The Controversy of Compassion as an Awakening to our Conflicted Social Condition

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Abstract

The study of law and emotion is now established as a distinct field of study in its own right. In this respect, legal studies has shared in a wider 'affective turn' that has involved twenty first century social science in a new concern to explain the contribution of emotional feelings to human thought, motivation and behaviour. This development has been accompanied by a pronounced debate over how emotion should be rendered accountable within a rational frame of analysis. On the one hand it is possible to portray this as being sustained by a movement to make us more emotionally literate and more sensitive to the ways people act and think through feeling. On the other hand, it might be interpreted as being rooted in a concern to make matters of emotion more amenable to rational discipline and the sanction of reason. In this article I contend that where a focus is brought to the experience of 'compassion', the volume is raised on these conflicts of interpretation. I further argue that opposing and contested points of view on the experience and value of 'compassion' provide us with valuable insights into the wider dynamics of social and cultural change that have inspired the 'affective turn'. These arguments are developed with reference to the social theories of Max Weber and Norbert Elias. Moreover, in taking note of Hannah Arendt's thinking on the cultural politics of compassion, I attend not so much to how the controversy of compassion might be resolved, but rather, to its potential to awaken critical humanitarian concern. Compassion is hereby celebrated as an inherently 'unstable emotion' that brings debate to the condition and bounds of human care and social justice.

I. Introduction

Martha Nussbaum contends that compassion is 'the basic social emotion' (Nussbaum, 1996a). Her interest lies in its potential to make possible sympathetic identifications with the suffering of others and for this to be cultivated as a virtue of civic, legal and judicial rationality. Nussbaum celebrates compassion as a power to inspire us in the effort to understand the contexts and experiences that do harm to people. She further

takes it as a moral guide to the life conditions and types of action that serve our human well-being. On her account, compassion is a vital force in the creation of 'a vision of social justice' (Nussbaum, 1996a, p. 40).

Here, she brings attention to the 'cognitive elements' of compassion. Nussbaum's interest lies in the evaluative and moral ideas that sustain and moderate people's compassionate feelings, and how in turn, these operate to structure beneficent actions. She repudiates the suggestion that compassion is wholly impulsive and irrational, rather, her aim is to make clear its 'intelligence' (Nussbaum, 2001). For Nussbaum, compassion is a highly complex emotion that involves us in evaluations of the social meaning of human suffering, judgments of people's moral character and motives, and in debates over our relative capacities for human recognition, mutual identification and the extension of solidarity.

At the same time, Nussbaum does not shy away from acknowledging the fallibility of compassion. Indeed, when reviewing opposing philosophical traditions of debate over its status as a moral virtue, she is particularly concerned to attend to its inherent 'instabilities' and to the fact that it is 'unreliable'. She seeks to make clear the extent to which, insofar as compassion is cognitively organised, it is also malleable and inconstant. Variations in the dynamics between its cognitive elements and in how these are narratively arranged for us are apt to produce contrasting expressions of compassion. Compassion is implicated in many different and even opposing types of action (Nussbaum, 2001, pp. 297-441). Indeed, no doubt she is all too aware of the fact that compassion is appropriated on behalf of both liberal and conservative political agendas, and that it is used as a pretext to promote the extension of leftist state welfare policies as well as neo-liberal ethics of self-reliance (Amable, 2011). It does not lend its support to any particular vision of social justice, rather it does more to aggravate debate over which vision of social justice is preferable and over how this ought to be pursued in action.

