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EMOTIONS, REASONS AND JUDGMENT

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Abstract:

The paper considers an influential current in contemporary philosophy: the notion that judgments are formed as a consequence of emotive reaction. Philosophers such as Richard Rorty and Martha Nussbaum argue that moral and political principles such as universal human rights, and inherent human dignity, owe their persuasiveness to emotional responses of natural compassion and pity. Reason is accorded a secondary place as a justificatory apparatus for sentience. The paper aims to demonstrate both the incoherence and the political danger of this philosophical approach to judgment.

In his paradise in Lima he had spent a joyous night with a young girl who was covered with fine, straight down over every millimetre of her Bedouin skin. At dawn, while he was shaving, he looked at her lying naked in the bed, adrift in the peaceful sleep of a satisfied woman, and he could not resist the temptation of possessing her forever with a sacramental act. He covered her from head to foot with shaving lather, and with a pleasure like that of love, he shaved her clean with his razor, sometimes using his right hand and sometimes his left as he shaved every part of her body, even the eyebrows that grew together, and left her doubly naked inside her magnificent newborn's body. She asked, her soul in shreds, if he really loved her, and he answered with the same ritual phrase he had strewn without pity in so many hearts throughout his life: "More than anyone else in this world."
(Gabriel Garcia Marquez, *The General in his Labyrinth*. Penguin, 1990. pp. 212-213)

I am interested in exploring the connections among reason, emotions and judgment, as these relate to the broader concern for justice. Everyone involved in the academic study of justice is well aware of the crises in foundationalism. One has to take only a cursory look through the major journals in political philosophy to see that most theoretical debates in the discipline are concerned with legitimating justice in the modern (or post-modern) context. The foundations of justice have always been problematic in the Western tradition, one might argue; in Plato's *Republic*, one struggles to understand what the teaching on justice is in the story of the city in speech, with its radical plans for political reform. There seems to be no definitive account of justice in that book, although Socrates tells us that the city that he has built in the mind is intended as a pattern laid up in heaven by which we can order the soul. The message seems to be that while we can have no absolute and incontestable theory of justice, we do have reason, and because we have the capacity to *think* about justice, we are hopeful. In the Platonic dialogues there is a confidence in reason: that the diligent pursuit of dialectic will yield some clarity about how we ought to live, and what goods are worth pursuing. This confidence in reason as revelatory of some kind of truth or ultimate meaning has largely disappeared from contemporary political philosophy, although the

question, what is justice, has not.

Why do we persist in thinking that justice is desirable, and where does that persistence come from? Many contemporary theorists have argued that the concern for justice arises from emotions, or sentiments, rather than from any reasoned inquiry. From these accounts, we get the notion that we rail against injustice, not because it contravenes rational order of some kind, but because it makes us feel bad. I want to look at two of the most persuasive exponents of emotions as judgment, Richard Rorty and Martha Nussbaum, and then offer some critical reflections upon their theories.

Richard Rorty is probably the most accessible philosopher to have abandoned reason as the basis of judgment. Rorty calls himself a pragmatist, and sees his project as defending liberal democratic justice as a collection of beliefs, desires and emotions that neither require, nor can depend on, any referent outside themselves.¹ Rorty says he hopes to suggest that liberals should convince themselves that loyalty to themselves is enough; "such loyalty no longer needs an ahistorical backup". It is adequate to be responsible to one's own traditions, one need not understand one's loyalties as conforming to a universal moral law. Rorty chronicles modern developments in thought as definitive proof that "ahistorical backups" are no longer tenable. Anthropologists have "blurred the distinction between innate rationality and the products of acculturation"; philosophers like Heidegger have helped us to see that human beings are historically generated all the way through; psychoanalysis has "blurred the distinctions between conscience and the emotions of love, hate and fear, and the distinctions between morality and prudence". The result has been, according to Rorty, to erase the picture of the self that held ascendancy through the Western tradition from Greek metaphysics, to Christian theology to Enlightenment rationalism.²

So why would we defend liberal democracy? How can we distinguish the just from the fanatical? Rorty says that if we swing to the pragmatist side, we will see that the defense is ethnocentric and local, the "consensus of a particular culture". For pragmatist social theory, the question of whether justifiability to the community with which we identify entails truth is simply irrelevant.³ We do not need any definitive picture of a "self". But Rorty does not tell us the whole truth about himself and his convictions when he says this, for he does believe that tolerance and accommodation in societies is better than intolerance and a lack of accommodation, and he also believes that what he calls the "fanatics" ought to be silenced. The fanatics are anyone who adheres to a single definitive view of truth. Rorty identifies himself with John Rawls in claiming that what we want is "the Socratic commitment to free exchange of views without the Platonic commitment to the possibility of universal agreement"⁴.

The problem with Rorty's preference is that the free exchange of views does not make sense as a pursuit, without an understanding of what is being pursued. Socratic dialectic is compelling, because there is a ground that pulls the dialectic forward. There is a difference between chatter and reasoned speech, because the latter is guided by real meaning. The fact that the ultimate meaning cannot be articulated does not bother Socrates or Plato, because it would be nonsensical to think that one can understand fully a reality of which one is only a part. One can grasp a sense of one's part in order, even if one cannot comprehend the whole picture. And one can argue persuasively against sophistry. Perhaps Rorty is content with idle chatter? At times, he claims so. For example, he says in his defense of democracy over philosophy that "even if the typical character types of liberal democracies are bland, calculating, petty and unheroic, the prevalence of such people may be a reasonable price to pay for political freedom."⁵ But in the end, Rorty is not so casual and non-judgmental about diversity of ends in liberal democratic societies. He defends plurality, diversity and openness because he has a commitment to compassion as the yardstick for justice.

