

## Calculating Compassion

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Compassion, like so many of our other complex emotions, has a heady political life. Invoking compassion is an important means of trying to direct social, political, and economic resources in one's direction (indeed, compassion is one of those resources).<sup>1</sup>

During the second presidential debate of the 1992 election, the three candidates—George Bush, Bill Clinton, and Ross Perot—were asked by a woman in the studio audience in Richmond, Virginia how their own lives had been affected by the national debt. It was a moment that was to prove decisive. President George Bush, perplexed and nonplused, literally did not understand the question. "I'm not sure I get it," he said. "Help me with the question and I'll try to answer."<sup>2</sup> Clinton, opening his arms, moved toward the audience and responded that he personally knew people in Arkansas who were suffering because they had lost their jobs. The clear implication was that he acutely felt their pain and Bush did not. What was at stake was the presidential politics of empathy. The rest is history.

Two weeks later Bush, criticizing Clinton's plan to establish an office devoted to AIDS in Washington, insisted, "We need more compassion in our hometowns, more education, more caring."<sup>3</sup> If in fact there had been a concerted effort on the part of the Bush campaign to establish compassion as a strong theme in 1992, it failed. But as we all know, eight years later the rhetoric of empathy uncannily returned, surfacing in George W. Bush's campaign against Al Gore. What the elder George Bush fumbled, the son repossessed. Under the well-calculated banner of compassionate conservatism, the Republicans successfully appropriated the rhetoric of feeling that had been so powerfully associated with the Democrats. Indeed, the presidential race of 2000 at times seemed marked by a competition between Al Gore and George W. Bush in terms of who could lay claim to being the most compassionate. Feeling someone else's pain. Compassionate conservatism. These

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1. ELIZABETH V. SPELMAN, *FRUITS OF SORROW: FRAMING OUR ATTENTION TO SUFFERING* 88-89 (1997).

2. Linda Diebel, *No Miracles for Bush in TV Debate*, *TORONTO STAR*, Oct. 16, 1992, at A1; see also Nancy Mathis et al., *Campaign '92/The Second Debate/Clinton, Bush Camps Both Claim Victory in Debate II*, *HOUSTON CHRON.*, Oct. 16, 1992, at 16.

3. *On the Trail*, *ATLANTA J. & CONST.*, Oct. 31, 1992, at A6. While George Bush might not have won the election on the platform of compassion, he was nonetheless known as a man who was often moved to tears. Mary Chapman & Glenn Hendler, *Introduction to SENTIMENTAL MEN: MASCULINITY AND THE POLITICS OF AFFECT IN AMERICAN HISTORY I* (Mary Chapman & Glenn Hendler eds., 1999).

presidential campaign slogans are testimony to the pivotal power of a national discourse of empathy, one on which the political fortunes of George Bush, Bill Clinton, and George W. Bush in great part turned.<sup>4</sup>

How do we understand the uses of compassion in the body politic today? How do appeals to sentiment—specifically to compassion—work? What are the limits of compassion? How do liberal and conservative narratives of compassion differ? In this Article I thread my way through some of the debates about the political efficacy of compassion, focusing on the work of scholars of sentiment—legal scholar Lynne Henderson, philosophers Martha Nussbaum and Elizabeth Spelman, and Lauren Berlant in literary and cultural studies. Taken together, the work of these scholars can be said to present the liberal narrative of compassion, albeit variously embraced and critiqued. I also consider some of the statements made about compassion by Republicans, including George W. Bush as well as Marvin Olasky, the author of *Compassionate Conservatism*,<sup>5</sup> and Joseph Jacobs, the author of *The Compassionate Conservative*.<sup>6</sup> Ultimately I conclude that the politically astute appropriation of the discourse of compassion by the George W. Bush presidential campaign in 2000 was in part made possible by the convergence of two distinct—and usually contradictory—trends in the way emotions are experienced and performed in contemporary culture: on the one hand, we are witnessing a flattening of the psychological emotions to intensities; on the other hand, we are witnessing the emergence of the sensitive man, the development of the man of feeling.

I have argued elsewhere that we are living in a cultural moment in which a new economy of the emotions is emerging.<sup>7</sup> Once relatively stable, discourses of the emotions are now circulating at a rapid rate. Even as the possibilities of an individual's emotional repertoire are expanding (hence the emergence of the man of feeling), our postmodern culture is increasingly characterized by what Fredric Jameson has called the waning of affect.<sup>8</sup> I agree with Jameson's analysis. In a culture dominated by the media, much of our emotional experience, once understood in terms of a psychology of depth and interiority, has been reduced to intensities or

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4. This is clearly seen in five cartoons published in *The New Yorker* between November 1995 and June 2001. J.B. Handelsman, *I like that—'compassionate predators.'*, NEW YORKER, Nov. 1, 1999, at 99; David Sipress, *Well, I guess this means we'll have to start feeling our own pain again.*, NEW YORKER, Jan. 22, 2001, at 6; Barbara Smaller, *Maybe the compassionate part will kick in during the second half of the Administration.*, NEW YORKER, June 4, 2001, at 46; Mick Stevens, *Let me through. I'm a compassionate conservative!*, NEW YORKER, Aug. 9, 1999, at 28; Mick Stevens, *We used to feel your pain, but that's no longer our policy.*, NEW YORKER, Nov. 20, 1995, at 89.

5. MARTIN N. OLASKY, *COMPASSIONATE CONSERVATISM: WHAT IT IS, WHAT IT DOES, AND HOW IT CAN TRANSFORM AMERICA* (2000).

6. JOSEPH J. JACOBS, *THE COMPASSIONATE CONSERVATIVE: ASSUMING RESPONSIBILITY AND RESPECTING HUMAN DIGNITY* (2000).

7. Kathleen Woodward, *Grief-Work in Contemporary American Cultural Criticism*, 15.2 DISCOURSE 94 (1992-93); Kathleen Woodward, *Anger . . . and Anger: From Freud to Feminism*, in *FREUD AND THE PASSIONS* 73 (John O'Neill ed., 1996).

8. See generally Fredric Jameson, *Postmodernism, or the Cultural Logic of Late Capitalism*, 146 NEW LEFT REV. 53 (1984).

sensations. Sensations such as the thrills spiked by good action films. Or, as I explore in another essay, sensations such as the panic induced by the omnipresent discourse of statistical risks to one's health.<sup>9</sup> Or, given George W. Bush's rallying cry of compassionate conservatism, sensations such as the short-term intensity of self-satisfied sympathy. At the same time, if in the 1950s in the United States the emotions were distributed in the white middle class according to gender in conventional or stereotypical ways, this has radically changed. Generally speaking, we can say that in the 1950s the expression of grief was proscribed in men, the expression of anger in women. But today cultural scripts for the emotions are more flexible or mixed. The presidential campaigns of 1992 and 2000 are perfect cases in point. If conventional wisdom tells us that women are more empathetic than men, our cultural moment requires that our male leaders be both strong and sensitive, thus allowing them to play both conventional gender parts simultaneously. Or, more accurately, that they display or perform sensitivity. Or, in a further compression of story to slogan in our media-dominated culture, that they at least deploy the rhetoric of sensitivity. In the instance of Bush's compassionate conservatism the two trends in the way the emotions are experienced and performed in contemporary culture coalesce: the performance of compassion by Bush as a presidential candidate is paradoxically an instance of the flattening of feeling. The slogan "compassionate conservatism" trades on the rhetoric of feeling even as it is curiously empty of it. In this sense "compassionate conservatism" can be said to be an oxymoron.

It was widely remarked that President Bush's inaugural speech of January 20, 2001, was long on the rhetoric of compassion and short on the principles of conservatism.<sup>10</sup> But in terms of action, the converse has been the definite case in the Bush administration.<sup>11</sup> The public masculinization of sentiment by Republicans serves as a screen for the privatization of the state, for the divestiture of the federal government of responsibility for many of our nation's citizens. The phrase "compassionate conservatism" is also code for the federal turn to faith-based organizations to undertake what could be called private spiritual and social work with public dollars.<sup>12</sup> There is a canny historical logic to this. In the United States there is a long tradition of the association of the private sphere with the feminine, with sentiment, and with religion. I am thinking here in particular of the nineteenth century when what has been called the culture of sentiment stretched roughly from

9. Kathleen Woodward, *Statistical Panic*, 11.2 DIFFERENCES 177 (1999).

10. See *George W. Bush: The Speech; What They're Saying*, ATLANTA J. & CONST., Jan. 21, 2001, at B2; see also David Nyhan, *George W. Bush's Civil Beginning*, BOSTON GLOBE, Jan. 21, 2001, at E7.

