

Can Institutions Be Compassionate? On Martha C. Nussbaum's Theory of Political Compassion

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Martha C. Nussbaum develops an idea of political compassion based on her cognitive theory of emotions and her normative theory of human development: the capabilities approach. She conceives compassion as a set of value judgements in the three areas: seriousness of loss, responsibility, and concern of others. Pointing out the possibility of rational examination of those three judgements, Nussbaum claims compassion to be a reasonable emotion. This gives way to understand compassion not only as a personal emotion but also as an institutional principle. The capability approach provides rational guidance in the three crucial areas of assessment. In virtue of this normative theory, Nussbaum discusses and rejects the ethical tradition of neglecting external goods as unimportant for human flourishing. Nussbaum argues that individual impulses of compassion that lead us to take care of material needs of others can be based on theoretical principles and inform institutions and political goals.

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Introduction

When we hear someone talking about compassion, we usually think of an attitude or an emotion of an individual human being. We imagine a compassionate mother or a compassionate friend. We recall those who helped us substantially or those, by which we have been forgiven. But can we think of compassion as an institutional or corporate attitude? Are there any reasons to talk about “a compassionate state” or “compassionate economics?” Could there be any corporate emotion at all? In developing and applying her cognitive theory of emotions to political philosophy, Nussbaum provides us with an example of such an understanding of compassion. In the paper, the author sets forth the broad outlines of Nussbaum's theory and first reviews briefly her cognitive approach to human emotions and how it applies to compassion. In the next section, the author discusses her idea of compassion within the limits of reason, and then, presents the problem of valuing external goods which underlies the discussion on compassion as both a reasonable and political emotion. Following that the author examines various examples Nussbaum gives us, and in the end, presents the versatility of her theory in addressing the different problems of civic education, social justice, and shaping political goals. This will enable a better understanding of the institutional aspects of compassion and its role as an emotion that informs the political life in a democratic society. The short outline is based on two books by Nussbaum: *Upheavals of Thought* in its second part that presents an account of the nature of compassion and *Political Emotions*, published more than 10 years later, contain further development of Nussbaum's views on the issue.

Emotions: Cognitive and Evaluative

As John Deigh observes in his article “Nussbaum’s account of compassion,” the principal thesis of Nussbaum’s theory of emotions is that they are evaluative judgements or appraisal thoughts of a specific sort (Deigh, 2004, p. 465). They have developmental histories going back to infancy. In virtue of these histories, they have a narrative structure. What does the “narrative structure” of emotions mean? The judgements that Nussbaum’s theory identifies with emotions are conceived of as interested or eudaimonistic. They are conditioned on the interest one invests in the things and people which favourably or adversely affect one’s well-being. Deigh (2004, p. 466) explained that the history of one’s investments and withdrawals of interest in such things and people, beginning soon after one’s birth, and defined the narrative structure of one’s emotions. In *Upheavals of Thought*, Nussbaum sketches out a schematic history of the emotional and moral development of a child. This history results in acquisition of a sense of fairness and, subsequently, a capacity for distinctively moral emotions. The capacity is based on a primitive view of the world as structured by a moral order on which the child’s well-being depends. Accordingly, the child invests strong interest in preserving this order. This interest anchors the evaluative judgements and gives reason to describe them as both narrative and eudaimonistic. Nussbaum’s theory conceives these judgements as moral emotions (Deigh, 2004, p. 467; Nussbaum, 2001, p. 31).

Deigh continued compassion is one of these distinctively moral emotions. It can be identified with the emotion Aristotle described as pain caused by the perception of some misfortune that another has suffered undeservedly and that one is liable to suffer oneself (Rhys Roberts, 2015, pp. 13-16). Aristotle may not have said explicitly that compassion was an evaluative judgement or a set of such judgements, but he actually incorporated appraisal thoughts of that sort into his definition. In fact, there are three judgements it consists of (Nussbaum, 2013, pp. 142-143):

1. Something seriously bad happened to someone;
2. This person suffers undeservedly; and
3. One must regard oneself as similarly vulnerable.