Rorty does have a preferential view of the "self", even if he rejects all theoretical accounts of this self in the

tradition as illegitimate. Rorty's self is emotive, rather than rational, compassionate rather than cerebral. In an article on human rights, Rorty claims that there have been huge moral advances in our century. By moral advances, he means increased wealth, literacy and leisure for more people. He also means the deracination of authoritarian political structures and the expansion of individual choice. Rorty writes that: "Moral progress is made by changing the extension of the term 'we', enlarging the range of people taken to be moral agents and subjects—raising the possibility that the situation of the helots, or the blacks, or the workers, or the women, is not natural, but a suitable topic to discuss with them. It is made by enlarging the range of imaginable conversational partners, the range of people with whom one can imagine discussing the question 'is your trust in us, the possessors of power, justified?'"⁶ Yet he rejects the liberal idea of personal autonomy that most would use to underscore defenses of moral progress on these grounds. He sees personal autonomy as yet another hyper-rational construct. Citing Nietzsche and Kant as exemplary exponents of rational autonomy, Rorty says that he does not want to defend their kind of "self-conscious self-sufficiency"; implicit in this kind of autonomy, he says, is a desire for purity, and a repulsion toward everything "sticky, slimy, wet, sentimental and womanish".⁷ If there has been moral progress toward a greater inclusiveness of all human beings in the treatment of justice, then Rorty thinks it has little to do with Kantian notions of obligation and respect toward others, and much to do with sentimental education.

Rorty concedes that the questions: why should I be moral? why should I care about a person who is a stranger to me? why should I care about someone whose habits I actually find repulsive? still plague us. We are moved to care for others not because of any abstract ideas about the inherent dignity of persons (Kant), or because of any theoretical meditations on justice (I think here of Socrates' maxim that it is better to suffer an injustice than to commit one), but because we listen to their stories until we hear something that resonates with our own feelings. What we need to advance justice on Rorty's terms in the world, is not tighter theoretical justifications, but a willingness to listen and be attentive to the stories and sufferings of others. "Sentimental stories only work on people who can relax long enough to listen."⁸ We can identify with the raped woman in Bosnia if we can imagine what it would be like to be her grieving mother or her sister. Such stories, says Rorty, repeated over the centuries, have induced the safe and the powerful to cherish the powerless.

A second influential exponent of the emotional basis of empathy is Martha Nussbaum. Nussbaum claims her roots in Hellenistic ethics, but she is interested in finding there an essentialist view of social justice. Like Rorty, Nussbaum rejects what she calls "metaphysical-realist essentialism", which she understands to be any paradigm that yields knowledge of what we in our nature are, "independent of our actual choices, our self-understandings, our hopes and loves and fears."⁹ The example that Nussbaum most often refers to to illustrate this kind of essentialism is Plato. Invoking the myth of the *Phaedrus*, she recounts the tale of how souls of many kinds walk out to the rim of heaven. Standing there, they see the eternal norms that are the standards for ethical behaviour. "The ethical norms are what they are quite independently of human beings, human ways of life, human desires. Any connection between our interests and the true good is, then, purely contingent. The good is out there; indeed, it has always been out there, even before we began to exist."¹⁰ The Platonic notion of a good that is out there, independent of human will and action, is one that informs later variants of metaphysical essentialism, according to Nussbaum: both Christian and scientific.

Nussbaum proposes a different kind of essentialism, one that she has called "internalist essentialism", and later developed as a theory of philosophical therapy in her book *The Therapy of Desire*. Although she uses the language of essentialism, her arguments sound remarkably like Richard Rorty's.

When we get rid of the hope of a transcendent metaphysical grounding for our evaluative judgments

—about the human being as about anything else—we are not left with the abyss. We have everything that we always had all along: the exchange of reasons and arguments by human beings within history, in which, for reasons that are historical and human but not the worse for that, we hold some things to be good and others bad, some arguments to be sound and others not sound.[11](#)

Nussbaum thinks it possible to isolate certain human functions that define a human life. She claims that she is not attempting to discover any "value neutral facts about ourselves", but rather, that she is aiming for certain universal characteristics and ends for human functioning that can cut across religious, cultural and metaphysical gulfs. As grounds for her claim, Nussbaum says that we can agree on what is human, and we can find congruence in a "wide variety of self-understandings of people in many times and places." Her list of essential features is long. It includes satisfaction of basic needs (what the ancients called appetites); capacity for pleasure and pain; cognitive capabilities; early infant development; practical reason; affiliation with other human beings; relatedness to other species and nature; humour and play; and separateness ("a little space to move around in").[12](#)

I have identified Nussbaum with Rorty on the grounds that both reject foundationalism of the sort that one might identify with metaphysical ontology, but Nussbaum has been much more explicit about what she thinks is worth defending in terms of justice. Not content, as is Rorty, with saying that we defend our way of life just because it is ours and we like it, Nussbaum has attempted a comprehensive account of essentialism that she hopes will guide public policy. She says that

without an account of the good, however vague, that we take to be shared, we have no adequate basis for saying what is missing from the lives of the poor or marginalized or excluded, no adequate way of justifying the claim that any deeply embedded tradition that we encounter is unjust.[13](#)

If Nussbaum is going to defend her claim that there are certain universal attributes that constitute a decent human life, she is going to have to provide some ground upon which these are knowable. She asserts that these grounds are twofold: compassion and respect. Compassion, or pity, is by far the stronger and more compelling of the two, and it entails three dimensions. If one is to feel compassion for another human being one has first to understand that the other's suffering is serious; second, one has to believe that the suffering is not self-induced; and third, one has to identify personally with the other's misery.[14](#) All of this presupposes a notion of common humanity that is made luminous to us through our shared sufferings. "Compassion requires us to say: however far these people are from us in fortune or class or race or gender, those differences are morally arbitrary and might have befallen me as well." The comparison here to Richard Rorty is striking: moral progress is marked by the breadth of the net that we extend to the most people. And our capacity to extend that net depends upon identification with the other. The only difference is that Nussbaum has been much more pointed about the basic tenets of moral decency that she regards as important, than has Rorty.

