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AUTONOMY AND EMPATHY

By Michael Slote

I. Introduction

When Carol Gilligan, Nel Noddings, and other ethicists of caring draw the contrast between supposedly masculine and supposedly feminine moral thinking, they put such things as justice, autonomy, and rights together under the first rubric and such things as caring, responsibility for others, and connection together under the second.[1] This division naturally leaves caring ethicists with the issue of how to deal with topics such as justice, autonomy, and rights, but it also leaves defenders of more traditional moral theories (now dubbed "masculine") with the problem of how to treat (if at all) the sorts of issues that ethicists of caring raise.

One response, among caring ethicists and others, has been to acknowledge the two types of moral thinking (however imperfectly correlated with sex or gender) while claiming that each is one-sided and needs to be complemented or supplemented with the other if we are to achieve an adequate understanding of morality, of the full range of moral phenomena. This says, in effect, that previous "masculine" moral philosophies have skimped on (the importance of) the sorts of affective bonds on which caring ethics focuses. This response also suggests that caring and human connection need to be situated within just social institutions whose character is not determined by caring, but, rather, by the less personal and more general principles and concepts of traditional moral/political philosophy and its descendants.

However, some caring ethicists have proceeded more boldly. For example, in a preface added to *In a Different Voice* in 1993, Gilligan suggests that an ethics of caring grounded in an ideal of connection with, rather than separateness from, others might completely displace traditional masculine approaches and give us a total picture of what can be validly said about the ethical. But what does this then mean about the supposedly masculine concepts or topics of justice, autonomy, and rights? Are we simply to discard such concepts, or is the idea, rather, that we can make sense of them in (not necessarily reductive) terms of caring and cognate notions? Gilligan's preface does not really say. But some caring ethicists

[1] For their classic discussions of caring and the contrast between masculine and feminine approaches to morality, see Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (1982; reprint, with new preface, Cambridge: Harvard University Press, 1993); and Nel Noddings, *Caring: A Feminine Approach to Ethics and Moral Education* (Berkeley: University of California Press, 1984).

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have recently written in ways that seem to favor the latter option. I have in mind here work by Sara Ruddick, a recent book by Nel Noddings, and also an earlier article of my own that was subsequently incorporated into a book.[2] All of these writings treat issues of the public or political realm that are familiarly regarded as questions of justice as answerable or addressable in terms of notions such as caring. A tradition seems to be developing in which justice is said to be best understood in terms of these notions.

The supposedly masculine idea or ideal of autonomy has so far had a somewhat different history. The feminist reaction to traditional treatments of the notion has most notably consisted in emphasizing the relational character of autonomy and its underpinnings. According to such thinking, personal autonomy is not something we automatically have or are given, but, rather, develops in relation to other people: to use Annette Baier's felicitous phrase, we are all basically "second persons."[3] But this way of understanding autonomy, while tying it to and letting it exemplify the supposedly feminine notion of connection with others, does not tell us how or even whether autonomy conceived in this new fashion can be accommodated within an overall morality of caring. My purpose in this essay, however, will be precisely to indicate how I think autonomy and respect for autonomy can be understood in terms of caring. What I shall say agrees with the recent feminist idea that autonomy has to be understood relationally and in terms of connection with other people, but the relationality and connection will be more closely tied to the ethics of caring than anything (I believe) that has been said about autonomy in the recent feminist literature. However, in order to make all of this seem plausible, we shall have to see why the ethics of caring needs to incorporate another notion—empathy—more systematically or thoroughly than it has previously been asked to do.

II. Caring and Empathy

Over the past half-century there has been a tremendous revival of interest in virtue ethics. Most of that interest has been directed toward Aristotle, though there also has been a good deal of discussion of Plato's views and of ancient Stoicism. However, the ethics of caring is also widely seen as a form of virtue ethics, and my own most recent work as a virtue ethicist has been largely devoted to showing why such an ethics is plau-

[2] See Sara Ruddick, *Maternal Thinking: Toward a Politics of Peace* (Boston, MA: Beacon Press, 1989); Nel Noddings, *Starting at Home: Caring and Social Policy* (Berkeley: University of California Press, 2002); and Michael Slote, "The Justice of Caring," *Social Philosophy and Policy* 15, no. 1 (1998): 171–95, which was incorporated with some changes into chap. 4 of my *Morals from Motives* (New York: Oxford University Press, 2001).

[3] See Annette Baier, "Cartesian Persons" in Annette Baier, *Postures of the Mind: Essays on Mind and Morals* (Minneapolis: University of Minnesota Press, 1985), 84ff.; and the essays in Catriona Mackenzie and Natalie Stoljar, eds., *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self* (New York: Oxford University Press, 2000).

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sible and promising both as a form of virtue ethics and as a general, systematic approach to morality. My book *Morals from Motives* (henceforth *MfM*) sought to show that a morality of caring can encompass not only our relations with people we know but also our moral obligations to people we do not know, to human beings generally. (These moral obligations include issues of social justice.) I also argued against grounding a morality of caring in the desirability of caring relationships, as Noddings suggests, and in favor of the fundamental moral goodness of properly contoured and sufficiently deep caring motivation. But regardless of how a virtue ethics of caring is ultimately grounded, it sees the moral rightness and wrongness of actions as depending on whether they express or reflect caring motivation (i.e., a caring attitude) or whether they express or reflect a deficiency of caring (or some motive or attitude, like malice or misanthropy, that is actually *opposed* to caring).