Nussbaum calls these three qualifications the requirements of size, non-desert, and similar possibilities.

It should be noted though, that there are cases in which the requirement of similar possibilities seems to be problematic. We all can easily imagine a compassion felt by a superior being for the misfortune of an inferior one. Let us consider a pet that has suffered some disabling injury. The author said, “I need not think that I am vulnerable to disabling injuries, too, in order to take pity on it.” Another example is the case of divine compassion for human beings: An idea can be found in various religious traditions. Usually, divine beings are not thought to be vulnerable to the same misfortunes as humans (Deigh, 2004, p. 468). The Aristotelian definition fails to reach the cases of this kind and it is the requirement of similar possibilities that makes it too narrow and thus seems to be inadequate. Therefore, Nussbaum seeks to replace it with a judgement she explicitly calls eudaimonistic. The eudaimonistic judgement incorporates a sufferer into, as she puts it, a circle of one’s concern. The injured pet the author takes pity on, is apparently somewhere within the circle of concern. If it did not bother me in any way, I would not feel compassion for it. If I am the object of divine compassion, it means that well-being is somehow important from the god’s point of view. If the god did not think it important, then he would not feel compassion for the misfortunes.

The eudaimonistic judgement proves to be necessary in this account. One has to see the well-being of the object of one’s compassion as important and has to take it as affecting his/her own flourishing. It needs to be

said in addition, that Nussbaum thinks that judgement of similar possibilities is an efficient way of becoming aware of the importance of another's well-being. It has, therefore, an auxiliary and psychological role in her account of compassion (Deigh, 2004, p. 469; Nussbaum, 2001, pp. 318-319).

According to Nussbaum, in the end, the three necessary constituents of compassion, are: the judgement of seriousness, the appraisal of non-desert, and the eudaimonistic judgement. It is to be noted, that in her definition, she does not include any sensitive or organic elements. She narrows her account to cognitive appraisals only, to thoughts, as we might say, excluding all particular feelings and bodily reactions. That is why her definition, unlike the Aristotelian one, does not employ the expression "pain," which might convey something more bodily, more organic. It looks, she argues, that the pain of the sort Aristotle talks about, is reliably caused by the thought. As such, it does not have much conceptual nor causal independence. Therefore, we may restrain from calling it a truly separate element.

Nussbaum enriches her cognitive account of compassion with many literary examples. Abundant references to classical ancient drama, poetry, and modern novelists substantially help to understand her position clearly. We may even say, that all the diversity of individual feelings and bodily reactions, although excluded from the theoretical account, return when literary characters, with their impulses, misfortunes and fears, are being discussed.

To do justice to Nussbaum's account of compassion, the author needs to add two final remarks. Firstly, she distinguishes between empathy and compassion (Nussbaum, 2013, p. 145). Empathy is a capability to imagine oneself in a position of another person, whereas compassion is a set of judgements and a set of thoughts. The former can even be used to harm or to exploit another person as well as to help her. The latter can be felt even for those, whose experience one cannot imagine well. Secondly, we may not think of value judgements Nussbaum talks about as linguistically formulated. Her theory conceives emotional life as a combination of objects, situations, ideas of good or bad, without involving linguistically formulated propositions (Nussbaum, 2013, pp. 142-401).

Judgements: Emotional and Rational

To elaborate on the idea of institutional compassion, Nussbaum has to incorporate insights of this emotion into public and legal debate. Therefore, she advocates for compassion that can be reasonably argued and examined, for compassion within the limits of reason. Nussbaum is well aware of the ubiquitous contrasts between emotion and reason in these areas. Even in case of those who argue for some measure of reliance on emotion in public reasoning, one finds such expressions as "empathy" or "sympathy" in general contrasted with "reason" or "rationality." What Nussbaum is after, is not a concession for some emotions in public affairs. She rejects the view that emotions are elements of personality, which are somehow substandard, but nevertheless, we should rely on them in certain circumstances. She attempts to work out an idea of compassion allied to a reasonable ethical theory and thus considered fully reliable.

