

Empathy in Our Moral Assessment of Violence: A Comparative Analysis of The Approaches of Seneca, Sontag and Butler

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One of the arguments for anger control made by the Roman philosopher Seneca is based on our ability to see ourselves as being as liable as any other to commit moral mistakes, and as vulnerable as any other to fall victim to moral mistakes (*De Ira* 1.14.2; 2.10.2; 2.31.8; 2.33.4; 3.26.4). The psychological capacity that Seneca is invoking here is an instance of cognitive empathy, according to which the individual can take the other's perspective on the basis of the general understanding of a shared human condition: vulnerability. Awareness of human failure is regarded by Seneca as the foundation for stopping retributive violence and as a call for humanitarianism, as that awareness appeals to a common position from which one may understand – and condemn – the other's point of view. Although this empathic capacity is presented as a way of counteracting violence, prompting mercy, and embracing love for the whole of humankind (*De Clem.* 2.4.3), being thus a motivational element for pro-social action, Seneca warns that it should not drive us to align our own emotions with those of the other. The notion of empathy at stake, then, is against what has been called 'projective empathy'¹ which involves something similar to 'entering' the other's feelings from their standpoint. In contrast, Seneca attempts to set the standards for a consideration of social life in which individuals are capable of fully acknowledging the wrongs committed by others without having an emotion-based reaction to them. These standards are based on the recognition of a sense of humanity that entails our inability to escape from both committing mistakes and suffering from those committed by others.

One may or may not agree with Seneca's critique (or be sceptical about the possibility) of being emotionally engaged with other people's feelings, but it is worth considering the difficulties raised by his stance on emotional responses when we are confronted with situations in which two 'Others' enter into conflict justifying violence in terms of allegedly previous, or supposedly forthcoming, violence. Our capacity to respond to violence from a distance, and to react to suffering that is presented as being (and many times believed to be) somehow deserved, is a relevant and urgent question to be pursued further. The question of the relationship between emotional response and moral response, and between emotional reaction and effective political reaction has been a matter of much discussion. Examples of this discussion, as it has taken place in academic circles, are Susan Sontag's and Judith Butler's concerns about our reaction to war. Thus Seneca's programmatic attempt at establishing a way to actively respond to others' sufferings based on the recognition of our own enormous capacity

¹ Here I am following Stephen Darwall's definitions of the wide range of psychological phenomena that can be tied to the term 'empathy' on Stephen Darwall, "Empathy, Sympathy, Care," *Philosophical Studies: An International Journal of Philosophy in the Analytic Tradition* 89 (1998): 261- 282, accessed July 17, 2014. Given Seneca's conception of emotion, which relies on a volitional assent to a judgment, the phenomenon of 'emotional contagion' is not considered in his analysis.

to fail, as opposed to the pity and sorrow that these sufferings may (or may not) cause us, is a valuable approach to consider. Susan Sontag has focused her attention, in both *On Photography* and *Regarding the Pain of Others*, on how photographs can – if at all – convey the sufferings of those depicted so that they may influence our evaluation of war and, most importantly, our capacity to react in accordance with that evaluation.² Judith Butler, in turn, has drawn our attention to the question of our ethical duties towards those who are regarded as distant (either in geographical or cultural terms), and the problem generated by the questionable reliability of mainstream media to register and report the sufferings of war, imprisonment and immigration. Butler's³ crucial concern lies in thinking about the frames in which we (fail to) apprehend some lives as lost or injured, and particularly the ways in which some lives can be rendered invisible to us by means of presenting them in disagreement with the norms that qualify them as lives – most of her examples on this matter are taken from those Guantánamo prisoners tagged as 'terrorists'.

It is in this respect that Seneca tackles the problem of our moral reaction to violence from a core point: he does not focus his discussion on our reaction to those who suffer, but rather on our reaction to those who suffer and at the same time are regarded as guilty of some sort of violence, and therefore as deserving certain punishment. It is at this point that our capacity to empathise and our moral duties towards others are really challenged. Accordingly, I would like first to briefly introduce Seneca's discussion on the difference between pity (*miser cordia*)⁴ and mercy (*clementia*) as different stances on violence committed by others, in order to show how a notion of empathy underlies his interest in establishing a norm for moral assessment and social practice that is independent of the particularity of any emotional reaction. Finally, I would like to emphasise how certain aspects of Seneca's attempt to establish mindfulness of our own capacity to err and to suffer from others' errors as the starting point for his claim for humanitarian reaction to others' moral mistakes, bears some resemblance to Butler's attempt at making the notion of 'vulnerability' the basis of claims for non-military political solutions to violence. Despite the differences between Seneca and Butler (including Seneca's general concern about the restraint of emotions⁵ being unrepresented in Butler), my interest in this paper points to their attempts at laying the foundations of our moral assessment of notions of shared human vulnerability as a basis for rethinking cycles of retributive violence.

