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S. R. Krause: Civil Passions

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Citizenship, Judgment, and the Politics of Passion

HOW DO WE DISTINGUISH, as citizens, between laws that are worthy of our allegiance and those we should reject or resist? Democratic procedural criteria are important here, but ostensibly democratic procedures sometimes go wrong, generating laws that endanger civil liberties or obstruct social justice. And while the principle of judicial review gives the courts a role in evaluating legislative outcomes, citizens in liberal democracies also have a responsibility in this regard. As citizens, our relationship to the laws should not be one of blind obedience, after all; it should reflect critical engagement and sound judgment. In fact, we have a political obligation as liberal-democratic citizens to evaluate the laws and to resist (or try to reform) laws that do violate liberty or obstruct justice. How do we carry out this evaluation? What faculties of heart and mind do we use? Americans today are in the process of publicly deliberating about the justice of gay marriage, for instance. In deliberating about an issue such as this one—which brings together questions of politics, morality, and law—what capacities do we employ? In particular, what is the right combination of thinking and feeling, of reason and passion, of cognition and affect, within such deliberation?

The common response to this question is to insist that there is *no* right combination of reason and passion, at least when it comes to deliberation about important political questions and matters of basic justice. The only way to achieve good deliberation, in other words, is to excise passions from the deliberative process entirely. The worry is that these affective modes of consciousness will cloud our reason and therefore impede the impartiality that is needed for sound moral judgment, equitable adjudication, and fair political deliberation. This is the dominant view (although certainly not the only one) in the history of political thought in the West. It is also the dominant view in political theory today. This book challenges that view. The practical deliberation that we use to assess laws and public policies inevitably incorporates emotions and desires—and these passions *can* contribute in a positive way to the impartial standpoint that makes public decisions legitimate. To be sure, passions also can impede impartiality, and when they do so they cause problems for the legitimacy of democratic decision making

and the justice of its outcomes. Cruelty and bigotry, for instance, should never determine the direction our collective deliberation takes. And a spirit of civility, not jingoism or destructive rage, should guide it. Like civility, the ideal of impartiality is crucial to legitimate deliberation and to justice, and it should never be abandoned. Yet the real possibility of conflict between passion and impartiality does not tell the whole story of their very complex relationship. *Civil Passions* develops an account of affective but impartial judgment, loosely inspired by the moral sentiment theory of David Hume, and provides a systematic statement of the role the passions might properly play in moral judgment and public deliberation.

In articulating the affective dimensions of impartiality, the book addresses a problem that has plagued normative theories of democratic decision making for a generation. The rationalist models of deliberation and norm justification that predominate in political theory today (as represented, for instance, in the work of John Rawls and Jürgen Habermas) suffer from a motivational deficit. The ideal of reason as a faculty that abstracts from sentiment, which undergirds impartiality on this view, disconnects the deliberating subject from the motivational sources of human agency, which are found in the affective attachments and desires from which subjects are asked to abstract. The self as deliberator comes apart from the self as agent. To be sure, both Rawls and Habermas make a place for affect in their theories of justice. Specifically, both recognize the importance of engaging citizens' attachments and desires as a means of fostering allegiance to the rational procedures of norm justification and their results, thereby generating a feeling for justice that lends it stability. Yet both views aspire to limit the contributions of affect to the realm of application, while norm justification itself is conceived as a function of a form of reason that transcends affective influences. In effect, what they give us is a two-stage model: first, reason tells us what justice means and what it requires in terms of laws and public policies; then once this normative matter is settled, we move to the realm of application where we can begin to think about how to socialize citizens into the affective dispositions that support the norms that reason has justified. The forms of judgment modeled by Rawls's original position and Habermas's moral standpoint betray a familiar fear about affect, which is that our passions will impugn the impartiality on which deliberation in matters of justice ought to rest. So the dominant paradigms can accept that affective concerns help motivate right action but not that such concerns figure in the justification of action or the norms that guide it. They are reluctant to tie the content and authority of moral and political norms to the psychological states of individuals. The rationalists see affect as anti-

thetical to impartiality, and they find the source of normativity in a form of reason that opposes passion. Yet to insulate deliberation from affect is to disconnect it from the passions that motivate action.

Action is not the only thing to suffer either, for decision making itself is hindered by efforts to abstract too fully from the influence of the passions. In the last fifteen years a revolutionary new literature has emerged in neuroscience and neuropsychology that calls into question the human ability to conduct practical reasoning in the absence of sentiments.¹ These studies, which involve patients who have impairments to regions of the brain associated with feeling, suggest that decision making depends on the affective experience of concern—specifically attachments, aversions, and desires. Patients with affective impairments may be perfectly capable of logical analysis; often they can reason effectively about the costs and benefits of various courses of action. What they cannot do effectively, the studies show, is *decide* on a course of action. The implication of these findings is that practical reasoning—deliberation that results in decisions about what to do—necessarily incorporates sentiments. Affect has a role in motivating decisions as well as actions, and therefore the motivational deficit associated with rationalist models of deliberation undermines not only compliance but the very process of deliberation itself. This new literature thus poses a fundamental challenge to the rationalist paradigms of deliberation and norm justification that dominate political theory today.

Political scientists have recently begun to explore the implications of these findings for political behavior in such areas as party identification, negative campaigning, the formation of social movements, and international conflict mediation.² The point they all press is that our analytical perspectives on political behavior should reflect the fact that sentiments are as essential to decision making as reason is. In fact, sentiments are a part of practical rationality itself. There is no faculty of practical reason that entirely stands apart from sentiment.³ Among other things, sentiments set the basis for future decisions by providing a sense of what matters, based on prior learning and experience. In other words, sentiments constitute the horizons of concern within which practical judgment and deliberation transpire. What the empirical literature indicates, then, is that we cannot deliberate effectively about practical ends (in politics or anything else) without feeling. The implication is that sentiments must play a more important role in deliberation about justice than the dominant models in political theory acknowledge. What the empirical literature does not provide, however, is a normative account of how feeling *should* figure in practical deliberation if its conclusions are to be just, and specifically how sentiments might serve the important democratic ideal of impartiality.