Perhaps, the only way towards a plausible account of reasonable compassion is to focus on the cognitive elements of emotions and to put aside all the other circumstances of emotional life. That is what Nussbaum does. The three areas of judgement she points out while discussing her account of compassion can be reasonably examined and argued. The reasonable ethical theory which Nussbaum offers us as a tool of this examination is her own human development theory: the capability approach. The intuitive idea behind the capability approach is that there are certain basic needs and capacities that must be realized to a minimum

degree if human beings are to live a life consonant with human dignity and flourishing. The list of central capabilities (i.e., capabilities that are essential for human flourishing) includes normal life span, health and nutrition, bodily integrity, adequate development of one's senses, imagination and thinking capacities, opportunities for play, social relationships, political participation, etc. (Nussbaum, 2000, p. 78). The list provides guidance for judgements of size, non-desert, and appropriate concern of others.

In the case of the judgements of size, Nussbaum seems to argue, that if we have defined capabilities that are essential to lead a truly human life, we are able to see what type of loss really matters. Central human capabilities turn out to be central areas of human vulnerability as well. Nussbaum claims that her list of capabilities tracks a long tragic tradition of focusing on special sorts of vulnerability and corresponds closely to the Sophoclean and Aristotelian lists of tragic predicaments.

Whose point of view does the compassionate person make the assessment of "size"? Nussbaum considers the following two examples (Nussbaum, 2001, p. 308):

...a Roman aristocrat discovers that his shipment of peacock's tongues from Africa has been interrupted. Feeling that his dinner party that evening will be a total disaster in consequence, he weeps bitter tears...

Do we pity him?

...a woman in a rural village in India, is severely undernourished and unable to get more than a first-grade education. She does not think her lot a bad one, since she has no idea what it is to feel healthy, and no idea of the benefits and pleasures of education. [...] She believes that she is living a good and flourishing life...

Do we think she is right?

The examples above show, that compassion Nussbaum talks about is not an ability to attune to emotions of any person who thinks he/she is suffering deeply. Nussbaum presumes we feel compassion towards the woman, and meanwhile, we do not pity the aristocrat. Our attitude reflects our idea of human flourishing which informs our judgements of size. Nussbaum claims her capabilities approach delivers most universal account of human flourishing. Accordingly, the assessment of size can always be adjudicated and argued in correspondence to the list of capabilities. In this way, she is able to talk about assessments that are personal or institutional, right, or wrong.

As far as the questions of non-desert are concerned, Nussbaum discusses example of relationship between parents and teenagers which the author shall not examine here (Nussbaum, 2001, p. 314). Of much more interest is her claim that the list of capabilities can be considered as a base for reasonableness in blaming and punishing people for the crimes they have committed. One may object that this is a particular problem of jurisprudence, but Nussbaum pays very much attention to it.

Deprivation of basic conditions to live a dignified life may substantially impede moral development of a person. Social and parental factors may "strike" from without, in much the same way that misfortune strikes a character of an ancient Greek drama (Nussbaum, 2001, p. 446). The difference between a criminal and a decent citizen is frequently made by personal and social circumstances. Therefore, Nussbaum advocates for preponderance in the judgement of non-desert. It seems she is even trying to elicit some sort of compassion towards the agent of a crime. She rejects the tendency to depict criminal as an entity placed outside the boundaries of our moral universe. She claims it to be an impediment to correct choice and to reasonable compassion. She observes if we hold ourselves aloof from the criminal, we will fail to understand various difficulties and plights that lead people to commit crimes. This contention is very much supported by the idea of narrative structure of emotions.

This position which Nussbaum takes in *Upheavals of Thought* and develops in her latest book *Anger and Forgiveness*, may raise objections. Even if we agree that compassion for a victim, when inappropriately elicited, may degrade into a lust for revenge, we still can ask why such an effort to exonerate or exculpate the wrongdoer? The claim that “more narrative is not always better” (presumably because of the risk of the emotions of anger and revenge), is unsatisfactory (Nussbaum, 2001, p. 446). If we adopt capabilities approach and focus on the conditions of human development as our political and social goal, we may be prone to protect average citizens and ask for their safety first.