Such an approach faces many challenges. But for the moment I want to focus on a particular one of those challenges. In *MfM*, I argued that certain sorts of caring are inherently admirable and that various relevant moral judgments are, therefore, intuitively plausible. I claimed, for example, that it is morally better if one cares more about one's friends and family than about strangers or people whom one does not know personally, and I relied on the intuitive force of such a claim in arguing against act-utilitarianism and act-consequentialism more generally. Obviously, all work in normative ethics requires some kind of reliance on intuition(s), and I believe that the intuitions that undergird a (or my own) virtue ethics of caring are plausible enough to support and sustain such an approach. But the use of intuitions comes at a price: for what one accepts on an intuitive basis is to that extent not explained, and although we know that we need to rely on unexplained intuition(s) somewhere or ultimately, it is philosophically satisfying to be able to explain any given intuition. This fact has led me to think that my own and others' previous work in caring ethics can be usefully supplemented or enriched by a further conceptual/moral emphasis.

In *MfM* I did not consider the morality of our relations with animals or fetuses, but an ethics of caring could easily say that we have, for example, a greater obligation to help (born) fellow humans than to help animals or fetuses. Such a comparative judgment has the kind of intuitive force that one might rely on in an ethics of caring (though I assume that the intuition about born humans and fetuses will operate more weakly or will be undercut altogether in someone with a strong religious conviction that the fetus has an immortal soul). Some years ago, however, and after *MfM* had been written, I was led in a different direction as a result of having my attention called to an article by Catholic thinker and judge John Noonan, in which abortion is criticized not for failing to respect the rights of the fetus, but for showing a lack of empathy for the fetus.[4] Now the

[4] See John T. Noonan, Jr., "Responding to Persons: Methods of Moral Argument in Debate over Abortion," *Theology Digest* (1973): 291–307.

concept of 'empathy' is different from that of 'caring', because 'empathy' involves seeing or feeling things from the standpoint of another, and it is not obvious a priori that someone who cares altruistically about the well-being of another will automatically be susceptible to the point of view of that other. But, recognizing this conceptual distinction between empathy and caring, I was absolutely galvanized by hearing about Noonan's article, because (for one thing) it immediately occurred to me that the notion or phenomenon of empathy is a double-edged sword, and reading the article did nothing to disturb this conclusion. If we believe that empathy has moral force or relevance, then since it is, in fact, much easier for us to empathize with born humans, even neonates, than with a fetus, we can argue that it is, for this reason, morally worse to neglect or hurt a born human than to do the same to a fetus or embryo. And this conclusion might end up giving more sustenance to the pro-choice position than to the pro-life view of abortion.

Moreover, it almost as immediately occurred to me that a virtue ethics of caring, rather than relying on our intuitions about our stronger obligations to born humans than to embryos, fetuses, or animals, could explain these intuitions, these differential obligations, by incorporating the idea of empathy. Instead of claiming that actions are right or wrong depending on whether they exhibit or reflect what intuition tells us is properly contoured and sufficiently deep caring, one can say that actions are morally right or wrong (or better or worse) depending on whether, or on the extent to which, they exhibit or reflect normally or fully empathic caring motivation. It would then (at least other things being equal) be morally worse to prefer a fetus or embryo to a born human being, because such a preference runs contrary to the flow of fully developed human empathy or to caring motivation that is shaped by such empathy. And similar points, arguably, could be made about our moral relations with lower animals.[5]

So, a caring ethics that brings in empathy can normatively explain what would otherwise be accepted on an intuitive basis. Once I realized this, I soon saw that the notion of empathy can also serve useful explanatory purposes in other areas of morality. As I mentioned above, we intuitively think that we have stronger moral obligations of caring toward those who are near and dear to us than to people with whom we are unacquainted and who may live in distant parts of the world. We are also inclined to think that it is morally worse not to save a child who is drowning in a fountain right in front of us than to allow some unknown, distant child to

[5] Noddings (*Caring*) relies heavily on a concept of "engrossment" that is closely related to (in fact, I think it constitutes one form of) empathy, but when it comes to explaining why we have stronger moral obligations to fellow humans, she relies on facts about the (non)reciprocity of the relevant caring relationships. This allows some further explanation beyond what the idea of caring alone is capable of. However, I believe that it is best to explain our differential obligations vis-à-vis animals and fellow humans in terms of the notion of empathy because of the remarkable explanatory power (as I can here only partly indicate) of the concept of empathy *in other areas of normative ethics*.

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starve to death by not making a contribution, say, to Oxfam, a hunger-relief organization.

In "Famine, Affluence, and Morality," however, Peter Singer famously disagrees.[6] He holds that it makes no sense to suppose that sheer distance can make a difference to our moral obligations, and he argues that our obligations to distant people who need our help are just as strong as to a child who is drowning or starving right in front of us. But the concept of empathy can help explain and, I believe, justify the moral partialism of a caring morality, and of ordinary moral thinking, with regard to cases like those Singer mentions. A failure to help someone who is in trouble or in need right in front of us, and whose trouble or need we see, runs contrary to developed human empathy in a way that a failure to give to Oxfam does not. This has something to do with the difference that seeing or perceiving makes in eliciting or arousing empathic reactions.