Increasingly, normative theorists in moral philosophy, political theory, and the law are recognizing the importance of affect within judgment and deliberation. This recognition marks real progress, for it expands the conceptual framework within which judgment and deliberation are understood, but it has generated its own set of difficulties. Whereas the rationalists suffer from a motivational deficit, the theorists of affect too often suffer from a normative deficit. They frequently fail to provide clear criteria for the legitimate incorporation of sentiment. Not all feelings support sound judgment or fair public deliberation, after all. Consider Michael Walzer's discussion of how "our hostility to aggression is just as passionate as aggression itself."⁴ Behind this hostility, he says, is not a faculty of reason that transcends sentiment but a form of reason infused with sentiment:

Behind that hostility . . . is a mental picture of people like ourselves living quietly and peacefully in their own places, in their homes and homeland. They are attacked without legitimate cause (that's the definition of aggression), their families and friends, their cities and towns, their way of life, threatened with destruction, perhaps destroyed. Surely our rational condemnation of the attack cannot be understood without reference to that mental picture. In fact, it derives from that picture; it depends on our emotional identification with those people, who are the projected images of the men and women with whom we ourselves live, at home and in peace. Identifications of this sort are the work of the affiliative passions, and they shape our response to aggression as surely as the passion for triumph and domination shapes the aggression itself.⁵

Our judgments of good and bad, right and wrong, are therefore a function of feeling as much as intellectual understanding. Yet Walzer does not specify how we are to distinguish sound passionate judgments from unsound ones. Surely some affiliative passions can lead to poor judgments and unjust decisions. We need to know when and how feelings should be incorporated into the deliberative process; we need to know how far empathic (or "affiliative") concern should reach; and we need some standards or method for discriminating between sentiments that deserve our respect and those that do not.

Another problem is that theorists of affect sometimes defend affective judgment as an alternative to impartiality. The feminist "ethics of care" that emerged in the 1980s grounds judgment in concern for particular others.⁶ It eschews impartiality, which it associates with rational respect for universal principles of justice. More recent proponents of this approach sometimes treat justice-oriented judgment and care-oriented judgment as complementary rather than competitive.⁷ Yet, like

the rationalists, they associate impartial deliberation about justice with a form of reason that transcends sentiment. In this respect, they concede far too much to the dominant paradigm. Iris Young and Martha Nussbaum have similarly championed emotional forms of judgment as alternatives to impartiality.⁸ Although their approaches differ markedly from one another (and from the ethics of care), they share a certain skepticism about the ideal of impartiality, which they associate with an exclusive and untenable conception of human reason.

Yet democratic citizens cannot afford to give up on this ideal. Impartiality entails a deliberative perspective that is neither prejudiced nor fragmentary. It involves considering things in a way that is not determined by (or does not simply serve) one's own interests, narrow sympathies, or idiosyncratic convictions. It is also an inclusive, even comprehensive view, which incorporates the relevant perspectives of all those affected by the object under consideration. Impartiality admits of degrees insofar as our judgments may be more or less free of prejudice and more or less inclusive. Few of us achieve perfect impartiality on a regular basis, and cross-cultural impartiality is especially difficult. But for most of us the exercise of impartiality in varying degrees of (im)perfection is a familiar experience. The aspirational ideal that guides us in this exercise is extremely valuable. Among other things, impartiality helps to insulate our evaluations and decisions from the privileges of power. Without some degree of impartiality, public decisions would lack legitimacy and justice would prove elusive. This is one thing that the rationalists get right: impartial judgment *is* a crucial condition of just public decision making in liberal democracy. It protects citizens from the unadorned force of power on public matters having to do with justice.

Impartiality is also important in the context of individual moral judgment. It aids in social coordination, for one thing, because to coordinate our lives with others we need to be able to think beyond the limits of our own private views. A person whose deliberative perspective was determined exclusively by self-interest without any consideration of the interests or perspectives of others could not succeed in achieving even his own ends over time, much less collective ones. The fact that impartiality helps facilitate social coordination makes it prudent. Impartiality also manifests the virtue that Hume called "humanity," a reflective sensitivity to the sufferings and the joys of others, even a kind of respect for persons as morally significant. Without this virtue, as Hume saw, one's personal character would be marked by bigotry, incivility, and ignorance, and it could never bear its own survey. We can press beyond Hume, as well, to add that exercising impartiality in judgment is a way of treating others as ends in themselves, an obligation that can be justified by means of moral sentiment. One need not

recur to Kant to support the duty of equal respect—as we shall see—and this duty makes impartiality important. So while we should be skeptical about exclusive and untenable notions of reason, we should not reject impartiality. To reject impartiality is to saddle affective forms of judgment with a normative deficit. In short, our theories of moral judgment and democratic deliberation have been caught on the horns of a dilemma: they have either been too rationalist to motivate action and decision, or they have been too indiscriminately rooted in the passions to carry normative weight. *Civil Passions* means to dissolve this dilemma by articulating an ideal of affectively engaged impartiality, and hence an account of judgment and deliberation that is both motivationally and normatively compelling.

The book thus addresses a lacuna that plagues contemporary theory in the political, moral, and legal domains, but it also speaks to a serious problem in American public life today. On the common view of political deliberation, which assumes a dichotomy between reason and passion, one either deliberates from “impartial reason” or one’s deliberation is driven by personal passions. And when passions drive deliberation, we think, the results can only be described as debased. Yet the rationalist ideal of impartiality that pervades the public culture is an idyll. It should therefore come as no surprise that public decision making in the United States today most often proceeds by means of interest-based competition, which is another name for the politics of untutored passion. Yet even as we give in to the politics of passion in its lowest form, our elusive ideal of reason continues to engage our aspirations and to tell us that passion-driven deliberation is illegitimate and likely to generate injustice. One result of trying and failing to live up to this impossible ideal of deliberation is cynicism about politics. The widely discussed lack of political participation in the United States today is only partly a product of excessive individualism, the absence of civic virtue, and the lack of social capital. This disengagement also reflects the disillusionment that naturally follows from our attachment to the false dichotomy between reason and passion, and from the absence of an achievable ideal of impartiality.

To make matters worse, widespread citizen disengagement undercuts the possibility of genuine impartiality in public deliberation. The reason is that our deliberative process can only be fully impartial if it reflects the legitimate concerns of all affected. But we can only know the concerns of others if they tell us about them, which requires precisely the kind of active engagement in public life that the rationalist ideal discourages. American politics therefore needs a new way of understanding public deliberation, one that answers to the noble aspiration of impartiality but that does not disparage the passions that inevi-

tably influence decisions and animate action. We must reject the false dichotomy between reason and passion in both political theory and American public life because this dichotomy undercuts our ability to advance the cause of justice. In its place we need a better understanding of the holistic nature of practical reasoning as a faculty that combines both cognitive and affective states of mind, both intellect and feeling. We need standards that inspire reflective and legitimate decision making but that are also practically viable and motivationally compelling, hence affectively engaged. The purpose of *Civil Passions* is to illuminate the nature of practical judgment in this respect, and to show why this more holistic vision of ourselves and our capacities promises a more vital—and more just—democratic politics.