11. See Dana Milbank & Mary Beth Sheridan, *Bush-Fox Friendship Serves Both*, WASH. POST, Sept. 3, 2001, at A1; see also Salim Muwakkil, *U.S. Remains Out of Step—Globally*, CHI. TRIB., June 11, 2001, at N13.

12. What Lauren Berlant writes in *The Queen of America Goes to Washington City* about the right-wing Reagan revolution, continued in the George Bush years, applies here: "This brightly lit portrait of a civic army of sanctified philanthropists was meant to replace an image of the United States as a Great Society with a state-funded social safety net." LAUREN G. BERLANT, *THE QUEEN OF AMERICA GOES TO WASHINGTON CITY: ESSAYS ON SEX AND CITIZENSHIP* 7 (1997).

1830 to 1870.<sup>13</sup> That this period saw the publication of the most famous—and effective—instance of the fictional sentimental narrative would seem to be no accident. Indeed, Harriet Beecher Stowe’s *Uncle Tom’s Cabin or Life Among the Lowly*<sup>14</sup> is the narrative to which scholars of sentiment in literary and cultural studies inevitably return. In the United States it is the ur-text of the liberal narrative of compassion.

Published in 1852, *Uncle Tom’s Cabin* was the first book in the United States to sell over a million copies.<sup>15</sup> Praised by literary critic Jane Tompkins in her own influential *Sensational Designs* as a potent cultural force in the abolition of slavery, *Uncle Tom’s Cabin* has been widely credited with accomplishing important cultural work.<sup>16</sup> In *Uncle Tom’s Cabin*, the way of justice—I use the term with its religious overtones advisedly—is that of compassion. The reader is prompted to identify empathetically with a character that is suffering (generally through the medium of another character), and this response is read as an experience in moral pedagogy. A spontaneous burst of feeling leads to a change of heart; the emotions and morality are linked. Consider this small scene from *Uncle Tom’s Cabin*. In a chapter entitled “The Little Evangelist,” the tender-hearted little Eva, herself soon to die, takes pity on Topsy, the unruly, undisciplined slave girl who does not believe in God and who is driving everyone in the St. Clare household to distraction:

“O, Topsy, poor child, *I love you!*” said Eva, with a sudden burst of feeling, and laying her little thin, white hand on Topsy’s shoulder; “I love you, because you haven’t had any father, or mother, or friends;—because you’ve been a poor, abused child! I love you and I want you to be good. . . .”<sup>17</sup>

The tears in Eva’s eyes beget tears in Topsy. Compassion inspires conversion. As

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13. Since the publication of Ann Douglas’s *The Feminization of American Culture* in 1977 and Jane Tompkins’s *Sensational Designs* in 1985, a fierce defense of the sentimental, the study of the sentimental in literary and cultural studies, including film studies, has emphasized the association of the sentimental with the feminine, notwithstanding much research that has sought to explore the intersections of the sentimental with race and ethnicity. See ANN DOUGLAS, *THE FEMINIZATION OF AMERICAN CULTURE* (1977); see also JANE P. TOMPKINS, *SENSATIONAL DESIGNS: THE CULTURAL WORK OF AMERICAN FICTION, 1790-1860* (1985). But recent scholarship has shown that the man of feeling has in fact a long history. See SENTIMENTAL MEN: MASCULINITY AND THE POLITICS OF AFFECT IN AMERICAN HISTORY, *supra* note 3 (containing a collection of essays that traces the antecedents of masculine displays of affect in various domains, including presidential politics); see also JULIE ELLISON, *CATO’S TEARS AND THE MAKING OF ANGLO-AMERICAN EMOTION* 6-15 (1999) (arguing brilliantly that we can understand in part the political attraction of today’s sensitive men in terms of eighteenth-century male icons who, it is important to stress, displayed both sensibility and emotional reserve).

14. HARRIET BEECHER STOWE, *UNCLE TOM’S CABIN OR LIFE AMONG THE LOWLY* (Ann Douglas ed., Penguin Books 1981) (1852).

15. TOMPKINS, *supra* note 13, at 124.

16. See *id.* at 135.

17. STOWE, *supra* note 14, at 409 (emphasis in original).

Stowe writes, “The round, keen eyes of the black child were overcast with tears;—large, bright drops rolled heavily down, one by one, and fell on the little white hand. Yes, in that moment, a ray of real belief, a ray of heavenly love, had penetrated the darkness of her heathen soul!”<sup>18</sup> Salvation comes through love, here motherly love. Eva touches the abused Topsy, literally and emotionally. The drama has religious overtones, the laying on of hands has healing power. Topsy is granted faith. She also, as we would say today, acquires self-esteem. Thus key to the liberal narrative of compassion is a scene of personal suffering and pain. Topsy, portrayed partially as a comic figure, is a poor slave accustomed to being whipped, a motherless child. Also key to the liberal narrative of compassion is a witness—here the character of Eva and, further, the reader. Through the medium of Eva, the reader is called on to feel that pain, to understand her suffering, and to resolve to act like Eva and thus comprehend the injustice that is slavery.

### I.

Although they draw on texts that represent vastly different aesthetics, Lynne Henderson, Martha Nussbaum, Elizabeth Spelman, and Lauren Berlant can be seen as the heirs to this tradition. Their work attests to the high degree of interest in the emotion of compassion today, although it makes its appearance under different names—empathy, pity, compassion, sympathy. Interested in the cultural politics of the emotions, coming from different disciplines, they variously stress the importance and ubiquity of personal narratives of suffering in eliciting compassion. For the most part they are not in dialogue with each other, and thus one of the purposes of this Article is to gather them together.

Both Henderson and Nussbaum make the case for compassion, or empathy, with conviction, if not passion, in ways that a scholar of cultural studies might well find pre-ideological and naïve.<sup>19</sup> I am interested in their work, finding it preeminently reasonable, if not critical, and promising of practical consequences. Spelman and Berlant offer a more critical, if not severe view of the uncertain relation between feeling and action, or the limits of what I call liberal compassion.<sup>20</sup> When is compassion translated into protest at injustice or transmuted into policy to alleviate suffering? When are these virtuous feelings fleeting, mere transient simulations of a passion for justice that by definition requires sustained commitment? In the space of this Article I will not be able to do justice to their arguments, strong and subtle as they are. I should note too that my primary intention is not so much to challenge their positions—indeed, it seems to me that they are each of them quite right in many respects—but rather to show the common ground among them even as they

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18. *Id.* at 409-10.

19. See Martha C. Nussbaum, *Narrative Emotions: Beckett's Genealogy of Love*, in *LOVE'S KNOWLEDGE: ESSAYS ON PHILOSOPHY AND LITERATURE* (1990) [hereinafter Nussbaum, *Narrative Emotions*]; see also Lynne N. Henderson, *Legality and Empathy*, 85 *MICH. L. REV.* 1574 (1987); Martha C. Nussbaum, *Compassion: The Basic Social Emotion*, 13.1 *SOC. PHIL. & POL'Y* 27 (1996) [hereinafter Nussbaum, *Compassion*].

20. See BERLANT, *supra* note 12; see also SPELMAN, *supra* note 1; Lauren G. Berlant, *Poor Eliza*, 70.3 *AM. LITERATURE* 635 (1998); Martha L. Minow & Elizabeth V. Spelman, *Passion for Justice*, 10 *CARDOZO L. REV.* 37 (1988).

represent a wide spectrum of attitudes about the limits of compassion in the body politic, ranging from the brightly optimistic to the incisively pessimistic.

Lynne Henderson's purpose in her preeminently clear and wide-ranging essay *Legality and Empathy*, published in 1987, is to persuade us that empathy should be cultivated as a moral capacity on the part of judges.<sup>21</sup> For Henderson, empathy is a mode of understanding that includes both affect and cognition and "reveals moral problems" occluded by a reductionist legal rationality.<sup>22</sup> She identifies three basic meanings associated with empathy: feeling the emotion of another; understanding the experience of that other person; and, perhaps most importantly for my purposes, the specific feeling of sympathy or compassion for a person, a feeling that "can lead to action in order to help or alleviate the pain of another."<sup>23</sup> "Empathy," she writes, "is the foundational phenomenon for intersubjectivity, which is *not* absorption by the other, but rather simply the relationship of self to other, individual to community."<sup>24</sup> She quotes the philosopher Bernard Williams who believes that "sympathetic identification with others . . . [is] basic to ethical human experience."<sup>25</sup> How does this identification take place? How is empathy fostered? In the courtroom, what elicits empathy, Henderson believes, is a narrative that conveys the texture of emotional experience—specifically, the experience of suffering.<sup>26</sup> Arguing that conventional legal discourse and the rule of law relentlessly refuse empathetic

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21. Henderson, *supra* note 19.

