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**Justice and Mercy:  
Recent Catholic Teaching and Martha Nussbaum's  
*Political Emotions: Why Love Matters for Justice***

1. Mercy in Catholic teaching / Compassion in Nussbaum's thought – 2. Mercy and justice in public life – 3. Mercy and Transcendence

The purpose of this essay is to compare the understandings of mercy to be found in recent Catholic theology and Church teaching with the concept of compassion in the recent writings of Martha Nussbaum, and to consider the implications of this comparison for moral and political life.

I begin with a comparison of the foundational virtues in each case – God's mercy as the ground of our existence in Catholic thought and teaching, and compassion as the emotional well-spring of just action in Nussbaum's thought. Next, I ask what the emphasis on mercy and compassion means for the understanding and practice of justice in public life. Finally, I consider the contrast between "external" and "internal" transcendence in Nussbaum's thought, and its implications for the link between mercy and justice.

**1. Mercy in Catholic teaching / Compassion in Nussbaum's thought**

Recent Catholic thought and teaching emphasizes that mercy is the fundamental form of God's love – because we are creatures, finite, vulnerable, and sinful, we experience God's love as mercy. This emphasis draws on Aquinas, who taught that our very existence is an act of divine mercy: "And the idea of mercy, also, is pre-

served in the change of creatures from non-existence to existence”<sup>1</sup>. John Paul II’s *Dives in misericordia* argues that divine love

makes itself particularly noticed in contact with suffering, injustice and poverty – in contact with the whole historical “human condition”, which in various ways manifests human limitation and frailty, both physical and moral. It is precisely the mode and sphere in which love manifests itself that in biblical language is called “mercy”<sup>2</sup>.

As Walter Kasper argues, in his *Mercy: The Essence of the Gospel and the Key to Christian Life*, mercy is “the externally visible and effective aspect of the essence of the God who is love”. It is mercy which expresses God’s eternal being as love in relation to creation, and to us human creatures: “We must therefore call mercy the fundamental divine attribute”<sup>3</sup>. Kasper sees the high point of the Old Testament’s revelation of the divine mercy in Hosea chapter 11, which asserts that the holiness of God consists precisely in the priority of divine mercy over divine justice: “for I am God and no mortal, the Holy One in your midst, and I will not come in wrath” (11, 9). For Pope Francis, in *Misericordiae vultus*, since mercy is the foundation of God’s relationship to humanity, it

is the very foundation of the Church’s life. All of her pastoral activity should be caught up in the tenderness she makes present to believers; nothing in her preaching and in her witness to the world can be lacking in mercy. The Church’s very credibility is seen in how she shows merciful and compassionate love<sup>4</sup>.

In Catholic thought and teaching, then, divine mercy is the ground of our existence as creatures, and must therefore characterize the Church’s own life as merciful and compassionate. Martha Nussbaum gives the virtue of compassion a key role in her moral and political theory, but considers mercy to be a virtue specifically related to transgressions. She reflects in detail on the virtue of compassion in her book *Upheavals of Thought: The Intelligence of Emotions*. In critical dialogue with Aristotle, she argues that compassion has three key features in relation to the suffering of another creature: the seriousness of that suffering, the

<sup>1</sup> Thomas Aquinas. *Summa Theologiae*. I, Q. 21, 1.

<sup>2</sup> John Paul II. 1980. *Encyclical letter Dives in misericordia*. Libreria editrice Vaticana, II, 3.

<sup>3</sup> Walter Kasper. 2014. *Mercy: The Essence of the Gospel and the Key to Christian Life*. Mahwah, N.J.: Paulist Press, 94.

<sup>4</sup> Francis. 2015. *Misericordiae vultus: Bull of Indiction of the Extraordinary Jubilee of Mercy*. Libreria Editrice Vaticana, 10.

sense that it is undeserved, and a sense of similar possibilities, that the conditions of my life are such that I could be the victim of similar suffering. Her critique of Aristotle relates to this third feature of compassion, since in Aristotle's account compassion may not be felt if the sufferer's world and possibilities are remote from our own. Nussbaum replaces any narrow conception of this third feature with what she calls the "eudaimonistic judgement", which places "the suffering person or persons among the important parts of the life of the person who feels the emotion", that another person's ill, whether or not our lives have similar possibilities, affects my own flourishing.

