
AN EPISTEMIC CASE FOR EMPATHY

BY

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Abstract: Much recent work on empathy assumes that one cannot give non-question-begging reasons for empathizing with others. In this article I argue that there are epistemic reasons for cultivating empathy. After sketching a brief general account of empathy, I proceed to argue that empathic information is user-friendly, fostering the achievement of widely held cognitive goals. It can also contribute to social knowledge and the satisfaction of democratic ideals. The upshot of my analysis is that there are strong, but defeasible, epistemic reasons for empathizing with others.

One of the greatest blessings that the United States could receive in the near future would be to have her industries halted, her business discontinued, her people speechless, a great pause in her world of affairs created, and finally to have everything stopped that runs, until everyone should hear the last wheel go around and the last echo fade away . . . then, in that moment of complete intermission, of undisturbed calm . . . we should be capable of answering the question, ‘What ought we to do?’ For we should be hushed and silent, and we should have the opportunity to learn what other people think (John Cage, ‘Other People Think’)¹

When Obama cited empathy as one of the qualities he would be looking for in a Justice to replace David Souter in May 2009 many conservatives assumed postures of outrage.² Many of these same critics saw the eventual nomination of Sonia Sotomayor as a substantiation of their worries. They immediately seized upon Sotomayor’s remark in a 2001 speech at the University of California at Berkeley that she ‘would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn’t lived that life.’³ This comment was decried by some as an example of the most pernicious form of identity politics, a sign that Sotomayor would treat people with whom she identified with preferential regard. Empathy had meant partiality, after all!

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Underneath the outlandish hysteria and disingenuous demagoguery that characterized this episode lay a concern worth taking seriously, even if only because of its prevalence. The concern is that empathy consists merely in having an emotional response and that emotions themselves interfere with good, rational, unbiased judgment. From this it would follow that empathy is likely to confound, rather than improve, judgment. Leaving aside the particular features of judicial decision-making, I wish to explore the more general question of whether, and to what extent, empathy aids or impairs judgment. I will argue for empathy's epistemic credentials, showing that it is an unrivalled source of information concerning the minds of others.

Why an epistemic case?

Before I begin to build this case, let me just say a bit more about what I take an *epistemic* defense of empathy to consist in. Empathy has received considerable recent interest within ethics. This is due in part to the rise of so-called ethics of care and moral sentimentalism, which present themselves as alternatives to a moribund rationalism. Whereas moral rationalists think that duties spring from reason – say, by revealing an inconsistency in egoistic exceptionalism⁴ – ethicists of care and moral sentimentalists are far more skeptical about the power of practical reason. Ethicists of care propose an alternative model of ethics rooted not in reason but in loving, nurturing, and caring relationships.⁵ Similarly, moral sentimentalists, harking back to the Scottish Enlightenment, have tried to show that moral judgments are ultimately anchored in mere feelings and sentiments.⁶

Whereas moral rationalists typically deny the moral significance of empathy, ethicists of care and moral sentimentalists have accorded empathy a central role in moral judgment and moral motivation.⁷ Unfortunately, if one is looking for a *justification* for why one should empathize, one is unlikely to find a satisfactory response in much of the existing sentimentalist literature. For many of these sentiment-based moral philosophers, the question of why we should empathize is regarded as somewhat misguided, since it assumes that we can give ultimate justifications for the inclinations or feelings that are themselves the foundation of ethics. The case that I will be making in this article attempts to show that we have epistemic reasons for cultivating our empathy. This account, which depends the value of empathic information within a rather minimalist conception of practical reason, avoids the implausible strictures of moral rationalism without taking empathy as justificatorily primitive.

The article is divided into three sections. In the first section I sketch a basic account of empathy, maintaining that it requires the satisfaction of

two conditions: (1) the Affective Re-enactment Condition [ARC], according to which one re-enacts, or mirrors, the emotional perspective of another, and (2) the Apprehension Condition [AC], according to which one grasps the re-enacted state *as* re-enacted, such that one could attribute the mental state to another. In Section 2, I discuss two ways of assessing the epistemic significance of information – namely, in terms of the notions of relevance and user-friendliness – and proceed to defend empathic information in light of these modes of evaluation. I build a layered epistemic account, showing first why I take it that empathic information fosters the achievement of widely-held cognitive goals, then indicating how this account could be strengthened by appealing to empathy's contribution to social epistemology and the satisfaction of democratic goals. And in the third, and final section, I consider challenges to the preceding account, which allows me to clarify and qualify my account, while underscoring its general strength.

1. *What is empathy?*

1.1. TWO CONDITIONS FOR EMPATHY

The term 'empathy' is used to signify a broad range of phenomena, only some of which would qualify as empathy in the sense that I wish to adopt. Martin L. Hoffman notes that psychologists tend to define empathy in one of two ways, either as 'the cognitive awareness of another person's internal states' or as 'the vicarious affective response to another person.'⁸ For reasons that will become apparent, I think that an adequate account of empathy ought to incorporate both cognitive and affective components.⁹ I will explicate this comprehensive account in terms of the two necessary, and jointly sufficient, conditions that must be met in order for an experience to count as empathy.

First of all, empathy involves a shared affective state. But not just any shared affective state will count as empathy; this state must arise in the right kind of way. For instance, if two people watch the same television show in different places, they might be said to be sharing an affective response, but this would not count as empathy. Empathy requires that the person who empathizes owes her affective experience to the experience of the person with whom she is empathizing (generally referred to – perhaps infelicitously – as the *target* subject). I will call this the Affective Re-enactment Condition [ARC]: empathy involves the re-enacting of the emotional perspective of another. Examples of affective re-enactment (or mirroring) include infant reactive crying,¹⁰ facial mimicry,¹¹ and the tendency to yawn in the presence of other yawners, and laugh in a room full of laughter.

These basic, hardwired, automatic forms of affective re-enactment alone do not constitute empathy, since they are blind in a couple of ways that empathy is not: (1) mere re-enactment can occur without one's being or becoming aware of it, as when one fails to notice the effects of a convivial environment on one's own mood,¹² and (2) it can occur without there being any intentional content to one's emotion whatsoever, as with laughter yoga [*Hasyayoga*], where one is moved to laughter by the laughing masses, but there is nothing in particular that one is laughing *about*.

By contrast, empathy involves taking up the perspective of another, which means understanding something about the *content* of another's mind. Specifically, it requires taking up the perspective of another such that one not only experiences a homologous state, but experiences it as *re-enactive*, and can thereby attribute this mental state to another.¹³ These considerations point to an important feature of empathy that is sometimes overlooked, namely that empathy involves the genuine apprehension of another person's experience.¹⁴ I will call this the Apprehension Condition [hereafter: AC].¹⁵ The AC indicates that empathizing is something we can do more or less well, a point that is corroborated by a body of literature devoted to the idea of 'empathic accuracy.'¹⁶

From this, one can see that empathy is an other-directed phenomenon. It is the affective apprehension of the mental state of another, a way of gaining insight into what it is like to be another person. While it might well be that in trying to ascertain what it is like to be another, one must begin by imagining what would be like for one to be in another's circumstances, if one is to gain empathic knowledge, one must, at the very least, make compensatory adjustments for known distinctions between self and other.¹⁷ So, for instance, if I recoil in disgust upon seeing you eagerly and happily consume Turkish Delight, I am not really empathizing with you; I am merely imagining myself in your position. The difference between grasping another's perspective and imagining how one would feel in their shoes is vividly drawn in Nagel's celebrated article 'What is it like to be a bat?'¹⁸ While one can, to some extent, imagine oneself being somewhat bat-like (hanging upside down all day with webbed arms, having poor vision, etc.), one cannot penetrate the core of the bat's own perspective. However, one can grasp, at least to some extent, *what it is like* to be another human being.¹⁹ And this is precisely what empathic knowledge amounts to: experiential, or at least quasi-experiential, knowledge of *what it is like* to occupy another's perspective.²⁰

The necessity of both the AC and the ARC can be brought out by considering the cases of two different classes of people who are generally believed to be empathy deficient: people with autism and psychopaths.²¹ Autistic people appear to have trouble reading minds; that is, they often fail to empathize because they fail to grasp the mental state of another (i.e. they fail to meet the AC).²² However, people with autism seem to be

capable of participating in the emotional state of others when they do notice, as evidenced, for instance, by normal levels of comforting behavior that autistic children exhibit when they notice others' distress.²³ Conversely, psychopaths are often shrewd readers of other minds, but exhibit little affective response to the affective states of others, and so fail to satisfy the ARC.²⁴ In very different ways, ways that reflect the importance of each of our two conditions, people with autism and psychopaths often fail to gain empathic information about others' minds. It seems, then, that the AC and the ARC are both necessary for empathy.²⁵ They are also, I would submit, jointly sufficient for empathy: nothing more is needed for empathy than the satisfaction of these two conditions.

