

## CHAPTER TEN

# LOVE AND SYMPATHY: BUILDING ON THE LEGACY OF MAX SCHELER

ALEKSANDAR FATIĆ

### Introduction

Sympathy is an attractive value to try to found an ethics system on. Cultures permeated with sympathy tend to be more pleasant to live in. Everyday social interactions seem less difficult and more satisfying to all if they take place against a background of sympathy. However, there are philosophical difficulties with sympathy playing the role of a founding value for ethics, because its normative attributes are unclear.

On the one hand, sympathy arises either from shared values in a community, or from a culture where it is regarded as a moral norm. Examples certainly include “Samaritan” communities, such as closely-knit Christian groups, which often appear as ideal organic communities. Such groups are governed by what Max Scheler calls “fellow-feeling”; this allows them to be highly tolerant and supportive of members who deviate from the values shared by the majority, and facilitates relatively simple rituals of reintegration where infractions have occurred. The concept of repentance as a way of returning to the community of values is a highly effective mechanism of reintegration.

On the other hand, however, reintegration would not be possible without a strong background of sympathy and a promise of genuine forgiveness. Strongly forged substantive values, combined with moral dynamics of forgiveness and an emphasis on mutuality, as well as a constant quest for deep commonalities based on sympathy, generate highly resilient organic communities such as many religious groups are. However, when sympathy is considered as a potential foundation of formal ethics, numerous problems arise, primarily connected to sympathy’s seeming inability to serve as the criterion of right and wrong, good and evil. This is perhaps why Scheler, the champion of philosophy of sympathy at least in the European tradition, decisively denied that sympathy can serve as a

foundation of ethics, while writing excitedly about its role in cognition and imagination (Scheler 1979).

One way to approach sympathy that facilitates a full appreciation of its functional benefits for a community is to treat it as a social language, or social grammar — the normative system that mediates communication. Where such a grammar exists, the so-called “transaction costs” of everyday interactions are lower, because cooperation tends to replace confrontation on most issues. While this point has enthused communitarian philosophers to go as far as asserting that virtue should be defined as a “capacity to participate in common projects”, sympathy fails to tell us how to differentiate the good from the bad, or in the stronger formulation, good from evil (Macintyre 1981). Not everything that contributes to common projects is necessarily morally good: the existence of evil communities, which cherish deviant values and relish in the suffering of others is entirely possible. Such are backward local communities whose practices violate the sense of decency of the broader community. A community may be unjust and cruel just as an individual can. Thus, while a sharing of values certainly strengthens moral arguments in social ethics, the sharing alone does not make a value ethically plausible. One may sympathise with the victim of unjust persecution, but one also may sympathise with a war criminal who is being sought after by an international tribunal, and in both cases the “one” may plausibly be replaced with “many”. Sympathy itself needs, it would seem, something more to render it a founding value for sustainable ethics.

### **Sympathy as a “social grammar”**

Human relations exhibit in large part an immediacy that cannot be explained by rational reasoning. This is especially the case with expressions of inner events, which meet with an intuitive recognition by others. Certain signs given away by others allow us to become aware that the other person is sad, revolted, excited or optimistic about something. We have here, as it were, a universal grammar, valid for all languages of expression, and the ultimate basis of understanding for all forms of mime and pantomime among living creatures. Only so are we able to perceive the inadequacy of a person’s gesture to his experience, and even the contradiction between what the gesture expresses and what it is meant to express (Scheler 1979: 11).

This immediacy of recognition can be explained in various ways, but in all cases it clearly includes a pre-existing knowledge of the meaning of gestures and signs we may have never seen before. This type of “fellow-

feeling” (*Mitgefühl*) as Scheler calls it, or of *sympathy*, as I shall call it here, provides a transparency in communication that allows considerably greater intimacy. Yet, the ability to feel sympathy cannot be construed rationally, nor can it be advanced by deliberate policies; it is simply a gift in communication that is being gradually lost as communities become larger and individuals are increasingly driven by solitary agendas that insulate them from one another.

### **The functionality of sympathy in small communities**

The functional reason for the principle “small is beautiful” lies in the fact that sympathy, which allows immediacy in the perception and understanding of the other’s viewpoint and basic interests, springs from a communal well of trust. Trust, on the other hand, requires a deeper set of commonalities than are those typically associated with modern forms of “certified” membership in a community, such as citizenship. The sovereign state produces citizenship as a form of common identification by its constituents. Smaller, organic communities, on the other hand, have more comprehensive mutual identifications that arise from shared experience and life prospects. Such common experience and prospects generally arise in people who live close to each other.

Modern nation states tend to be multicultural. This is a cognitive benefit, because various shared experiences can be exchanged and various traditions can benefit from each other. Such exchange, however, occurs primarily between communities and much less so between individuals, because communities are the primary bearers of culture and tradition as manifestations of shared values.