On what she means by respect, Nussbaum is much less forthcoming. She opposes the moral tradition based on respect to that based on compassion (identifying Kant, the Stoics and Spinoza with the former, and Rousseau, Nietzsche and Aristotle with the latter). Respect, she argues also makes use of a notion of common humanity, but the foundation lies in the recognition of certain powers or capabilities. She remarks that one had better be able to give an account of those capabilities and powers that can serve as a moral motive for treating people well who are at a far distance, or who are of other races and genders, but she does not elaborate along these lines. Her primary appeal is to compassion.[15](#)

Richard Rorty and Martha Nussbaum, their differences notwithstanding, rely on compassion or pity as the most substantive basis from which to derive moral obligation. Both have challenged what they regard as a sterile and

overly abstract rationality that they see pitted against emotions. Rorty rejects reasoned argument of any kind as a basis for moral education; he thinks that such arguments have never had a meaningful effect in the real world, and that insofar as we have experienced moral progress, it is because we have managed to embrace more sad and sentimental stories from more people. Nussbaum leaves the door open to rational persuasion, when she offers the option of a moral community based on mutual respect, but she does not explore this path. Both Rorty and Nussbaum hold that the human identification with another's suffering is the most solid basis for morality.

If Nussbaum and Rorty are persuasive defenders of the compassionate side of human beings, they are not the first to consider the implications of this for justice. Rousseau and Aristotle are two well-known figures in the traditional canon of philosophy who explore the connection between pity, or compassion, and moral judgment, and they offer strikingly different accounts of how this connection is made. Aristotle gives a definition of pity that is close to Nussbaum's. "Pity may be defined as a feeling of pain caused by the sight of some evil, destructive or painful, which befalls one who does not deserve it, and which we might expect to befall ourselves or some friend of ours, and moreover to befall us soon."¹⁶ A key element of pity, for Aristotle, is its identification of like with like. The people whom we are most likely to pity are those we know, people just like us "in character, age, disposition, social standing, or birth" (*Rh.* 1386a25). Why is that? Aristotle says that it is because pity is closely allied with fear, and we are most likely to pity those whose misfortunes are quite feasibly our own. In other words, we pity someone only if we can imagine the same, or very similar, misfortunes, happening to us. For example, in an age of corporate downsizing, I will feel pity for my friend who has lost his job and has to sell his house, because I can well imagine the same happening to me. I would not, or rather should not, feel pity, however, for my friend whose child has died. If I love my friend, I will feel something quite different, like grief. I think what Aristotle wants to communicate here is that pity is something of a trivial emotion: it is distanced, it is turned toward the self (actually, in pitying someone, I am fearing for myself). Love provokes a much different reaction than pity. Aristotle tells us that:

Amasis did not weep, they say, at the sight of his son being bled to death, but did weep when he saw his friend begging; the latter sight was pitiful, the former terrible, and the terrible is different from the pitiful; it tends to cast out pity and often helps to produce the opposite of pity." (*Rh.* 1386a 20-25)

The fact that pity extends only to those who are similar to us (but not loved by us), has other important implications for Aristotle. Pity really only applies to the great moderate middling ranks of society. Pity is felt neither by the ruined, Aristotle says, since "they suppose that no further evil can befall them, since the worst has befallen them already"; nor by the "insolent", that is those who imagine themselves immensely fortunate. When people think they possess all the goods in life—and that may include wealth, privilege, good health, and so on—they think that it is impossible that evil should befall them (*Rh.* 1385b 20-30). We cannot expect, then, that the person who is chronically unemployed, poor, ill fed and persecuted, to feel sorry for the downsized executive. He will not. Neither can we expect the person who is independently wealthy, in good health, with many good friends and interesting hobbies, to feel pity for the downsized executive or the poor unemployed, ill and persecuted person. He will not. Aristotle's message is that those who are very powerful, and those who are powerless, are outside the bounds of compassion and pity. Aristotle assumes that these are the extremes of society, and that there is a great middle to which most of us belong.

Nowhere does Aristotle suggest that pity, or compassion, has anything to do with justice (although he does regard pity as a moral virtue). Justice for Aristotle, relies upon virtue, not compassion.

Virtue is the same as justice, but what it is to be virtue is not the same as what it is to be justice. Rather insofar as virtue is related to another, it is justice, and in so far as it is a certain sort of state unconditionally, it is virtue."[17](#)

Virtue for Aristotle is a complicated mixture of moral habits and conceptual grasp of things. "Virtue of thought arises and grows mostly from teaching, and hence needs experience and time. Virtue of character (i.e., of *ethos*) results from habit (*ethos*)" (*N.E.* 1103a20). Aristotle does not speak of compassion in the context of his discussion of virtue in the *Nicomachean Ethics*, but he does speak about "generosity and temperance", which he regards as desires that have been properly tempered by reason. Generosity and temperance are virtues of character, for Aristotle, not virtues of thought; they are acquired (not innate), and they are things that we praise people for.

Virtues are clearly not feelings for Aristotle. "Virtues are decisions of some kind" (*N.E.* 1106a5). So when Aristotle speaks with praise about aspects of character like courage, temperance, kindness, and so on, he is making a judgment about a wilfully chosen course of action. Aristotle contrasts virtues with emotions such as appetite, anger, fear, confidence, envy, joy, love, hate, longing, jealousy, pity ... in general, whatever implies pleasure or pain (*N.E.* 1106a20). An interesting distinction that Aristotle makes between emotions (or feelings) and virtues has to do with action. Feelings move us, he says, and imply no necessary response. Virtue, on the other hand, is always measured in action of some kind. For example, I might be afraid, terrified even, but if I act on the terror I can really do so only in one of two ways: by displaying cowardice or courage. Aristotle says clearly that "we are neither called good nor called bad in so far as we are simply capable of feelings" (*N.E.* 1106a5). I might feel really bad when I step over a homeless person in the streets of Toronto, but there is nothing virtuous about my feeling that way, in Aristotle's view. But neither is virtue simply reason, in any narrow sense, for as Aristotle says, an incontinent or base person can be a very clever calculator (*N.E.* 1142b15-20). Good deliberation, according to Aristotle, is a kind of correct action that "reflects what is beneficial, about the right thing, in the right way and at the right time" (*N.E.* 1142b25). Obviously, then, in Aristotle, there is an element of "hard" reason that is involved in the best judgments. Virtue and justice require making distinctions and laying responsibilities.