1.2. COUNTERFACTUAL EMPATHIC KNOWLEDGE

If there is nothing more to empathy than the satisfaction of these two conditions, it would seem this we should allow that empathy can extend not only to present, actual states of others, but also to future, hypothetical, and even counterfactual states of others.²⁶ Let me explain why I think that these two conditions can be met in the case of the counterfactual states of others and why I think that denial of counterfactual empathy appears rather *ad hoc*.

First, enacting (re-enacting? pre-enacting?) future or hypothetical affective states of another not only, *ex hypothesi*, satisfies the ARC,²⁷ it is also bound by the same accuracy constraints – the AC – that bind other forms of empathy. Just as one who misinterprets behavioral or environmental cues, or who refuses to leave her own shoes (e.g. Turkish Delight example above), will be having an emotional response that strays too far from the target's state for it to count as empathic, so too if one's affective (re)enactment is not congruent with the future or hypothetical state of the target subject under these circumstances, one will not be empathizing. However, when one judges the affective state of another more or less correctly, and when one re-enacts this state affectively, it would seem arbitrary to deny that it is empathy only because the state that one is affectively apprehending is not a present state.

It is perfectly natural – and, in my view, perfectly appropriate – to appeal to empathy or the absence thereof to explain the performance or non-performance of some action, even when the state with which one is or is not empathizing is hypothetical. For instance, imagine that Alice decides to throw a surprise birthday party for Beth in part because she imagines (affectively) the thrill that Beth will experience. In this situation it seems unobjectionable to say that that Alice's behavior can be partially explained by her empathy for Beth. In trying to enact Beth's future experience, Alice relies on the same mechanism of pretense that she draws on when she empathizes with present states; and, phenomenologically, Alice's

experience will very closely resemble other unquestionably empathic experiences. So, too, if a friend brings me and my wife each a slice of key lime pie, and I decide, when she is not around, to eat both slices, knowing full well how much she loves key lime pie and how much pleasure I will be depriving her of, it would be reasonable to accuse me of not sufficiently empathizing with my wife in this instance. It would be specious (and perverse) for me to reply that I *was* empathizing with her, but that at the time she happened to be at the gym and was totally uninterested in pie eating. The relevant perspective for targeting, of course, was not her actual state, but what she *would have* been feeling had she been around and what she *will* be feeling when she comes home and finds her piece of pie missing.

1.3. IS EMPATHIC KNOWLEDGE EXCLUSIVE?

Having defined empathic knowledge as quasi-experiential knowledge of another's perspective, one might reasonably wonder whether the information that one gains through empathy is uniquely tied to this mode of apprehension or whether the same information could be acquired by other means. Another way of posing this question is to ask whether there is something about the *content* of empathic knowledge of others' mental states that cannot be captured from a purely third-personal perspective. If at least some of the information apprehended by empathy can *only* be apprehended by empathy, this would likely strengthen an epistemic case, since one could argue that there is something about others' minds that one is not even *in principle* capable of apprehending non-empathically. Let's call the view that empathy is the exclusive source of knowledge 'exclusivism.'

The case for exclusivism turns on the plausibility of so-called phenomenal facts, facts that are uniquely tied to an experiential perspective, which cannot be captured from the third-person impersonal perspective. The belief in phenomenal facts was central to the development of classical empiricism,²⁸ and has figured into several recent challenges to reductive materialism.²⁹ The case for phenomenal facts is generally motivated by some sort of thought experiment in which it is shown that one who lacks an experience must necessarily lack certain knowledge about the world, in particular knowledge about the minds of others.³⁰

Perhaps, then, empathy, as a form of experiential or quasi-experiential knowledge, is a gateway to these otherwise inaccessible facts. For even if one generally does not have a totally novel experience through empathy, the exclusivist could insist that in any particular episode something is left out if one is thinking about another's mental states non-empathically. For instance, even if one has experienced utter physical exhaustion before, one is missing out on some crucial information about how another is feeling after running a marathon if one simply tags it *as* exhaustion without

apprehending it empathically. One does not, then, lack the knowledge of what it is like to experience exhaustion in general, but one does lack knowledge of what another's exhaustion is like at this moment.

Still, if exclusivism is to be a tenable position, it must be shown that there are, indeed, phenomenal facts. And if this is to lend support to the epistemic case, it must be shown that these facts are substantial enough that our ignorance of them constitutes a serious epistemic deficiency. I am somewhat skeptical about both points. In response to the first point, I think that there are good reasons to believe that experience is not the exclusive reservoir of certain kinds of facts, but rather is a particularly colorful and user-friendly mode of apprehension.³¹ Moreover, even if one wants to insist that experiential knowledge provides us with exclusive *knowledge-that*, the content of this knowledge is going to be so elusive that it would hardly serve as a stable foundation for an epistemic defense. If there are phenomenal facts, their character is ineffable, their content defies specification; they can only be experienced, never described. What's worse, even proponents of phenomenal facts have reluctantly concluded that such facts are epiphenomenal.³² I certainly don't want my argument to depend on the epistemic significance of indescribable and causally otiose forms of information. So, even if there are phenomenal facts about other minds that empathy alone gives one access to, I do not want to build my case on such an ethereal foundation.

Fortunately, I think that a strong epistemic case can be made for empathic knowledge even without exclusivism, since there is reason to believe: (1) even if one could *in principle* gain all the same (nuanced) information non-empathically, it is unlikely that in practice one ever does attend to all of this. First-person perspectives contain so much compressed, sub-personal information that *for all intents and purposes* one might have to *feel* what it is like to grasp the whole perspective; and (2) empathic knowledge is somatically encoded in a way that is particularly user-friendly when it comes to making good practical judgments.

2. *An epistemic case for empathy*

2.1. TWO KEY CONCEPTS

We are now in a position to consider the epistemic significance of empathic information. We must begin by acknowledging that not all information is equally valuable.³³ Information about the number of hair follicles on a congressperson's head is, in ordinary circumstances, inconsequential, while information about how she votes on pieces of legislation is not. Though it would go well beyond the concerns of this article to try to offer a comprehensive account of what makes information valuable, I want to introduce a couple of criteria that will guide my analysis.