These are among the reasons why Nussbaum readily concedes that 'compassion is controversial' (Nussbaum, 2001, p. 354). She responds to this by outlining an approach to promoting 'appropriate' and 'more adequate' compassion in

society. This essentially concerns the cultivation of people's 'compassionate imaginations' by involving them in reading, listening and being the audience to stories about people motivated by compassion to engage in various types of humanitarian action. Here she particularly recommends the study of Sophocles' account of the legend of Philoctetes and Steinbeck's portrait of the Joad family in *The Grapes of Wrath*. For Nussbaum the controversy of compassion is animated in the plotlines of narrative scripts. It is brought into relief by stories that elucidate the human meaning of people's suffering, and which prompt us to dwell upon the human consequences of contrasting responses to their plight. It involves us in disputes over our preferred role models of compassion and in debates over how to interpret the moral meaning and consequences of the compassionate thoughts and actions attributed to characters in novels, plays and film. In this regard, she advises politicians and judges to practice at being exemplars of compassionate conduct on the stage of public life. For the most part, Nussbaum's analysis operates in a literary vein. Compassion is addressed as a matter for textual analysis. She portrays its controversies as being largely configured by differences of narrative context and setting.

In what follows I contend that this fails to pay adequate heed to some important social and cultural dimensions of compassion and its attendant controversies as featured in sociological accounts of the emotional and humanitarian dispositions of people under present conditions of modernity. I review some of the ways in which the controversy of compassion is met in debates over the impacts of 'mediatised' imagery of suffering on our terms of moral consciousness and action. I also seek to relate some of the problems raised here to observations on the role played by intensifying forces of rationalisation in our moral attitudes towards the problem of suffering and further, their place in advancing modern processes of 'civilisation'. In all this I aim to highlight traditions of sociological understanding that lend weight to the suggestion that we are living in a period where we are made particularly subject to social and cultural conditions that dispose us to become preoccupied with the moral meaning of human suffering and with the moral adequacy of our response to what we know about the suffering of others. This is used to underline some of the ways in which projects to make legal and judicial processes

more carefully attuned to the dynamics of compassion are also liable to raise the volume on the controversies it generates. While I am prepared to agree that compassion is the basic social emotion, I would also emphasise that it serves to expose the ways in which social life takes place as enactments of substantive values in which there are many clashes of human interest. In our experience of compassion and of our involvement in compassionate behaviours we are very likely to be immersed in some of the most pronounced antinomies of our social being and existence.

The first section of this paper sets a stage for engaging with the controversy of compassion by surveying its location within the field of 'law and emotion', which as far as legal scholarship is concerned, is most heavily involved in debates over the significance of compassion. Its controversy is then explored in more detail and with the aim of contextualising current developments in law and emotion in a wider frame of critical and sociological analysis. This builds towards an invitation to further dialogue and debate over the propensity for the controversy of compassion to serve as an awakening to social life as consisting in the moral experience of pronounced value conflicts.

II. On law and emotion

The topic of compassion features as a prominent concern in the field of 'law and emotion' (Bandes and Blumenthal, 2012). This field is generally regarded as committed to advancing the study of emotion as an important component of investigations into contemporary legal and judicial practice. Here, researchers share in the understanding that their work is distinguished by an attempt to re-evaluate the principles on which the criticism and appraisal of law takes place. This is also held to incorporate new approaches to legal education that advance 'emotional literacy' and 'emotional intelligence' as a requirement for those involved in legal decision-making (James, 2013; Montgomery, 2008).

It is important to recognise that this is more than a movement to inculcate a

more sophisticated approach to moral reasoning (Kahan and Nussbaum, 1996). It is also more than a series of attempts to expose the ways emotions function or how they might be more effectively regulated in legal settings (Maroney and Gross, 2014). While some confine the topic of 'law and emotion' to essentially technocratic considerations, others identify it as part of a vanguard development in terms of human understanding that holds revolutionary consequences for the ways we make sense of our thoughts and behaviours and their conjunctions in meaningful action. Here 'taking emotions seriously' means breaking with longstanding traditions that contend that, both in its teaching and practice, law should be governed by ideals of dispassion and purely procedural rationality (Abrams and Keren, 2009).