For Nussbaum, "mercy does differ from compassion: for it presupposes that the offender has done a wrong, and deserves some punishment for that wrong". Yet the two virtues have much in common since mercy "takes up a narrative attitude toward the offender's history that is very similar to the sympathetic perception involved in compassion"<sup>5</sup>. In her essay "Equity and Mercy" she seeks to "make a connection between mercy and a vision of the particular (...) and, in the process, to make a case for the moral and legal importance of the novelist's art"<sup>6</sup>. Ideal judicial reasoning, "like the novel, treats the inner world of the defendant as a deep and complex place, and it instructs the judge to investigate that depth"<sup>7</sup>.

## 2. Mercy and justice in public life

In Chapter 6 of his book on mercy, *For a culture of mercy*, Kasper reflects on the meaning of mercy in socio-political life. He affirms the value of a non-confessional state based in justice, arguing that the political and economic conception of a "social market economy" has demonstrated its value. He acknowledges the criticism sometimes made – even about Mother Theresa of Calcutta – that mercy is simply about plugging the gaps left by a lack of justice. In response to this, he argues that the crucial role of mercy is not as an alternative to a just state, a "social state", but rather as part of its development, especially in terms of the values of subsidiarity and solidarity, preventing it becoming merely a centralized bureaucratic regime. Because the human person is fundamentally oriented to the gift of love, only love can do justice to the human person. Kasper sums up the key roles of love and mercy as "sources

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<sup>5</sup> Martha Nussbaum. 2001. *Upheavals of Thought: The Intelligence of Emotions*. Cambridge University Press, 397.

<sup>6</sup> Martha Nussbaum. 1999. Equity and Mercy. In *Sex and Social Justice*. New York: OUP, 155.

<sup>7</sup> Nussbaum. 1999. Equity and Mercy, 172.

of inspiration and motivation”. He emphasizes that we cannot derive concrete norms from the virtue of love on its own: in the social and political sphere, love is a kind of regulative idea, a source of motivations and an inspiration for finding and realizing concrete solutions: “love is the driving power of justice”<sup>8</sup>.

The relationship between justice and mercy in public life is also a key concern of Benedict XVI’s 2009 encyclical letter *Caritas in veritate*. The encyclical articulates the union of love and truth particularly in terms of the link between charity and justice. Charity demands and never lacks justice, but also transcends it. The most radical claims of the encyclical are expressed through the language of gift.

Gratuitousness is present in our lives in many different forms, which often go unrecognized because of a purely consumerist and utilitarian view of life. The human being is made for gift, which expresses and makes present his transcendent dimension<sup>9</sup>.

The encyclical argues that it is part of Catholic social teaching that

authentically human social relationships of friendship, solidarity and reciprocity can also be conducted within economic activity, and not only outside it or “after” it.<sup>10</sup>

As well as contractual exchange, “the logic of the unconditional gift” must also be present.

A number of writers have sounded a note of caution in the interpretation of the relationships between justice and love as gift. In their essays in the collection, edited by Dan Finn, *The Moral Dynamics of Economic Life: An Extension and Critique of Caritas in Veritate*, both David Hollenbach and Johan Verstraeten emphasize the risks of putting justice on a lower spiritual plane than love, and of neglecting the importance of structural change. Hollenbach argues that love of neighbor must be at one with justice “understood as respect for the equality of all persons”, and avoid any interpretation of charity as self-gift that claims to transcend the requirements of justice, with the dangers of exploitation and submission that this brings<sup>11</sup>. In his essay, *The Principle of Gratuitousness: Opportunities and Challenges for Business*

<sup>8</sup> Kasper. 2014. *Mercy*, 191.

<sup>9</sup> Benedict XVI. 2009. *Encyclical letter Caritas in veritate*. Libreria Editrice Vaticana, 34.