This difference is something that Hume in *A Treatise of Human Nature* (1739) was well aware of, though he uses the term 'sympathy' (the word 'empathy' did not emerge until the twentieth century).[7] Moreover, Hume holds that differences in what naturally or normally arouses sympathy affect the strength of our moral obligations and what virtue calls for. What I want to argue, following Hume, is that, *pace* Singer, our lesser obligation to people whose suffering we do not immediately experience can be explained in terms of fully developed human empathy. There are, in fact, recent psychological studies of empathy that bear out what Hume already understood in the eighteenth century. Martin Hoffman's book *Empathy and Moral Development* usefully summarizes and reflects upon numerous psychological studies of the development of empathy and its role in creating or sustaining caring/concern for others. One thing that both Hoffman and authors of the previous studies emphasize is the difference that perceptual immediacy makes to the strength of empathic responses.[8] Like Hume, Hoffman and the work that he cites also point up the difference that familial or friendly relationships make to how strongly empathy is aroused. I, like Hume, want to appeal to the notion of empathy/sympathy to explain and justify our moral partiality toward friends and family. (Hoffman is more cautious than Hume about this and other normative moral issues.) Note that such partiality does not entail that it is appropriate to have no empathy or concern for strangers and people whom one has never met.

At the most general level, then, I believe that a virtue ethics of caring (of the sort that I defended in *MfM*) should be reconfigured as a virtue ethics of *empathic* caring. This enables such an ethics to explain a wider

[6] Peter Singer, "Famine, Affluence, and Morality," *Philosophy & Public Affairs* 1, no. 4 (1972): 229–43.

[7] David Hume, *A Treatise of Human Nature*, ed. L. A. Selby-Bigge (1739; reprint, Oxford: Clarendon Press, 1958), 316ff., 574ff.

[8] Martin L. Hoffman, *Empathy and Moral Development: Implications for Caring and Justice* (New York: Cambridge University Press, 2000).

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range of moral distinctions. Most significantly, the addition or reconfiguration also allows us to reach a deeper understanding of deontology—which holds, roughly, the view that it is in various crucial cases wrong to do what will benefit people the most overall—than would otherwise be possible. Caring is naturally regarded as encompassing or falling within the morality of beneficence, but deontology is commonsensically regarded as restricting beneficence (and self-interest), that is, as limiting what we can do on behalf of others (or ourselves). Our obligations to help others can readily be seen as arising from appropriate and/or cultivated human feelings or sentiments, but it is not easy to see how deontological restrictions on such helping can arise from feelings. This is why deontology seems to call for some sort of rational grounding. Since an ethics of empathic caring bases morality in feelings rather than reason, it is difficult to see how such an ethics could possibly accommodate and explain our deontological intuitions. (Hume does not attempt a full defense of deontology in the core sense given above.)

Of course, it is always possible for an ethics of caring to repudiate deontology, as the sentimentalist Francis Hutcheson (1694–1746) in effect did and as utilitarianism always has done;[9] but our deontological intuitions are rather strongly ingrained in us, and it is very difficult for most of us to accept a theory that explains them away or treats them as derivative and limited. However, an ethics of empathic caring might have a chance to defend deontology on a purely sentimentalist basis, if we could show that empathy is actually sensitive to (that is, differentially aroused by) crucial deontological distinctions as exemplified in situations of individual moral choice. This is something that I believe can be shown, and I have elsewhere attempted to do just that.[10] But there is no space here to discuss this further.[11] If the reader will accept my promissory note on the issue of deontology and some of the other issues raised above, then I would like now to show how a systematically sentimentalist virtue ethics

[9] Francis Hutcheson, *An Inquiry into the Original of Our Ideas of Beauty and Virtue*, Treatise 2: *Concerning Moral Good and Evil*, sec. 2, pt. 1 (1725), in *Complete Works of Francis Hutcheson*, vol. 1 (Hildesheim: Olms, 1969–71). For a contemporary discussion of utilitarianism with historical references, see J. J. C. Smart and Bernard Williams, *Utilitarianism: For and Against* (Cambridge: Cambridge University Press, 1973).

[10] I sketch such an argument in an essay entitled "Sentimentalist Virtue and Moral Judgment: Outline of a Project," in *Metaphilosophy* 34, no. 1 (2003): 131–43. I give a fuller treatment in my work-in-progress, *Moral Sentimentalism*, chaps. 3 and 4.

[11] One might at this point also wonder whether a reliance on empathy would lead us to make *too many* moral distinctions. For example, if people of one race or gender are more empathically sensitive to those of the same race or gender, then the distinctions in our attitudes and behavior that empathy explains, at least some of them, may be morally invidious, and this would represent a serious problem for any attempt to explain morality systematically in terms of empathic caring. I offer a response to such worries in the work referred to above in note 10. However, the solidarity that is shared by an oppressed group can lead to intragroup preferences that seem far from morally invidious, and an appeal to empathy can help us both to account for this and to explain why similar solidarity among the group of oppressors is not morally justified. (On this point see *Moral Sentimentalism*, chaps. 2 and 5.)