22. *Id.* at 1576.

23. *Id.* at 1582.

24. *Id.* at 1584 (emphasis in original).

25. *Id.* at 1585 (quoting BERNARD WILLIAMS, *ETHICS AND THE LIMITS OF PHILOSOPHY* 90 (1985)).

26. *Id.* at 1650-53.

narratives,<sup>27</sup> she shows how the decisions of four important cases brought before the Supreme Court—*Brown v. Board of Education*,<sup>28</sup> *Shapiro v. Thompson*,<sup>29</sup> *Roe v. Wade*,<sup>30</sup> and *Bowers v. Hardwick*<sup>31</sup>—turned on the presence, or absence, of empathetic narratives in oral argument and on the understanding of these narratives, or the lack of it, on the part of the justices. She concludes:

The argumentative steps taken to convey human situations to a judge might be described as creating affective understanding by use of a narrative that includes emotion and description (“thick” description, if you will) of a human situation created by, resulting from, or ignored by legal structures, and consciously placing that narrative within a legal framework.<sup>32</sup>

My principal point here is that these four cases are all characterized, albeit in different ways, by narratives of suffering. In *Brown v. Board of Education*, by the suffering of African Americans who were legally barred from attending schools with whites.<sup>33</sup> In *Shapiro v. Thompson*, by the suffering of the poor, specifically people who moved to a new state and, on the basis of a one-year residency requirement, were denied welfare.<sup>34</sup> In *Roe v. Wade*, by the suffering of pregnant women who had been denied access to abortion.<sup>35</sup> And finally, in *Bowers v. Hardwick*, by gays in

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27. *Id.* at 1575-76; see Minow & Spelman, *supra* note 20; see also THE PASSIONS OF LAW (Susan Brandes ed., 1999) (containing various essays about the role of emotion in law). If in 1987 Lynne Henderson argued for the introduction of empathetic narratives in the courtroom, there seems to be no need to make such an argument today. Indeed in the very first sentences of the first paragraph of her introduction, Brandes refers to compassion three times and to sorrow twice:

Emotion pervades the law. This isn't an entirely surprising notion. We know that witnesses bring emotion into the courtroom, and that courtroom drama can be powerfully evocative. We've had many opportunities recently to watch the raw emotion of witnesses, barely suppressed by the legal filters designed to mute its force. We've heard the heartbreaking testimony of the victims, or families of victims, of the Oklahoma City bombing, which evoked widely shared sorrow and compassion. Louise Woodward's trial for killing a baby in her charge raised questions about Woodward's state of mind when baby Matthew was hurt, about whether his mother was sufficiently devoted to him, about whether the judge was properly detached or the prosecutor sufficiently compassionate, and about the role of national and international emotion—in this case a roller coaster of compassion, sadness, revulsion, and outrage at the act, the verdict, and the sentence.

*Id.* at 1.

28. 347 U.S. 483 (1954).

29. 394 U.S. 618 (1969).

30. 410 U.S. 113 (1973).

31. 478 U.S. 186 (1986).

32. Henderson, *supra* note 19, at 1592 (citation omitted).

33. 347 U.S. at 494.

34. 394 U.S. at 623-26.

35. 410 U.S. at 120-22.

America who were persecuted for their sexual practices.<sup>36</sup>

In her analysis of *Brown*, for instance, Henderson concludes that it was the evocation of African-American suffering that ultimately convinced the hearts and minds of the majority on the Court to question the morality—and thus the legality—of segregation.<sup>37</sup> The word “pain” rings throughout her discussion. *Brown*, she writes, “was remarkable, and it remains so, in large part because it is a human opinion responding to the pain inflicted on outsiders by the law.”<sup>38</sup> She regards the opinion of the Court as conveying the crucial “recognition of human experience and pain—of feeling.”<sup>39</sup> Thurgood Marshall’s arguments before the Court, she points out, relied repeatedly on “the narrative of the painful experience of being black in American society.”<sup>40</sup> One of the dimensions of this pain, Marshall argued, is “humiliation,” which is an “actual injury.”<sup>41</sup> In the case of *Brown*, Henderson concludes that the three dimensions of empathy were present: “Feeling the distress of the blacks, understanding the painful situation created by segregation, and responding to the cry of pain by action.”<sup>42</sup> Here the triumph is that, in her words, “legality in its many forms clashed with empathy, and empathy ultimately transformed legality.”<sup>43</sup>

If scenes of personal pain are key to eliciting compassion, I want to stress that Henderson does not assume that a narrative of suffering will necessarily prompt understanding in those on the bench. She acknowledges that people are more likely to empathize with people who are like themselves.<sup>44</sup> She understands the difficulty imposed by different cultural contexts.<sup>45</sup> She is altogether aware of the power of racism, sexism, and other forms of prejudice. Indeed, her examples also bear out the failure of empathetic narratives as tools of persuasion because the divide or difference between those judging and those being judged was too great to be bridged imaginatively.<sup>46</sup> *Roe v. Wade* is one of them. “In *Brown*,” she asserts, “the Court saw the pain and stigma of being black in America; in the abortion cases, the Court has arguably failed to see the pain, despair, and stigma of women with ‘unwanted’ pregnancies and ‘unwanted’ children.”<sup>47</sup> Male Justices could not fully understand the possible suffering caused for women by unwanted pregnancy. *Bowers v. Hardwick* is another example, a case in which Henderson concludes there was a complete absence of empathetic understanding; indeed, instead of compassion, the dominant emotion seemed to be hate, a “perversion of empathy.”<sup>48</sup> A man named Michael

36. 478 U.S. at 192-94.

37. Henderson, *supra* note 19, at 1593-609.

38. *Id.* at 1594.

39. *Id.*

40. *Id.* at 1596.

41. ARGUMENT: THE ORAL ARGUMENT BEFORE THE SUPREME COURT IN *BROWN V. BOARD OF EDUCATION OF TOPEKA*, 1952-55, at 42 (Leon Friedman ed., 1969).

42. Henderson, *supra* note 19, at 1607.

43. *Id.* at 1594.

44. *Id.* at 1580.

45. *Id.*

46. *See generally id.* at 1620-49.

47. *Id.* at 1620.

48. *Id.* at 1638.

Hardwick, through a series of coincidences, was found by a police officer engaging in oral sex with another man in his own home.<sup>49</sup> He was arrested under the Georgia law against sodomy and charged with a felony.<sup>50</sup> The Court voted to uphold the sodomy law in Georgia.<sup>51</sup> Henderson suggests that in this case the very absence of vivid empathetic narratives about the prejudice suffered by gays may have contributed to the unfeeling verdict.<sup>52</sup> Thus if Henderson questions any necessary connection between empathetic narratives—or narratives of compassion—and a compassionate judgment formed in part by responding to such a narrative, she is nevertheless decidedly optimistic about the possibility that such narratives *might* prompt action, which in her world would mean good judgments in our legal system.<sup>53</sup>

Here Henderson joins the philosopher Martha Nussbaum, who identifies compassion as the basic social emotion.<sup>54</sup> In an excellent essay published in 1996 under the title *Compassion: The Basic Social Emotion*, Nussbaum argues persuasively that compassion is a moral sentiment characterized by a certain mode of reason or of judgment.<sup>55</sup> Thus, like Henderson, she believes that emotion in general and compassion in particular can have a cognitive edge.<sup>56</sup> Like Henderson, Nussbaum sees compassion as an emotional bridge between the individual and the community, as, in a formulation that I think Henderson would admire, a “bridge to justice.”<sup>57</sup>

For Nussbaum, compassion is also an instance of what she has elsewhere called the “narrative emotions,” that is, emotions called up by literature, teaching us, in her view, about suffering.<sup>58</sup> It is thus by design that she opens her essay evoking the tragic suffering of Philoctetes in Sophocles’ drama of the same name.<sup>59</sup> Later in her essay she draws on what she calls the contemporary novel of realism—Richard Wright’s *Native Son*<sup>60</sup> is one of her examples—to think through the role of

49. See *Bowers v. Hardwick*, 478 U.S. 186, 187-88 (1986).

50. *Id.*

51. *Id.* at 196.