2.1.1. *Relevant information*

In making an epistemic case for empathy, I am claiming that, at least some of the time, empathy is a wellspring of information that is essential to the achievement of basic cognitive goals. Among widely-shared cognitive goals is that one form one's judgments on the basis of as much reliable, relevant information as possible. Leaving the question of reliability aside, we may ask: when is a bit of information relevant? The first thing to note is that 'relevance' is a triadic relation: a bit of information is relevant for some agent at some time in order to satisfy some goal. For this reason, it is misleading to call a bit of information relevant *tout court* – relevance is always indexed to an agent, a time, and a goal (or set of goals). With this in mind, we get a useful first gloss of the concept from Richard Brandt, who claims that 'a piece of information is relevant if its presence to awareness would make a difference to the person's tendency to perform a certain act, or to the attractiveness of some prospective outcome to him. Hence it is essentially a causal notion.'³⁴

However, as Brandt himself recognizes, this initial formulation is in need of qualification, since perfectly *irrelevant* bits of information can affect one's deliberative process. For instance, if I go out with the intention of buying a six-pack of beer and a new book, and I am greeted with an overly exuberant sales clerk at the liquor store, who sermonizes about the relative merits of various craft beers, I might be so exhausted by the time I leave the liquor store that I no longer want to continue on to the bookstore. In this case, the information about the beer had a causal impact on my decision not to purchase the book, but it didn't impact my deliberative process in the proper way for it to count as relevant. Specifically, the information about the beer affected my decision by exhausting me; it did not affect the deliberation process *in virtue of its content*.³⁵

Informational content can also affect one's deliberation in ways that are deviant or irrelevant *by one's own lights*. For instance, let's say that in purchasing laundry detergent I regard cost and efficacy as the only important considerations. Now let's imagine that the fact that a product is labeled 'extra strength' leads me to prefer it to an exactly similar product without this label. In this case the fact that it is marketed as 'extra strength' seems quite irrelevant, despite the fact that it has affected my deliberation in virtue of its content (i.e. in virtue of its being called extra strength).

To exclude cases like this, I propose that we understand relevant information to be restricted to information that changes the weight of reasons for or against a particular action.³⁶ And a piece of information does not change the weight of reasons for action if it only makes an option more or less attractive because of a false or irrational belief that one has.³⁷ In the case of the detergent, the only reason that the information that it is labeled 'extra strength' makes it more attractive is because I foolishly believe that

this label is a guide to efficacy. In light of these caveats, I will adopt the following, still rather rough, formulation: *a bit of information is relevant if and only if it would change the weight of one's reasons for action.*

2.1.2. *User-friendly information*

The second concept that I wish to introduce here is that of user-friendliness. As behavioral economists, advertising executives, and political strategists well know, one and the same fact can elicit disparate responses depending on how it is presented. Patients who are told that 90% of people who undergo a particular surgery will be alive in five years tend to respond more favorably than those who are told that 10% of those who undergo such surgery will be dead in five years, even though these two claims express the same fact.³⁸ The way in which the information is framed partially determines its emotional impact, which, in turn, affects the saliency of the information for the cognizer. So, restricting ourselves to *relevant* information, we may say that different ways of presenting the same information can significantly impact the way that information gets put to use. We may call ways of framing information that are conducive to the satisfaction of the goals in virtue of which it the information is relevant 'user-friendly.' Putting this in terms of degrees, we may say that *a bit of information apprehended in a particular mode is user-friendly to the extent that it is calibrated to facilitate the promotion of one's goals.*

Let me give a couple of illustrations of user-friendly information. Imagine that you have a very important flight to catch in the morning and you know that in order to catch your flight you must get up by 6:00 AM. Being able to recognize when it is 6:00 AM is, relative to your existing preferences, quite important – that is to say that it is *relevant* information. Now, without certain aids, you will likely sleep well beyond 6:00 AM, as you will be utterly insensitive to atmospheric indicators of the time (e.g. the relative position of the sun, the chirping of the birds in the tree, etc.). So you need an external device in order to apprehend this important information in a way that will penetrate the stupor of sleep. Of course, there may be a range of options among the information-conveying mechanisms. A soothing alarm that turns itself off might indicate the time, but not in a way that is sufficiently motivationally calibrated to be useful – you might wind up falling right back asleep despite your (drowsy) recognition that it is 6:00 AM. A loud, obnoxious alarm is much more useful. Given the choice between these two modes of apprehending the fact that 'it is now 6:00 AM,' we may say that the loud alarm is more user-friendly in that it is better suited to satisfying your goal of catching your flight.³⁹

One could also think of the case of Ian Waterman, who lost most of his muscle sense, and thus lacked proprioceptive information via afferent neurons about his body's position in space that most of us take for granted.⁴⁰ Waterman could walk, but only with great effort, as he had to

monitor the movements visually. In other words, Waterman was able to acquire information about the position of his limbs that most of us gain proprioceptively. But his mode of apprehension was cumbersome, demanding, and rather imprecise. Proprioceptive acquisition of this same information is certainly more *user-friendly*, for obvious reasons.

2.2. THE BASIC EPISTEMIC CASE FOR EMPATHY

As a first attempt to illustrate why we ought to regard empathic information as user-friendly, and, in turn, as epistemically valuable, I want to consider an ordinary case of a failure of practical reason and examine how empathic information might help to correct for such failures.

Consider an ordinary case of *akratic* action. Imagine that I have a weakness for Amaretto cookies, but I also have a moderate, though not life-threatening, allergy to almonds that are in them, I might sincerely judge that it is in my best long-term interest to avoid them, even while giddily devouring a handful of them. One way of explaining what is happening in this and many other self-regarding instances of *akrasia* is that I am hyperbolically discounting the future. And this hyperbolic discounting may itself be understood as a failure to adequately take up the affective perspective of my future self – I have not sufficiently empathized with *him*, or taken up *his* perspective. I might have thought to myself, ‘well, I’m going to wind up regretting this,’ but the reasons for regret were apprehended in a way that is too muted to focus my attention. Otherwise put, this mere information was not sufficiently user-friendly for me to deploy it appropriately in my decision-making process. Instead, this vague awareness of future suffering was overpowered by the hot stimuli of the cookies. Had I adequately empathized with my future self so that I could *now* feel what it will be like to break out in hives and so forth, this information might have been sufficiently vivid to offset the present temptations – I might have been able to fight fire with fire, so to speak. But without empathy for my future self, the affective force of the future consequences is too weak.⁴¹

The idea that rational decision-making depends on sufficient affective encoding of information has been explored in some depth by Antonio Damasio. Damasio highlights the importance of what he calls ‘somatic markers’ of information. A somatic marker is a kind of visceral encoding of information that ‘forces attention on the negative outcome to which a given action may lead, and functions as an automated alarm signal which says: Beware of danger ahead if you choose the option which leads to this outcome. . . . Somatic markers probably increase the accuracy and efficiency of the decision process.’⁴² Damasio and three other researchers designed a set of experiments, often referred to as the ‘Iowa gambling tasks,’ which are taken to reveal that those who lack ‘somatic markers’

make decisions that adversely affect their avowed interests, even when they grasp the same information at a conscious level. For instance, when playing a card game (the details of which I will omit, given space constraints), patients with ventromedial frontal lobe damage – which compromises one's ability to experience emotion⁴³ – tended to make far riskier and, ultimately, worse decisions, relative to their own avowed interest in winning.⁴⁴ Damasio claims that the absence of somatic markers, which enable one to affectively anticipate bad outcomes, leads to a severe form of 'myopia for the future.'⁴⁵

Damasio's studies highlights the more general point that people – irrespective of brain functioning – tend to hyperbolically discount perspectives that are not apprehended affectively. If this is correct, then it seems plausible that a greater cultivation of empathy could help to overcome at least some instances of this form of irrationality. This is true independently of *whose* perspective is overly discounted or neglected – whether it is one's own future perspective, or the perspective of another. Empathy can thus help us to act in ways that are rational by our own lights, and to the extent that it does, empathic information is both relevant and user-friendly.

At this point one might object that there is a significant difference between empathic failures vis-à-vis one's own future states and those that pertain to other people's perspectives. Whereas most people do in fact have a strong interest in their own futures, some might simply not *care* about the perspectives of most others, so there is nothing irrational – on a narrow conception of rationality – about severely discounting these perspectives; these perspectives are *irrelevant*, in the sense defined above.