In the question of the extent of concern, the universality of the list guides us toward cosmopolitanism. A detailed presentation of the capabilities approach aimed to explain all its relations with universalism would exceed the limits of this paper. The only thing the author shall say here is that writing on social justice Nussbaum is very much concerned with the idea of justice that goes beyond social and national borders (Nussbaum, 2000; 2006). She believes the concept of human flourishing that underlies the list of capabilities is an universal idea and as such can be considered as a theoretical base for contemporary cosmopolitanism. Accordingly, the claim to broaden one's own circle of concern gains strong support in the capabilities approach. That is why Nussbaum holds that her theory of compassion is not vulnerable to or, at least, provided with a decent protection against such an emotional partiality which narrows our concern about others and might prove irrational in terms of political deliberation.

Nussbaum holds that the list of capabilities gives a society a definite set of judgments in the three areas where judgments can go beyond the limits of reason: seriousness, blame, and the extent of concern. She is far from believing that the list itself is a complete recipe for getting the judgments right, but it is a way of informing the judgments. It works with and within the legal system. Therefore, the level at which a tragic loss is thought to occur, the measure of desert or non-desert and the demanded extent of concern of others must typically be set incrementally, through a process of judicial interpretation (Nussbaum, 2001, p. 416). That would be another insight of her account of institutional reasonable compassion.

Valuing External Goods

Let us put it, the capability approach in compassionate economics not only enables Nussbaum to present the idea of compassion within the limits of reason, but also informs her views on. She argues that the important issue is to know how the economic resources of the nation are supporting human flourishing in various areas of citizen lives and in various social groups. If we endorse the priority of human development, we easily realize that individuals have widely varying needs for resources. If they are to attain a similar level of capability to function, the economy planning of the state needs a plural, capability-based measures that are far richer than the mere gross national product (GNP).

Before the author discusses Nussbaum's idea of compassionate economics in the next section, she wants to present her view on valuing external goods. The view she holds in ethics underlies her idea of compassionate economics and the political goals she aims at. The best way to understand Nussbaum's position here is to review her critique of, what she calls the anti-compassion tradition. Nussbaum engages in such a critique primarily to defend her view on the reasonableness of the emotion but it will be clear that it is also closely linked to her views on compassion in economics.

Nussbaum focuses on the contention that compassion is based on a thought which is in some normative sense bad or false and thus irrational. She believes this is what the serious anti-compassion tradition holds. The

tradition was inaugurated by Socrates and has been defended by Plato, the Stoics, Spinoza, Kant, and Nietzsche (Nussbaum, 2001, p. 356). It conceives compassion not only as opposed to reason, but also as opposed to interdependent ideas of virtue, self-sufficiency, and human dignity. The most important thing in life is one's own reason and will: the moral powers of a human being. They are the real sources of both human dignity and equality. They suffice all by themselves and outshine all material differences and external circumstances of life. Accordingly, the only way to be really damaged, with respect to one's flourishing, is to become unjust. Compassion then is based on false beliefs about the value of external goods, none of which really matters for true human flourishing. In case of deprivation of family, money or anything of that sort requests for compassion, if retained at all, must be assigned to weak or error-ridden persons and should be repudiated. This ideal instructs us not to give the accidents of life undue importance in any of our dealings with others, including our responses to their misfortunes.

Nussbaum remarks that very few of the contemporary opponents of compassion would be prepared to endorse such an all-or-nothing view on the importance of external goods for flourishing. If so, the charge of irrationality seems to be seriously flawed. To hold it, we would have to accept the utmost contrast between dignity and the material needs of human being, in other words, we would have to share the stoic vision of human flourishing, which completely neglects external circumstances of human existence. The fact that a certain human being is a bearer of human capacities gives that person a claim on our material concern, so that these capacities may receive appropriate support. This is what Socrates, the Stoics and their followers fail to recognize. This is, as we have seen, the reason to reject the charge of irrationality and hold a view of the possibility of compassion that meets the demands of reasonableness, and at the same time, urges us to focus on material needs of human beings. What is required is an account answering to the question of the value of external goods of different kinds: which ones are important and at what level? The normative suitability or reasonableness of compassion, as of other emotions, depends on whether the person gets the appraisals right, using a defensible theory of value.

