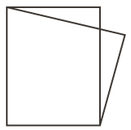
Professional Moral Reasoning and (lack of) Empathy



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Empathy is seen as a virtue or even a necessary skill in many professions. However, while proponents of the concept argue that it plays a fundamental role in our moral judgements, critics have objected that our empathy is easily manipulated and that our dispositions to empathise more strongly with those close to or resembling ourselves makes it a poor moral guide. We argue that while not necessary for professional moral judgement, professional moral reasoning would be fundamentally amiss without the ability and willingness to perceive the situation from the perspective of those they are trained to serve.

Introduction

Empathy is seen as a virtue or even a necessary skill in many professions. In the health professions, empathy training has long been considered an integral part of the qualifying education and the ability and willingness to empathise is seen as essential for the provision of patient-centred care. But also in other professions, such as the teaching profession, there is a burgeoning interest in the merits of empathy (Demetriou 2018; Barton and Garvis 2019). As classrooms are becoming more multicultural and diverse the ability to grasp how things appear or feel from the perspective of the other – the vernacular definition of empathy – seems an increasingly important skill for budding teachers in the 21st century.

The ability and willingness to adopt the perspective of the other is thus partly constitutive of **professional moral reasoning.**

Even with respect to professions that have traditionally prided themselves of being unaffected by or unresponsive to emotions, such as the legal professions, it has recently been argued that empathy can and should play a role in guiding professional moral judgements (Hoffman 2011).

Despite a newfound interest in empathy however, a number of philosophers and psychologists have warned against empathy, arguing that it is inherently partial to those close to or resembling ourselves and susceptible to manipulation, and thus, that we are ill advised to form moral judgements based on empathy. Empathy, as some of the most vocal critics has it, is "by and large, bad for morality" (Prinz 2011a: 216) and that, "[f]rom a moral standpoint, we are better off without it" (Bloom 2016: 4). If their arguments are sound however, it would not only be bad for morality and our moral judgements, which have been shown to be more interwoven with our capacity to empathise than hitherto thought (Decety and Cowell 2014; Baron-Cohen 2011), but for the relational professions, which, as noted, often place a high value on the ability and willingness of its practitioners to empathise with their clients, and the theoretical discussion on a professional ethics in these professions.

However, while there is reason to be cautious about our unregulated empathic responses to the plights and needs of others as a guide to moral judgement, critics of empathy have failed to consider the consequences dismissing empathy out of hand may have for professional moral *reasoning* and – as a consequence – for a professional ethics[1].

This is particularly relevant for professionals working in the relational professions, such as health professionals and teachers, whose professional expertise is geared towards their clients. These professions have a particular responsibility to care for their clients, and fail – or so we shall argue – not necessarily in their moral judgements, but in their professional moral reasoning if they are unable or unwilling to assume the perspective of those they are trained to serve.

The argument relies on distinguishing between 'moral reasoning' and 'moral judgement', which, while intimately linked, may nevertheless be pried apart. Briefly, 'moral reasoning' may be thought of as the process by which we reach a moral judgement or verdict. Or, as Henry S. Richardson (2018) has it: "moral reasoning directed towards deciding what

to do involves forming judgments about what one ought, morally, to do". Moral judgement, in turn, can be understood as "judgements that apply some moral concept or other" (Crary 2007: 1). However, while we often focus on the moral judgements – the outcome of our reasoning – it may be equally significant to inquire how we arrive at those conclusion. "The characteristic ways we attempt to work through a given sort of moral quandary", as Richardson (2018) argues, "can be just as revealing about our considered approaches to these matters as are any bottom-line judgments we may characteristically come to". This seems particularly true about moral reasoning in the relational professions, where our moral judgements pertain not only or primarily to ourselves, but to those in our care. We argue, therefore, that the ability and willingness to empathise with clients is constitutive of the professional moral reasoning of practitioners in the relational professions, and that inability or unwillingness to empathise is thus to fail in one's professional moral reasoning.