Seneca grounds his moral theory in a unitary notion of virtue,⁶ understood as a permanent and fixed disposition of the mind (*inclinatio animi*), that is identical to knowledge. On that account, virtue will permanently and coherently make a correct use of the representations – judgments of reality – guaranteeing that the resulting

² Susan Sontag, *Regarding the Pain of Others* (London: Penguin, 2003), 93-101.

³ Judith Butler, *Frames of War*, (London: Verso, 2009), 2-3.

⁴ David Konstan identifies ancient pity with our modern concept of 'sympathy' on David Konstan, *Pity Transformed* (London: Duckworth, 2001), 12. Sympathy, in turn, is linked not so much to the ability to feel what others feel, but to an inclination towards the other's good (Darwall, *Empathy*, 263).

⁵ As discussed in Martha Nussbaum, *The Therapy of Desire: Theory and Practice in Hellenistic Ethics* (New Jersey: Princeton University Press, 1994), 359-401; see also William Harris, *Restraining Rage. The Ideology of Anger Control in Classical Antiquity* (Cambridge, Mass.: Harvard University Press, 2001), 17-8; 112-7.

⁶ Yet Seneca sometimes refers to virtues in plural (e.g. *De Clem.* 1.3.2).

behaviour will be in accordance with the rational principles of morality.⁷ The Stoics, in whose school Seneca sits, following Socrates at varying levels of rigour identified virtue with knowledge, and vice with ignorance or cognitive failure. Vice is a state of both unsteadiness and unhappiness, in which the individual finds no inner coherence.⁸ Emotions (*affectus animi*), according to this theory, are understood as vices, or unstable states of mind that shape our capacity to deliberate thereby driving us to act against what is considered to be rational in normative terms.⁹ In addition, since emotions are fluctuations of the mind, the resulting behaviour of those possessed by them is equally unstable (*De Ira* 1.17.5).

From Seneca's viewpoint, mercy is one of the aspects of virtue, and since it entails a complete restraint of emotions, it can be invoked as the basis for moral engagement and public concord. Mercy is primarily presented as the general and stable disposition towards human error (more than towards individuals in particular) based on the acknowledgment of a shared human capacity to commit mistakes:¹⁰

We have all sinned –some in serious, some in trivial things; some from deliberate intention, some by chance impulse, or because we were led away by the wickedness of others; some of us have not stood strongly enough by good resolutions, and have lost our innocence against our will and though still clinging onto it; and not only have done wrong, but we shall go on doing wrong to the very end of life. (*De Clem.* 1.6.3).

Seneca, thus, uses this notion to justify a general disposition towards others' mistakes, which starts from an empathic understanding that we could somehow find ourselves in the position of the one who fails. In addition, mercy is defined as 'restraining the mind from vengeance when it has the power to take it, or the leniency of a superior towards an inferior in fixing punishment' (*De Clem.* 2.3.1).

Pity, on the other hand, is considered an emotion, a weakness of the mind (*vitium pusilli animi*) which 'succumbs to the sight of other's ills' (*De Clem.* 2.5.1). Seneca also defines it as 'an affliction of the mind (*aegritudo animi*) brought about by the sight of the distress of others, or sorrow (*tristitia*) caused by the ills of others which it believes come undeservedly' (*De Clem.* 2.5.4).¹¹ The particular problem with pity is that in making us feel sorrow for others it hinders our ability to distinguish good from bad and this generates confusion: 'Sorrow is not adapted to the discernment of fact, to the discovery of expedients, to the avoidance of dangers, or the weighting of justice' (*De Clem.* 2.6.1). Seneca is aware of the problematic nature of manipulation and how pity can predispose certain opinions to favour one perspective over another, thereby overshadowing evidence: 'I have been moved to pity by the fresh youth of one, by the extreme old age of another; one I have pardoned for his high position, another for his humble state; whenever I found no excuse for pity, for my own sake I have spared' (*De Clem.* 1.1.4). We ought to remember that the discussion in Seneca is framed by the supposition of a previous wrong. Furthermore, the notion of pity, as we have seen