Institutional Compassion at Work

As we could see, the cognitive account of compassion and its framework which is provided by the capability approach enables Nussbaum to defend its reasonableness. The examples she discusses allow us to see the role which compassion actually plays as an institutional and moral emotion. That is why in this section, the author will present a couple of the examples. Some are taken from United States (U.S.) judicial history, some from literature, others from social sciences. In various ways, they stress the ability to enter into diverse conditions of lives with compassion and seeing the real human meaning of issues that are at stake. Even if not every one of the examples has got apparently institutional character, they are nevertheless worth consideration here.

In one of her examples, Nussbaum considers the problem of extending one's concern of others. The proper treatment of the mentally handicapped is the area where laws and institutions are reshaping our eudaimonistic judgements thoroughly. The compassion people now feel towards mentally disabled is not spontaneous: It has been shaped by the *Disabilities Education Act*. Nussbaum argues laws shape our understanding of the more intimate attachments, and of their proper relation to those that are more distant. Laws regulating family life shape in many ways our perception of what those attachments are, and how the concern we have there is related to broader concern for fellow citizens of our nation and the world.

The history of U.S. jurisprudence shows that the mere fact of a law's equal and neutral application does not mean that an arbitrary and invidious discrimination can be ruled out. Compassion is what is needed to discern signs of discrimination. The case of *Lovings vs. Virginia* on anti-miscegenation laws is one of the examples. Although the Virginia Supreme Court upheld the constitutionality of the laws, the U.S. Supreme Court ruled such laws unconstitutional.

Nussbaum engages in a criticism of the views of Herbert Wechsler, author of famous and controversial article "Toward principles of constitutional law" (Wechsler, 1959). Wechsler advocated for neutrality and impartiality in law and sees no discrimination in segregation rules. The only problem he points out is the question of the freedom of association. Wechsler told the story of his meeting with Charles H. Houston. The two lawyers of different racial origin had to drive outside the centre of the city because they were not allowed to lunch together in the downtown. Wechsler insisted that the rules of racial separation are not discriminatory: both he and his counterpart were symmetrically forbidden to lunch together in a certain area. Both had to drive to the suburbs. Had Wechsler tried to imagine the lunch incident in a compassionate way, considering the meaning, for the other, of knowing that he could not lunch with Wechsler in a downtown restaurant, he would quickly have seen that the meaning of that denial of the freedom to associate is strongly asymmetrical—for Wechsler, an inconvenience and for the other, a public brand of inferiority.

It looks like Nussbaum invokes compassion as a way towards achieving concrete empathetic knowledge of the special disadvantages faced by minorities. Compassion is an emotion that helps to reduce the distance between institution and citizen, and between different social groups. The distance, that some people consider necessary for impartiality, instead of ensuring that law principles are applied without political bias, results in incapability to see the human meaning of the facts, in difficulties with discerning real unfairness of certain social rules.

Impartiality based on emotional distance may often produce indifference and unfairness. Nussbaum points to Dickens's (1854) portrait of the utilitarian upbringing of the young Gradgrinds. Dickensian characters, lacking in intense particular attachments, end up being totally unable to comprehend the needs of people at a distance. Rather than being impartial—their father's original aim, they have become, instead, both blind and hollow. Nussbaum observes that there is something quasi-natural about our tendency to have compassion for the sufferings of those close to us, in the sense that the emotion is likely to arise in some form in all human beings and to steer us to at least some genuinely moral connections. Her aim is to reformulate or develop this individual compassion into a social and institutional emotion in order to avoid a concept of social justice based on an abstract moral theory. Abstract morality, uninhabited by those connections of imagination and sympathy, can easily be turned to evil ends.