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of empathic caring can make sense of the value and importance of respecting individual autonomy.

III. Empathy and Respect

The ideal of respect is usually associated with Kantian and rationalist conceptions of the individual and her worth and duties. By contrast, caring and concern for (the welfare of) individuals are part and parcel of classical utilitarian and sentimentalist approaches to ethics. It is commonly thought that this latter type of approach, while focusing on individuals, makes no room for the idea of universal human moral dignity or worth (in one sense of the latter term) that must always be respected. Thus, in *Taking Rights Seriously*, Ronald Dworkin argues that justice requires the state to treat all of its citizens with equal concern and respect. The presupposition here, of course, is that (welfare-oriented) concern does not entail (Kantian) respect.[12]

However, a sentimentalist ethics that puts *empathic* concern or caring at the center of the moral life can give its own account of what respect involves. Respect is an important moral notion, and Kantians and other rationalists certainly offer articulate conceptions of what it involves. But my point here is and will be that sentimentalist virtue ethics also can offer a conception of respect, and I believe that its conception is actually less metaphysically loaded, less obscure, and closer to the bone of actual human lives than what Kantians and other rationalists have offered.

Nonetheless, I do not want to dissent from what the rationalists have said about respect so much as to argue *in favor* of what a sentimentalism that puts empathy at the center of things can say about respect. If concern/caring and respect are both core moral values, then an ethics of empathic caring can accommodate, explain, and justify this assumption. The concept of empathic concern for the welfare of another goes beyond the notion of mere concern for such welfare and, I believe, involves respect for the wishes of or for what is distinctive about the other. I want to argue that this kind of respect is fully adequate both in terms of moral theory and in our lives.[13] But in order to understand how this might be so, I think that we need to say just a bit more about what empathy entails.

In current usage 'empathy' and 'sympathy' mean different things. For example, feeling someone else's pain or suffering is feeling 'empathy' for the person in question, whereas feeling *for* someone else's pain or suffering is an example of feeling 'sympathy' for that person. A great deal more

[12] Ronald Dworkin, *Taking Rights Seriously* (London: Duckworth, 1977), 180–83, 272–78.

[13] Seyla Benhabib argues that recognizing the dignity of the "generalized other" necessitates seeing things from the standpoint of the "concrete other." I think this comes very close to the view I am defending here. See Seyla Benhabib, "The Generalized and the Concrete Other: The Kohlberg-Gilligan Controversy and Feminist Theory," in Seyla Benhabib and Drucilla Cornell, eds., *Feminism as Critique: On the Politics of Gender* (Minneapolis: University of Minnesota Press, 1987), esp. 89–92.

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can be and has been said about this. (Hoffman's *Empathy and Moral Development* provides a useful discussion). But for present purposes I think that we can work with the idea of empathy in an intuitive way, and, in doing so, we need to recall and refine a point that I made above. Empathy involves seeing or feeling things from the standpoint of others; in some sense, therefore, empathy involves identifying to some extent with another person. But, as numerous writers on the subject have pointed out, empathy *does not* involve losing all sense of one's own identity or merging one's identity with that of another person.[14] Someone who is overinvolved with another person may be unable to feel deep empathy for that person. Rather than respond to what is distinctive in the other individual or what the other individual wants, the overinvolved person may have difficulty separating his own needs and desires from that of the other.

One familiar example of such overinvolvement can be found in the attitudes that some parents have toward their children. Parents with a weak sense of self may seek to live through the successes of their children and have a difficult time separating their own needs from those of their children. Such parents ipso facto have difficulty empathizing with the individual point of view—the needs, wishes, and fears—of their children. This is not because of the absence of an emotional connection with their children: these parents are not like psychopaths, but, rather, they exhibit *too much* connection to their children. Such overinvolvement or overconnection has recently been labeled "substitute success syndrome" (henceforward *sss*).[15] It has been recognized that *sss* involves an inability to empathize with children, an inability to recognize or understand the individuality or wishes of one's children. However, it also seems plausible to say that *sss* parents *fail to respect their children*, since respecting individuals is naturally thought of as requiring respect for their wishes and for what is distinctive about them. So it would appear that an ideal of empathic caring requires one to respect other people and not simply to be concerned with their welfare.

This then raises some important issues about paternalism. After all, there are times when a parent has to overrule or override a child's wishes, desires, or fears and must do so in the interest of or for the welfare of the child. For example, a parent may have to take a reluctant or even unwilling child to the dentist's office, and many people would say that such paternalistic actions can be both morally permissible and obligatory. So if empathy requires us always to go along with what others, including children, want, then an ethics of empathic caring will be very implausible.

But, I do not think that empathy rules out all paternalism. It is both possible and likely for a parent to empathize with his or her child's

[14] A point made, e.g., in Hoffman, *Empathy and Moral Development*, 63–91.

[15] On *sss*, see Larry Blum et al., "Altruism and Women's Oppression," in Carol C. Gould and Marx W. Wartofsky, eds., *Women and Philosophy: Toward A Theory of Liberation* (New York: Putnam, 1976), esp. 238.

