

Original Article

Beyond Empathy: Strategies and Ideals of Democratic Deliberation

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This paper problematizes empathy-centered approaches to deliberation, challenging the feasibility of such approaches as well as the suitability of empathy as a central goal or ideal in models of democratic deliberation. With the deliberative turn in democratic theory came a new emphasis on empathy. Empathy on the part of citizens – the ability to engage in perspective taking and to feel empathic concern for others – is often cited as crucial for the success and improvement of democratic discourse. I first identify several limits to achieving empathy in practice. I then show that even when achieved, empathy does not sustain deliberative practices. In place of empathy, I propose a “difference approach” to improving democratic deliberation. I argue that differences rather than commonalities are a more democratic resource for helping citizens cultivate greater openness and better listening practices. The difference approach better reflects the ideals of the deliberative model of democracy.

Keywords *empathy; deliberative democracy; listening; difference*

Deliberative democratic theory has ushered in a “talk centric” rather than a “vote centric” model of democracy.¹ According to deliberative models of democracy, the legitimacy of a decision is largely dependent on the quality of deliberation that precedes voting. In other words, the democratic quality, and therefore the legitimacy, of a political system is heightened through fair and inclusive communicative interactions among citizens.

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1. James Bohman and William Rehg, “Introduction,” in *Deliberative Democracy: Essays on Reason and Politics*, ed. J. Bohman and W. Rehg (Cambridge, Mass.: MIT Press, 1997), ix–xxvii.

BEYOND EMPATHY

As the deliberative approach to democracy has emerged into prominence over the last quarter century, scholars have increasingly attended to the capacities citizens must have if their deliberation is to enhance democratic legitimacy in the ways its advocates envision. One capacity often cited is empathy. The recent appeals to empathy by political theorists, typified by the work of Sharon Krause, Michael Morrell, and Robert Goodin, but also that of Michael Frazer, Martha Nussbaum, and others, reflect a new emphasis on the value of affect, emotion, and passion in democratic discourse.²

As James Bohman explains, theories of democratic deliberation “share the common demand that democracy is the rule by citizens of their common affairs *through the public use of reason*.”³ The recent turn to empathy has developed as a reaction to what was considered a narrow or singular understanding of reason in theories of deliberation, especially those of Rawls and Habermas.⁴ Although the disputes over reason and emotion in democratic deliberation are far from resolved, empathy is typically viewed as one of a few “‘good’ emotions” – compatible with rational discourse and reasoned argumentation.⁵ Specifically, advocates of empathy argue that greater empathy among citizens would sustain democratic legitimacy by promoting inclusiveness in political communication among citizens.⁶

In this article, I reconsider the value of empathy within the context of democratic deliberation. Problematizing empathy in a novel way, I argue that empathy is too high a standard to pursue in democratic deliberation given the practical limits and barriers to successful perspective taking and empathic concern. Because of the variation in our ability to empathize and our tendencies to project our own views onto others, empathy cannot, in practice, generally be relied upon to play the central role in deliberation that its supporters expect it will. Furthermore, I show why aiming for *more* or even *better* empathy is an

2. Sharon R. Krause, *Civil Passions: Moral Sentiment and Democratic Deliberation* (Princeton, N.J.: Princeton University Press, 2008); Michael E. Morrell, *Empathy and Democracy: Feeling, Thinking, and Deliberation* (University Park, Pa.: Pennsylvania State University Press, 2010); Michael Frazer, *The Enlightenment of Sympathy: Justice and the Moral Sentiments in the Eighteenth Century and Today* (New York: Oxford University Press, 2010); Robert E. Goodin, *Reflective Democracy* (Oxford, U.K.: Oxford University Press, 2003); Martha Nussbaum, *Poetic Justice: The Literary Imagination and Public Life* (Boston: Beacon Press, 1995).

3. James Bohman, “Realizing Deliberative Democracy as a Mode of Inquiry: Pragmatism, Social Facts, and Normative Theory,” *The Journal of Speculative Philosophy* 18 (2004): 23–43, at 23–24 (emphasis added).

4. George Marcus, “Reason, Passion, and Democratic Politics,” in *Passions and Emotions: Nomos 53*, ed. James E. Fleming (New York: New York University Press, 2012), 127–88.

5. *Ibid.*, 131. The literature on the value of emotion in politics extends well beyond the specific focus of this article, deliberative democratic theory. For a helpful review see Eric Groenendyk, “Current Emotion Research in Political Science: How Emotions Help Democracy Overcome Its Collective Action Problem,” *Emotion Review* 3 (2011): 455–63.

6. Krause, *Civil Passions*; Morrell, *Empathy and Democracy*; Goodin, *Reflective Democracy* (see note 2 above for all sources).

unlikely answer to these limits of empathy in practice. Even as an ideal, empathy would still tend to displace the crucial deliberative concern of improving practices of democratic listening. Contrary to our intuitions, and perhaps paradoxically, empathy does not promote democratic inclusion in the way its promoters think it will.

I conclude by introducing an alternative to the empathy approach, what I call the “difference approach.” Specifically, I argue that focusing on differences instead of real or imagined commonalities alerts citizens to the challenges of effective deliberation. Greater attention to differences dampens the presumption of knowing another person’s perspective, showing citizens the limits to mutual understanding and the need for improved listening in light of those limits.

As a theoretical framework, the difference approach that I propose aims to reconcile an attention to difference with the deliberative project itself. Agonistic critics of deliberative democracy have considered such a goal misguided, preferring instead to abandon the deliberative project altogether.⁷ In this way, my position differs markedly from an agonistic approach to democracy, which assumes that a respect for difference is wholly incompatible with deliberative democratic theory.

Despite coming to opposite conclusions, both the empathy approach to deliberation and the agonistic approach to democracy begin from the premise that difference is incompatible with deliberation. The empathy approach, with its focus on reducing the distance between citizens, implicitly treats difference as an obstacle to mutual understanding that must be overcome through imaginative perspective taking. Agonists, on the other hand, view deliberation and its single-minded drive toward consensus as an obstacle to acknowledging and respecting deep difference in politics.

The difference approach to deliberation forges a new path between deliberative and agonistic democrats by showing that a commitment to difference is not only compatible with the deliberative project, but, in fact, essential to its success. Maintaining the compatibility of difference and deliberation, the difference approach that I offer aims to allay agonistic democrats’ deep suspicion of deliberation while also tempering our reliance on empathy. The difference approach helps improve democratic legitimacy by making our deliberations more open and receptive to difference and disagreement.

7. Chantal Mouffe, *The Democratic Paradox* (New York: Verso, 2000), esp. 104–105; Jodi Dean, “Civil Society: Beyond the Public Sphere,” in *The Handbook of Critical Theory*, ed. David M. Rasmussen (Oxford, U.K.: Blackwell, 1996), 220–42; William E. Connolly, *Identity\Difference: Democratic Negotiations of Political Paradox* (Minneapolis: University of Minnesota Press, 2002).

BEYOND EMPATHY

The Empathic Turn in Deliberative Democracy

Students of politics, philosophy, law, and psychology have all offered their own definitions of empathy. Across these disciplines, however, empathy is understood as both a process and an outcome. Empathy-as-process, which involves imagining another's perspective, is supposed to bring about empathy-as-outcome, of which there are two types – cognitive and affective. Cognitive empathy is the “awareness of another's feelings,” whereas affective empathy is “feeling what another feels.”⁸ Cognitive empathy allows us to understand another's perspective or feelings, even if we do not ultimately come to share them.

The procedural nature of empathy is obvious when tracing its relatively recent etymological roots. The word “empathy” comes from the German, *Einfühlung*, which means “feeling-into.” According to Frazer, “Herder argues that we imaginatively place ourselves into the place of others, ‘feeling our way into’ their experience of the world.”⁹ Herder developed this term in regards to reading historical texts, where historians could only understand ancient peoples through a “process of self-projection.”¹⁰

It is important to note that the English word “empathy,” which was coined in the early twentieth century, did not exist when Hume and Smith wrote about imaginative perspective taking and shared feelings, which they included under the concept of “sympathy.” Following Hume, Krause refers exclusively to “sympathy” in *Civil Passions*. As she and Michael Morrell explain, however, their preferred terms of sympathy and empathy, respectively, have a common meaning.