⁷ F.H. Sandbach, "Aristotle and the Stoics," *The Cambridge Philological Society* 10 (1985) 25; also F.H. Sandbach, *The Stoics* (London: Chatto & Windus, 1994), 28. For the identification of *episteme* and a fixed mind-state, see A.A. Long (Cambridge: Cambridge University Press, 1987), 385.

⁸ A.A. Long, *Stoic Studies* (Cambridge: Cambridge University Press, 1996), 202.

⁹ Emotions are all rational in the sense that they are a product or a function of the mind, as distinguished from bodily impulses such as thirst, but irrational in terms of not conforming for the *right* reason, or not being the object of rational justification, see Michael Frede, "The Stoic Doctrine of affections of the soul," in *The Norms of Nature. Studies in Hellenistic Ethics*, ed. Malcolm Schofield and Gisela Striker. (Cambridge: Cambridge University Press, 1986), 100.

¹⁰ Unless specified, all translations are by John W. Basore, from The Loeb Classical Library.

¹¹ Here I make minor changes to Basore's translation.

in its definition, should not be understood as an emotion-based reaction towards others' pain, but rather to others' *undeserved* pain.¹² In this context, the object of pity is someone who is regarded as the perpetrator of violence. A quest for pity entails, therefore, a denial of guilt or a justification of the wrong committed; otherwise those pains would be considered somehow deserved for the one having committed violence.¹³ The problem with pity, according to Seneca, is therefore twofold: firstly, it is irrelevant to the accusation (this would be today's reason for considering it fallacious), and secondly, the very way in which pity has been defined presumes innocence. In both cases the one who has committed an injury can remain unpunished and the injury may not be really acknowledged as such. If injuries are just forgiven without receiving proper acknowledgment, vice becomes 'epidemic,' for no distinction between what is good and what is bad has been made (*De Clem.* 1.2.2).

Since mercy, on the other hand, presupposes guilt, it presents a challenge to the individual's capacity to empathise with those who may not evoke pity. Although both pity and mercy imply an empathic understanding of the other, pity is regarded as a potential source of inequity and injustice (it may work as a neutralization of mistakes or it may drive us to give inappropriate treatment, or to favour one person over another, on the grounds of our emotion-based response), whereas mercy is the obligation to accept the other's mistakes while at the same time acting on what we consider to be rational and human: 'Mercy is superior primarily in this, that it declares that those who are let off did not deserve any different treatment; it is more complete than pardon, more creditable' (*De Clem.* 2.7.3). Thus, certain versions of empathy could be used as an instrument of intolerance and coercion. An instance of this can be drawn from Butler's complaint about the way in which empathy with the victims of the 9/11 was used to justify war on the grounds of the violence received. Pity can be instrumentally invoked to wage cultural assault on a group to reaffirm a certain kind of sovereign violence by rendering invisible, or in fact demonizing, that group, thereby impeding, in both cases, the group from becoming the object of either sorrow or grief.

My interest here is not so much the discussion of whether emotions are to be restrained and avoided or not, but rather to draw our attention, just as Judith Butler has, to the difficulties surrounding the way in which we sometimes fail to react to others' pain when there is a belief that that pain is somehow deserved, or alternatively when we fail to recognize others as familiar to us – for example when violence is justified as retributive when the victims have been accused of committing wrongdoing, tagged as 'terrorists' or as 'illegal immigrants'. Butler questions the scope of our emotional response when our ability to identify ourselves with others is influenced by our knowledge of them as presented by the media. It is not only that we do not see the others – yet many times this is precisely the case – but rather that sometimes upon seeing them, we fail either to recognize their pain, or to recognize the skew of the moral landscape. Referring to the images of sexual violence and torture

¹² This conception of pity can be traced at least until Aristotle's *Rhetoric*. For an extensive discussion on this, see Konstan, *Pity*, 27-48.