52. Henderson, *supra* note 19, at 1638-49.

53. *Id.* at 1650. Toni M. Massaro offers a sharp rebuttal to Henderson, arguing that the focus on empathy “represents a hope that certain specific, different and previously disenfranchised voices—such as those of blacks and women and poor people and homosexuals—will be heard, and will prevail.” Toni M. Massaro, *Empathy, Legal Storytelling, and the Rule of Law: New Words, Old Wounds?*, 87 MICH. L. REV. 2099, 2113 (1989) (emphasis in original).

54. Compare Henderson, *supra* note 19, with Nussbaum, *Compassion*, *supra* note 19, and Nussbaum, *Narrative Emotions*, *supra* note 19.

55. See Nussbaum, *Compassion*, *supra* note 19, at 37.

56. Compare *id.* at 38, with Henderson, *supra* note 19, at 1579. One of the major debates in studies of the emotions is whether the emotions have an epistemological dimension and, if so, under what conditions. In the past fifteen years in philosophy, convincing cases have been made that the opposition between reason and emotion is specious.

57. Compare Nussbaum, *Compassion*, *supra* note 19, at 37, with Henderson, *supra* note 19, at 1585.

58. See generally Nussbaum, *Narrative Emotions*, *supra* note 19.

59. Nussbaum, *Compassion*, *supra* note 19, at 27.

60. RICHARD WRIGHT, *NATIVE SON* (1940).

compassion.<sup>61</sup> She concludes her essay with recommendations for putting compassion to use in public life today.<sup>62</sup> Among her suggestions is the sensible call for multicultural education in our schools, one of the primary bases of which would be the study of narratives of suffering.<sup>63</sup> As she advises, “public education at every level should cultivate the ability to imagine the experiences of others and to participate in their sufferings.”<sup>64</sup>

One of Nussbaum’s purposes is to recuperate under the rubric of compassion the original meaning of pity in the Aristotelian sense: pity entailed the spectator’s sense that he or she could suffer similar misfortune.<sup>65</sup> This was crucial, she argues, to a vision of social justice.<sup>66</sup> Over time, however, pity acquired the injurious sense of the superiority of the spectator.<sup>67</sup> This is clearly seen in the definition of compassion given in the *Oxford English Dictionary*: “The feeling or emotion, when a person is moved by the suffering or distress of another, and by the desire to relieve it; pity that inclines one to spare or to succor.”<sup>68</sup> Whereas compassion as “participation in suffering; fellow-feeling, sympathy”<sup>69</sup> is obsolete, compassion is now understood as an emotion “shown towards a person in distress by one who is free from it, who is, in this respect, his superior.”<sup>70</sup> In Nussbaum’s view, this negative connotation of condescension, which is implicit in the definition of pity today, works against a vision of social justice.<sup>71</sup> I agree. Nonetheless, Nussbaum does not so much concern herself with the dangers of appropriation of feeling as with the possibility of what she calls a “sense of commonness.”<sup>72</sup> This is a liberal position. But she is clearly sensitive to questions of difference. And this is also a liberal position. I quote her at some length:

Pity does indeed involve empathetic identification as one component: for in estimating the seriousness of the suffering, it seems important, if not sufficient, to attempt to take its measure as the person herself measures it. But even then, in the temporary act of identification, one is always aware of one’s own *separateness* from the sufferer—it is for *another*, and not oneself, that one feels; and one is aware both of the bad lot of the sufferer and of the fact that it is, right now, not one’s own. . . . One must also be aware of one’s own *qualitative difference* from the sufferer: aware, for example, that Philoctetes has no children and no friends, as one does oneself. For these recognitions are crucial in getting the right estimation of the meaning of the suffering.<sup>73</sup>

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61. Nussbaum, *Compassion*, *supra* note 19, at 41.

62. *Id.* at 50-57.

63. *Id.* at 50-51.

64. *Id.* at 50.

65. *Id.* at 51.

66. *Id.* at 37.

67. *Id.* at 35.

68. III OXFORD ENGLISH DICTIONARY 597 (2d ed. 1989).

69. *Id.*

70. *Id.*

71. *See* Nussbaum, *Compassion*, *supra* note 19, at 31-38.

72. *Id.* at 35.

73. *Id.* (emphasis in original).

As with Henderson, then, Nussbaum cautions that in responding to suffering, we must take care to take our own difference into account, to understand it.<sup>74</sup> But there is a significant difference between them. As the cases she discusses attest, Henderson identifies, if you will, predominately with people who are suffering at the hands of social injustice, from the cruelties of a prejudiced society.<sup>75</sup> Nussbaum, on the other hand, writes primarily from the point of view of the person who witnesses suffering, from the point of view of the reader or spectator, and her focus in the above passage is telling.<sup>76</sup> Philoctetes is a tragic hero, a subject of tragedy. He is exemplary, not a common man.

Finally, Nussbaum argues convincingly that one may understand a situation with compassion even though one does not have the *feeling* itself.<sup>77</sup> At base she understands compassion as “a certain sort of thought about the well-being of others,” as “a certain sort of reasoning.”<sup>78</sup> How is this possible? If one has had the experience of the feeling of compassion, if one has learned to be sensitive to suffering and if one feels passionately about social justice, and if this has become part and parcel of how one evaluates situations and is moved to action, then, Nussbaum concludes, one “has pity whether he experiences this or that tug in his stomach or not.”<sup>79</sup> “No such particular bodily feeling is necessary,” she continues.<sup>80</sup> She joins Henderson here, who emphasizes the importance not just of feeling pain but of *understanding* the experience of suffering.<sup>81</sup> Nussbaum makes a crucial theoretical distinction here, one that has significant aesthetic consequences: it allows her to distance herself from the aesthetic of the sentimental. One need not be, in Nussbaum’s world, moved to tears in order to be moved to pity, her preferred term. In fact, given her taste in narrative (she is drawn to Beckett, not Stowe), she would no doubt agree with the poet Wallace Stevens that “[s]entimentality is a failure of feeling.”<sup>82</sup>

In her thoughtful book *Fruits of Sorrow: Framing Our Attention to Suffering*,<sup>83</sup> the philosopher Elizabeth Spelman, unlike Henderson and Nussbaum, does not so much make the case for compassion as explore some of the complex contradictions that can be involved in the various ways our attention is focused on suffering.<sup>84</sup> She draws on a wide spectrum of work—from Plato and Aristotle to Jean Fagin Yellin and Bill T. Jones. But in the context of my essay it is her discussion of Harriet Jacobs’s *Incidents*

74. *Id.*

75. See Henderson, *supra* note 19, at 1593-650.

76. See Nussbaum, *Compassion*, *supra* note 19, at 35.

77. *Id.* at 37-38.

78. *Id.* at 28.

79. *Id.* at 38.

80. *Id.*

81. Compare *id.*, with Henderson, *supra* note 19, at 1584-85.

82. WALLACE STEVENS, *Adagia*, in *OPUS POSTHUMOUS* 162 (Samuel F. Morse ed., 1957).

83. Spelman, *supra* note 1.

84. Compare *id.*, with Henderson, *supra* note 19, at 1576-78, 1592-94, Nussbaum, *Compassion*, *supra* note 19, at 50-58, and Nussbaum, *Narrative Emotions*, *supra* note 19, 294-97.

in *the Life of a Slave Girl*,<sup>85</sup> written as a first-person narrative and published under the pseudonym of Linda Brent in 1861, that is most relevant. For Jacobs was herself, as Spelman shows, exquisitely attuned to the dangers as well as the promises posed by using compassion as a political tool in calling attention to the evils of slavery.<sup>86</sup> Spelman in effect suggests that Jacobs rewrote *Uncle Tom's Cabin* by adding outrage to the emotional score of sentimentality, thereby emphasizing not just the importance of an individual's compassionate response to another's pain but also the importance of judging the institution of slavery. In such a case, compassion, in other words, must include the element of recognizing injustice, which is a political and social condition, not only an existential one. Spelman quotes this passage from the book written by the former slave:

Could you have seen that mother clinging to her child, when they fastened the irons upon his wrists; could you have heard her heart-rending groans, and seen her blood-shot eyes wander wildly from face to face, vainly pleading for mercy. . . . [C]ould you have witnessed that scene as I saw it, you would exclaim, *Slavery is damnable!*<sup>87</sup>

Jacobs draws on the conventions of the sentimental but she stops short, surprising us by withholding the rhetoric of tears that is the stock in trade of sentimental literature and inserting instead the rhetoric of outrage. A narrative scene of suffering is key. But the emotional response demanded of the reader is more complex than that in the scene I quoted earlier from *Uncle Tom's Cabin* where Eva sympathizes with Topsy as a motherless child. The tender feeling of compassion, Spelman suggests, can be seductive, serving to seal a short circuit of feeling, confining it to the individual. Outrage, on the other hand, is here directed at the slave owners, which is just as it should be. Deserving of compassion, the slave is not reduced to a mere victim but retains moral agency, issuing a judgment call.