One fundamental aspect of solidarity based on sympathy is the ability to *identify* with another. Trivially, this ability allows the understanding of another’s point of view and empathising with it. In the minimalist sense, it makes possible the tolerance of another who harbours different values — the very foundation of social peace. However, not all types of mutual identification are conducive to sympathy. Political mobilisation has been known to seek to foster the type of mutual identification that Scheler calls “emotional infection”. This is a phenomenon of mass-psychology whereby a human group acts similarly to a group of animals. Just as a herd becomes “infected” by suggestive moves made by several individuals, and may internalise the mood as their own panic, aggression, or fight-or-flight reaction, so a human crowd can internalise the emotions of the leaders, be they “national emancipators”, “freedom fighters” or “protesters for justice”. Most cases of mass hysteria are induced by this type of “pathological

identification”, as Scheler calls it, where direct contact between individuals and leaders proves particularly dangerous (12). Emotional infection is pathological because it erases the boundary between the individual and another person. Thus one does not sympathise with the feelings and views of the other; one does not even share the feelings and views of another — emotional infection allows the masses to feel *as though* the moves made by the leader *are* their own. In Scheler’s words:

The process of infection is an involuntary one. Especially characteristic is its tendency to return to its point of departure, so that the feelings concerned *gather* momentum like an avalanche. The emotion caused by infection reproduces itself *again* by means of expression and imitation, so that the infectious emotion increases, again reproduces itself, and so on. In all mass-excitement, even in the formation of ‘public opinion’, it is above all this reciprocal effect of a self-generating infection which leads to the uprush of a common surge of emotion, and to the characteristic feature of a crowd in action, that it is so easily carried beyond the intentions of every one of its members, and does things for which no one acknowledges either the will or the responsibility. It is, in fact, the infective process itself, which generates purposes beyond the designs of any single individual (15–16).

### **Non-essential differences**

Although small communities embody commonalities that are functionally required for sympathy, the dynamics of (i.e. motivation for) sympathy does not require excessive inter-personal similarities. This is evident from empirical observation of the functioning small communities, where both the individual similarities and differences, eccentricities included, are known to most people, but there is a fundamental “agreement to disagree” on certain things. In such communities there is usually a broadly accepted respect for non-essential individual differences. This respect, or “tolerance”, is made possible by far more significant and strong, shared fundamental commonalities. These typically include similar life prospects, social, economic, ecological and other circumstances that affect everyone in the same way, and — rather often — a shared gene pool. Complemented by long-entrenched customs and a consensually adopted micro-culture, the above factors are powerful catalysers for social interaction and cooperation. On the negative side, they may also catalyse animosities towards “others”, whose values and collective identities are, or are perceived to be, different.

## Phenomena related to (confused for) sympathy

Sympathy is but one of several closely related psychological phenomena that imply shared sentiments between members of a group. To distinguish sympathy from other related feelings, Scheler first makes a distinction between “a community of feeling”, or shared feeling, and “emotional identification”. The community of feeling implies that the same sentiment is shared by several individuals. They all genuinely feel the same thing. Perhaps the simplest examples include common grief over the loss of a loved one, where all members of the family often tend to feel the same.

*Emotional identification*, on the other hand, is closely related to *emotional infection*, and it can play an important role in collective mobilisation. This is often dangerous, because it deprives members of the group of their autonomy in decision-making. Emotional identification implies that one’s identity is either superimposed on another’s, or overwhelmed by the other. One of the more primitive examples of such identification was that of totems, which could be specific individual animals, trees, or rocks, and people were able to collectively identify with them. Later in the evolution of the human society the identification was carried over to ancestors, followed by the emergence of ancestor cults. These were two different stages because, in identification with the ancestors, the members of a tribe really believed that they were their ancestors (the common theme in the doctrine of reincarnation), while the ancestor cult involved merely a veneration of the ancestors, which presupposed the perception of identity difference between the ancestors and the venerating generation.

According to Scheler, emotional identification can take two forms: the *idiopathic* and the *heteropathic*. The idiopathic occurs when the actor takes on the identity of something or someone else (as with totems or ancestors), whereas the heteropathic identification occurs when the identity of the spectator is “sucked in”, or overwhelmed by, the identity of the observed object. Heteropathic identification is particularly close to emotional infection. It plays a crucial part in one’s becoming “infected” by another’s emotion and, conversely, in imposing one’s own emotions or views upon others. All of these phenomena are highly relevant in a number of practical contexts, including, for example, both psychological and philosophical counselling. They often arise in discussions of autonomy and authenticity of decisions made by people who uncritically accept the values of others, or, conversely, by those who are such “strong personalities” that they “conquer other minds” by imposing their values on

others. The study of Scheler's distinctions between the various types of identification seems to lend itself particularly readily to psychoanalysis and transactional analysis, which rest on the practical application of structural analysis of personality based on various "ego states", two of which are defined through identification through past influences (e.g. Stewart 2008).