I have two responses to this challenge. First, I suspect that in fact most people do have interests in others' perspectives; minimally, most people do not wish to ignore or seriously overlook the ways in which their actions impact others. However, unlike failing to empathize with one's future self, when one fails to empathize with others' perspectives one often remains blithely unaware of one's empathic shortcomings. I suspect that if most of us were attuned to the extent to which we discount these *relevant* perspectives, we would be rather troubled. At this first level, then, we may say that empathy supplies (most of) us with user-friendly information, information that helps to correct for the irrational discounting.

Secondly, there is reason to believe that empathy is important for the satisfaction of the higher-order epistemic goals. And, in fact, we might be able to ground epistemic responsibilities that hold independently of one's interests without relying on an overly strong conception of practical reason. In the next two sub-sections we will consider two ways of strengthening the epistemic case.

2.3 STRENGTHENING THE EPISTEMIC CASE I: INFORMED PREFERENCES, COMPETENT JUDGES

Empathy not only supplies information that is often relevant in relation to one's existing preferences, it also contributes to the formation of autonomous preferences and judgments. In addition to all of the disparate first-order preferences that we have, most of us have a higher-order preference to have our first-order preferences formed under autonomous conditions, e.g. in the absence of manipulation or coercion and on the basis of good information. As opposed to epistemic *wantons*,⁴⁶ who don't much care about how their preferences and judgments are formed, most of us *do* wish to have our epistemic houses in order. While it is difficult to spell out exactly what is required in order for one's preferences to be autonomous, it is plausible to suppose that they would have to be formed in light of a sufficiently wide range of experiences to competently evaluate the relative merits of things.

Consider the following rather pedestrian case. You are trying to convince your friend Ruben that Perfect Slice, a new pizza shop in town, is better than Mario's, the old shop. You and Ruben are both amply familiar with Mario's. But while you've ordered pizza from Perfect Slice many times, Ruben has yet to try it. Despite your thorough enumeration of the many superior features of Perfect Slice's pizza, Ruben insists that it could not possibly be better than Mario's. This is not because he doesn't care about the various characteristics that you've cited, nor is it because he is particularly skeptical of your testimony – indeed he knows that you two tend to agree on gastronomic matters. Why, then, might he insist on the superiority of Mario's, and persist in ordering exclusively from them? A plausible explanation is that relative to the information that he has about Mario's, he is discounting the information about Perfect Slice, because he does not have experiential familiarity with the latter information. He cannot envision and anticipate the gustatory delight of Perfect Slice as vividly as he can with Mario's. If this is the case, Ruben is not in an epistemically good position to rank his pizza preferences, and he will not be until he has *experiential* knowledge of both.

A parallel case may be drawn in the case of empathy. Until/unless one has empathized with, or quasi-experienced, another's perspective, one is not in a sufficiently informed position to assign weight to it. There is something about experiential knowledge for which there is no *practical* substitute, even if the information could *in principle* be grasped without experience. The upshot here is that even if another's perspective currently appears to be irrelevant to me, based on my first-order preferences, without sufficient empathic experience I might be incompetent relative to my higher-order preference for autonomous judgment.

The epistemic case that I am making here is a corrective to a certain reason for resisting empathy. For instance, imagine an Israeli saying ‘I should not empathize with a Palestinian because then I will be more inclined to help him, and I don’t think that I should help him.’ This sounds rather like the boy who refuses to eat Brussels sprouts because if he ate them he might start to like them, in which case he would eat them often, which would be disgusting, since he hates Brussels sprouts. In general, we should be skeptical about *ex ante* determinations about which perspectives we ought and ought not to try to take up, or which perspectives are relevant.⁴⁷ A major reason why we should be skeptical about such claims is that in many contexts it is only after experience or quasi-experience that one can make a fully informed judgment about one’s preferences or interests.

Of course, a certain degree of incompetence in judgment is inevitable. For example, one can’t adopt in advance a fully competent perspective from which one can determine whether one *really* wants to be a parent – on certain matters one has to make one’s decision on the basis of very limited information. However, it would *generally* be foolish to reject information that is ready at hand when it would make us more competent, and this is precisely what we do all too often when we fail to take up the perspectives of others empathically.

2.4. STRENGTHENING THE EPISTEMIC CASE II: SITUATED KNOWLEDGE

One could also potentially build an epistemic case for empathy on the basis of certain principles of democratic legitimation. Democratic citizens are participants, at some level, in a process that yields coercive outcomes. Coercive bodies must be legitimated, and legitimation is often thought to depend on fair and epistemically good governing procedures.⁴⁸ There is reason, then, to believe that we incur epistemic responsibilities as citizens, responsibilities to promote informed and autonomous preferences and judgments. And, as I’ve indicated, empathy can contribute to these aims. This itself adds an additional layer to the preceding case, since it suggests that *irrespective of our personal epistemic goals*, we take on certain epistemic responsibilities in virtue of our status as citizens.

Political philosophers, unsurprisingly, often seek political solutions to epistemic deficits, sometimes in the form of strengthening deliberative institutions and participatory mechanisms. And empathy can play an important role here, as well. Specifically, it can facilitate access to, and effective use of, what is sometimes referred to as situated knowledge.⁴⁹ Iris Marion Young, for instance, argues that we ought to embrace a form of democratic deliberation that encourages the expression of situated perspectives, so that we take advantage of the wealth of relevant information that distributed across a citizenry. She writes:

Confrontation with different perspectives, interests, and cultural meanings teaches individuals the partiality of their own, and reveals to them their own experience as perspectival. Listening to those differently situated than myself and my close associates teaches me how my situation looks to them. . . . Expressing, questioning, and challenging differently situated knowledge adds to social knowledge. While not abandoning their own perspectives, people who listen across differences come to understand something about the ways that proposals and policies affect others differently situated.⁵⁰

One certainly gains a broader and more informed perspective on political and social matters by listening to others and entering into their perspectives.

Elizabeth Anderson makes vivid the epistemic benefits of pooling situated information in her article 'The Epistemology of Democracy.' Anderson draws on Bina Agarwal's work on community forestry groups (CFGs) in India and Nepal, which reveals 'how the exclusion of women from participation in community forestry groups hobbles the epistemic powers of these groups, by excluding the situated knowledge women have of the capacities of local forests.'⁵¹ When CFGs adopted measures to limit foresting of the commons, they failed to anticipate some of the adverse affects that this policy would have on the health, safety, workload, and education of women in these communities.⁵² The CFGs also failed to take advantage of the privileged knowledge that women, as the primary gatherers of firewood, had concerning sustainable foresting levels, the relative importance of various tree species, and so forth. Anderson makes a strong case that the many of the problems with the CFGs stemmed from their failure to tap into the reservoirs of asymmetrically distributed, situated knowledge. And such problems are endemic to democratic bodies of all sorts.

Empathy is crucial here, since the mere expression of situated knowledge in deliberative contexts is of little value if these perspectives are still discounted. If we want to utilize the situated information dispersed across a citizenry, people must be willing to take up, and learn from, the perspectives of others in their full articulation. And this is facilitated by, and perhaps largely dependent on, empathy.⁵³

At this point, I've offered a layered defense of the epistemic importance of empathy. At the first level, empathy helps us to correct for the irrational discounting of perspectives that is often the result of attending to non-present perspectives too carelessly and mutedly. At least much of the time, then, empathic information is relevant and user-friendly relative to our current, first-order preferences. Moreover, empathy plays an important role in satisfying the widely held second-order preference that one form one's preferences and judgments autonomously. And, finally, preferences aside, one might well have responsibilities to enlarge one's ken so as to take advantage of situated knowledge, and empathy would seem to play a crucial role here. There is an insight that is common to all of these levels, which is that, even if all information acquired through empathy is in

principle apprehensible in some purely impersonal manner, empathic information is uniquely encoded to appreciate the *reality* of other perspectives.⁵⁴

3. *Challenges, concessions, qualifications*

In advancing an epistemic case for empathy, I am not claiming that one ought always to turn one's empathy amp up to 11. Rather I am maintaining that *on the whole* empathy helps to correct for deficient grasps of other perspectives and generally enables one to make more informed and better judgments. In this section, I will briefly consider a few challenges to the epistemic credentials of empathy, which will enable me to refine and qualify my thesis.