Whether called sympathy or empathy, this process of self-projection, or imaginative perspective taking, is said to improve deliberative practices by making them more inclusive. In *Civil Passions*, for example, Krause argues that by including others' feelings into our deliberations through sympathy, we achieve the democratic ideal of impartiality. “Impartiality, the ability to adopt a common point of view, involves abstracting from one's own self-interest but not by means of disengaged intellect. Instead, we achieve impartiality by sympathetically experiencing the sentiments of others.”¹¹ According to Krause, judgments cannot be made without reference to passions. Therefore, impartiality does not require the exclusion of passion and sentiment, but instead requires the *inclusion* of the passions and sentiments of all relevant people. For Krause,

8. Martin L. Hoffman, “Empathy, Justice, and the Law,” in *Empathy: Philosophical and Psychological Perspectives*, ed. Amy Coplan and Peter Goldie (Oxford, U.K.: Oxford University Press, 2011).

9. Frazer, *The Enlightenment of Sympathy*, 154 (see note 2 above).

10. *Ibid.*, 155.

11. Krause, *Civil Passions*, 73 (see note 2 above).

sympathy is the basis for making judgments that are inclusive of all citizens' perspectives and sentiments.

Krause identifies two distinct, though related, meanings of sympathy in the work of David Hume, one cognitive, the other affective. The primary meaning of sympathy for Hume is what Krause calls S1. S1 "is not itself a passion, hence not itself an affective state, but it communicates passions to us and stimulates similar passions in us."¹² As a cognitive faculty of the mind "with an informational function," S1 provides affective inputs for our consideration in deliberation.¹³ S1 serves an important informational function, allowing us to know how another is feeling. The feelings of others do not need to be explicitly communicated to us, and instead are often imagined.¹⁴ Though primarily serving a cognitive and informational function, sympathy in this sense "enables us to resonate with the affective experiences of others, to be moved by the sentiments that others express."¹⁵ Krause refers to Hume's second sense of sympathy as S2. S2 "is itself an affective state, or a form of passion."¹⁶ Sympathy in this sense involves caring for another person. Krause explains that S2 is the benevolence or pity that, quoting Hume, "makes me concern'd for the present sorrows of a stranger."¹⁷

Hume does not differentiate between S1 and S2, but Krause shows how the two senses of sympathy are different, though related. Deploying the cognitive faculty of sympathy (S1) can often lead to affective concern for others, or S2.¹⁸ Even if exercising the cognitive faculty of sympathy (S1), or empathy-as-process, does not produce feelings of sympathy for others (S2), it is still an important contribution to the impartiality of moral judgment insofar as it introduces the sentiments of others as relevant inputs for deliberation.¹⁹ In other words, according to Krause, the value of empathy comes in large part from the empathic understanding that results from imaginative perspective taking.

Although our cognitive faculty of sympathy (S1) is "automatic" and "a natural feature of our moral psychology," it "is not naturally as extensive or as free from self-love as impartial judgment requires."²⁰ For Krause sympathy is an important, though limited, first step in knowing the sentiments of others so as to include them in deliberation.

Building on Krause's endorsement of both the cognitive and affective sides of sympathy, Michael Morrell argues that democratic legitimacy depends on

12. *Ibid.*, 80.

13. *Ibid.*, 79.

14. *Ibid.*, 85.

15. *Ibid.*, 80.

16. *Ibid.*

17. *Ibid.*

18. *Ibid.*, 81.

19. *Ibid.*

20. *Ibid.*, 84.

BEYOND EMPATHY

“whether people empathized with their fellow interlocutors.”²¹ According to Morrell, empathy helps deliver on the promise at the heart of democratic theory: equal consideration of all citizens. He explains, “if deliberation does not include the process of empathy, it is all too likely that the reflection it embodies will be exclusionary or biased and not take into consideration all who participate.”²² To remedy this, Morrell offers us what he calls the “process model of empathy.” Morrell begins with the “antecedents” to the process, which include a person’s biological capacity to empathize (which may be inherited) as well as the similarity between the “target” of empathy and the “observer” or would-be empathizer.²³ These “personal and situational characteristics” interact with the “mechanisms of empathy,” especially perspective taking, which Morrell claims is the most relevant to theories of deliberation.²⁴ Together, the antecedents and mechanism of perspective taking lead to both affective and cognitive outcomes. Imaginatively taking the perspective of others may lead to *feelings* of empathic concern for others. But even if this exercise does not result in greater feelings of empathic concern, the mechanism of perspective taking still produces the cognitive outcome of empathic understanding. Morrell’s discussion of empathic understanding mirrors Krause’s claim that S1 is valuable in its informational capacity even when it does not lead to S2 or feelings of concern for others.

Taking an even stronger position than either Morrell or Krause, Goodin argues that, “democratic deliberation within,” or the act of “imagining ourselves in the place of others,”²⁵ “offers the best way” and in some cases the only way to address the problem of “social exclusion.”²⁶ In *Reflective Democracy*, Goodin writes of the importance of “empathetic imagining” in order to solve the practical challenges of external deliberation.²⁷ Deliberation within or imagining ourselves into the place of others helps ensure democratic inputs in deliberation when face-to-face encounters are infeasible because of the “problem of scale,” or, even in the absence of a problem of scale, in the case of excluded or mute interests.²⁸ Ideally, all people would speak for themselves, but when social or political inequalities or exclusions prevent equal voice, Goodin thinks that imagining others’ perspectives is the best alternative.

Besides Krause, Morrell, and Goodin, other theorists have argued that practices similar to Krause’s sympathy and Morrell’s empathy make important

21. Morrell, *Empathy and Democracy*, 193 (see note 2 above).

22. *Ibid.*

23. *Ibid.*, 56; Mark H. Davis, *Empathy: A Social Psychological Approach* (Madison, Wisc.: Brown & Benchmark Publishers, 1994), 62–70.

24. Morrell, *Empathy and Democracy*, 56 (see note 2 above).

25. Goodin, *Reflective Democracy*, 209 (see note 2 above).

26. *Ibid.*, 194.

27. *Ibid.*, 170.

28. *Ibid.*, 194.

contributions to democracy. For example, Richard Rorty offers “imaginative identification” as the basis of solidarity. Other theorists appeal to the assumed benefit of empathy. Diana Boros and Martha Nussbaum, for example, both write on the value of art in democracy for its ability to generate feelings of empathy.²⁹ And in popular discourse as well, empathy is often cited as the solution to disparate challenges of the twenty-first century, from bullying to racism.³⁰

Taken together, I argue, these interventions constitute an “empathic approach.” The central claim of this approach is that without empathy – or the “affective-cognitive communication of sentiments between persons that transpires through perspective-taking” – “deliberation cannot provide a basis for legitimate, justified democratic decision making that truly takes all into consideration.”³¹ In order to keep discussion here manageable, and since Krause, Morrell, and Goodin provide the most in-depth and detailed accounts of empathy’s contribution to democratic deliberation, I will engage primarily with their work, taking it to be a proxy for proponents of empathy in general.³²

In what follows, I focus on the presumed value of this imaginative perspective taking for deliberative democratic theory and practice. My argument relates primarily to empathy as process, in other words, the process of putting one’s self in another’s shoes. I will argue that this process is not effective at achieving either affective or cognitive empathy. Furthermore, even when successful, this process and its outcomes do not sustain the practices of democratic deliberation.

Two Practical Limits to Empathy

Advocates of empathy argue that empathy-as-process has an informational value in democratic deliberation even when it does not lead to feelings of concern for others. At the most basic level, imaginative role taking communicates the sentiments and perspectives of others to us, so that they may be included in our deliberation. Empathy is supposed to help alleviate problems of exclusion in deliberation that undermine the legitimating force of the decision-making process.

29. Diana Boros, *Creative Rebellion for the Twenty-First Century: The Importance of Public and Interactive Art to Political Life in America* (New York: Palgrave Macmillan, 2012); Nussbaum, *Poetic Justice* (see note 2 above).

30. See Roman Krznaric, “The One Thing That Could Save the World: Why We Need Empathy Now More than Ever,” *Salon*, November 8, 2014.