In arguing that empathy is constitutive of professional moral reasoning in the relational professions, we begin, in section one, by providing a very brief outline of the recent spate of interest in empathy, drawing up some of the ways empathy have been defined and briefly sketching the main arguments against conceiving a role for empathy in morality. The discussion is in no way meant to be exhaustive, but to provide a working definition of empathy against which to assess the role of empathy in moral reasoning in the relational professions. In section two, we connect the discussion of the role of empathy in morality with the question of moral *obligation*, in particular the special moral obligations that characterize the relational professions. While critics of empathy have presented arguments against conceiving of empathy as necessary or even useful for moral judgement, they have done so from a conception of the moral domain as exhausted by our natural obligations, that is; as what we owe each other as *humans*, without taking into account the special moral obligations we shoulder as a result of the many relations, either professionally or privately, in which most of us are engaged at various points in our lives. This has made empathy seem irrelevant or even an aberration in addressing moral questions, and in the third section of the essay, we argue that this omission explains the failure to accord for the importance of empathy in professional moral reasoning. Not because professionals in the relational professions are *morally obliged* to empathise, but because in some of our private or professional roles we simply cannot ignore the perspective of those we are set to serve, without thereby failing to perform that role as we should. Lacking empathy, we argue, professional moral reasoning would be inadequate, and the ability and willingness to adopt the perspective of the other is thus partly constitutive of professional moral reasoning, without which professionals would fail their most fundamental purpose. If not strictly speaking necessary for professional moral judgements, empathy, we claim, is the *sine qua non* of professional moral reasoning in the relational professions.

A contested concept

Empathy is on the rebound and is currently being rediscovered after having been neglected as a philosophical concept since it fell out of favour in the middle of the 20th century (Frazer 2013; Stueber 2006). Having caught the attention of scholars and non-scholars alike, the past two decades have seen a surge of interest in empathy from within a surprisingly wide range of disciplines and topics. The concept has been explored not only in philosophy and psychology, but in fields as distinct as neurology, education, history, political science, cultural history, and aesthetics, and invoked in political campaigns, therapeutic methods, and in engagement with art and the media (Coplan 2011; Matravers 2017; Maibom 2014, 2017). As a consequence of the diversity however, empathy has been understood in a variety of different, sometimes incompatible ways, thereby making a discussion of the role and function of empathy difficult.

Starting from an everyday conception of empathy, e.g. as the ability to use our "imagination as a tool so as to adopt a different perspective in order to grasp how things appear (or feel) from here" (Matravers 2017: 1-2), is a good way to bring some of the central dividing lines in the debate into view. *Firstly*, it is possible to distinguish between those who construe empathy primarily as an *affective* phenomenon, and those who emphasise its *cognitive* side. Interested in different aspects of the phenomenon, some scholars focus more or less exclusively on the ability to *feel* as the other does, what has become known in the literature as *affective empathy*, while others take empathy first and foremost to be our cognitive ability to grasp or understand the situation of another (Maibom 2017, Spaulding 2017). *Secondly*, a distinction may be drawn between those who think of empathy as pertaining to higher-level mental processes (Matravers 2017), and

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those who include in their definition of empathy subconscious processes, e.g. emotional contagion and mirror neurons (Hoffman 2011, Maibom 2017, Prinz 2011a, 2011b). And *thirdly*, a distinction may be drawn between those who separate sharply between empathy and sympathy, and those who do not. While most scholars distinguish clearly between empathy, which is often defined as being other-oriented in being presented as the feelings and perspective of the other, and sympathy, which is a first-person feeling towards the target (Coplan and Goldie 2011), some explicitly take empathy to involve a concern for the other (Baron-Cohen 2011) or as at least as encompassing various types of empathic concern (Hofmann 2011).

While empathy, as noted, has been explored in relation to a number of phenomena, one of the most hotly discussed questions in the recent debate has been what role – if any – empathy plays and *ought* to play in ethics. While some of those contributing to the recent debate have seen empathy as fundamental to our moral reasoning, and as the "cement of the moral universe" (Slote 2010: 13), others have been less sanguine about the purpose and usefulness of the concept as a moral concept.