3.1. EMPATHIC OVERLOAD

One objection that could be raised against an epistemic case for empathy is that, even within natural cognitive limits, a highly cultivated sense of empathy leads to an embarrassment of perspectival riches that overloads one's emotional capacities and cripples one's judgment. At a certain point, empathic information might actually be extremely user-*unfriendly*, rendering us incapable of making good decisions. Let's call this the point of empathic overload.

Unquestionably, empathic overload can, and does, occur. In such cases, emotional over-arousal induces personal distress and self-focus that can lead one to adopt empathy-avoidance behavior.⁵⁵ In these circumstances, too much empathy undermines one's ability to do what one has a reason to do.⁵⁶ For this reason, nurses, aid workers, and others who are particularly susceptible to empathic overload or compassion fatigue are often advised to suppress their empathy, so that they can continue to work effectively.⁵⁷

Just how concerned should most of us be about empathic overload? In my opinion: not very. Most of us, most of the time, are not on the verge of being crippled by empathy. And when we are in situations where we are susceptible to this, there are likely to be good indicators of this. In the everyday affairs of most people, empathy *is* likely to give us a better-articulated and more user-friendly set of information about other minds. Even if, at a certain level, empathic sensitivity would be unbearable, most of us, most of the time, are nowhere near that level.

3.2. EMPATHY, SYMPATHY, AND *EX ANTE* DISCOUNTING

It might be objected that there is something too indiscriminate about the epistemic case that I have been building. In arguing that empathy

contributes to the formation of autonomous preferences, I seem to be assuming that all perspectives deserve equal *ex ante* credence. If empathy leads inexorably to sympathy this would be quite problematic, since surely not all perspectives deserve equal sympathy. Indeed, one might think that empathic information is so loaded that to grasp empathically another's perspective is to endorse it or even take an *interest* in it.⁵⁸ If this is the case, then claiming that one cannot adequately judge how strong one's interest is in another perspective until one has quasi-experienced it would then be like claiming that one cannot adequately determine whether one cares for Rothko's paintings until one has experienced the joy of beholding them.

In response to this concern, I would argue that empathy is twice removed from the disposition to help. First, one can empathize with, and so better understand, another's perspective, without sympathizing with or *feeling for* the other. Sympathy is a particular feeling of concern that is directly bound up with the disposition to care; it involves an (tacit or explicit) endorsement of the other's perspective as genuinely *worthy of concern*. Empathy only involves finding the other's perspective intelligible.⁵⁹ Empathy might lead to sympathy in some cases, but one can perfectly well empathize with another without finding her sympathetic and without being disposed to help her. Consider *Schadenfreude*, which acquires its particular relish in virtue of the fact that we can partially empathize with the sufferer, while still distancing ourselves from this perspective such that our dominant feeling is delicious satisfaction.⁶⁰

Moreover, even if empathy does tend towards sympathy for another, one can still reflectively evaluate the propriety of sympathetic concern, just as one can with other emotional responses. If I can reflect upon my feelings of, say, envy or irritation and judge them to be irrational, I can certainly also do this when it comes to my empathic apprehension of the feelings of others. And, when empathy does result in evaluative endorsement, it is not outrageous to suppose that some degree of endorsement is warranted.

Still, I'm willing to concede that some perspectives are more empathy-worthy than others. And while it is generally a good policy to empathize first and ask questions later, this policy does not always serve us well. Because there are costs (cognitive, temporal, etc.) involved in empathizing, we will sometimes have to rely on heuristics to make *ex ante* determinations of which perspectives ought to be given empathic priority.⁶¹

There will be times when it is not only acceptable, but positively advisable, to avoid empathic information. Consider the case of Rachel, a diabetic with a sweet tooth. In order to keep her blood sugar levels under control, Rachel tries to resist eating sweets. To avoid temptation, she tries not even to think about sweets, going out of her way to avoid walking by the neighborhood chocolatier. This seems like a perfectly rational practice, not unlike Ulysses tying himself to the mast so that he doesn't yield to the seductive call of the Sirens. But, given what I have said about the

possibility of empathizing with oneself (§2.2) and empathy's role in the formation of informed preferences (§2.3), it might seem that I am committed to the view that Rachel cannot really determine what is in her interest until she has empathized with herself in some hypothetical future scenario devouring a triple chocolate sundae. This information may be relevant to her in the sense that it might give her a reason to change her behavior. Maybe, for Rachel, death by chocolate is worth the risk. Why isn't her decision to suppress this sundae-eating perspective provincial and ill-informed, like the Israeli refusing to empathize with the Palestinian?

There are at least three distinctive features of Rachel's situation. First, one of the problems with the sundae-eating perspective is that, on account of the intensity of the pleasure that is anticipated, this perspective is likely to crowd out the information that would count against sundae-eating, as this countervailing information is much more difficult to take up empathically.⁶² Here, empathizing would result in an informational imbalance (see §3.3, below). Second, Rachel has probably had enough relevantly similar experiences to make an informed inductive judgment about the value of sundae eating. By contrast, the Israeli might never have really taken up the perspective of the Palestinian, and so might have a much weaker basis for assessing the value of this perspective prior to empathy. And, finally, even if the Israeli has empathized with certain Palestinians in the past, his reasons for discounting this perspective will almost certainly be buttressed by distorted or dubious information. By contrast, Rachel's all-things-considered reason for avoiding sundaes (and sundae-eating fantasies) is based on sound medical evidence.⁶³ What is distinctive, then, about Rachel's case is that she has an epistemically well-grounded set of reasons for thinking that in this particular situation empathic information has disutility. This shows that the epistemic presumption in favor of empathy is defeasible; but it does not undermine the presumption itself.

3.3. SELECTIVE EMPATHY AND BIAS

The concern at the root of the last section was that empathy should not be too indiscriminate. A more common concern is that empathy is too discriminate. Empathy tends to be elicited on the basis of arbitrary ties and cognitive biases. This brings us back to the hysteria surrounding judicial empathy. The concern here is that judicial empathy will extend to a very small set of people, notably people whom one regards as *like oneself* in some critical respect.⁶⁴ What this means is that if one allows empathic information to enter into one's decision-making process, one will be more likely to make judgments that are unwarrantedly preferential or discriminatory.⁶⁵

The first thing that we should note in response to this challenge is that it does not undermine the epistemic credentials of empathy itself. In fact, the

problem might arise in part *because* of the epistemic credentials of empathy. The empathic target will get a fuller hearing than one who is not empathically attended to – the former will have an informational advantage over the latter. The corrective to this, then, is to broaden the scope of empathy, with Smith's impartial spectator, whose empathy extends to (nearly) all perspectives, serving as an ideal.

Still, if the impartial spectator is the ideal, there is a problem of second bests here: even if empathizing with all relevant perspectives would be ideal, it does not follow that the next best thing to do is to empathize with some of the relevant perspectives. It might actually be that, in some instances, the next best thing to full empathic appraisal of a situation is the suppression of all empathic input, so as to reduce informational disparities. Here, we would do well, however, to remember that one of the main reasons why empathy improves judgment is that it corrects for the irrational discounting of perspectives. In many day-to-day circumstances, we discount other perspectives in relation to our own present perspective, so gaining empathic insight into these other perspectives *does* help to correct for informational disparities. However, in certain cases one will have good reason to believe that empathizing with a particular perspective is likely to create an informational bias *vis-à-vis* other relevant perspectives, and if empathizing with all other relevant perspectives is unachievable, then perhaps one has a reason to suppress all empathy.

