

EMPATHY AND ETHICS

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It is a great pleasure to have been invited to contribute to this symposium on Michael Slote's *The Ethics of Care and Empathy* (London/New York: Routledge, 2007). Few, I think, would disagree with him about the importance of caring and empathy in the moral life. The idea goes back at least as far as the so-called Golden Rule of Jesus of Nazareth – 'Do unto others as you would have them do unto you' (Matthew 7:12) . This injunction to treat other people as we would like to be treated were we in their place suggests that the moral person is one who makes a kind of imaginative leap, visualising how they would feel were they in the other person's shoes. How far one identifies with another on any given occasion is a matter of degree, and I am actually doubtful about Slote's sharp distinction between sympathy and empathy – merely feeling sorry for someone as opposed to actually 'feeling their pain'. And I'm even more dubious about his claim that 'any adult speaker of English will recognize' that the labels 'sympathy' and 'empathy' mark this difference (p.13). But the general idea that being moved by the plight of others (what Slote calls 'empathic caring') is at the heart of the moral outlook strikes me as a fascinating one, and Slote's defence of it contains much that is illuminating, both philosophically and morally.

The more ambitious, and controversial, part of Slote's enterprise is to exhibit empathy as not just a central element in the moral outlook but as its foundation stone: he wants to develop 'a caring account of *all* morality' (p.2, emphasis supplied), one that will rival the utilitarian attempts to provide a 'first principle' of morality, and one that will subsume the deontological realm (normally regarded as an entirely different domain from anything connected with feeling or caring) and provide its own distinctive account of such notions as justice and rights.

Defenders of the monolithic welfare foundationalism of Bentham and Mill have long struggled with the problem of how far they can successfully subsume the requirements of rights and justice under their first principle, and it is no surprise that Slote's defence of

his empathetic foundationalism parallels some of those struggles. Indeed, my first main worry about his approach is that his strategy mirrors that of the utilitarians so closely that it threatens to lose its distinctive character and merge its identity into a form of utilitarianism. Thus, he argues that a ‘developed care ethics’ will try to prohibit certain kinds of free speech (e.g. Nazi-style hate speech, p.68). Why? Because, although the empathiser will feel deeply for the pain caused to the committed Nazi by being prevented from going on the hate march that is so important to his whole way of life, she will also feel deeply for the greater pain that would be caused to Holocaust survivors if the march went ahead. Although couched in terms of empathetic care, what this seems to me to come down to is a consequentialist calculation of the amount of pain caused by the alternative courses of action, and a resulting decision to sacrifice the right of free speech to the balance of utility. The empathizing may help me to *access* the pain felt by the various parties, but what is doing the work in the actual ethical decision appears to be not the ‘empathic caring’ as such, but rather the consequentialist assessment of the total quantity and quality of pain involved among the parties as a whole.

The same point arises even more strikingly in Slote’s discussion of the ‘trapped miners’ case. Initially, he seems to want to condemn someone who fails to respond to their immediate plight, preferring to invest in safety equipment that will save more lives in future; such a person ‘cannot be said to be compassionate even if he or she seeks to save more lives’ (p.27). But later this judgement is subject to crucial qualification: an ‘empathically influenced sense’ of the enormous gains obtained by installing safely equipment that would save *hundreds* might in certain cases lead us to spend money on this rather than rescuing a few trapped minors (p.45). Here, despite the inserted labelling of the future gains as being apprehended by ‘an empathic sense’, what seems to be really going on is that empathizing with the pain of those now actually trapped is swamped by a rational calculation of numbers of possible future lives saved by an alternative course of action (provided the numbers exceed a certain threshold): and this looks to me structurally much more like a consequentialist than an empathy-based framework