A particularly scathing criticism of empathy in moral reasoning has come from Paul Bloom (2016) and Jesse Prinz (2011a, 2011b). Addressing the claim that empathy is *necessary* for moral judgements, which can be understood either as the claim that empathy is a constitutive, causal, or epistemological precondition for moral judgements, Prinz (2011a, 2011b) construes a series of counter-examples to show that empathy is not necessary for moral judgement in any of these ways. Since I may judge that you have done something wrong without empathising (i.e. feeling what you or, if there is one, your victim is feeling), Prinz argues, empathy cannot be constitutive of moral judgement. Nor, he argues, can empathy be a necessary causal precondition, as I may judge that something is wrong before empathising (Prinz 2011a). Meticulously addressing the various ways in which empathy has been claimed to be necessary for moral judgement, Prinz finds them all wanting and concludes that "we can have moral systems without empathy" (Prinz 2011b: 213).

However, even if grant the argument and accept that empathy is not *necessary* for moral judgement, it may be thought that empathy is beneficial to moral judgements and that we therefore ought to encourage the fostering of empathy. Empirical studies from moral psychology however, appears to support the conclusion that we feel greater empathy for those who are similar to ourselves, one study using brain imaging indicating "that Caucasians were more empathetic to the pain of other Caucasians than to ethnically Chinese participants – and conversely" (Prinz 2011a: 227). As

empathy is also prone to manipulation – we respond emotionally e.g. to displays of regret – empathy, Prinz continues, "has limitations that make it ill-suited for some moral ends" (Prinz 2011a: 227).

Both Prinz and Bloom however, conceive empathy as affective, argue that empathising does not require the use of the imagination, and that empathy should be understood to include subconscious processes. This may immediately seem to present their objections against empathy – at least if we think of moral reasoning in the relational professions – as somewhat misguided. From the perspective of the relational professions, what is relevant is not a subconscious ability to feel as the other does, but the ability and willingness to achieve what Peter Goldie (2011) calls *in-his-shoes perspective-shifting*; a conscious attempt to understand the situation and feelings of the other by imagining being in that situation. Arguing that it is possible to achieve in-his-shoes perspective-shifting, as opposed to a more ambitious *empathic perspective-shifting*, where we imagine *being the person in question*, Goldie defends the claim that this allows us to come to a genuine, although limited understanding of others. If it is possible to achieve knowledge of other minds through this kind of empathic-imagining, it may be though that a correct appreciation of the situation of the other would be valuable, even in some cases a prerequisite, for the ability to form moral judgement, and thus that empathy has a role to play in our moral reasoning. However, if – as evidence seems to suggest – we tend to empathise more strongly with those close to or resembling ourselves, it may be warned that in-his-shoes perspective-shifting may be easier to achieve with those resembling ourselves and thus lead us deeper into a moral quagmire. Even if empathy allows us to understand one another, it may therefore be argued that empathy ought not to play a role in our moral reasoning; that the inherent partiality of empathy makes it a bad and unreliable moral guide.

The moral domain:
Natural and special obligations

The objections against conceiving a role for empathy in moral reasoning may seem decisive, leaving any hope of an empathy-infused morality looking like a muddled attempt to have one's cake and eat it too. We are so accustomed to the idea that moral judgements – in order to be *moral* judgements – are required to be impartial and universal, that any suggestion that our judgements may be less than impartial seems to disqualify them as such, In fact, so ingrained is this view, that in the analytic tradition "the phrases 'moral point of view' and 'impartial (or 'impersonal') point of view'", as Jollimore (2017) argues, "are sometimes used interchangeably to refer to the imagined impersonal perspective from which, it is supposed, moral judgments are to be made".