31. Krause, *Civil Passions*, 83; Morrell, *Empathy and Democracy*, 194 (see note 2 above for both sources).

32. For more on empathy and politics see James E. Fleming, *Passions and Emotions: NOMOS 53* (New York: NYU Press, 2012). See also Amy Coplan and Peter Goldie, *Empathy: Philosophical and Psychological Perspectives* (Oxford, U.K.: Oxford University Press, 2011).

BEYOND EMPATHY

Here I show that not only does perspective taking rarely lead to affective empathy, but our ability to actually understand the feelings of others is also limited. That is to say, cognitive empathy – our ability to imaginatively encounter the feelings of others – does not give us access to the actual feelings and sentiments of our fellow citizens. Thus, even the more modest outcome of empathic understanding is difficult to attain in practice.³³

First, even those individuals with high empathic predispositions, who are willing and able to engage in perspective taking, tend to unconsciously project their own views onto others. Interestingly, some social psychologists claim that projection is *how* we engage in perspective taking rather than a sign of our failing to do so. Second, all else equal, we are more likely to feel empathic concern and gain empathic understanding for people who are similar to us and less likely to do so with people who are different. Thus the outcomes of the process of empathy are realized selectively and unevenly depending on the relationship of the observer to the target. Given these challenges to gaining either empathic concern or understanding across difference, empathy's ability to alleviate the problem of exclusion in deliberation is limited.

Projection Bias

Perspective taking often involves projecting one's own views onto another. Social psychology research regarding perspective taking points to the difficulty we have accurately imagining the perspectives of others or even our future selves. Social psychologists Leaf Von Boven and George Loewenstein identify what they call the "empathy gap," which divides imagined perspectives from actual perspectives.³⁴ The source of this empathy gap is an egocentric bias in perspective taking that leads individuals to judge others in light of their own thoughts, feelings, or social context. When imagining the perspectives of others, people show significant bias in favor of their own feelings at that particular moment: "Judgments of others are made in comparison to the self, in service of the self, and in the direction of the self."³⁵ Importantly, people base their judgments and predictions about others on themselves "even when they have evidence that their own reactions are

33. Nascent critiques of empathy exist in the broader moral philosophy and psychology literature. See Jesse Prinz, "Against Empathy," *Southern Journal of Philosophy* 49 (September 1, 2011): 214–33 and Paul Bloom, "Against Empathy," *Boston Review*, September 10, 2014. These critics of empathy, however, focus on the limits of emotional empathy rather than cognitive empathy. Paul Bloom actually aligns himself with defenders of cognitive empathy. Cognitive empathy is seen as a more modest and less problematic outcome of the process of empathy, or putting yourself in another's shoes. In this article, I show why even this more modest goal does not sustain democratic deliberation.

34. Leaf Von Boven and George Loewenstein, "Empathy Gaps in Emotional Perspective Taking," in *Other Minds: How Humans Bridge the Divide Between Self and Others*, ed. Bertram Malle and Sara Hodges (New York: The Guilford Press, 2005), 284–97.

35. *Ibid.*, 293.

anomalous and even when they should recognize that their own experiences are of limited relevance – for example when others’ experience is blatantly different from their own.”³⁶ Von Boven and Loewenstein contend that this projection may well be unavoidable – our own judgments are often our best source of information regarding how others would judge or think in a particular context.³⁷ Projection of our own thoughts onto others may be the best way for us to engage in imaginative role taking, and yet it does not adequately inform us about the actual perspectives of others.

Drawing from the work of Anita Silvers, Iris Young vividly demonstrates the dangers of such a projection bias with the example the Oregon Health Plan in the 1990s.³⁸ The Oregon Health Plan was designed in such a way that it disqualified disabled patients from certain treatments because their lives were considered less valuable than those of non-disabled patients. Oregon public policy makers devised their plan with the aid of a telephone survey, asking able-bodied respondents to imagine having a disability. These respondents frequently claimed, “they would rather be dead than confined to a wheelchair.”³⁹ Horrifically, “this claim was the grounds for a political judgment that health services for people with disabilities would not be subsidized in the same way as those for able-bodied people.”⁴⁰ Ultimately these regulations were found to violate the Americans with Disabilities Act, though the example is still instructive.

Just as Morrell would recommend, the participants in the survey “empathized” in the sense of imaginatively taking the perspective of disabled Oregonians. Yet they failed to “maintain a healthy distinction between themselves and others,” which Morrell’s model requires of citizens.⁴¹ But, as Von Boven and Loewenstein’s findings regarding the empathy gap show, maintaining the distinction between ourselves and others when engaging in perspective taking may, in fact, be impossible. Though they drew incorrect conclusions about others’ perspectives, the survey participants likely empathized to the best of their ability. And the process led to outcomes that Morrell does not discuss in his model, namely, a failure of empathic understanding and misguided and unsolicited empathic concern. This example of the empathic process demonstrates the potential for perspective taking to lead to incorrect judgments and misunderstandings of how

36. *Ibid.*, 288.

37. *Ibid.*, 297.

38. Iris Marion Young, “Asymmetrical Reciprocity: On Moral Respect, Wonder, and Enlarged Thought,” in *Judgment, Imagination, and Politics*, ed. Ronald Beiner and Jennifer Nedelsky (Lanham, Md.: Rowman and Littlefield, 2001), 205–28.

39. Anita Silvers, “‘Defective’ Agents: Equality, Difference and the Tyranny of the Normal,” *Journal of Social Philosophy* 25 (1994): 154–75, at 159.

40. Young, “Asymmetrical Reciprocity,” 209 (see note 38 above).

41. Morrell, *Empathy and Democracy*, 167 (see note 2 above).

BEYOND EMPATHY

others feel. Here we see the danger of assuming that the outcome of empathic processes actually reflects the other's view.

In response to the problem of projection, proponents of empathy would remind us that exercises in perspective taking must never replace actual voices in deliberation.⁴² For example, Krause points out that "We can imagine the sentiments of others much better if they are able to tell us about them, after all."⁴³ Accordingly, the outcomes of perspective taking should *inform* deliberation, not *replace* it. Similarly, deliberation itself should *inform* perspective taking. Insofar as all citizens have a chance to present their own view and speak for themselves, we minimize the risk of incorrectly projecting our own view onto another. Morrell explicitly cites actual deliberation as the appropriate corrective to the problem of projection.⁴⁴ In the case of the Oregon Health Plan, this argument would go as follows: if lawmakers compared the imagined perspectives of able-bodied respondents to the actual beliefs and opinions of disabled citizens in deliberation, the thought experiment would have been quickly debunked. Empathy's value remains as a supplement to deliberation, not a replacement for it.

I maintain, however, that the risk of inappropriate projection limits the practical value of empathy, even when role taking is included only as a supplement to deliberation. The projection bias in perspective taking has the potential to lead to distortions and misperceptions of others' points of view. But discussion will not always correct for these errors. There is a risk that a person, having engaged in perspective taking and presuming to have learned the others' perspective, may be less likely to listen in deliberation, especially if she is accused of having gotten their perspective wrong.⁴⁵ As Young explains "if you think you can look at things from their point of view, then you may avoid the sometimes arduous and painful process in which they confront you with your prejudices, fantasies, and misunderstandings about them, which you have because of your point of view."⁴⁶ The problems with relying on perspective taking persist even when it is incorporated alongside discussion:

If you enter into a dialogue with all the best intentions of taking the other people's perspectives and then in the course of the discussion they express anger and frustration at you for misunderstanding their position, you are likely to become defensive and shut down the dialogue.⁴⁷

Not only are our attempts at perspective taking often biased, resulting in misguided empathic concern or empathic misunderstanding, but in practice,

42. *Ibid.*, 166.

43. Krause, *Civil Passions*, 113 (see note 2 above).

44. Morrell, *Empathy and Democracy*, 167 (see note 2 above).

45. Young, "Asymmetrical Reciprocity," 215 (see note 38 above).

46. *Ibid.*, 215.

47. *Ibid.*

these attempts have the potential to truncate deliberation itself. In presuming to have understood another we are more likely to dismiss her attempts to explain her perspective.

