pleasure of being allowed to "despise and mistreat" the person who has at one time had him in his power (*Genealogy* II.5–6). This way of seeing things frequently leads to cruelty, as the one who has been put down by the offense revels in the chance to put the offender down. "And might one not add," he comments, "that, fundamentally, this world has never since lost a certain odor of blood and torture?" (II.6) In certain ways, Nietzsche prefers this simple revenge morality to a morality based on the idea that the human being is, as such, worthless and disgusting (II.7). But, like the Stoics, he is quick to point out that the interest in taking revenge is a product of weakness and lack of power – of that excessive dependence on others and on the goods of the world is the mark of a weak, not of a strong and self-sufficient, human being or society. The compassionate person is as such a weak person.

But if compassion is in this way bound up with the inclination to revenge, and if the task of a strong society is to contain and control the inclination to revenge, then one might well conclude that society has reasons to extirpate compassion in its citizens, young and old, rather than fostering it. One might have thought that the containment of revenge is a prominent theme in the tragic tradition, almost as prominent as the themes of the fragility of fortune and the value of compassion.[25] But if the anti-compassion tradition is right, tragedy breeds revenge even while it appears to argue against it; the real elimination

22 Nietzsche, *Genealogy of Morals* (trans. Kaufmann), III.14.
23 Nietzsche, *Thus Spoke Zarathustra* (trans. Kaufmann), "On Redemption."
24 Especially, perhaps, to Seneca's *On Anger* – see Nussbaum (1994), Chapter 11.
25 On this see Posner (1988), who finds the tragic tradition a valuable source of insight into the control of revenge, and its unsuitability as a principle of social order.

of revenge requires the banishment of the tragic poets from the city. And if the city is to be a city of law, and if it is a particular job of the legal system to make certain that revenge does not carry the day, then one might well conclude that a legal system will have especially strong reasons to avoid tragic compassion, and to discourage citizens from basing their judgments on it.

III. MERCY WITHOUT COMPASSION

What will the attitude of the good and self-sufficient person be toward the misfortunes of others? Here we arrive at an area of considerable complexity in the anti-compassion position. When others suffer the losses that are usually taken to be occasions for compassion, the good Stoic will, of course, not have compassion for them. Her paramount sentiment will be one of respect for the dignity of humanity in each and every human being, no matter how unfortunate; and she will therefore respect the sufferer, seeing his or her virtue and will as in principle sufficient for flourishing life. Insofar as the sufferer falls short of virtue, especially by adopting an inappropriate attitude toward her own misfortune, grieving and calling out for compassion, the Stoic will be critical. Epictetus urges a tough, mocking attitude. One should try to get the sufferer not to moan about fortune in this undignified way, but to take charge of herself and her life. "Wipe your own nose," Epictetus tells the passive pupil. Marcus Aurelius, gentler, urges a lofty parental attitude: think of the person who is moaning about fortune as like a child who has lost a toy. The suffering of this child is real enough, and one should console her – remembering all the while, of course, that it is childish to care so much about a mere toy (V.36).

Such a noncompassionate person will be concerned in some ways with the material side of life. She will give benefits to others, and she will do so without selfish holding back, since she herself does not need these things. This point is repeatedly stressed in the anti-compassion tradition, in particular by Seneca (in *On Benefits*). But this willingness to benefit, at least in the Stoics and in Spinoza, comes about not because these goods are seen as important, but because they are seen as unimportant. Indeed, one of the great merits this tradition sees in its moral position is that it ascribes all true value to things concerning which there could not possibly be bitter competition among persons.

As Spinoza puts it, "The highest good of those who pursue virtue is common to all, and all can equally enjoy it."[26] (Nietzsche, in his characteristically extreme way, goes a step further: the true philosopher will be delighted to get rid of all worldly goods and to live in utter poverty and loneliness, leaving the goods of the world for others – for he will know that this sort of suffering actually increases his capacity for philosophical excellence.)[27] But this means that the commitment to secure material goods to those who do happen to like them rests on a fragile foundation, and is at every step constrained by the anti-compassion person's feeling that they should not have liked those goods so much. I shall return to this point.[28]

The wise person of the anti-compassion tradition is not always "hard." Believing that the only serious harms that befall others are the harms that they have caused themselves through their folly and wrongdoing, the Stoic nonetheless believes that it is extremely difficult to be good. He therefore faces the benighted condition of most mortals – including their incessant demands for compassion – with concern for their development and well-being. Not angered on account of his own personal damage, not feeling himself dragged down by the bad acts of another, he will be free to ask what corrections and instructions, even what punishments, are most likely to do good for the wrongdoer's life as a whole, and for society as a whole. Seneca argues in *On Anger* and *On Mercy* that this is the right way to defeat the retributive attitude – by rising above the cares that support it. The punishments of the wise person will be free from the harshness and cruelty that he connects with ordinary vulnerability. They will be as judiciously selected as are a doctor's prescriptions; and frequently they will be merciful.

Mercy is defined as the inclination of the judgment toward leniency in selecting penalties: the merciful judge will often choose a penalty milder than the one appointed in law for the offense. This bending or waiving of punishment will frequently be preferred by the good person, Seneca argues, for several different reasons. First, it is expressive of his own strength and dignity: it shows that he does not need to inflict pain in order to be a whole person. Second, it displays understanding of the

26 *Ethics*, Part IV, Proposition 36. This good, of course, is knowledge.

27 For references, see note 15 to this chapter.

28 For the damage that this position does to Cicero's political thought, and, thence, to the foundations of modern thought about transnational duties, see Nussbaum (2000c).

difficulties of human life, which make it almost impossible not to err in some respect; it displays, too, the awareness that the punisher is himself an imperfect person, liable to error. Third, it is socially useful, since it awakens trust and mutual goodwill, rather than fear and antagonism.[29]

What we see here, in effect, is a translation of the cognitive structure of compassion into the terms appropriate to the anti-compassion tradition's conception of the self-sufficiency of virtue. For in Senecan mercy, we have, as in compassion, an acknowledgment of the difficulties and struggles peculiar to human life – in this case, struggles to perfect one's own moral purpose – coupled with an acknowledgment that one is oneself a fellow human being of the one who receives mercy. But compassion took as its focus chance events that virtue does not control; in giving these importance it told lies (so the Stoic claims) about the human good. Mercy, by contrast, takes as its focus the uphill struggle to be virtuous and to perfect one's moral purpose. It places the accent in the right place, as the anti-compassion tradition sees it, and ascribes importance to what really has importance. It still says, as compassion does, that to live well is difficult for a human being, and that it is highly likely that a person who makes reasonably good efforts will come to grief somehow. But compassion focuses on occasions where the coming to grief, was not the person's fault. According to its opponents, there are no such cases, since either there is no real coming to grief, or it is the person's fault. Mercy focuses on fault, and refuses – as Seneca emphasizes repeatedly – ever to let the person off the hook for that fault. Mercy is mitigation in sentencing, not a verdict of not guilty. Mercy simply says, look, I don't need to hurt you; and you were probably having a tough time being good, since it is very hard to be good. So, like a good doctor or a good parent, I am going to tell you firmly that you are bad, but punish you lightly.

It is in this lofty, affectionately parental attitude – combined with a deep respect for the dignity of humanity in each person – that the Stoic tradition finds a cement that will, they claim, hold society together far better than compassion, inspiring a mutual gentleness not tinged with fearfulness or a gnawing sense of personal need. One of the most eloquent defenses of this social vision can be found in Nietzsche's

29 On these arguments, see further in Nussbaum (1994), Chapter 11; and "Equity and Mercy" in Nussbaum (1999a).

Genealogy of Morals, following the passage on pity and revenge that I have already discussed. Nietzsche now argues that in a strong and self-sufficient person or society, the interest in retribution will gradually overcome itself in the direction of mercy:

> As its power increases, a community ceases to take the individual's transgressions so seriously, because they can no longer be considered as dangerous and destructive to the whole as they were formerly . . . As the power and self-confidence of a community increase, the penal law always becomes more moderate; every weakening or imperiling of the former brings with it a restoration of the harsher forms of the latter. The "creditor" always becomes more humane to the extent that he has grown richer; finally, how much injury he can endure without suffering from it becomes the actual measure of his wealth. It is not unthinkable that a society might attain such a consciousness of power that it could allow itself the noblest luxury possible to it – letting those who harm it go unpunished. "What are my parasites to me?" it might say. "May they live and prosper: I am strong enough for that!"
>
> The justice which began with "everything is dischargeable, everything must be discharged," ends by winking and letting those incapable of discharging their debt go free: it ends, as does every good thing on earth, by overcoming itself. This self-overcoming of justice: one knows the beautiful name it has given itself – mercy; it goes without saying that mercy remains the privilege of the most powerful man, or better, his – beyond the law.[30]

Like Seneca, Nietzsche stresses that mercy does not deny that wrongdoing has taken place; it does not rewrite the law concerning offenses. Justice is still there intact in the merciful deed: but, springing from a powerful and secure nature, from the self-respect of that nature and its respect for others, it is able to waive the pleasure of retribution and "overcome itself" in the direction of gentleness.[31]