Despite the force of this line of thought, common sense morality, as Diane Jeske (2019) points out, also has it that we bear *special* obligations. Most of us occupy a number of roles, e.g. father, husband, nurse, which, at least according to our common sense, requires us to give moral priority to a significant other. As a consequence of the commitment of moral philosophy in the analytic tradition to the impartiality of morality however, "the tradition has struggled to accommodate role-obligations, such as those of lawyers towards their clients or parents towards their own children" (Dare and Swanton 2020: 1). A central question in much recent moral philosophy has thus been how to square the two thoughts: How can we both be obliged to judge from an impartial perspective while also fulfilling our special obligations?

The notion of special obligations seems particularly troublesome for consequentialism, which, for simplicity, can be characterised as the view that the good equals "that action which, of all alternatives available to the agent, produces the greatest net sum of intrinsic value" (Jeske 2019). On the face of it, consequentialism thus seems to mandate that we treat everyone the same, as, all things being equal, the amount of value I may produce by saving *a* is the same as if I were to save *b* instead. As Jeske (2019) points out however, "the consequentialist can argue that, in fact, each person acting so as to benefit her friends, loved ones, promisees, etc., will have the best overall consequences". This line of reasoning however, is not open to those who take partiality in moral reasoning to be intrinsically bad. And given that the strongest arguments against empathy is that it engenders partiality, it seems that a dismissive attitude to empathy in moral reasoning makes it hard to see how we can have special obligations at all. But does the converse hold? Does the idea that we have special obligations also require that we are able and willing to empathise? Or could our special obligations be discharged without empathy?

Professionals may discharge their moral obligation without empathy, while nevertheless retaining an important role for empathy in the professions.

Special obligations and professional roles

The answers to the above seem to depend on the *content* of the special obligation in question. But what exactly *are* we obliged to in virtue of standing in relations that generate special obligations?

Special obligations come into play in a range of aspects of our lives, and different relations will carry different obligations. In some cases, spelling out the content of the obligation may be more straightforward than in others; some of the roles we occupy are more strictly regulated than others, wearing their obligations 'on their sleeves', as Tim Dare (2020) writes. Others are less formal, with implicit role-expectations which may be more or less open to interpretation and subject to shifting contexts. *Social* roles, such as that of being a father or brother, come with special obligations that are largely implicit, with few or any formal requirements. *Professional* roles, on the other hand, are often more clearly defined and may include specific legal obligations and vows or pledges by the professional, undertaken either through written or oral acts of promising as part of granting the professional his or her licence.

Much has been written about the political-functional grounding of professional roles and how it shapes professional obligation. Unlike social roles, professional roles is the product of an authoritative institutional design intended to serve some societal function or greater purpose (Grimen 2006), and it is a widely held view that, as Alexandra and Seumus (2009: 109) argue,

"[t]o understand the specific content of professional role morality, then, we need to examine the purposes that the various professions have been formed to serve, and the way in which professional roles must be constructed in order to achieve those purposes"

Some have taken this even further, arguing that "a 'role obligation' is a moral requirement, which attaches to an institutional role, whose content is fixed by the function of the role" (Hardimon 1994: 334).

On the face of it therefore, the answer to the above question seems to be that one may fulfil the moral obligation of one's role *without* taking a particular interest in how things look or feel from the perspective of the other. Thus, a physician or nurse may administer health services and care according to protocol without being able or willing to apprehend the feelings of the patient, but without thereby being morally blameworthy. Likewise, a teacher that teaches according to the requirements, treats all her pupils fairly (e.g. equally, avoiding discrimination, with respect, etc.), and

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maintains confidentiality may be said to fulfil the moral obligations of her role, despite failing to imagine the situation from the point of view of her pupils.