In part this is driven by an attempt to revise the ways we conceptualise human consciousness and agency in light of a new science of emotions (Goodenough and Tucker, 2010). The binary distinction between reason and emotion is rejected on the grounds that it commits us to an overly simplified understanding of our capacity to reflect upon and assign value to our life experience. New developments in neuroscience have revealed ever more extensive and elaborate interactions between parts of our brain that process emotion and areas involved in rational decision-making (Damasio, 2000; 2008; Decety, 2011; LeDoux, 1998; Panksepp, 1998; Singer and Lamm, 2009). Here, it is generally accepted that human cognition is always involved in, and attached to, embodied states of feeling. Accordingly, traditions of debate rooted in Stoic conceptions of the antagonistic relationship between reason and affect, or in a Cartesian understanding that by rigour of method it is possible for us to unshackle our rational propensities from the encumbrance of emotion, are judged to be superseded by the discoveries of brain science.

In addition to this, the topic of 'law and emotion' is held to be representative of a movement to expose the ways in which the theory and practice of law are disciplined by ideologically motivated power relations. Its radicalism lies in its terms of moral protest and in the scale of its political ambition. Investigations into the involvement of emotions in areas of law, and studies of how emotional experience is assigned legal meaning, are understood to cast light on the ways in which the premise

that law should have nothing to do with emotion has operated to advance the interests of the most powerful and institutionally privileged members of society. Such research is often involved in an attempt to revise our understandings of law and its practice from the standpoint of women (Abrams, 2005; Baker, 2005; Moran, 2000). A critical feminist focus is brought to bear upon the cultural conventions through which women are constructed in derogatory terms as 'emotional beings' (Madeira, 2012). Further attention is brought to the involvement of discourses advocating the separation of law from emotion in hiding discriminatory practices against women from public view (Abrams, 2008). These critical concerns are also heavily featured in subaltern accounts of western law and legal process, where cold-hearted dispassion is identified as operating to deny postcolonial people's rights and their claims for restitution for experiences of various forms of violent exploitation and abuse (Das, 1997).

In this context, the suggestion that we pay particular attention to the meaning and experience of compassion and how this operates in legal domains is accompanied by some radical agendas for change. It also appears that the topic of compassion has a tendency to antagonise moral tensions and to court political dispute. It is where the topic of law and emotion attracts most controversy; and it is my contention here that it is by working to understand the cultural character and dimensions of such controversy, as well as the dynamics of the intellectual and moral disputes that this sets in play, that we uncover some important ground on which to make sense of the place of law in culture and society as well as its involvement in peoples' collective socio-emotional development.

III. The controversy of compassion

In this paper some progress has already been made towards exposing the contours of critical debates and the types of value conflicts that animate the controversy of compassion. I have noted that Martha Nussbaum dwells in considerable detail on the fact that compassion involves us interrogating the moral meaning of human suffering,

that it commits us to question who or what is to blame and who or what should be held responsibility for the harms done to people, and further, that it brings debate to the morality of the types of actions that are deemed responsible and appropriate under these terms. On this understanding, as an 'intelligent emotion', compassion is irrevocably attached to many conflicts of interpretation and is always tied to disputed points of view on its role as a guide to moral practice.

It is worth noting that the compassion debate within the field of 'law and emotion' has emerged in the context of heated public altercations over the ideological appropriations of emotional language and emotive gestures. In a useful review of contributions to what she calls 'the liberal narrative of compassion' and its connections to legal scholarship, Kathleen Woodward argues that the critical and political ambitions of scholars such as Martha Nussbaum (1996b; 2001) and Lynne Henderson (1987) have been compromised by the fact that they have published their work at a time where 'compassionate conservatism' has been adopted as a political slogan for advocates of neo-liberal social policies (Woodward, 2002). She contends that the political appropriation of 'compassion' as an adjective to describe a right-wing ideological stance has had the effect of tarnishing liberal narratives with semantic and evaluative associations that corrupt their message and obscure their intent.

This is vividly illustrated in Mickey Kaus's angry denunciation of compassion as a 'political liability' in his *New York Times* article of 25th June 1999, where he contends that, in both conservative and liberal traditions, compassion operates to obstruct social justice and to deny people their human dignity. Kraus identifies it with an 'inegalitarianism' that carries 'the condescending implication of charity, of inferiority and helplessness on the part of those on its receiving end' (Kaus, 1999). He further claims that it is used 'to override the traditional, and sensible, moral distinctions that should govern policy'; that is, distinctions informed by carefully considered utilitarian assessments of people's wants and needs (ibid.). Similar views, moreover, are also featured in many newspaper cartoons that satirise compassion as a rhetorical weapon in a political chimera that favours an ideology of selfish individualism while promoting

distinctions between the deserving and undeserving poor, and advancing the view that austerity operates for the collective good of society (Woodward, 2002, p. 224).