Perhaps, the most radical literary example of the tension between abstract rules and emotional attachments which ground compassion is Theodore Fontane's (1895) character Instetten from the novel *Effie Briest*. Instetten has married a much younger wife and discovers years later that she has had an affair in the early days of the marriage. Unable to allow his distant instincts of love and forgiveness to come forward he shoots the rival and banishes the wife. It happens because he can think of moral decision only as a process of following social rules. He obeys the rules, and then, finds his own life hollow and pointless. His story shows there is something wrong with bringing people up to live by rules alone rather than by a combination of rules with love and imagination. Nussbaum believes compassion guides us truly toward something that lies at the core of morality. There is reason to trust it not only in individual choices but in public morality and social justice.

Nussbaum holds that the judgments characteristic of compassion is essential for the health of a complete adult rationality and that theories of economic rationality use to neglect this insight to their cost. She notices that economic accounts of human motivation based on rational self-interest have recently been criticized. Both philosophers and economists became to realize that such accounts fail to do justice to the way in which good reasoning ascribes value to the lives of others, distinguishing between their instrumental role in one's own life and their flourishing itself. As an example here, Nussbaum invokes Amartya Sen's (1982) lecture "Rational Fools." The Nobel Prize winner in economics argues that without mentioning the sympathetic concern people have for the good of others as a factor independent of their concern for their own satisfactions, we cannot give either a good predictive account of human action or a correct normative theory of rationality. Sen observed that people often sacrifice their own interests and well-being and, in many cases, even their lives. One cannot explain many decent and unselfish acts without pointing to patterns of action that are uneconomic in the narrow sense. If we seek an economy theory able to explain people's attitude and decisions, the idea of compassion proves necessary. Moreover, we cannot know what the real material conditions of living are if we rely on narrowly applied economic models. Accordingly, we are not capable of reasonable economic planning.

The author has already mentioned Nussbaum's claim that measurement tools based mostly on GNP do not tell us much about how people are doing. Such economic models do not investigate the quality of lives in areas that are not correlated in a direct way with wealth and income (e.g., the quality of public education, the presence or absence of political liberties, access to health care, etc.). Nor they describe wealth and income distribution within the society. Nussbaum is aware one cannot propose to substitute emotion for modelling. What she is after, is a formal economic model taking account of compassion information. This information has to be provided by a larger number of indicators which are aimed to grasp the plurality of conditions that effect human development. She invokes the series of *Human Development Reports* published since 1990 by the United Nations Development Programme. It is an example of compassionate approach in economic measurement: the authors of the report have presented information about well-being in a plural form and stressed the human meaning of the economic measures for the ability to function in certain central areas.

The examples above show that in Nussbaum's account institutional compassion is seen as a counterpart of formal rules and formal models applied to social justice and public policies. At the same time, it informs such rules in various ways. Morality as a mere set of rules of conduct may lead an individual person astray if we deprive him/her of emotional knowledge and compassionate imagination. Laws and economic models when developed and applied without insights of compassion may fail to promote both social justice and real human development.

Education for Compassionate Citizenship

Even if excellent compassionate institutions should come into being, they will need support from citizens in order to be stable. We must, therefore, rely on compassionate individuals to keep essential political insights alive, argues Nussbaum. Between the list of capabilities, judicial interpretations, and compassionate economic models, there is a huge area of civic education of compassion.

Following the ancient Greeks, Nussbaum locates the great educational importance in tragic drama (Nussbaum, 2013, p. 260). The Greeks cultivated compassion primarily through drama. Contemporary education can employ these same mythic stories, or their modern equivalents to enable people to make the most decisive move towards the apprehension of a common humanity. The citizens who saw ancient tragedies were

asked to have empathy with the sufferings not only of people whose lot might be theirs, such as political leaders, generals in battle, exiles, beggars, and slaves, but also with many whose lot could never be theirs, such as Trojans, Persians, and Africans (Nussbaum, 2001, p. 428). Contemporary tragic stories are analogous exercises of compassion in general and an extension of concern in particular, Nussbaum argues.