But what, exactly, is “affect”? Psychologists typically define affect capaciously to include all mental states that take the form of feeling as opposed to mere belief or understanding. Specific emotions such as anger, sadness, and joy are forms of affect, but so are desires, aversions, and attachments. Many of these states involve beliefs, of course. Anger, for instance, depends on the belief that one has been wronged. Yet as a phenomenological matter, affective states cannot be reduced to belief or understanding; something beyond belief makes our experience of affective modes of consciousness distinctive. In recent years, technological innovations have allowed researchers to correlate this distinctive experience with specific regions of the brain, regions that differ from those that are activated during purely intellectual activities such as logical analysis. Although affective states have some common features, not all forms of affect are equally important for practical deliberation, or important in the same way. Emotions can, but need not, carry the motivating force that makes decision and action possible. I can be sad, for instance, without being motivated to do anything. Emotions do not always involve dispositions for action, nor do they necessarily suggest grounds for decision. By contrast, desires, aversions, and attachments are marked by a general tendency to motivate us. They have a special connection to the will because they are states of mind that involve a wish that the world be, or come to be, one way rather than another.

Simon Blackburn’s language of “concern” is instructive here. Blackburn defines concerns as the “things that we care about, aspects of the situation that present themselves as reasons for or against action.”⁹ Like desires, concerns are affectively engaged and practically motivating. Concerns may be “backward-looking, forward-looking, self-centred, not self-centred, moral, [or] non-moral,” but they always refer to things that *matter* to us, and they entail dispositions for decision and action rather than an orientation of disengaged understanding.¹⁰ In contrast to common usages of the term “desire,” however, which are

often synonymous with unreflective impulse or appetite, concerns may be reflective and incorporate beliefs. The concern for justice and the desire for fair treatment clearly entail ideas about what justice and fairness mean and why they matter. Concerns combine affective and cognitive modes of consciousness, then, and they will include interests and reflective desires as well as attachments, personal convictions, and the things (whether persons or principles) to which we are emotionally committed. The term “concern” thus parallels Cheryl Hall’s use of the word “passion,” which on her definition involves a cognitive perception of the object of passion as valuable. Yet this perception has an affective valence as well as a cognitive one. As Hall puts it, “to value one thing over another *is* to care about it, not just to impassively think that it is better. Put the other way around, passion *is* the affective manifestation of value.”¹¹ Concerns are affective states that involve reflective valuing and caring, and that dispose us to decision and action.

Concerns are often experienced in connection with specific emotions, such as anger or happiness or grief, but they need not be. It is possible to have a concern for justice, for instance, without (at the moment) experiencing anything other than the sense of its importance, the feeling that it matters, the desire to see it realized. In this sense, concerns may come apart from emotions, or the usual slate of emotions. Yet emotions do generally imply concerns, although the relationship may be indirect. The feeling of anger may not always engage the will in the direct way that desires and aversions do, but anger typically arises when one’s concerns have been thwarted, when something one cares about has been violated. Emotions and concerns are conceptually distinct, then, but they are frequently intertwined in practice. Both involve the affective experience of caring in a way that goes beyond mere understanding, although they often include beliefs.

This book is interested partly in affect as concerns, which Hume (like Hall) called “passions.” Concerns provide important conditions for practical judgment and deliberation in the sense that the latter always transpire within particular horizons of concern. I follow Hume, too, in using the term “sentiment” to refer to affective states in the widest sense, including not only emotions and concerns but also pleasures and pains. It is worth emphasizing that many (perhaps most) human sentiments, including pleasures and pains, include a cognitive component. Sentiments so conceived figure as inputs in the perspective-taking dimension of moral judgment and public deliberation, as described in the chapters that follow. *Civil Passions* thus focuses not only on affect as background concerns but also on the whole range of sentiments that may factor into a specific instance of perspective-taking properly conceived.

In holding affective concerns to be necessary conditions of judgment and deliberation, I dispute a central premise of the dominant neo-Kantian paradigm in moral and political theory today, which holds that reason as a faculty of the mind that transcends sentiment is perfectly capable, on its own, of motivating at least decisions if not also actions.¹² One way to see the limits of this view is to consider some examples. A recent theorist of deliberative democracy has offered the following illustration of how the intellect on its own supposedly directs decisions within individual moral deliberation:

I once heard two men discussing whether it was right to use “she” and “her” instead of “he” or “his” when referring to generic persons. A was for, B was against. B did not feel that arguments concerning equality or fairness had any force. Having exhausted all other (and better) justifications, A said that, if nothing else, B should use feminine pronouns because B was “a gentleman!” B was cornered and found it hard to disagree. What does this exchange accomplish? First, it appeals to an image of the self that may be generally agreeable to the obstinate B. It further points out an inconsistency in preferences by forcing into the discussion the notion that if B wants to stick with his male-gendered vocabulary, he must argue against a shared male norm: “be kind to women.” . . . Deliberation channels old norms to new cases: it restates an unassailable principle and then shows that the opponent’s argument violates that principle; thus, out of consistency . . . the recalcitrant party is induced to revise his preferences or else recant the principle.¹³

The contribution of reason within B’s deliberation, on this account, is to point out the supposed inconsistency involved in simultaneously wishing to be a gentleman and rejecting the generic use of the feminine pronoun. (For present purposes, we leave aside the question of whether these two positions are truly inconsistent.) Yet no conclusion is possible on the basis of the recognition of inconsistency alone. On the basis of this recognition, one is free to conclude in favor of either alternative, or to live with the inconsistency. Think of Whitman’s famous lines: “Do I contradict myself? Very well then, I contradict myself, I am large, I contain multitudes.”¹⁴ B is brought to support the generic use of feminine pronouns only because he *cares* about being a gentleman and about acting in ways that are consistent with his professed principles (this “appeals to an image of the self that may be generally agreeable to the obstinate B”).

The affective dimension of deliberation here is easy to miss because it is dressed up in the ostensibly rational garb of “norms” and “principle”—the rejection of feminine pronouns is said to violate the (to B)

“unassailable principle” of gentlemanliness—but it should not be difficult to see through this rationalist language to the affective core beneath it. To be sure, B may have strong grounds for considering the ideal of gentlemanliness to be unassailable, but these grounds will not rest on intellect alone. As the passage indicates, there is also an appeal here to a self-image that is desirable. And the ideal of consistency itself must have some appeal. As the empirical research on practical reasoning canvassed in chapter 2 suggests, unless this principle connects up with things B cares about, it will not have the power to conclude his deliberation or determine his action. Because affective concerns such as the desire to be consistent are often widely held and because they may enter consciousness without the fiery blaze of some other desires, it may be easy to forget that they are indeed desires, albeit reflective ones. In fact, such concerns are often mistaken for “reason itself,” generating the erroneous belief that (in this case) the mere cognition of logical inconsistency leads to the revision of one’s views. A better way to understand the desire for consistency (or the desire to be a gentleman) is in terms of what Hume called a “calm passion.” When affective concerns are experienced in a calm fashion “and cause no disorder in the soul, they are very readily taken for the determinations of reason, and are suppos’d to proceed from the same faculty, with that, which judges of truth and falsehood.”¹⁵ Calm passions such as the desire for consistency may be mistaken for “reason,” but on reflection we can see that they differ from purely cognitive states in being a form of reflective caring, not merely a type of understanding.