The debate over compassion constructs, in effect, two visions of political community and of the good citizen and judge within it. One vision is based upon the emotions; the other urges their removal. One sees the human being as both aspiring and vulnerable, both worthy and insecure; the other focuses on dignity alone, seeing in reason a bound-

30 Nietzsche, *Genealogy of Morals* II.10.

31 See also *Dawn* 202, where Nietzsche deplores the custom of turning to the courts for revenge, and speaks of "our detestable criminal codes, with their shopkeeper's scales and the desire to counterbalance guilt with punishment." Here he goes further than in the *Genealogy*, wishing to do away with penal institutions altogether, replacing them with reformative "medical" institutions.

less and indestructible worth. One sees the central task of community as the provision of support for basic needs; bringing human beings together through the thought of their common weakness and risk, it constructs a moral emotion that is suited to supporting efforts to aid the worst off. The other sees a community as a kingdom of free responsible beings, held together by the awe that they feel for the worth of reason in one another; the function of their association will be to assist the moral development of each by judgments purified of passion. Each vision, in its own way, pursues both equality and freedom. The former aims at equal support for basic needs and hopes through this to promote equal opportunities for free choice and self-realization; the other starts from the fact of internal freedom – a fact that no misfortune can remove – and finds in this fact a source of political equality. One sees freedom of choice as something that needs to be built up for people through worldly arrangements that make them capable of functioning in a fully human way; the other takes freedom to be an inalienable given, independent of all material arrangements. One aims to defeat the selfish and grasping passions through the imagination of suffering, and through a gradual broadening of concern; the other aims to remove these passions completely, overcoming retaliation with self-command and mercy. One attempts to achieve benevolence through softheartedness; the other holds, with Kant, that this softheartedness "should not be at all among human beings." One holds that "it is the weakness of the human being that makes it sociable."[32] The other holds that weakness is an impediment to community, that only the truly self-sufficient person can be a true friend. We see that the debate between the friends and enemies of compassion is no merely formal debate concerning the type of thought process or the type of faculty that should influence choice in public life. Nor is it a debate between partisans of reason and partisans of some mindless noncognitive force. It is a substantive debate about ethical value. Now we must adjudicate that debate.

IV. VALUING EXTERNAL GOODS

The historical debate does not provide a full response to the Stoic objections, because the defenders of compassion do not grapple with

32 See Rousseau (1979), p. 221; as elsewhere I substitute "human being" for "man."

their opposition in a sustained manner. The anti-compassion tradition was for centuries the dominant tradition in the history of Western philosophy, as Nietzsche plausibly states. So great is the influence of this Stoic tradition that even Adam Smith, in some respects an eloquent defender of the public role of compassion, ends up denigrating all emotional softness rather harshly, in the highly Stoic section of his work dealing with the virtue of self-command.[33] Similarly, *The Wealth of Nations* is profoundly influenced by the view that poverty does not diminish human dignity. Again, in international morality and law, the influence of Stoic cosmopolitanism, through Cicero, on thinkers such as Grotius and Kant runs deep, shaping contemporary views about duties of material aid.[34] Whereas the anti-compassion tradition exhibits great continuity and unity of argument, the pro-compassion tradition is more scattered, including novelists as well as political theorists, psychologists as well as philosophers; its members are not on the whole clearly aware of one another's arguments.

Before we turn to the debate itself, we should bear one fact in mind. The anti-compassion tradition does indeed consider this emotion (and indeed, in the case of Spinoza and the Stoics, all other emotions) to be irrational in the normative sense; it does indeed construct a sharp, and prejudicial, opposition between emotion and reason. But it does so in a rather different way from the way in which emotion and reason are sometimes contrasted in modern legal and political discussions. The severe tradition does not deny that emotions are full of thought. In fact, insofar as its members follow the Stoics, they hold the strong cognitive position on emotion that I have been trying to defend in a modified form.[35] What is wrong with compassion (like other emotions) is not that it is not discerning and aimed at truth. What is wrong with

33 Smith (1976), pp. 237–62, which contrasts the "rules of perfect prudence, of strict justice, and of proper benevolence" with the passions, which "are very apt to mislead him; sometimes to drive him and sometimes to seduce him to violate all the rules which he himself, in all his sober and cool hours, approves of." I think that it is difficult to make a consistent whole of Smith's position on the passions. The earlier chapters of the work defend passion as a form of perception that is highly responsive to reasoning and, it seems, at least partly constituted by reasoning; there Smith seems to be influenced more by Shaftesbury and perhaps Aristotle than by the Stoics.

34 See Nussbaum (2000c).

35 This is true of all the Stoics and Spinoza; it is true of Epicurus and Plato with some qualification; it is not true of Kant, whose position on emotion is an odd amalgam of Humean positive analysis and Stoic normative analysis.

it is that it latches onto false beliefs. It is irrational not in the way that hunger is irrational, but in the way that a belief in the flatness of the earth is irrational: false, based on inadequate evidence, cultural prejudice, false premises, and bad argument; it is therefore capable of being set right by true premises and good arguments. That is why, in the thought of the Stoics and Spinoza, it is philosophy that can liberate the human being from bondage to emotion. This would not have been the case had emotion been an ineluctable animal force.

Many modern opponents of emotion, however, do not distinguish clearly between the claim that emotion is noncognitive and the claim that it is irrational in the Stoic sense. They get considerable mileage out of the long philosophical tradition that opposes emotion to reason, relying on the authority of this tradition rather than on argument for the appropriateness of the contrast. And yet they do not endorse the traditional meaning of the contrast, a meaning inseparable from this tradition's controversial moral position on the worth of external goods. It is not clear that they could endorse the anti-compassion tradition in its authentic form, without rendering their own position far more controversial than it appears to be.

Let us now ask how the friend of compassion should answer its opponents' charges. First and most basic is the charge of *falsity*: compassion ascribes to chance misfortunes an importance they do not really possess, insulting, in the process, the dignity of both its receiver and its giver. It should be replaced by respect for the indestructible dignity of the sufferer's humanity.

The first thing we should say in response to this charge is that it is, so far, much too blunt. For why are we forced to make an all-or-nothing choice between having compassion for a suffering person and having respect for that person's dignity? Why can't we make distinctions, having compassion in connection with the wrongs luck has brought her way and at the same time having respect and awe for the way in which a good person will bear these ills with strength? We do not have to say that the person's moral humanity cancels out the loss in order to respect humanity when we see it. Nor do we need to say that the virtuous use of our moral faculties is sufficient for human flourishing in order to admire excellence as the Stoics wish us to do. Indeed, it is difficult to know what we would be admiring in such a

case if we did take the Stoic position that the loss was not a serious loss. For then, where would the fortitude be in bearing the event with dignity? Tragedy elicits wonder at human excellence not by showing its heroes untouched by the deaths of children, by rape, war, and material deprivation,[36] but precisely by showing how these horrible things do cut to the very core of the personality – and yet do not altogether destroy it.

There is something important in the Stoic position. The worth of humanity should elicit respect, even when the world has done its worst; and the excellent use of one's human faculties should elicit admiration, even when circumstances do not cooperate. The Stoic ideal of equal humanity, fundamental to Enlightenment political thought, does place many constraints on proper compassion, instructing us not to give the accidents of life undue importance in any of our dealings with others, including our responses to their misfortunes. It tells us that we must not interpret differences of material circumstances as negating a fundamental human similarity, which is a proper foundation for moral claims. On the other hand, compassion itself standardly includes the thought of common humanity, insofar as it comes joined with the judgment of similar possibilities: in this way it appears to be an ally of respect, not its enemy. And the respect we have for the equal humanity of others should, it seems, lead us to be intensely concerned with their material happiness, not indifferent to it. The fact that a certain individual is a bearer of human capacities gives that person a claim on our material concern, so that these capacities may receive appropriate support. We do not properly respect those capacities if we do neglect the needs they have for resources, or deny that hardships can deprive human beings of flourishing.

Nor are we prevented from respecting the dignity of each human

36 Tragedies typically do not focus on the loss of fortune or status, since the real hero does not attach the excessive value to these things that many people do, as I go on to discuss; at the other extreme, they also rarely focus on deprivation so extreme that it deprives people of the chance to act and think well – extreme hunger, for example; for tragedies must contain action and poetic speech. But this does not imply that extreme hunger is not one of the most acute of tragedies. Short of this, tragedy frequently does concern itself with material deprivation – consider, for example, the plight of Philoctetes, in which both the pain of his illness and the need to forage for food are continually stressed.

being if we grant, as we must, that the failure of external support can affect a person's capacity for virtue and choice itself, if it occurs early enough in a process of development, or is sufficiently prolonged. The Stoic would like to believe that no experience of worldly helplessness can touch us, that we are never victims – and that this is our dignity. Modern followers of the Stoics frequently make a similar move, insisting that the portrayal of certain people or groups as victims is inconsistent with respecting their agency. But we can acknowledge the extent to which we are at the world's mercy – the extent, for example, to which people who are malnourished, or ill, or treated with contempt by their society have a harder time developing their capacities for learning and choice – even ethical choice – without denying that our basic capacities and our agency deserve respect and sustenance, just by being there in whatever form. Indeed, it is only when we have noticed that and noticed how these capacities need support from the material world, and therefore exert a claim against our own comfort and effort, that we have appropriately respected them.