Furthermore, deliberation cannot correct the errors of misplaced or misguided empathy when it comes to groups who are excluded from deliberation in the first place. In these cases, the empathy approach offers no recourse for ensuring marginalized voices will be heard. These errors are further exaggerated given the difficulty we have empathizing with people most different from ourselves, which I discuss below.

Selective Empathy

A second challenge to empathy in practice occurs precisely when the observer and the target of empathy have little in common. People empathize selectively – and most often with people who are similar to them. According to Jesse Prinz, “We can no more overcome [empathy’s] limits than we can ride a bicycle across the ocean; it is designed for local travel.”⁴⁸ The selective nature of empathy makes it an unlikely corrective to problems of selective listening and exclusion in deliberation.⁴⁹

Morrell acknowledges that empathy is hardest to achieve for “outgroups” and those who are most different from ourselves.⁵⁰ But he does not address how these challenges can be realistically overcome. Instead, he simply suggests that the solution to limited empathy is more empathy, noting “that while in general people tend to empathize more with those who are familiar or similar to them, people high in empathic predispositions are more likely to empathize with those who are less familiar and similar.”⁵¹ Unfortunately, we do not have a clear understanding as to how these predispositions can be improved, and studies

48. Prinz, “Against Empathy,” 229 (see note 33 above).

49. It is important to note that social psychology research demonstrates the power of empathy to break down certain biases. Specifically, people who are more empathetic are less likely to demonstrate attribution bias. Attribution bias describes the errors people make when evaluating the reasons for their own and others’ behaviors. For example, I may attribute my professional successes to my personal qualities or dispositional factors while attributing my failures to situational circumstances. When observing others, however, I may attribute their behavior solely to dispositional factors rather than particular circumstances. I accept Morrell’s evidence showing that successful attempts at empathic role taking can help overcome this problematic attribution bias. My point about selective empathy, however, is that achieving empathy (with the hope of overcoming such biases) is itself limited by bias.

50. See Mark H. Davis, *Empathy: A Social Psychological Approach* (see note 23 above); and Diana C. Mutz, “Cross-Cutting Social Networks: Testing Democratic Theory in Practice,” *American Political Science Review* 96 (2002): 111–26.

51. Michael E. Morrell, “Empathy and Democratic Education,” *Public Affairs Quarterly* 21 (2007): 381–403, at 398.

BEYOND EMPATHY

show that they are in large part given.⁵² Morrell himself includes these predispositions as exogenous antecedents to the process of empathy.

In her own response to concerns regarding our ability to empathize across difference, Krause again points to the importance of empathy occurring alongside deliberation itself. Specifically, she argues that the limits to empathy for those who are different can be mediated through deliberation. Sympathy and deliberation are bound together in a mutually beneficial loop whereby deliberative encounters expand the faculty of sympathy (S1). Meanwhile S1 feeds back into deliberation, making citizens open to more people in discourse. Krause explains, "Because sympathy can extend only as far as does our awareness of others' sentiments, the sentiments of marginalized persons – those whose identity or status sets them outside the majority's frame of reference – may tend not to register within the generalized standpoint of average citizens."⁵³ The sympathetic imagination helps to bring some concerns and issues to the attention of the polity, but such an imagination does not necessarily extend to the most marginalized. Fortunately, however, deliberation, wherein citizens encounter perspectives that they could not previously imagine, helps correct for the initial deficiency in sympathy. "The access to public deliberation that individual rights protect for members of minority groups facilitates such communication and supports regular contestation and debate, which extend the reach of the imagination and influence the contents of our judgments accordingly."⁵⁴ In other words, the sympathetic imagination itself can be expanded to reach excluded minorities through the process of deliberation.

This mutual reinforcement of deliberation and sympathy, however, does not adequately correct for the marginalization of groups and individuals who are simultaneously excluded from the majority's sympathies as well as their deliberative practices. People who have immigrated to the United States illegally, for example, are often denied both sympathy and access to deliberative forums. The denial of sympathy for undocumented immigrants often originates in the belief (whether true or not) that they freely chose to come to the U.S. without documentation, knowing they would be denied certain rights and protections. Sympathetic exclusion, in this case, however, is never corrected as these immigrants are also excluded from deliberative forums. Undocumented immigrants are prohibited from voting, holding office, and other formal political forums, while also being discouraged from speaking up in informal deliberative settings due to the threat of detection and deportation.

Thus, Krause's virtuous circle of wider empathy and more inclusive deliberation turns into a vicious cycle for groups that are excluded from both empathy

52. Davis, *Empathy: A Social Psychological Approach*, 65 (see note 23 above).

53. Krause, *Civil Passions*, 113 (see note 2 above).

54. *Ibid.*

and deliberation. This can be the case not only for people who have immigrated to the U.S. without documentation, but also closeted gay men and women, victims of rape, disenfranchised felons, and numerous other groups who are empathically and politically marginalized. For members of these marginalized groups, the empathy approach offers little corrective to the problem of exclusion in deliberation.

Goodin recommends empathy precisely in cases when people are already excluded from deliberation. Goodin explains:

It is undeniably hard to imagine ourselves into the place of a homeless person or a Kurdish peasant, much less into the place of an orangutan or of people a thousand years from now. Still, imperfect though our imagination might be, we will almost certainly be more successful in our imaginings than such agents would be in speaking for themselves in the councils of state.⁵⁵

Pace Goodin, imagining the interests of the politically excluded or voiceless is not a suitable stand-in for actual deliberation even if only temporarily. Given the difficulty we face in empathizing with those most different from us, we should never assume that our imaginings map onto the real perspectives of particular others.⁵⁶ In fact, doing so may obscure and exclude claims of injustice that do not fit easily within the majority's empathic imagination. Furthermore, as I discuss below, trying to empathize with such excluded individuals should not distract us from the need to continually search for ways that such individuals can speak for themselves. In the case of undocumented immigrants, a recent analysis of police-community forums found that when they feel secure "speaking for themselves," they are quite effective in doing so.⁵⁷

Up until now I have challenged empathy as an impractical strategy for making deliberation more inclusive. Empathy may still be defensible, however, as a deliberative ideal. Supporters of empathy could accept the immediate impracticality of empathy as a strategy for promoting greater inclusion, and yet argue for empathy as an ideal toward which we should aim. Perhaps if we empathized better, these challenges to empathy in practice could be overcome. In the next

55. Goodin, *Reflective Democracy*, 114 (see note 2 above).

56. Frazer explains the value Herder placed on empathy or *Einfühlung* when studying ancient peoples (see Frazer, *The Enlightenment of Sympathy* 155; note 2 above). Herder, as a historian, was imagining the perspectives of people who were no longer able to speak for themselves. But we must be careful not to conflate subjects incapable of speaking (e.g., animals, the dead, and unborn future generations) and present, but silent or ignored, subjects. Empathy may be appropriate in trying to represent the interests of past or future generations or in the case of animals. These cases are beyond the scope of this paper and must be distinguished from the case of present, but ignored people.

57. Rachel Wahl and Stephen K. White, "Trust, Deliberation and Legitimacy: Consensuality and Agonism in Police-Community Forums," paper presented at the University of Virginia, February 2016, 10.

BEYOND EMPATHY

section, I elucidate some problems with relying on empathy even as an ideal of democratic deliberation.

Empathy as a Flawed Ideal

According to Krause, Morrell, and Goodin, empathy, or imaginative perspective taking, assists in improving the deliberative quality of decisions by promoting inclusion. I argue, however, that these architects of the empathic turn propose a mechanism of inclusion that is at least partially at odds with the basic tenets of the deliberative model. First, I argue that what I take to be empathy's fundamental orientation toward commonality limits its status as a deliberative ideal. The success of imaginative perspective taking often depends on either the assumption or the realization of commonality between the target and the observer.⁵⁸ By allowing preexisting (though perhaps not previously recognized or salient) commonalities to drive deliberation regarding certain questions of justice, empathy runs the risk of ethically constricting political discourse. Second, though empathy may help individuals become more internally reflective and *deliberate*, it does so at the risk of diverting citizens' attention from the need to actually listen to one another in the first place. As a result, empathy seems to circumvent rather than bolster the very deliberative practices that are meant to lead to legitimate decisions.