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persistent terror of going to the dentist's office while nevertheless insisting that the child must go. Insisting on the visit may not reflect a lack of empathy for the child, but, rather, a sense of what is good for the child that goes beyond the child's present desires and considers the child's future welfare and desires. So paternalism need not be like *sss*; it need not entail an overinvolvement with and/or an inability to empathize with the distinctive needs and feelings of another individual. We can say that behavior that shows a failure of empathic caring is wrong without thereby having to condemn all forms of paternalism. (Below, we shall see how this distinction affects important political issues of justice.) In addition, we can hold that not every case of overriding a child's wishes involves a failure to respect the child. It is only when overriding stems from a failure of empathy vis-à-vis the child that one can morally criticize the parent for failing to *respect* the child. So I want to say that when one acts from empathic concern for others, one exemplifies both concern and respect for them as individuals, and I believe that this sentimentalist account of what respect amounts to offers us a perfectly plausible and adequate theory of respect.[16]

However, a Kantian may at this point object that the above picture of respect leaves out the important connection between respect and autonomy. Kant may have regarded autonomy as noumenal and thus seen respect as tied to or directed toward a noumenal feature of persons. But autonomy needn't be conceived in such a metaphysically suspect way and nowadays it *is not* seen as something noumenal. Rather, autonomy is conceived as having something to do with rational personhood, with our capacity to think and choose for ourselves, and these ideas are not metaphysically invidious. But then, the objection might go, the sentimentalist who talks of respecting wishes or individuality has not yet touched on what is arguably most central to respect—the fact that, in its deepest ethical embodiments, it is respect for the *autonomy* of the other. The ethics of empathic caring needs to be able to answer this criticism, but it can do so, I think, by showing how such an approach has (or can have) a distinctive way of understanding individual autonomy that is both attractive and plausible in its own right.

Think of the *sss* parent who rides roughshod over the wishes, fears, and desires of his or her own child. If the parent fails to respect these wishes, fears, or desires, or even to acknowledge them, then it will be difficult for the child to respect or acknowledge them too. It is also likely that the child, if not totally self-thwartingly rebellious, will learn to submit in large part to the authority or wishes of the parent. Such children will be

[16] However, it can be argued that one may show a lack of respect for someone if one violates deontological obligations to his detriment in an effort to serve the general good or one's own purposes. In this case, an ethics of empathic caring can encapsulate all morally significant forms of respect only if it can succeed (along lines suggested above in the text) in accounting for deontology.

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less likely than others to grow up thinking and deciding things for themselves; hence they will lack the kind of autonomy that features so centrally in contemporary discussions. Moreover, this lack of autonomy will have resulted from what, according to a morality of empathic caring, counts as *mistreatment* on the part of the parent.

In contrast, parents whose empathy with the growing child allows them to care about and encourage the child's aspirations and individuality are showing morally required respect for the child by encouraging the child to think and act for herself. Empathy thus plants the necessary seeds of autonomy—both encouraging and nurturing autonomy—and in effect embodies *respect* for autonomy. (I take it that rebellion for its own sake *is not* a form of autonomy, even when parents' authoritarian or *sss* attitudes and actions have "asked for it.")

Recent feminist discussions of autonomy have certainly stressed its relational, developmental character: that autonomy comes into being only through personal relationships and social structures that encourage it, that autonomy is not something we innately possess or inevitably mature into. But it is also important to stress how (relational) autonomy is and can be rooted in empathy for us as "second persons" on the part of other people. Rigid social values or stereotypes clearly deprive girls and women (and in other ways boys and men) of the fullest autonomous choice in their lives. The discouragement of individual thinking, especially on the part of women, and various other forms of coercion also limit autonomy. Moreover, these various ways of denying autonomy constitute, either individually or in larger social embodiments, a failure of empathic concern for the individual (girl or woman). Empathy helps to nurture individual autonomy, but if the stereotype of women serving and merely assisting men prevails at a social level—so that, for example, a young woman does not even think of trying to become a doctor rather than a nurse—then social opinions and attitudes represent a kind of mass failure of empathic concern for what little girls or young women might want for themselves. I now want to argue that, according to a suitably expanded ethics of empathic caring, this kind of failure constitutes a form of social injustice.

IV. Autonomy and Social Justice

If we think of societies roughly as groups of individuals living under or subject to certain customs, laws, and institutions, then there is an analogy between the relation that these customs, etc., have to the members of the society and the relation that individual acts or actions have to their agents. The customs, laws, and institutions of a given society are, as it were, the actions of that society: they reflect or express the motives, attitudes, and the knowledge of the social group in something like the way that actions

express an agent's motives, attitudes, and knowledge, though in a more enduring manner, since societies typically outlast the individual agents in them. So, just as an individual morality of empathic caring regards individual acts as morally good if they reflect empathic concern on the part of their agent and wrong if they reflect a lack of empathic concern, a social morality based on empathic caring will treat customs, laws, and institutions as morally good and just if they reflect empathic concern for (relevant groups of) fellow citizens on the part of those who support and are subject to these customs, laws, and institutions. Conversely, they will be regarded as morally bad and unjust if they reflect a deficiency of such concern (or, worse, the opposite of such concern).[17]

Now this brief statement does not take into account the distinction between citizens and the inhabitants of a country; nor does it consider the extent to which justice requires customs, laws, and institutions to reflect empathic concern for the residents and citizens of *other* countries. But the statement does represent a useful template for use in considering questions of social justice, and I believe it can be applied quite generally to such questions, in particular, to what I said just above about group failures of empathy. Where social attitudes and, consequently, the things people say to one another make it difficult for little girls and young women even to think of becoming doctors, the situation embodies a failure of empathic concern for what little girls and young women might want for themselves, and according to the criterion I have suggested, such a social situation will count as unjust.