Not surprisingly, Spelman shrinks from the social structure of hierarchy and condescension implied by the contemporary understanding of pity; although she understands that compassion and pity are often used interchangeably, unlike Nussbaum she does not want to recuperate pity as a useful political emotion—and I agree that there is no reason to fight what would be, I think, a vain rhetorical battle. Yet for Spelman, as with Nussbaum, a person who experiences compassion for another is one who in fact imagines that they too could be the subject of suffering.<sup>88</sup> All in all Spelman strikes a wise balance between the illicit appropriation of the pain of others and the possibilities of understanding another's pain. As she writes, “despite the ever-present possibility of such exploitative sentimentality—and here again is the tension, the paradox, in appropriation—it would be absurd to deny that in some important sense people can and should try to put on the experiences of

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85. HARRIET A. JACOBS, INCIDENTS IN THE LIFE OF A SLAVE GIRL (Signet Classic 2000) (1861).

86. SPELMAN, *supra* note 1, at 59-61.

87. *Id.* at 78-79 (quoting JACOBS, *supra* note 85, at 23) (emphasis in original).

88. Compare *id.* at 113-32, with Nussbaum, *Compassion*, *supra* note 19, at 34-36, and Nussbaum, *Narrative Emotions*, *supra* note 19, at 309-11.

others.”<sup>89</sup> I appreciate her common sense. At the same time, one of the continuing concerns throughout the pages of her book is the following question, and in her hands it is both a philosophical and a political question: when does the feeling of compassion become an end in itself and thwart action? Ultimately for Spelman a cultural politics of compassion is understood as one that can have valuable effects and must be judged case by case.<sup>90</sup>

The most trenchant indictment of the contradictions implicit in the sentimental narrative in relation to the politics of the American nation has been offered by Lauren Berlant.<sup>91</sup> In a brilliant essay entitled *Poor Eliza*,<sup>92</sup> she examines a rich archive of texts that draw on the strategies and tropes of *Uncle Tom's Cabin*, the ur-text of the American liberal narrative of compassion. Indeed her title refers to *Uncle Tom's Cabin* through the textual relay—or what Berlant wonderfully calls an “emotional quotation or affective citation”<sup>93</sup>—of Rogers and Hammerstein's 1949 musical *The King and I*,<sup>94</sup> which contains a memorable scene where a female slave in the King's palace in Siam herself stages a scene from *Uncle Tom's Cabin* where the slave Eliza runs for her life.<sup>95</sup> In a complex reading of the musical, she acknowledges the salutary aspects associated with the evocation of Stowe's novel,

89. SPELMAN, *supra* note 1, at 119.

90. *Id.* at 82-89.

91. See Berlant, *supra* note 20. The scholarship in literary and cultural studies on sentimentality in American culture is vast. See, e.g., SENTIMENTAL MEN: MASCULINITY AND THE POLITICS OF AFFECT IN AMERICAN HISTORY, *supra* note 3 (providing a concise introduction of the topic). I single out two here—ELIZABETH BARNES, STATES OF SYMPATHY: SEDUCTION AND DEMOCRACY IN THE AMERICAN NOVEL (1997), and THE CULTURE OF SENTIMENT: RACE, GENDER, AND SENTIMENTALITY IN NINETEENTH-CENTURY AMERICA (Shirley Samuels ed., 1992). Generally speaking, studies of the sentimental and studies of trauma are not in dialogue with one another. Perhaps this is because, as Philip Fisher has pointed out, “one of the key sentimental assumptions [is] that suffering does not brutalize, nor does it silence its victims or lead them to save themselves by repressing what they have undergone.” Philip Fisher, *Democratic Social Space: Whitman, Melville and the Promise of American Transparency*, in THE NEW AMERICAN STUDIES 100 (Philip Fisher ed., 1991). Trauma, on the other hand, is conceived of precisely as a pathology. As Cathy Caruth defines it, trauma exists “solely in the *structure of the experience* or reception: the event is not assimilated or experienced fully at the time, but only belatedly in its repeated *possession* of the one who experiences it.” TRAUMA: EXPLORATIONS IN MEMORY 4 (Cathy Caruth ed., 1995) (emphasis in original). Berlant, however, makes an astute point about the similar grounds shared by the sentimental and traumatic narrative. “Currently,” she writes, “as in traditional sentimentality, the authenticity of overwhelming pain that can be textually performed and shared”—she is referring to, among other things, narratives of the Holocaust—“is disseminated as a prophylactic against the reproduction of a shocking and numbing mass violence.” Berlant, *supra* note 20, at 657.

92. Berlant, *supra* note 20.

93. *Id.* at 647.

94. RICHARD ROGERS & OSCAR HAMMERSTEIN II, *The King and I*, in SIX PLAYS BY ROGERS AND HAMMERSTEIN (1959).

95. *Id.* act 2, sc. 3, at 422-29.

among them the impetus of a nation to be socially progressive at a critical historical juncture.<sup>96</sup> But ultimately the scaffold of the sentimental, Berlant insists, collapses under the untenable weight of its contradictions:

[W]hen sentimentality meets politics, it uses personal stories to tell of structural effects, but in so doing it risks thwarting its very attempt to perform rhetorically a scene of pain that must be soothed politically. Because the ideology of true feeling cannot admit the nonuniversality of pain, its cases become all jumbled together and the ethical imperative toward social transformation is replaced by a civic-minded but passive ideal of empathy. The political as a place of acts oriented toward publicness becomes replaced by a world of private thoughts, leanings, and gestures.<sup>97</sup>

The sentimental framing of suffering, Berlant insists, is corrupt for many reasons, not least of which is that the sentimental narrative relies on scenes of pain that wrongly presume that such suffering is universal.<sup>98</sup> For the pain of slavery cannot be understood fully, or assumed, by a white middle-class reader; the politics of personal feeling cannot address the institutional (or what Berlant calls the structural) reasons for injustice.<sup>99</sup> The narrative affords the pleasure of consuming the feeling of vicarious suffering—and its putative moral precipitate, the feeling of self-satisfaction that we wish to do the right thing and thus are virtuous.<sup>100</sup> But the experience of being moved by these sentimental scenes of suffering, whose ostensible purpose is to awaken us to redress injustice, works instead to return us to a private world far removed from the public sphere.<sup>101</sup> Thus in a crippling contradiction, Berlant concludes, the result of such empathetic identification is not the impulse to action but rather a “passive” posture.<sup>102</sup> Fundamentally, therefore, the sentimental narrative is deliciously consumable and cruelly ineffective. Berlant’s critique of the sentimental narrative, or sentimental liberalism, is severe, even unforgiving. The genre of the sentimental narrative itself is morally bankrupt.<sup>103</sup>

But in *Poor Eliza*, Berlant identifies as well what she calls the postsentimental text, offering James Baldwin’s essay on *Uncle Tom’s Cabin* entitled *Everyone’s Protest Novel*,<sup>104</sup> Robert Waller’s *The Bridges of Madison County*,<sup>105</sup> and Toni

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96. Berlant, *supra* note 20, at 638.

97. *Id.* at 641.

98. *Id.*

99. *Id.*

100. *Id.*

101. *Id.*

102. *Id.*

103. How would Berlant respond, I wonder, to Jane Tompkins’s claim that *Uncle Tom’s Cabin* was in great part responsible for the abolition of slavery? TOMPKINS, *supra* note 13, at 141.

104. JAMES BALDWIN, *Everybody’s Protest Novel*, in *THE PRICE OF THE TICKET: COLLECTED NONFICTION, 1948-1985*, at 27 (1985).

105. ROBERT J. WALLER, *THE BRIDGES OF MADISON COUNTY* (1992).

Morrison's *Beloved*<sup>106</sup> as templates.<sup>107</sup> What differentiates these texts from sentimental texts? Among other things, a clear-eyed if nonetheless ambivalent refusal of the fantastical optimism central to the sentimental narrative. More specifically, with *Everyone's Protest Novel*, the "powerful language of rageful truth-telling."<sup>108</sup> Like Harriet Jacobs, Baldwin adds outrage to the sentimental score, in effect understanding such a complex response to suffering as necessarily having a cognitive component. In *Poor Eliza* Berlant's purpose is not only to critique the sentimental liberalism she abhors but also to explore the possibilities of a sentimental radicalism. Her own essay, concluding with an eloquent discussion of *Beloved*, rises itself to the condition of possibility beyond cynical reason and an empty, commodified optimism based on falsely shared suffering.