Rousseau assesses pity, and compassion, in a very different light than Aristotle. Rousseau elevates pity to the highest virtue. He writes in *The Discourse on the Origin of Inequality* that "men would never have been better than monsters, had not nature bestowed on them a sense of compassion to aid their reason."[18](#) Rousseau agrees with Aristotle that pity is an identification with the suffering, and it is likely to be all the stronger when one can see the suffering as one's own.[19](#) Pity and compassion, the most natural sentiment known to man, according to Rousseau, is an extension of self-love. It is second only to self preservation. It is pity, Rousseau claims, that prevents a sturdy savage from robbing a weak child or a frail old man, if he sees the possibility of fending for himself any other way. The qualifier seems significant here. Rousseau goes on to say, in fact that the classic Golden Rule of "Do unto others as you would have done unto you" can be replaced with the maxim: "Do good to yourself with as little evil as possible to others"[20](#)

Rousseau may be trying to accomplish a number of ends with his elevation of pity or compassion to the highest virtue. First, he hopes to overcome the duality that is implicit in the work of someone like Aristotle, between self-interest and virtue. Aristotle spends a lot of time in the *Nicomachean Ethics* talking about various forms of incontinence, which is that specific problem arising from a conflict between desire (usually for pleasure) and virtue (what I ought to do). If other-regarding actions are just an extension of self-interest, then this conflict induced by incontinence largely disappears. Second, Rousseau begins with an assumption about the fundamental

equality of all human beings. He hypothesizes a natural state, anterior to civilization, in which all people are equal, more or less autonomous, and equally pitiable and pitying. Pity can only become a universal "virtue" if one imagines the human community as one of equals. Rousseau seems well aware of Aristotle's warning that pity is an emotion extended only to those who are in circumstances similar to our own. Third, Rousseau actually likes the quasi-neutral and detached stance that pity induces. He speaks of the natural man in the natural state, an autonomous, unconnected type, who would express some alarm at an injured body lying by the side of the road (this is his natural compassion coming out) but he would likely sniff around and walk away. The distress is fleeting, and no necessary action follows upon the emotional reaction. Fourth, Rousseau wants to ground pity in weakness; he says that the so-called virtues of generosity, clemency and humanity, are just compassion applied to the weak, to the guilty, even to mankind itself. Friendship, he defines as compassion that is lodged on a particular object.²¹

In the *Emile*, Rousseau writes as his first maxim: "It is not in the human heart to put ourselves in the place of people who are happier than we, but only in that of those who are more pitiable."²² His second maxim: "One pities in others only those ills from which one does not feel oneself exempt." His third: "The pity one has for another's misfortune is measured not by the quantity of that misfortune but by the sentiment which one attributes to those who suffer it." Rousseau concedes that the rich are frequently hardened against the ill they do the poor, because they think the poor too stupid to feel the hardship.²³ But the best men, corrects Rousseau, will see "the same passions, the same sentiments in the hood-carrier and the illustrious man." Yet, he is well aware that one must look to the afflicted, and not to the illustrious, in order to arouse pity. As Rousseau conveys it, the illustrious man may be unhappy, but he is not pitiable, because "his ills are his own doing, and whether he is happy depends only on himself". But the misery of the poor comes from his lot, weighing him down with fatigue, exhaustion and hunger.²⁴ Regard for the species as a whole is thus to be induced by looking down upon the pitiable. Unlike Aristotle, Rousseau believes that how we feel is determinate of our moral sensibilities. In fact, Rousseau explicitly states in his third maxim that the extent of our fellow-feeling is not dependent on any real measure of the extent of another's suffering, but rather, upon our assessment of how much the other is suffering. If I hear that a flood victim in Grand Forks has lost her pet, I may be more moved by that story than by another story the same week about how five refugees fleeing Cuba on a raft disappeared into the sea. In Rousseau's terms, there is no way of measuring these two cases of suffering, except my own emotive response to them.

If we compare the accounts of pity, and their relationship to virtue, as they are depicted by Aristotle and Rousseau, it is obvious that the contemporary moral theory of Martha Nussbaum and Richard Rorty owe much more to Rousseau than to Aristotle. Rousseau is the one who takes the emotion of pity and elevates it into a virtue. It is useful to look at Rousseau's account of compassion and pity, in relation to these contemporary philosophers, because it is much clearer in Rousseau just what are the preconditions of this elevation. The conditions that underlie pity as a virtue, for Rousseau, are quintessentially democratic ones, and they also presuppose the autonomous unity of the free and unencumbered individual. The 'self' that pities is a unitary one, not the divided self that characterizes much of Aristotle's reflections on the struggle for practical reason; it is one equal to others; it is detached and autonomous in a fundamental sense, despite its identification with the suffering of others; and it embraces weakness, or vulnerability, as the glue of human community.

Rousseau's claims for the virtue of compassion cannot be made without the assumptions of the Enlightenment, with its turn to the individual, its emphasis upon autonomy and state of nature theories of the autonomous human being, and its radical claims for equality of all in the world. Rousseau writes: "Were it true that pity is no more a

feeling, which puts us in the place of the sufferer, a feeling obscure yet lively in a savage, developed yet feeble in civilized man; the truth would have no consequence than to confirm my argument. Compassion must, in fact, be the stronger, the more the animal beholding any kind of duties identifies himself with the animal that suffers."[25](#) Rousseau conjectures a state of nature, anterior to actual political community, in which he can postulate an abstract theorem about human beings. The fact that the theorem is about pity makes it nonetheless a claim about human nature of the very sort that Richard Rorty and Martha Nussbaum discount.

What Aristotle regarded as a lesser virtue, one that extends to like-minded people who share in our way of life, becomes under Rousseau's tutelage, the supreme human virtue, grounded not in an association of people who share similar fortunes, but in a radical reformulation of human nature. These Enlightenment assumptions are built into the work of Richard Rorty and Martha Nussbaum, and this is why they begin with the implicit consensus that rights, choices and self-determination are good. So it is disingenuous to suggest, as Rorty does, that his pragmatic moral philosophy is ungrounded in rational principle. Rorty's commitment to compassion, much like Rousseau's, is built upon a prior commitment to a very specific view of human flourishing.