Woodward further takes this as evidence to support her argument that many of those associated with liberal narratives of compassion have failed to pay adequate heed to the wider cultural context in which they operate. Insofar as they appear to be insufficiently troubled by the ways in which compassion is open to corruption, she labels Henderson and Nussbaum as 'pre-ideological and naïve' (Woodward, 2002, p. 227). On Woodward's account, moreover, this is not only due to an absence of political understanding, but also, to a lack of cultural awareness. She argues that liberal advocates of compassion have failed to comprehend that we are living in a social period that is distinguished by a 'new economy of the emotions' (Woodward 2002, p. 227). Woodward further holds that this is connected to a series of radical and far-reaching transformations in contemporary processes of cultural production and exchange.

Here, she makes passing reference to Frederic Jameson's famous and much-cited article on 'Postmodernism or the Cultural Logic of Late Capitalism' and his contention that, amongst other things, this is characterised by 'the waning of affect' (Jameson, 1984, pp. 61-62). Along with Jameson she claims that insofar as our culture is now 'dominated by the media', this operates to confine large parts of our emotional experience of the world to ephemeral 'intensities' or fleeting 'sensations' (Woodward, 2002, p. 224). On this account, it is not only the case that we are living in a time where public opinion falls prey to many carefully crafted plays on compassion in the political realm, but also where at a more general level of cultural experience, people are left burdened with a surplus of partial and indistinct feelings that lack narrative depth and contextual detail.

Woodward, however, does not offer much by way of examples of the locations and circumstances in which people appear emotionally mystified or are left burdened by feelings of moral confusion. Neither does she venture to elaborate on the possible consequences of such experiences. Aside from declaring this to require us to engage

in ever more complex and difficult debates over the meanings and value of our moral feelings, she does not provide us with any considered point of view on what we should relate to the novelty of our socio-emotional condition and its propensities. There is now, however, much more to consider here as part of the effort to locate such worries and concerns in their cultural, social and historical context; and this also opens the door to alternative approaches to understanding the controversy of compassion.

3.1 *Mediatised Experience*

Since the publication of Jameson's celebrated paper, researchers have devised far more extensive accounts of the possible impacts of mass media on our emotional propensities and experience of the world; and here they have been particularly attentive to the dynamics of compassion. Many have concerned themselves with the fact that through modern communication media 'distant suffering' is made a routine and familiar part of our cultural experience of the world (Boltanski, 1999; Cohen 2001; Linklater, 2007). Opinion, however, is deeply divided on what this signifies and on the possible consequences it holds for our moral thoughts, feelings and actions.

Some are particularly impressed by the potential for mediatised knowledge and experience of 'distant suffering' to operate in support of international humanitarianism. On this account, we should be particularly attentive to the ways in which the growth and spread of international non-governmental humanitarian organisations is connected to the development of new social arrangements and technologies that channel public sentiments of compassion towards responsive engagements with human problems on a grand scale (Höijer, 2004; Tester, 2001; Wilkinson, 2005). Here the numbers of people donating to events such as Live Aid, the scale of the charitable response to the 2004 South Asian Tsunami, and the mass support for the relief operations in Haiti following the devastating earthquake of 2010, are understood to bear testimony to the institutional realisation of a new 'cosmopolitan political community' sustained by globalised compassionate sentiment (Beck, 2006; Nash, 2003; Eckersley, 2007). Indeed, some go so far as to suggest that

such developments herald the advent of a new 'empathic civilisation' in which people are not only involved in a new global consciousness of human suffering, but are also equipped with unprecedented technological and social opportunities to express the compassion they feel for the plight of others in caring action (Nash, 2008; Rifkin, 2009).