In another way as well, the attack is too blunt. For it takes an all-or-nothing position on the importance of external goods for flourishing: either compassion all over the place, or no compassion at all. But the pro-compassion tradition is not prevented from judging that some occasions for compassion are illegitimate, and based upon false evaluations. As I have said, compassion takes up not the actual point of view of any and every sufferer, but rather the point of view of an onlooker who appraises the seriousness of what has happened. The normative suitability of this emotion, as of fear and grief and anger, depends on whether the person gets the appraisals right, using a defensible theory of value. Thus compassion should not be given to my Roman aristocrat who misses an evening of peacock's tongues, no matter how much he minds this. On the other hand, compassion should be given to the person who is unaware of the extent of her illness or deprivation because of mental impairment or the social deformation of preferences. The pro-compassion tradition is preoccupied with getting the theory of value right, criticizing those who attach inappropriate importance to money, status, or pleasure. (Both Aristotle and Rousseau make this critique central to their thought.) This tradition agrees with Nietzsche that people should not find weakness everywhere they turn, or moan

about any and every loss; to a great extent, they should make the best of what life brings their way, relying on their own inner resources.[37] On the other hand, it is no use denying that some losses are worth weeping about – and these include some that the sufferer herself may not even notice.

We might say that the Stoic objector depicts the person who needs the goods of fortune as a type of pathological narcissist: incapable of respecting others because she is boundlessly needy and wrapped up in her own demands. But of course we need not imagine the needs of the compassionate as boundless: the child we imagined in Chapter 4 had made a fundamental developmental step when she allowed others their legitimate demands on her, and relinquished, with mourning, her own aim to have absolute control. Indeed, we can turn the criticism around: it is actually the Stoic agent who more closely resembles the pathological narcissist, in her inability to mourn, her rage for control, her unwillingness to allow that other people may make demands that compromise the equanimity of the self. I shall pursue these suspicions in Part III.

Is the Stoic's sweeping position on external goods even consistent? It is very difficult to see how there can be an ethical theory at all if there is no value attached to any external good: for morality seems to be all about arranging for the appropriate distribution of those things. Courage, justice, moderation – all these virtues deal with our need for externals; that is why, as Aristotle said, we cannot imagine needless gods having the virtues. If Stoics give any advice at all for this-worldly behavior, it has to be because they consider something valuable. Stoic ethical theory, notoriously, tries to deal with this question through the theory of the "preferred" and "dispreferred" indifferents: things that nature has set us to pursue and that it is therefore reasonable to pursue, provided that no impediment intervenes. But the theory holds that we are never to invest these things with real value, or to think of them as

37 For this as Aristotle's position, see Nussbaum (1986), Chapter 11, and Nussbaum (1992). Aristotle stresses that a person may be "dislodged" from *eudaimonia* by chance reversals of a very severe sort; nonetheless, even in such catastrophes, the person's nobility may still "shine through" in the way misfortune is borne: and he will use the material of life as well as possible. Thus he will merit our respect (*Nicomachean Ethics* I.11).

necessary for our *eudaimonia*. This theory has real problems justifying difficult or risky courses of action, which seem to require a greater investment in the world than the letter of the theory can deliver.

Sometimes, therefore, Stoics seem to go further in the direction of valuing the external than their theory really permits. Thus, Seneca urges the slave-owner to treat the slave with respect, to renounce physical cruelty and sexual abuse – conceding, apparently, that these things, albeit external to virtue, do matter. Other Stoics, similarly, risked their lives for political liberty – again, apparently granting that this matters. Ultimately, it would appear that the Stoics are not only inconsistent when they ascribe value to these things while denying that they do so; they are also incoherent, in the sence that they draw the line in an arbitrary place. Why object to cruelty and not to the institution of slavery itself? Why object to sexual abuse and torture, and not to social conditions that keep people in a state of hunger and poverty?[38] To pursue the twistings and turnings of the Stoic reply to such charges would take us far from our topic; let it suffice to say that they do not seem able to reply without heavy reliance on a teleology of nature and a notion of divine commandment.

The friend of compassion may add that if we need a decent theory of value to guide us, compassion, as standardly exemplified and taught in tragic drama, has a pretty good theory to offer. The standard occasions for compassion, throughout the literary and philosophical tradition – and presumably in the popular thought on which the tradition draws – involve losses of truly basic goods, such as life, loved ones, freedom, nourishment, mobility, bodily integrity, citizenship, shelter. Compassion seems to be, as standardly experienced, a reasonably reliable guide to the presence of real value. And this appears to be so ubiquitously, and without elaborate prior training. Perhaps this is because compassion has an evolutionary history that connects it to attempts by our species to respond well to predicaments affecting the entire group. Perhaps it is, instead, because all societies have conceptions of the good that do attach value to such losses, and because

38 This is the part of Stoic theory that has had deep influence on international law, through Cicero's distinction of duties into two classes. We still believe that torture must be stopped, even if it is in another country, but that hunger can be allowed to continue; in accepting this (I would say arbitrary and indefensible) division in our duties, we are following the Stoics. See Nussbaum (2000c).

parents communicate these values to their children early in their developmental history. In any case, it is because of its intimate connection to a true "core theory" of value that compassion so often subverts ambitious false theories of value, as in my account of "breakthroughs" of Nazi rationalizations about the meaning of the suffering inflicted on Jews. When W. H. Auden wished to describe the human obtuseness he saw around him in Europe in the late 1930s, he wrote:

> Intellectual disgrace
> Stares from every human face,
> And the seas of pity lie
> Locked and frozen in each eye.

The poem connects these two failures: intellectual obtuseness is intimately bound up with the freezing of the imagination, "pity" with the possibility of an accurate vision of value. The connection is a contingent one, but it appears to be deeply rooted.

One further distinction can now be drawn. The anti-compassion tradition suggests that the pitier is too enamored of the idea that people are victims of circumstance, too inclined to see that state of weakness as a good thing. By encouraging strong attachments to the "goods of fortune" the pitier encourages people to be needy, and this is problematic. But in fact the defender of compassion is not bound to embrace as good any and every sort of human neediness and dependency. I have just argued that some forms of felt neediness derive from inappropriate evaluations, and that they should therefore, as the Stoic says, be altered. But even with respect to those "external goods" that are endorsed by the compassionate person's own reflection as of enormous importance for flourishing, this person is not required to wish on people the maximum vulnerability. There are ways of arranging the world so as to bring these good things more securely within people's grasp: and acknowledging our deep need for them provides a strong incentive for so designing things. Obviously there are some important features of human life that nobody ever fully controls; one cannot make oneself immortal, one cannot will that one's children should be healthy and happy, one cannot will oneself happiness in love. But nonetheless, differences in class, race, gender, wealth, and power do affect the extent to which the sense of helplessness governs the daily course of one's life. The compassionate person need not think it a good thing that people

should experience painful vulnerability every day with respect to their daily food, that citizens should every day feel their political freedom to be in jeopardy, that relationships of friendship and love should be jeopardized by tensions produced by hierarchies of race and gender. These are all instances of vulnerability; but it would be a ludicrous travesty of the pro-compassion position to say that all vulnerability is a good thing. The pitier does not wish to keep diphtheria around just so that Rückert's children will have a special poetic vulnerability to disaster that gives the audience of Mahler's *Kindertotenlieder* a moving experience of compassion. To the extent that a type of disaster is eliminated, compassion for the sufferers of that disaster will disappear; and the pro-compassion position is perfectly entitled to say that this is a good thing.[39] To make these discriminations, compassion needs to be combined with an adequate theory of the basic human goods: but there is no reason to assume that it must have a bad such theory.

This response suggests a further point. It is a commonplace that women tend to be more emotional than men. This commonplace, however, is vague and uninformative, without further elaboration. It would seem that two quite different things are going on when we discover (to the extent that we do) that women's lives are dominated by grief, and fear, and deep personal love, and compassion, to a greater extent than are the lives of men. The first underlying factor is a difference in appraisal. The moral education of women in many societies cultivates, to a greater extent than does the moral education of men, the high evaluation of personal relationships of love and care that are the basis for most of the other emotions; men, by contrast, are often encouraged to follow a more Stoic norm, seeking separateness and self-sufficiency. Where these differences are concerned, we should simply ask what the correct theory of value is; that correct theory (which presumably would include at least some high valuation of some external goods) should be taught to all, and will give all a basis for some compassion, both given and received.

The second underlying factor is altogether different: the lives of women in many parts of the world are socially and materially shaped

39 Such a development does not make Mahler's work incapable of arousing emotion; it simply shifts the content of the "things such as might happen" thought. Instead of thinking that the death of children from diphtheria is a possibility for me, I need only think that the death of children – or, indeed, of loved ones – is such a possibility.

so that, with respect to the very same external goods, they have less control and greater helplessness. Unequal access to food and medical treatment, to political privileges, to control over the course and outcome of a marriage[40] – all of this is a basis for fear and grief, and for the onlooker's compassion. In this case, the unequal vulnerability should not and need not be endorsed as good by the friend of compassion.