Heteropathic identification is relatively pervasive in nature. Scheler mentions the example of a rabbit or squirrel meeting the gaze of a hungry snake. Rather than running away, which is a feasible option, the animal becomes "hypnotised" or overwhelmed by the snake's gaze and moves closer to the snake, sometimes even literally throwing itself into the jaws. The prey "establishes a corporeal identity" with the predator through heteropathic identification. The rabbit should have no trouble escaping the snake from any distance other than that of imminent strike. On the other hand, if the snake is close enough to strike immediately (this almost never occurs), it would have no need to "hypnotise" the prey, nor would the prey have room or time to move towards the snake before being grabbed. According to Scheler, the key dynamic force at work in this phenomenon is the snake's overwhelming projection of "appetitive desire". It is hard to resist drawing a parallel here with strong projections of "appetitive" or "ambitious" force or desire by human leaders who infect the entire group. Consider abusive politicians who cause wars and other tragedies to their constituents, yet they win popular elections. In some parts of the world, there is an anecdotal principle that people "will vote whoever is currently in power", until things become extreme in ways that truly necessitate change at almost any cost. This "electoral lethargy" has its psychological explanation, and it may in fact be a form of social pathology. Resistance to change is natural to a degree, but in all extreme cases heteropathic identification should be at least considered as an explanation.

A special case of identification is what Scheler calls "identification through coalescence" — the case where members of a community "give in" to a common flow of feeling and instinctual sensibilities "whose pulse thereafter governs the behaviour of all its members, so that ideas and schemes are driven wildly before it, like leaves before a storm" (Scheler 1979: 25). It is easy to see how this type of collective coalescence may play a part in the most radical types of homogenisation of the human group. In cases where the emotions coalesced in are based on devaluing prejudice about others or on fear-mongering, the results have been known to be particularly destructive. Consider the examples of gravest group violence in the last 100 years, such as the genocide in Rwanda in 1994, when in the span of weeks more than 800,000 men, women and children

were killed. The genocide was triggered by a persistent and pervasive campaign of fear-mongering by ethnic leaders through national radio programmes, until the entire ethnic groups coalesced in the hate and raised the machete on each other. The same, to a lesser extent, may have been true for the Bosnian civil war 1993–1995 (Woodworth 1995: 333–373).

The last psychological phenomenon that Scheler distinguishes from sympathy proper is “anticipating identification”: a sort of in-born capacity to transcend the psychological and physical boundaries of an individual’s integrity and *anticipate previously completely unknown structures and sensibilities of the other*, often another species in the animal world, without ever having directly experienced such structures in another individual. According to Scheler, this is a capacity that degenerates in direct proportion with civilizational development. Some wasps are able to sting caterpillars directly in the nerve centres that cause the caterpillar to become paralysed until it is fertilised by the wasp, without killing the caterpillar. The wasp has no direct experience of the inner nerve structure of the caterpillar; it has never before stung the caterpillar, yet it unmistakably hits the right spot. This pre-programmed way of interacting between the species might mean that “(u)nquestionably, we must suppose the wasp to have some kind of primary ‘knowledge’ concerning the vital processes of the caterpillar” (Scheler 1979: 29). In the case of human interaction along this model one is tempted to speak of “instinct” or some reference to a supposed “prior community” that allow us to know the minds of others to varying extents:

(...) to be aware of any organism as alive, to distinguish even the simplest animate movement from an inanimate one, a minimum of undifferentiated identification is necessary; we shall see how the simplest vicarious emotion, the most elementary fellow-feeling, and over and above these the capacity for understanding between minds, are built up on the basis of this primitive givenness of ‘the other’ (1979: 31).

Scheler notes that, if primitive organisms have this capacity, so much more it must be the case with the different racial, ethnic and linguistic communities in human society. Each such community most likely possesses fine inborn instincts of identification and anticipation which, if adequately put to work in society, can contribute immensely to the society’s achievement of its goals, including a high degree of social harmony. The deep-seated commonalities of the human group that Scheler sees as the fountain of all the various types of mutual anticipation, identification and ultimately sympathy, seem to create a firm foundation for ethics. They appear to eliminate the epistemic and cognitive obstacles

to knowing other minds (and, by extension, preferences), at least on a very general level. Thus they seem to greatly assist the development of a normative system that would adequately focus values that arise from what really matters to us and to others. However, Scheler was adamant that sympathy or any of the related cognitive and psychological capacities that spring from instinctual commonalities should not be used for the development of ethics. He writes:

We nevertheless reject from the outset an ‘Ethics of Sympathy’ as such, holding as we do, that the problem of sympathy in general has aspects and affinities which simply cannot be reached at all by a one-sided analysis and consideration from a purely ethical point of view (xviii).