The question that interests me here is: does Rorty's and Nussbaum's embracing of compassion as the cardinal virtue lead to a greater justice, even as that is defined in their own terms, than the reliance upon reason as it is depicted in someone like Aristotle? Can pity lead to more and better conversations (in Rorty's terms), or to a greater extension throughout the world of essential human functionings (Nussbaum's goals)? I do not think so, for two principal reasons. First, it can be argued that the inclusion of the afflicted by the powerful and privileged on the grounds of pity, in fact, is suspect. Either inclusion of others has to be based on some rational principle of dignity, or else something else is going on, namely the perpetuation of pity as a means of staving off the indignation of the oppressed. Second, there does not seem to be any evidence that "sad and sentimental stories" provoke us to compassion. We heed Aristotle's persuasive argument that pity extends only to those who are like us in conventions and habits: the very powerful and the utterly powerless are excluded from the range of compassion. Even if we could achieve the kind of economic and social equilibrium that Rousseau, Rorty and Nussbaum endorse, there are an infinite number of ways in which the great middle of society can identify, in Aristotle's terms, the "ruined" and the "insolent". In conclusion, I want to defend traditional philosophy as far superior to the politics of compassion and pity, as a route to thinking about justice.

In an exchange with Clifford Geertz on ethnocentrism, Rorty discusses the change in American policy of the treatment of native peoples, from one of exclusion to one of inclusion in the basic rights and entitlements of American democracy. In Rorty's view, the catalyst for this change has been "the media prodded by intellectuals in general and the anthropologists in particular", who have been "making partners of the Indians".[26](#) He says "if the anthropologists had not sympathized with, learned from, even sometimes loved, the Indians, Indians would have remained invisible to the agents of social justice."[27](#)

It is important that Rorty attributes the inclusion of Indians in the democratic conversation of the United States to intellectuals and anthropologists: people who trade in ideas, not passions. It is not the ordinary folk, living in proximity to the Indians, who moved to raise their status, but the people who swept in from the outside, with intellectual and moral precepts from another place. Rorty defines "rational" as "something like sane, or reasonable, rather than methodical". For him, rationality is a set of moral virtues: "tolerance, respect for the opinions around one, willingness to listen, reliance on persuasion rather than force."[28](#) These are precisely virtues, and not passions, and implicit in Rorty's example is his assumption that intellectuals are more sane than others. Without the imaginative leap to the importance of autonomy of individuals, equality of all human beings, and the need to live cooperatively together in community, there is no necessary reason why sympathy, or

empathy, should translate into the deliberate effort to include the excluded. As Rousseau well knew, following Aristotle, compassion is the flip side of fear and the compassionate response to another's plight is just as likely to be evasion as active assistance.²⁹ If in fact, it is true that Indians (and other marginalized groups) have been genuinely included in the conversation of liberal virtue, one has to talk about what it is substantively that the instructors have imparted to the oppressed.

But perhaps sympathizing with, learning from, and loving a group of people whom one has identified as marginalized and excluded has motives other than the beneficent ones that Rorty assumes. Hannah Arendt writes convincingly of the distance between compassion and real alleviation of human suffering in the peaceful, tolerant mode that Rorty favours. "As a rule, it is not compassion that sets out to change worldly conditions in order to ease human suffering, but if it does, it will shun the drawn-out wearisome processes of persuasion, negotiation and compromise, which are the processes of law and politics."³⁰ For Arendt, pity must make the leap to solidarity in order to become politicized; otherwise there is no real inclusion of the dispossessed in justice. She makes the cogent point that "pity has just as much vested interest in the existence of the unhappy as thirst for power has a vested interest in the existence of the weak."³¹ Most revolutions, Arendt says, come about not as a consequence of waves of pity, but as a rally against the injustice of the powerful. Even in the case of Rousseau, she argues, it "is more than probable that he was guided by his rebellion against high society, especially with its glaring indifference towards the sufferings of those who surrounded it."³²

Aristotle talks in the *Rhetoric* about indignation, the companion virtue to pity. Unlike pity, which is the identification with the sufferings of others based on one's own experience, indignation is the affront to "unmerited good fortune" (*Rh.* 1386b5-15). Whatever is undeserved is unjust, Aristotle says, and we are right to feel affronted. Moreover, Aristotle claims that to the extent that we are pained by the injustice of undeserved good fortune, we are likely to move away from pity and toward something like anger. Indignation neutralizes pity (*Rh.* 1387a5). This fits with what Arendt says about pity, Rousseau and revolutionary consciousness. Revolutionary consciousness is more probably aroused by indignation of the powerless against the unjustly powerful, than by the powerful wallowing in pity for the oppressed. Aristotle also distinguishes between indignation and envy. Indignation is the arousal against *injustice*, and this assumes a distinction made between inequalities that are just and those that are not. As Aristotle says, an honest man does not resent the fact that the good and the noble enjoy good fortune. We ought not to rail against the brave and the good, and usually we do not. What tends to arouse indignation is wealth and power that are undeserved. Envy has more in common with pity in some senses, because it is directed at those who are most like us in wealth and power. "We shall feel it if we have, or think we have, equals: and by 'equals' I mean equals in birth, relationship, age, disposition, distinction or wealth" (*Rh.* 1387b25-30). Envy is thus resentment that anyone has anything more than I do, regardless of entitlement or desert. It does not take into account judgment based on any criteria other than equality. A grave danger, then, in the 'politics of pity' would seem to be that if the identification of the suffering of others is not carried from a blind sentiment into a judgment about what is just and unjust (and this requires an assessment of who deserves what), or in Aristotle's words, if pity is not neutralized by the proper virtue of indignation, it will result in the politics of envy. An envious person is one who cannot bear any distinction from himself. If he cannot have exactly the same advantages as another, he wants the other to suffer exactly as he does.