Many feminists who have stressed the social/relational bases of autonomy have criticized certain social attitudes and institutions for failing to respect women's individual autonomy. What has not been seen, however, is that such forms of understanding and criticism can be well and attractively grounded in a sentimentalist form of virtue ethics that stresses the moral value of empathy and empathic caring. For example, in *Sex and Social Justice*, Martha Nussbaum complains that, by exalting emotion over reason, caring ethicists like Nel Noddings leave women without the critical apparatus necessary to call into question and change invidious social institutions and attitudes.[18] But it is not *all* emotions that the caring ethicist exalts, and if, in particular, *empathic* caring represents the standard for moral criticism, then such an ethics certainly offers a basis for making criticisms and changes. Empathic concern for women's desires and development will, in almost every case, encourage one to work against and criticize the injustice of social institutions, practices, customs, and opinions that are empathically insensitive or hostile to such desires and development.

[17] For more specific and detailed discussion of how this might work, see Slote, "The Justice of Caring" (though that article discusses caring without explicitly bringing in empathy) and chap. 5 of Slote, *Moral Sentimentalism*.

[18] Martha C. Nussbaum, *Sex and Social Justice* (New York: Oxford University Press, 1999), 74ff.

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It should also be clear at this point that a social ethics of empathic caring will take strong issue with typical communitarian views about the (relative) sanctity of social traditions and customs. Communitarianism respects the diversity of the different societies and cultures that actually exist, but it offers no basis for accepting and encouraging diversity where none as yet exists or is well ensconced. If a society is uniform or monolithic, then communitarianism supports *that sort* of tradition and discourages dissent and the diversity it might bring. But because different people have different abilities and temperaments, they tend to *want* different things, and a monolithic community will tend to ride roughshod over such differences and the diversity they might lead to in something like the way that *sss* parents override the desires of their children. A society whose monolithic or rigid character is rigorously enforced exhibits a failure of empathic concern for potential or nascent diversity. It fails to respect individual autonomy in much the same way that *sss* parents fail, and its institutions and the society itself will count as unjust according to a social ethics of empathic caring. So empathic caring may be a relatively simple or compact (dare I say monolithic?) moral ideal, but it strongly encourages social diversity based on individual autonomy and firmly opposes typical communitarian views about social justice.[19]

Note, too, how what we have said about autonomy allows us to address the by-now-familiar criticism that an ethics of caring, by treating as ideal a selfless devotion to others that women are more likely to be susceptible to than men, encourages women to allow themselves to continue being victimized or taken advantage of and is, therefore, both socially and morally counterproductive.[20] But if the moral ideal or standard involved here is that of *empathic* caring, then it is harder to make this criticism. To be sure, the *sss* mother thinks that she is sacrificing herself for the good of her children. However, what she in fact does to them is probably on balance *not* good for them, while she herself gets a kind of primitive, vicarious satisfaction from what she does. (Given her own incompletely formed sense of identity, this serves her needs and welfare more than other things she might do with her life, and, it is likely, this serves her more than she serves the needs and welfare of her own children).

So, if we speak of a caring that *lacks empathy*, it is not at all clear that such an attitude and motivation leave one a victim rather than a victimizer. Perhaps it is better to say, though, that where women (or men) do not

[19] While they differ in regard to diversity and social justice, both communitarianism and the ethics of empathic caring oppose the idea that morality can be grounded in reason. Also, both place a greater emphasis on personal interconnection than on the (rights of the) individual in separation or abstraction from others. For an influential (but somewhat atypical) example of communitarianism, see Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982).

[20] There is a version of this argument in Nussbaum, *Sex and Social Justice*, 74ff.

have a sufficient sense of self and where their children suffer the consequences, everyone involved is victimized and unfortunate. This then gives us an argument based on empathic concern for creating social institutions and forms of life that do not so often end up with such invidious situations.

But consider what this means. I maintained above that a sense of autonomy is more likely to develop in children if they are raised with empathic concern, that is, in a way that respects their wishes, aspirations, and individuality. So empathic caring helps to instill and develop autonomous thought and desire, and surely it is the person who can think and plan things out for himself, rather than the person who always thinks and decides on the basis of what others tell him, who is least likely to be victimized by others. Accordingly, if we look at the larger implications of empathic caring, we can see that it would tend to work against rather than maintain the heteronomous selflessness and victimization of women.[21] Thus, for all of the reasons that I have been discussing, social justice conceived in terms of empathic caring would be good for the cause of women.