The kinds of texts—literary, philosophical, cultural—that Henderson, Nussbaum, Spelman, and Berlant take up as paradigmatic are assuredly different and thus their positions must necessarily be different as well. Henderson focuses on oral argument in the Supreme Court from the 1950s to the 1980s.<sup>109</sup> Nussbaum, notwithstanding her references to contemporary multicultural texts, on Greek tragedy.<sup>110</sup> Spelman and Berlant, on nineteenth- and twentieth-century literature and art that protest social injustice and are decidedly more ambivalent about the possibilities for social redress than is the optimistic sentimental narrative.<sup>111</sup> In Nussbaum's world of liberal compassion, for example, we are far from Berlant's unrelenting critique of the aesthetic ideology of the sentimental. Nonetheless, all four emphasize scenes of suffering and of pain as basic to what I am calling the liberal narrative of compassion. All four as well are concerned, albeit to different degrees, with the potential corrupting relation of unequal power between the one who suffers and the one who witnesses that suffering, as well as with the related question of the ineffectiveness or effectiveness of the moral response evoked—whether empathy, pity, compassion, or sympathy—in achieving social justice.<sup>112</sup> Finally, all invest an appropriate emotional moral response, whatever it is called, with a cognitive

106. TONI MORRISON, *BELLOVED* (1987).

107. Berlant, *supra* note 20, at 637.

108. *Id.* at 656.

109. Henderson, *supra* note 19.

110. Nussbaum, *Compassion*, *supra* note 19; Nussbaum, *Narrative Emotions*, *supra* note 19.

111. SPELMAN, *supra* note 1; Berlant, *supra* note 20.

112. I have focused on texts by four women. I do not mean to imply, however, that men have not contributed to the exploration of the power of the narrative of social suffering in moving people to social justice. Consider, for example, Richard Rorty, *Human Rights, Rationality, and Sentimentality*, 81.4 *YALE REV.* 1 (1993). His position is unequivocal. "We are now," he writes, "in a good position to put aside the last vestiges of the idea that human beings are distinguished by the capacity to know rather than by the capacities for friendship and intermarriage, distinguished by rigorous rationality rather than by flexible sentimentality." *Id.* at 19. How do we convince someone to do the right thing for another person? The best way, he counsels, is to give a sort of long, sad, sentimental story that begins "Because this is what it is like to be in her situation—to be far from home, among strangers," or "Because she might become your daughter-in-law," or "Because her mother would grieve for her." *Id.*

component, arguing that a critical understanding of social injustice is crucial.

## II.

If sophisticated attention is being given today in the academy to the cultural politics of compassion with serious concerns about its efficacy, the rhetoric of compassion, appropriated by George W. Bush, had a resounding success in the last presidential election. What calculus is involved in a conservatism that is labeled compassionate? What characterizes a conservative narrative of compassion?

In the liberal narrative of compassion, the word “compassion” is used primarily as a noun or a predicate adjective in relation to people. A person feels compassion or is compassionate. Compassion is a feeling, and it is embodied. In the conservative narrative, in contrast, compassion is used predominantly as an adjective, one that characterizes an ideological stance, policy, or program. Bush not only ran on a platform of compassionate conservatism, he has described his budget as compassionate. Detached from people, compassion is attached to policies and practices. Oddly, in the mouths of conservatives, the adjective “compassionate” seems to have no referent to a feeling at all—or at least not to the feeling of sympathy that is associated with compassion. It is merely a word that refers, through a sleight of rhetoric, to economic conservatism. Here is, I believe, an instance of the waning of affect that pervades postmodern culture. Furthermore, even if sentiment, or sensitivity, is performed, it does not seem linked to sympathy for others. Consider, for example, the way in which Bush seemed moved during the delivery of his inaugural speech, affected by the rhetoric of his vision for the America. At the same time a politics of gender is also at work. If compassion does not entail sympathy, it clearly does refer to a strict and stern paternalism, to the demand for discipline and responsibility. Under the screen of the feminine, compassion is masculinized in conventional tones. On July 22, 1999, in Indianapolis, for instance, in what is regarded as his first major policy address as a presidential candidate, Bush pledged to “rally the armies of compassion in our communities to fight a very different war against poverty” and praised programs that practice “severe mercy.”<sup>113</sup> How far we are from the teary sentimental rhetoric of *Uncle Tom’s Cabin*, from Thurgood Marshall’s passionate arguments in *Brown v. Board of Education*, from Harriet Jacobs’s outrage, from Richard Wright’s harrowing *Native Son*, and from Toni Morrison’s *Beloved*.

What kinds of stories do compassionate conservatives tell? In our televisual political culture, a narrative of compassion is condensed into a visual sound bite. Thus if Bill Clinton, in his January 20, 1999, State of the Union address, introduced Rosa Parks, calling up decades of struggle over civil rights and evoking her suffering as a profile in courage,<sup>114</sup> to whom did George W. Bush gesture in his February 27, 2001, speech to Congress outlining his budget proposal? Appropriating the Democratic strategy of referring to people in the audience, Bush first pointed to John Street, Democratic mayor of Philadelphia, who has supported faith-based

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113. George W. Bush, *The Duty of Hope*, in OLASKY, *supra* note 5, at 219.

114. President William J. Clinton, State of the Union Address, in 145 CONG. REC. S330, S334 (daily ed. Jan. 19, 1999).

organizations in Philadelphia.<sup>115</sup> Second, to Steven and Josefina Ramos:

With us tonight, representing many American families, are Steven and Josefina Ramos. They are from Pennsylvania, but they could be from any one of your districts. Steven is a network administrator for a school district, Josefina is a Spanish teacher at a charter school, and they have a 2-year old daughter. Steven and Josefina tell me they pay almost \$8,000 a year in federal income taxes; my plan will save them more than \$2,000. Let me tell you what Steven says: “Two thousand dollars a year means a lot to my family. If we had this money it would help us reach our goal of paying off our personal debt in two years time.”<sup>116</sup>

Compassion is here referred to only through the implied relay to economic conservatism, which is in fact what compassionate conservatism is. Here is the calculus of compassionate conservatism laid bare. Note also that the members of this small nuclear family are none of them suffering in the ways underlined in the cases brought before the Supreme Court that Henderson discusses. The *feeling* of compassion is not evoked. We are not told a story, which implies a past. Indeed there is no real *story* here. We are presented instead with the possibility of a bright economic future and the principle that people are to be rewarded for identifying goals and working hard to achieve them. Note also that there is only a gesture to difference—Steven and Josefina Ramos are presumably Hispanic—but the possible harsh realities of prejudice based on difference are not invoked. Instead these three people represent “many American families.” Here we have a condensed version of the American Dream. As Lauren Berlant writes in *The Queen of America Goes to Washington City*,<sup>117</sup> the American Dream

fuses private fortune with that of the nation: it promises that if you invest your energies in work and in family-making, the nation will secure the broader social and economic conditions in which your labor can gain value and your life can be lived with dignity. It is a story that addresses the fear of being stuck or reduced to a type, a redemptive story pinning its hope on class mobility.<sup>118</sup>

What is the model for this condensed narrative of conservative compassion? Marvin Olasky’s *Compassionate Conservatism*, published in 2000 and graced with a foreword by then Governor George W. Bush, provides a template.<sup>119</sup> A professor of journalism at the University of Texas at Austin and a born-again Christian, Marvin Olasky has been credited with the formulation of “compassionate conservatism,” although ironically, as he himself points out, it appears that the phrase itself was first used by none other than Bill Clinton’s good friend Vernon

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115. *Transcript of President Bush’s Message to Congress on His Budget Proposal*, N.Y. TIMES, Feb. 28, 2001, at A14.

116. *Id.*

117. BERLANT, *supra* note 12.

118. *Id.* at 4.