Consider another example. Suppose that you find yourself inexplicably angry at an acquaintance, John, a feeling you cannot understand, as John has done nothing to warrant it. Still, you cannot shake the feeling, and because of your anger you repeatedly act in ways that generate conflict with John. After confiding in a friend, you come to see that John reminds you of your father, toward whom you have warranted but unresolved feelings of anger. Suddenly you *understand* that you have no *reason* to be angry with John. Your feeling of anger dissipates (perhaps even disappears), and you resolve to begin treating him more justly. It may seem here that reason has eradicated an affective state, or acted directly on your emotions so as to change them. Yet letting go of such misplaced emotions typically requires more than cognitive insight. It also involves the desire not to be dominated in the present by negative experiences from the past, as well as the desires to treat others justly, to avoid unwarranted conflict, and so on. Without these affective concerns, the cognitive insight would have little ability to conclude deliberation or affect action. The affective dimensions of this reflective process should not be thought to undercut its status as delib-

erative, however. Think again about the content of B's reflections, above. The force of the better argument may indeed have been the determining ground of his decision, but the reasons that made this argument appear to him to be the better one built in affective concerns (B's desires to be a gentleman and to be consistent) and hence they were not independent of his sentiments.

The nature and power of practical reason vis-à-vis sentiment has been the subject of much debate among philosophers in recent years. The dispute raises deep questions about moral psychology and about the nature and sources of normativity. At stake in this debate is the promise of impartial justice. The rationalists worry that impartial justice will be impossible if reason cannot transcend the passions; the sentimentalists worry that it will be impractical (because unmotivated) if reason does not engage the passions. I do not claim to have resolved the debate, but I do hope to press political theorists to venture outside the dominant, neo-Kantian paradigm in thinking about these matters, matters that underlie all our theorizing about justice and that ought to get more attention in political theory than they do. The point I mean to press is that sentiments are integral, not antithetical, to practical reasoning. I take the empirical literature from neuroscience and neuropsychology to be very suggestive in this regard. It may turn out to be wrong—future research could yield new results that are inconsistent with its findings—but there are good reasons to accept the new research as the best that empirical study can tell us at the moment about how practical reasoning works.¹⁶ We look more closely at this literature in chapter 2. Still, *Civil Passions* is not a book of neuropsychology, and the view it advances does not rest solely—or even primarily—on the data collected by scientists. In disputing the rationalist ideal of practical reason that transcends sentiment, I draw also on work by moral philosophers operating in the Humean tradition such as Simon Blackburn and Bernard Williams. They offer conceptual arguments showing the limits of the neo-Kantian view, some of which are canvassed in the pages that follow. I introduce some additional considerations, as well. For instance, chapter 1 demonstrates the sometimes surreptitious ways in which affect inevitably contributes to deliberation even on the ostensibly rationalist models of Rawls and Habermas. Chapter 4 likewise investigates the “reasons” that supposedly motivate decision making in rationalist accounts of public deliberation, and shows that these reasons typically incorporate affective concerns. Chapter 3 addresses one of the most powerful Kantian critiques of the Humean position on practical reason and provides a Humean reply, thus disarming the critique.

While the work of moral philosophers such as Blackburn and Williams is illuminating, however, none of it has addressed from a norma-

tive perspective the political dimensions of affective judgment, or elaborated its political implications. To be fair, the moral philosophers are largely addressing debates within metaethics. Their work is not intended to answer the normative political questions raised here. *Civil Passions* means to bring insights from the work in philosophy to bear on normative political theory. I explore both the political dimensions and the political implications of affective judgment, and show how a Humean view about the limits of reason as a faculty that transcends sentiment can be compatible with an ideal of impartiality in public deliberation, and hence with the possibility of justice.

What makes the Humean approach so powerful in this respect is that, rightly understood, it can simultaneously acknowledge the importance of affect alongside intellect within practical reasoning and articulate standards for impartial judgment and deliberation. The generalized standpoint of moral sentiment enables us to make impersonal judgments on the basis of a reflective, impartial set of feelings. It disputes the common belief that to deliberate impartially means to deliberate without feeling. Hume's theory of moral sentiment thus shows how reflective feeling, when properly arrived at, can support rather than thwart impartiality. For this reason, my account of public deliberation for liberal-democratic societies takes Hume as a point of departure. I do not say that Hume had all the right answers. Part of the argument of the book is that affective deliberation needs the support of liberal rights and a contestatory democratic politics if it is to achieve impartiality. This argument goes well beyond anything Hume himself advocated, and in some ways stands in tension with his political views. But I look to Hume, and especially to his theory of moral sentiment, for inspiration in thinking beyond the boundaries of the contemporary, neo-Kantian paradigm. In contrast to the dominant theories of justice and democratic deliberation today, Hume treated moral judgment as a reflective passion, where thought and feeling are integrated at the deepest level. And even though he rejected the idea that the intellect on its own could motivate action, still he gave it an important role in judgment. He also insisted on the objectivity and the impartiality of judgment. In fact, judgment achieves its impartiality through the mechanism of a generalized standpoint, and in this respect it actually converges with contemporary accounts of justice and democratic deliberation. But there is this difference: the generalized standpoint in Hume grows out of, rather than abstracts from, the usual sources of human action and decision as they are found in affective attachments and desires. Indeed, Humean judgment gets both its motivational efficacy and its normative authority from its footing in these sentiments.

So Hume has much to teach us today. His account of moral judgment as reflective sentiment offers a powerful corrective to the rationalism of current liberal and democratic theory.¹⁷ He gives us tools for incorporating empirical findings about the inevitably affective dimensions of practical reasoning into a normative theory of impartiality that has valuable implications for how we understand moral judgment, public deliberation, and the authority of law. Judgment and deliberation are distinct phenomena, to be sure. For one thing, judgment need not be practical, or action-guiding. Aesthetic judgments, for instance, may have no impact on what we do. Even moral judgments need not directly influence individual behavior. One can evaluate the actions or character of another person as good or bad without oneself being moved to act in any particular way. The point of deliberation, by contrast, is precisely to guide action; hence, deliberation is necessarily practical. Although in any particular case one may not act on one's decision (weakness of will may be a factor here), still one's purpose in undertaking deliberation always is to decide what to *do*. Yet if deliberation is distinct from judgment, it nevertheless builds on judgment. The values and principles that guide moral deliberation are (or should be) endorsable from the perspective of impartial moral judgment. Judgment helps us to identify what we should value; deliberation enables us to guide our action in light of these values. It is also important to mark the distinction between individual moral deliberation, on the one hand, and public deliberation about matters of law and social policy, on the other. At least in liberal democracies, public deliberation calls for additional criteria beyond what is required for individual impartiality in moral deliberation. It requires fair procedures, for example, as well as the constraint of sound constitutional principles and norms of equal access, accountability, publicity, and reciprocity. These additional requirements speak to the distinctive demands of political legitimacy. Still, sound public deliberation builds on the impartiality of individuals much as deliberation itself builds on judgment. Consequently, a theory of moral judgment can illuminate important aspects of public deliberation.