By contrast, others are inclined to place a greater accent on the potential for such developments to hold negative consequences for our capacities for moral recognition and common understandings of appropriate ways to respond to the suffering of others. It is argued that the ubiquity of the imagery of suffering, and the fact that more often than not it is carefully contrived to elicit shock and upset, is implicated in cultural practices in which populations display ever more elevated 'states of denial' and 'compassion fatigue' (Cohen, 2001; Moeller, 1999). Moreover, insofar as people are still morally disturbed by on-screen scenes of tragedy and disaster, some suggest that the involvement of emoting celebrities in the promotion of humanitarian concerns encourages them to relate to the symbolic portrayal of human affliction more in terms of their feelings for the celebrity than with concern for the plight of people in real suffering. For example, Lilie Chouliaraki argues that this has very little connection to the virtuous forms of compassionate thought and behaviour celebrated by Nussbaum, and in a refinement of Jameson's contention, she claims that it tends to give rise to 'low-intensity, fleeting sensibilities of a feel-good altruism' that, if anything, operate more in 'ironic solidarity' with distant sufferers than from an impassioned and credibly informed 'solidarity of pity' (Chouliaraki, 2013, pp. 172–205). This worry about the types of thoughts, feelings and actions that people are involved in when graphic scenes of human suffering are routinely broadcast to them via television and the internet further moves Luc Boltanski to suggest that, more often than not, the experience of being a 'detached observer' of human affliction makes people feel politically powerless and morally inadequate (Boltanski, 1999). Insofar as such scenes are encountered in social locations such as homes and in work offices where individuals are denied the means to adequately respond to the imperative of action that the brute facts of suffering impresses upon them, he argues that they are set to frustrate and deny compassionate actions. Similarly, when

studying new formations of 'social subjectivity' some anthropologists contend that the mass dissemination of the imagery of suffering via commercial forms of cultural reproduction and exchange is now effecting a major transformation of people's moral outlooks and moral connections to others, and particularly insofar as it 'normalises' a vivid awareness of people's suffering in contexts that foreclose possibilities for effective participation in public debate and withhold the option of a compassionate engagement with human needs (Biehl, et al., 2007).

Such criticisms incorporate the tacit assumption that, under normal circumstances, individuals *should* be able to engage with a proportionate response to human suffering, or at the very least, that it *should* be possible to apply the moral feelings they experience in response to their witness of suffering to practical actions that directly contribute to people's care. It is not only a perceived loss or absence of rational understanding that is mourned here, but also, the lack of a means to engage with a morally adequate and practically effective response to calamitous situations. It is important to pay heed to the fact that writers such Boltanski and Chouliaraki operate from a critical position that appeals to the desire for our experience of the world to make rational moral sense and for our actions to hold rationally adequate moral meaning. By attending to such matters, moreover, we also might better appreciate the extent to which critical worries connected to our subjection to fleeting encounters with 'distant suffering' are fuelled by quite different modalities of modern experience, and especially those where the causes of human suffering are more readily understandable and can be addressed as problems over which we can exercise some form of rational control.

3.2 *Ever intensifying forces of rationalisation*

If we take seriously Nussbaum's contention that compassion commits us to the attempt to make moral sense of human suffering, then we might well be concerned to examine the forms of culture that are commonly used for this purpose. This opens the door to a considerable range of theoretical and historical perspectives on our

cultural proclivities, terms of moral experience and modes of reasoning, and if taken seriously, many of these hold far-reaching consequences for how we might venture to understand the dynamics set within our social character and condition (Amato, 1990; Barrington Moore Jr., 1972; Pickering and Rosati, 2013; Wilkinson and Kleinman, 2016).

As far as sociological theory is concerned, Max Weber offers one of the most carefully developed accounts of how modern people are culturally disposed to negotiate with and respond to 'the problem of suffering' (Wilkinson, 2013). Here, a focus is brought to the ways in which individuals respond to suffering with quests for rational understanding and with the imperative to apply this to combating the deleterious effects of suffering on human life. Weber analyses the conflicts of value and meaning that are exacerbated in these contexts and seeks to make clear their consequences for social action. Moreover, he also attends to many *unintended* consequences of people's repeatedly frustrated attempts to invest their experience of the world with moral meaning and to make their lives conform to desired value objectives.