But is it good to raise the floor of security? One common form of the anti-compassion position holds that this makes society inefficiently soft and indulgent. When good things are guaranteed completely independently of people's efforts, this discourages effort. Societies will produce more energetic citizens if they leave them to fend for themselves in important matters. This position needs careful scrutiny, and no doubt in some areas of economic life it makes an important point. But, once again, as a general objection to central cases of compassion it is far too crude. It is true that only a bad parent will give a child everything she asks for, since that would undermine the development of effort and strength of purpose. In Chapter 4, we insisted that loss and frustration are inevitable parts of appropriate development. On the other hand, there are many things that no good parent would expect a child to get on her own. It may well be true that my daughter, who has always been well fed without having to look for her food, would be a bad forager if she were suddenly thrust into a situation in which she had to hunt for food on her own. So would I. But I am sure that this does not make it a bad thing that I fed her regularly, as my parents fed me. I see no merit at all in spending a lot of time foraging for food, an activity that certainly impedes the development of other important human capacities. We may think of the task of society in a similar way. Society is a bad "parent" if it gives everything on demand in a way that discourages the development of effort across the board. On the other hand, this does not make it a bad thing for society to concern itself with the provision of the necessary conditions for any meaningful functioning. In fact, there are many sorts of vulnerability and need that do nobody any good, and some things, therefore, for which any good society should not ask its members to forage. Society expresses concern for the active development of citizens' higher capacities when it does

40 See, for example, Sen (1990).

support their health, nutrition, and education, when it does not force them to fight for their political freedom[41] – when, in general, it focuses on the provision of the basic goods that are the most common objects of compassion in central cases.[42]

In short, what is needed is a subtle and multifaceted inquiry into human flourishing and its material and social conditions, asking what things are important, and how far they can be secured to people without losing what makes them important. The pro-compassion person claims that it is her side of the debate that is equipped to conduct this inquiry, since her opponent is debarred from it by his dogmatic insistence that none of these things is of any importance at all. And she makes a further claim: her opponent, lacking a sense of the interdependence of human beings and their natural world, cannot make sense of something that he himself holds to be of fundamental importance, namely benevolence.

No member of the anti-compassion tradition expresses indifference to benevolence. Indeed, Stoics and their followers typically hold that one of the virtues of their position is that it promotes benevolence by minimizing competitive grasping for goods. If people respect themselves as self-commanding beings, complete in themselves, they will be less inclined to define themselves in terms of money and status, and therefore free to give generously to others. Seneca distinguishes carefully between the lofty reason-governed benevolence of the Stoic and the soft, needy giving characteristic of compassion. Spinoza makes much of the way in which removal of emotional need will minimize destructive competition. Kant speaks in a Stoic voice when he says that when we get rid of pity, that "insulting kind of benevolence," we will still be able to think of the needs of others with "an active and rational benevolence." This benevolent disposition will include an active attempt to understand the situation of another – what Kant calls *human-*

41 Pace Nietzsche, who makes the ludicrous claim that guarantees of freedom of speech and press undermine "the will to assume responsibility for oneself," making people "small, cowardly and hedonistic" (see *Twilight of the Idols*, "Skirmishes," 38). He concludes: "The highest type of free men should be sought where the highest resistance is constantly overcome: five steps from tyranny, close to the threshold of the danger of servitude . . . The people who had some value, *attained* some value, never attained it under liberal institutions: it was great danger that made something of them that merits respect." This is precisely the position that we should not adopt.

42 See Nussbaum (2000a).

itas practica and *Teilnehmende Empfindung* – but will repudiate the softhearted commiseration characteristic of compassion (*Mitleid*, *Barmherzigkeit*), which "can be called communicable (like a susceptibility to heat or to contagious diseases)."[43]

The question is, however, what sense such Stoic-affiliated thinkers can make of the need for benevolence, when they hold the dignity of reason to be complete in itself. They are right to say that Stoicism reduces competitiveness, and in that sense makes benevolence easier; but it seems at the same time to rob benevolence of its point. If people can exercise their most important capacities without material support, this very much diminishes the significance and the urgency of that support. The original Stoics at this point invoke teleology: Zeus's providence has made each person's survival naturally an object of concern to him, and it is therefore appropriate to concern oneself with the "goods of nature" when nothing else interferes, even though, strictly speaking, they have no true worth.[44] But Kant and other modern Stoics can help themselves to no such religious picture; so the status of benevolence in their theories becomes problematic. We are put on our guard when Kant expresses himself as follows:

> It was a sublime way of representing the wise man, as the Stoic conceived him, when he let the wise one say: I wish I had a friend, not that he might give me help in poverty, sickness, captivity, and so on, but in order that I might stand by him and save a human being. But for all that, the very same wise man, when his friend is not to be saved, says to himself: What's it to me? i.e. he rejected commiseration.[45]

Kant here follows the Stoic tradition in insisting that there is no good way to register emotional distress at the present misfortune of another. So long as disaster is merely impending, the Stoic may move under the guidance of "prudent caution" to ward it off. But there is no good affect corresponding to present distress: one simply should say, "What's it to me?"[46] Kant now immediately tries to salvage the motivational foundations of benevolence by insisting that, since active be-

43 Kant, *Doctrine of Virtue* 34, Akad. p. 456–7, Ellington trans. p. 121.

44 On the difficulties of interpreting the Stoic position here, see Lesses (1989), and further references in Nussbaum (1994), Chapter 10.

45 Kant, *Doctrine of Virtue* 34, Akad. p. 457, Ellington trans. pp. 121–2.

46 On the Stoic doctrine of the *eupatheiai*, or good affects, see Nussbaum (1994) Chapter 10.

nevolence is a duty, it is also a duty to seek out circumstances in which one will witness poverty and deprivation:

> Thus it is a duty not to avoid places where the poor, who lack the most necessary things, are to be found; instead, it is a duty to seek them out. It is a duty not to shun sickrooms or prisons and so on in order to avoid the pain of pity, which one may not be able to resist. For this feeling, though painful, nevertheless is one of the impulses placed in us by nature for effecting what the representation of duty might not accomplish by itself.[47]

This fascinating passage shows us as clearly as any text the tensions of the anti-compassion position, when it tries to defend benevolence. In what spirit, we may ask, does the Kantian visit places "where the poor are to be found"? In a truly Stoic spirit, performing a moral duty with no thought of the universality and importance of human need, no thought of his own personal similarity to the sufferers? But then what will the sight of this misery mean to him, and how will it inspire benevolence? Won't he be likely to have some contempt for these people, insofar as they are depressed at their lot? Won't he want to remind them that "a good will is good not because of what it effects or accomplishes, . . . it is good only through its willing, i.e. good in itself"?[48] He might then reflect, gazing at them, that

> [e]ven if, by some especially unfortunate fate or by the niggardly provision of stepmotherly nature, this will should be wholly lacking in the power to accomplish its purpose . . . yet would it, like a jewel, still shine by its own light as something which has its full value in itself. Its usefulness or fruitlessness can neither augment nor diminish this value. Its usefulness would be, as it were, only the setting to enable us to handle it in ordinary dealings or to attract to it the attention of those who are not yet experts, but not to recommend it to real experts or to determine its value.[49]

And won't he then say to himself: I am a real expert, and I see here, in this place where the poor are to be found, not the squalor itself, not the poverty, but the pure light of human dignity, which has full value in itself and cannot possibly be increased by my gifts?

For Kant, this cannot be the complete response of the good person.

47 Kant, *Doctrine of Virtue* 35, Akad. p. 35, Ellington p. 122.
48 Kant, *Grounding for the Metaphysics of Morals*, section 1, Akad. p. 394, Ellington p. 7.
49 Kant, *Grounding*, section 1, Akad. p. 394, Ellington trans. pp. 7–8.

Duties to promote the happiness of others have fundamental importance in Kant's ethics. Because they are not supported by any teleological scheme, they play a fundamentally different part for Kant from their role in Stoic ethics. That is, while the Stoic can promote happiness without thinking the goods of fortune important (saying that the good person is simply following Zeus's command in distributing these things), Kant must ascribe some real importance to them. But this means that he must accept as true at least some of the propositions that the Stoics denounce as false, propositions that prove sufficient for compassion. It will be true of the good Kantian agent that, while respecting human dignity, he also believes that people may suffer serious calamities through no fault of their own. And this really means that such a person will have compassion.