Based on concessions made in the preceding three subsections, we may conclude that empathic information is to be avoided when one has good reason to believe that: (a) one is on the verge of empathic overload; (b) in this particular instance empathy is likely to induce one to act contrary to well-formed interests; (c) empathy will create an insuperable and unwarranted informational disparity in a situation in which informational parity is paramount. No doubt we could identify other cases where empathy seems not to improve judgment. Nevertheless, the situations described in this section are exceptions that prove the rule. Just as it would be a mistake to say that 'murderer at the door' or 'white lie' scenarios undermine the merits of the practice of truth-telling or create insuperable decision-procedure problems, so too it would be a mistake to assume that these counterexamples undermines the general epistemic case for empathy. For most of us, in most circumstances, empathy is the source of relevant and user-friendly information that corrects for hyperbolic discounting that is all too likely to occur.

4. Conclusion

But even if, as I've contended, there is a defeasible epistemic presumption in favor of empathizing, to what extent is improving our empathic

capacities within our control? There is evidence to suggest that, even if one's empathic baseline is largely determined by factors outside of one's control (i.e. by one's genes and one's early socialization), one can enhance one's empathy beyond this baseline. Even people for whom perspective taking is most alien are capable of improving this capacity. Consider David Finch's account of his own attempts to increase his empathy in spite of his Asperger's:

Acquiring empathy seemed a taller order, given that my Aspergerish point of reference is myself in every circumstance. (Someone just slipped and killed himself in the men's room? I see. How long until they get him out of there so I can go?) But I've learned that people can develop empathy, even if by rote. With diligent practice, it can evolve from a contrived acknowledgement of other people's feelings to the real thing. To that end, I started asking [my wife] how her day was and then paying more attention to her body language than her words. (Occasionally I would have to ask if I was reading her correctly.) If I sensed she was tired, I would take the kids out so she could have quiet time. If she seemed really burned out, I would offer to give her a foot massage, or to just listen. Soon these started to feel like real rather than manufactured emotional responses.⁶⁶

While most of us don't find empathy to be as unnatural as Finch does, some of what he describes could be profitably adopted by many of us. Empathy can be improved both by attending to and rehearsing others' perspectives⁶⁷ and by manipulating one's environment to induce more empathy, as method actors do when they seek to inhabit the perspectives of their characters.⁶⁸

Of course, as such actors also know, if one wants to bring another's experiences home to oneself, imagining the experiences of another is no substitute for actually *sharing* those experiences. It is no surprise, then, that Sara Hodges and Daniel Wegner note that 'the more experiences we have shared with people, the better we should be at empathizing with them, because it gives us more such information to consider.'⁶⁹ For this reason, it is perhaps not unreasonable that Sotomayor should suggest that a 'wise Latina woman with the richness of her experiences,' particularly one who has spent good parts of her life alongside those whose perspectives are all-too-often ignored or discounted,⁷⁰ would be able to draw on empathic knowledge to reach 'better conclusion[s].'⁷¹ But perhaps the best thing that many of us, in our everyday certitude and sense of self-importance, could do to expand our empathy is just what John Cage – who knew something about what silence reveals – prescribes in the epigraph to this article: '[to] be hushed and silent' so that we might 'have the opportunity to learn what other people think.'⁷²

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NOTES

¹ Prize-winning Southern California High School Oratorical Contest essay written in 1927. Quoted in Ross, A. (2010). 'Searching for Silence: John Cage's Art of Noise,' *New Yorker*, 4 October.

² In an op-ed piece in the *Wall Street Journal*, Karl Rove interpreted Obama's remark with characteristic cynicism, declaring empathy a 'code word for liberal activism' and suggesting that 'there is a certain irony in a president who routinely praises America's commitment to 'the rule of law' but who picks Supreme Court nominees for their readiness to discard the rule of law whenever emotion moves them': Rove, K. (2009). '“Empathy” is Code for Judicial Activism,' *Wall Street Journal* 28 May. In response to an earlier remark about judicial empathy by Obama, Wendy Long, legal counsel to the Judicial Confirmation Network (a conservative organization now dubbed the 'Judicial Crisis Network'), wrote: 'for the first time in American history, a candidate for president announced that he would seek judges whose decision-making is premised explicitly upon partiality – rather than upon the impartiality that the law requires of a judge': Long, W. (2009). 'What's the Matter with Empathy?' *National Review*, 16 April.

³ Sotomayor, S. (2009). 'A Latina Judge's Voice' (Judge Mario G. Olmos Memorial Lecture, UC-Berkeley, 2001), *Berkeley La Raza Law Journal* Spring 2002, reproduced in *The New York Times*, 14 May.

⁴ The touchstone here is Kant's *Groundwork*. More recent variants include Nagel, T. (1970). *The Possibility of Altruism*. Princeton, NJ: Princeton University Press, and Gewirth, A. (1978). *Reason and Morality*. Chicago, IL: University of Chicago Press. A rather different kind of rationalistic approach is adopted by contractarians – e.g. David Gauthier (1986) *Morals by Agreement*. Oxford: Oxford University Press – who, following Hobbes, attempt to ground ethics in rational self-interest.

⁵ Gilligan, C. (1982). *In A Different Voice: Psychological Theory and Women's Development*. Cambridge, MA: Harvard University Press; Noddings, N. (1984). *Caring*. Berkeley, CA: University of California Press.

⁶ Recent works in moral sentimentalism include: Nichols, S. (2004). *Sentimental Rules: On the Natural Foundations of Moral Judgment*. New York: Oxford University Press; Prinz, J. (2008). *The Emotional Construction of Morals*. Oxford: Oxford University Press; Slote, M. (2010). *Moral Sentimentalism*. Oxford: Oxford University Press.

⁷ See Slote, M. (2007). *The Ethics of Care and Empathy*. London: Routledge; Noddings, 1984, esp. pp. 30–31.

⁸ Hoffman, M. (2000). *Empathy and Moral Development*. Cambridge: Cambridge University Press, p. 29.

⁹ This is not a novel suggestion. As Nancy Eisenberg points out, 'Empathy is believed to involve both cognitive and affective components': Eisenberg, N. (2000). 'Empathy and Sympathy,' in M. Lewis and J. Haviland-Jones (eds) *Handbook of Emotions*. New York: The Guilford Press, pp. 677–691 at p. 677.

¹⁰ Simner, M. L. (1971). 'Newborn's Response to the Cry of Another Infant,' *Developmental Psychology* 5, pp. 136–150.

¹¹ Assuming that this mimicry involves a resembling affect. See Ferrari, P. F. and Gallese, V. (2007). 'Mirror Neurons and Intersubjectivity,' in S. Braten (ed.) *On Being Moved: From Mirror Neurons to Empathy*. Amsterdam: John Benjamins.

¹² Goldie, P. (1999). 'How We Think of Others' Emotions,' *Mind & Language* 14, pp. 394–423 at p. 406.

¹³ Hoffman captures this point well in his definition of empathy as 'psychological process that makes a person have feelings that are more congruent with another person's situation

than with his own situation' (2000, p. 30). For a discussion of a puzzle that arises because of this feature of empathy, see Deonna, J. (2007). 'The Structure of Empathy,' *Journal of Moral Philosophy* 4, pp. 99–116.

¹⁴ While it is not uncommon for empathy to be described as if it were merely a social skill, a kind of know-how, like being able to dance the samba or to blow smoke rings. Certainly, empathy does facilitate cooperative and sociable behavior, enabling one to navigate interpersonal affairs more smoothly. But empathy also involves propositional knowledge (knowledge-that) about the mental states of others, knowledge that helps to explain things like social grace and emotional competence.