Even accepting the potential value of a moral sentiment approach to judgment and deliberation, however, one might wonder if Hume is the best source of inspiration. The eighteenth century saw many philosophers of moral sentiment, after all, some of whom were more democratic or more liberal in their political views than he was. Nor did Hume have the last word on moral sentiment. Adam Smith's elaboration of the Humean view, and his modifications to it, have struck many readers as a genuine improvement in moral sentiment theory. So why look to Hume? Hume's theory is certainly the most fully worked out version of the moral sentiment approach prior to that of Smith. It is

superior to those of Shaftesbury and Hutcheson, for instance, in distinguishing between sympathy as a communicative faculty of the mind and benevolence as a moral virtue, and in grounding moral sentiment in empirically verifiable human responses rather than in a metaphysically questionable and politically controversial religious teleology. I shall argue, too, that Hume's approach to moral sentiment can stand up to Smith's, although Smith helps us see where Hume's theory needs further elaboration. A careful analysis of the differences between Hume and Smith in this regard is beyond the scope of my project, however—this book is not a study of the moral sentiment school. Yet in elaborating Hume's view it does mean to draw attention to moral sentiment theory more generally as a resource for political theory today. I take Hume as my point of departure because of the fruitful way in which his theory of judgment combines impartiality with affective engagement.

Nevertheless, I do depart from his views in some key respects. For one thing, I do not adopt Hume's specific theory of justice. His conception of justice is too narrow to be adequate, with its limited emphasis on the protection of property rights and the keeping of promises. Hume's theory of moral sentiment can help us in our personal and public deliberations about justice, but only if the meaning of justice is understood to go beyond Hume's own definition of it. Hume's theory of moral sentiment can come apart from his theory of justice, and *Civil Passions* draws inspiration from the former while largely disregarding the latter. Another departure I make is to take seriously the political context of judgment and deliberation. Hume was very sensitive to the fact that moral sentiment is an intersubjective phenomenon, and that our judgments reflect many layers of social communication. This is not to deny the possibility of individual judgment, even judgment that cuts against the grain of received opinion, but it does insist on the socially embedded character of judgment and on the idea that normative standards reflect shared concerns. Exactly how individual judgment can be socially embedded while allowing for social criticism is something I take up in chapters 3, 4, and 5. Despite Hume's attention to the intersubjective character of judgment, however, he was largely silent about the negative effects that the wrong social and political arrangements can have on the impartiality of judgment. Impartial judgment depends upon a faculty of moral sentiment that is sensitive to the widest possible range of human experience and that is well informed about the sentiments of affected others. Political inequalities and social exclusions, which marginalize particular groups and make their experience opaque to the majority, handicap moral sentiment. For this reason, impartiality in both individual judgment and public deliberation will be difficult, if not impossible, in the absence of liberal-democratic

political institutions and practices. In developing this claim, my project truly breaks ranks with Hume. Not only did he not look to politics to support moral sentiment, he did not favor the democratic activism and the strong role for individual rights that are crucial to my own account of impartiality. Yet as I argue in what follows, there are good Humean grounds for pursuing the approach I take, even if Hume himself did not see them. In interpreting the history of political thought for the purposes of normative political theory today, we should look for insight and illumination but we should not be slaves to the sometimes limited vision of individual philosophers.

In part because I am not reluctant to go beyond Hume where I think necessary, and in part because I read Hume in ways that sometimes challenge received opinion, my account of moral sentiment escapes many of the worries that people commonly have about Humeanism. Hume is widely associated with political conservatism, for instance, and he is known to have been a racist.¹⁸ I show that his theory of judgment can be decoupled from these other aspects of his thought. *Civil Passions* connects moral sentiment to the moral ideal of respect for persons, to democratic activism and social equality, and to a critical but progressively more inclusive form of impartiality in judgment. The fact that Hume may not have approved of the political dimensions of this project should undercut neither their value nor his value for us. Kant thought that women should be excluded from republican citizenship, after all, and that government should never be resisted.¹⁹ These mistakes are rarely cited as reasons to ignore the very suggestive notions of autonomy, dignity, and freedom that his theory offers. On the contrary, these concepts are widely appropriated by moral and political theorists today. There is no reason to treat Hume differently from Kant in this respect.

Another common worry about Humeanism is that it cannot generate—is even incompatible with—the universal principles of right that play such an important role in the practices and the self-understanding of liberal democracy. Moral and political judgment on the Humean view are nothing more than rank conventionalism that ultimately issue in cultural relativism, or so the common complaint goes. My reading of Hume deflects this criticism by showing that there is more to judgment than mere conventionalism, even on Hume's own explicitly stated account. Hume himself connects sound judgment to a form of impartiality that reaches beyond the bounds of one's society and the prejudices of one's era. Moreover, drawing on broadly Humean insights we can go beyond Hume's own writings to find grounds that justify principles with universal scope, including the principle of equal respect, the value of liberal democracy, and the aspiration to impartiality itself.

Although this book adopts a broadly Humean approach, Hume himself plays a relatively small role in it. Most of the book engages a more contemporary set of literatures concerning judgment and deliberation, primarily in political theory but touching on moral philosophy, psychology, legal theory, and empirical political science. Chapter 1 (“Justice and Passion in Rawls and Habermas”) begins the study by investigating the dominant, rationalist paradigm of deliberation within contemporary political theory. The chapter explores some of the ways in which affective concerns—especially attachments to the good—figure in the models of judgment and deliberation defended by Rawls and Habermas. Our conceptions of the good naturally engage affective modes of consciousness because to see something as good is to desire it, to care about it, or to hold it as an object of concern. The “good” differs from the “right” in this respect—that it naturally engages the passions.²⁰ And despite the fact that both theories mean for the right to take priority over the good in our judgments about justice, they both make a place for affect. Indeed, both acknowledge (not always wittingly) that the right itself may be infused with feeling. In this way they turn out to be somewhat more nuanced as representatives of the rationalist paradigm of judgment than first appears. Yet even their accommodations of passion tend to subordinate it to forms of reason that are intended to be immune to the actual sentiments of real persons. Ultimately, the rationalist account—even a nuanced rationalism—not only generates a motivational deficit but misrepresents the normative grounds of moral and political judgment. Consequently, we need to go beyond Rawls and Habermas to understand how sentiments properly contribute to our judgments about justice.