<sup>10</sup> *Ibid.*, 36.

<sup>11</sup> David Hollenbach, The Promise and Risk of Charity. In *The Moral Dynamics of Economic Life: An Extension and Critique of Caritas in veritate*. Ed. Daniel K. Finn. OUP, 2012; Johan Verstraeten, Listening to the Experience of the Poor. In *The Moral Dynamics of Economic Life: An Extension and Critique of Caritas in veritate*. Ed. Daniel K. Finn. OUP.

in *Caritas in veritate*, Dennis McCann, noting the context of the encyclical in the global financial crisis, argues that the most illuminating way to understand its principle of gratuitousness is as a means of restoring social capital:

Recovering the economic significance of the logic of gift (...) allows us to dissolve yet another binary mode, namely the modernist dichotomy of self-interest and altruism, in favour of an anthropology that is both social and pluralistic in its interpretation of human motivation and choice<sup>12</sup>.

In her book *Political Emotions. Why Love Matters for Justice*, Nussbaum seeks to address a significant lacuna in the liberal tradition, namely, the lack of a theory of constructive political emotion. For Nussbaum,

All societies need to think about compassion for loss, anger at injustice, the limiting of envy and disgust in favour of inclusive sympathy. Ceding the terrain of emotion-shaping to antiliberal forces gives them a huge advantage in the people's hearts and risks making people think of liberal values as tepid and boring<sup>13</sup>.

Nussbaum sees two key tasks in this "political cultivation of emotion": one to engender strong commitment to projects of effort and sacrifice, and the other to keep at bay destructive forces that protect the self by denigrating others. She sees the key challenge for her project as

how can a decent society do more for stability and motivation than Locke and Kant did, without becoming illiberal and dictatorial in the manner of Rousseau?<sup>14</sup>

Nussbaum conceives her project in ways that are supportive of and complementary to the conception of liberalism developed by Rawls, especially in his book *Political Liberalism*. She seeks in particular to argue that conceptions of political emotions should not endorse any particular comprehensive doctrine, but rather the overlapping consensus of a liberal society. Her concern is to encourage love and devotion to the ideals of a liberal society within the space of an overlapping consensus. Most of her examples are drawn from the history and life of the United States,

<sup>12</sup> Dennis McCann. 2011. "The Principle of Gratuitousness: Opportunities and Challenges for Business in *Caritas in veritate*". *Journal of Business Ethics* 100:58.

<sup>13</sup> Martha Nussbaum. 2013. *Political Emotions: Why Love Matters for Justice*. Cambridge, Mass.: Belknap/Harvard University Press, 2.

<sup>14</sup> Nussbaum. 2013. *Political Emotions: Why Love Matters for Justice*. 5.

her own nation, and from India, a country for which she has a strong interest and concern. Whereas Nussbaum's analysis is expressly concerned with the ways in which love can support justice, and the crucial importance of this for liberal societies, she does not speak of love transcending justice, nor does she use the language of gift. At the same time, her conception of justice is nuanced through her reflections on Mozart's *The Marriage of Figaro* and the light it can throw on political life: the "Cherubino" motif tempers justice with playfulness, fraternity realized in messy real situations, "comic, uneven and uncertain"<sup>15</sup>. What justice means is seen through the prism of love, and love embraces the messiness of human situations, allowing even subversion and dissent.

### 3. Mercy and Transcendence

In her essay *Nehru, Religion and the Humanities*, Nussbaum argues that Nehru's rationalist outlook and advocacy of the sciences against what he saw as the authoritarianism of religion, led to an impoverishment of the emotional sources of democratic life in India, a gap that was later to be filled by the Hindu Right<sup>16</sup>. In this essay – and in *Political Emotions* – she argues for a wide range of emotional resources for compassion and justice. This may include religion, through such outstanding figures as Gandhi and Martin Luther King, and religious symbols can "be appropriated into the general language of a society without being exclusionary, if they are advanced in connection with a robust pluralism". In the context of her commitment to the Rawlsian idea of the overlapping consensus, together with her conviction that liberal ideals need emotional sources and sustenance, a fundamental question of her book is

How can the public culture of a nation that repudiates all religious and ideological establishments have enough substance and texture to be capable of the type of poetry, oratory and art that moves real people?<sup>17</sup>

We have seen that Nussbaum considers the novel to be the artistic foundation of mercy, since it explores the narrative of human existence in a deeply sympathetic

<sup>15</sup> Nussbaum. 2013. *Political Emotions: Why Love Matters for Justice*. 52–53.