Most of us however, would feel poorly treated by a physician, or a teacher for that sake, who did not give the impression of at least attempting to see things from our perspective. We do expect doctors and teachers to be empathic and reproach those who fail to live up to this expectation. The reason we are offended by that kind of behaviour, according to Dare (2020) is that the role-obligation is *not* exhausted by the functional obligation of the role, but includes moreover, a set of *signalling functions*. "Roles", he argues, "are signalling devices. They allow us to know in advance what we can expect and demand from those with whom we engage" (Dare 2020: 39). Borrowing an idea from HLA Heart, Dare (2020: 36) argues that,

> *"[t]he complex social practices around roles within communities and the attitudes of community members toward them generate role-norms, whose existence and content is determined by those social practices".*

This is perhaps most easily seen with respect to social roles. We readily understand the implication of the charge, Dare (2020) argues, if someone says that 'he was never really a father to me'. Being a father, we tend to think, amounts to more than providing a minimum of material support (e.g. shelter, food, and clothes), but fundamentally, and more importantly, requires assuming an interest in the well-being of his children, exhibiting a certain modicum of compassion, patience, care, lovingness etc. towards them. This is not part of the formal obligations of fatherhood (if there are any), but constitute some of the informal expectations we attach to fatherhood in our day and age.

While clearly constitutive of social roles however, the signalling function also plays an important role in our conception of and the continuous transformation of *professional roles* – as can be seen from the gradual shift in the relation between the professional and the client in the relational professions in the second half of the 20th century. From being dominated by a paternalistic outlook, these professions have been forced to change their attitudes to their clients and to adopt a more inclusive attitude. However, while it seems that expectations do contribute to shaping professional roles, they do not do so exclusively, as they do in shaping social roles, nor do they contribute to shaping professional roles in exactly the same way as they do in shaping social roles. Overstating the similarities between social and professional roles, Dare (2020) ignores the constitutive relation between intentional design and role obligations, taking both social and professional moral roles to be the product of social expectations 'all the way down'.

Concluding remarks

Acknowledging that professional roles are characterised both by intentional design, which determines obligation, *and* social expectations however, allows us to see how professionals may discharge their moral obligation without empathy, while nevertheless retaining an important role for empathy in the professions. On the one hand, to fulfil the social expectations of the role, professionals in the relational professions must be able and willing to grasp how the situation appears from the perspective of the client; they must be able and willing, that is, to 'step into the shoes' of the client and assess the situation from his or her point of view. Thus, in *reasoning* about the correct course of action, it is not enough that the professional is able to arrive at a moral judgement, but that the *reasoning process* includes the perspective of the client. In order to figure in the moral deliberation however, empathy cannot be the unreflective and inarticulate affective state described by Bloom and Prinz, but must be a conscious attempt to understand the situation of the other, both cognitively and affectively, by imagining being in the situation of the other akin to the process described by Goldie as *in-his-shoes perspective-shifting*.

This does not mean however, that professionals are obliged to *judge* in accordance with how the client perceives the situation. In many cases, that would be irresponsible and in conflict with professional expertise, potentially resulting in disastrous outcomes. Professionals are expected to judge on the basis of their expertise, experience, and knowledge of laws and regulations, and empathy may not be necessary for or even play *any* role in the moral conclusion, allowing that the professional may discharge his or her moral obligations without empathising. Nevertheless, this does not mean that empathy plays no significant role in professional ethics: Expected to be able and willing to assume the perspective of the client, empathy plays a constitutive role in professional moral reasoning, in deliberating about the right course of action. Professionals flouting this expectations are reduced to *expert bureaucrats*; automaton vested with the responsibility of serving a particular social function and authoritative institutional design. *Lack* of empathy in professional exercise thus undermines, not the validity or correctness of individual moral judgements, but the process of moral deliberation constitutive of professional moral reasoning.

Professionalism without empathy, we argue, is simply an oxymoron, and the failure to empathise is thus not to fail in a particular moral judgement but to fail more fundamentally as a professional.

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NOTES

[1] 'Ethics' is generally defined as "the philosophical study of morality" (Deigh 1999), and so arguments against the role of empathy in morality would not only affect individual moral judgements, but (more widely) the philosophical study of morality in the relational professions. We argue that empathy has a role to play in professional *moral* reasoning, e.g. reasoning about what one, morally, ought to do. This is distinct from professional reasoning about what it would be prudential, efficient, economical, legal etc. to do in a given situation.