Nowhere in Kant's ethics does he give analyses and definitions of the passions. Surprisingly enough – influenced as he is by both the Stoic and the Spinozistic tradition, as well as by Rousseau – he never states what he takes to be the cognitive ingredients of compassion, or indeed of anger or fear. Instead, influenced, it would seem, by the Pietism of his social context, he treats all these passions as if they derived from a prerational nature and were fundamentally impulsive and noncognitive in character. This creates problems for his moral thought in other areas as well: for example, in *Perpetual Peace*, his acceptance of the innate and impulsive character of anger and hatred limits the proposals he can make for its containment or reform.[50] Consistently with this position, he understands virtue not in the Aristotelian way, as involving a reasonable shaping or enlightening of the passions, but in a suppressive or oppositional way, as involving the mastery of emotions and other sensuous inclinations.[51] He argues, in fact, that virtue presupposes "apathy" (Stoic *apatheia*), by which he means the condition in which "the feelings arising from sensible impressions lose their influence on moral feeling only because respect for the law is more powerful than all of these feelings together" (408). The "true strength of virtue is the

50 See Nussbaum (1997b).

51 See, for example, Akad. p. 407: "Two things are required for internal freedom: to be master of oneself in a given case (*animus sui compos*), and to be lord over oneself (*imperium in semitipsum*), i.e., to subdue one's emotions (*Affekten*) and to govern one's passions (*Leidenschaften*) . . . Therefore, insofar as virtue is based on internal freedom, it contains a positive command for man, namely, that he should bring all his capacities and inclinations under his authority (that of reason)."

mind at rest . . . That is the state of health in the moral life; emotion, on the contrary, even when it is aroused by the representation of the good, is a momentarily glittering appearance which leaves one languid" (409).

In the case of compassion, Kant's apparent solution to the tension between his Stoicism and his non-Stoic interest in external goods is to invoke compassion as a motive fortunately planted in us by nature in order to bring about what the representation of duty might not. Given that natural fact about us, it is our duty to cultivate that emotional motive by placing ourselves in circumstances naturally suited to arousing it. Thus compassion becomes a requirement of duty: "to make use of this susceptibility for furthering an active and rational benevolence is . . . a particular, though only conditional duty, which goes by the name of humanity (*Menschheit*), because here man is regarded not merely as a rational being but also as an animal endowed with reason" (p. 456). It is therefore an indirect duty to develop our "natural (sensitive) feelings for others, and to make use of them as so many means for sympathy based on moral principles" (p. 457).

But if the motives connected with compassion are required for benevolence, and in consequence a part of our duty, isn't this more than an accident of human psychology? Kant's position seems to be that compassion is just an internally unintelligent indicator, a bell that goes off in the presence of suffering, conditioning us to recognize suffering as a morally relevant feature of a situation. But such a mechanism seems much too crude to do the work that Kant needs it to do. A bell ringing doesn't tell us what the relevant feature of the situation is, or help us to recognize that feature in new situations. In order for the passion to help solve the problem of moral discernment, it has to have intelligence and selectivity. Kant needs the intentional content of the passion, its complex evaluations, in order to tell the onlooker what is going on here, and why it matters. These evaluations are profoundly non-Stoic, and would require him to confront more fully than he does his own difference from Stoicism. Because Kant treats the passion as noncognitive, he is never forced to explore the extent of his difference from the Stoics on softheartedness, and he can speak as if he agrees with the wise man when, in reality, his position is very different. His own complex and ultimately non-Stoic view would have been better served by accepting the cognitive view of compassion and admitting

that the onlooker needs compassion's judgments of the worth of external goods for animal-rational human beings. Without these evaluations, he will be like a Martian onlooker, and only some external commandment – with which the Stoics can supply him, but Kant cannot – would make him intervene.

Kant's failure to endorse as good the evaluations embodied in compassion derives from his general noncognitive view of the passions. But it has, as well, another source, which is more cognitive in nature. Kant has a deep conviction that there is something humiliating in being the recipient of compassion. He holds that respect and self-respect require distance and not too much loving concern; on the other hand, the principle of practical love enjoins closeness and attentive concern. Kant believes that these two moral forces can be balanced, but that they do pull the good moral agent to some extent in contradictory directions:

> . . . we regard ourselves as being in a moral (intelligible) world in which, by analogy with the physical world, the association of rational beings (on earth) is effected through attraction and repulsion. According to the principle of *mutual love* they are directed constantly to approach one another; by the principle of *respect* which they owe one another they are directed to keep themselves at a distance. Should one of these great moral forces sink, "so then would nothingness (immorality) with gaping throat drink up the whole realm of (moral) beings like a drop of water" . . .

It seems that this conception of our relation to one another, unlike the arguments we have already considered, does pose problems for the cognitions associated with benevolent compassion: for we are warned that we will insult the other person's separateness and agency if we step too close. But this warning can be heeded by the friend of compassion, who is not required to treat its recipient intrusively or condescendingly. As we have already argued, compassion can coexist with respect for agency. Indeed, it is only when we see to what extent need for external goods is involved in the development of agency itself that we have the deepest possible basis for respecting and promoting human freedom.

Nietzsche's view encounters a problem about beneficence similar to Kant's problem, and more acutely. For Nietzsche, unlike Kant, insists on the complete unity between our bodily and our spiritual natures, insisting that the human being is an animal who dwells entirely in the world of nature. He appears to endorse the tragic position that the

world can intervene in our flourishing in very fundamental ways. But then it is especially odd that in his critique of compassion he refuses to conclude that human beings need worldly goods in order to function. In all of his rather abstract and romantic praise of solitude and asceticism, we find no sign of the simple truth that a hungry person cannot think well, that a person who lacks shelter, basic health care, and the other necessities of life is not likely to become a self-expressing philosopher or artist, no matter what her innate equipment.

Indeed, Nietzsche repeatedly asserts the false romantic view that suffering, including basic physical suffering, ennobles and strengthens the spirit: "it almost determines the order of rank *how* profoundly human beings can suffer" (*Beyond Good and Evil* 270). It therefore "becomes regard for the 'general welfare' not only not to lessen suffering, but perhaps even to increase it – not only for oneself but also for others" ("On Ethics," 1868).[52] In *Ecce Homo*, the answer to the lovely chapter title "Why I Am So Wise" has much to do with pain and hunger, as Nietzsche attributes the profundity of his philosophy to physical illness and nutritional disorder. *Dawn*, for example, was produced by "that sweetening and spiritualization which is almost inseparably connected with an extreme poverty of blood and muscle" ("Wise," 1). In a fragment of 1887 (*Will to Power* 910), Nietzsche wishes that others too will enjoy the improving nobility of bodily suffering: "To those human beings who are of any concern to me I wish suffering, desolation, sickness, ill-treatment, indignities . . ."

Nietzsche, in short, takes up the extreme and absurd position that the absence of external goods is an improving test for the spirit. Strong spirits survive, and weak spirits go under. This position keeps coming back to plague political thought, and has not been repudiated in our own time. Once again we should insist: the plausible idea that people need some incentives if they are to exercise their effort well does not imply that they should have to "forage" for their daily food and struggle for their basic political freedoms. What is more, Nietzsche, the apostle of the body and of an enmattered view of the spirit, is the last

52 Cf. also *Will to Power* 1030: "a full and powerful soul not only copes with painful, even terrible losses, deprivations, robberies, insults; it emerges from such hells with a greater fullness and powerfulness; and, most essential of all, with a new increase in the blissfulness of love."

person who should be saying such things. His romanticism and his materialism are fundamentally at odds.[53]

And because Nietzsche does not consistently grasp the fact that if our abilities are physical abilities they have physical necessary conditions, he does not understand what the democratic and socialist movements of his day are all about. The pro-compassion tradition, as developed by Rousseau, made compassion's thought about external goods the basis for the modern development of democratic-egalitarian thinking. Since Nietzsche does not get the basic idea, he does not see what Rousseau is trying to do. And thus, invoking Epictetus, Spinoza, and Kant as his mentors, he can proceed as if it does not really matter how people live from day to day, how they get their food. Thus again, having concluded that the absence of political liberty is a confirming test to the truly strong spirit,[54] he is able to dismiss J. S. Mill as a "flathead" (*Will to Power* 30) and as a "respectable but mediocre Englishm[a]n" (*Beyond Good and Evil* 253), capable only of an English "narrowness, aridity, and industrious diligence." He pronounces that "[t]he highest type of free men should be sought where the highest resistance is constantly overcome: five steps from tyranny, close to the threshold of the danger of servitude."[55] Meanwhile, his fictional imagining of the "higher men" and the prophet who educates them takes place at a level of social and material abstractness that makes Rousseau's and Mill's issues simply disappear from view. Who provides basic welfare support for Zarathustra? What are the "higher men" doing all the day long?[56] What are other people doing who have therefore no chance to become "higher men"? What are the conditions of political freedom in the city of the Motley Cow? The reader does not know, and the author does not seem to care. This happens not

53 At *Will to Power* 367, Nietzsche seems to see the point: "*My kind of 'pity.'* – This is a feeling for which I find no name adequate: I see it when I see precious capabilities squandered . . . Or when I see anyone halted, as a result of some stupid accident, at something less than he might have become."

54 Nietzsche, "Skirmishes of an Untimely One," *Twilight of the Idols* 38.

55 Ibid.

56 On Nietzsche's romanticism, and his interest in human pride and self-realization, see Posner (1988), pp. 146–8. Even though, as Posner suggests, Nietzsche is simply not interested in the economic side of life, he does criticize socialist and democratic movements, and should have been more willing to engage in the kind of economic thinking that would show him what they were all about.

from cruelty, but from Stoicism. Nietzsche's Stoicism is on a collision course with his respect for the needs of the embodied human being.