The Ethical Constriction of Discourse

Empathy can function to constrict deliberation by burdening it with an assumed ethical consensus. To make good on this claim, I first want to briefly situate deliberative models of democracy in relation to other models of democracy, specifically liberal and communitarian. Here I follow Habermas, who introduces the deliberative model of democracy "by way of a critique of the 'ethical overload' of the republican view."⁵⁹ My concern is that empathy reintroduces into democratic deliberation some of the overloaded ethical assumptions that Habermas was trying to avoid.

As Habermas explains, what makes the deliberative model an improvement over both the liberal and republican models of democracy is that the resulting decisions reflect neither the value-neutral sum of individual interests on the one hand nor the community's dominant conception of the good on the other.⁶⁰

58. Adam Gerace et al., "Perspective Taking and Empathy: Does Having Similar Past Experience to Another Person Make It Easier to Take Their Perspective?," *Journal of Relationships Research* 6 (2015), e10.

59. Jürgen Habermas, "Three Normative Models of Democracy," *Constellations* 1 (1994): 1–10, at 1.

60. *Ibid.*, 6.

Habermas compares his preferred deliberative model of democracy to more communitarian ones, wherein “deliberation can rely on a culturally established background consensus shared by the citizenry.”⁶¹ For Habermas, democratic decisions can reach greater levels of universality insofar as they do not assume shared ethical norms.⁶² The normative content of democratic debate and decisions must not rely on “the concrete ethical substance of a specific community.”⁶³ Instead, as I discuss in the next section, the normative content comes from the rules of political discourse.

While appeals to shared conceptions of the good are not in themselves undemocratic, they fit uneasily within a deliberative democratic framework where deliberation must not be reliant on a preexisting ethical consensus. Though ethical discourse plays an important role in politics, the deliberative model of democracy insists that ethical questions remain subordinate to universalistic moral questions. According to Habermas’s terminology, moral questions deal with universal justice and not the individual preferences or established values of a particular community, which are the concerns of ethical questions.⁶⁴ Importantly, democratic deliberation may at times be, rightfully, more oriented toward ethical questions than moral questions.⁶⁵ My fear, however, is that taking empathy as either the starting point or the goal of deliberation may lead to the ethical constriction of political discourse: Too much emphasis on empathy as an ideal might tend to make citizens over-perceive questions as ethical in nature rather than moral. This is because successful appeals to empathy often implicitly rely on shared conceptions of the good, which cannot be assumed in the deliberative framework. I argue that an example of empathy’s reliance on a culturally established background consensus can be seen in Obama’s endorsement of same-sex marriage in 2012.

President Obama came out in support of legalizing same-sex marriage in the U.S. in May 2012. In an interview, he suggested that empathy (both imaginative perspective taking and empathic concern for gay couples) was the driving force behind the evolution of his position.⁶⁶ Many people celebrated Obama’s position

61. *Ibid.*, 4.

62. *Ibid.*

63. *Ibid.*, 6.

64. *Ibid.*, 5.

65. Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge, Mass.: MIT Press, 1996), 309.

66. Obama explains that his position on gay marriage evolved as he “[thought] about members of [his] own staff who are incredibly committed, in monogamous relationships, same-sex relationships, who are raising kids together” as well as members of the military who are not able to “commit themselves in a marriage.” Barack Obama, interview by Robin Roberts, “Transcript: Robin Roberts ABC News Interview With President Obama—ABC News,” May 9, 2012, at abcnews.go.com, accessed June 7, 2016.

BEYOND EMPATHY

as well as the empathic justification he provided for his shift of opinion.⁶⁷ I believe that closer inspection shows that when empathy is relied upon in democratic deliberation, it implicitly introduces a thicker conception of the good than can be assumed in the deliberative model. In other words, the work being done in this appeal implicitly relies on a preexisting consensus among the dominant cultural group about the good life, specifically the role that marriage between life partners plays in the good life. In its ethical constriction of discourse, Obama's appeal to empathy ultimately demotes same-sex marriage from a question of justice to a question of communal conceptions of the good.

After bringing the American public through his empathic thought process, helping us imagine how gay people "feel constrained" because they are unable to "commit themselves in a marriage." Obama explained:

At a certain point, I've just concluded that – for me personally, it is important for me to go ahead and affirm that – I think same-sex couples should be able to get married. And what you're seeing is, I think, states working through this issue – in fits and starts, all across the country. Different communities are arriving at different conclusions, at different times. And I think that's a healthy process and a healthy debate.⁶⁸

This example illustrates how empathic approaches to democracy have the potential to lead to an ethical constriction of political discourse. When discourse is ethically constricted, instead of asking what is the "just course of action," citizens ask what is the "best course of action" for *this particular community* given our own particular commitments.⁶⁹ In other words, legalize same-sex marriage in communities where the norms and moral sensibilities allow the majority to empathize with the minority of gay and lesbian couples. But in those communities where the norms make it hard for the majority of straight citizens to put themselves in the shoes of same-sex couples, then banning same-sex marriage, or even putting off conversations about its legality, would be legitimate. The deliberative model of democracy, however, is supposed to mark an improvement over the republican model of democracy by decentering appeals to common conceptions of the good.

Since Obama gave this interview, there has been much development regarding the question of same sex marriage. In 2015, the Supreme Court ruled state bans on same sex marriage unconstitutional, a decision that was supported by nearly six

67. Dahlia Lithwick, "It's about the Empathy, Stupid," *Slate*, May 10, 2012; Charles Krauthammer, "Same-Sex Marriage Empathy or Right?," *Washington Post*, May 17, 2012.

68. Barack Obama, interview by Robin Roberts (see note 66 above).

69. Habermas, "Three Normative Models of Democracy," 5 (see note 59 above).

out of ten Americans.⁷⁰ What's more, the growing support for same-sex marriage among the American public seems to have been driven, in part, by the ever expanding ability of straight Americans to put themselves in the shoes of their gay neighbors, friends, or family members.⁷¹ But my worry is that *when* empathy is successful in sparking debate and highlighting claims of injustice, an underlying and preexisting commonality seems to be doing the work. In this case, deliberation is circumscribed by our empathic imaginings and yet we assume in these moments of successful perspective taking that empathy is expanding our deliberations and making them more inclusive. While appeals to empathy may succeed in that effort to some degree, they may also simultaneously and inconspicuously restrict our moral reflections by not decentering common conceptions of the good.

Contra my assessment of appeals to empathy in the case of same-sex marriage, one might argue that empathy trades in the universal currency of equality or non-discrimination rather than a shared conception of the good. However, if appeals to empathy were animated by such principles rather than a constricted sense of the good (of marriage), then why do other claims of LGBT inequality and discrimination not rise to the same level of public attention and support? Efforts to fight HIV/AIDS, bullying, and employment discrimination fail to get even a fraction of the national support and attention received by campaigns for same-sex marriage. In a 2013 Pew Center Survey of LGBT Americans, 39 % of respondents said that same-sex marriage had drawn “too much attention away from other issues that are important to people who are LGBT.”⁷² I would argue that the ethical constriction of discourse might explain the prioritization of marriage equality over other issues of importance to the LGBT community.

The potential for deliberative models of democracy to generate legitimate decisions in diverse societies where people have divergent and potentially conflicting communal norms and values, depends on their ability to decenter particular conceptions of the good. Appeals to empathy of the sort Obama provided in May 2012 rely on a thicker ethical consensus than the deliberative model of democracy provides.

70. *Obergefell v. Hodges*. 576 U.S.__(2015); Justin McCarthy, “U.S. Support for Gay Marriage Stable After High Court Ruling,” *Gallup*, July 17, 2015, <http://www.gallup.com/poll/184217/support-gay-marriage-stable-high-court-ruling.aspx>.

71. Lymari Morales, “Knowing Someone Gay/Lesbian Affects Views of Gay Issues,” *Gallup*, May 29, 2009, at <http://www.gallup.com/poll/118931/knowning-someone-gay-lesbian-affects-views-gay-issues.aspx>; Edward Schiappa, Peter B. Gregg, and Dean E. Hewes, “Can One TV Show Make a Difference?” *Journal of Homosexuality* 51 (2006): 15–37.