V. Empathic Caring and Religious Toleration

At this point, however, it is time for us to leave behind issues that specifically concern women and to explore some of the wider political implications of the present approach. In particular, it is important for us to consider whether a sentimentalist ideal of empathic caring can do justice, so to speak, to what we ordinarily and intuitively think about individual autonomy and/or liberty in certain areas of political life and thought. Here I am referring to those areas where a sentimentalist approach can seem suspect and appear to have unacceptable, or at least implausible, implications.

One such area—and perhaps the most notable—is that of freedom of religion or religious toleration. For it is often said that sentiments like benevolence, love of one's fellow human beings, and caring can motivate people or societies unjustly to *deny* certain people various important forms of religious liberty. It is said that such sentiments can lead, in effect, to a failure to respect individual and group rights to autonomy within the religious sphere. During the Spanish Inquisition, for example, the religious practices and beliefs of heretics were said to threaten the stability of

[21] I am assuming here that the children of empathically caring parents can be raised to be as empathically caring as their parents. In his *Empathy and Moral Development*, Hoffman offers a theory of the development of empathic concern that clearly supports this assumption. I might add that Hoffman's view allows not only for empathic concern vis-à-vis individuals, but also for the kind of empathic concern for whole groups of people (whom one may not be personally acquainted with) that is presupposed in the political applications of empathic caring that I have been and will be making in the text above.

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the state, and it was claimed that forced confessions and recantations were necessary to the eternal salvation, and thus to the ultimate well-being, of both those with false beliefs and those whom they might corrupt. This is certainly paternalism, and of a kind that most of us find horrifying. But the paternalism here may seem to spring, and is often said to have sprung, from good sentiments. Many philosophers and others have argued, therefore, that a just social order that respects autonomy and freedom has to go beyond sentiments such as benevolence and concern for others and acknowledge, on rational grounds, an independent order of rights to various freedoms and liberties.

One can find views like this in J. L Mackie's *Hume's Moral Theory*[22] and spelled out at greater length in Thomas Nagel's *Equality and Partiality*.[23] However, I think there is reason to believe that religious intolerance and persecution *do not* arise out of otherwise admirable human feelings or motives in the way that Mackie, Nagel, and so many others have assumed. In cases like the Inquisition, the "dry eyes" (in John Locke's wonderful phrase) of those who persecute and torture others show that such people are not genuinely or primarily concerned with the welfare of those whom they mistreat. Instead, these persecutors have other, egotistical or selfish reasons for doing what they do.[24] And this begins, I think, to give us some reason to suspect that we may not need to go beyond sentimentalist considerations and invoke independently justifiable rights to religious freedom and autonomy in order to explain what is horrifying and unjust about their denial.

But the main reason for believing this can be stated in terms of the notion of empathy. There is something extremely arrogant and dismissive in the attitudes and actions of those who reject out of hand the differing religious beliefs and practices of others and who feel they are justified in suppressing those beliefs and practices in coercive, even violent, fashion. Those who persecute others in this way clearly do not try to understand things from the standpoint of those whom they persecute, and I think that what most strikingly characterizes arrogant attitudes and acts of intolerance toward others is this failure to empathize with their point(s) of view. Just as *sss* parents are criticizable for their failure to empathize with their children as individuals, so, too, are those who practice religious intolerance criticizable as unjust for their failure to empathize with the point(s) of view of those who accept or practice a different religion.

Such forms of paternalism stand in marked contrast with the sort of "benign" paternalism that insists that an unwilling child (eventually) go to the dentist's office. The latter is not plausibly regarded as due to a

[22] J. L. Mackie, *Hume's Moral Theory* (London: Routledge & Kegan Paul, 1980), 28.
[23] Thomas Nagel, *Equality and Partiality* (New York: Oxford University Press, 1991), 154–68.
[24] See John Locke, *A Letter Concerning Toleration* (1689), trans. William Popple, ed. John Horton and Susan Mendus (New York: Routledge, 1991), 28.

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failure to empathize with the child. Similarly, neither is there a failure to empathize in such presumably acceptable forms of state paternalism as enforcing laws against driving without a fastened seatbelt and against riding a motorcycle without wearing a helmet. Such forms of coercion, even while they override some individuals' desires, need not reflect an unwillingness or inability to see and feel things from the point of view of those whose desires run contrary to the coercion. But this unwillingness or inability is precisely what does typify the religious intolerance and persecution that have erupted so destructively in so many parts of the world during the course of human history. An ethics of empathic caring, therefore, can say that religious intolerance and persecution count as unjust because they show a marked absence of empathic caring.[25] But this then means that, in order to defend religious autonomy and freedom, we do not in fact have to go beyond the moral sentiments in the way that so many philosophers have supposed. Opposition to religious freedom may be compatible with certain kinds and degrees of concern for others, and certainly those who coerce and persecute the adherents of different religions or sects may view themselves as primarily concerned with the welfare of the others. But the "dry eyes" make one wonder about egotism, rationalization, and self-deception here, and the so-called concern, since it is so arrogantly dismissive of the viewpoint of the others, is in any event not of the right type. If it is caring or concern, then it is of a kind that lacks empathy, and it is no wonder, according to the present view, that such a more limited or truncated sentiment should be inadequate to prevent religious intolerance and persecution. An ethics of empathic caring says that it is only a fully empathic relation to and concern for others that can offer a realistic, thoroughgoing, sentimentalist and virtue-ethical basis for individual morality and social justice.