At the same time as this approach is used by Weber to explore the propensity for Protestant traditions of theodicy to advance processes of secularization, it also contributes to a 'cultural anthropology' that commentators understand to document his standpoint on our existential situation under conditions of modernity (Tenbruck, 1980; Turner, 1992). Notably, Weber holds that the rationalizing of thought and action that comprises people's struggles to make sense of and to alleviate suffering has the unintended consequence of making them still more vulnerable to experience suffering as a morally outrageous and intellectually unacceptable problem in their lives. He argues that the potential for the problem of suffering to shatter and shock our normative expectations for reality *grows* with the advance and force of modern rationalization. As Talcott Parsons notes:

'Weber … [holds that] the more highly rationalized an order, the greater the tension, the greater the exposure of major elements of a population to experiences which are frustrating in the very specific sense, not merely that

things happen that contravene their 'interests', but that things happen which are 'meaningless' in the sense that they ought not to happen. Here above all lie the problems of suffering and evil . . .' (Parsons, 1966, p. xlvii)

Here it seems that Weber is particularly concerned with the fact that the more that modern societies succeed in making human health and public safety conform to measures of rational control (for example, through advances in modern medical science, the development of ever more technologically efficient means to minimise our exposure to risks on public transport, and the development of the legislative means to protect people's human rights), then the more they advance normative expectations for reality in which human suffering is set to be encountered as a moral outrage. Inevitably, there will be times where rational systems of control are no longer able to protect us from what Weber calls 'the irrational force of life', and on such occasions, he suggests that modern people are set to discover themselves woefully ill-equipped to make adequate moral sense of their experience of the world (Weber, 1948).

Some similar views, although set in a far less sophisticated frame of analysis, are expressed in Ivan Illich's famous account of the iatrogenic effects of modern medicine where he argues: '[b]y transforming pain, illness, and death from a personal challenge into a technical problem, medical practice expropriates the potential of people to deal with their human condition in an autonomous way and becomes the source of a new kind of un-health' (Illich, 1974). By no means, however, does Weber share in Illich's suggestion that we should renounce modern rationality so as to recover some 'pre-modern' method of coping with suffering through the cultivation of personal resilience. Arguably the compassion he feels for our inherent frailties and vulnerabilities leaves him still cautiously celebrating any means by which there may be some temporary reprieve from suffering, for ultimately, he holds that one way or another we shall inevitably be made to endure many painful 'antinomies of existence' (Weber, 1975, p. 678).

3.3 *Compassion in the process of our 'civilisation'*

The bearing of processes of rationalisation upon our emotional outlooks and behaviours is further developed as a core concern in the social theory of Norbert Elias. In a thesis informed by Weber's insights, Elias provides us with a yet more elaborated account of the ways in which our compassionate temperament is related to the development of instruments and techniques of rational social- and self-control. While charting the historical development of a social psychology in which individuals are disposed to repress and inhibit their violent impulses, he also aims to explain how this is related to the tendency for modern people to be emotionally distressed and morally sickened by the sight of human suffering (Elias 1994).

In this account, the studied manners and carefully cultivated moral sensibilities of 'civilised' people are also held to play an important part in shaping modern conventions of compassion and their elevation to positions of public virtue. Moreover, we are encouraged to understand the compassion of modern humanitarianism not only at face value as being motivated by a concern to deliver people from harm's way, but also, as an expression of a desire to discipline human thoughts and behaviours so that they are made more amenable to moral and legal sanction. Here Elias's account of our socio-emotional configuration shares in Michel Foucault's concern to expose the ways in which the ethics of care expressed through modern humanitarianism operate as a form of governmental power in people's lives (Foucault, 1991 [1975]).