V. PARTIALITY AND CONCERN

I turn now to the objection about partiality. Here we have a serious objection to compassion that does not assail the worth of its basic evaluative commitments, an objection that is pressed not only by the Stoic–Kantian tradition, but also by the Utilitarian tradition, which takes the importance of human suffering as primary, and by some members of the pro-compassion tradition as well. The objection, as Adam Smith makes it, does not deny that compassion is a valuable emotion, based in central cases on true beliefs. The problem is that each of its judgments needs to be equipped with a correct ethical theory. The judgment of seriousness needs a correct account of the value of external goods; the judgment of nondesert needs a correct theory of social responsibility; the eudaimonistic judgment needs a correct theory of proper concern. The problem is not simply that societies frequently teach false theories in these areas: that would not give us reason to turn from compassion to a more abstract system of rules, since those too might embody error. The problem is that the psychological mechanisms by which human beings typically arrive at compassion – empathy and the judgment of similar possibilities – typically rest on the senses and the imagination in a way that makes them in principle narrow and uneven.

We should grant that there is a major issue here. The objector has correctly identified a serious problem in compassion-based reasoning. We see this problem, for example, in any approach to social welfare that relies on individual philanthropy; such approaches typically produce uneven and at times arbitrary results. We see the difficulty even more clearly when we focus on aid to people in other nations: for typically people find it difficult to extend their compassion that far, encompassing people whom they do not know and whose sufferings (as Adam Smith put it well) they cannot long find interesting.

We can make the objection stronger by bringing in our own observations about shame and disgust. It is highly likely that people will learn compassion under circumstances that divide and rank-order human beings, creating in-groups and out-groups. The emotional factors

that produce such divisions are too deep-seated to be easily eradicated. But they create boundaries to compassion that are also difficult to eradicate. Thus if we rely on compassion we may well reinforce hierarchies of class, race, and gender.

Notice that this objection, unlike our first objection, is not exactly an objection to compassion itself: it does not say that people should not have compassion. It says, instead, that compassion requires an appropriate education in connection with a correct theory of concern; and that, even then, people so rarely extend their compassion evenly and appropriately that it would not be good to rely upon it too much.

Just as we should concede that compassion needs a correct theory of the importance of various external goods, so too we should concede that it needs a correct view of the people who should be the objects of our concern. While there is reason to think that we more often than not get it right about the importance of various external goods, there is reason to think that we are more unreliable about the people who should be the objects of our concern. I have suggested that the central cases of compassion involve a notion of common humanity – so here, as with the evaluation of basic goods, we seem to be on the right track, whether on account of culture or of biology. But it is very easy for the promising notion of common humanity to be derailed by local loyalties and their associated rivalries, obtuseness, and even hatred. This unevenness has its source in the other emotions that surround compassion, and also in the psychological mechanisms themselves that standardly undergird the emotion.

We ought to make some serious concessions to this argument. We should concede, first, that an education in proper compassion needs to be designed with these problems in view. In the next chapter I shall discuss ways in which moral education can address them. We should also concede that the argument gives us reason to rely a good deal more on appropriately informed political institutions than on the vicissitudes of personal emotion. But this does not mean that we should not consult emotion in the process of designing the institutions. In the next chapter I shall give some examples of ways in which the structure of institutions can embody the insights of a properly educated compassion, so that we do not need to rely too heavily on the vicissitudes of the compassion of individual people.

But why, then, should we rely on the emotion at all, rather than

going directly to the appropriate principles and institutions? And why appeal to the compassion of citizens at all, rather than urging them to follow the correct rules?

If the account of development that I have sketched in Chapter 4 is at all plausible, people do not get to altruism without proceeding through the intense particular attachments of childhood, without enlarging these gradually through guilt and gratitude, without extending their concern through the imagining that is characteristic of compassion. Compassion is our species' way of hooking the good of others to the fundamentally eudaimonistic (though not egoistic) structure of our imaginations and our most intense cares. The good of others means nothing to us in the abstract or antecedently. It is when it is brought into relation with that which we already understand – with our intense love of our parents, our passionate need for comfort and security – that such things start to matter deeply. The imagination of similar possibilities that is an important mechanism in human (if not necessarily in divine) compassion does important moral work by extending the boundaries of that which we can imagine; the tradition claims that only when we can imagine the good or ill of another can we fully and reliably extend to that other our moral concern.

Hierocles, a perhaps nonorthodox Stoic of the first and second centuries A.D., has a vivid metaphor for this process. Imagine, he says, that each of us lives in a set of concentric circles – the nearest being one's own body, the furthest being the entire universe of human beings. The task of moral development is to move the circles progressively closer to the center, so that one's parents become like oneself, one's other relatives like one's parents, strangers like relatives, and so forth.[57] In other words, to demand from the start equal concern, or any other normatively good type of properly ranked concern, is unrealistic; no human mind can achieve this. One has to build on the meanings one understands, or one is left with an equality that is empty of urgency – what

57 See the discussion in Long and Sedley (1987), p. 349. The job of a reasonable person is to "draw the circles somehow towards the centre," and "the right point will be reached if, through our own initiative, we reduce the distance of the relationship with each person." Adam Smith also proposes evening out one's concern through imagination, but finds it implausible that one could do this by building up the importance of the distant; he prefers to cut down the importance of the close (Smith [1976], 139ff.). Neither the Stoics nor Smith propose a complete evening out, since they attach importance to close personal and family ties.

Aristotle, attacking Plato's removal of the family, called a "watery" concern all around.[58] Fairbairn's goal of "mature dependence" requires a gradual movement outward from the intense dependency of childhood; it is subverted by the absence of such concern. Compassion's psychological mechanisms promote this movement.

This point is brilliantly developed in Dickens's portrait of the Utilitarian upbringing of the young Gradgrinds, who, lacking in intense particular attachments, end up being totally unable to comprehend the needs of people at a distance, or to invest human lives and the external goods that support them with a human worth and significance. Their minds and hearts become thoroughly listless, lacking in any motivational energy for good; and one political proposal seems very much like another, since they have no ability to imagine or feel what is at stake.[59] Rather than being energetically impartial – their father's original aim – they are, instead, both empty and blind. Moreover, as the collapse of both Tom and Louisa shows, the goal of producing a balanced adult personality, capable of good deliberation and energetic concern for others, is very much undercut by stunting the early emotions, which, so stunted, may return later in more dangerous and unbalanced forms.

We can see the same point in a darker light by thinking again about the morality of Nazism. As Jonathan Glover has argued in the material I examined in Chapter 6, a basic sort of compassion for suffering individuals, built on meanings learned in childhood, sometimes breaks through even the most carefully constructed layers of ideology and rationalization – most easily when the potential victim is physically present, and/or when some reminder of one's love of one's own children or family serve to connect the victim to one's own life. These elementary emotions appear to be the most reliable part of the personality, when theory has been massively distorted. As Rousseau suggests, there is something quasi-natural about our tendency to have compassion for the sufferings of those close to us, in the sense that the emotion is likely to arise in some form in all human beings and to steer us to at least some genuinely moral connections. By contrast, an abstract moral theory uninhabited by those connections of imagination and sympathy

58 *Politics* II.4. For excellent accounts of Aristotle's views, see Sherman (1989) and Price (1989).

59 See Nussbaum (1995a).

can easily be turned to evil ends, because its human meaning is unclear. Thus, as Glover also shows, there were Nazis who said, perhaps sincerely, that they believed themselves to be following the precepts of a Kantian morality of duty. Certainly a rule-based morality, unanimated by the resources of the imagination, can too easily become confused with a submissiveness to cultural rules, or to rules handed down by authority.

A further literary example will illustrate this point. In Theodor Fontane's novel *Effi Briest*, Instetten, a successful civil servant who has married a much younger wife, discovers years later that she has had an affair during the early days of their marriage. Because he can think of moral decision only as a process of following social rules, he proves unable to allow his distant instincts of love and forgiveness to come forward. He insists that he must do what is required of a man in his situation. He shoots the rival, banishes the wife, brings up his child to lack all love for her mother, and finds his own life increasingly hollow and pointless. Before Effi's untimely death, she says to her parents that her husband acted as well as he could – for a man who had never really felt love.

In a very interesting article by Julia Annas, Instetten has been invoked as an example of the limitations of Kantian morality.[60] This seems not quite right, for he clearly follows a social code of honor more than any truly moral principle. But his failure does show what is wrong with bringing people up to live by rules alone rather than by a combination of rules with love and imagination. Imagination is of no use without a moral code of some sort; Effi's own failure makes this point clearly. But it is also true that compassion guides us truly toward something that lies at the core of morality, and without which any moral judgment is a ghastly simulacrum. In that way, Effi, though inconstant and flawed, has a connection to the core of what is important in life that Instetten lacks. And the novel's moral center, in a paradoxical sense, is the faithful dog Rollo, who knows only sympathy and love, and whose loyalty remains uncorrupted by either Effi's ambition or Instetten's false values of honor and shame.[61] In short: compassion does not supply a complete morality; far from it. But there is

60 Annas (1984). I am unable to do justice here to the subtlety of Annas's argument.

61 Thus the novel's conclusion is reminiscent of the argument of George Pitcher's book, discussed in Chapter 2: dogs have much to teach us about unconditional love.

reason to trust it as guide to something that is at the very heart of morality.