VI. Empathic Caring and Liberalism: Concluding Thoughts

This is not to say, however, that such an ethics provides for and justifies all the sorts of freedom that liberals, for example, have defended. There are, in fact, freedoms that political liberalism would insist upon, but an ethics of empathic caring would question or deny. Thus, an empathic concern for the well-being of others might well lead legislators or officials to bar, say, a march by Nazis on the main street of a small town where many survivors of the Holocaust and their families live. In contrast, a

[25] In my *Morals from Motives* (*MfM*, chap. 5), I described a science-fiction case in which a refusal to grant certain religious liberties would be justified and in no way demonstrate a lack of empathy. But it is difficult to think of a single case in actual human history where religious persecutions or intolerance *did not* reflect a failure of empathy; so if we wish to defend religious liberties in the circumstances of actual human life, then our sentimentalist approach may give us what we need.

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liberal or libertarian philosophy might insist that the Nazis have a right to be allowed to conduct such a march and use it to express their horrifying political opinions. Such close-to-absolute rights of free speech and assembly might be denied by one who is motivated by an empathic concern for the feelings and wishes of all concerned: not only the survivors and their families but also those who want to march. Such concern might lead one to believe that more damage will be done to the former, if the march occurs, than to the latter, if it does not. Although this assumes that people's lives can be made worse through suffering the taunts of others (thus effectively denying the old adage about sticks and stones), this assumption seems to me to be intuitively quite plausible.[26]

So a political morality of empathic caring might advocate limiting civil liberties in certain circumstances, even though liberals and libertarians would likely reach opposite conclusions.[27] But I do not think this represents much of an objection to the present view and what it has to say about autonomy, because the question of whether to limit civil liberties in situations like the one I just mentioned is such a controversial one today. Since most citizens of democracies are likely to agree that religious persecution is unjust, a sentimentalist theory of justice and autonomy had better be able to agree with and explain this conviction. But because contemporary opinion is so divided about issues like the right to give vent to hate speech in public, the fact that a sentimentalist virtue ethics argues in favor of limiting such speech in some cases is hardly, at this point, a strong objection to the present approach.

Moreover, what has been said here about and in justification of religious liberties can largely be said, mutatis mutandis, about other noncontroversial civil liberties and their exercise. Empathic concern for others will take into account individual desires, such as the desire for freedom of movement and personal association, for example, and our sentimentalist approach can make sense, in its own terms, of what justice clearly or noncontroversially requires in these general areas. But it may be less clear

[26] For a feminist defense of the assumption, see Susan J. Brison, "The Autonomy Defense of Free Speech," *Ethics* 108, no. 2 (1998): 312–39; and Susan J. Brison "Relational Autonomy and Freedom of Expression," in Mackenzie and Stoljar, eds., *Relational Autonomy*, 280–99.

[27] Ellen Frankel Paul pointed out to me that a judicial system that allows judges or others to limit civil liberties out of empathic concern for the feelings of certain groups is subject to various forms of abuse. For example, someone might deliberately or unconsciously overestimate the damage that a certain group would do to the feelings of others out of a hatred of that group or a deficient sense of the value of various freedoms. Of course, all legal systems are subject to abuse, but the criteria of justice urged by the sentimentalist arguably yield distinctive possibilities of abuse. Some of these I discuss in *MfM*, chaps. 4 and 5, but more will need to be said about this issue on some other occasion. In any event, and finally, public officials take oaths to uphold the law, and this further constrains the actions they may permissibly take out of empathic concern for one group or another. If, however, and as I suggested above, (the) deontology (of promises and oaths) is itself based in empathic factors, then the present sentimentalism may be able to give a realistic account of the considerations that ought, in justice, to move public officials.

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at this point how a sentimentalist approach would or could handle questions of *distributive* justice: for example, issues about economic equality. Since, however, such issues are not directly related to autonomy, I think I should leave them aside for another occasion.[28] My main concern here has been to demonstrate how an ethics of caring or, more generally, a sentimentalist approach to morality and politics can make sense in its own terms of the idea and the ideal of autonomy.[29]

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[28] I discuss such issues at length in Slote, *Moral Sentimentalism* chaps. 4 and 5.

[29] Since, as I indicated earlier, empathy is evoked less strongly in relation to people we don't know than in relation to those with whom we are personally acquainted, a view that understands individual and social morality in terms of developed human empathy or empathic caring will require different degrees of empathy depending on how closely we are connected to one or another individual or group of individuals. This means that what counts as a failure of empathy toward those who are near and dear might not be criticizable as such in relation to fellow citizens, and it follows, given what has been said above in the text, that what counts as a failure of respect for someone else (for his autonomy) will vary, depending on the degree or kind of relationship that one has to that other person. A state may in all justice be required to show equal respect and equal empathy toward all of its citizens, but have lesser obligations to the citizens of other countries, and what counts as a failure of respect and empathy vis-à-vis one's own children presumably need not count as such in relation to other people's children. So, on the present view, morally appropriate respect for others (for their autonomy) will not always be one and the same thing and will be relative to relationship or connection. However, I do not think this deprives the idea of respect of anything that we need, either as moral theorists or in our lives.

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