Slote’s attempts to give empathy-based explanations of deontic constraints, such as the prohibition against stealing, or the need to respect autonomy, appear to me problematic

for a rather different reason, namely that they fail to capture the ethical value that is at issue. If we have empathetic concern for others, Slote argues, we will ‘not want to see them lose their possessions’. True, but does this explain the wrongness of stealing from a rich person, or from a corporation, where the resulting distress may be pretty minimal? In general, Slote wants to make the moral gravity of a given piece of behaviour be a function of how ‘empathically averse’ we are to it. But feeling someone’s pain seems to be something that may vary widely depending on all sorts of contingencies; for example, I may often be much more upset at someone’s losing his property as a result of a preventable flood (e.g. that following Hurricane Katrina) than I am by his being burgled, whereas our legal system and our moral intuitions generally judge the latter to involve a graver moral wrong. In any case, the phrase ‘empathically averse’ sounds to my ear like something of a logical hybrid: I can surely be *averse* (morally) to something in a case which fails to engage my empathy, and, conversely, empathetically engaged when I do not perceive moral gravity. So I am sceptical about Slote’s (admittedly ingenious) attempts to make empathy the source, for example, of the doing/allowing distinction, as where he argues we are ‘empathically more averse’ to causing loss than to allowing it to occur as a result of natural forces that we might have prevented (p.45).

Analogous kinds of worry, as far as I can see, beset Slote’s empathetic account of the obligation to respect someone’s autonomy. Thus the kind of intolerance that would suppress the religious beliefs and practices of others is rooted (Slote argues) in a ‘failure to empathize’ with their point of view: such persecutors ‘don’t try to understand things from the standpoint of those they persecute’ (p.59). But this seems to me somehow to get the focus wrong. Suppressing others may or may not be accompanied by lack of effort to see their point of view; but what makes it *wrong* is not that lack of effort, but rather the breach of the deontic constraint to treat others with respect; conversely, to respect someone is to allow them to pursue their projects *even when you utterly fail to empathize with them*. To put it in virtue-ethics terms, it is easy to be tolerant of another when their behaviour strikes a chord in our hearts; only when, after the best of efforts, we remain repelled by or uncomprehending of their projects does the true virtue of tolerance shine forth.

There is a common thread running through these sorts of cases, which highlights a general reservation I have about the ‘sentimentalist care-ethical framework’ (as Slote terms it, p.36), namely what I take to be a gap between the psychological facts about what we may or may not feel in our dealings with others, and the moral or normative facts about how we should behave. Speaking of the appalling My Lai massacre (in the Vietnam war), Slote says that ‘we are more chilled, more horrified, by [the actions of those who gunned down children and other civilians in cold blood] than we are by the actions of those who killed children and other victims from the air and never saw their victims’ (p.25). I think he is quite right in saying that what horrifies us in the former case is that the perpetrator ‘demonstrates a greater lack of (normal or fully developed) empathy’; in other words, we just cannot see how anyone who ‘wears a human heart’ (in the Humean phrase) could bring themselves to do such a thing. Our horror is engaged by the ‘salience, conspicuousness, vividness and immediacy’ (p.23) of the machine gun massacre, and it is perfectly understandable why we should feel an outrage that may perhaps be lacking in the bombing case. But ought our moral judgement to run in tandem with these vividly evoked feelings of sympathy, horror and the like?

I certainly think such feelings are highly relevant to the domain of morality, and I would be very suspicious of those ‘cold’ ethicists who blithely sweep aside what Leonard Kass has tellingly dubbed ‘the wisdom of repugnance’. But there is clearly a difference between *explaining* our responses by reference to the repertoire of human empathetic responses, and *justifying* them. To be sure, Slote is alive to this crucial distinction, and he explicitly states that his project is not just to use empathy to explain our intuitions that certain courses of action are worse than others, but also to justify them (cf. p.23). But given that vital distinction, I’m not convinced that we can justify our initial feeling that the bomber of civilians from a great height is doing something less grave. On the contrary, I think it is clear that technological developments in warfare of the last seventy years or so have put increasing pressure on the reliability as a moral touchstone of just those intuitions that are at stake here. Because we are now capable of inflicting death and destruction from a safe distance, we have good reason, it seems to me, to deconstruct the intuition that the

missile aimer or airborne bomber manifests a less chilling disposition (from the empathic point of view) than the hand-to-hand killer.