Scheler’s hope is to develop a comprehensive theory of sympathy that would apply across the various disciplines, and he sees an ethics of sympathy as a limiting normative context for such an elaboration of sympathy. His biologicistic language and evolutionist method witness the intent to study sympathy not only in the context of social relationships, but also as it pertains to the natural sciences. His view of sympathy, identification and fellow-feeling as the basket concept for these and related phenomena arising from “primal” commonalities is set on a philosophy of nature. In this, he is close to Henry Bergson’s accounts of the moving force of nature that refer to a universal “vital instinct” or ‘vital force (*Élan vital*)’ in his 1907 *Creative Evolution*. Scheler makes clear parallels with Bergson in his writing and thus helps the reader position his context of consideration of fellow-feeling in a way very different from the dominant contemporary context of the study of sympathy, which focuses social interactions (28–29).

On the other hand, however, although he sees instinctual affinities and commonalities as sources of enormous explanatory power in the philosophy of nature, Scheler is quite cynical about the instinctual foundations of fellow-feeling in human affairs. For him, the human world fundamentally differs from the rest of nature, so much so that the more one (instinctually) identifies with others, the more of an animal one becomes. Conversely, the more a person is independent from primal commonalities, the more of a human being one becomes.

Scheler decisively casts the human person aside from the world of nature, which is governed by somewhat mystical instinctual capacities. His views of mutual identification and the various forms of mutual pre-directness between individuals may have much to do with contemporary discussions of intentionality of the mind (Searle 1983). Scheler’s concept of sympathy requires a clear awareness of distinct identities between those

who sympathise and those with whom they sympathise. Further, it requires of those who sympathise the ability to generate an emotional “bridge” towards those with whom they sympathise, in addition to a cognitive bridge that allows them to sufficiently understand the minds, especially the feelings, of others. Both those requirements are key to unlocking issues of intentionality in the inter-subjective realm, with potential benefits for a broad array of practical applications, not least in counselling and various forms of “talk therapy”. Scheler himself decisively casts the “instinctive” foundations of fellow-feeling aside from the discussion of ethics. His understanding of the specifically human relations is strongly separated from his understanding of the natural world, so that allowing the principles that explain the dynamics of the natural world to play a role in the explanation of human affairs is an affront to human dignity and uniqueness of the person. For him, instead of instinct, the ultimate standard of human action is love, which he sees as a purely expressive act of the human spirit — one that he seeks to rid of all teleological meaning.

The remainder of this text will focus on Scheler’s views of love. The argument will proceed by exploring the logical connections between instinctual (or at least instinctually inspired) forms of sympathy, love, and ethics. This part of the argument will challenge Scheler’s position on a strong discontinuity between instinctual sympathy on the one hand, and love on the other. Based on an interpretation of sympathy that rests on Scheler’s views, I will show towards the end of the paper how an ethics of sympathy is not only possible, but also very simple and elegant, as well as coherent with traditional methodologies for moral judgements.

### **Scheler on love**

Scheler’s view of love marks his sharp departure from instinctivism in understanding the fellow-feeling. While fellow-feeling derives from the natural world, and its various forms exist in animals, love is a spiritual act reserved only for man. In fact, Scheler goes so far in portraying love as an elevated act of the human mind that he denies any teleological content or use to it: if an emotion has teleological elements, as many emotions do, according to Scheler, it does not qualify to be called love. Unlike fellow-feeling, which allows speedy communication and non-verbal understanding within and even between species (and this facilitates various types of teleological action, such as breeding or fighting), love is a “purely expressive act”:

In all endeavor there is a content to be realized, which is inherent as its goal (or “purpose”, when we will). Love does not have this at all. What does a mother have to “realize” when she gazes lovingly at her bonny child asleep? What is supposedly “realized” in loving God? Or in loving works of art? 141).

Scheler goes further and argues that love is in fact not a feeling at all: “Love is not a ‘feeling’ (i.e. a function), but an *act* and a *movement*. (...) (L)ove is an emotional gesture and a spiritual act” (143). It concerns values rather than “purposes”, and is in a sense more aesthetic than practical. Sympathy may be extended to people we do not love, however even in such cases sympathy is made possible by an act of love which is directed to a different object than that of sympathy. For example, in commiserating with someone’s misfortune, the sympathy with the person one does not necessarily love comes from one’s “love” for the entire human species or, as Scheler points out, for a group the individual belongs to (family, profession, etc.). This interpretation readily applies to accounts of sympathy in terms of deeper solidarity, even affection that arises from kinship (McInturff 2007). However, the “broader love” that makes possible sympathy is not limited to relations of kin: it extends to a variety of shared collective identities. A soldier may commiserate with the predicament of his fallen comrade’s family, even though he may not have known the other soldier and certainly did not “love” him. However, in Scheler’s context, the sympathy shown to the family springs from the love the soldier feels for the entire group, all soldiers, and by extension for their families. Thus, although sympathy cannot exist without love, it may show itself between individuals who do not love each other; there is a certain “directional divergence” between the act of love that is involved in such acts of sympathy, and sympathy itself.