72. “A Survey of LGBT Americans: Attitudes, Experiences and Values in Changing Times,” Pew Research Center, Washington, D.C., June 13, 2013, at <http://www.pewsocialtrends.org/2013/06/13/a-survey-of-lgbt-americans/#>.

BEYOND EMPATHY

I do not deny that empathy *can* drive mutual understanding and persuasion.⁷³ Furthermore, even if this persuasion were rooted in universal norms such as equality or non-discrimination springing from appeals to empathy, concerns remain. Empathy itself is driven by observer-target similarities.⁷⁴ There is a redundancy to empathy as an ideal in deliberation. Empathy is available to us precisely when it is not needed – when we can accurately imagine someone else’s feelings and perspectives, often due to preexisting background similarities or shared ethical norms. Conversely, empathy is out of our reach precisely when the threat of dialogical closure is most acute, when citizens encounter those most different from themselves and conversation (as well as imagination) is most likely to break down.

Relying too much on empathy to sustain deliberation may lead us to systematically exclude or devalue concerns and perspectives that do not map onto the interests or ethical priorities of the majority. Not only does the majority remain deaf to these others’ concerns, but that deafness may be accompanied by a comforting sense of self-satisfaction.

It seems that to sustain democratic deliberation that is not ethically constricted, we need an alternative to empathy. Specifically, we need to consider how to promote the consideration of questions of justice when empathy is not readily available and how to decenter it when it is available but deceptive in its effects. In the final section of this article, I propose an alternative ideal that might foster conversation when underlying similarities that sustain empathy are not available to us.

The Undermining of Listening

Perhaps the most crucial problem with pursuing empathy as an ideal in deliberation is the potential for empathy to distract citizens from the need to actually listen to one another. By focusing on our ability to imagine how another feels, the empathy approach tends to collapse or underestimate the distance between citizens, rendering the need to listen less urgent. This potential undermining of listening is problematic given the centrality of communication to deliberative democracy.

Just briefly, I want to call our attention again to the distinctiveness of the deliberative model of democracy. Despite its wide usage, *deliberation* remains an essentially contested concept.⁷⁵ *To deliberate* comes from the Latin word, *to*

73. Hidetsugu Komeda et al., “Beyond Disposition: The Processing Consequences of Explicit and Implicit Invocations of Empathy,” *Acta Psychologica* 142 (2013): 349–55.

74. *Ibid.*

75. André Bächtiger et al., “Disentangling Diversity in Deliberative Democracy: Competing Theories, Their Blind Spots and Complementarities,” *Journal of Political Philosophy* 18 (2010): 32–63.

weigh. In English, the verb has two related, though different, meanings. These two meanings are often conflated, as they are in the *Merriam-Webster* dictionary, which gives the following definition: *to deliberate*, “to think about or discuss something very carefully in order to make a decision.”⁷⁶ According to this everyday understanding of the word, people can deliberate through thought or speech. Deliberation can occur both within and without, independently and collectively.

These two meanings of deliberation – deliberation-as-thought, or independent reflection, and deliberation-as-speech, or collective communication – though connected, have vastly different implications for democratic theory. If the *deliberate*-ness of a decision is the priority, and if this *deliberate*-ness can be heightened by encouraging citizens to be more internally reflective, then we can improve democracy even in the absence of public discussion. In fact, Goodin demonstrates his departure from deliberation-as-speech insofar as he calls his model *Reflective Democracy*. Goodin notes that deliberative democracy alerts us to the need to be “more sensitive to what precedes and underlies” voting, namely deliberation.⁷⁷ But for Goodin, that deliberation need not be external: “Internal-reflective and external-collective deliberative processes, I submit, stand in a similar relation to one another” in regards to rendering a decision “*democratically deliberative*.”⁷⁸ Goodin explains, however, that neither internal nor external deliberation is sufficient for rendering a decision *legitimate*. For that, voting needs to occur. To achieve democratically deliberative decisions that can then be legitimated through voting, Goodin advocates for “seeing democratic deliberation as being inevitably a largely internal mental process.”⁷⁹

While some students of democratic deliberation, following Goodin, emphasize the value of thoughtful consideration and reflection on the part of citizens, others point to actual speech and communication between citizens as the vital contribution of deliberative theories of democracy. The latter model I will call *deliberative* democracy, while the former may be more accurately called *deliberate* democracy.⁸⁰ *Deliberate* democrats, I maintain, miss one of the founding assumptions of *deliberative* democratic theory: namely, the normative

76. “Deliberate,” Merriam-Webster.com, at <http://www.merriam-webster.com/dictionary/deliberate> (emphasis added).

77. Goodin, *Reflective Democracy*, 2 (see note 2 above).

78. *Ibid.*, 192.

79. *Ibid.*, 8.

80. Other typologies of deliberation do not capture this distinction. See Bächtiger et al., “Disentangling Diversity in Deliberative Democracy” (see note 75 above) and Goodin, *Reflective Democracy* (see note 2 above). Bächtiger et al. distinguish between Type I and Type II deliberation, both of which focus on deliberation-as-speech. Like me, Goodin distinguishes between deliberation within and deliberation without, but not between deliberateness and deliberativeness. Contra Goodin, I maintain that deliberation within and deliberation without aim at different kinds of deliberation altogether.

BEYOND EMPATHY

value of communication among citizens. Accordingly, deliberation is not merely a means of improving democracy, it is constitutive of democracy.⁸¹

For *deliberative* democrats in the tradition of Jürgen Habermas, actual communication is not a means to an end, but an end in itself. This communication may have desirable effects, insofar as it transfers information and, as a result, improves the epistemic value of collective decisions. This communication will also likely encourage careful reflection or deliberation-as-thought, as individual citizens are called to provide reasons for their opinions, preferences, and decisions. But more importantly, or more fundamentally, reaching decisions through communicative practices ensures that individuals participate in the authorship of the laws to which they are held. Only through deliberation-as-speech can the democratic promise of autonomy be realized. Communication is not just a means to encourage greater reflection, but the realization of democracy itself. Deliberation does not improve democratic decisions; deliberation makes decisions democratic in the first place. Goodin is right to note that deliberation can happen within and without. But he misses the fact that only the latter can result in truly *deliberative* decisions. For *deliberative* democracy to be achieved, the process of opinion-formation that precedes formal will-formation must be deliberative or communicative, not simply reflective.

According to Habermas, communication among citizens creates “influence,” and through elections and other media this influence becomes “communicative power.” Communicative power is transformed into “administrative power” through legislation.⁸² It is the realization of this process and the inclusion of relevant perspectives in communication that together ensure laws are reflective of the opinion and will of citizens.⁸³ The distinctiveness of *deliberative* democracy is, therefore, that popular sovereignty must be interpreted intersubjectively.⁸⁴ The “self” of democratic self-rule is not a collection of subjects who are internally reflective and *deliberate*, imagining what others feel or think, but rather the

81. Deliberation may be insufficient for ensuring legitimate outcomes, but it seems to be necessary. Voting between two or even three options, none of which citizens had any power in nominating, would also not, on its own, result in a legitimate outcome.

82. Habermas, “Three Normative Models of Democracy,” 8 (see note 59 above).

83. Goodin’s concern regarding external collective deliberation centers on the problem of scale. Dispensing with face-to-face interactions because they are plagued by the problem of scale, Goodin focuses on helping us reflect better (see note 2 above). But Habermas’s model, as well as other “systemic approaches” to deliberation, does not rest on the fact that all citizens participate in it. For Habermas, deliberation is seen to the extent that “communicative power” is generated through deliberations occurring at several sites including the diffuse and informal public sphere. The aim is to diligently increase the deliberativeness of the decision-making process, at both the opinion- and will-formation stages (see note 65 above). See also Jane Mansbridge et al., “A Systemic Approach to Deliberative Democracy,” in *Deliberative Systems: Deliberative Democracy at the Large Scale*, ed. John Parkinson and Jane Mansbridge (New York: Cambridge University Press, 2012), 1–26.