The rationalism that characterizes the dominant theories of justice has been challenged in recent years on a number of fronts. The critiques that concern us in chapter 2 (“Recent Alternatives to Rationalism”) all make affect central to their accounts of moral and political judgment. The first group of theorists (Carol Gilligan, Joan Tronto, Nel Noddings) we consider argues for the ethics of care as opposed to the disinterested morality of abstract principle that is said to characterize rationalist models of justice. The second group (Martha Nussbaum, Antonio Damasio, Herbert Marcus, among others) includes those working on the role of emotions within practical judgment. The contributions here are both philosophical and empirical, the latter issuing from political science as well as neuropsychology. Finally, we consider several contemporary accounts (those of Simon Blackburn, Bernard Williams, Michael Smith) of moral judgment inspired by Hume, which specify the ways that sentiments and concerns interact with reason to generate judgment and to constrain it. As powerful and as important as these efforts are, each is subject to certain difficulties. As mentioned

above, these accounts tend to give up on the important ideal of impartiality, which they (like the rationalists) regard as antithetical to affect. No theory that forsakes impartiality can hope to guide legitimate public deliberation, however, for in liberal democracies legitimacy and impartiality rightly go hand in hand. In some cases, the accounts canvassed here end up recurring to a traditional ideal of passion-free reason to provide the normative authority that is lost to judgment when the ideal of impartiality is abandoned. In these cases, the ostensibly emotion-based accounts run up against the same problems as the rationalist ones. In addition, none of the existing views of passion-in-flected judgment attends adequately to the *politics* of judgment. This is especially true of the neo-Humean views, which neglect the ways in which the sentiments that figure in judgment reflect the prevailing balance of power within society. Again, the point here is not so much to criticize these views (which rarely set out to address normative political questions) as to indicate the kinds of issues they open up for political theory. Impartiality in affective judgment requires a political context of rights-supported activism and democratic contestation, which challenge prevailing power relations and incorporate the voices of excluded and marginalized members of the polity. Any viable account of affective judgment and deliberation needs a political theory of individual rights, democratic activism, and social equality to sustain it.

Chapter 3 (“Moral Sentiment and the Politics of Judgment in Hume”) begins the process of articulating an alternative to both the rationalist and the existing affective accounts of judgment and deliberation. The chapter examines Hume’s theory of evaluative judgment as a form of moral sentiment. Drawing mainly on Hume’s *Treatise of Human Nature* and *An Enquiry Concerning the Principles of Morals*, I elaborate the operations of judgment as moral sentiment, showing how this concept of judgment achieves impartiality and avoids narrow subjectivism without sacrificing affective engagement. Impartial moral sentiment rests on two things: the adoption of an impersonal perspective that incorporates, via the faculty of sympathy and the practice of perspective-taking, the reflectively endorsable sentiments of those affected; and attentiveness to human nature, conceived as a cluster of common, empirically verifiable human concerns. Together these two features constitute the impartial standpoint of moral sentiment. At the same time, I offer a critical analysis of the politics of impartiality, or the ways in which the structure of the political order as well as informal power relations inevitably permeates the sentiments on which our judgments rest. Insofar as the moral sentiments are socially constituted and hence affected by existing laws and political practices, they may tend to reflect prevailing inequalities and exclusions, thus perpetuating rather than correcting prejudice. The limits of sympathy exacerbate

this danger. For all its value in showing the importance of affective modes of consciousness within judgment and deliberation, then, Hume's account is incomplete on its own terms. In order to achieve its great promise of affectively engaged but impartial judgment, the Humean approach needs liberal-democratic politics. In answering to this need in later chapters, I move beyond Hume to articulate a new approach to individual judgment and public deliberation that is grounded in reflective sentiment and constrained by the duty of equal respect.

Chapter 4 ("Affective Judgment in Democratic Politics") explores the moral sentiment model of individual judgment in the context of contemporary liberal democracy. It shows how liberal-democratic politics can support the extension of sympathy and thereby enhance the impartiality of practical judgment and deliberation. Institutional mechanisms such as equal voting rights and representative government, as well as informal practices of public contestation and debate, are key here. At the same time, I examine the ways in which moral sentiment contributes to the judgments of individual citizens on important public issues that raise questions of justice. This chapter brackets the role of moral sentiment within public deliberation as "will-formation," the formal procedures of state decision making that generate coercively enforced laws and policies. Deliberation in this form requires additional criteria beyond individual impartiality for the justification of legitimate political decisions, and is considered in chapter 5. Here we examine instead public deliberation as "opinion-formation," including the exercise of impartial individual judgment on questions of public importance. The informal processes of public deliberation as opinion-formation rightly incorporate both individual and collective judgment. In deliberating about issues such as abortion, gay rights, or welfare reform, for instance, we move back and forth between the question of what is *right* and the question of what we, as citizens of this particular polity, can reasonably be expected to agree upon. Democratic legitimacy demands agreement among citizens in reaching decisions that are coercively enforced by the state, and this requires deliberation together with others in terms of commonly held, explicitly public values. Yet public values sometimes go wrong, and the agreement required for political legitimacy can obstruct the implementation of new and better visions for the future. Individual moral judgment can be a powerful corrective to collectivism, then, which makes it a valuable component of public deliberation understood in the widest sense. Thus a good deal of public deliberation does—and should—stimulate the exercise of individual moral judgment on the part of citizens.

Chapter 5 (“Public Deliberation and the Feeling of Impartiality”) takes up the formal process of public deliberation as will-formation and the role of moral sentiment within it. Because public deliberation in this form issues in decisions that are coercively enforced on all citizens through law, it must build in mechanisms to ensure that those subject to its outcomes are also in some real way its authors and masters. Important as individual impartiality is, public deliberation will need to meet additional procedural criteria if it is to generate legitimate political decisions, including equal access, accountability, publicity, and reciprocity. Formal public deliberation also differs in structural ways from the judgments of individuals because it involves collective rather than individual decision making. And unlike individual moral judgment, public deliberation must answer to the fundamental political values that govern the exercise of power in the polity in which it arises. In a constitutional liberal democracy, this means that public deliberation is subject to the legal constraints of a constitution, a tradition of constitutional interpretation, and a set of basic rights, all of which establish in law the public values of the polity. Beyond that, political deliberation typically takes place in the context of the need for determinate decisions, usually on matters of some dispute, which will affect the lives of people who may disagree deeply about them. The need for determinate decisions and the fact of pluralism thus set additional constraints on public deliberation. Finally, public deliberation is subject to constraints arising from the particular institutional settings in which it takes place. The deliberative practices of legislators, for instance, will differ in some measure from those of judges, executives, and members of the general public. The institutional structure and function of each branch of government and those of civil society set different types of constraint on deliberation in each domain, although some core features will be consistent across domains.