¹⁵ It is worth noting I am simply claiming that knowledge of other minds – *however begotten* – is partly constitutive of empathy. For this reason, the debate between *simulation theory* and *theory theory* concerning how we make mental state attributions is orthogonal to my argument. Should it turn out that *simulation theory* is right, this would certainly make my account more elegant, since it would explain why the AC and the ARC seem so tightly connected by showing that the mechanism for apprehension *just is* re-enactive. But, if *theory theory*, or some other approach altogether, is right, that would in no way vitiate my account, since the AC is not necessarily aligned with any particular mechanism.

¹⁶ See, e.g., Ickes, W. (ed.) (1997). *Empathic Accuracy*. New York: Guilford Press; Deonna, 2007, pp. 99–100.

¹⁷ Goldman, A. (2006). *Simulating Minds: The Philosophy, Psychology, and Neuroscience of Mindreading*. Oxford: Oxford University Press. See also Goldie's contrast with 'In-his-shoes imagining,' which 'unlike empathy, involves the narrator having a mixture of my own characterization and some of his; empathy, if successful, does not involve any aspect of me in this sense': Goldie, 1999, p. 398).

¹⁸ This distinction between grasping another's perspective and merely imagining *oneself* in their shoes is vividly drawn in Thomas Nagel's (1979) 'What Is It Like to Be a bat?' in *Mortal Questions*. Cambridge: Cambridge University Press, p. 169. Tellingly, Nagel mentions empathy as among the tools that enable us to grasp the perspectives of other humans (1979, p. 179).

¹⁹ Empathic knowledge of this sort obviously comes in degrees. Part of what will determine the strength of one's empathy will be the extent to which one can reconstruct the narrative of the other (see Goldie, 1999, p. 411). And the extent to which one participates in another's perspective will also depend on one's psychic (and often physical) distance, as illustrated by Hume's example of witnessing a sinking ship (borrowed from Lucretius' *On the Nature of Things*, Book 2, lines 1–4). There is a great difference between thinking of a ship caught in a tempest from a safely removed distance and actually *witnessing* the ship from so close that one 'can perceive distinctly the horror, painted on the countenance of the seamen and passengers, hear their lamentable cries, see the dearest friends give their last adieu, or embrace with a resolution to perish in each other's arms' (*Treatise* 3.3.2). While both of these experiences might count as empathic *to some degree*, in the latter case one's empathy is fully engaged, while in the former case, in which a sense of one's own safety, and consequently a sense of relief, predominates, one is not primarily experiencing an affect that is more congruent with the others' situation than one's own, and so one's empathy is rather weak, at best.

²⁰ A number of other theorists have described empathy in precisely these terms. See, e.g., Ravenscroft, I. (2002). 'What is it Like to be Someone Else? Simulation and Empathy,' *Ratio* 11(2), pp. 170–185; Goldie's 'empathetic understanding is a way of gaining a deeper understanding of what it is like' (1999, p. 398).

²¹ I should note that not everyone agrees that people with autism are empathy deficient. See Nichols, S., Stich, S., Leslie, A. and Klein, D. (1996). 'Varieties of Off-line Simulation,'

in P. Carruthers and P. Smith (eds) *Theories of Theories of Mind*. Cambridge: Cambridge University Press.

²² See Baron-Cohen, S. (1995). *Mindblindness*. Cambridge, MA: MIT Press; Kennett, J. (2002). 'Autism, Empathy and Moral Agency,' *The Philosophical Quarterly* 52(208), pp. 340–357; Nichols (2004) surveys some of the relevant literature on this issue (pp. 13ff. and 57ff.).

²³ See Nichols, 2004, p. 58.

²⁴ Nichols, 2004, pp. 13 and 59.

²⁵ It is worth pointing out that for most people, and in most cases, these two conditions are mutually reinforcing. Not only does the apprehension of another's state contribute to one's ability to re-enact her affective state, re-enacting this affective state also helps to focus one's attention on the target's state.

²⁶ There is a dispute in the literature on this point. Stephen Darwall [(1998). 'Empathy, Sympathy, Care,' *Philosophical Studies* 89(2-3), pp. 261–282] and Slote (2007) clearly allow for this. Others – e.g. Julia Driver [(2010). 'Care and Empathy: On Michael Slote's Sentimentalist Ethics,' *Abstracta* V, pp. 20–27 at p. 23], and Elliott Sober and David Sloan Wilson [(1999). *Unto Others*. Cambridge, MA: Harvard University Press, pp. 234–235] – are reluctant to call this empathy.

²⁷ One might object that such an affect does not satisfy the etiological feature of the ARC, since there is no actual state of a target that could be said to cause the spectator's state. This objection can be met provided that one accepts, as I think one must, that counterfactual claims are truth-apt. If counterfactual claims can be true, there must be truth-makers. If one's representations track these truth-makers, and if one's affects result from these representations, we can say that these truth-makers (e.g. real states of possible worlds) cause one's affective state. Thanks to Dan Cohen for bringing this concern to my attention.

²⁸ See, e.g., Locke *Essay*, 2.1.6; Hume, *Enquiry Concerning Human Understanding*, Section II).

²⁹ See Nagel, 1979; Jackson, F. (1986). 'What Mary Didn't Know,' *Journal of Philosophy* 83, pp. 291–295.

³⁰ The most prominent example of this is Frank Jackson's Knowledge Argument (Jackson, 1986). I will omit the details here, since I presume that they are well known to most readers.

³¹ See, e.g., Loar, B. (1997). 'Phenomenal States,' in N. Block, O. Flanagan and G. Güzeldere (eds) *The Nature of Consciousness*. Cambridge, MA: MIT Press; Nemirow, L. (1988/2002). 'What Experience Teaches,' *Proceedings of the Russellian Society*, reprinted in D. Chalmers (ed.) *Philosophy of Mind: Contemporary and Classical Readings*. Oxford: Oxford University Press, pp. 281–294, at p. 294.

³² See Jackson, F. (1982). 'Epiphenomenal Qualia,' *Philosophical Quarterly* 32, pp. 127–136.

³³ Some information may be said to have disutility for an agent at a given time (consider the colloquial expression 'too much information' or 'TMI').

³⁴ Brandt, R. B. (1998). *A Theory of the Good and the Right*. Amherst, NY: Prometheus Books, p. 12.

³⁵ See Brandt, 1998, p. 112.

³⁶ This formulation captures the earlier point that the causal relationship must be non-deviant.

³⁷ See Bernard Williams' example of one who desires to drink the liquid in front of him only because he believes that it is a gin and tonic, when in fact it is petrol: Williams, B. (1981). 'Internal and External Reasons,' in *Moral Luck*. Cambridge: Cambridge University Press. It should be noted that this analysis of irrationality need only be taken as applying to 'derived

desires,' or desires that are parasitic on other desires: see Parfit, D. (1984). *Reasons and Persons*. Oxford: Clarendon, p. 117. If one just has a *primitive* love of products labeled 'extra strength' – knowing full well that this particular product is no more efficacious than its competitors – the information that this product is labeled 'extra strength' might well give her an additional reason to buy it.

³⁸ McNeil, B. J., Pauker, S. G., Sox, H. C. and Tversky, A. (1982). 'On the Elicitation of Preferences for Alternative Therapies,' *New England Journal of Medicine* 306, pp. 1259–1262.

³⁹ Of course, this has to be weighed against other interests; e.g. one's interest in not being subjected to obnoxious noises.

⁴⁰ Discussed in Wegner, D. (2002). *The Illusion of the Conscious Will*. Cambridge, MA: MIT Press, pp. 37–38.