Neither Rorty nor Nussbaum dwells upon the two conditions that Aristotle identified as correlative to pity: indignation and envy. But it is worth thinking about Aristotle's associations. I interpret Aristotle to say that pity can become politicized when it becomes activated by resistance to injustice. We may feel pity for the poor, for example, and may identify with their plight which we regard as not of their own making; but what will move us to do something about it is in fact the obverse of pity, and that is indignation against those whom we hold

responsible for the condition of the poor. Aristotle says that it is possible even to become indignant at the gods for their undeserved good fortune. Righteous indignation requires a rational assessment of injustice, and not simply a perception of inequality. Envy is the emotion that is propagated by perception of inequality, without any possible ground for distinguishing between the justly fortunate and the unjustly fortunate. Pity and envy are thus intimately connected.

Might we, then, consider the fact that Rorty's intellectuals and anthropologists have a vested interest in the existence of the unhappy, as Arendt puts it? One wants to assure the unfortunate and afflicted that one is "one of them", so that their sentiments do not turn toward indignation against the educated and the privileged. In the effort to persuade the suffering and the downtrodden that we are all equally weak, equally miserable, and equally pitiable—Indians and anthropologists, welfare recipients and social workers, third world poor and first world aid workers—the result may not be a rounding out of democratic conversation, or an expansion of internalist essentialism. The sentimentalizing of victimhood may achieve its goal of curbing indignation, but may produce a worse condition of envy. The victims do indeed come to see themselves as equal to their emancipators and resent the differences that still mark them apart from them. Indians, women, whatever marginalized group one wants to identify, do not want to be pitied and patronized by experts; those in positions of power who consider themselves responsible for the emancipation of the oppressed never seem to understand why they are resented after the fact. But it makes perfect sense, if one follows Aristotle's line of reasoning. Even worse, when the ranks of the formerly oppressed rise up in envy against what they perceive as unjust privilege and power, their emancipators have absolutely no arguments with which to refuse them.

On the second point, that exposure to the "sad and sentimental stories of others" leads us to consider a greater justice for all, I see no real evidence for this in historical example. One thinks immediately of cases like Nazi Germany, where Germans lived side by side with Jews, and yet were quite capable of standing by under the onslaught of racist policies and eventual genocide. Or of slave societies, in the not so distant past, where one race of people systematically enslaves another, all the while witness to their sufferings. Richard Rorty might argue that what was lacking in these cases is the patience to listen to the stories of the persecuted and the enslaved. This may be true, but it is clear that the human identification of suffering did not produce such conversations in these cases.[33](#)

Aristotle had argued that pity is a narrow sentiment, extending neither to the insolent nor the ruined. This is because pity is bound up with self-interest and self-identification, and one can feel pity only for those with whom one can imagine interchanging lives. Those who are habitually above common misfortunes are unlikely to feel pity for those beneath them, and those who have had long lives of chronic suffering and misfortune are unlikely to feel pity for those more advantaged than they. This makes sense to me. I am reminded of Rousseau's often cited passage that kings do not willingly free their servants, since they cannot really imagine what it is like to be in their shoes. Judith Shklar made much of this dictum in her defense of liberalism on the grounds of avoiding cruelty.[34](#) There is a long history of peoples in position of superiority whose compassion never extended to those under their authority. I also think of acts of brutality and criminality on the part of the dispossessed in our own society. Does an unemployed, drug addicted inner city man feel compassion for the affluent man whom he assaults on the streets of an inner city in the United States? One might want to argue that these are good reasons for creating a greater equality of condition in society, so that all may identify with all. But that would be to argue for a kind of justice based on principles that reach far beyond "natural" pity in Aristotle's terms. I have already argued that in the greatest proponent of pity as the basis of justice, Rousseau, his egalitarian commitments underscore his defense of compassion and pity; they are not derived from it.

And even if one could provide a kind of equality of condition that would put us all in the great middle, economically and socially, would that necessarily create the all-encompassing empathy that is required for a politics based on mutually-identified suffering? Can a man feel compassion for a woman bearing children, if he is unlikely ever to inhabit the condition of pregnancy? Can a heterosexual, monogamous person feel compassion for someone who is dying of AIDS if he can never imagine himself with that affliction? Here, the issue is not necessarily differences in economic and social power simply, but differences of sex that may have profound implications for power. One could argue in these cases that the suffering is self-induced, and therefore beyond the range of compassion. Aristotle had argued that to feel pity for someone, we have to understand that their misfortune is not of their own making, and Martha Nussbaum agrees with this. Presumably Rorty does too. But how many things in life have absolutely nothing to do with choice or deliberation? A society that rests on compassion has the potential to be a dangerously unjust one. The diversity of people, and the plurality of their choices and ways of life, in the end must be collapsed into a amorphous mass. I will find all sorts of ways to judge and incriminate people based on what I think are their wrong choices, and I will be generous and pitying only towards those whose misfortunes I find capricious. I will include the Indians in my conversation, but if one individual, pregnant Indian takes drugs while pregnant, I will incarcerate her and make her comply with my judgments of a decent life.³⁵ I will include homosexuals in my conversation, but if relatively prosperous and professional homosexuals engage in a style of life that brings terrible disease upon them, I will shun them and punish them for their ill advised choices. Thus, I punish the ruined and the insolent, neither of whose lives I can imagine inhabiting. What these example illustrate is the powerful tendency toward exclusiveness, not inclusiveness, that pity and compassion perpetuates. Even if one could achieve the kind of approximate equality, dignity, and satisfaction of basic needs that Rorty and Nussbaum clearly advocate, a reliance upon compassion or pity for justice will always press us into a conformity of neediness that is in the end authoritarian.

Justice is, and has always been, I would argue, a matter for philosophical reflection. It seems to me that we discover something about justice when we look not into ourselves, but beyond ourselves. Richard Rorty and Martha Nussbaum object to this line of reasoning, because they find in it the quest for some objective or metaphysical truth that will be used to impose authoritarian principles upon people. Both Rorty and Nussbaum identify Plato as the original culprit in this quest, and both trace his legacy down through Christian theology to Enlightenment rationalism and science. Nussbaum sees in Aristotle an alternative philosophical route, one that takes account of human frailty and desire, but I have tried to show that her Aristotelian essentialist ethics resonate much more profoundly with Rousseau than with Aristotle. Despite Aristotle's sensitivity to particular situations and habituation as the natural human home of moral education, he understood that differences can be measured in some way by appeal to more than contingency, although less than objective, quantifiable truth. Aristotle was well aware that reason cannot compel with the authority of what we now would call scientific proof. Arguments and teaching do not influence everyone, and Aristotle says that "someone whose life follows his feelings would not even listen to an argument turning him away, or comprehend it (if he did listen); and in that state how could he be persuaded to change? In general feelings seem to yield to force, not to argument" (*N.E.* 1179b25).