Insofar as Elias's theory is informed by a Freudian model of the human psyche, however, a stress is placed on the role of 'governmentality' in the repression of violent and destructive instincts and the suppression of sadistic and sadomasochistic tendencies. The modern compassionate temperament is understood to be motivated not only by care for the other, but also by many moral worries connected to our cultural propensity to be fascinated by sensationalised depictions of human pain. In this respect, Elias encourages us to pay heed to the ways in which humanitarian

revulsion towards human suffering draws from a cultural well that also makes it possible for people to gaze upon the pain of others as a prurient pleasure.

A considerable amount of historical research is now committed to documenting the origins and development of modern humanitarianism and the cultural politics of its compassion (Berlant, 2004; Hunt, 2007; Wilson and Brown, 2009). Here it is widely noted that the flowering of humanitarian sentiment is allied to 'the pornography of pain' and a cultural disposition to relate to visual portrayals of human suffering as a 'delicious horror' (Halttunen, 1995; Rozario, 2003). The cultivation of compassion is tied to cultural forces that work to sensationalise pain and entice many people to revel in its spectacle. Indeed, there is a long tradition of humanitarian writing on the danger that by appropriating the imagery of suffering as a means to protest against the harms done to people, they also indulge a great deal of 'promiscuous voyeurism' (Ignatieff, 1985). While some hold that it may be possible to craft forms of writing and terms of appeal that guard against this possibility, others take the view that courting such unstable emotions is a risk worth taking for the sake of 'humanising' the ways we relate to the suffering of others.

For example, in a study of the 'textual strategies' devised by anti-slavery campaigners such as Lydia Maria Child and Frances Harper, Carolyn Sorisio observes that they are heavily preoccupied with the ways in which their efforts to document the cruelties inflicted on slaves are set to elicit 'charges of indelicacy' (Sorisio, 2000, p. 47). Child and Harper agonise over the moral meaning of the graphic images used in abolitionist tracts and aim to develop ways of writing about acts of torture and scenes of violence that instruct publics on how they should feel in response to what is revealed to them in the brute facts of suffering. Accordingly, their protest against slavery is always accompanied by repeated warnings to readers that they should guard themselves against 'the exploitative dynamics of spectatorship' that eroticize and objectify slaves bodies (Sorisio, 2000, p. 49). Child and Harper are not only worried by the possible ways in which their involvement with the polemics of pain courts the moral condemnation of 'decent society', but also with potential for this to corrupt people's sensibilities.

By contrast, Gregg Crane claims that Harriet Beecher Stowe resolved not to allow herself to be so worried by such concerns (Crane, 1996). He notes that following the public reaction to *Uncle Tom's Cabin* (1852), Stowe devised *Dred: A Tale of the Great Dismal Swamp* (1856) in response to the criticisms directed towards her sentimental characterisation of Uncle Tom and to the emotive content of her writing. He claims that while her portrayal of Dred, the revolutionary leader of the slaves living on the swamp, is designed to acknowledge the potential for sentiments of compassion to operate as a succour to violence, its main purpose is to express her conviction that it is by force of moral feeling that alternative social worlds are rendered imaginable. On this view, the struggle to realise more humane forms of society is sustained more by appeal to emotion than to principle. Stowe takes 'the eruption of moral sympathetic feeling' evoked by graphic depictions of cruelty towards slaves as a 'sure signal' that all individuals are entitled to 'fundamental human rights' (Crane, 1996, pp. 177-186). She further celebrates the potential for a 'moral-emotional dissonance' to move people to take actions to oppose the apologists for slavery and end its practice. For Stowe the greater danger lies in the propensity for the rational culture that presides over systems of law and government to obstruct the humanitarian questioning of established convention.

IV. For discussion

The controversy of compassion is animated by some fundamental standpoints on our modern condition. It commits us to morally evaluate our social history and its presiding forms of cultural experience. It invites us to investigate the cultural character of our rationality and to attend to its human consequences. It further involves us in the attempt to make ourselves consciously alert to the dynamics set within our socio-emotional constitution and to how these inform our political attitudes and moral conduct.