119. OLASKY, *supra* note 5.

Jordan in 1981.<sup>120</sup> *Compassionate Conservatism* is the triumphant sequel to Olasky's *The Tragedy of American Compassion*,<sup>121</sup> a book published eight years earlier, which traces the policies of compassionate conservatism to their roots in colonial America. If *Uncle Tom's Cabin* provides the reader with a sentimental education, enacting a moral pedagogy of the emotions, *Compassionate Conservatism* is a narrative of the political education of the younger generation, rehearsing the political—and spiritual—pedagogy of entrepreneurship, faith, and tough love. If *Uncle Tom's Cabin* and *Incidents in the Life of a Slavegirl* foreground scenes of feeling that are coded as feminine, Olasky's narrative is gendered male. The father of four sons, Olasky recounts the journey he took in 1999 with his fourteen-year-old son Daniel to visit programs around the United States that embody the tenets of compassionate conservatism.<sup>122</sup> A political travelogue of discovery, a field trip about government for a high school student, the narrative is, like *Uncle Tom's Cabin*, one of transformation.<sup>123</sup> Transformation, however, is not a matter of enlightenment about the suffering of other people. Rather it is about what works. Olasky writes,

The travel had changed Daniel in several vital ways, but had also changed me. I became convinced that the best way to understand compassionate conservatism is not to go through a list of theoretical statements but to walk the streets of our large cities and talk with those whose faith is so strong that they refuse to give up.<sup>124</sup>

In the course of the narrative, father and son, who live in Austin, travel to Houston and Dallas, Indianapolis and Camden, Philadelphia and Minneapolis, St. Louis and Washington, D.C.<sup>125</sup> Consider Olasky's account of their visit to Indianapolis, the city where George W. Bush delivered his first major speech as a presidential candidate in July 1999. Olasky begins his chapter on Indianapolis by briefly sketching its business history and then taking us to the twenty-fifth floor office of the mayor, Steve Goldsmith, who we are told established the Front Porch Alliance, which throughout the 1990s brought together "faith-based and other civic organizations to develop eight hundred partnerships for neighborhood action."<sup>126</sup> From the height of government we descend into the streets of Indianapolis and are introduced to one person after another, all of whom have successfully developed a program or a center with support from city government, and virtually all of whom have a strong belief in Christianity.<sup>127</sup> They are described. They are given names. The Reverend Jay Height, executive director of the Shepherd Community Center.<sup>128</sup> Olgen Williams, a part-time pastor and "the long-married father of ten children" who was forced to quit his job as an oil refinery foreman when he fell and broke both

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120. *Id.* at 9.

121. MARVIN N. OLASKY, *THE TRAGEDY OF AMERICAN COMPASSION* (1992).

122. OLASKY, *supra* note 5, at 21-22.

123. *Id.*

124. *Id.* at 22.

125. *Id.* at 21 ("Daniel and I hit the road, on our way to visiting antipoverty programs in Texas, the Midwest, and the East.")

126. *Id.* at 62.

127. *Id.* at 65-87.

128. *Id.* at 65.

wrists and now manages Christamore House, which provides food to the poor; in return for food, we are told, Williams insists on work.<sup>129</sup> Sixty-eight-year-old Ermil Thompson, a believer in Christ “who worked her fingers to the bone for several years cooking and selling lunches to raise thousands of dollars to buy and convert a dilapidated house” into what became the Lifeline Community Center.<sup>130</sup> And many others.

Who are the people for whom these programs are designed? They are identified only as drug dealers, killers, prostitutes, and gang members.<sup>131</sup> If Olasky tells about the people who have established these programs, we do not hear the stories of people who have been helped by them. Not one such person is individualized or given the dignity of a name.<sup>132</sup> It is clear that the reader’s admiration is to be directed toward the organizers of these faith-based programs. They are the ones who have triumphed over the odds. If we are indeed to have sympathy for anyone, it is elicited primarily for them, a sympathy that is rapidly converted into respect for their achievement. Take Tim Streett, a minister who when he was fifteen witnessed his father’s murder in a mugging by two inner city young men and who now, at the age of thirty-six, married with a child of his own, has established an after-school sports program for inner city youth.<sup>133</sup> Even the evocation of abused children does not work so much to solicit our compassion for them as to engender our dismay at their parents. As we saw with *Uncle Tom’s Cabin*, the suffering child is the stock in trade of sentimental literature. But here the focus is not so much on the child as it is on the parent as victimizer. Olasky quotes Judge James Payne, who has allowed faith-based organizations to work with the juvenile court system in Indianapolis: “We see fetal alcohol use, mothers on drugs physically and emotionally aggressive with children.”<sup>134</sup>

Overall the emphasis is on action, on getting things done, on what has been called *effective* compassion, with the stress on results and not on sentiment. The narrative is entrepreneurial, with tough love one of its major lessons. For example, one of the operating principles of Teen Challenge, a national program for drug treatment, is, as one of the members of its administration puts it: “We have a rule: If you don’t work, you don’t eat.”<sup>135</sup> As Bush commented approvingly in his July 1999 speech, “This is demanding love—at times, a severe mercy.”<sup>136</sup>

This pragmatic stress on what works is also seen clearly in Joseph Jacobs’s *The Compassionate Conservative*,<sup>137</sup> a book published in 2000 and blurbbed enthusiastically by then Governor Bush on its red-white-and-blue cover.<sup>138</sup> “Great Phrase! Great ideas!” In *The Compassionate Conservative*, Jacobs, a former businessman and now a philanthropist, adopts the American form of the jeremiad

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129. *Id.* at 73.

130. *Id.* at 76.

131. *See id.* at 65-87.

132. *Id.*

133. *Id.* at 83-87.

134. *Id.* at 81.

135. *Id.* at 219.

136. *Id.*

137. JACOBS, *supra* note 6.

138. *Id.*

and lays out what he sees as the principles of compassionate conservatism. At its core is economic conservatism. As he writes,

compassion is an overarching moral value fundamental to all of us, no matter what our stand on specific moral issues. Wresting exclusive ownership of it from the liberal left will be easy if we say what conservative compassion will do. Elevating the debate to differences in how we make compassion work will attract the economic conservatives in America to our cause.<sup>139</sup>

Pointing to some of the very problems identified by the scholars of sentiment I discussed in the previous section, Jacobs asserts that liberal compassion has failed, but that conservative compassion will work.<sup>140</sup> His attention is not focused on the suffering body. Rather his concern is that liberalism creates dependency—emotional and economic dependency.<sup>141</sup> He perceptively observes that the pleasures of compassion, identified by Spelman and Berlant,<sup>142</sup> can create a “double dependency”: those who find themselves uplifted by the feeling of compassion must maintain a constituency of people who require their compassion, a phenomenon he vividly calls “moral greed.”<sup>143</sup> Compassion is corrupting. It is an “emotional narcotic,” a byproduct of which is the toxic “feeling of superior moral strength.”<sup>144</sup> But if in all of the texts I have chosen to discuss—from Stowe to Berlant—there has been sustained interest in the suffering of African-Americans in particular in the United States, in *The Compassionate Conservative* we find instead the rhetorical transformation of the fact of this history of slavery and suffering into a brutal metaphor for dependency across the entire population of America that Jacobs believes is the responsibility of liberals.<sup>145</sup> “The welfare state created by liberals in pursuit of their compassion has assumed the role of the benevolent slave owner of the twentieth century,” he proclaims, crudely drawing on America’s history of slavery to delegitimize Democratic policies.<sup>146</sup> What does Jacobs propose? His interest is not in faith-based charities—even if animated by tough love—but in the creation of jobs. For him the creation of jobs is itself an act of compassion.<sup>147</sup> What kinds of stories does he tell about compassion? Business stories. Early in his book he tells us about the difficult times he himself endured in 1984 when, as the head of his company, he was forced to restructure his workforce, including “reducing permanent staff by almost half.”<sup>148</sup> “The emotional toll on those of us who had to do this restructuring was debilitating,” he writes.<sup>149</sup>

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139. *Id.* at xxii.

140. *See id.* at xix-xxiv.

141. *Id.* at xxiii.

142. *See* SPELMAN, *supra* note 1; BERLANT, *supra* note 20.

143. JACOBS, *supra* note 6, at 41.

144. *Id.* at 84.

145. *Id.* at xxiv.

146. *Id.*

147. *Id.*

148. *Id.* at 28.

149. *Id.*

We spent many sleepless nights as our compassion for those people who were being fired (I refuse to use softer words) was constantly being challenged by our compassion for the rest of the people who would lose their jobs if the company were allowed to fail. This is one more illustration that compassion is not an unalloyed virtue. Even with that noble virtue one needs to make choices—tough choices. . .