In a sense, the developmental argument begun in Chapter 4 and continued here speaks already about adult rationality, by talking about the production of a person capable of "mature dependence." Furthermore, since moral development is never complete, the process of "drawing the circles somehow toward the center" is one that takes a lifetime. But we can also make the argument in a nongenetic way, holding that the judgments characteristic of compassion are essential for the health of a complete adult rationality.

Theories of rationality neglect this insight to their cost. Economic accounts of human motivation as based on rational self-interest have recently been criticized, both in philosophy and in economics itself, on the grounds that such accounts fail to do justice to the way in which good reasoning ascribes value to the lives of others, distinguishing between their instrumental role in one's own life and their flourishing itself. A leading example of such criticism is Amartya Sen's famous lecture "Rational Fools,"[62] which argues that we cannot give either a good predictive account of human action or a correct normative theory of rationality without mentioning the sympathetic concern people have for the good of others, as a factor independent of their concern for their own satisfactions. For people very often sacrifice their own interests and well-being, and in many cases even their lives, for the well-being of those they love, or for good social consequences that they prize. They also stand by commitments and promises that they have made, even when to do so requires major personal sacrifice. One cannot, Sen argues, explain the behavior of loving members of families, or of soldiers who give their lives for their country, or of many other decent and unselfish acts, without pointing to patterns of action that are uneconomic – and this seems correct.[63] Batson's ex-

62 In Sen (1982); Sen's views will be further discussed in Chapter 8, section VII.

63 Notice that the family altruism to which Sen alludes is not the "altruism" assumed in standard economic models, which is really a kind of instrumental dependency, contingent on the bond's serving the good of the agent in some way. On the sympathetic decency of many ordinary people, and for many examples of the sort of behavior Sen has in mind, see the remarkable account of rescuers of Jews in Nazi Europe in Oliner and Oliner (1988).

perimental work and the evolutionary account of Sober and Wilson have given further support to his contention. Finally, Clark's elaborate account of the operations of compassion in daily life shows that even Americans – who might justly be suspected of being more like *Homo economicus* than many other people – are motivated by compassion in all sorts of ways, even when they believe that other Americans are not.[64]

But one cannot fully articulate Sen's own more complex predictive and normative theory of reasoning without prominently including the emotions in which parts of that reasoning are embodied. He himself stresses that compassion (his preferred term is "sympathy") is actually a prominent motive in the rational conduct he describes; and the judgments about the sufferings of others that he ascribes to his rational agent are the very ones that we have identified as sufficient for compassion. Indeed, we might conclude, thinking about the contrast between Dickens's Utilitarian children and Sen's more completely rational agents, that compassion itself is the eye through which people see the good and ill of others, and its full meaning. Without it, the abstract sight of the calculating intellect is value-blind.

We should not conclude from these observations that formal economic models of human conduct are useless and that we should rely on the impressions of the heart alone. The partiality objection shows us that we should not depend on the vicissitudes of personal emotion, but should build its insights into the structure of rules and institutions. Similarly, we need formal models for the purposes of description and prediction, and there is no reason at all why they cannot be built upon a richer theory of human motivation.

In short: we should not let the truth in the partiality objection lead us to turn away from compassion as an ethical guide. It must be combined with an ethical code, but it supplies something that lies at the heart of any good ethical code, without which rules and principles are dangerously blind. The right solution to its partiality problems is to work on compassion's developmental history, trying to get the three judgments right through appropriate education and institutional design. I shall return to this issue in the following chapter.

64 Clark notes that men, in particular, often make this claim, describing themselves as more sympathetic than most people.

VI. REVENGE AND MERCY

We now face the argument about revenge, which seems difficult for the friend of compassion to answer. For it tells her that she cannot have a form of reasoning that she prizes without also taking on attitudes that she herself views with alarm. All the major pro-compassion philosophers are also deeply worried about anger and revenge. Aristotle insists that the virtuous disposition in the area of retaliation is called *praotês*, mildness of temper; and he insists that the virtuous person will be more likely to err in the direction of deficient than of excessive retributive anger: "For the mild person is not inclined to retribution, but rather to sympathetic understanding" (*Nicomachean Ethics* IV.5, 1126a2–3). Interestingly enough, then, he does not just deny that building in a role for compassion commits him to a robust interest in revenge, he even suggests that the sympathetic understanding characteristic of compassion offers an antidote to revenge. Let us see how this connection might work.

First of all, the defender of compassion can insist once again that the opponent's picture of her position is far too crude. For just as she is not committed to saying that any and every calamity is an appropriate occasion for compassion, so too she is not committed to saying that any and every damage, slight, or insult is an occasion for retributive anger. By far the largest number of the social ills caused by revenge concern damages to fortune, status, power, and honor, to which the defenders of compassion standardly do not (except to a very moderate degree) ascribe true worth. A brief perusal of Seneca's *On Anger* bears out this claim. For although once in a while he does represent anger over a damage that an Aristotelian would think serious, far more frequently he shows powerful and pampered people committing acts of violence over trivial slights – a slave's breaking of a cup, a host's less-than-attentive treatment, a subordinate's less-than-fawning subservience. None of this is the subject matter of tragedy. And when we get our concerns adjusted, our occasions for intense anger will be fewer. Descartes' account of the compassion of the generous person is right at home here: for the person he depicts has confidence in his own worth and virtue, and therefore, though he does feel compassion, he lacks the instability characteristic of someone who depends in every way on the external goods of fortune.

In short, we should simply deny that the excesses of anger give us reason to remove it. We should boldly tell the Stoics that anger is sometimes justified and right. It is an appropriate response to injustice and serious wrongdoing. Indeed, extirpating anger would extirpate a major force for social justice and the defense of the oppressed. If we are worried that anger may spill over onto inappropriate objects, we should focus on that problem, not try to remove anger completely. And if we are worried that angry individuals may inappropriately turn to personal revenge, rather than accepting legal solutions, once again, we should focus on that problem, rather than trying to extirpate anger altogether.

We can add that the conceptual symmetry between compassion and retributive anger is less perfect than the opponent makes it out to be. For any serious human suffering not caused by the sufferer's own fault is an occasion for compassion. But for anger to get going, we require, in addition, the thought that the damage was willingly inflicted by an agent, and that this agent acted in an inappropriate and unfair way.[65] Many occasions for compassion do not meet these requirements. Deaths of loved ones from illness or accident, famines, natural disasters – all will be occasions for anger as well as compassion only to the extent that we think that they ought to have been prevented. Sometimes we do think this about a disaster; but often we do not. We may be inclined to anger anyway, as a way of seizing control of a situation in which we feel helpless. But if the anger has no plausible blameworthy object, it will not get very far, and we should be highly critical of any anger that is based on false beliefs about agency.

This leaves us with the general Stoic point, reinforced by Spinoza's remarkable analysis of emotional ambivalence,[66] that the very view of the world that makes a conceptual space for compassion includes, by definition, strong attachments to external objects and therefore leaves a conceptual space for revenge. But we have already said that many of the legitimate interests of the anti-compassion moral tradition can be met by a theory that is far less extreme than the original Stoic normative theory, and that we have many reasons to adopt a less extreme

65 On the many ancient analyses of anger that make this point, see Nussbaum (1994), Chapters 7 and 11. For an excellent modern treatment, see Murphy and Hampton (1988).

66 See Chapter 10 of this volume.

theory. This should make us conclude that the bare conceptual connection between compassion and revenge is not sufficient to warrant the extirpation of the attachments leading to compassion. What we should focus on, instead, is how to channel emotional development in the direction of a more mature and inclusive and less ambivalent type of love. Compassion itself, by extending the agent's concern to people with whom she is not in a relation of painful dependence, makes a powerful contribution toward that development.

Furthermore, when we move the outer circles closer to the self, as an education in proper compassion urges, our inclination to favor projects of revenge toward these distant people, should we even have such projects, will be likely to diminish. Through this channeling of concern we will become concerned for others as for members of our own families, and see any damage befalling them as a damage to ourselves as well. Thus if we are justifiably angry with them, as we frequently will be, we will have reasons to handle the dispute without destruction. Compassion, and the empathy that is its frequent precursor, show the significance of vindictive acts for those who suffer them: by moving these victims closer to us, it makes us think twice before undertaking such acts. A spectator who had seen Euripides' *Trojan Woman*, right at the time of the decision to kill all of the male citizens of Melos and enslave all of the women and children, would become less likely to support such a policy – for she would see the revenge from the point of view of these suffering women and children, and would prove unable to dehumanize them in her thought. As I have already argued, compassion cuts through the dehumanizing strategies that are frequently enlisted in the service of cruelty of many kinds. It thus qualifies the motive to take revenge and forges an alliance among all human beings.