The core features that establish impartiality in public deliberation are best characterized as aspects of “reciprocity.” Deliberation guided by reciprocity is typically understood as a process of seeking “mutually justifiable reasons, and reaching a mutually binding decision on the basis of those reasons.”²¹ The ideal of reciprocity as usually conceived within theories of deliberative democracy is marred by an excessive rationalism, however, which ultimately renders these models untenable. Chapter 5 argues for an alternative understanding of reciprocity—and with it, democratic deliberation—that incorporates sentiments within the ideal of impartiality and provides principled criteria for the proper inclusion of sentiment but without subjugating it to a form of reason that transcends feeling. Reciprocity rightly conceived involves (a) the communication of politically legitimate sentiments

through the practice of perspective-taking; and (b) an attachment to the common, affective concerns that are constitutive of the political order. Although previous accounts of reciprocity have incorporated the practice of perspective-taking, they have not adequately articulated the affective dimensions of this practice. The alternative view developed here also reconceives the “public-reason” dimension of reciprocity, casting it as a form of reflective concern. In short, reciprocity rests on civil passions.

Civil passions thus take two forms, consistent with the two dimensions of reciprocity. On the one hand, they include the many different sentiments of persons that are represented via perspective-taking within the generalized standpoint of impartial deliberation. When this standpoint is properly construed (as specified in chapter 5), it is affectively engaged yet “civil”—in the eighteenth-century sense of civilized, or free of prejudice and error, inclusive of the widest range of human experience, and marked by a refined sensitivity to human concerns. Yet civil passions so conceived are not to be identified with any fixed list of particular sentiments. It would be a mistake to think that civil passions are all pleasant, for instance. A refined faculty of moral sentiment will incorporate feelings of anger and shame—when they are justified—as well as gratitude and benevolence. The second sense of civil passions includes the attachments citizens have to their shared public values. These passions are “civil” in the political sense of the word, or tied to a particular public and its constitutive values. The list of civil passions in this sense will be more restricted because it refers to the specific values that shape the polity. Yet these passions are not necessarily tame. They may sometimes be unruly, generating justified civil resistance or pressure for political reform. If civil passions are not anemic, neither are they uncritical of the public values that orient them. Blind attachment to prevailing norms is no part of civil passion. We shall have more to say about all this in the course of the coming chapters. For now it is enough to note that the “civil-passions” account of reciprocity makes it possible to distinguish between sentiments that rightly have a place in the deliberative context and those that should be excluded. It provides further evidence that affect and impartiality need not be mutually exclusive.

Impartial public deliberation also trades on the authority of law. It depends on this authority to constrain the outcomes of deliberation in ways that are consistent with what reciprocity requires. Deliberation depends on law’s authority for its implementation as well. At least at the level of will-formation, public deliberation imposes binding obligations on citizens, which can only be effective in practice if the law enjoys an authoritative status in society. The affective character of public

deliberation raises a new set of questions here, however, because the leading accounts of law's authority today look for justification of this authority to an ideal of reason that transcends sentiment. How should we understand the obligatoriness of deliberation's results, as law, if these results arise instead through the exercise of reflective sentiment? What is the nature and basis of law's authority? Chapter 6 ("The Affective Authority of Law") investigates these questions. The authority of the law, in contrast to its strength, is a normative condition. Laws impose obligations on us; they tell us what we ought to do and not only what we must do. For the law to be authoritative in this way, it must elicit both the respect and the allegiance of its subjects. How it does so has been the subject of longstanding debate among legal theorists. This debate reflects the standard lack of interest in (or disparagement of) sentiment within jurisprudence in the history of the modern West, which has always associated law with a form of reason that transcends the passions. Indeed, the whole purpose of law, it is often thought, is to regulate unruly affect through the application of cool-headed cognition. As a result, the affective dimensions of law's authority are not well understood.

No one denies that the law must engage the affective concerns of its subjects if it is to motivate adherence. What most theorists overlook is the place of passions in establishing the normative force of law's authority. In the course of chapter 6 we shall see that the two dimensions of this authority—the law's right to obligate and its power to motivate—are both grounded in the reflective concerns of its subjects. To show how such concerns generate normativity and why we cannot conceive of obligations (whether moral, political, or legal) without affect, we return to the theory of moral sentiment. The moral sentiment approach suggests that for the law to have normative authority (that is, to justifiably generate obligations) it must be endorsable from within a generalized standpoint that rests upon the sympathetic communication of sentiments among those subject to it. When it is endorsable in this way, the law also has motivational authority (that is, the ability to animate allegiance). In this sense, the moral sentiments that enable us to justify law's authority also help generate allegiance to it, although the motivational authority of law depends upon other feelings as well, including mutual concern among citizens. I reiterate here the importance of a democratic political culture, which helps extend the moral sentiments of citizens so as to incorporate the concerns of all those subject to the law. The affective sources of law's authority are crucial to understanding not only the efficacy of legal norms within political society but the nature of legal obligation itself. Because public deliberation depends on this form of obligation, both to constrain it and to

make its results binding, the affective aspects of this obligation are important forms of civil passion.

It is perhaps worth pausing at this juncture to acknowledge once again that there are very real dangers associated with the presence of passion in politics. These dangers are well known and have been exhaustively articulated by many theorists in the history of political thought in the West. It is precisely because the dangers are real and well known that the rationalist approach to judgment and deliberation has gained so much traction over the years. *Civil Passions* in no way minimizes the threat these dangers pose to social order and to impartial justice. The point of the book is not to bring more passions into political deliberation. Instead, the book begins by showing, partly by drawing on the neuroscience literature and partly by illuminating the affective moments in ostensibly rationalist theories of justification and deliberation, that practical deliberation inevitably incorporates affect. We cannot reach decisions about what to do in the absence of affective attachments and desires. Given that we cannot fully transcend the influence of sentiment, the challenge is to understand how the inevitable, affective dimensions of practical deliberation can be reconciled with the demands of impartiality. The bulk of the book answers that question. In this respect, the fact that passions can be disruptive in politics, while true, does not undercut the heart of the argument being offered here. Cruelty, bigotry, and destructive rage are very dangerous indeed. To counter them, however, we cannot turn to a form of reason that simply transcends affective modes of consciousness—because no such faculty is available to us, at least when it comes to practical deliberation and decision making. Instead of transcending affect, we need to civilize it. We need to identify principled criteria and public practices that can make affect serve impartiality to the greatest extent possible.