On the other hand, when there is love between two people, there is necessarily also sympathy between them. One who loses a loved one will suffer, and one whose loved one suffers a misfortune will necessarily feel sympathy for them. Thus, in a sense, love is a necessary and sufficient condition for sympathy, while sympathy is merely a manifestation of love (Scheler 1979: 142). Scheler’s explanation is that love is somehow “intrinsically about values”, whereas sympathy is “essentially value-neutral”: “In acts of love and hate there is certainly an element of valuation present, positively or negatively (...); but mere fellow-feeling, in all its possible forms, is in principle *blind to value*” (5). The relationship between love and sympathy described above is accounted for in terms of value-commitments: “(L)ove is extended, not to the suffering of those in

distress, but to the positive values inherent in them, and the act of relieving their suffering is only a consequence of this” (144).

Scheler’s view of love as essentially aesthetic thus allows teleological manifestations in the form of sympathy, but it does not contain such elements in its definition. He insists that love is a “spiritual expressive act”, which may equally have as its object another person or a work of art. It is questionable how plausible the attribute “spiritual” is here, as it typically denotes higher realms of conscious action with normative capacity to influence one’s behaviour, rather than merely aesthetic appreciation of values inherent in people or objects. It appears that Scheler’s view of love is unduly limiting: essentially it disallows the lover to treat the loved one as a means, in much the same way as Kantian ethics rests on revulsion to using other persons as means. This structural parallel is quite gripping in Scheler’s writing. Kant, who is an inspiration to Scheler, insists that it is immoral to treat others “merely as means”, but they may be treated as means if at the same time they are treated as “ends in themselves” — e.g. if they agree to be used as a means for something. Scheler, on the other hand, does not allow that love might involve *any* instrumental, or “teleological”, value to be attached to its object in the eyes of the one who loves. Love is thus constrained exclusively to the intellectual or “spiritual” realm.

In fact, for Scheler love is modeled upon aesthetic contemplation. Studying a work of art does not invite contemplation of any use for the artifact; it is confined to the mere appreciation of the mastery of the artist and the value of the work itself. With persons, if they are perceived in the same way as works of art, one may feel a direct connection to their “intrinsic values”. Once the “loved” person is in distress, sympathy will be triggered, in much the same way as once a painting is damaged, one who truly appreciates it will feel alarm. Still, the feelings triggered by the suffering of the loved one are not elements of love; the love is directed to the values of the person regardless of the misfortune that has befallen it. In the same way, if a painting is damaged by water, with paints running from it, one will feel the urge to “do something”, to set things right, or will at least be distressed at the destruction of the painting. While acting to save the painting, however, whatever feelings one might have, they are not the love for the running colours, but for the painting as it was. The destruction of the painting, just the same as the suffering of a loved one, threaten and possibly destroy the values that one loves in either a work of art or a person. The reaction to such threat or destruction, while necessary, is conceptually very different from the love itself.

The aesthetics of love espoused by Scheler extends in a practically particularly important context to the interpretation of sex and parenthood. For Scheler, sex is a metaphysical union between two persons; it is sacred to the extent that it allows unique cognitive insights into the inner value of another person. There is no other way in which this particular type of knowledge of another can be obtained. All the practical problems arising from sexual relations are in fact due to the conceptual degradation of sex to pleasure, a way of serving the preservation of the species, or entertainment:

*(W)e must restore the idea of the sexual act to that true metaphysical significance (...). This significance and meaning attaches to it quite apart from the delectable joys by which it is accompanied in consciousness; it is equally remote from the consummation of the objective biological purpose of procreation, and still more so from any subjective design for the propagation, preservation, increase or betterment of mankind. We regard the metaphysical degradation of the sexual act as a principle essentially fatal to the correct governance of sexual relationships and to the enlargement and improvement of population in the Western world of modern times; it is the prime source or every error and aberration in matters of this kind (Scheler 1979: 110).*

Like love itself, the sexual act “represents an expressive act which does not differ essentially from the many other expressions of love and affection, such as kissing, caressing, etc.” (110). Procreation, which results from sex, has a metaphysical purpose to make the human race better. The aesthetics of love, in itself an emanation of human spirituality and intellectuality, externally serves this purpose, because the values loved in the loved one are ones that, in their spiritual dimension, may be inherited, even improved, through procreation. No child is merely a combination of characteristics of its parents; each is a unique person, who may carry a higher value than any of those possessed by one’s parents.

The pre-requisite for this understanding of procreation is an approach to love and sex that sees them as reaching for and beyond the best of each partner — loving, in the other person, those values that one would want enlarged and improved in one’s offspring. This approach to love is at once metaphysical and existential. Sex that is motivated by pleasure or desire for mere biological procreation, while being deprived of true love, simply reproduces, “whereas love *creates*. For love is simply an emotional assessment of value, anticipated as offering the likeliest chance for the qualitative *betterment* of mankind” (113).