<sup>16</sup> Martha Nussbaum. 2015. *Nehru, Religion and the Humanities*. In *Pluralism and Democracy in India: Debating the Hindu Right*. OUP, 2015.

<sup>17</sup> Nussbaum. 2013. *Political Emotions: Why Love Matters for Justice*, 387.

way. For Nussbaum, Homer's *Odyssey* could be said to be the first novel, and, in her essay *Transcending Humanity* she makes the claim that

the literary project itself repudiates the choice for divine life, and invests itself in the choice to explore the values peculiar to the human form of life<sup>18</sup>.

Odysseus' decision to leave the bliss of immortal life with the nymph Calypso, and re-embark on the fraught journey home to his wife Penelope, is the decision for "internal transcendence", for a life characterized by the virtues we can achieve within the specific circumstances of our mortal lives. Nussbaum is sympathetic to the contention of Marx and Nietzsche that the aspiration to "external transcendence" has led to the denigration of this world.

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Yet Odysseus' decision to return to his wife and embrace suffering and eventual death can be interpreted as profoundly compatible with a Biblical conception of human existence, even though the *Odyssey* was conceived without the horizon of Biblical hope, and with jealous gods who put stumbling blocks in Odysseus' path rather than the Holy One to whom Hosea bore witness. Odysseus chooses to re-commit himself to the love of his wife, and to reject a life in which he is the captive of self-indulgent pleasure. In Nussbaum's view, his decision does not need any appeal to "external transcendence" and is indeed a rejection of it. For a Biblical conception, it is the mercy of God which can give us – in our finitude, frailty and sinfulness – the hope and strength necessary to constantly re-dedicate ourselves to the path of love and justice, in both personal and public life. Nussbaum's thought shows a clear and fundamental difference from Christian teaching on the transcendent roots of mercy and compassion, but the richness and generosity of her reflections on the role of compassion in just political life make her a profoundly worthy conversation partner in the Church's attempts to contribute to public and social debate.

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<sup>18</sup> Martha Nussbaum. 1990. *Transcending Humanity*. In *Love's Knowledge: Essays on Philosophy and Literature*, 390. New York: OUP. Cf. also Martha Nussbaum. 2002. "Transcendence and Human Values". *Philosophy and Phenomenological Research* 44(2): 445–452.

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**Abstract:** This article compares the understanding of mercy in recent Catholic theology and Church teaching with the concept of compassion in recent writings of Martha Nussbaum. It considers the implications of this comparison for the understanding of justice in public life, and the contrast between “external” and “internal” transcendence in Nussbaum’s thought in relation to a Biblical vision of divine mercy.

**Keywords:** Martha Nussbaum, compassion, mercy, justice, transcendence.

**Streszczenie: Sprawiedliwość i miłosierdzie: najnowsze nauczanie katolickie i książka Marthy Nussbaum *Political Emotions: Why Love Matters for Justice*.** Niniejszy tekst dokonuje porównania rozumienia miłosierdzia we współczesnej teologii i dokumen-



tach Urzędu Nauczycielskiego Kościoła z koncepcją współczucia w pismach amerykańskiej filozofki i etyki Marthy Nussbaum. Tekst przedstawia implikacje zastosowanego porównania dla rozumienia sprawiedliwości w życiu publicznym oraz kontrast pomiędzy „wieczną” i „doczesną” transcendencją w myśli Nussbaum w odniesieniu do biblijnej wizji Bożego miłosierdzia.

**Słowa kluczowe:** Martha Nussbaum, współczucie, miłosierdzie, sprawiedliwość, transcendencja.