We may go further, returning to the point I stressed in responding to the partiality objection. Relationships between people that are mediated only by rule and not by empathy frequently prove more fragile in times of hostility, more prone to a dehumanizing type of brutality.[67] Again and again, the literature on violence indicates that the personality that is deficient in empathy is a danger to others. If one cannot house the other person in one's imagination, one has much less reluc-

67 See, again, Glover (1999).

tance to do something terrible.[68] To the authoritarian personality – rule-following and rigid – theorists of genocide have typically counterposed a "liberal" personality, one that can allow the self to be entered by the reality of another person's life.[69] Of course, people may be empathic toward some and not toward others – there we have, again, the partiality objection, which has real force. But if one is standardly empathic toward a person, it is much less likely that one will be brutal toward that very person. Empathic torturers such as Hannibal Lecter are far rarer than people whose imaginations are blunted, who simply refuse the acknowledgment of humanity.[70]

Let us now return to the topic of law. I have said that anger need not be connected with an inclination to take personal revenge: instead, the interest in punishing the offender can be channeled by the legal system. Indeed, this idea is a deep part of the tragic tradition itself. As an attentive spectator of tragedies and reader of novels, the pro-compassion person will have recognized that private revenge is an especially unsatisfactory, costly way to effect the punishment of offenders, one that usually simply ensures that the exchange of damages will perpetuate itself without limit. Out of his interest in a punishment that is balanced and contained, that does not poison the entire climate of social life, he will develop a keen interest in systems of law and the legal codification of offenses and punishments.[71]

At the conclusion of Aeschylus' *Oresteia*, the Furies are not banished from the city: instead they are civilized, and made a part of Athena's judicial system. Now called Eumenides, for their kindly intentions toward the people of Athens, they cease to snarl, to crouch like dogs, to sniff for blood. But they do not cease to demand punishment for crime: and in that sense to place them at the heart of the judicial institutions of the city is to announce that these dark forces cannot be cut off from the rest of human life without impoverishing it. For these forces are forms of acknowledgment of the importance of the goods that crime may damage.[72] In that sense, compassion and revenge do go hand in

68 See Lifton (1986), Hilberg (1985).
69 See Adorno et al. (1950).
70 See also Vetlesen (1994) and, on the psychology of genocide in Bosnia, Vetlesen (1997).
71 On this see Posner (1988), who perceptively suggests that this is one of the most important contributions of literature to the law.
72 See Gewirtz (1988) and Posner (1988).

hand: for compassion understands the significance of a wrong, and of the victim's suffering. It therefore demands of the legal system some appropriate acknowledgment of the meaning of that suffering, and of the fact that it was unjustly inflicted.

Now we can return to the topic of mercy. The anti-compassion tradition was proud of its ability to render punishments that were merciful, not vindictive, dictated by thought about the good of society and the good of the offender. It connected the ability to be merciful with a lofty detachment from the ills of human life. It urged that without that detachment one will have the unseemly spectacle of weak and anxious people tearing one another limb from limb. But things are not so simple. For mercy is, in a sense, an anomaly in a Stoic system of justice. Mercy does differ from compassion: for it presupposes that the offender has done a wrong, and deserves some punishment for that wrong. It does not say that the trouble the offender is in came to her through no fault of her own. Nonetheless, as our analysis has revealed, it has much in common with compassion as well – for it focuses on obstacles to flourishing that seem too great to overcome. It says yes, you did commit a deliberate wrong, but the fact that you got to that point was not altogether your fault. It focuses on the social, natural, and familial features of the offender's life that offer a measure of extenuation for the fault, even though the commission of the fault itself meets the law's strict standards of moral accountability. In order to do this, it takes up a narrative attitude toward the offender's history that is very similar to the sympathetic perception involved in compassion. It follows the offender's whole history in considerable detail, scrutinizing it for extenuating features.[73] Sometimes these features will prove to be so central to the commission of the offense that we may after all judge that the offender should not be found guilty – if, for example, we find evidence of delusion or insanity. At many other times, however, this same process of sympathetic scrutiny will allow us to convict the offender and to assign some penalty – but will move us to lighten the penalty, as we take note of the severe obstacles

73 This is not meant in any way to rule out compassion for the victims of crime; in "Equity and Mercy" (in Nussbaum [1999a]) I discuss this issue further, arguing that the impact of crime on the victim is pertinent to the placing of the offense in a particular class of offenses, and that the discretionary consideration of the offender's story that may result in mercy should take place at a separate and later stage.

this person faced, on the way to becoming the sort of person who could commit that offense.

It is likely[74] that this merciful attitude is at odds with the norms of the original Greek Stoics, focused as they were on the strict dichotomy between what is up to us and what is not. It represents an attempt on the part of Seneca and the Roman Stoics to respond to an Aristotelian tradition in which compassion and mercy are very closely linked in the way that I have suggested – through the sympathetic imagining of the possibilities and obstacles that the other person's life contains. Seneca does not endorse compassion, because he does not give up the Stoic idea that what really bears down on people from outside is no occasion for weeping. But it becomes very difficult to see how he can avoid recognizing compassion as appropriate in some circumstances, given that he so stresses the obstacles to good action created by the circumstances of life. The very exercise of imagination that leads to mercy seems closely linked to compassion – the only difference being that mercy still judges that the offender meets some very basic conditions of responsibility and blame. But it seems to be Seneca's view that the fact that the offender got to be immoral and blameworthy was not fully that person's own doing – so at that earlier stage, compassion creeps, unnamed, into Seneca's account.

Mercy, in short, is no special virtue of the anti-compassion tradition, as its partisans sometimes seem to suggest. It is perfectly at home in the pro-compassion tradition, so long as that tradition does not take up the position that people are never to blame for any of the wrongs that they do, that everything bad is the result of luck. But no sensible expositor of the tradition has taken that view. And, in a way, mercy is more at home in the pro-compassion tradition than in the rival camp: for compassion invites the sort of close narrative scrutiny of particular lives that is likely, as well, to reveal extenuating circumstances in cases where there is culpability. The somewhat lofty detachment of the Stoic is less likely to reveal such circumstances, unless, like Seneca, he is so interested in the obstacles to good action that he verges close to compassion.

The friend of compassion has had to qualify her position in many ways under pressure of the opponents' challenges. Compassion will be a

74 See "Equity and Mercy" (Nussbaum 1999a).

valuable social motive only if it is equipped with an adequate theory of the worth of basic goods, only if it is equipped with an adequate understanding of agency and fault, and only if it is equipped with a suitably broad account of the people who should be the object of an agent's concern, distant as well as close. These judgments must be engendered through a good developmental process. On the other hand, compassion supplies an essential life and connectedness to morality, without which it is dangerously empty and rootless. In central cases, well represented in Greek tragedy, compassion embodies correct evaluations, and directs our concern to all who share with us a common humanity. Learned in childhood relationships, these connections are important in making morality discerning rather than obtuse. Thus compassion is a needed complement to respect, without which, as Kant holds, benevolence will be likely to be lacking in energy (but for more cognitive reasons than those that Kant gives). We should not attempt to produce a good society through the motive of compassion alone, since it is only within the limits of reason, so to speak, that compassion proves worthwhile rather than quirky and unreliable. On the other hand, so constrained, it provides an extremely important bridge from the child's narrow and self-referential concerns to a broader moral world.

One final concession must be made to the Kantian challenge. This is, that we should be on our guard lest the invitation to weep over the distress of others should motivate self-indulgent and self-congratulatory behavior, rather than real helpfulness. People can all-too-easily feel that they have done something morally good because they have had an experience of compassion – without having to take any of the steps to change the world that might involve them in real difficulty and sacrifice. Greek tragedy existed in a culture in which the objects of tragic compassion were rarely given relief and almost never justice. At the worst, the experience of tragic contemplation can even involve an aestheticizing of the person's plight that has a most unwholesome moral character. This does not mean that compassion by itself has bad tendencies; it means that people are frequently too weak to keep their attention fixed on a course of action, and that a momentary experience is frequently much easier for them than a sustained commitment. This gives us reasons to insist on going beyond compassion and to focus, as does Kant, on action and institutions.

On the other hand, we must also recall Aristotle's reminder that an

action is morally virtuous only when it is done with the correct motives. Helping others without love of mankind and without compassionate concern for their situation has some moral value. But if we follow Aristotle rather than Kant in thinking that the moral emotions themselves can be cultivated and made part of a good character, we will feel that the grudging way in which an unsympathetic person performs these duties is morally incomplete. If we imagine the man whom Kant describes, in whose heart nature has placed little sympathy, and who is "by temperament cold and indifferent to the sufferings of others" (*Grounding*, Akad. p. 398), we should not conclude, as does Kant, that this is an unfortunate but morally irrelevant trait. We should conclude that this person is morally incomplete, insofar as he is the product of a moral development that has not sufficiently attended to the value of the lives of others. His vision of the human world is skewed. The freezing of the "seas of pity" is, after all, a precursor of "intellectual" – and hence moral – "disgrace."