<sup>150</sup>

It need hardly to be noted that the focus is first directed to his wretched feelings, not those of the soon to be unemployed. But how, given the importance of the creation of jobs, does this narrative that begins with unemployment come to an end? On a note of enterprising optimism. In the business world, which Jacobs regards as a microcosm of America, his firing of people proved successful: some fifteen years later the company is four times larger, the result of tough love, among other factors.<sup>151</sup> Thus calculation of compassion is at base quantitative, economic. As Jacobs recounts later in *The Compassionate Conservative*, telling another business story of compassionate conservatism, writing of the successful measures he put in place to reduce the number of injuries in his company, there was also an economic benefit, a brightening of the bottom line.<sup>152</sup> The conclusion of this narrative? “Our insurance premiums are reduced,” he notes.<sup>153</sup> “Therefore, self-interest is served.”<sup>154</sup>

The liberal narrative of compassion asks us to have sympathy for those who are suffering unjustly; such suffering is understood as social suffering.<sup>155</sup> George W. Bush, in appropriating the rhetoric of compassion and drawing on the above two models of compassionate conservatism, has shrewdly excised the suffering body—one characterized by difference—from his national narrative of the future of the United States. Foregrounded are not the suffering bodies of African-Americans and the poor, but ministers and businessmen. With Bush’s plan for faith-based charities, calling on ministers who provide spiritual healing, we find ourselves in an uncanny return to the nineteenth century. Compassion is not only given a religious dimension, it is masculinized. With Bush’s belief in economic conservatism, we return to the Reagan Years under the banner of compassion. Yet Bush does not ask us to focus on people in pain. He does not concern himself with the problem of the appropriation of feeling or of an unequal balance of power. If Nussbaum asks us to resurrect the emotion of pity in social and political life today, placing pity in an historical narrative and contending that we must recuperate its former sense of “fellow-feeling, sympathy,”<sup>156</sup> Marvin Olasky does not go to so much trouble: he simply insists on the obsolete definition of compassion<sup>157</sup> given in the *Oxford English*

150. *Id.*

151. *Id.*

152. *Id.* at 153-54.

153. *Id.* at 154.

154. *Id.*

155. “Social suffering” is a phrase used by the medical anthropologist Arthur Kleinman and others in their book *Social Suffering*. SOCIAL SUFFERING (Arthur Kleinman et al. eds., 1997).

156. Nussbaum, *Compassion*, *supra* note 19, at 29-31.

157. OLASKY, *supra* note 5, at 2.

*Dictionary* as: “Suffering together with another, participation in suffering; fellow-feeling, sympathy.”<sup>158</sup> Compassion is, he declares in *Compassionate Conservatism*, “suffering with.”<sup>159</sup> In a politically brilliant move, by the sleight of hand of definition, the problem of an imbalance of power is eliminated. Thus in the conservative narrative of compassion—indeed in a sense *there is no narrative*, merely citations, and thus virtually no emotion can be enkindled—the critique of the liberal narrative of compassion is converted into a strength for conservatives. If the liberal focus is on the uncertain connection between feeling and action, the calculated response of conservatives has been to incisively sever the link between feelings of compassion for people and action, eliminating the feeling of compassion altogether.

### III.

But I would be remiss if I concluded on the above note. As I did research for this Article I was surprised by the ways in which I felt drawn to several of the pragmatic arguments advanced by conservatives and by the unexpected directions in which my reading took me. Jacobs ends his book not with his own words but with a confession on the part of two self-identified compassionate liberals—Jennifer Vanica and Ron Cummings.<sup>160</sup> They have worked for five years as directors of the Jacobs Family Foundation and the Jacobs Center for Nonprofit Innovation and refer to themselves as having been converted by the experience.<sup>161</sup> Having spent twenty years in the nonprofit world, they were more than skeptical of Jacobs’s free market strategies, including the tenet of accountability.<sup>162</sup> But after some five years with the Family Foundation, they realized that grants that do not lead to self-sustainability simply do not work and pursued a bolder strategy of what they call “venture” philanthropy with the Jacobs Center for NonProfit Innovation.<sup>163</sup> And they have seen successes.<sup>164</sup> They thus refer to his story of the 1984 restructuring of his company with respect, not cynicism.<sup>165</sup> “Dr. Jacobs tells the story of coming out of retirement when Jacobs Engineering was floundering and having to fire middle management and restructure the company,” they write.<sup>166</sup> “He says it was the most painful experience of his professional life.”<sup>167</sup> But it saved the company and resurrected it to employ many more people.<sup>168</sup> Their testimony I found sobering. As well, the idea that some action after all might *work* I found immensely hopeful. What was stirred in me was not compassion but hope, the feeling that something could be done. Perhaps I was only responding to being interpellated as a caring citizen, seduced by an empty promise.

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158. III OXFORD ENGLISH DICTIONARY 597 (2d ed., 1989).

159. OLASKY, *supra* note 5, at 2.

160. JACOBS, *supra* note 6, at 261.

161. *Id.* at 261-62.

162. *Id.*

163. *Id.* at 264.

164. *Id.* at 264-77.

165. *Id.* at 267.

166. *Id.*

167. *Id.*

168. *Id.*

Certainly the workings of the Bush administration have not given me reason to increase my expectations. But I did find myself open to entertaining new possibilities, attracted to the meditations on compassion by the philosopher Simone Weil in great part because she asks us—in an unsentimental way—to take on the responsibility of doing good works.<sup>169</sup> For her—although I simplify here—justice is a form of compassion, and justice is a social act.<sup>170</sup> For her compassion is not so much a sentiment as it is a belief.<sup>171</sup> I also turned to the challenging work of the German philosopher Agnes Heller who argues that conscience is an emotion, an idea that is intriguing because she reverses the conventional understanding that feelings of caring are ethical, suggesting instead that an ethical sense is itself a feeling.<sup>172</sup> Heller prefers to use the word “concern” to describe this moral orientation to the world.<sup>173</sup> For Heller concern includes helping those in need.<sup>174</sup> Here she recalls Lynne Henderson’s inclusion of the desire to alleviate the suffering of others in the meanings of empathy, but Heller’s emphasis falls less on feeling and more on involvement. “Decent persons indeed feel empathy,” she writes.<sup>175</sup> “[H]owever their predominant emotional state of mind is one of concern rather than one of compassion (though it does not exclude the feeling of compassion). . . . Being concerned includes the readiness ‘to do something about it.’”<sup>176</sup>

The legal scholar Martha Minow has recently spoken about the blurring of boundaries between the public and the private, the secular and the religious, and the nonprofit and profit worlds, closing her lecture with an invitation to join her in a “search for ways to turn rivals into partners in the service of fairness, skill, and compassion.”<sup>177</sup> She suggests that we need new metaphors to help us build this world together—not the language of boundaries and lines but of commitments and values.<sup>178</sup> I would further suggest that the boundaries are blurring, appropriately so, between the emotions and judgment or reason, and that we need to find a way to avoid accenting one term over the other. The philosopher Annette Baier offers us one way: she theorizes trust as a value that mediates between what she sees in contemporary philosophical debates as a feminist emphasis on caring and compassion and a male emphasis on law, obligation, and contract, both of them ultimately inadequate positions for many reasons—for what we might call humane reasons without blushing or wincing.<sup>179</sup> I like her singling out trust as a value. Trust

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169. See, e.g., SIMONE WEIL, *THE NEED FOR ROOTS: PRELUDE TO A DECLARATION OF DUTIES TOWARDS MANKIND* (A.F. Wills trans., 1952); SIMONE WEIL, *FIRST AND LAST NOTEBOOKS* (Richard Rees trans., 1970).

170. *Id.*

171. *Id.*

172. AGNES HELLER, *A PHILOSOPHY OF MORALS* (1990).

173. *Id.*

174. *Id.*

175. *Id.*

176. *Id.* at 130.

177. Martha Minow, *Lecture: Partners, Not Rivals? Redrawing the Lines Between Public and Private, Non-Profit and Profit, and Secular and Religious*, 80 B.U. L. REV. 1061, 1094 (2000).

178. See *id.*

179. ANNETTE C. BAIER, *MORAL PREJUDICES: ESSAYS ON ETHICS* (1994).

does not belong to what Berlant would call a passive world of feeling, one that can be satisfied with the narcotic of feeling itself. Trust is a declaration of respect, an appraisal of the world—in the form of another person or an institution, for example—and is thus a judgment. Trust therefore has a cognitive dimension. It belongs not just to a world of solipsistic self-regarding feeling, which is, as we have learned, one of the dangers of compassion. Trust assumes a world of interdependency. Trust confers agency on others. Trust can itself be a gift, in the hope that it is offered wisely.