The idea behind the described interpretation of love is that intellectual appreciation of value will, eventually, lead to a greater realisation of that

value in the real world. The way to appreciate is to understand, and “(m)an’s point of entry into identification with the life of the cosmos lies where that life is nearest and in closest affinity to his own, namely *in another man*” (108). Through another man, one reaches the climax of understanding the value of human life. “(F)or the civilised man, the loving sexual act discloses, not knowledge indeed, but a source of possible knowledge, and metaphysical knowledge at that, which he can otherwise obtain only very imperfectly (...)” (109). The more loving sex is, and the more authentic the love as an expressive and aesthetic act is, the greater the likelihood that the children produced will embody the values that set the standard of one’s aesthetic appreciation of others, and even transcend the level of perfection of those values that the partners love in each other. Consequently, the “beastly” sex focused on calculations of offspring or merely on pleasure is value-neutral, or even negative, and is thus limited to mere biological reproduction, which is the same as in the rest of the natural world.

For Scheler, love is the highest “spiritual” capacity of the person, one that most purely distinguishes man from the rest of nature. Love in its sexual form is not merely mating, but a penetration of one person by another: the metaphysical point of contact between two human microcosms and at the same time the most immediate gateway into the “cosmos of life.” The progress of the human race depends on procreation through loving sex. Conversely, it is directly threatened by reproduction through recreational sex or one calculated to produce children without love. From the point of view of an individual person, such love must be completely removed from practical considerations and instrumental concerns, and must have the intellectual purity of aesthetic appreciation of value. From the point of view of the human species, such individual disregard for the “teleology” of love and sex results in the most highly valued, higher-order teleology: betterment of mankind.

### **Sympathy, love and ethics**

Scheler’s account of love and sympathy depends on his understanding of a fundamental divide between the natural side of man and his spiritual side. Thus, he feels obliged to deny any possibility of ethics based on sympathy, for sympathy is something biological and instinctive that unites man and animal in the same natural context. At the same time, he is unable to found ethics on love, because love is completely free, thus it cannot be subjected to duty. Scheler is extremely critical of the Christian ethics of love that posits love of another man as a moral duty. He goes as far as

making cynical comments that the “old priestly morality” has denied a free love and turned love into a moral duty “partly from professional jealousy”, leading the church to “deny what they have had to forgo” (116). Furthermore, he argues that freedom of love has been curtailed by the Church because it could not stand the prospect of love for woman (or man) competing with one’s love of God (116).

On the one hand, Scheler’s philosophy of love as a metaphysical relationship between people, which is endowed with significant cognitive gateways into the world of another and, by extension, into our own nature and that of “cosmos”, is attractive. On the other, his view of love as severely restricted to aesthetic appreciation, to a value-relationship, and devoid of any practical intent or passionate pleasure *as a part of its meaning* (not as consequences of being in love), is exaggerated and excessively polarised against an underestimated sympathy. This makes it impossible to ground ethics in either fellow-feeling or love. Scheler acknowledges the “misfiring” of ethics in these contexts very clearly and readily. However, it appears that the exaggerated polarisation between sympathy as instinctive and love as excessively aesthetic and “spiritual” is unwarranted, and that much of Scheler’s basic teaching about both sympathy and love can be factored in an ethics of sympathy.

Scheler’s argument that sympathy, with its immense cognitive potential for intra- and inter-species cooperation, is strictly teleological, while love “has an intrinsic reference to value”, and is thus a purely spiritual expressive act, rather than being a feeling, is the main problem here (141). There is at least a plausible alternative view that sympathy can have a fundamental reference to value. If one adopts Scheler’s view of sympathy as primarily an epistemic tool to quickly and immediately communicate within the natural world (close to a sort of inborn intuition of the species), this has interesting consequences when transposed to the context of complex modern societies. Such societies repeatedly mediate “natural” relations between individuals by institutions. As they are highly non-transparent (they are large and difficult to understand, and their members do not know each other, or about each other), institutions play a key cognitive role: they allow people to relate to each other via the institutional arrangements.

Institutions paternalise varying scopes of social interactions in ways that contribute to transparency and, indirectly, allow sympathy between members of the community who otherwise might be entirely unable to sympathise with one another. Institutional decisions typify life situations, obligations and avenues for the satisfaction of interests and fulfilment of life prospects in ways that are relatively understandable to most. They

generate social routes for the achievement of certain social goals, and, depending on the quality of their organisation and operation, monitor movements along these routes. In this way they act as social “traffic lights”: one knows the meaning of the various lights and the typical situations that people find themselves in when they face each light. Institutions, if effective, also allow sympathy to be extended to those who run the lights and face sanctions, because they make it possible for everyone to understand what it means to run a light, and how most people feel about the consequences. If they are sufficiently constructive, and not predominantly repressive, institutions play an important epistemic function. In complex communities, they make possible sympathy and other more complex forms of fellow-feeling, including those that play key parts in solidarity and trust. This role of institutions is easily overlooked because of their predominant perception as regulators.