84. Jürgen Habermas, *Between Facts and Norms*, 301 (see note 65 above).

“subjectless will” formed only out of the intersubjective communication between citizens.⁸⁵ A commitment to *deliberative* democracy prohibits us from substituting democratic communication for internal reflection that can only make decisions more *deliberate*.

With this distinction in mind, we can better assess the claim that empathy or imaginative perspective taking sustains deliberative democracy. Even when successful, I argue that empathy does not sustain the fair and inclusive procedures of democratic discourse. Empathy’s reliance on imagination distracts citizens from the need to listen to one another. The empathy approach, through its reliance on imagination, may bring about greater *deliberate*-ness among citizens; however, my worry is that it may do so at the expense of the *deliberative*-ness of democratic decision making. While the substitution of deliberation-as-speech in favor of deliberation-as-thought is explicit in Goodin’s model, I argue that it haunts both Krause’s and Morrell’s models as well.

Good listening practices, especially listening-with-humility, are vital to deliberative democracy, where actual discussion and argumentation are necessary components of the decision-making process. In her book on democratic listening, Susan Bickford explains that in listening, “I try to experience the world as you construct it for me, but this is not the same as experiencing it as you do; it is still, always, *for me*.”⁸⁶ In such a context, it is crucial to remember that my experience is always mediated by my attempt to communicate with you. No matter how much I can imagine and therefore understand your perspective, it remains your perspective. This mediation is obvious in deliberation-as-speech, but often ignored in deliberation-as-thought.

Iris Young speaks precisely to the importance of acknowledging the mediation in deliberation when she challenges the idea that “moral respect entails being able to adopt the standpoint of others.”⁸⁷ In line with her commitment to inclusive communication as the legitimating force of democratic decisions, Young distinguishes “between taking the perspectives of other people into account, on the one hand, and imaginatively taking their positions, on the other.”⁸⁸ She endorses the former and rejects the latter.

As Krause, Morrell, and Goodin acknowledge, even when we are able to imagine how someone feels, we can never actually feel *as* they do. But this distance is downplayed by proponents of empathy, including Krause, who claims that in deliberation, “it is not enough for me to know cognitively what [your sentiments] are; they must also be (or become) objects of concern for me, or at

85. Ibid.

86. Susan Bickford, *The Dissonance of Democracy* (Ithaca, N.Y.: Cornell University Press, 1996), 147.

87. Young, “Asymmetrical Reciprocity,” 208 (see note 38 above).

88. Ibid., 206.

BEYOND EMPATHY

least they must connect up with concerns that I have.”⁸⁹ When we focus on generating shared concerns among citizens through imaginative perspective taking, aiming for your concerns to actually become my concerns, we ignore the distance that remains between ourselves and even the most empathy-worthy characters. Without this distance, the need to actually listen to others is muted. You do not have to listen to someone you already understand.

Rooted in imaginative rather than communicative engagement, successful attempts at empathy, where citizens gain an understanding of their fellow citizens’ perspectives, represent a premature understanding that undermines the very possibility of reaching understanding through political discourse. So even when the process of empathy leads to empathic understanding or empathic concern, its focus on imagination does not necessarily support and foster the communicative procedures, especially the “hard listening,” that models of deliberation require – that is, listening precisely in situations where one might prefer to tune out.

Young and Bickford as well as more agonistic democrats challenge deliberative models for privileging consensus at the expense of respecting difference. For them, empathy would be problematic precisely because it fits with deliberative democratic theory’s objectionable drive for consensus and disregard for differences among citizens. According to this view of deliberation, differences and distance between citizens must be collapsed through appeals to empathy in order for decisions to be made.

Contra these critics, I argue that the empathy approach has a unique disregard for difference that actually contradicts deliberative democratic theory’s commitment to fair (and actual) argumentation. In creating a democratic model that does not assume shared interests or shared conceptions of the good, Habermas makes room for deliberation across difference.⁹⁰ But appeals to empathy which collapse the distance and differences between citizens by assuming we are alike enough to imagine one another’s feelings and perspectives, undermine the potential for agreement or even discussion across differences. A more deliberative ideal, I contend, would show citizens the importance of reorienting themselves toward their fellow citizens in a way that allows deliberation to occur among people with whom they struggle to empathize.

According to Habermas, the need for discourse only arises after an initial disagreement interrupts ongoing communicative action. And as Stephen White and Evan Farr explain, the charges that Habermas’s model amounts to a “great consensus machine” might be unfounded.⁹¹ White and Farr argue that the initial

89. Krause, *Civil Passions*, 164 (see note 2 above).

90. Habermas, “Three Normative Models of Democracy” (see note 59 above).

91. Stephen K. White and Evan Robert Farr, “No-Saying” in Habermas,” *Political Theory* 40 (2011): 32–57, at 33.

moment of disagreement (or no-saying) that interrupts communicative action cannot be reduced to merely a “discursively framed normative argument” intended to bring about renewed consensus.⁹² Importantly, they identify the moment of no-saying in Habermas as also representing a diffuse “existential taking-of-a-stand against the normative force of a dominant form of life.”⁹³ In their view, Habermas’s brand of deliberative democracy is more hospitable to deep difference and disagreement than many critics claim. Through their reinterpretation of no-saying in Habermas, White and Farr show that Habermas’s model of deliberation acknowledges the deep, inarticulate, and existential differences that exist between people, produce disagreement, and inform our communicative interactions.

Like White and Farr, I maintain that deliberative democracy can enhance legitimate political decision making while also recognizing, accommodating, and protecting differences among citizens. But an orientation of greater openness towards difference is not automatic on the part of citizens, and it is unlikely to be achieved through appeals to empathy. Once achieved, however, such an orientation can foster successful deliberation that addresses many of the concerns regarding deliberative democratic theory’s inattention to difference.

The Difference Approach

Given the limits to empathy in both theory and practice, we should be cautious about relying too heavily on it for the sake of improving deliberation. To conclude, I want to sketch an alternative to the empathy approach to improving deliberative practices. In the place of empathy, I propose a “difference approach,” which considers how the recognition of difference can sustain deliberative practices among citizens. The difference approach can be seen as an alternative to the empathy approach, in that it offers a distinct set of strategies and ideals to animate deliberative democratic theory and practice. I recommend diverting our focus and energy away from empathy and toward difference. But, at the very least, such an approach could be seen as supplementing the empathy approach, offering a set of strategies to sustain inclusive deliberation when empathy fails us or is beyond our reach.

The difference approach considers how democratic deliberation is sustained by efforts to help citizens recognize differences as well as limits to mutual understanding created by those differences. Political theorists and policy makers might adopt the difference approach when designing or assessing procedures of deliberation. Accordingly, they would explore the democratic value of difference

92. *Ibid.*, 40.

93. *Ibid.*, 38.

BEYOND EMPATHY

and disagreement. Though the difference approach goes beyond theoretical inquiry, its most immediate contribution is to highlight the deliberative democratic potential of difference. My hope is that such a shift in theoretical focus would lead to the development or discovery of strategies that citizens could employ in deliberation to help generate the desired attention to difference.

Recognizing the cultural, experiential, and communicative divides between ourselves and others can attune citizens to the ways we remain closed off to others as well as the urgent need for improved listening. For example, the acknowledgment on the part of straight citizens that they may never fully understand or accurately imagine what it feels like to be discriminated against because of their sexual orientation is vital to ensuring that citizens listen to the perspectives that are actually communicated by particular others. Such an acknowledgement may be especially important for members of politically or socially dominant groups and those who, depending on the particular context, may be “outsiders” or non-members of an oppressed group.⁹⁴ But the difference approach can contribute to any deliberation between subjects in relations of social distance. When I consider the opinions and perspectives of others, it is crucial to recognize that their experiences may be beyond my understanding. The realization of the limits to mutual understanding in the presence of deep difference opens us more vividly to the ways in which we are inconspicuously limited in our opinions, our basic understanding of issues, and our relationship to the democratic community. This sort of opening cannot occur if we imagine only our commonalities or assume that we can know or feel how another feels. To foster greater openness, we should relish our differences instead of moving quickly beyond them for the sake of imagining commonalities.