¹³ Seneca may be indebted to Socrates (e.g. *Apology* 34b4 ff.), when rejecting the appeal to pity, which was normally accepted in antiquity. The Appeal to Pity argument is today largely considered as irrelevant to the issue of guilt, but the interest in incorporating emotions in our legal argumentation is alive today, although this issue is beyond the scope of my concern in this paper. See Konstan, *Pity*, 29 and Martha Nussbaum, *Political Emotions. Why Love matters for Justice*. (Cambridge Mass.: Belknap Press of Harvard University Press, 2013).

perpetrated inside Guantánamo that were exposed to public opinion more than ten years ago, Butler wonders:¹⁴

All of this raises an important question about the relationship between the camera and ethical responsiveness. It seems clear that these images were circulated, enjoyed, consumed, and communicated without there being any accompanying sense of moral outrage. How this particular banalisation of evil took place, and why the photos failed to cause alarm, or did so only too late, or became alarming only to those outside the scenarios of war and imprisonment, are doubtless crucial to ask.

Both the anxieties of Sontag and Butler about the slow rate of reaction to the atrocities experienced by others and our ability to channel our emotions into moral responses are attributed to the saturation of mass media and frustration caused by political impotence (in the case of Sontag),¹⁵ and to the frames into which these images are exposed (according to Butler). This failure is attributed to an epistemological problem. There are certain norms that qualify humans as humans – and so entitle them to human rights – and yet we fail to recognize those lives that in our understanding do not conform with these norms. These norms are, according to Butler, politically constructed; she questions why we mourn some lives, and not others – obituaries in newspapers do not normally give an account of deaths from HIV, or of immigrants; these people do not even have names; they just count as numbers or statistics.

One may think that the 'blindness' denounced in the example given by Butler in relation to the images of Guantánamo is a characteristic of the brutality of torturers, and therefore has little to do with those who do not enjoy those images. However this only makes more evident our 'political paralysis' (to put it in Butler's terms) and raises questions about the amount of violence needed to be inflicted before we react – especially, perhaps, when the victim is somehow held within our own institutions such as prisons and refugee camps. Butler attributes this, to a large extent, to strategies of invisibilisation, and she is probably right in doing so, but I would also draw attention to the perplexity provoked by the absurdity of retributive violence. When we are presented with certain crimes, like torture at Guantánamo, revenge does not make sense, and punishment is no longer appropriate; it is in the face of this blankness that apathy and paralysis threaten to be the only remaining possibilities. It is then that we are brought back to the age-old question of how to confront abuse and violence. In my view, this reinforces our interest in rethinking retribution and questioning alternative ways of laying the foundations for the moral assessment of violence.

Seneca believes that the emotional reaction to an act of violence inflicted can be either anger, if the perpetrator is considered guilty, or pity, if the perpetrator is considered somehow innocent. Seneca refuses to place any value on anger, even when it arises from a sense of unacceptability in the face of injustice. One of the reasons why Seneca stands for a complete banishment of anger lies in that he considers its potential transformation into brutality – a state in which the sense of proportionality between injury and punishment is completely lost and

transgresses first all ordinary, and then all human, bounds, searches out new kinds of torture, calls ingenuity into play to invent devices by which suffering may be varied and prolonged, and takes delight in the afflictions of mankind; then indeed the dread disease of that man's mind has reached the

¹⁴ Butler, *Frames*, 91. For an account of these images see Joanna Bourke, "Torture as Pornography," *The Guardian*, May 7, 2004. Accessed July 31, 2014, <http://www.theguardian.com/world/2004/may/07/gender.uk>.

¹⁵ Sontag, *Regarding*, 93-104.

farthest limit of insanity, when cruelty has changed into pleasure and to kill a human being now becomes a joy (*De Clem.* 1.25.2).

The problem with pity, as we have already seen, is that it is a threat to impartiality, and therefore to justice. Seneca is concerned with finding a way to deal with moral error that avoids arbitrariness: 'although of other blessings each one experiences or expects a larger or a smaller measure in proportion to his lot, yet from mercy men all hope to have the same; nor is there any man so wholly satisfied with his own innocence as not rejoice that mercy stands in sight, waiting for human error' (*De Clem.* 1.1.9).