What ancient Greeks were taught in their theatres is that future citizens of contemporary democracies might be taught, at least to some extent, within the education system. Nussbaum observes it is at school where children cultivate the ability to imagine the experiences of others and to participate in their sufferings. If only the humanities and the arts were given a large place in curriculum, the need to broaden the circle of concern may be very much supported by public education. In this way, from elementary school on up, we empower the ability to extend empathy to more people and types of people. Nussbaum insists that the humanities and the arts make a vital contribution to citizenship, without which we are likely to have an obtuse and emotionally dead citizenry.

Elaborating her "compassionate syllabus" for public education, Nussbaum proposes turning to works of art that present these barriers and their meaning in a concrete way. Our pupil must learn to appreciate the diversity of conditions in which people struggle for flourishing. Nussbaum explains it means not just learning some facts about other nations and social groups, but being drawn into those lives through the imagination. Empathetic imagining is a valuable aid to the formation of appropriate responses and judgments. What Nussbaum wants from art and literature is empathy as a means of the extension of concern.

Although there is a salient asymmetry between the media and the classroom, it is obvious that television and the other mass media are also potent educators of citizens. News, television (TV) series and documentaries can nourish the ability to imagine and to have empathy. They can cultivate appropriate compassion. Nevertheless, the media are very much pressured to justify their choices by reference to short-term market standards. That is why it is difficult for them to fulfil any of the social purposes Nussbaum puts forward. For these reasons, she adopts the position that only independent, well-financed public media can effectively address the problem of education for compassion that goes beyond the social barriers and national boundaries. A reasonable solution cannot be found without subsidies for national broadcasting (Nussbaum, 2001, p. 435). Moreover, she advocates for some kind of state control over the content of the media. It is right to demand that media do not cultivate disgust with or dehumanization of groups with whom citizens have to deal with. In other words, the demands of decent public life should influence the ways in which important social issues are presented (Nussbaum, 2001, p. 434). Being aware of the fact that it will be a matter of controversy to define what the consequences of these observations should be for legal regulation or industry regulation, she mentions a number of solutions, ranging from the corporate grants that already underwrite some risky public programming, to informal guidelines, standards for the industry, and mandatory public interest programming.

Nussbaum does not fail to realize that the law itself plays an educational role. We could see it clearly considering her discussion on the *Disabilities Education Act*. By means of prohibition, omission, or restriction, the law shapes the judgements of seriousness in multiple ways. The judgements of responsibility may be shaped in this way also. The judgements of the proper bounds of concern are the ones that go wrong most often. But also here we may count on the educational role of the law: A system that makes people equal before the law and legislation that empowers all citizens in certain ways will encourage concern of others.

It goes without saying that in the law one cannot easily embody all that one wants in institutional structures. No document can contain instructions so precise and so unambiguous that it will settle every

problem in advance. Individual actors will always exercise broad discretion and the actors Nussbaum focuses on carefully are the judges. It is true that judges are fruits of general civic education but the kind of formation Nussbaum's imaginary curriculum for citizenship offers is to be continued and reinforced in the syllabus for future judges. A judge has to be likely to discern the various kinds of unequal treatment that certain people and groups have experienced. We have already considered the examples Nussbaum takes from the history of U.S. jurisprudence and there is no need to repeat them. When Nussbaum talks about education of future judges we can see easily the power of her idea of the role of literary education and literary imagination in shaping the appropriate compassion (Nussbaum, 2001, p. 441). To demand the ability to imagine the incidents, the deeds and the circumstances that are to be judged in the manner of a novelist seems more appropriate and realistic goal in the formation of a judge than of an average citizen.

Conclusion

Compassion can be conceived as an institutional or corporate attitude. If we accept Nussbaum's cognitive account of emotion in general and her definition of compassion in particular, we are able to present it as a set of reasonable judgements which may shape various social and political institutions: law regulations, jurisprudence, economic planning, and public education system. The idea of the compassion which informs institutional goals of the state is based on the capability approach which provides guidance in the three crucial areas of assessment: seriousness, responsibility, and concern of others. Nussbaum stresses the educational role of many institutions and its ability to elicit appropriately shaped compassion of individual citizen. Compassionate institutions of democratic society are in constant need of support from citizens.

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