The fact that not everyone listens to reason does not destroy the claims of reason. It is only people like Richard Rorty (Nussbaum I am less sure of), who seek the universalist and scientific ground of reason and cannot find it, who rail against philosophy, and try to find their universalism elsewhere, in the emotions. I have tried to show how this project fails, in precisely the direction that Rorty claims to be trying to defeat: it results in a kind of authoritarianism.

The capacity for justice entails being able to think imaginatively beyond one's own experiences and sentiments, toward a ground that is greater. This is an extraordinary capacity, exemplified in philosophy and art. Plato's

Republic stands magnificently as the testimony to this capacity. How is it, given his time and place, that Socrates is able to imagine a possible state in which people are propertyless? in which women are capable of performing reasonably as political rulers? Conversely, how is it possible for Socrates to imagine that the inequalities in fortune, economic position, even talent, are unjustly allocated, though perhaps formative of real capacities? Was it compassion for women, for slaves, for barbarians, that led him to these speculations? Was it the willingness to suffer alongside the afflicted that propagated his philosophy? If so, why then only Socrates and not the other thousands of Greek male citizens who lived and worked and died among women, slaves and barbarians?

The answer, it seems apparent, is that it is not Socrates' natural compassion that arouses his concern for justice, but his imaginative, that is to say, his rational capacity. Insofar as I can identify with what is only mine, and close to me, I am a lesser person than if I can think beyond the confines of my own life. There are some things that are pitiable, there are some things that, in Aristotle's words, are terrible, and there are some things that are beautiful and good. Pity and sentiment cannot possibly reach all these possibilities in human experience. In fact, taking pity, which in the end is a petty emotion, and extending it to account for justice, is to flatten out existence in a radical way: to close us to the imaginative construction of other worlds, and to the possibility of education in virtue. It makes us, more harsh, less tolerant, more self-enclosed. Human beings have always been, and always will be, different in their capacities, their powers and their experience of suffering. I cannot experience the sufferings of others as they do, and if I wait for that possibility I wait forever for justice. I close with a quotation from Iris Murdoch, and her unfashionable invocation of the sovereignty of the good. Diametrically opposed to Rousseau and his contemporary spokesperson, Murdoch talks of the importance of the 'unself' in the articulation of justice.

Goodness is connected with the attempt to see the unself, to see and respond to the real world in light of a virtuous consciousness. This is the non-metaphysical meaning of the idea of transcendence to which philosophers have so constantly reverted in their explanations of goodness.[36](#)

Notes

1. Richard Rorty, "Postmodern Bourgeois Liberalism", *Objectivity, Relativism and Truth: Philosophical Papers, Vol.1* (Cambridge, Cambridge University Press, 1991) 199. 
2. Richard Rorty, "The Priority of Democracy to Philosophy", *Objectivity, Relativism and Truth*, 176. 
3. Rorty, "The Priority of Democracy to Philosophy", 177. 
4. Rorty, "The Priority of Democracy to Philosophy", 191. 
5. Rorty, "The Priority of Democracy to Philosophy", 190. 
6. Richard Rorty, "Why Can't a Man be More Like a Woman, and Other Questions in Moral Philosophy", *London Review of Books*, 24, February, 1994, 3-4. 

7. Rorty, "Human Rights, Rationality, and Sentimentality", Steven Shute and Susan Hurley, eds., *On Human Rights: Oxford Amnesty Lectures* (New York, Basic Books, 1993) 131. 

8. Rorty, "Human Rights, Rationality and Sentimentality", 128. 

9. Martha Nussbaum, "Human Functioning and Social Justice: In Defense of Aristotelian Essentialism", *Political Theory*, 20/2 May 1992, 206. 

10. Martha Nussbaum, *The Therapy of Desire* (Princeton, New Jersey, Princeton University Press, 1994) 17. This is the same example that Nussbaum uses to illustrate metaphysical-realist essentialism in her article on the defense of Aristotelian essentialism. 

11. Nussbaum, "Defense of Aristotelian Essentialism", 212-213. 

12. Nussbaum, "Defense of Aristotelian Essentialism", 220. 

13. Nussbaum, "Defense of Aristotelian Essentialism", 229. 

14. Nussbaum, "Aristotelian Essentialism", 237. 

15. This is certainly true in Nussbaum's article on Aristotelian essentialism, and this is the place where she attempts a theory of justice grounded in compassion. Nussbaum has moved considerably, though, in her thoughts on moral grounding from the writing of *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy* (Cambridge, 1986) to *The Therapy of Desire: Theory and Practice in Hellenistic Ethics* (Princeton, New Jersey, Princeton University Press, 1994). In the former book, Nussbaum is clearly impressed with Aristotle's capacity to move between philosophy and politics, reason and desire. She writes that Aristotle "warns us that at no point, in working towards better laws, will we replace the merely human with something harder and more authoritative than the human, something with extra-human 'power towards obedience'"(306). Yet Aristotle's grounding is the philosophic pursuit of the single best way of life. Nussbaum was concerned in the *Fragility of Goodness* to explore Aristotle's notion of deliberative desire, that is, how it is that philosophic reason shapes and directs desires. In the article on Aristotelian essentialism, written in 1992, Nussbaum attempted to ground social justice in the emotions, specifically of pity and compassion. *The Therapy of Desire* is still focussed on the emotions, and their place in morality, and here, Nussbaum explores further complications in the emotive rebellion against philosophy. At the end of that book, Nussbaum says that: "Where pity or compassion is concerned, it should be clear by now that I approve of the Lucretian tendency to leave it in human life as a basic source of communal affiliation, rather than banish it in the name of self-sufficiency, as the Stoics do." (508) Yet, while approving of pity as the basis of communal affiliation, Nussbaum has never liked its close relationship to anger. She admits that *The Therapy of Desire* was initiated by her curiosity to see whether she could in fact defend love, fear, and grief as central to moral goodness, and reject anger: in other words, keep the good emotions and banish the bad. Nussbaum says in conclusion that her effort has failed. What this does to the preservation of pity, then, as the basis of communal affiliation, we can only speculate. At a later point in the paper, I discuss the connections among pity, indignation and envy as they are made by Aristotle in

the *Rhetoric*. 