On a more sophisticated level, institutions play their epistemic role by reference to values. They exert an educational influence and, by formalising the leading role of social (including political) elites, set key values and standards for the society. These values in themselves also serve as beacons for sympathy. Societies adopt common moralities, generalised attitudes to key issues, and ultimately depend on a degree of consensus on these fundamental concepts. In addition, social solidarity depends not only on sympathy, but also on the shared values: in fact, it could be said that sympathy arising from solidarity is *based on* a consensual adoption of certain values. People whose communities’ values are threatened tend to feel marked sympathy for their peers who excel in the protection of those values. A person who is imprisoned because of protesting against an authoritarian government on behalf of a repressed community will likely receive sympathy from the members of that community, most of whom do not know the person. Even those who dislike her on a personal level will likely sympathise with their situation, because that situation is predicated upon the adoption of common values. This is arguably one of the most common and obvious forms of sympathy arising from solidarity in modern social contexts.

Scheler’s idea that sympathy is fundamentally unrelated to values appears both unintuitive and empirically infeasible. His idea that sympathy is incapable of founding an ethic seems equally infeasible, because at least an ethics of duty must envision a moral obligation between members of the community *regardless* of their free exercise of love for each other. If one is to act morally, one must have a standard that allows one to map the avenue of required action towards others even if one hates them. A

feasible ethics must be able to relate our action towards those to whom we might otherwise be indifferent or antagonistic.

Strictly speaking, acting constructively towards a loved one is not a matter for ethics, because such action is usually the result of the love itself, exceptions granted. Normally one *wishes* to act well towards a loved one. On the other hand, at least the duty of ethics relates our moral obligation not to our wishes, but to normative criteria that include others' rights, among other things. Thus it appears that sympathy as a sentiment with strong cognitive attributes, which is capable of motivating constructive relations without recourse to love in the strict sense (the completely free exercise of aesthetic and metaphysical love described by Scheler), is in fact a good standard to found an ethic.

It is, of course, one thing to point to problems within a theory, and quite another to prove a different point. In what follows I shall attempt to illustrate, rather than conclusively prove, a possibility and potential uses of an ethics of sympathy. In doing so, I will confine my argument to the definitional bounds for the concepts of sympathy and love drawn by Scheler. This will illustrate the possibility of an ethics of sympathy not just in general, but within a broad context of his philosophy of sympathy.

## An ethics of sympathy

Discussions of ethics of sympathy have almost systematically tended to adopt the so-called "sentimentalist" ethics as their defining frame of reference. Sentimentalism is a tradition that sees morality as predominantly based on emotions, or moral sentiments. Thus David Hume believed that "morality is founded upon and rooted in feeling" (Slote 2003: 79). Other representatives of sentimentalism included Francis Hutcheson and Adam Smith. The western intellectual history knows the latter mainly as an economist, although he was primarily an ethicist and one of the founders of sentimentalism in ethics (Smith 1997).

Smith's discussion of sympathy is programmatic for the modern ethics of *empathy* as a foundation of ethics, because he insists that the foundation for the moral judgement of others' actions is to place ourselves in their position — not merely cognitively, but also emotionally. He speaks about "sympathy with the dead" as a mental experiment whereby we place "our own living souls in their unanimated bodies" and examine "what would be our emotions in this case" (7-8). What Smith discusses is clearly not sympathy in Scheler's sense; rather it is empathy as it is conceptualised today. The reason moral sentimentalists had used the term sympathy for theories that required an emotional "engrossment" in another's situation is

that empathy as a concept was introduced only in the 20<sup>th</sup> century. (Slote 2007: 13).

Moral sentimentalism has recently been put forward as an ethics in its own right by Michael Slote. His definition of the moral good is simple: moral goodness consists in one's emphatic care for others (10–11). Robert White clarifies the key elements of this position in the following way:

According to Slote, moral goodness does not consist in merely caring for another, but in empathically caring for another. When we morally approve of another's caring, we do not merely approve of their caring, we *empathise* with their *empathic* caring (White 2009: 464).

Empathic caring for another provides insights for observers into the character of the moral agent. The perception of his virtue by others is directly influenced by his emotional engrossment in the situation of another, in addition to trying to alleviate their suffering.

While an ethics of empathy has obvious social advantages and is potentially productive of cooperation in the community, as a self-contained ethics it suffers from a seeming inability to adequately incorporate duties. On the one hand, it is virtuous to empathise with others. On the other, the idea that the achievement of virtue entails the moral obligation to empathise does not imply the rights of those who are in distress to such empathy by their peers. One may or may not exercise empathy: in the former case, one fulfils a moral obligation that stems from virtue; in the latter case, one simply lacks virtue. However, given the voluntary nature of the decision to empathise the sufferer cannot be considered to possess a right to empathy by others. If one does not empathise with peers in distress one will be seen as lacking virtue, however this will not violate any *rights* of those in distress, because, strictly speaking, there are no such rights (467). Empathy is merely an act of benevolence on the part of the moral agent.