As an alternative to an emotional reaction to violence, Seneca proposes mercy as a stable way of reacting. The quest for mercy is, according to him, a double quest for mindfulness of our shared capacity to be violent and for safeguarding society from admitting impunity. The reaction to an injury should seek to redress the injury as a way of rectifying the mistake, without exemptions made due to pity, and safeguarding everyone from excess. This ethical solicitation, for Seneca, is based on the recognition of the inescapability of human failure, which we all should understand ourselves as sharing. There is, then, in Seneca a double quest for society to recognise both the human potential for ethical error and the human exposure to others' ethical errors. This, according to him, allows society to respond to violence without waging further retributive violence against the perpetrator. He thinks that we do not need pity to counteract vengeance as a reaction to violence – but rather we should take the necessary measures in order to stop the crime from a humanitarian standpoint by way of an empathic recognition of the other. He adds, 'what kind of a theory is it that bids us to unlearn the lesson of humanity, and closes the surest refuge against ill-fortune, the shelter of mutual help?' (*De Clem.* 2.4.3). It may well be that pity possesses the same inhibitory consequences over acts of violence as mercy, but Seneca's whole point here is that through mercy the moral problem is visible and can therefore be assumed and addressed. In order to adopt a position on ethical error, it is first necessary to recognize it as such, without invoking strategies to diminish or legitimise it. Only then we can start thinking about how to apply punishment – if punishment makes any sense – from a humanitarian standpoint. This may seem evident, but this is precisely Butler's concern: there are some crimes that are not really acknowledged either because the perpetrator does not fit the archetypes of the criminal or the perpetrated is not relatable to a victim. There is no doubt about the violence inflicted and there is no reason for any attempt to mask it, but 'it is one matter to suffer violence and quite another to use that fact to ground a framework in which one's injury authorizes limitless aggression against targets that may or may not be related to the sources of one's own suffering.'¹⁶

It is in the face of the problem of the legitimisation of violence through strategies of invisibilisation, in which empathy is challenged, that Butler recognises our vulnerability as a way of finding alternatives to violence in reaction to the damage caused: 'I propose to consider a dimension of political life that has to do with our exposure to violence and our complicity in it, with our vulnerability to loss and the task of mourning that follows, and with finding a basis for community in these conditions.'¹⁷ Similar to Seneca's proposal, awareness of our vulnerability is key in allowing us to start thinking of non-military solutions to violence 'just as denials of

¹⁶ Judith Butler, *The Precarious Life*. (London: Verso, 2004), 4.

¹⁷ Butler, *Precarious*, 19.

this vulnerability through a fantasy of mastery (an institutionalized fantasy of mastery) can fuel the instruments of war.¹⁸

As we have seen, mindfulness is to Seneca essential for safeguarding the ethical integrity of the individual in the very midst of failing. This is precisely what Sontag alludes to in the following passages:

Someone who is perennially surprised that depravity exists, who continues to feel disillusioned (even incredulous) when confronted with evidence of what humans are capable of inflicting in the way of gruesome, hands-on cruelties upon other humans, has not reached moral or psychological adulthood.¹⁹

If the goal is having some space in which to live one's own life, then it is desirable that the account of specific injustices dissolve into a more general understanding that human beings everywhere do terrible things to one another.²⁰

And Butler, following Sontag, recognises this mindfulness as a way of establishing our political practices and our moral assessment, for 'from where might a principle emerge by which we vow to protect others from the kinds of violence we have suffered, if not from an apprehension of a common human vulnerability?'²¹

If in place of a conception of empathy as personal emotional engagement, we focus on the critique of the instrumentation of sovereign violence and punitive mechanisms avoiding the invocation of pity as a tool for waging assault on others, we may well arrive at an alternative framework for addressing cases of violence. The general recognition of the human potential to commit violence, and more generally the human potential to err, may form a basis for this alternative framework. Furthermore, mindfulness of our vulnerability is a starting point for claims for non-violent political solutions, just as denial of this capacity and emotional manipulation can propel the instruments of violence. In spite of the inherent differences in approach between Seneca, Sontag and Butler, they each concur in the importance that should be placed on recognising human cruelty and not deriving from that recognition the legitimation of mechanisms of control and punishment.

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¹⁸ Ibid, 29.

¹⁹ Sontag, *Regarding*, 102.

²⁰ Ibid, 103.

²¹ Butler, *Precarious*, 29.

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