To introduce the benefits of an alternative orientation to empathy, I appeal to Martin Heidegger’s later writings on the limits of mutual understanding that are inherent to language. When compared to empathy, or *Einfühlung*, Heidegger’s notion of *Lichtung*, or a lighting up, what we experience in “a clearing” in a forest, provides helpful imagery in explaining the benefits of this alternative to empathy.

As Morrell notes, Edward B. Titchener originally coined the English word “empathy” from the German word *Einfühlung*, which means “feeling-into.”⁹⁵ Titchener took *Einfühlung* from the realm of aesthetics where the concept referred to the projection of one’s own thoughts and feelings onto an inanimate aesthetic object. Titchener explained the concept with the image of a forest: “As

94. According to Uma Narayan, “People are ‘insiders’ or ‘outsiders’ only with respect to specific forms of oppressive social structures – racism, sexism, compulsory heterosexuality, etc. An individual who is an ‘insider’ with respect to one form of oppression (say, by being a woman) may be an ‘outsider’ with respect to another form [of] oppression (say, by being white).” Uma Narayan, “Working Together Across Difference: Some Considerations on Emotions and Political Practice,” *Hypatia* 3 (1988): 31–48, at 35.

95. Morrell, *Empathy and Democracy* (see note 2 above).

we read about the forest, we may, as it were, *become* the explorer; we feel ourselves the gloom, the silence, the humidity, the oppression, the sense of lurking danger.”⁹⁶ Becoming an explorer of the forest, we tread into dark corners, acquiring knowledge of this new and strange place. The intrepid explorer surveys, bravely throwing himself into the unknown. In contrast to the projection of *Einführung*, I propose an image more reticent and humble than Titchener’s explorer.

Heidegger’s concept of “the clearing” or *Lichtung* provides imagery to help explain the benefits of a difference approach to deliberation, one that highlights the limits to mutual understanding. Heidegger explains that the clearing – the space where we may encounter others, but always against a dark background – is an “open space in the midst of beings.”⁹⁷ The clearing is a “happening,” a continual process “that includes the conflict between concealment and unconcealment.”⁹⁸ When we are called into “the clearing” in a linguistic encounter, we do not run forward fearlessly to explore. Instead, Heidegger explains that we must recognize that which remains forever hidden or beyond our view. Remaining patiently in the clearing of the woods rather than bounding into the dark corners of the forest, we temper our urge to become masters of the forest. In Heidegger’s clearing, we are still encountering another person for the sake of furthering our understanding. Light is still shed on another person’s perspective, experience, or being. But, importantly, we are more tentative and delayed in our exploration, as we are faced with the reality that some things will always remain shadowed and hidden from our view.

Deliberation is not improved by efforts to boldly overcome difference. Instead, greater space must be allowed for difference. For example, in the aftermath of Trayvon Martin’s death, the phrase “I am Trayvon” was popularized in public discourse. People showed their condemnation of Martin’s killing as well as the trial and acquittal of George Zimmerman. *Ebony* Magazine, for example, printed several covers featuring famous black men wearing hoodies and posing with their sons under the title “We Are Trayvon.”

Growing out of this rallying cry, however, was a counter-movement of sorts that turned the original slogan on its head. The new rallying cry was: “I am NOT Trayvon Martin.” This slogan has been used by white “allies” who, like many black Americans, are disturbed by the outcome of the Zimmerman trial. Claiming “I am NOT Trayvon,” however, demonstrates an admission on the part of these individuals that they cannot imagine or fully understand the experience of black Americans. It is not about the rhetoric per se, but the underlying disposition that

96. Edward Bradford Titchener, *A Beginner’s Psychology* (New York: Macmillan, 1915), 198.

97. Martin Heidegger, *Poetry, Language, Thought* (New York: Harper Perennial Modern Classics, 1971), 52.

98. *Ibid.*, 52.

BEYOND EMPATHY

one expresses by asserting, “I am Not Trayvon.” Through this, speakers demonstrate humility, rejecting the presumption of fully understanding black Americans’ perspectives and emotions related to events surrounding the death of Trayvon Martin. This humility creates space wherein white Americans can listen to and hear the concerns and demands of black Americans.⁹⁹

Focusing on difference emphasizes the importance of listening, but more importantly, listening-with-humility, given the limits to our ability to ever fully understand. A realization of difference enables democratic citizens to potentially reconsider their moral or political commitments, to engage in meaningful evaluation, and begin to resist subtler aspects of power operating in political discourse.

Some might argue that expecting citizens to become more open in the face of deep differences is just as high of a standard as the empathy approach that I have criticized. For example, studies show that “aversion,” a construct that measures “anger, disgust, contempt, and bitterness,” tends to motivate participation, but not necessarily more deliberation.¹⁰⁰ Instead, these emotions tend to “prepare people for the defense of convictions, solidarity with allies, and opposition to accommodation.”¹⁰¹ Anger and disgust are certainly powerful tools in the arsenal of citizens. But the resulting defensive disposition, though useful in opposing injustice, would cut against the aim of the difference approach if it impeded an openness to dialogue as such.¹⁰² The possibility of renewed closure in the face of differences is certainly a possibility and something I would like to investigate in future research. For now, however, I can at least point to empirical research in political psychology suggesting that the feelings that one might have in the face of deep difference or disagreement and the darkness of “the clearing” may, indeed, carry the precise democratic potential of dialogical openness that I identify here. Research shows that “anxiety” operationalized as having feelings of fear and unease, often in the face of “unfamiliar or uncertain circumstances” disrupts our on-going perspectives, leading to greater open-mindedness.¹⁰³ For example, in the context of voting behavior among the American electorate

99. This is not to say that white Americans, for example, should not speak about race or that men cannot speak about sexism. As an approach to deliberative democracy, the goal of the difference approach is *more* conversation, not less. But the difference approach aims at a particular orientation to the conversation that originates in humility.

100. Nicholas Valentino et al., “Election Night’s Alright for Fighting: The Role of Emotions in Political Participation,” *Journal of Politics* 73 (2011): 156–70; Groenendyk, “Current Emotion Research in Political Science,” 457 (see note 5 above).

101. Michael MacKuen et al., “Civic Engagements: Resolute Partisanship or Reflective Deliberation,” *American Journal of Political Science* 54 (2010): 440–458, at 440.

102. Openness to dialogue marked by an *initial* humility and tentativeness, should not be confused with an openness to all ideas and perspectives encountered in deliberation. The difference approach would expect ideas, once encountered, to be challenged and even rejected.

103. Michael MacKuen et al., “Civic Engagements,” 444, 455.

Mary F. Scudder

“anxiety, responding to threat and novelty, stimulates attention toward the campaign and political learning and discourages reliance on habitual cues for voting.”¹⁰⁴ These findings provide some preliminary support for the difference approach’s ability to foster the kind of dialogical openness and hard listening required by models of democratic deliberation.

But even if the difference approach faces just as many challenges as the empathy approach in practice, as a deliberative ideal it fares much better than the empathy approach. For example, although the difference approach cannot overcome the problems of fallibility that plague the empathy approach, the former clearly embraces an initial assumption of fallibility and the limits of our imaginations. Recognizing differences instead of commonalities maintains a theoretical focus on the challenges and limits to mutual understanding. The challenges to democratic discourse in a pluralistic world are significant, given that discourse occurs always already in the presence of disagreement. Given the magnitude of these challenges, it is crucial that citizens are aware of them. If these challenges are ignored in favor of an approach that focuses primarily on our ability to imagine and understand another’s feelings and motivations, citizens are not alerted to the vital importance of engaging in rich, complex, and sometimes difficult listening practices. Within models of democratic deliberation empathy undermines the very possibility of some eventual agreement by diverting our energy from the need to actually enter into real discourse in the first place.

By emphasizing the problem of dialogical closure and the limits to mutual understanding, the difference approach cultivates the virtue of modesty and even curiosity in a citizen, helping her understand and realize the hard work of democratic decision making and democratic listening. Even such a modest accomplishment is a marked improvement over the empathic approach.

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104. George E. Marcus and Michael B. MacKuen, “Anxiety, Enthusiasm, and the Vote: The Emotional Underpinnings of Learning and Involvement During Presidential Campaigns,” *American Political Science Review* 87 (1993): 672–95, at 672.