Scheler's view of sympathy sharply divides sympathy from empathy in a rather similar way to his distinction between sympathy and love. Empathy, somewhat like love, is a free act of the human "spirit", or mind, which is not conditioned upon instrumental considerations, and which requires transference of emotions between the sufferer and the moral agent. Sympathy, on the other hand, is primarily cognitive: placing oneself cognitively in another's shoes requires the recognition of the salient features of the other person's position, choices and emotions, but not one's "heteropathic identification" with another. In order to sympathise, one must both be in another's position in the cognitive sense, *and* maintain a

clear perception of one's own identity difference from that of the sufferer. This is a situation that suggests *care* for another, but not empathy.

An ethics of sympathy would rest on the largely innate capacities of the human mind to relate to other members of the same species in the way that Scheler so elaborately accounts for. It would be able to entail one's *duty* to take into account another's position. Such an ethic can appreciate virtue arising from a propensity to sympathise. In this context moral goodness is defined as a highly developed capacity for sympathy and the resulting care for one's peers. The work required for the development of such virtue would be the practicing of sympathy, or 'the frequent perusal of virtue' that eventually leads all those who are 'tolerably virtuous' to become good (Hume 1963: 174).

Unlike in the ethics of empathy, duty and rights can be readily inculcated in an ethics of sympathy. One's exercise of sympathy constitutes one's fulfilment of moral obligations required by virtue, but also one's moral duty. Scheler's philosophy posits sympathy as largely a pre-given capacity, and indeed inclination, which is predominantly instinctive. Thus there is really no question about everybody's ability and general predisposition to sympathise with others. The extent to which this is possible depends primarily on one's exercise of virtue, discipline and control over one's character, all of which is entirely consistent with the requirements of a morally developed life. It is therefore clear that sympathy can be posited as a moral duty, as it is both morally desirable and members of the community have a general capacity to exercise it. Once it is defined as a moral duty, it follows that all members of the community have a right to sympathy by others, and this suffices for a self-contained ethics. The way in which other rights will be defined in a community that embraces an ethic of empathy does not really matter to such ethics: the crucial thing is that in exercising moral judgement, by whatever yardstick the community may choose, the over-riding "moral methodology", and at the same time substantive requirement, is sympathy.

While an ethics of sympathy does not *prima facie* exclude any substantive values or political ideologies, it exercises a systematic influence on them. For example, if a community has a liberal ideology with a strong emphasis on minimal regulation and the dynamic force of the market, the system will be "softened" towards those who are vulnerable through the exercise of the rights to, and duties of, sympathy. In such a community, which may possess a bustling capitalist economy, the poor will not be left homeless and uncared for, and the sick will not be left without medical care if they cannot afford it. Automatically, the social

democratic elements will “creep in” if sympathy is the over-riding moral value.

If a community embraces a retributive approach to punishment, this too will be softened by the role of sympathy. Punishments may still be meted out according to perceptions of “just deserts”, however the perceptions themselves are likely to be less harsh once there is a moral requirement to try to also see the crime from the point of view of the perpetrator. In such a system the role of extenuating circumstances, various legal pardons and other alleviating factors will likely be far greater than may otherwise be the case in retributive criminal justice.

In societies permeated with a morality of sympathy, violence and crime would likely decrease, at least as far as they are predicated upon social circumstances of exclusion, deprivation, or the aggressive ideological stereotypes of “success” (Merton 1938; Cloward and Ohlin 1960; Fatić 2010). Predatory behaviour in humans that is encouraged by ideological models of competition and evolutionist views of “survival of the fittest” being uncritically transposed to social life would also likely mellow down. Undoubtedly exceptional social benefits could be expected from a broad adoption of the ethics of sympathy. This makes it an excellent candidate for utilitarian ethics. However, an ethics of sympathy would also satisfy the traditional Kantian deontic requirements: anybody could reasonably desire that the “maxim” of one’s (sympathetic) action becomes a “general principle.” In the deontological context sympathy is a substantive moral requirement that is readily universalisable. Finally, an ethics of sympathy is a ready virtue ethics, which envisions the development of the virtue of sympathy as a moral task.

All of the above considerations suggest that Scheler’s interpretation of sympathy can be principally maintained in a self-contained ethics of sympathy. Such ethics is compatible with all three main traditional ethical methodologies — utilitarianism, deontology and virtue ethics. Finally, the ethics of sympathy would be useful in a variety of contexts, and would provide a clear and simple formulation of the virtue whose general cultivation and enhancement the society could foster unequivocally. Thus, while Scheler is correct in arguing that there are serious problems in the conceptualisation of an ethics of love, conceived as a free exercise of value-appreciation in another, he is wrong in arguing that sympathy is incapable of sustaining an ethics of its own. In fact, an ethics of sympathy is not only possible, but also very simple and capable of elegantly fitting in the traditional conceptual frameworks of moral philosophy.

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