Moreover, while *Civil Passions* addresses current debates about democratic deliberation, its purpose is not to advocate for deliberation, or to argue that we need more deliberation than we currently have. In this sense, it differs from most contributions to the deliberative-democracy literature within political theory. I do accept the view, defended by deliberative democrats, that deliberation has an important place in any liberal democracy. In particular, public questions that raise issues of justice demand reflective and morally sound resolutions. Many political questions do not have this character and can be fairly settled through a simple competition of interests, provided that the competition meets certain procedural standards. Whether or not to allow gambling casinos to operate in the state, to increase public funding for the local zoo, or to impose term limits on elected officials are questions

for which interest-group politics can typically provide adequate answers, provided it is fairly structured. By contrast, gay rights, abortion, affirmative action, and welfare reform are issues that involve basic justice. In all these cases, the central question turns on claims about what is due to persons and to citizens as a matter of equal respect or reciprocity. The wrong decision would amount to more than merely a political mistake; it would involve a moral violation with potentially grave damage to persons on the losing side, damage that could not be justified on moral grounds. Politics and morality clearly intersect quite a lot even in societies ordered by secular liberal governments. The implication of this fact is that citizens regularly have a moral obligation to deliberate reflectively and impartially about what should be done in their names. Matters of basic justice ought not be abandoned to the play of power or the unreflective aggregation of interests. Consequently, liberal democracy should make a place for deliberation, even if deliberation is not required in every instance of political decision making.

It is also important to see that deliberation is possible. Empirical studies, it is often said, show that elected officials almost never change their positions in response to principled arguments made by others—deliberation is an illusory ideal. Instead, log-rolling, bargaining, partisan loyalties, and the desire to maintain or increase personal power are the real determinants of these positions. It may be true that legislators do not often change their minds based on what other legislators say on the floor of Congress. But there is far more to public deliberation than what happens on the floor of Congress. Prevailing public opinions are influenced by deliberative interactions among citizens at large, which include a wide range of mechanisms for the communication of sentiments, such as print and other news media, participation in civil associations, political activism, and even the entertainment industry. *Civil Passions* takes an inclusive attitude toward the kinds of activities and institutions that promulgate deliberation in informal ways. To the extent that elected officials are responsive to changes in public opinion, their decisions are influenced, however indirectly, by public deliberation in this larger sense. Deliberation happens—not always impartially and not always in ways that translate directly into state decisions—but it happens. It happens among average citizens as well as elected officials, judges, bureaucrats, and political appointees. How else can we explain the many changes in American society over time that responded to moral claims pressed by individuals and groups who made their claims the subject of extensive, often impassioned, public debate? This book is concerned especially with the deliberation of average citi-

zens as they reflect on the justice of proposed and existing laws, public policies, and institutions. The account developed here nevertheless has implications for theories of legislative deliberation, and for executive judgment and judicial decision making, although deliberation in each of these settings is constrained institutionally in ways that the deliberations of average citizens are not. I do not pursue these implications in any depth in this project, but they are addressed briefly in chapter 5, along with some of the additional institutional constraints that govern deliberation in the context of the three branches of the U.S. government.

Although deliberative democrats are right to hold that deliberation is important and possible, we should also be committed to the constraints on deliberative outcomes that are imposed by constitutional principles and fundamental individual rights.²² Constitutional principles and individual rights must be subject to the scrutiny of moral judgment, of course. They are justified (when they are justified) in the same way that norms generally should be—namely, by appeal to impartial moral sentiment. A full justification of liberal constraints is beyond the scope of this study, although I believe they are in principle endorsable from within the impartial evaluative standpoint that moral sentiment makes possible. Above all, they demonstrate respect for persons, a principle that moral sentiment gives us grounds to affirm. The connection between moral sentiment and respect for persons is addressed at the end of chapter 3. It is true that specific principles and rights may properly be problematized in particular cases and made the subject of public deliberation. What exactly the constitutional right to equal treatment under law means to us, for example, and how we should understand this right in relation to affirmative action or gay marriage is certainly open to dispute. Yet as a general matter, and in the regular course of affairs, our constitutional principles and fundamental rights set valuable constraints on what democratic majorities may legitimately decide through deliberation. Deliberation in itself, even when it is impartial, is not enough to ensure public outcomes that are just. Constitutional principles and individual rights, like moral sentiment, give us access to additional standards, some internal and others external to the political order, and these standards ought to have a role in guiding our collective deliberation on matters of justice.

Deliberation is demanding, and for many people this fact may recommend against it. The truth is that citizenship imposes certain burdens on us. Liberal democracy makes these burdens light when compared with some other forms of government but it cannot do away with them entirely. The notion that liberty and equality—the great

promises of liberal-democratic government—could be had for free is a dream. The realization of liberty and equality demands many things of us as citizens, but one of them surely is impartial deliberation. Unless public deliberation achieves impartiality, our decision making will be hostage to prejudice and the vagaries of power, with the result that those who have less (less status, less power, fewer resources) will get less (less freedom, less equality). Impartial deliberation is a key to making the promises of liberal democracy real for all of us. Yet liberal democracy also is necessary to the development of impartiality, or so I shall argue in the chapters to come.

There is a circle here, or at least a relationship of mutual dependence. If human beings were not fallible by nature, if we were not naturally limited in the extent of our sympathies and concerns, we would not need liberal-democratic institutions and practices to foster the extensive moral sentiment that impartial judgment requires. If the liberal-democratic principles of liberty and equality were self-justifying and self-actuating, and if the institutions of liberal democracy were self-guiding, we would not need impartial deliberation. As it is, we need both and they depend on each other.

While the demands of impartial deliberation are high, they are demands that we can satisfy, at least so long as we acknowledge the affective dimensions of deliberation. Again, to acknowledge these dimensions is not to bring more passions into politics. There are plenty of passions in politics already. Moral sentiment does involve the public communication of sentiments and a refined faculty of sympathy, and justice will require that some previously silenced sentiments find a new voice on the public stage. But the communication of sentiments is already happening all around us; deliberation is steeped in passions as it is. The challenge is to civilize the passions that we cannot avoid and that practical reason cannot fully transcend. Achieving impartiality requires effort and widespread practices of cultivation and self-cultivation, which foster an increasingly inclusive and more sensitive faculty of moral sentiment. But affective impartiality is achievable. Our mistake has been to regard impartiality as flowing from an ideal of reason that no one has ever known and that human beings are constitutionally incapable of realizing. The primary objective of *Civil Passions* is to correct this mistake, to advance our basic understanding of ourselves and the deliberative faculties of democratic citizenship. Passion and practical reason are not separate but deeply entwined. Impartial deliberation conceived in the old way is therefore a chimera. But the theory of moral sentiment gives us a new way to understand impartiality. This view is truer to who we really are even as it answers our aspi-

ration for justice. The deep connection between norms and motives within moral sentiment links aspects of the self that rationalist approaches tend to divide. Moral sentiment makes the self-as-public-deliberator one with the self-as-political-agent and thus better empowers us to bring the conclusions of our deliberation to fruition in practice. It shows us that impartial deliberation feels as well as reasons, and that the path to justice is lighted by the glow of civil passions.