16. Aristotle, *The Rhetoric and the Poetics of Aristotle*, trans. Rhys Roberts (New York, Modern Library, 1954) 1385b,10-15. 

17. Aristotle, *Nicomachean Ethics* (trans, Terence Irwin, Indianapolis, Indiana, Hackett, 1985), 1130a10. 

18. Rousseau, *Discourse on the Origin of Inequality, The Social Contract and Discourses* (London and Melbourne, Dent, Everyman's Library, 1973) 67. 

19. *ibid.*, 68. 

20. *ibid.*, 69. 

21. *ibid.*, 68. 

22. Rousseau, *Emile*, trans. Allan Bloom (New York, Basic Books, 1979), 223. 

23. *ibid.*, 225. 

24. *ibid.* 

25. Rousseau, *Discourse on the Origin of Inequality*, 68. 

26. Richard Rorty, "On Ethnocentrism", *Objectivity, Relativism and Truth*, 206. 

27. Rorty, "On Ethnocentrism", 206. 

28. Richard Rorty, "Science as Solidarity", *Objectivity, Relativism and Truth*, 37. 

29. Although Rousseau attempts, of course, to build a complex moral and political theory on the simplicity of natural compassion, within his own work, it is evident that compassion is part of an autonomous, more or less self-sufficient and disinterested natural state. Insofar as Rousseau's political project is successful, it will transform natural compassion into an artificial justice. I have written about this elsewhere in "Nature and Artifice: Two Views on Justice", American Political Science Association Annual Meetings, San Francisco, September, 1996. Clifford Orwin closes a recently written essay on Rousseau and compassion by drawing our attention to Rousseau's *Reveries of the Solitary Walker*, and a story told therein by Rousseau about how he derived great satisfaction from dispensing alms to a beggar, but later became annoyed with the man's expectations, and so deliberately tried to avoid encounter with him. Orwin remarks that Rousseau presents himself in these reveries as "fitful, self-indulgent, and unproductive of any obligations of any kind. Man is not by nature social, and compassion, being natural, affords no lasting basis for society." "Rousseau and the Discovery of Political Compassion", Clifford Orwin and Nathan

Tarcov, editors, *The Legacy of Rousseau* (Chicago, University of Chicago Press, 1997), 315. 

30. Hannah Arendt, *On Revolution* (New York, Penguin, 1963) 86-87. 

31. Arendt, *On Revolution*, 89. 

32. Arendt, *On Revolution*, 88. 

33. In a recent essay on "Becoming an Evil Society: The Self and Strangers", Laurence Thomas argues that the surest way to prevent indifference toward, and even evil treatment of others, is to strengthen ties of affection in the family. The argument is that a nurtured and loved child will go out into the world in trust of strangers, and will extend his or her affection to the broader social and political community. Thomas takes his bearings from Rousseau, who, he claims "took the acquisition of something like fellow feeling to be one of the profoundest manifestations of the move to civil society." *Political Theory* 24:2, May, 1996) 273. One cannot really dispute the importance of family affection and nurture in producing human beings who will have the capacity to act morally. At the same time, there does not seem to be overwhelming evidence that these minimal conditions produce an empathetic and other-regarding person. Racism and ethnic rivalry can thrive in tightly knit communities that are nurturing and loving toward their own, but suspicious of any outsider. 

34. "Rousseau noted that kings never worried about the condition of their subjects, because they did not expect ever to share the lot of the ordinary people. Harshness thus came easily to them." Judith Shklar, "Injustice, Inequality and Injury", Frank Lucash, ed. *Justice and Equality Here and Now* (Ithaca and London, Cornell University Press, 1986) 31. Shklar is a strenuous defender of rights, on the grounds that no one ever extended liberties and dignity to their inferiors gratuitously. These things have to be demanded. Shklar admits to being "absolutely mesmerized" by Rousseau, although she rejects his view of human dignity based in compassion, and ultimately looks to those writers of the Enlightenment whom Rousseau scorned, for her defense of rights. Scepticism, autonomy, legal freedom for the individual, freedom and the discipline of scientific inquiry: these are the things that Shklar admires in classical liberal theory. "A Life of Learning", Bernard Yack, ed., *Liberalism Without Illusions* (Chicago and London, University of Chicago Press, 1996) 275 She also warns, wisely in my view, that when we speak on behalf of the rights of others (her example is the work of Amnesty International), "we are to recognize their situation *as if* it were our own, but without ever sinking into sentimentality and the false feeling of being victimized when, in fact we, the American scholars are free and privileged in every way." "Injustice, Inequality and Injury", 26. 

35. This past year, in Manitoba, Canada, an Indian woman was taken into protective custody and incarcerated, because she was sniffing glue while pregnant with her third child. The woman had already had two children taken from her by the state, on grounds that she was an unfit mother. One of her two children experienced brain damage due to her drug habits. The courts ruled that this involuntary incarceration contravened the woman's rights, and the authorities were ordered to release her. The woman subsequently gave birth to a healthy, and apparently normal, child. Public opinion in Canada raged between the defenders of inviolable rights of the woman and those who defended the state's obligation to interfere for the safety of unborn child. Compounding the controversy was the woman's status as a Native Indian. Spokespeople for Natives in Canada

claimed the attempt to incarcerate the woman against her will was a racist policy that illustrated in microcosm the paternalistic and condescending attitude of the white majority. 

36. Iris Murdoch, *The Sovereignty of the Good* (London and New York, ARK Paperbacks, 1970) 93. 

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