An important underlying issue here concerns the authority or (in the jargon) ‘normativity’ of our feelings and impulses – something that has always been something of a problem for sentiment-based ethics. In one of the most interesting sections of the book, Slote tackles this issue head on. Rightly, it seems to me, he rejects the notion that normativity derives from rationality alone: there is nothing *irrational*, he says, in not caring about the welfare of others; and if there is some kind of tie between rationality and the interests of others, it is very much weaker than the immediate and intuitive tie there is between rationality and self interest (p.106). Slote also (and again I would agree with him here) rejects deflationist accounts of normativity that would reduce it to mere prescriptivity, making ought judgements simply a kind of recommendation (p.107). To preserve the genuine authority of moral claims we have to think of them, Slote suggests, as something like categorical imperatives in Kant’s sense; and what this comes down to is that we cannot escape the demands in question merely by denying we are motivated to respond to them. The upshot is that the care-ethicist needs to be able to say that it remains wrong for me to not to help my daughter even if I have no desire to help her: ‘the relevant moral judgement of obligation applies to me and makes me liable to moral criticism even if I lack the relevant desire’ (p.107).

But *can* the care ethicist say this? Technically, Slote is perhaps in the clear on this point, since his official criterion for wrongness is that ‘actions are morally wrong, and contrary to moral obligation if, and only if, they reflect or exhibit or express an absence (or lack) of fully developed empathic concern for (or caring about) others on the part of the agent’ (p.31). So the person who has no desire to help his daughter, and fails to help her, is, to be sure, acting wrongly on this criterion. Yet although this preserves the truth of the judgement ‘he was wrong not to help his daughter’, it seems to me simply to postpone answering the normativity question. Slote is (rightly I think) committed to the idea that it is wrong not to help the child even when I have no desire to help her – even when I have no empathy for her. But in that case, wrongness is not a function of the actual caring feelings or empathy felt by the agent; it is instead a function of the caring feelings and empathy that

ought to be felt, or which *would* be felt by a person with a maximally developed sense of empathy. And this now raises the further question of *why* that degree of empathy ought to be felt – what is it about maximally empathetic feelings that gives them that authority over us, even when we don't ourselves experience them?

I can think of several answers to that question. A religious answer might be 'because Christ commanded us to love and care for each other', or 'because caring for others brings us closer to God, source of all goodness'. A utilitarian answer might be 'because a society where caring and empathy are maximized is a happier, more harmonious society.' A deontological answer might be 'because the daughter you brought in to the world deserves, or is entitled to, your care.' But all these answers, of course, would dethrone empathy from the supreme position Slote wants it to occupy.

To be sure, all justification must stop somewhere, and perhaps the care ethicist could claim that empathy is the ultimate value which serves to ground other values. As I effectively conceded at the outset, I would certainly agree that it is very 'central' (a term Slote sometimes uses) to the moral life; but despite the ingenuity of Slote's arguments, the stronger, foundational, role seems to me not to be made out. Philosophers are often drawn to grand systems, and many years ago Nicolas Rescher deplored the philosophical tendency to want there to be a 'queen bee' in the ethical hive, rather than accepting a mere colony of workers. That may mean resisting the conflationist tendencies of much recent ethical theory, and accepting the need for distinct and irreducible frameworks. Indeed, even within a single framework, for example a virtue-ethics perspective, there seems reason to acknowledge a plurality of distinct ethical excellences alongside empathy, including, for example, courage, integrity, truthfulness, generosity and hope. Nevertheless, one historically dominant tradition, that of Christianity, acknowledges *agape* (love for fellow human beings) as the 'greatest' of the virtues, and in its operation this clearly has close affinities with empathetic caring, as expounded by Slote. So anyone whose ethical thinking is influenced by the Christian tradition (as is that of all Westerners to a large extent, consciously or subconsciously, and whether or not they are believers) should be interested in the project of exploring the centrality of empathy in the moral life. Whether or not Slote

has succeeded in developing a caring account of all of morality, his careful and wide-ranging explorations provide rich food for thought.

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