⁴¹ Christine Tappolet claims that apparent cases of *akratic* procrastination are actually best understood as evidence that one lacks a special concern for one's future self: Tappolet, C. (2010). 'Procrastination and Personal Identity,' in C. Andreou and M. D. White (eds) *Thief of Time: Philosophical Essays on Procrastination*. New York: Oxford University Press. Ultimately, I find Tappolet's case unconvincing, as it depends on the dubious assumption that sincerity and depth of concern for P at time *t* is best determined by the motivational strength of one's desire to do things that promote P at time *t*, without taking seriously the ways in which an on-going commitment to one's future self (e.g. putting money in a retirement account, avoiding behaviors that besmirch one's reputation or credit rating, etc.) counts against her hypothesis.

⁴² Damasio, A. (1994). *Descartes' Error*. Harmondsworth: Penguin, p. 173. Cf. Bechara, A., Damasio, A. R., Damasio, H. and Anderson, S. W. (1994) 'Insensitivity to Future Consequences Following Damage to Human Prefrontal Cortex' *Cognition* 50, pp. 7–15.

⁴³ Damasio, 1994, p. 208ff.

⁴⁴ *Ibid.*, p. 215.

⁴⁵ *Ibid.*, p. 217.

⁴⁶ I am, of course, drawing a loose parallel here with Harry Frankfurt's conception of wantons in Frankfurt, H. (1971). 'Freedom of the Will and the Concept of a Person,' *Journal of Philosophy* 68, pp. 5–20.

⁴⁷ There will be times when such *ex ante* determinations will be permissible (see §3.2). For instance, if Brussels sprouts were discovered to be *carcinogenic*, the boy would have a perfectly good reason not to want to change his palette so that they might tempt him.

⁴⁸ Estlund, D. (2007). *Democratic Authority*. Princeton, NJ: Princeton University Press.

⁴⁹ Young, I. M. (1997). 'Difference as a Resource for Democratic Communication,' in J. Bohman and W. Rehg (eds) *Deliberative Democracy*. Cambridge, MA: MIT Press, p. 399.

⁵⁰ *Ibid.*, p. 403.

⁵¹ Anderson, E. (2006). 'The Epistemology of Democracy,' *Episteme* 3, pp. 9–23 at p. 9.

⁵² *Ibid.*, p. 18.

⁵³ In a *New York Times* op-ed piece, David Brooks points to a study that underscores the apparent connection between group knowledge and empathy: 'Researchers at the Massachusetts Institute of Technology and Carnegie Mellon have found that groups have a high collective intelligence when members of a group are good at reading each others' emotions – when they take turns speaking, when the inputs from each member are managed fluidly, when they detect each others' inclinations and strengths': Brooks, D. (2011). 'Amy Chua is a Wimp,' *New York Times* 18 January.

⁵⁴ Contrast this with the extreme case of the psychopath, who is perfectly capable of attributing mental states to others, but for whom others are treated as objects, possessed of a perspective less real than one's own. See Carl Elliott's description, 'His conception of others appears incomplete; other people are less "real." The psychopath seems . . . unable to see

things through the eyes of others and thus unable to see why the interests of others matter': Elliott, C. (1992). 'Diagnosing Blame: Responsibility and Psychopath,' *Journal of Medicine and Philosophy* 17, pp. 200–214). Cited in Kennett, 2002, p. 341.

⁵⁵ See Batson, C. D. (1991). *The Altruism Question*. Hillsdale, NJ: Lawrence Erlbaum.

⁵⁶ In the case of an aid worker, empathic information might be, at best, irrelevant, and at worst, user-unfriendly. It might be irrelevant because – assuming that the worker is following protocol – it does not give her a further *reason* to do anything other than what she is already doing; it just adds additional noise, as it were. And, in fact, it might interfere with her performing what she *does* have a reason to perform, if it leads to empathy-avoidance behavior.

⁵⁷ Julia Driver raises this type of case in her critical review of Michael Slote's paean to empathy, *The Ethics of Care and Empathy*: 'Consider the example of a triage physician. He absolutely needs to tamp down his empathic responses in order to function well. Otherwise, he would be overwhelmed with sadness and despair. For him, in those circumstances, feeling what his patients are feeling is just too much' (Driver, 2010, p. 24).

⁵⁸ This is suggested by the empathy-altruism hypothesis (Batson, 1991).

⁵⁹ See Darwall, 1998, pp. 274ff.

⁶⁰ As Ben Wasserman pointed out to me, *Schadenfreude* is, in many cases, joined only to a weak empathy, similar to the distant spectator in Hume's example (*supra* note 19). But, in some instances, *Schadenfreude* could be seen as the outcome of successive mental acts, beginning with a robust empathy, followed by a reflection on the fittingness of the suffering.

⁶¹ For example, we would want to consider the costs involved in acquiring this information, the relative urgency and importance of the situation, the likelihood of discounting the perspectives, the degree to which the perspectives under consideration are themselves informed, including empathically informed, and so forth.

⁶² How does one accurately empathically imagine the possible impacts of sundae eating on one's health? Must one imagine that this will contribute to a destructive eating *habit*, or should one consider it as a one-off affair? And how am I to represent, empathically, a slightly elevated health risk? Calibrating empathy to reflect statistical differences is unquestionably difficult: see Trout, J. D. (2009). *The Empathy Gap*. New York: Viking, p. 27.

⁶³ The situation would obviously be different if her reason for suppressing the sundae-eating perspective were based on the view that hot fudge has the devil in it.

⁶⁴ For evidence that we are more likely to empathize with those whom we perceive to be similar to us, see Krebs, D. (1975). 'Empathy and Altruism,' *Journal of Personality and Social Psychology* 32(6), pp. 1134–1146.

⁶⁵ See Eisenberg, 2000, p. 683.

⁶⁶ Finch, D. (2009). 'Somewhere Inside, a Path to Empathy,' *New York Times* 17 May.

⁶⁷ Hodges, S. D. and Wegner, D. M. (1997). 'Automatic and Controlled Empathy,' in W. Ickes (ed.) *Empathic Accuracy*. New York: Guilford Press, pp. 324–325.

⁶⁸ One rather striking example of this is Alex Haley's decision to spend time lying in the small, dark hold of a ship to try to gain a more vivid sense of what it must have been like for a slave *en route* to America while he was preparing to write *Roots*. See Hodges and Wegner, 1997, p. 323. It is worth adding here that the ability of individuals to expand our empathic capacities will also depend as much on social institutions and practices as it does on the efforts of individuals. In a culture in which greed, narcissism, celebrity-worship, political tribalism, and the cult of the individual prevail, one's empathic capacities are likely to remain stunted. Contrast this with what Trout describes as the norm of empathy (*omoiyari*) found in Japanese culture: 'In Japan, people internalize the powerful social expectation that you will help those in need. As a result, they pursue the ideal not just because social norms impose

feelings of shame, but also because failure to empathize carries a sense of individual guilt' (Trout, 2009, p. 27).

⁶⁹ Ibid., p. 324.

⁷⁰ Moreover, there is some evidence that people who come from lower classes – like Sotomayor, who was raised in the Bronxdale Housing, a public housing project in the impoverished South Bronx – are generally better at reading the emotions of others. See Kraus, M. W., Côté, S. and Keltner, D. (2010). 'Social Class, Contextualism, and Empathic Accuracy,' *Psychological Science* 21, pp. 1716–1723 (published online 25 October).

⁷¹ J. D. Trout points out that one's range of experience impacts one's views on various social issues, suggesting that 'empathic influence overpowers ideology' (2009, p. 38). For instance, those legislators who have more daughters are more likely to take a liberal stance on reproductive rights, irrespective of ideology. Even the late conservative Chief Justice, William Rehnquist, took a surprisingly liberal stance on medical leave, perhaps prompted in part by the fact that his daughter's demanding job often made childcare difficult for her (2009, p. 38).

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