Insofar as compassion bears testimony to how we understand and respond to the problem of suffering, then our assessment of its meaning and function is made a

high-stakes activity. It draws a focus to how we morally relate to people in many desperate and harmful situations. It exposes our moral character and holds it up for public debate. Moreover, the fact that it concerns how we are moved to care for people in contexts where life matters a great deal is bound to provoke moral disquiet, for here doing 'the right thing' holds significant human consequences. Indeed, as Adam Smith famously observed, our moral sentiments of compassion contain not only the worry that we care in an appropriate and responsible way for the suffering of others, but also, worries about how we will be *seen* to be doing this and how this makes us subject to the moral judgments of others (Smith, 2006 [1790]).

For these reasons the controversy about compassion might well be identified as a constant companion to law, or perhaps it is more accurate to portray this relationship as one in which law, and especially law under conditions of modernity, is fatefully set in a position where it is made to negotiate with the social meaning and morality of compassion. In light of the sociological insights into compassion featured in this paper, moreover, those involved in the practice of law should be particularly concerned to attend to the unintended consequences of their work and the fact they are dealing with many areas of controversy for which there can be no satisfactory legal resolutions.

In one of the most famous critical commentaries on compassion in public life, the political theorist, Hannah Arendt, argues that we should be particularly wary of the potential for 'the passion of compassion' to promote rash decisions and thoughtless actions (Arendt, 1963, pp. 70-90). She portrays compassion as a 'boundless emotion' that overwhelms people with the desire to vanquish suffering. When possessed by such conviction of feeling, Arendt contends that they will have no regard for the wider consequences of their actions. She argues that compassion compels action and leaves no room for debate.

As with much of Arendt's writing, her essay 'on the social question' and the tendency for this to operate as an incitement to compassion has attracted a considerable amount of debate (Bernstein, 1986; Canovan, 1994; Fraser, 1990; Frankenberg, 1995; Wolin, 1983). There is no agreement as to how we should

interpret her critical intentions or evaluate their consequences. One view holds that she intends her readers to 'end up with some sort of aporia in regard to her theoretical position', for she holds this to be productive for their political thinking on how to relate to our human condition and the value of our humanity (Hyvönen, 2014, p. 570). Accordingly, Arendt writes not so much with a mind to declare a firm standpoint or to persuade us to adopt a conclusive point of view, but rather, to initiate trains of thought that are set to involve us in the perplexities of her thinking and its political dilemmas. Arendt's theoretical writing is a moral practice designed to draw us into the agony of politics. The contradictions of her political thought are there by design (Canovan, 1978).

At the same time as Arendt contends that compassion is opposed to debate, she aims to make it debatable. It can be argued that she was all too aware of the fact that it is an inevitable accompaniment to our social questions and moral worries surrounding the assignment of value to human-social life; and further, that she knew that compassion can never be expelled from arenas of public debate. On this view, she aims to involve us in dwelling on its controversy and to persuade us to take it seriously for the pursuit of human understanding.

I contend that this is what we should do here. The controversy of compassion matters insofar as it serves to worry us over the values and standards by which we relate to others. It is 'the social emotion', but by its controversy it also operates to draw social life into question and provokes debate over its moral meaning and human purpose. While some legal scholars may respond to this with a drive to devise and enforce more effective measures of regulation over our compassionate temperament, they may well find that this does more to aggravate than to resolve many clashes of human value and interest. In this light, movements to discipline compassion and render it rationally accountable can be an important part of the awakening to our inherently conflicted social condition.

Some of the most dramatic examples of this point are found in the history of attempts by law courts to find an adequate means to compensate the victims of large-scale industrial accidents such as 'the Bhopal tragedy', which anthropologist Ravindra

Khare refers to as an instance of 'labyrinthine law' and 'unending politics' (Khare 1990). Khare along with a number of commentators identifies the ongoing struggle to provide a legal redress to public demands for a compassionate response to the 'voices of victims and survivors' as the principle cause of this inherently vexed state of affairs (Coombs 1999; Das 1997; Khare 1990:14; Sarangi 2002). My wider argument here is that presiding cultural conditions are set to further breed and intensify such conflicts.

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